

No: EDN-U(E-III) Pry.209/58-Vol-VI 112-115
Office of the
Deputy Director Elementary Education, Una. Distt. Una (H.P.)
Dated: the 10 January, 2024.

Office Order

**In the matter of : Ex. Pet.No 1265/2024 in CWP No. 8917/2024- titled as Mahesh Sharda & Ors.
Vs State of HP & Ors.**

That the petitioners has filled the present Civil Writ Petition thereby seeking the relief to the extent that a writ of mandamus or any other direction may kindly be issued to the respondents to grant the benefit of ACPs to the petitioner on completion of their 4-9-14 years of regular service on one post and one pay scale, with all consequential benefit in terms of ACPS as well as in terms of judgment dated 01.11.2023 passed by this Hon'ble High Court in CWP No. 5536/2020 titled as Sanjay Kumar & others V/s State of H.P

The said case was listed before the Hon'ble High court on 29-08-2024, when the same was disposed of with the following orders:-

That writ in the nature of mandamus of any other directions may kindly be issued, to the respondents to grant the 3rd benefit of ACP on completion of 14 years of regular basis in the cadre of JBT from due date i.e. from the year 2013 with all consequential benefits in terms of the instructions dated 09.08.2012, 07.07.2014 & 09.09.2014.

That writ in the nature of mandamus or any other appropriate writ order of directions may be issued to directing the respondents to also pay the consequential arrears alongwith interest @ 9% per annum.

Learned counsel for the petitioner has drawn the attention of the Court to the judgment passed in CWPOA No. 5536 of 2020, titled Sanjay Kumar Vs State of H.P. & Ors a/w connected matters, decided on 01.11.2023 and submitted that interest of justice would be served in case this petition is disposed of with the direction that the representation Annexure-6, preferred by the petitioner, be decided within some reasonable time, in the light of the averments contained in the representation as well as judgment being relied upon the petitioner.

Accordingly, in view of the request so made, the petition is disposed of with the direction that let the representation Annexure- P-6, be decided with a period of eight weeks from today, in the light of contents of the representation and the judgment being relied upon the petitioner. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

The petitioners were initially appointed as JBT on regular basis on 04-06-1999. Moreover, the pay fixation have been done as per provision dated 27.09.2012 which is considered as financial upgradation/ enhancement as per FD's instruction vide letter No.FIN(PR)B(7)-64/2010 dated 26.02.2013 which is merged with the 14 years ACPs benefit. The detailed particulars of the petitioners(JBT/HT/TGT) working in District Una are given as under :-

| Sr. No. | Name | Date of Regularization | Date on which first ACP was granted | Date on which 2 nd ACP was granted | Date on which Third ACP was to be granted |
|---------|---|------------------------|-------------------------------------|---|---|
| 1. | Mahesh sharda S/o Kanwar Sain Sharma, HT, GPS Madanpur, E/B Una, Gokuldham Colony, Behdala, (L), Tehsil, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 2 | Sheetal Sharda W/o Mahesh sharda, HT, GPS Charatgarh, E/B Una, Gokuldham Colony, Behdala (L) Tehsil & Distt Una, H.P. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |

