

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF HIGHER EDUCATION

No.Shiksha-II-Chha(10)-2/2009 Dated Shimla-171002 23rd Sept.2010

NOTIFICATION

In order to ensure availability of teachers and all other officers during the academic session, the Governor, Himachal Pradesh is pleased to notify the Himachal Pradesh Policy on Re-employment of teachers retiring during the academic session as per Annexure.

This policy will be applicable with immediate effect.

By Order,
Principal Secretary (Edu.) to the
Government of Himachal Pradesh

Endst.No.Shiksha-II-Chha(10)-2/2009 Dated Shimla-171002, 23.09.2010

Copy forwarded for information and necessary action to:-

Copy for information and necessary action to:-

1. The Secretary to Governor, Himachal Pradesh Shimla-2
2. The Principal Secretary to Chief Minister, H.P. Shimla-2
3. All the Principal Secretaries/Secretaries to the Govt. of Himachal Pradesh.
4. LR cum Principal Secretary (Law) to the Govt. of Himachal Pradesh.
5. The Addl. Secretary (Edu.) to the Government of H.P.
6. The Under Secretary (Ele.Edu.) to the Government of H.P.
7. All Section Officers Higher/Elementary Education Sections, H.P. Sectt.
8. The Accountant General, H.P. Shimla-3
9. The Assistant Legal Draftsman (Rajpatra), Law Deptt. H.P. Sectt. Shimla-2
10. All Principals, Government Colleges, in H.P.
11. All the Deputy Director of (Secondary/Elementary Education) in H.P.;
12. Controller, Printing and Stationary ,HP Shimla-5 with the request to publish these Rules in Rajpatra (extra-ordinary) and send 10 spare copies to this department.
13. Director of Higher Education, Himachal Pradesh, Shimla-1.
14. The Director of Elementary Education, Himachal Pradesh Shimla-1
15. Guard file/ additional copes.

-Sd/-
Special Secretary (Edu.) to the
Government of Himachal Pradesh

**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI, SHIMLA-1**

Endst.No.EDN-H(Ele.)A-1/2010(128) Dated the, 29th September,2010
Copy forwarded for information and necessary action to:-

1. The Principal Secretary (Education) to the Government of Himachal Pradesh Shimla-2 with reference to their notification No.Shiksha-II-Chha(10)-2/2009, Dated 23rd September,2010 for information please.
2. The State Project Director (SSA) Shimla-1
3. Joint Director(Admn.) Directorate of Elementary Education, H.P. Shimla-1
4. Joint Controller(F&A), Directorate of Elementary Education, H.P.Shimla-1
5. All the Dy.Directors, Directorate of Ele.Edu., H.P.Shimla-1
6. District Attorney, Directorate of Elementary Education, H.P.Shimla-1.
7. All the Deputy Directors of Elementary Education in Himachal Pradesh
8. All the Asstt. Directors, Directorate of Ele. Edu., H.P.Shimla-1
9. All the Principals of DIETs in Himachal Pradesh.
10. Asstt. Controller(F&A), Directorate of Elementary Education, H.P.Shimla-1.
11. All the Branch Superintendents, Directorate of Elem. Edu., H.P.Shimla-1
12. The Section Officers (F&A), Directorate of Elementary Education, H.P.Shimla-1.
13. The In-charge, Literacy, Directorate of Elementary Education, H.P. Shimla-1
14. All the Distt. Adult Education officers/Project officers Adult Education in H.P.
15. All the Block Elementary Education Officers in Himachal Pradesh.
16. P.S. to D.E.E., H.P. Shimla-1.
17. Guard file.


DIRECTOR

ANNEXURE

The Himachal Pradesh Policy on Re-Employment of Teachers retiring during the academic session

Rationale:

Human Resource Development is an important input for promoting economic growth and development in every State of the Country. The development of a State can not be ensured without education. It is not only the accessibility and equity in education but also the quality of education which is required to be achieved. For furtherance of quality education, the qualified and trained teachers are indispensable to be in position in educational institutions for the entire running academic session. The Government is taking all out efforts to fill up all the vacancies of teachers in schools, colleges and in the offices. Despite the best efforts of the Government, the posts of teachers still remain vacant due to their transfers, retirements, attritions, deputations, secondments, promotions, deaths and upgradation of schools and opening of new colleges etc. The situation is further aggravated due to the fact that filling up of vacancies through recruiting agencies in the state is taking a very long time. This state of affairs is having an adverse effect upon the studies of students in the educational institutions, which should have all teachers in position during the entire academic session.

