

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/117-2024 ESHM(1)

Dated Panchkula the, 3.2.2025

Whereas, the present CWP No. 30602 of 2024 Prem Vs. State of Haryana & Others was filed in the Hon'ble High Court for issuance of a writ in the nature of certiorari for quashing the Rule-143(1)(i) under Chapter-XI of the Haryana Civil Services (General) Rules, 2016 (Annexure P-14) to the extent of fixing the minimum degree of disability of 70% and above for the purpose of extension of service, being in violation of section 2(r) of the Right of Persons with Disabilities Act, 2016 (Annexure P-15) as the Act will override the rules and further being in violation judgment of Hon'ble Supreme Court reported in 2014 RCR(Civil) 377 and judgment passed by the Hon'ble High Court, wherein issue of identical nature in settled in CWP No. 3919 of 2015 [2015(3) SCT 285] titled as "Hardev Kaur Vs. State of Haryana and others" vide its judgment dated 04.03.2015.

The said writ petition came up for hearing before the Hon'ble High Court on 13.11.2024 and Hon'ble High Court was pleased to disposed of present writ petition. The operative part of the order is reproduced as under:-

"1. Learned counsel for the petitioner submits that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to respondent No.2 to take a decision on the representation dated 23.09.2024 (Annexure P-5) made by the petitioner.

2. Learned State counsel has no objection if the petitioner's above prayer is accepted.

3. Accordingly, at this stage, without commenting on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to take a decision on the aforesaid representation made by the petitioner, by passing speaking order(s) and affording opportunity of hearing to the petitioner within one month from the date of receipt of a copy of this order.

4. Needless to add that the decision so taken be communicated to the petitioner and if the same is not to the satisfaction of the petitioner, he would be at liberty to challenge the same, in accordance with law."

In the compliance of above direction, the representation dated 23.09.2024 Annexure P-5 of the representationist was examined carefully, by affording opportunity of personal hearing to the representationist on dated 29.01.2025. The grievance of the representationist as transpired from the representation dated 23.09.2024 (Annexure P-5) is that she was suffering from permanent

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disability upto the 60 %. In lieu of her disablement, she is claiming extension of 2 years in service i.e. upto the age of 60 years from the age of 58 years. As per Rule 143(1)(i) of the Haryana Civil Services (General) Rules, 2016 it is submitted that the extent of condition regarding minimum degree of disability is 70% and above. The operative part of Rule 143(1)(i) of the Haryana Civil Services (General) Rules, 2016 is reproduced as under:-

143. [Retirement on superannuation.—

(1) Except as otherwise provided in these rules, every Government employee shall retire from service on afternoon of the last day of the month in which he attains the age of retirement prescribed for him or for the post held by him in substantive or officiating capacity, as the case may be. However, a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the prescribed age. The age of retirement on superannuation is fifty eight years for all groups of employees except the following for whom the same is sixty years:-

(i) **Differently-abled employees having minimum degree of disability of 70% and above**

(ii) Blind employees

(iii) Group 'D' employees and

(iv) Judicial Officers

No Government employee shall be retained in service after attaining the age of superannuation, except in public interest and in exceptional circumstances, without the approval of Council of Ministers.

Note 1.— One eyed employee shall not be treated as blind or differently-abled person for the purpose of this rule.

Note 2.— When a Government employee is due to retire on superannuation from service an office order shall be issued on 7th of the month in which he is going to be retired and a copy of every such order shall be forwarded immediately to the Principal Accountant General, Haryana. There is no need to re-instate a Government employee who is under suspension at that time.

Note 3.— A Government employee who becomes disabled while in service shall bring to the notice of his Head of Department minimum three months before attaining the age of 58 years. He shall be got examined from a Medical Board of the Post Graduate Institute of Medical and Science, Rohtak to be headed by its Director. On receipt of medical report from the Board, the appointing authority or the Head of Department, whichever is higher, shall take a final decision to grant or not to grant the extension in service to such physically disabled employee."

Whereas the representationist belong to General Category (PWD Category) and was appointed as TGT(Mathematics) on dated 26.08.1997. On


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26.08.2019 he was promoted and appointed on the post of Elementary School Head Master. The retirement of representationist is due on 02.06.2025. She is suffering from 60% permanent disability in view her disability certificate issued by medical authority Jhajjar, Haryana on dated 17.02.1999. In the light of above facts and circumstances, and as per Rule 143(1) (i) of the Haryana Civil Services (General) Rules, 2016 the claim of the representationist is not tenable.

Whereas the department is bound by the Law, Rules, Regulation, Instructions, Notification. The representationist demand notice/representation is found to be devoid of merits as per the Haryana Civil Services (General) Rules, 2016.

The representationist is not eligible for the extension of service. It is hereby directed that the claim made in the representation dated 23.09.2024 is not maintainable as per Rules, 2016 and is hereby rejected.

I order accordingly.


(Kamal Preet Kaur)
Additional Director Admn.-II
O/o Director General Elementary Education,
Haryana, Panchkula.

Regd.

To

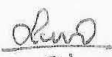
1. Sh. Prem, ESHM, aged about 57 years, W/o. Sh. Narender Malik, R/o House No. 25/58, street no. 2, Shakti Nagar, Bahadurgarh, District Jhajjar Mobile No. 8857000001.

Endst. No.: Even

Dated Panchkula the, 3.2.2025

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

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Jhajjar.
3. Sh. Ankit Chahel, Advocate, House no. D-7/19, Ground Floor, DLF, Panchkula Pin-134105.
4. IT Cell. To upload the Order on website.


