

DIRECTORATE OF ELEMENTARY EDUCATION, HARYANA, PANCHKULA

Order No. 17/70-2024 TGT Prom.(1)

Dated, Panchkula, the 17.04.2026

Whereas, Smt. Suman presently working as PGT Hindi, GSSS Chirod, Distt. Hisar approached the Hon'ble High Court by way of filing a CWP No. 18129 of 2018 titled as Suman Kumari Vs. State of Haryana and others praying therein for issuance of a writ in the nature of mandamus directing the respondents to grant continuity of service, without back wages, to the petitioner from the date of relieving till her reinstatement in service. In view of the circular letter dated 25.11.2002 (Annexure P-7) as well as guidelines dated 24.11.2003 (Annexure P-8), further also to reckon length of service till regular appointment, as the similar service benefit has already been extended to her similarly situated co-employees, of the respondent department, (for instance vide office orders Annexure P-10 to P-21) and also to re-fix her pay notionally as Master, as has been done in the cases of other co-employees vide office order Annexure P-22 to P-25; without any monetary benefits; with notional consequential service benefits arising thereof; and / or any other writ, order or direction which this Hon'ble Court may deem fit and proper under the peculiar facts and circumstances of the case.

This writ petition came up for hearing before the Hon'ble High Court on 25.07.2018 and the Hon'ble court pleased to pass the following order:

"This petition under Article 226 of the Constitution of India is for issuance of writ in the nature of mandamus directing the respondents to grant continuity of service, without back wages, to the petitioner from the date of relieving till her reinstatement in service.

Learned counsel for the petitioner contends that this benefit has already been granted to similarly situated employees vide orders (Annexures P-10 to P-21) and their pay has been re-fixed vide order(s) (Annexure P-22 to P-25).

With regard to her grievance, petitioner has served a legal notice dated 09.01.2018 (Annexure P-26) upon the respondents, but no action has been taken thereon till date.

In view of the above position, this petition, at this stage is being disposed of by giving direction to the respondents to look in to the legal notice dated 09.01.2018 (Annexure P-26) and pass appropriate orders regarding re-fixation of notional pay of the petitioner after granting the benefit of continuity of service, without monetary benefit, in accordance with law, within a period of four months from the date of receipt of certified copy of this order.

Whereas a communication, dated has been received on 02.03.2026 from PGT-II Branch of Directorate of Secondary Education, forwarding therewith a copy of legal notice dated 09.01.2018 along with copy of judgement dated 25.07.2018 passed by Hon'ble Punjab and Haryana High Court in CWP No. 18129 of 2018 – Suman Kumari Vs. State of Haryana and Others, seeking clarification as to under which rules Smt. Suman Kumari formerly Social Science teacher (contract) GGHS Barwa Bhiwani, presently working as PGT Hindi GSSS Chiraur,

Hisar w.e.f. 17.06.2014 (direct recruitment) was confirmed on 23.05.2013 despite the absence of formal order of regularization. Whereas, it was requested to review the matter and in case the confirmation was issued inadvertently, to consider withdrawal of such confirmation as the employee sought continuity of service benefits. As per the record, the petitioner i.e. Smt. Suman was initially appointed as a S.S Master on purely contractual basis for 89 days by the District Education Officer, Bhiwani vide their office order No. E-1/97/9626-27 dated 17.01.1997. Thereafter, her services were terminated after completion of 89 days.

As per govt. notification vide dated 01.10.2003, Chief Secretary, Government of Haryana has decided that the services of such Adhoc/Contract/daily wages employee shall be regularized if they fulfill the following conditions: -

(i) that only such Adhoc/Contract employees who have completed three years service on 30th September, 2003 and were in service on that date should be made regular. If the break in service of an adhoc/contractually employed person has been caused for no fault attributable to him, such break period should be condoned unless it is of an extraordinary longer period i.e. not more than six months. However, if the break in service has been caused due to fault of the employee like abandonment of employment, the Government may not condone the same if the period of such break is more than a period of 30 days

At the time of notification dated 01.10.2003, the petitioner was not in service and does not fulfill the following conditions:

- a) She was not in service as on 30.09.2003.
- b) She had not completed three years of satisfactory service.
- c) Her break period in service was more than six months as she was relieved in the year of 1997 and was reinstated in service in the year 2005.

