



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No. 5839 of 2020
along with CWPOA Nos. 987,
648, 3748 and 977 of 2020.

Reserved on : 28th May, 2025.

Decided on : 4th June, 2025.

1. CWPOA No. 5839 of 2020.

Narain Singh **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

2. CWP No. 987 of 2020.

Mohinder Singh **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

3. CWP No. 648 of 2020.

Mast Ram Thakur **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

4. CWP No. 3748 of 2020.

Krishan Singh **...Petitioner.**

Versus

State of H.P. & Ors. **....Respondents.**

5. CWP No. 977 of 2020.

Rajender Kumar **...Petitioner.**



Versus

State of H.P. & Ors.

....**Respondents.**

Coram:

The Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?¹ No.

For the Petitioner(s):

Mr. V.B. Verma, Advocate.

For the respondents:

Mr. Gautam Sood and Mr. Hemant K. Verma, Dy. A.Gs. for respondents No.1 and 2.

Mr. Yudhvair Singh Thakur, Advocate, for respondent No.3.

Satyen Vaidya, Judge.

All these petitions have been heard and are being decided together as common questions of facts and law are involved.

2. Maharaja Lakshman Sen Memorial College, Sundernagar, District Mandi (for short "MLSM College") is a privately managed educational institution. MLSM College is receiving grant-in-aid to the extent of 95% from the State Government since 18.03.1986. The said college is affiliated with Himachal Pradesh University.

3. Petitioners were appointed as Laboratory Bearers in the MLSM College, initially on consolidated salary.

¹ Whether reporters of the local papers may be allowed to see the judgment?



However, later their services were regularized in the pay scale of Rs.750-1350.

4. The colleges managed by the State Government did not have category of Laboratory Bearers. In the Government run colleges the category is of Lab Attendants (under matric) in the pay scale of Rs.810-1440 and Lab Attendants (matriculate) in the pay scale of Rs.950-1800.

5. Petitioners came up with a demand that since the government run colleges did not have the category of Lab Bearers, the category of petitioners be also designated as Lab Attendants and since all the petitioner are matriculate, they be paid the pay scale of Rs.950-1800 from the date of their initial appointment.

6. Petitioners raised their demand to the management of the MLSM College. The managing committee of the College agreed to convert the designation of petitioners from Lab Bearers to Lab Attendants vide its decision dated 08.08.2001. Further, on 16.07.2011 the departmental promotional committee of MLSM College, in its meeting dated 16.07.2011 also approved the redesignation of the post of Lab Bearers as Lab Attendant. The Principal of the College vide communication dated 23.07.2011 solicited the approval of the 2nd respondent to the decision of the College



to grant the revised pay scale of Rs.950-1800 to the petitioners.

7. Thereafter, the MLSM College is stated to have repeatedly corresponded with the 2nd respondent on 27.01.2012, 20.07.2012, 07.08.2012, 31.08.2012, 21.10.2012 and 13.10.2016 on the subject of grant of revised pay scale of Rs.950-1800 to the petitioners.

8. Respondents No.1 and 2 allegedly did not take any decision in the matter.

9. Petitioners are also seeking parity with the similarly situated persons. According to them, the Lab Bearers in MCM DAV College, Kangra were also identically situated as petitioners. The management of the said college processed their case for redesignation as Lab Attendant and respondent No.2 had granted the requisite approval on 19.05.1993. Thereafter, the Lab Bearers are redesignated as Lab Attendants in MCM DAV College and are being paid revised pay scale of Rs.950-1800. The grant-in-aid is being accordingly received by the said college from respondents No.1 and 2.

10. I have heard learned counsel for the parties and have also gone through the entire record carefully.



11. The documents placed on the file substantiates the factual aspect of the matter raised by the petitioners. Resolutions dated 28.08.2001 and 16.07.2011 of the management committee and departmental promotional committee of the MLSM College respectively, coupled with the admissions made in their reply by the respondents, clearly establish the following facts:- (i) the petitioners were initially appointed as Lab Bearers.; (ii) on their demand the MLSM College redesignated them as Lab Attendants; (iii) the college also took a decision to grant them the revised pay scale of Rs.950-1800 and; (iv) MLSM College repeatedly corresponded with the 2nd respondent w.e.f. 23.07.2011 till 13.10.2016 and sought approval on the decision of the college to redesignate the petitioners as Lab Attendants in the pay scale of Rs.950-1800.

12. Admittedly, the official respondents have not accorded any approval to the decision of MLSM College. Noticeably, their case has not even been rejected. The fact of the matter is that all the correspondence on the subject from MLSM College addressed to the 2nd respondent has remained unattended and unanswered.

13. It is also worth noticing that the claim of the petitioners is based upon the facts, firstly, that the post of Lab



Bearers did not exist in Government Colleges and secondly, the 2nd respondent had approved the proposal of MCM DAV College, Kangra to redesignate its Lab Bearers as Lab Attendants and to grant them the pay scale of Rs.950-1800.

14. In their reply submitted by respondents No.1 and 2, the payment of grant-in-aid to the MLSM College is not denied. However, the stand of respondent is that the grant-in-aid is paid to the college and not to the staff. They have also raised the grievance that the petitioners had not submitted any representations to the official respondents directly. A reference has been made to inspection note dated 13.11.2007 to state that in MLSM College there were already existing four posts of Lab Attendants and thus their being no vacancy, none of the petitioners could be considered against such post.

15. Thus, it is clearly evident that except for avoidance in answering the claim of the petitioners, the official respondents have not considered the matter in the right perspective and that is why no final decision has been taken till date.

16. In light of above discussion, petitions are allowed to the extent that respondents No.1 and 2 are directed to consider the case of the petitioners as forwarded by MLSM



College and decide the same within eight weeks from the date of passing of this judgment by passing a detailed and reasoned order after taking into consideration the observations made hereinabove. Petitions are accordingly disposed of, so also the pending applications, if any.

17. List for compliance on 5.8.2025

(Satyen Vaidya)
Judge

4th June, 2025.
(jai)