

No.EDN-H(19)B(1)-1/2009-Salary-Cont.
Directorate of Higher Education
Himachal Pradesh.

Dated: Shimla-171001 the 07 Dec., 2011

To

All the Deputy Director of Higher Education.
in Himachal Pradesh.

All the Principal,
Govt. Sr. Sec. Schools in Himachal Pradesh.

Subject:-

Implementation of decision of Hon'ble High Court in CWP(T) No. 10252/2008,11324/08,10254/08,10253/08,9822/08,10251/08,9802/08,11142/08, 11068/08,10311/08,10321/08,11070/08,10794/08 and 8236/08, 9329/08, 9347/08, 9403/08, 9420/08, 9421/08, 9422/08, 9423/08, 9424/08, 9428/08 9429/08, 9430/08,9431/08 9432/08, 9782/08etc. regarding payment of emoluments to contractual Lecturers (School Cadre)

Memo,

This is with reference to the Secretary (Education) to the Govt. of Himachal Pradesh office letter No. EDN-C-E-2/2010-L dated 25.11.2011 on the subject cited above.

In light of the orders of the Hon'ble High Court of H.P. in CWP(T) as subject above, the salary of the lecturer was increased vide Finance Notification No. Fin(C)B(7)-3/98 dated 08.11.1999. Further in light of the directions of the Finance Department letter dated 07.08.2002 contractual teachers were allowed only Basic Pay (un revised pay scale) plus DA @ 203% plus IR & other allowance. So the petitioners felt aggrieved & filed OA in Hon'ble HPAT regarding their salary and Hon'ble HPAT transferred the cases to the Hon'ble High Court. Now the Hon'ble High Court set aside these orders with the directions:-

“Petitioner was granted higher pay scale vide office order dated 8th Nov. 1999. However the same has unilaterally been withdrawn vide order dated 7th August, 2002 (Annexure A-I). The petitioner has neither been issued any show cause notice nor has he been afforded ample opportunity of being heard before issuance of order dated 7th August 2002, Annexure A-1. Since the salary of the petitioner has been reduced, that too, unilaterally, he has suffered civil and evil.

Consequently, the petition is allowed. Annexure A-1, dated 7th August 2002 is quashed and set aside. However, liberty is reserved to the respondents to proceed with the matter in accordance with law.”

After that salary was enhanced as per the Principal Secretary (Education) to the Govt. of Himachal Pradesh vide letter No. Shiksha-II-Kha(12)2/99- dated 23.5.2003 and their salary was reduced as per the Finance department vide letter Fin-F-1(C)14-Vol-III dated 14.10.2003. So the petitioners again felt aggrieved and approached to the Hon'ble HPAT and Hon'ble HPAT transferred the cases to Hon'ble High Court. Hon'ble High Court set aside these orders with the directions:-

“Petitioner was granted higher pay scale vide office order dated 23rd May, 2003. However, the same has unilaterally been withdrawn vide order dated 14th October, 2003 (Annexure A-3). The petitioner have neither been issued any show cause notice nor have they been afforded ample opportunity of being heard before issuance of order dated 14th October, 2003, Annexure A-3. Since the salary of the petitioner has been reduced, that too, unilaterally, he has suffered civil and evil consequences.

Consequently, the petition is allowed. Annexure A-3, dated 14th October 2003 is quashed and set aside. However, liberty is reserved to the respondents to proceed with the matter in accordance with law.”

Therefore, in view of the direction of the Hon’ble High Court of H.P. it has been decided to implement the judgments literally in true spirit.

This is available on Departmental website i.e. www.educationhp.org



Director of Higher Education
Himachal Pradesh

Endst. No. Even Dated Shimla-171001 07 Dec. 2011
Copy to:-

1. The Secretary (Education) to the Govt. of H.P. with reference to letter No. EDN-C-E-2/2010-L dated 25.11.2011 for information please.
2. Guard file.



Director of Higher Education
Himachal Pradesh