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|----|---|------------|------------|------------|------------|
| 3. | Vijay Kumar S/o Nathu Ram , JBT,GPS Changer, E/B Bangana, VPO Palkwah, Tehsil Haroli, Distt. Una H.P. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 4 | Priyanka W/o Lalit Sharma , TGT(A),GMSSS Dhaliara, E/B Kangra, VPO Behin, Tehsil Dehra, Distt. Kangra HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 5 | Suman Bala W/o Naresh Kumar Kanwar, HT, GPS Mubarikpur, E/B Gagret-II, VPO Dangoh, Tehsil Ghanari, Distt. Una H.P | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 6 | Sarita Kumari W/o Raj Kumar, HT, GPS Bandu, E/B Gagret-II, VPO Lohara, Tehsil Amb, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 7 | Indira Devi W/o Ashok Vishwas, HT, GPS Samnal, E/B Haroli, VPO Haroli, Tehsil Haroli, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 8 | Minakshi Kumari W/o Rakesh Chaudhary, HT, GPS Arniala, E/B Una, House No. 1208, Ward No. 7, District Una, | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 9 | Anjali Sharma W/o Sudhir Gautam, TGT(A), GSSS Kadh, E/B Gagret-II, VPO Amb, Tehsil Amb, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 10 | Babita Devi W/o Shailender Singh, HT, GPS Khanpur, E/B Una, HIG-11 Phase -3, Rakkar Colony, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 11 | Nirmala Devi W/o Pardeep Kumar, HT, GPS Kuriala, E/B Una, VPO Khad Mohalla Chak, Tehsil Ispur, District Una, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 12 | Reena Rani W/o Ravinder Singh, TGT(A), GHS Shivnath, E/B Dehra, VPO Dhawala, Tehsil Dehra, District Kangra, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 13 | Sunidhi Sharma W/o Vishal Sharma, HT, GPS Janakaur, E/B Una, R/o House No. 228, Ward No. 1, Prem Nagar, District Una, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 14 | Anish Rani W/o Rakesh Kumar, TGT(A), GHS Barhoon, E/B Dadasaiba VPO Naleti, Tehsil Dehra, District Kangra, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 15 | Richa Bedi W/o Ashwani Arora, HT, GPS Jowar, E/B Amb, VPO Amb Partap Nagar, Tehsil Amb, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 16 | Kumari Aseem W/o Onkar Singh, HT, GPS Kalruhi, E/B Gagret-II, VPO Mubarikpur, Tehsil Amb, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 17 | Anjana Kumari W/o Virinder Singh, HT, GPS Babhrar, E/B Gagret-II VPO Amroh, Tehsil Mukerian, District Hoshiarpur, Punjab. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 18 | Manjeet Kumari S/o Gurnam Singh Dehal, JBT, GPS Jakhera, E/B Una, VPO Dehlan (U), Tehsil & District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 19 | Shukla Devi W/o Devanand Sandal, HT, GPS Dhangoh Khas, E/B Gagret-II ,VPO Dangoh Khas, Tehsil Ghanari, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 20 | Neelam Kumari D/o Hoshiar Singh, HT, GPS Nanawin, E/B Bangana, VPO Dhundla, Tehsil Bangana, District Una, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 21 | Suresh Kumari W/o Satnam, HT, GPS Dawali, E/B Gagret-II, VPO Amboa, Tehsil Ghanari, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 22 | Harish Kumar S/o Ram Dass, HT, GPS Suri, E/B Gagret-II, Village Chak P.O. Thatthal, Tehsil Amb, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |

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|----|---|------------|------------|------------|------------|
| 23 | Vijay Kumar S/o Kishan Chand, TGT(A), GSSS Palkwah, E/B Haroli, VPO Takka, Tehsil Una, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 24 | Suresh Kumar S/o Gurdas Ram, TGT(A), GSSS Ambota, E/B Gagret-II, VPO Bhaderkali, Tehsil Ghanari, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 25 | Parveen Kumar Sharma S/o Dasodhi Ram, GSSS Chalola, TGT(A), E/B Jol, VPO Takka, Tehsil & District Una, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 26 | Kiran Kumar S/o Bhagwant Kishore, TGT(A), GSSS Badoli, E/B Jol, VPO Chalola, Tehsil & District Una, HP. | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |
| 27 | Pradeep Kumar S/o Dilbag Singh, HT, GPS Gurplah, E/B Haroli, VPO Bathari, Tehsil Haroli, District Una, HP | 04-06-1999 | 04-06-2007 | 27-08-2009 | 04-06-2013 |

That in view of the above facts and circumstances the relied upon judgment passed by this Hon'ble Court in CWPOA No. 5536/2020 Sanjay Kumar & others connected matter has been assailed by the respondent department by way of filing SLP in the Hon'ble Apex court. Since, the matter is subjudice before the Hon'ble Supreme Court and at this stage benefit can not be granted in the instant matter. Therefore as and when the SLP filed by the State V/s Sanjay Kumar attains finality in the Hon'ble Apex Court further action in the instant matter will be taken accordingly. Hence the representation of the petitioners has been decided and disposed off accordingly.

All the concerned be intimated accordingly.

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

Endst No: Even

Dated January 2024

Copy forwarded to the following for information and necessary action to:-

- 1 The Director of Elementary Education H.P. Shimla. I.w.r.t letter No. EDN-H(Ele.IV)B(6)1/2022-Court case Una dated 13-12-2024 the compliance report is being submitted.
- 2 The SDAG (A&E) H.P. Shimla -3
- 3 The Concerned Principal/ BEEO in Distt. Una(H.P) shall ensure delivery of this order to the petitioners at their own level earliest please.
- 4 Sh. Mahesh Sharda S/o Sh. Kanwar Sain Sharma, HT, GPS Madanpur, E/B Una, Gokuldham Colony, Behdala, (L), Tehsil, District Una, HP
- 5 Guard file.

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