



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.206

CWP-870-2001 (O&M)

Date of Decision: 02.09.2025

Rohtash Sharma

.... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

There is no representation on behalf of the petitioner. On the last date of hearing also, none appeared on his behalf.

2. The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant the petitioner pay scale of ₹2550-3200 prescribed for the post of Peon by the State Government.

3. As per averments in the petition, the petitioner was appointed as Peon in an aided College under the third respondent/Management on *ad hoc* basis on 11.07.1990, and his services were terminated on 05.09.1991. Pursuant to passing of an award dated 01.10.1996, he was allowed to rejoin on 21.03.1997 and was being paid minimum wages as notified under the Minimum Wages Act, 1948.

4. As per written statement filed on behalf of the third respondent, the petitioner had been appointed on a consolidated pay of ₹800 per month vide appointment letter dated 11.07.1990, Annexure R-3/1, which was being paid out of amalgamated fund of the College. His appointment was not in



accordance with the rules. No advertisement was issued for inviting applications for the post prior to his appointment. Accordingly, the Principle of 'equal pay for equal work' will not be applicable in his case, nor can he be held entitled to payment of salary in the pay scale meant for the regularly selected and appointed Peons by the Government. Besides, he had not been appointed on a sanctioned post.

5. These facts have not been disputed by the petitioner by filing any counter-affidavit.

6. In view of the admitted position on record, it is apparent that the petitioner had not been appointed on a sanctioned post, nor was the due process for selection followed. His appointment was only on a consolidated salary, as reflected in the appointment letter dated 11.07.1990. Accordingly, he cannot be held entitled to payment of regular scale of pay.

7. In view thereof, there is no ground to entertain the petition and it stands dismissed.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

02.09.2025
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No