

No. Shiksha-SML{Ele.}{1-3}B{6}1/2019- 11117-63  
O/O the Dy. Director Elementary Education,  
Shimla, District Shimla-171004.

Dated Shimla-171004 7-9-2020

"SPEAKING ORDER"

In compliance to the Director of Elementary Education, Himachal Pradesh, Shimla-171001 vide letter No. EDN-H(Ele)IV-B(6)1-3/2018-C. Trs. dated 05<sup>th</sup> August, 2020 vide which, it is inform that in some of the Districts/Blocks the judgments/orders passed on the analogy of CWP(T) 6037/2008 are not being implemented in letter & spirit due to which the applications/petitioners have approached the Hon'ble Court by way of filing various Contempt Petitioners/Execution petitions.


It is intimated that the Hon'ble High Court while passing the order/judgment dated 13<sup>th</sup> December, 2012 in LPA No. 105/2010 alongwith connected matters, in para No. 17 of the order/judgment has held as under:-

"17. Finally the learned Advocate General has contended placing reliance on the judgment in the *Jai dev Gupta vs. State of Himachal Pradesh* and another, AIR 1998 SC 2819 IN moulding the relief that the benefits may be limited to three years. We do not think that in the facts and circumstances of the present case that judgment would be of any help to the State . Himachal Pradesh Rajkiya Prathmik Adhyapak Sangh had filed the OA before the Tribunal in the year 1999, on 13.07.1999. The pay revision order was issued on 20.01.1998 giving retrospective effect to the revision w.e.f. 01.01.1996. It is pointed out that the Association is the only Association of the contract JBT teachers and the they represent all the JBT teachers appointed on contract basis. No doubt, Rakesh Chand and others approached the Tribunal only in 2008. They are also the members of the Himachal Pradesh Rajkiya Prathmik Anubandh Adhyapak Sangh and other writ petitions are also the members of that Union. Having had their association to take up their cause, it was unnecessary on the part of the other teachers to have filed independent

application before the Tribunal or writ petitions before this court. The law has been declared by the Court to the effect that the contract JBT teachers would be entitled to the initial of the pay scale attached to the post of JBT appointed on regular basis and revised from time to time"

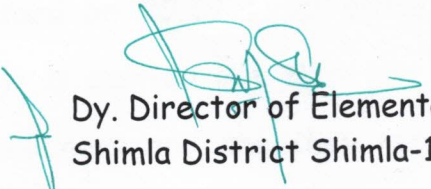
In view of the above directions of the Hon'ble Court, all the petitioners in above referred CWP(T) being member of Union i.e. Himachal Pradesh, Rajkiya Prathmik Anubandh Adhapak Sangh, are to be treated as petitioners in CWP(T) 6037/2008 and benefit which have been extended to the petitioners therein is to be granted to all these petitioners.

You are, therefore, directed to implement the order/judgment passed on the analogy of CWP(T) No. 6037/2008-titled as Himachal Pradesh, Rajkiya Prathmik Anubandh Adhyapak Sangh Vs State of HP & ors. to avoid any contempt petitions failing which the Hon'ble Court may pass any adverse orders and in that event the entire responsibility shall rest upon you.

  
Dy. Director of Elementary education,  
Shimla District Shimla-171004

Endst No.                      Even                      Dated                      .....2020.  
Copy to:-

1. The Director of Elementary Education H.P Shimla-171001, for information please.
2. The District Treasury Officer, Shimla, Distt. Shimla for information and necessary action.
3. All the Treasury/Sub-Treasury Officer, Shimla, Distt. Shimla for information and necessary action
4. All the Principal/Headmaster, GSSS/GHS in Distt. Shimla for information and take further necessary action in the matter under intimation to this office.
5. All the BEEO's in Distt. Shimla for information and take further necessary action in the matter.

  
Dy. Director of Elementary education,  
Shimla District Shimla-171004