Thereafter, Smt. Suman approached the Hon'ble Punjab and Haryana High Court by way of filing the CWP No. 4599 of 2005 – Sunita Rani and others Vs. State of Haryana and others, which was decided in the light of CWP No. 4152 of 2001- Naresh Kumar Vs. State of Haryana and Others by the Hon'ble High Court vide order dated 22.03.2005. In compliance thereof, she was reinstated on Adhoc basis vide speaking order No. E-1-2005/256-63 dated 06.05.2005 issued by the District Education Officer, Bhiwani. The said reinstatement order explicitly provided that:-

“it is necessary to clear her that no consequential benefits including financial benefits will be given for the break period i.e. 4/1997 to till today 06.05.2005 as they have submitted an affidavit in this regard. As they did not work in Education Dept. During the above said break. So the principal of “No work – No pay” is applicable in the present case. However other terms and conditions will have remained same as mentioned in the previous appointment letters.”

On the perusal of entire record, it is found that Smt. Suman, was appointed on Adhoc basis as per order No. E-1-2005/256-63 dated 06.05.2005 and joined on 17.05.2005. Moreover, Smt. Suman has worked on Adhoc basis until her direct appointment as PGT Hindi on 17.06.2014. No order of regularization was ever issued in her favor prior to her direct recruitment.

It is further observed that the confirmation order dated 23.05.2013 was issued on the basis of seniority dated 01.01.2012. As per seniority list dated 01.01.2012, total number of posts for confirmation were 12749, out of which 6617 posts were already confirmed and 6132 posts were left pending for confirmation. The said confirmation order covered up to seniority no. 13200 of master cadre, and it was issued without verifying the documents i.e. appointment order on regular basis/regularization orders etc. The name of the petitioner i.e. Smt. Suman bearing seniority No. 12319 was also included in the list inadvertently.

An opportunity of personal hearing was afforded to the petitioner i.e. Smt. Suman (S.S Master GGHS Barwa Bhiwani), now working as PGT Hindi GSSS Chirod, Hisar on 10.04.2026 at 11:00 AM. During the hearing, she failed to produce any such relevant document in support of her regularization.

In view of above, the matter was examined in length from all corners as well as after examination of the legal notice dated 09.01.2018, I found that the grievance of the petitioner regarding continuity of service, without monetary benefits is not acceptable and hereby rejected being devoid of merits. In addition to this I am of the considered view that the confirmation orders of Smt. Suman former S. S. Master, GGHS Barwa, Bhiwani now working as PGT Hindi at GSSS Chirod, Distt. Hisar issued vide office order No. 2/5-2011 HRM-II(1) dated 23.05.2013 are hereby withdrawn.

I order accordingly.

(Manita Malik, IAS)
Director Elementary Education
Haryana, Panchkula

Regd.

1. Smt. Suman, former S.S.M, GGHS Barwa (Bhiwani)
now working as PGT Hindi GSSS Chirod (Hisar)


Order No. 17/70-2024 TGT Prom.(1)

Dated, Panchkula, the 17.04.2026

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

1. District Elementary Education Officer, Bhiwani
2. District Education Officer. Hisar.
3. Principal, GSSS Chirod, Hisar.
4. Headmaster, GGHS Barwa, Bhiwani.

5. Superintendent PGT-II Branch of secondary directorate w.r.t. their office Memo No. 13/24-2018 PGT-II(5) dated 19.03.2026
6. I.T. CELL.


Dy. Superintendent TGT Pro
For Director Elementary Education
Haryana, Panckula