

No. EDN-U(E-IV)Elem-TGT/1811-2008// 240  
Office of the,  
Dy. Director Elementary Education Una Distt. Una(HP)  
Dated:- Una,the 20.01.2018

To

**All the Principal/Headmaster,  
GSSS/ GHS Distt. Una(HP)**

**Subject:- Regarding Partial implementation of Court  
order in CWP No.1365/2015 connection with  
CWP No. 1811/2008Dev Raj & others Vs state  
of HP.**

Memo:

Please find enclosed herewith the clarification regarding partial implementation of Court order in CWP No. 1363/2015 connection with CWP No. 1811/2008 Dev Raj & others Vs state of HP, given by the Director Elementary Education, HP Shimla. This is for information and strict compliance.

**Dy. Director Elementary Education,  
Una Distt. Una(H.P.)**

No:EDN-H(2)B(2)1363/2015/(1811/2008)  
Directorate of Elementary Education,  
Himachal Pradesh Lal Pani Shimla.

To

Dated Shimla-171001 the

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)  
January 2018.

The Deputy Director of Elementary Education,  
Una. Distt. Una H.P.

12 JAN 2018

Sub:

Representation regarding partial implementation of Court order in CWP No: 1363/2015 connection with CWP No:1811/2008 Dev Raj & others Vs. State of H.P.

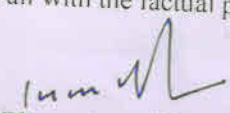
Sir,

This is with reference to your letter No:EDN-U(E-4)Elem./Pay fixation/1811/2008-43920 dated 22.12.2018 on the subject cited above. In this regard, it is apprised that the Department vide Office order No:EDN-H(2)B(2)4273/12-CC dated 31.3.17 has passed the order wherein it has been conveyed that the "petitioners in CWP No: 4272/2012 titled as Rajnish Kashyap and others Vs. State of H.P. and others and also other CWPs of Elementary Education Department connected with this matter decided on 14.11.2011 (CWP No:1811/2008-Dev Raj Vs State of H.P. and others and other related matters) are deemed to be regular employees of the State Government from the date of their initial appointment. Further it has been apprised that they will not be entitled to arrears of financial benefits as per order of the Hon'ble Supreme Court passed on 24.03.2017.

It is also intimated that one Sh. Mohan Lal and others (similarly situated and covered under 1811/2008 ) filed Interlocutory Application (I.A.) in the Hon'ble Supreme Court of India which was listed before the Hon'ble Registrar Supreme Court of India. Subsequently it was converted in to MA 1146 of 2017 in SLP © No:10147/2017. The averments of the petitioners viz: Mohan Lal and others were for grant of back wages and arrears. It was further emphasized that the decision so passed by the Hon'ble Supreme Court in case of Manju Bala will just applicable in single case not in others because they were not impleaded necessary party in the Hon'ble Court, therefore, rest of the beneficiaries are not held to be entitled for the back wages and arrears. **The Hon'ble Supreme Court was pleased to dismiss the same as withdrawn.**

In-view of above it is directed that no back wages/arrears are admissible to any TGT who were offered deemed appointment by the Department viz: (TGT Medical = 07.10.2008) (TGT NM 28.08.2009) and (TGT Arts 21.02.2012).


This is for information and strict compliance. May apprise all with the factual position.

  
Director Elementary Education,  
Himachal Pradesh.  
January, 2018

Endst No:Even dated:-

Copy forwarded for information and compliance to:-

- 1.All the Dy. Directors of Elementary Education H.P. with the directions to intimate with the factual position to all concerned.
2. The Distt. Attorney (Elementary Education) Shimla.
- 3.The D.A. Pay fixation(internal) E-II Branch Directorate of Elementary Education H.P.
- 4.The Guard file.

  
Director Elementary Education,  
Himachal Pradesh.