



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

\*\*\*\*

**861 (5 cases)**

**CWP-3918-2015**

**Date of Decision: 26.08.2025**

KHERA SINGH AND ANR.

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

And

<b>Sr. No.</b>	<b>Case No.</b>	<b>Petitioner(s)</b>	<b>Respondent(s)</b>
2.	CWP-20647-2014	Satnam Singh and Anr.	State of Punjab and Others
3.	CWP-5954-2015	PHC Piara Singh and Ors.	State of Punjab and Others
4.	CWP-22542-2015	Buta ram and Ors.	State of Punjab and Others
5.	CWP-10542-2016	Anil Kumar and Ors.	State of Punjab and Others

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- None for the petitioner(s)

Mr. Aman Dhir, Deputy Advocate General, Punjab

\*\*\*

**JAGMOHAN BANSAL, J. (ORAL)**

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-3918-2015**.

2. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking direction to respondent to

grant pay scale of Rs.1200-2100 w.e.f. 01.01.1986. They are further seeking direction to respondent to grant compensatory allowance, special allowance for work beyond the normal duty hours, extra pay for handling cash disbursement at par with Clerks and Assistants and cycle allowance @ Rs.120 per month.

3. The petitioners through instant petition are seeking revision of pay scale w.e.f. 01.01.1986 besides many allowances. From the perusal of reply, it is evident that State Government time to time has implemented recommendations of Pay Commission. The recommendations of 3rd, 4th and 5th Pay Commission stand implemented. As per reply, pay scales of police officials are not less than employees of Civilian Department.

4. No employee can claim that he should be extended a particular pay scale. It is discretion of the Government to determine pay scale. If there is discrimination between similarly situated employees, an employee getting lower pay scale may raise grievance, however, he cannot claim that he should be given higher pay scale or pay scale should be fixed in a particular manner.

5. Relying upon its earlier judgment in “*State of Madhya Pradesh v. Ramesh Chandra Bajpai*”, (2009) 13 SCC 635, a two Judge Bench of Supreme Court in “*State of Madhya Pradesh Through Principal Secretary & Ors. vs. Seema Sharma*”, (2023) 14 SCC 376 has held that doctrine of equal pay for equal work could only be invoked when the employees were similarly circumstanced in every way. Mere

similarity of designation or quantum of work was not determinative of equality in the matter of pay scales. The fixation of scales of pay is a matter of policy, with which the Courts can only interfere in exceptional cases where there is discrimination between two sets of employees appointed by the same authority, in the same manner, where the eligibility criteria is the same and the duties are identical in every aspect.

6. In *'Hukam Chand Gupta vs. Director General, Indian Council of Agricultural Research and others'*, (2012) 12 SCC 666 the Supreme Court has held that the prescription of two different pay scales would not violate the principal of equal pay for equal pay. Such action would not be arbitrary or violate Articles 14, 16 and 39-D of the Constitution of India. It is for the employer to categorize the posts and to prescribe the duties of each post. There cannot be any straightjacket formula for holding that two posts having the same nomenclature would have to be given the same pay scale.

7. Prescription of pay scales for particular posts is a very complex exercise. It requires assessment of the nature and quality of the duties performed and the responsibilities shouldered by the incumbents on different posts. Even though the two posts may be referred to by the same name, it would not lead to the necessary inference that the posts are identical in every manner. These are matters to be assessed by expert bodies like the employer or the Pay Commission.

8. In the premise of above facts and circumstance, the instant petitions deserve to be dismissed.

9. As there is no representation of petitioners, the instant petitions are dismissed with liberty to petitioners to move an appropriate application within a period of six months, if cause survives.

10. Pending application(s), if any stands disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**26.08.2025**  
*Deepak DPA*

Whether Speaking/reasoned: Yes/No  
Whether Reportable: Yes/No