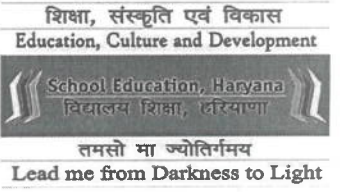




GOVERNMENT OF HARYANA / हरियाणा सरकार
Directorate Elementary Education
मौलिक शिक्षा निदेशालय



E-mail: eduprimaryhry@gmail.com - Site: www.harprathmik.gov.in

Order No. 8/44-2022 (2) D&L

Dated, Panchkula, the 28.03.2023

Smt. Meena (12221), JBT, GMSPS Wazirpur, District Gurugram is hereby granted the following leave:-

Sr. No.	Nature and Name of Leave	From	Rule applicable
1.	Child Adoption Leave	31.03.2023 to 29.06.2023	Haryana Civil Services Leave Rules-2016, Point No.-45 (Grant of Child adoption Leave)

With permission to Affix/Suffix holidays.

1. That the official would have continues to officiate in class-III during her proceeding on leave with permission to Affix/Suffix holidays.
2. That she would draw the usual HRA and other allowances during the period of leave and she is likely to return to the post to which these allowances are attached.
3. That the officer/official would have continued to officiate in Class-III but she proceeds on leave during above period.
4. That the official would not left the Head Quarter without prior permission of competent authority.

Virender Kumar Dahiya, IAS
 Director, Elementary Education
 Haryana, Panchkula.

Endst. No. Even:

Dated, Panchkula, the 29/03/23

A copy is forwarded to the following for information and necessary action:-

Regd.

1. District Elementary Education Officer, Gurugram w. r. t. their Memo No. E-1/2023/7302 dated 09.02.2022.
2. Accountant General (A&E) Haryana, Chandigarh.
3. Head Master, GMSPS Wazirpur, District Gurugram.
4. Smt. Meena (12221), JBT, GMSPS Wazirpur, District Gurugram.
5. Technology Officer (I.T. Cell).

Superintendent D&L
 for Director Elementary Education
 Haryana, Panchkula





GOVERNMENT OF HARYANA/हरियाणा सरकार
Directorate Elementary Education
मौलिक शिक्षा निदेशालय

शिक्षा, संस्कृति एवं विकास
 Education, Culture and Development

School Education, Haryana
 विद्यालय शिक्षा, हरियाणा

तमसो मा ज्योतिर्गमय
 Lead me from Darkness to Light

E-mail: eduprimaryhry@gmail.com - Site: www.harprathmik.gov.in

TO BE SUBSTITUTED BEARING THE SAME NUMBER & DATE

**OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION,
 HARYANA, PANCHKULA.**

Order No. 2/173-2022 Pen.P (2)

Dated, Panchkula the 17.01.2023

In continuation of this office memo No.2/173-2022 PP(2) dated 30.01.2023, sanction is hereby accorded of Rs.1,00,000/- (Rs. One Lac Only) to Smt. Anju Nagar W/o Late Sh.Suresh Kumar under Ex-Gratia Assistance in lieu of Govt. service rendered Late Sh. Suresh Kumar, Head Teacher, Govt. Primary School, Shivpuri-II (Hisar) (D.O.D. 31.08.2022) in terms of Haryana Govt. Circular letter No. 16/24-86-6-GS-II, Dated 25.03.1987 and subsequent policies No.G.S.R. 32/Const./Art. 309/2019 dated 02.08.2019.

The expenditure involved will be met out from the budget granted under the Head "2202-General Education-02-Secondary Education-001 Direction and Admn.-(99) Administration Staff (99) Head Quarter Establishment (H.Q.)" to the heirs of Govt. employees "during the Financial year 2023-2024".

R.C. Duhan
Chief Accounts Officer
 O/o Director Elementary Education,
 Haryana, Panchkula.


Endst. No. Even

Dated, Panchkula the 18-04-2023

A copy is forwarded to the following for information and necessary action.

