

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.23270 of 2022 (O&M)
Date of Order:09.05.2023

Shaminder Singh and others

Versus

.Petitioners

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.K.Brinda, Advocate, for the petitioner.
Mr. Vishnav Gandhi, DAG, Punjab.
Mr. Jaideep Verma, Advocate, for respondent no.5 to 8
Mr. Balram Singh, Advocate, for respondent no.9.

ANIL KSHETARPAL, J (Oral)

C.M.No.4987 of 2023

1. Allowed as prayed for.
2. Annexures P-9 to P-11 are taken on record.

MAIN

3. There are as many as four petitioners, who have filed a joint petition to seek quashing of order dated 06.10.2022 (Annexure P-8) passed by the Director of Public Instructions (Colleges), Punjab, on 30.09.2022.
4. The facts, in brief, are required to be noticed in order to comprehend the controversy involved in the present case.
5. The respondent-State has compiled the information of the petitioners in the following manner:-

Name of petitioner	Name of original post and duty	Name of post against which adjusted and duty
Shaminder Singh	Peon-movements of files/dak/cleaning tables etc.	Daftari-Sorting of Dak received and dispatch, stamping of dispatch etc.

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Ravinderpal Singh	Baildar-maintenance of playground	Lab Attendant-Assisting the laboratory staff
Sarabjit Singh	Chowkidar-Security of the College premises	Lab Attendant-Assisting the laboratory staff.
Harpreet Singh	Sweeper-Sweeping and cleaning the premises	Peon- movements of files/dak, cleaning of tables etc.

6. The bone of contention between the parties pertains to the order passed by the Principal, who had appointed petitioner no.1-Sh. Shaminder Singh (Peon) as Daftri, petitioner no.2-Sh.Ravinder Pal Singh (Baildar) as Lab Attendant, petitioner no.3-Sh. Sarabjit Singh (Chowkidar) as Lab Attendant and petitioner no.4-Sh. Harpreet Singh (Sweeper) as Peon.

7. The respondent-State claims that the pay scales of Daftri and Lab Attendants are different from the post of peon, sweeper, chowkidar and Baildar.

8. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

9. The learned counsel representing the petitioner while referring to Rule 3 and 12 of the Punjab State (Class-IV) Service Rules, 1963 submits that the Principal being the Head of the Office is competent to transfer the employee from one post to the other. He submits that the pay scales of all the posts are same and their postings are interchangeably done since 2013.

10. On the other hand, the learned counsel representing the State submits that the job profile of the aforementioned posts is entirely different and if such posting are permitted, it would lead to complications in running the administration.

11. This court has analyzed the arguments of the learned counsels

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representing the petitioners.

12. It is the case of the petitioners that the various posts in dispute are interchangeable and the pay scale is same for all the jobs. In such circumstances, the petitioners have not suffered any loss as they have been reverted to their original posts.

13. As regards the argument of the learned counsel representing the petitioners that only the Principal has the power to order posting of an employee, in that regard, the Director, Public Instructions being a superior authority is required to overlook the difficulties which the department would have to face if a particular order is permitted to operate/be in effect.

14. No doubt, the power of posting a Class-IV employee vests with the Principal, however, a superior/higher officer has the power to rectify the errors while exercising his powers so that balance of interest is maintained.

15. In the peculiar facts of the case, this court does not find it appropriate to interfere.

16. Hence, dismissed.

17. All the pending miscellaneous applications, if any, are also disposed of.

May 09, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO