

**HP School DPE Sang & Anr. vs. State of H.P.
& Anr.
Ex. Petition No.120 of 2023**

13.05.2024 Present: Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Sohail Khan, Advocate, for the petitioners.

Mr. Pushpiner Jaswal, Additional Advocate General, for the respondents-State.

By way of this execution petition, the petitioners are seeking the execution of the judgment passed by this Court on 01.12.2022, in CWPOA No.3157 of 2019, titled as *Himachal Pradesh School DPE Sang and another versus State of Himachal Pradesh and another*, which stood disposed of by the Hon'ble Coordinate Bench of this Court in the following terms:-

“Consequently, in view of the above observations, this Court find merits in the petition and the same is allowed. Respondents are directed to frame Recruitment & Promotion Rules for the category of DPEs, who, on account of their teaching 10+1 and 10+2 classes are getting pay scale of Lecturer, expeditiously, preferably within a period of two months thereby re-designating them as Lecturers. Since the DPEs teaching 10+1 and 10+2 Classes are already in receipt of pay scale of Lecturers, hence there is no financial implications on account of framing of Recruitment & Promotion Rules and they shall be entitled for seniority from the respective date.”

More than, 1 ½ years have elapsed since the directions were issued by the Hon'ble Coordinate Bench, but, till date, the Recruitment and Promotion Rules have not been framed by the Department. This reflects the callous attitude of

the Department, as, it appears that there is have no regard or respect as far as the judgments and orders passed by this Court are concerned.

The prayer of the learned Additional Advocate General that some more time be granted to implement the judgment in question, is rejected forthwith.

The case is ordered to be listed on **20.05.2024**, by which date, the judgment be complied with in letter and spirit, failing which, this Court will have no option but to invoke the power conferred upon it under Article 215 of the Constitution of India, because the Court is *prima facie* satisfied that there is a willful disobedience of the directions passed by it.

(Ajay Mohan Goel)
Judge

May 13, 2024
(*Vinod*)