The percentage of teacher's retirement in H.P. Education Department is about 3% annually. This results in arising of about 3000 vacancies just due to retirements which do occur in midst of an academic session. Vacancies arising during an academic session lead to chain of transfers among the teachers and officers of the Education Department.

In order to prevent disruption of studies of students on account of retirements of teachers and other officers in education department (who have been promoted as such amongst teachers) on attaining the age of superannuation in the midst of an academic session in schools and offices, this policy is being formulated.

Objective

The objective of framing the policy is to ensure continued availability of teachers and all other officers who have been promoted as such amongst teachers, during academic session, with a view to provide quality education in the State.

Definitions:

In this Policy, unless the context otherwise requires.-

- (i) **“Academic Session”** means academic session which starts from April and ends on 31st December in winter vacation schools and academic session in summer vacation schools which starts from April and ends on 31st March. A college academic session shall be deemed to start from April and ending on 31st March.
- (ii) **“End of Academic Session”** means the academic session in winter vacation schools which ends on 31st December and in summer vacation schools which ends on 31th March. The end of academic session for colleges and other officers shall be deemed to have been on 31st March.

(iii) **“Commencement and end of academic session”** means that from April, 2011 academic session will start from 1st April and will end 31 March for all Schools/Colleges in the Pradesh.

(iv) **“Other Officers”** means Block Primary Education Officer, Assistant District Physical Education Officer, Deputy Director Higher / Elementary Education and all other officers who have been promoted amongst teachers in education department.

(v) **“Policy”** means the Himachal Pradesh Policy on Re-Employment of Teachers retiring during the academic session framed by the Government for carrying out the purpose.

(vi) **“Re-employing Authority”** means the authority which is conferred with the powers to reemploy teachers and other officers, retired on superannuation, under the Himachal Pradesh Re-Employment Policy of teachers retiring during the academic session framed by the Government for the purpose.

(vii) **“Re-employment”** means utilization of services of teachers and other officers after their retirement on superannuation, in education department.

(viii) **“Remuneration”** means the amount of monthly reward what is receivable for the service rendered and payable in lieu of services utilized by the user.

(ix) **“Teachers”** means the teachers posted in education department of H.P Govt. teaching the classes from 1st to post graduate (Colleges) levels which also includes Head Teachers, Central Head Teachers in Govt. Primary Schools, Headmasters and Principals in Government High / Senior Secondary Schools and Principals in Government Colleges.

Scope of re-employment

- (i) The policy is applicable to all regular teachers and other officers who will be retiring during the academic session and who have been teaching classes from 1st to post graduate (Colleges) level.
- (ii) The teachers and other officers shall be eligible for re-employment in the institutions / offices where they served at the time of retirement, depending upon their willingness to serve till the end of current academic session subject to their written option in this regard to be given by them in **'Form-A'** to their re-employing authority. The option will be given prior to the date of retirement.
- (iii) The re-employment shall come to an end on 31st March in summer and on 31st December in winter vacation schools. However, the re-employment of teachers in colleges and other officers shall come to an end on 31st March.

Provided that after April, 2011 the re-employment in winter vacation schools will also end on 31st March.

- (iv) This policy shall not be applicable to teachers who have resigned or were removed or dismissed or have retired voluntarily before superannuation.
- (v) No re-employment will be given to the teachers retiring during the vacations, which fall at the end of the academic session.
- (vi) The re-employment may also not be given to the teachers retiring on the last day of academic session.

Power to Re-Employ

The authority shown in column number - 3, shall have the power to re-employ each category of teachers and other officers as shown in column number-2 of the table given hereunder:-

Sl. No.	Category of reemployee	Authority competent to reemploy
1	JBT, HT and CHT	BPEO of concerned Education Block
2	C&V, TGT and Lecturers (School Cadre)	HM, Principal or Head of Institution
3	Lecturers (College Cadre)	Head of Institution /Principal
4	HM and Principal (School Cadre)	Deputy Director Higher Education of concerned District
5	Principal (College Cadre) & Deputy Director Higher Education	Director Higher Education
6	Deputy Director Elementary Education	Director Elementary Education
7	Any other officers:- a) Officers posted in Deputy Directors Higher/ Elementary Education b) Officers posted in Directorate of Higher/Elementary Education	a) Deputy Director Higher / Elementary Education of District concerned b) Director of Higher / Elementary Education

Remuneration /Pay

Pay of re-employed teachers / other officers shall be fixed in terms of instructions of Finance Department dated 19.4.2010 read with instructions dated 01.12.1988 and 08.9.1999 pertaining to reemployed pensioners i.e. the reemployed teachers / other officers will get the last pay drawn minus pension, as remuneration/pay per month.

