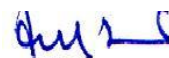


No.EDN-H(19)B(1)-1/2009-Salary-Cont.
Directorate of Higher Education
Himachal Pradesh.

Dated: Shimla-171001 the 26th March, 2012

Office order

The instructions issued by the Department vide office letter No.EDN-H(19)B(1)-1/2009-Salary-Cont. dated 07.12.2011 is hereby withdrawn and further modified instructions are issued and available on the departmental website www.educationhp.org.



Director of Hr. Education
Himachal Pradesh.

Endst. No. Even Dated : Shimla-171001 the March, 2012

Copy for information and necessary to:-

- 1 All the Deputy Directors of Higher Education in Himachal Pradesh.
- 2 All the Principals of Govt. Sr. Sec. Schools in Himachal Pradesh.
- 3 Incharge Computer cell (internal) Directorate of Hr. Education, Himachal Pradesh.



Director of Hr. Education
Himachal Pradesh

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

Dated: Shimla-171001 the 26th March, 2012

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.

The salary of the post of lecturer was increased by the DDOs vide Finance Notification No. Fin(C)B(7)-3/98 dated 08.11.1999. However as per directions issued by the Finance Department through instruction dated 07.08.2002, contractual teachers were allowed only Basic Pay (un revised pay scale) plus DA @ 203% plus IR & other allowance. Thereafter 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. But subsequently this enhanced salary direction was withdrawn as per the Finance Department letter No.Fin-F-1(C)14-Vol-III dated 14.10.2003 and directed to maintain earlier status. Hence few of the contractual lecturers feeling aggrieved filed OA's in Hon'ble HPAT on these issues. These cases were transferred to Hon'ble High Court when these were decided on various dates but with identical directions. The direction so passed on 16.12.2010 in CWP(T) No. 9403/2008 being identical to remaining cases is reproduced as under:-

“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 consequences.

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. The pending application(s), if any also stands disposed of.”

In view of above directions passed by the Hon'ble High Court of HP, it is abundantly clear that the action of respective authorities (DDO's) of unilateral withdrawal of higher pay scale has been found to be unconstitutional on the ground of violation of principle of natural justice. But while terming said action as unconstitutional, the Hon'ble High Court simultaneously has also granted liberty to initiate fresh action in accordance with law to the respective authorities.

Hence, you are directed that in all the respective case(s) having identical facts, initiate fresh action by issuing notice to the incumbent(s) to explain his position within fifteen days from the date of receipt of such notice. Upon receipt of respective reply, consider each case and thereafter pass speaking order in accordance with law in respective case separately. After completing this action as per principle of natural justice by affording an opportunity of fair hearing, please take further necessary action as deem fit and proper in the facts and circumstances of the case in terms of respective order so passed by you.

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



Director of Higher Education
Himachal Pradesh

Endst. No. Even Dated Shimla-171001 the 26th March, 2012

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