

NO:Shiksha-Him(19)B(4)-2/2011 CWP No.(T)4390/2008
Directorate of Higher Education
Himachal Pradesh

Dated:Shimla-171001 the, 16-11- 2011

To

All the Deputy Director of Higher Education
Himachal Pradesh

Sub.- Regarding implementation of order of Hon'ble High Court in SLP NO.CC9975-9980 dated 27.10.2009 titled as State of H.P. Vs. Thakuri Devi against the order dated 27.10.2009 passed by the Hon'ble High Court of H.P. in CWP(T) No. 4390/2008(Reg. Tenure period benefits).

Memo.

With reference to the representations received from different quarters on the subject cited above.

The Judgement rendered by Hon'ble High Court of H.P. on 27.10.2009 in the case of Ms. Thakuri Devi Vs State of H.P. & others in CWP (T) No's 4357 of 2008 with CWP(T) No's 4356, 4358, 4359 and 4390 of 2008, is qua to petitioners. According to this Judgement only petitioners are entitled for the benefits of Tenure service (without break) for the purpose of increments and pension if it is followed by regular appointment.

The Judgement dated 16.12.2010 rendered in CWP No 4550/2008 alongwith other CWP's Vs State of H.P. & others, all the Tenure appointees, appointed on running grade and followed without break by regular appointment are entitled to count their service period for the purpose of increment and pension. The above CWP was disposed of with the following orders:-

“ The Tenure appointees in the Education Department if appointed without break in regular service shall be granted increments during the Tenure period and the said service shall be count for pension, as in the case of adhoc appointees in the Education Department.”

In view of the above, the Tenure service rendered without break, if followed by regular appointment shall be counted for the purpose of increments in the cases of all the Tenure employees in Education Department. However, they will be granted these increments on **notional basis and actual financial benefits(arrears etc.) will be admissible to all the concerned from the date of regular appointment** on the analogy of Adhoc appointees.

You are therefore, directed to settle all the concerned cases accordingly after verification from S.O.(F&A) . It is further directed that arrears etc. be prepared in light of the instructions contained in H.P. Govt. Finance(Pay Revision) Department O.M. No. FIN(PR)B(7)-2/2001 dated 15.1.2002& O.M.No.FIN-(PR)B(7)-2/2001 dated 31.5.2010.It may invariably be ensure that proper and appropriate entries in this regard are recorded in the service books of all the concerned. This information is available on Departmental website i.e. www.educationhp.org.

Director of Higher Education
Himachal Pradesh