Terms and Conditions:-

(1) The teachers / other officers reemployed after their retirement in schools / colleges / offices shall be entitled for pay on the following formula:-

- (a) Pay of re-employed teacher / other Officer on the last day of his

retirement on superannuation Rs. $\underline{BP + GP =}$

(b) Less amount of pension
as approved by Accountant
General from time to time. Rs. _____

(c) Pay of teacher / other officer
fixed on re-employment Rs. _____

Example: A Principal of Government Senior Secondary School of winter vacations retired on superannuation on July, 2010, after rendering 29 years of service in Education Department. His pension was approved by the AG office at Rs. 17,300/-per month. He was drawing the basic pay of Rs. 28,000 + Grade pay of Rs. 6600- before his retirement. He was reemployed till the end of running academic session i.e. 31-12-2010. His pay on re-employment will be fixed on the basis of above formula as under:-

(a) Pay of re-employed teacher on
the last day of his retirement
on superannuation Rs. $28000 + GP 6600 = 34,600-PM$

(b) Less amount of pension
as approved by Accountant
General from time to time. Rs. 17,300- PM

(c) Pay of teachers fixed
on re-employment Rs. 17,300-PM

Note: The pay of reemployed pensioner may be so fixed that the same including monthly pension should not exceed the amount of pay which he was drawing immediately before his retirement on superannuation or Rs. 80,000/- whichever is less.

(2) The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay fixed on re-employment meaning there by that a re-employed teacher / other officer shall be entitled for allowance and other benefits as per his pay fixed on re-employment in terms of FD instructions dated 1.12.1988, 8.9.1999 and 19.4.2010 respectively.

(3) He shall not be entitled for any benefit of increment for the period of his re-employment.

(4) The CCS (Leave) Rules, 1972 will not be applicable to the re-employed teachers and other officers. However, they shall be entitled for one casual leave in a month.

(5) The re-employed teachers / other officers shall not be entitled for addition of re-employment period in total number of qualifying service rendered before retirement for the purpose of pensionery benefits.

- (6) The pay of re-employed teacher / other officer shall be drawn against the vacant post which he was holding immediately before retirement.
- (7) The re-employed teacher / other officer shall not be allowed to subscribe towards GPF/CPF after he is re-employed
- (8) The re-employment shall be allowed to only those teachers and other officers (who have been promoted as such amongst teachers) whose work and conduct had been satisfactory in the past and is continued to have the same even after re-employment.
- (9) If the work and conduct is not found satisfactory during the course of re-employment or in case of doubtful integrity of the re-employed teacher / other officer, his services will be liable for termination after affording him due opportunity of being heard by the re-employment authority.
- (10) The re-employment shall be for running academic session only i.e. till 31st December in winter vacation schools and 31st March in summer vacation schools and in colleges and offices on 31st March. In no case re-employment shall be allowed to be continued after the end of running academic session.
Provided that after April,2011 the re-employment in winter vacation schools will also end on 31st March.
- (11) The TA/DA shall be admissible as per pay fixed on re-employment in terms of FD instructions dated 1.12.1988, 8.9.1999 and 19.4.2010 respectively.
- (12) The re-employed teachers and other officers shall have to enter into an agreement in '**Form-B**' with the concerned reemploying authority as defined in this policy.
- (13) The teacher / other officer who is willing for re-employment after her / his superannuation shall be required to give an undertaking in '**Form-C**' with regard to acceptance of terms & conditions of this policy.
- (14) The approval of re-employment shall be given by the re-employing authority under terms and conditions of the policy in '**Form-D**'. The date upto which re-employment is given shall invariably be mentioned in re-employment orders.
- (15) The Education Department shall ensure that while ordering transfers,it may be kept in view that such transfers are not resorted to in order to avail the benefit of re-employment only.
- (16) The powers to make any modification in the policy will vest in the Department of Education at the Govt. level only i.e. Secretary-in-Charge (Education) to the Govt. of Himachal Pradesh.

Form – A

(See condition (ii) of scope of re-employment)

Option for re-employment to be filed before the date of retirement on superannuation.

To

Designation of Re-employing Authority

Sir,

I, _____ presently posted in _____
School / College / Office _____ as _____ am going to retire on
superannuation on _____. As per the Himachal Pradesh policy on re-
employment of Teachers Retiring during the academic session framed for re-
employment of teachers and other officers retired on superannuation; I am
willing to be re-employed in the school / College / Office of my present posting
after my retirement on superannuation till the end of current academic session
ending on-----or on 31st March (in case of college / other officer). I
hereby file my option for information and necessary action.