1. Superintendent Accounts Branch (local) with the request to withdraw the amount in favour of the beneficiary Smt. Anju Nagar W/o Late Sh.Suresh Kumar and deposit in his/her Bank A/c No. 017201547956, ICICI Bank, Plot No.57-60, Kamla Palace Road, Red Square Market, Hisar as detailed in the proforma enclosed.
2. The Accountant General (A&E) Haryana, Chandigarh.
3. The Treasury Officer, Panchkula.
4. District Elementary Education Officer, Hisar in reference to their letter no. E-III/2023/3578 dated 10.01.2023.
5. Headmaster, Govt. Primary School, Shivpuri-II, Barwala (Hisar).
6. Smt. Anju W/o Late Sh. Suresh Kumar, H. No.13, Manohar Colony, Patel Nagar, Hisar.
7. IT Cell for uploading on the Web-site.

DA: Affidavit enclosed.


 Superintendent Pension Primary
 for Director Elementary Education,
 Haryana, Panchkula

DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No.16/02-2019 PRT/Guest Dated, Panchkula 27.03.23

Whereas Sh. Subhash Chander and others approached the Hon'ble Punjab and Haryana High Court by way of filing Civil Writ Petition No. 36200 of 2018 titled as Subhash Chander and others Vs. State of Haryana and others praying there in for issuance of a writ in the nature of certiorari, to quash Haryana New Pension Scheme, 2008 wholly or to the extent of its mandatory applicability to all the govt. employees joining the government service on or after 01.01.2006 as contained in clause 1 of the scheme and further to direct the respondents to declare the petitioners in the ambit of Haryana Civil Services (Revised Pension) Part-II Rules, 2009 read with connected/incidental provisions and amendments made therein retrospectively from the date of joining.

The Hon'ble High Court was pleased to pass order dated 18.11.2022. The operative part of the order is reproduced as under:-

hsseby

“Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the representation, respondent No. 1 is directed to decide the representation dated 20.08.2018 (Annexure P-6), by passing a speaking order within a period of eight weeks from the receipt of copy of this order.”

I have gone through the facts and circumstances of the case. It has been found that Sh. Subhash Chander and other representatives are regular employees, working as PFT/JBT and were recruited in service through Haryana Staff Selection Commission in reference to Advt. No. 6/2006 dated 20.07.2006.

It is pertinent to mention here that Haryana Govt. vide notification No. 1/1/2004-1 Pension dated 04.12.2008, has issued revised guidelines for implementation of Defined Contributory Pension Scheme of State Government. It has been mentioned in these guidelines that New Pension Scheme will cover all regular Government Employees joining service on or after 01.01.2006. In the present case, the claimants had joined service after 01.01.2006 in reference to Advt. No. 6/2006 dated 20.07.2006. The claimants are claiming for GPF number however as per the rules, the GPF number is given to those employees who had joined the Government service before 01.01.2006. Further, Finance Department Haryana has issued notification no. 1/1/2004-1 Pension dated 28.10.2005 and relevant portion of notification dated 28.10.2005 is reproduced as under:-

“Provided that the rules in Volume-II of these rules called the Punjab Civil Services Rules, Volume-II” Shall not apply to the Government Employees who are appointed to the posts mentioned in Categories (1) to (5) above on or after 1st day of January, 2006. They shall be covered by the “New defined Contribution Pension Scheme” to be notified the Government.”

In view of notification no. 1/1/2004-1 Pension dated 28.10.2005 issued by Finance Department, Haryana, the Government Employee appointed on or after 01.01.2006 are to be covered by New Defined Contribution Pension Scheme and same notification excludes such employee from ambit of “PCS Rules, Volume-II”. Hence, the General Provident Scheme is not applicable to the claimants and the claimants are only to be covered under the New Defined Contributory Pension Scheme.

Whereas the State of Haryana Government is competent to frame its Rules and to issue necessary instructions from time to time Governing the service conditions of its employees under Article 309 of the Constitution Of India and also to decide the date of applicability of any Rules issued for Governing the service conditions of its employees under the proviso to Article 309 of the Constitution of India.

It is relevant to mention here that some JBTs filed a CWP No. 10592/2021 titled as Urmila Devi & Ors. Vs. State of Haryana & Ors. to challenge condition in the instructions dated 04.12.2008, where by the petitioners have been brought within the purview of the Defined Contributory Pension Scheme applicable to the employees of the State Government and have, thus, been kept out of the provisions of the defined benefit of pension and GPF. Wherein the cut-off has been fixed to the Government servants joining service, on or after 01.01.2006. Similarly, the notification dated 18.08.2008 has also been challenged whereby the New Pension Scheme has been brought into force to the Government employees joining on or after 01.01.2006. Further the Hon'ble High Court *vsedy* dismissed the above said CWP No. 10592 of 2021 titled as Urmila Devi and others Vs State of Haryana and others vide order dated 28.06.2021 and the relevant portion of which is reproduced as under:-

"It is not disputed that the petitioners have joined service after 01.01.2006, between 22.08.2008 to 30.12.2008, as per Annexure P-3 against advertisement No.6/2006 and have been

contributing since then. Thus, at that point of time, the notification was already in force. Clause 20 of the same reads as under:

"20 Heads of the Department/Heads of Offices shall get the permanent Pension Account Number from the Accountant General (Accounts and Entitlement) Haryana for all the new Government servants who have already joined the Government service on or after 1st January, 2006 within a month from the date of issue of this notification. New Government servants who join service shall be admitted to this scheme compulsorily by the Heads of the Department/Heads of Offices by promptly applying for allotment of the Permanent Pension Account Number to the Accountant General (Accounts and Entitlement) within a month from the date of joining of the service."

It is pertinent to notice that the present writ petition has now been filed challenging the said cut-off date, after a period of more than 12 years since the date of joining and thus, the writ petition is also barred by the principle of delay and laches apart from the principle of estoppel.

In such circumstances, this Court does not deem it appropriate to exercise its extraordinary writ jurisdiction in the facts and circumstances and the present writ petition is, accordingly, dismissed in limine."

As stated above, it is clear that claimants had joined Haryana Government service after 01.01.2006 in pursuance to Advt. No. 6/2006 dated 20.07.2006 and thus they do not fall under the purview of old pension scheme and will cover under Defined Contributory

Pension Scheme of the State Government in view of the Government notification dated 04.12.2018.

In view of the above stated facts, the claim of the claimants is devoid of merits and same is hereby rejected.


I pass the order accordingly.

Place: Panchkula

Dated:

Regd.

To

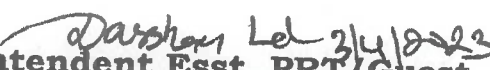

(Dr. Virender Kumar Dahiya, IAS)
Director Elementary Education
Haryana, Panchkula

Sh. Subhash Chander S/o Sh. Ram Chander,
R/o Kharar, Alipur, Tehsil & District Hisar.

Endst. No. 16/02-2019 PRT/Guest Dated, Panchkula, the 05.04.23

A copy of this order is forwarded to the following for information and necessary action thereon:-

1. District Elementary Education Officer, Hisar with a direction to serve copy of this order to the petitioners of District Hisar.
2. District Elementary Education Officer, Kaithal with a direction to serve copy of this order to the petitioners of District Kaithal.
3. District Elementary Education Officer, Fatehabad with a direction to serve copy of this order to the petitioners of District Fatehabad.
4. ✓ IT Cell.


Superintendent Esst. PRT/Guest
for Director Elementary Education,
Haryana, Panchkula

JS
10/4/23 Prog.

— A.R

Transfer Scheme of the Staff Government in view of the Government

notification dated 04.12.2018

In view of the above stated facts, the claim of the claimants

devoid of merits and same is hereby rejected.

I pass the order accordingly.

(Dr. Vinod Kumar Mishra, IAS)
Director Elementary Education
Buxar, Patna

Place: Patna
Date:

Recd.
To

Mr. Subhash Chandra S/o Mr. Ram Chandra
S/o Khosla, Alpur, Tehsil & District Buxar

Order No. 18/02-2019 PRT/Guest, Patna dated 02.07.2019

A copy of this order is forwarded to the following for

information and necessary action thereon:-

1. District Elementary Education Officer, Buxar with a direction to serve copy of this order to the petitioners of District Buxar.
2. District Elementary Education Officer, Khatwa with a direction to serve copy of this order to the petitioners of District Khatwa.
3. District Elementary Education Officer, Patna with a direction to serve copy of this order to the petitioners of District Patna.

T Cell

(Dr. Vinod Kumar Mishra, IAS)
Director Elementary Education
Buxar, Patna

Handwritten signature and initials