
Jagdev Singh & Ors Vs State Of H.P. And Ors

CWP No.688 Of 2024

Court: High Court Of Himachal Pradesh

Date of Decision: Sept. 27, 2024

Hon'ble Judges: Bipin Chander Negi , J

Bench: Single Bench

Advocate: Mohit Thakur, Diwakar Dev Sharma, Rangil Singh

Final Decision: Disposed Of

Judgement

Bipin Chander Negi , Judge (oral)

1. The present petition has been filed by the petitioners seeking following substantive reliefs:-

Ã¢â‚¬Å“(a) That the Respondents may be directed to treat and count the service rendered as a Para Teacher from 2003 to 2014 followed by regularization for pension.

(b) The Petitioners may be held entitled to Pension and all other consequential benefits including arrears from due date.

(c) That the earlier service as a Para Teacher may also be counted for increments and the pay and Pension be fixed as such. All arrears on account of such

consideration may also be allowed.

(d) The Respondents may be directed to consider the pending representation in terms of Annexure P-1 the Judgment as rendered in Oma Wati Case.

2. Admittedly, in the case at hand, the petitioners were appointed as Para Teacher in the year, 2003-2004 under the Para Teacher Policy. Subsequent

thereto, the petitioners were regularized in the year 2014.

3. In judgment dated 21.08.2023, passed in CWPOA No.5507 of 2020, titled Oma Wati and another Vs. State of Himachal Pradesh and others, it has

been held that appointment of Voluntary Teachers, ad-hoc Teachers, Vidya Upasaks, Contract Teachers, PARA Teachers, PAT, PTA and SMC

Teacher are temporary appointments, irrespective of their nomenclature.

4. In the aforesaid judgment, it has further been held that when an employee appointed on contract basis, is appointed on regular basis on the same

post, without interruption his contract service has to be counted for the purpose of annual increment as well as pensionary benefits.

5. In the case at hand, petitioners No.1 and 3 have retired in the year 2020, whereas the other petitioners i.e. 2, 4 and 5 have retired in the year 2022.

Therefore, from the date of regularization in the year 2014, petitioners No.1 and 3 have completed about six years of qualifying service. Whereas

petitioners No.2, 4 and 5 have completed about eight years of qualifying service.

6. In view of the aforesaid dictum laid down in the Oma Wati case (supra), the present petitioners are entitled to have their contract service rendered

from 2004 till 2014 (i.e. date of regularization) counted for the purpose of pensionary benefits.

7. In view thereof, the present petition is allowed, post counting service rendered by the petitioners on contract from 2004 till 2014. Due admissible

benefits be released to the petitioners within a period of three months from today.

8. With the aforesaid observations, present petition stands disposed of, so also, pending miscellaneous application(s), if any.