Name _____
Designation _____
Name of School / College / Office

Form-B

(See condition 12)

Form of agreement to be executed between -----
----- (Name of the re-employed) and the Government of Himachal Pradesh,
through re-employing authority as defined in the policy----- This
agreement is made on this _____ day of _____ in the
year _____ between Sh. _____ which served the ---
----- School / College / Office ----- as -----
before his / her retirement on superannuation, the re-employee (here-in-after called
the first Party), and the Governor Himachal Pradesh, through re-employing authority
designated as ----- (here-in-after called the Second Party) Whereas, the
second party has re-employed the aforesaid first party after his / her retirement on
superannuation in H.P. Education Department and first party has agreed to accept the
offer of re-employment on the following terms and conditions:-

(1) The first party shall serve after his / her retirement on superannuation, the
School / College / Office of the second party _____ which She / he served
before retirement from the date of re-employment commencing on day of
_____ till the end of current academic session ending on-----.
It is specifically mentioned and agreed upon by both the parties that the agreement of
the first party with second party will be till the end of current academic session subject
to satisfaction of terms and conditions of Policy and this agreement.

(2) The first party shall be entitled for monthly remuneration in lieu of services to
be rendered in education department i.e. the second party on the following formula:-

- | | |
|---|---------------------|
| (a) Pay on the last day of
retirement on superannuation | Rs. <u>BP +GP</u> = |
| (b) Less amount of pension
as approved by Accountant
General from time to time. | Rs. _____ |
| © Pay fixed on re-employment | Rs. _____ |

(3) The re-employment of first party in the School / College / Office of second party
till the end of current academic session shall remain in vogue subject to abiding by the
terms and conditions of policy and agreement entered into. In case of non adherence
of terms and conditions of policy and agreement such re-employment would be liable
for termination before the end of current academic session.

(4) The first party shall be entitled for various allowances and other benefits as per
monthly remuneration payable under condition number 1 of the policy on

re-employment. It shall not be entitled for any incremental benefit for the period of re-employment.

(5) The CCS (Leave) Rules, 1972 shall not be applicable to the first party. However, she/he shall be entitled for one casual leave in a month. He/she shall also not be entitled for addition of re-employment period in total number years of qualifying service rendered before retirement for the purpose of pensionary benefits.

(6) The first party shall not be allowed to subscribe towards GPF/CPF after it is re-employed. The re-employment of first party shall be for current academic session only i.e. till 31st December in winter vacation schools and 31st March in summer vacation schools and in colleges and offices on 31st March. In no case re-employment shall be allowed to be continued after the end of running academic session.

Provided that after April,2011 the re-employment in winter vacation schools will also end on 31st March.

(7) If in process of fixation of pay any overpayment is detected at a later stage, the excess amount shall be recovered from the dues which are to be paid to the official concerned. I undertake to pay any over payment made to me

IN WITNESSES the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first above written.

IN THE PRESENCE OF WITNESS :-

1. _____

(Name and full address)

2. _____

(Name and full address)

Signature of the first party.

IN THE PRESENCE OF WITNESS:-

1. _____

(Name and full address)

2. _____

(Name and full address)

Signature of the second party.

Form-C
(See condition 13)

Undertaking to be given before re-employment

To

Designation of Re-employing Authority

Sir,

I _____ am going to retire on superannuation on _____ from _____ school / college / office _____. As per re-employment policy of Govt. I am willing to be re-employed after my retirement on superannuation till the end of current academic session and I have also filed a written option to this effect with the prescribed authority. I have carefully gone through the terms & conditions of the policy “The Himachal Pradesh Policy on Re-Employment of Teachers retiring during the academic session”. I declare that all the terms & conditions of the policy are acceptable to me. I shall abide by all the terms & conditions of the policy and in case of non adherence of the terms & conditions of policy, the authority competent may take necessary action against me in terms of policy as the same deems fit.

Name _____
Designation _____
Name of School/college/office _____

Form-D

(See condition 14)

Approval of re-employment

The undersigned in exercise of powers conferred vide condition under the caption “power to re-employ” of the Himachal Pradesh Policy on Re-Employment of teachers retiring during the academic session framed by the Government for the purpose, reemploy Shri / Smt.-----to the post of -----which he/she was holding immediately before retirement in-----School / college / office till the current academic session which is ending on -----(the date upto which re-employment is given be mentioned). During his / her reemployment she/he will remain subject to terms and conditions of aforesaid policy and agreement to be entered into by her/him with re-employing authority immediately on re-employment. The re-employment is strictly till the date as mentioned above and in no case re-employment shall be continued beyond this date.

**Reemploying Authority
With designation and address**

Date:

Place:

