

**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA****CWP No.1724 of 2020****Decided on: 08th May, 2026**

Krishan Kumar

...Petitioner

Versus

State of H.P. and others

...Respondents

*Coram***Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge***Whether approved for reporting?¹*

For the petitioner: Mr. Kush Sharma, Advocate.For the respondents: Mr. Amit Kumar Chaudhary, Deputy
Advocate General.

Jiya Lal Bhardwaj, Judge (Oral)

By way of present petition, the petitioner has sought direction to the respondents to re-engage him as Physical Education Teacher (hereinafter referred to as "PET") in Government Senior Secondary School Saddun Bargran (hereinafter referred to as "the School") with all consequential benefits.

2. The facts which emerge from the pleadings are that the petitioner was appointed as PET on Parent Teacher Association (hereinafter referred to as "PTA") basis w.e.f.

¹ Whether reporters of Local Papers may be allowed to see the judgment?



01.11.2004. However, his services were terminated vide office order dated 03.08.2012 (Annexure P-4) on joining of a regular hand. Later on, the State Government had taken the decision to engage all those PTA appointees, whose services were disengaged for the reasons other than a departmental inquiry. The petitioner on the basis of the said decision taken by the State Government, made a representation to the Sub Divisional Officer (Civil), Kangra, who vide Inquiry Report dated 30.11.2014, came to the conclusion that there is nothing on record to show that the petitioner was ever issued any show-cause notice before withholding of the pay out of PTA GIA. The statement of the Principal of the School that the petitioner was not appointed as per PTA GIA Policy, 2006, is also not tenable in view of the letter dated 22.05.2014, which states that the Government had decided to re-engage all the PTA provided teachers who were engaged before 31.12.2007 and whose services were discontinued due to the reasons other than the inquiry committee, if they are otherwise



eligible as per the R&P Rules and GIA be released in their favour.

3. It was also noticed in the inquiry report that the post of DPE was lying vacant in the School and the Sub Divisional Officer (Civil), Kangra, had recommended that the Principal of the School may re-engage the petitioner on the post of DPE, if otherwise eligible as per the R&P Rules of the Department of Education Government of H.P. Despite the said decision having been taken by the competent authority, the petitioner was not re-engaged on the post of DPE. The petitioner despite approaching the authorities was not re-engaged and thereafter he has approached this Court seeking direction to the respondents to re-engage him as PET in the School with all consequential benefits.

4. The petitioner has placed on record copy of the judgment passed by this Court in **CWP No.6279 of 2021**, titled, ***Bal Ram vs. State of H.P. and others***, decided on 01.07.2022, wherein this Court had given directions to the



respondents to re-engage the petitioner as PET on PTA basis in the same school, where the petitioner was working and since the petitioner is similarly situate and was also working in the same School where Sh. Bal Ram was appointed, he may also be extended the same relief.

5. The respondents filed reply to the petition through respondent No.2 and averred that the petitioner was initially appointed as PET on PTA basis in the respondent-Department i.e. at Government High School Saddun Bargran, District Kangra, H.P. on 01.11.2004 (wrongly mentioned as 01.11.2024). Thereafter, the said school was upgraded to the level of Government Senior Secondary School Saddun Bargran, District Kangra, H.P. and petitioner was adjusted as DPE and served as DPE w.e.f. 01.06.2005 to 03.08.2012 and his services were terminated on 03.08.2012 by the Principal of the School on joining of a regular teacher. It has been admitted in reply that the committee headed by SDO (Civil), Kangra, had ordered for re-engagement of the petitioner in



view of the notification dated 22.05.2014. However, the petitioner never represented in the interim period to the SDO (Civil), Kangra or to the department with respect to his grievance for re-engagement of his services.

6. So far as the decision in **Bal Ram's case** (*supra*) is concerned, it was stated that he was engaged as PET on PTA basis on 07.04.2006 by the Selection Committee and his services were discontinued because GIA was stopped from October 2011 and thus the case of the petitioner is not akin to **Bal Ram's case** (*supra*). It was further stated that Bal Ram had challenged his removal order dated 24.01.2012 by filing the writ petition in the same year, whereas, the petitioner whose services were terminated in the year 2012, had filed his case in the year 2020. Further the services of the petitioner were disengaged, as a regular appointee had joined in his place.

7. The petitioner filed rejoinder to the reply and controverted the facts. The petitioner has also placed on record the representations made by him.



8. I have heard the learned counsel for the parties and also perused the record carefully.

9. It is not in dispute that the petitioner was initially engaged as PET on PTA basis on 01.11.2004 and the above-named Bal Ram was engaged on 07.04.2006 i.e. after the petitioner. It is also not in dispute that the services of the petitioner were later on utilized on the post of DPE after the upgradation of Government High School, Saddun Bargran, District Kangra, H.P., where he was joined his duties w.e.f. 01.06.2005 and served till 03.08.2012. It is also not in dispute that the Committee headed by the SDO (Civil), Kangra, H.P., had ordered for reinstatement of services of the petitioner. It is also not in dispute that in case of Bal Ram, who had approached this Court in the year 2021 for his re-engagement on the basis of the inquiry report, this Court had ordered for re-engagement of his services with all consequential benefits and the respondents after the decision has implemented the said judgment.



10. Learned counsel for the petitioner argued that once Bal Ram approached this Court in the year 2021 seeking implementation of the recommendation of the inquiry report after the decision being passed by this Court, the said person had been re-engaged, parity demands that similar treatment be given to the petitioner.

11. No doubt Bal Ram had come before this Court in the year 2012, but despite the recommendation of the inquiry committee, his services were not re-engaged on the plea that the matter is pending in the Hon'ble Apex Court in **SLP(C) No. 6644 of 2015**, titled, ***Chander Mohan Negi and Ors. Versus State of Himachal Pradesh and Ors.***, which was decided on 05.05.2018. Once the respondents have implemented the judgment in respect of Bal Ram, who had come to the Court in the year 2021 seeking implementation of the recommendation of the inquiry report after the disposal of his earlier petition and who was also serving in the same School and appointed after the petitioner, as evident from the



facts of the judgment passed in **Bal Ram's case** (*supra*), the respondents being a model employer, ought to have extended the same relief to the petitioner and the petitioner at the most can be denied the monetary benefits of the period when he has not served the respondents.

12. The respondents have further distinguished the case of the petitioner as that of **Bal Ram's case** (*supra*) on the ground that the services of the petitioner were disengaged on account of joining of a regular hand, whereas in **Bal Ram's case** (*supra*), he was removed from service for the reason that GIA could not be released to the School, in which he was working. However, the said reasoning cannot be accepted for the simple reason that in the case of the petitioner, he was disengaged on account of joining of a regular hand and once the Chairman of the Inquiry Committee had ordered for his re-engagement, the respondents ought to have implemented the said directions and thereby re-engage the petitioner.

13. As already held above, once this Court, in similar



facts, has allowed the petition, the petitioner is also entitled to the same relief, but he shall not be entitled to any monetary benefits, except to consider his claim to regularization in terms of applicable policy.

14. Consequently, the present petition is allowed and the respondents are directed to re-engage the petitioner as DPE in Government Senior Secondary School, Saddun Bargran, District Kangra, H.P., with consequential benefit, pertaining to his regularization only in terms of the applicable policy. However, it is made clear that the petitioner shall not be paid any monetary benefits till today. In case, the respondents do not re-engage the petitioner on the post of DPE within a period of three months from today, they shall pay interest on the arrears @6% per annum from today till the actual payment.

15. The petition is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

08th May, 2026

(ankit)

(Jiya Lal Bhardwaj)
Judge