

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No. 26702 of 2014
Date of Decision: 26.04.2017**

Sukhwinder Kaur

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. K. Girdhar, Advocate
for the petitioner.

Mr. L. S. Virk, Addl. A.G., Punjab.

Mr. P. S. Thiara, Advocate
for respondent No. 3.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks issuance of a writ, order or direction specially in the nature of Mandamus directing the respondents to grant the pay scale of Lab Attendant to her along with all consequential benefits.

It is contended that the petitioner has passed B. A. examination held in April, 1988. The State Government framed Service and Conduct Rules for Non-Teaching Staff which relates to Non-Govt. affiliated Colleges. In 1984, the Government revised the pay scales and redesignated certain posts and the post of Laboratory Bearer/Attendant in the pay scale of Rs. 100-160 was redesignated as Laboratory Attendant in the revised pay scale of Rs. 400-600 w.e.f. 01.04.1984.

In 1991, the petitioner was appointed as Laboratory Attendant in Guru Nanak College for Girls, Muktsar in the pay sclae of Rs. 950-1800 with all admissible allowances. After the expiry of 06 months, another

appointment letter was issued but this time instead of mentioning Lab. Attendant, the name of the post of was mentioned as Lab. Attendant/Lab. Bearer in the pay scale of Rs. 950-1800. Another appointment letter dated 25.07.1995 was issued to the petitioner stating therein that the petitioner is appointed as Lab. Bearer in the pay scale of Rs. 810-1440. Subsequently, the services of the petitioner were confirmed w.e.f. 07.03.1994, vide letter dated 07.01.2000. Since the petitioner has initially been appointed as Lab. Attendant, she sent a representation to respondent No. 2 for converting the nomenclature of her post of Lab. Bearer to Lab. Attendant which came to be rejected. The College-respondent No. 3 too submitted a number of representations for assigning the requisite designation and granting the pay scale of Lab. Attendant to the petitioner but the same has been declined without assigning any reason. Aggrieved, the instant writ petition has been filed.

Learned counsel appearing on behalf of the petitioner argues that the initial letter of appointment dated 05.09.1991, issued by the Principal, Guru Nanak College for Girls, Muktsar shows that the petitioner was appointed as Lab. Attendant in the College in the pay scale of Rs. 950-1800 with all admissible allowances. It is only appointment letter dated 07.03.1992 that the petitioner came to be appointed as Lab. Attendant/Lab. Bearer in the College in the pay scale of Rs. 950-1800 and subsequently in 1992, she was shown as appointed as Lab. Bearer. It is pointed out that the services of the petitioner are governed under Chapter IX of the Service and Conduct Rules for Non-Teaching Staff of Non-Govt. Affiliated Colleges. Initially, the post held by the petitioner was reflected at Sr. No. 5 in Rule 11 in Chapter IX as Laboratory Bearer/Attendant which was redesignated in

1984 to be a Laboratory Attendant and, therefore, once the nomenclature has changed, the petitioner is entitled to be designated as Laboratory Attendant.

Per contra, learned counsel appearing on behalf of the respondents are not in a position to deny the fact that the post of Lab. Bearer was redesignated as Lab. Attendant w.e.f. 01.04.1984 by Govt. Notification No. 6/1-84 Grant 2(3) dated 19.06.1984.

Even otherwise, the very initial appointment of the petitioner was as a Lab. Attendant. On account of a discrepancy which has crept in, the petitioner cannot be held to be holding a designation of Lab. Bearer specially when no such designation exists as on date.

Therefore, in view of the above, when the petitioner was appointed on the post of Lab. Attendant and has continued to work on that post, merely on account of a mistake that has crept in, the designation of the petitioner will not be changed. It has to be in consonance with the notification that came into effect in 1984. Therefore, it is held that the petitioner, who was appointed as Lab. Attendant, would continue to hold the designation of a Lab. Attendant and not that of a Lab. Bearer especially when no such designation exists as on date.

Consequently, the above noted writ petition is allowed and the petitioner is held entitled to all the consequential benefits that would flow from the said designation.

April 26, 2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No