

No.EDN-H(19)B(1)-1/2009-Court Case-NR-
Directorate of Higher Education
Himachal Pradesh

Dated: Shimla-171001 17,Dec, 2011

To

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

All the Principal,
Govt. Sr. Sec. Schools in H.P.

Subject: Regarding implementation of judgment passed by the Hon'ble High Court of
H.P. in CWP(T) No. 14232 of 2008 titled as Nek Ram and others versus State of
H.P.

Memo,


On the subject cited above the Hon'ble High Court passed an order in CWP(T)
No. 14232/2008 titled as Nek Ram & others versus State of H.P. The operative part is as under:-

"The writ petition is allowed. Annexure A-2 dated 24.9.2005 is quashed and set aside. The respondents are directed to permit the petitioners to exercise their option whether they would like to be regulated under letter dated 9.5.2006 or as per the terms and conditions of their contract which they have entered into in the year 2000. It is made clear on the basis of clarifications No.1 and 2 that the emoluments which the petitioners were getting before 9.5.2006, including merger of 50% dearness allowance with basic pay shall not be reduced. In case the petitioners exercise their option to be governed under 9.5.2006, the consequences would ensure and they will be paid their salary as per this letter dated 9.5.2006."

After the passing of above judgment, numerous petitions on identical issue of payment of emoluments to the contract lecturers were decided by the Hon'ble High Court in which the judgments referred above has been relied upon where after the respective petitions were allowed.

You are, therefore directed that the writ petitions decided on this issue pertaining to your institution after taking the option of each petitioner if already not exercised by him/her, take further necessary action in the matter towards implementation of respective judgments so passed from time to time by the Hon'ble High Court by relying Nek Ram's judgment. In case the petitioner opting to governed by the pattern prior to 9.5.2006 individually determined for them under the contract, they shall continue to get emoluments as admissible to them prior to 9.5.2006. Each order of the Hon'ble High Court decided on this issue is to be complied with in its letter and spirit and any delay/ laxity will be viewed seriously being a Court matter.

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


Director of Higher Education
Himachal Pradesh