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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 23.01.2024***+ **W.P.(C) 614/2017 AND CM APPL. 38045/2019 (Delay 153 days in filing Affidavit by Petr.)****DISTRICT & SESSIONS COURT EMPLOYEES WELFARE ASSOCIATION (REGD) AND ORS** PetitionersThrough: **Mr. Harpreet Singh, Advocate**
(*through video conferencing*).

versus

UNION OF INDIA AND ORS

..... Respondents

Through: **Mr. Bhagwan Swaroop Shukla,**
CGSC for R-1.**Ms. Harshita Nathrani, Advocate for**
Mr. Samveer Vashisht, ASC (Civil)
GNCTD/R-2.**Ms. Vibha Mahajan Seth, Advocate**
for R-3 (*through video conferencing*).**Mr. Naushad Ahmed Khan and Ms.**
Supriya Mallik, Advocates for R-4.**CORAM:****HON'BLE MS. JUSTICE REKHA PALLI****HON'BLE MR. JUSTICE RAJNISH BHATNAGAR****REKHA PALLI, J (ORAL)**

1. The present writ petition under Article 226 read with Article 227 of the Constitution of India preferred by the petitioners, i.e the District & Sessions Court Employees Welfare Association, seeks the following reliefs:

“i. Issue writ of certiorari setting aside/ amending the Hierarchy chart of Schedule -B and table of Schedule-A of Delhi District Court Establishment (Appointment and Condition of Service Rules, 2012) so far as these relates to the post of Senior Assistant/Reader Grade-1 and putting them in



the revised pay scale of Rs. 10000-15200 w.e.f 01.01.1996 equivalent to the Court Master and granting all consequential benefits thereof.

ii. Issue writ or directions to respondent No 3 & 4 to grant benefit of the order dated 29.10.2016 to the Petitioners sanctioning pay scale of Rs.10000-15200 to Senior Assistants/Reader Grade-I w.e.f 01.01.1996 and all consequential benefits with interest at the rate of 9% per annum from 01.01.1996.

iii. Issue writ or direction to respondents to re designate the post of Senior Assistants/Reader Grade-I as Court Master, in Ahlamd as Junior Judicial Assistant, UDC/Reader Grade-III as Judicial Assistant, Assistant/Reader Grade-II as Senior Judicial Assistant.

iv. Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. At the very outset, learned counsel for the petitioners submits that in so far as prayers (i) and (ii) are concerned, the same stand satisfied and, therefore, he will confine his submissions to prayer (iii), vide which the petitioner has sought re-designation of the post of Senior Assistants/Reader Grade I to that of a Court Master.

3. Learned counsel for the petitioners submits that the petitioners have been working as Senior Assistants/Reader Grade I, which post has now been re-designated as Senior Judicial Assistant. Further their pay scale has been upgraded by brining it at par with that of the Court Masters. He submits that now that the pay scale of the petitioners is at par with that of the Court Masters, their designation ought to be also changed to that of Court Master.

4. Learned counsel for the respondent no. 3 vehemently disputing opposes this prayer and submits merely because the petitioners have



been granted pay scale at par with that of the Court Masters, the petitioners cannot seek re-designation of their post as the Court Masters. She further submits that no employee has a right to seek any particular designation and it is the prerogative of the employer to decide the designation for a particular job profile. She, therefore, prays that this prayer of the petitioners for re-designation of their post be rejected.

5. Having considered the submissions of learned counsel for the parties, we are inclined to agree with the learned counsel for the respondent no.3 that merely because the pay scale of the petitioners now stands enhanced to that of the Court Master, this in itself would not be a ground to direct the respondents to re-designate the petitioners as Court Masters. Except for urging that their pay scale is now same as that of Court Master, the petitioners have not even set up a case as to why they should be designated as Court Masters.

6. Even otherwise, the nomenclature to be given to any post is an administrative decision, which is required to be taken by the employer after taking into account the job profile of the post and other relevant factors. The Court in exercise of its writ jurisdiction cannot direct an employer to allocate any particular nomenclature to a post. Merely because two posts are placed in the same pay scale, does not imply that they must be designated with the same nomenclature. We are, therefore, of the view that the petitioners' plea for re-designation of that of a Court Master is wholly misconceived and is liable to be rejected.



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7. As noted hereinabove, prayer (i) and (ii) already stand satisfied and therefore, the writ petition in so far as relates to prayer no. (iii) is dismissed alongwith the pending application.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 23, 2024

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