03/02/2025
Superintendent ESHM
for Director General Elementary Education
Haryana, Panchkula



Directorate Elementary Education, Haryana.

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OFFICE OF DIRECTOR GENERAL ELEMENTARY EDUCATION HARYANA PANCHKULA

Order No. 17/04-2025 TGT Pro.(2)

DATED, PANCHKULA, THE 03.02.2025

In compliance of orders passed by the Hon'ble High Court on 13.08.2021 in CWP No. 15508 of 2021 titled as Virender Kumar Vs. State of Haryana and others and in light of COCP No. 5004 of 2024 titled as Virender Kumar Vs. Vineet Garg, Add. Chief Secretary Govt. Haryana Dept. of School Edu. and others, upon considering the legal notice dated 16.04.2021-(Annexure P-8), Sh. Virender Kumar (1025688), JBT who possess the requisite qualification of TGT English is hereby provisionally promoted with benefit of notional pay fixation/seniority not monetary benefit (arrears) against the post of TGT English HES-III (School Cadre) w.e.f. 17.07.2018 in the pay matrix FPL-7 (44900-142400)+usual allowances as sanctioned by the Haryana Government from time to time in officiating capacity. The detail of employee is as under:-

Name, ID and Designation	Now Promoted	Present Place of Posting as a JBT	Date of Promotion as a TGT English w.e.f
Virender Kumar (1025688), JBT	TGT English	GPS B.B. Ratia (12018), District Fatehabad	17.07.2018

The above promotion is subject to the following terms and conditions:-

1. That this promotion is subject to condition of refixation of seniority/fixing the roster point. If any official is found senior to him/her at any stage due to refixation of his/her seniority/roster wise point, he/she shall be reverted without giving any notice. Also if, any senior employee is found entitled for promotion he/she will be eventually promoted by the department by virtue of his entitlement for promotion.
2. That this promotion is subject to condition that all the particulars and data supplied by concerned employee and field office is correct. In the event of any information subsequently found to be factually or erroneous or misrepresented, the promotion so granted shall be withdrawn immediately without giving any notice or assigning any reason. Hence, such promotion order is subject to review/cancellation in case of any discrepancy regarding eligibility is found at any stage.
3. That this promotion is subject to the condition that no adverse remarks regarding integrity are found in his/her ACR 2019-20 to ACR/Spl. ACR 2024-25 and latest NOC.
4. In case, it transpires at any stage that the teacher is ineligible for this promotion, the teacher will be reverted to his/her original post without giving any notice.
5. In case of eligibility of any teacher in more than one subjects, in this situation before joining, teacher will give his/her undertaking to school incharge that he will not claim for his promotional subject to be changed in future or antedated promotion in any other subject. In case the candidate is not willing to join on the said promotional post and he wants the



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promotion on other subject then the candidate will give his representation through proper channel in the Directorate.

6. The posting order of the newly promotee shall be issued separately later.

Kamal Preet Kaur
Additional Director Administration
O/o Director General Elementary Education
Haryana, Panchkula

Endst. No. Even

Dated, Panchkula, the 03.02.2025

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

1. Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Fatehabad. It is directed that it should be ensured that newly promotee has no pending enquiry under Rule 7/8 or any criminal case.
3. Head of the institution concerned.
4. Sh. Virender Kumar (1025688), JBT, GPS B.B. Ratia, District Fatehabad.
5. Concerned Assistant-1 TGT Promotion Branch to fix the seniority of the above official.
6. Joint Director (IT Cell, HQ).
7. Advocate General, Haryana.
8. PA/Addl Director-II

Kamal Preet Kaur
03/2/25
Dy. Superintendent TGT Promotion
For Director General Elementary Education,
Haryana, Panchkula



GOVERNMENT OF HARYANA / हरियाणा सरकार

Directorate Elementary
Education, Haryana.
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OFFICE OF DIRECTOR GENERAL ELEMENTARY EDUCATION
HARYANA PANCHKULA

Order No KW05/26-2024 TGT Pro (2) DATED, PANCHKULA, THE 31.01.2025

Whereas the following teachers who were promoted to the post of TGT Science and were posted vide memo No. 5/18-2024 TGT Pro (2) dated 19.12.2024 are hereby adjusted temporarily at school mentioned against their names due to non availability of vacant post at their earlier allotted place of posting. The details are as under:-

Sr. No.	Name of Teacher and designation, earlier posted as a JBT/C&V.	Earlier Allotted Station	Now Adjusted
1.	Smt. Sunita (2003137), JBT/C&V, GMSPS Shikohpur, Gurugram	Government Girls High School Dohki (Charkhi Dadri) [491]	GHS Chimni (3150), Jhajjar
2.	Smt. Rekha Dahiya (2007252), JBT/C&V, GPS Phusgarh, Karnal	Government High School Kumbohpura (Karnal) [1868]	GSSS Daha (1778), Karnal

- Note:- 1. They will take part in next transfer drive for permanent station.
2. Other terms and conditions will remain same.

Kamal Preet Kaur
Additional Director Administration-II
O/o Director General Elementary Education
Haryana, Panchkula

Endst. No. KW05/26-2024 TGT Pro (2)

Dated, Panchkula, The 03.02.2025

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

1. Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Charkhi Dadri, Gurugram, Jhajjar & Karnal directed that it should be ensured that newly promotee has no pending enquiry under Rule 7/8 or any criminal case.
3. Head of Institution Concerned.
4. Official, Concerned.
5. Concerned Assistant-1 TGT Promotion Branch to fix the seniority of the above official.
6. Joint Director (IT Cell, HQ)

Deputy Superintendent TGT Promotion
For Director General Elementary Education
Haryana, Panchkula