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

Reserved on : 07th May, 2025

Date of Pronouncement: 28th May, 2025

1. **LPA No.2075 of 2024 (O&M)**

State of Haryana and another

...

Appellants

Versus

Ramphal Singh and others

...

Respondents
2. **LPA No.2172 of 2024 (O&M)**

State of Haryana and others

...

Appellants

Versus

Pritam Singh and others

...

Respondents
3. **LPA No.2201 of 2024 (O&M)**

State of Haryana and others

...

Appellants

Versus

Prem Kumar Bajaj

...

Respondent
4. **LPA No.2338 of 2024 (O&M)**

State of Haryana and others

...

Appellants

Versus

Baljeet Singh

...

Respondent
5. **LPA No.2895 of 2024 (O&M)**

State of Haryana and others

...

Appellants

Versus

Subhash Chander and others

...

Respondents
6. **LPA No.3295 of 2024 (O&M)**

State of Haryana and others

...

Appellants

Versus

Rajbir Singh Kuhar and others

...

Respondents
7. **LPA No.3367 of 2024 (O&M)**

State of Haryana and another

...

Appellants

Versus

Satpal Singh

...

Respondent

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**8. LPA No.84 of 2025 (O&M)**

State of Haryana and others ... Appellants
Versus
Ashok Kumar and others ... Respondents

9. LPA No.129 of 2025 (O&M)

State of Haryana and others ... Appellants
Versus
Ashwani Sehgal ... Respondent

10. LPA No.146 of 2025 (O&M)

State of Haryana and others ... Appellants
Versus
Jaimal Singh and others ... Respondents

11. LPA No.382 of 2025 (O&M)

State of Haryana and another ... Appellants
Versus
Ram Niwas ... Respondent

12. LPA No.1531 of 2025 (O&M) Reserved on : 21st May, 2025

State of Haryana and others ... Appellants
Versus
Birender Singh @ Virender Singh and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present Mr. Vivek Chauhan, Additional Advocate General, Haryana,
for the appellants in LPA No. 1531 of 2025.

Ms. Shruti Jain Goyal, Senior Deputy Advocate General,
Haryana, for the appellants in other cases.

Mr. Harsh Vardhan Shehrawat, Advocate, for respondent no.1-
Caveator in LPA No. 1531 of 2025.

Mr. D.S. Patwalia, Senior Advocate assisted by
Mr. A.S. Chadha, Advocate, for the respondents
(in LPAs No.2075, 2895/2024 and LPAs No.146 & 84/2025).

Mr. Harsh Vardhan Shehrawat, Advocate and
Mr. Ravi Singh, Advocate, for the respondents
(in LPAs No. 129 and 84 of 2025).

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Mr. S.K. Sharma, Advocate and
Mr. Rajat Sharma, Advocate for respondent No.4
(in LPA No.2172 of 2024).

Mr. S.S. Grewal, Advocate for the respondent(s)
(in LPA No.2338 of 2024).

Mr. Rakesh Sobti, Advocate for respondent No.1
(in LPA No.2201 of 2024) and
for respondent No.1 (in LPA No.2172 of 2024).

SANJEEV PRAKASH SHARMA, J.

Challenge in the present appeals by the State of Haryana is to the judgment dated 16.02.2024 passed in CWP No. 6452 of 1993 **Ramphal and others vs State of Haryana and others**, whereby the learned Single Judge allowed the bunch of writ petitions filed by the present respondents. In LPA No. 1531 of 2025 challenge is to the judgment dated 14.08.2024 passed in CWP No. 19748 of 2024, which was also allowed by the learned Single Judge in terms of **Ramphal**'s case (supra).

2. Brief facts are being taken from CWP No. 6452 of 1993. The petitioners therein stated that they were working as General Foundation Course Instructors (hereinafter to be referred as 'GFC Instructors') in different Government Vocational Education Institutes (hereinafter to be referred as 'VEIs') in the State of Haryana. Some of them were appointed in 1983 while some have been appointed in 1986, 1988 and 1992. They all possess educational qualifications of M.A. in Sociology or Economics and some of them have passed M.Phil and B.Ed. examination also. They were teaching different subjects of +2 system, which was adopted as part of syllabus for students of Vocational Education Institutions in the State of

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Haryana. The syllabus has been approved by the National Council of Educational Research and Training (NCERT) and the standard is of Government Vocational Educational Institutions of 12th Class is equivalent to 10+2 course of the Haryana School Education Board.

3. The annual examination of students of +2 Vocational Education Scheme was conducted by the State Council for Vocational Education Haryana and was recognized by the Maharishi Dayanand University, Rohtak, as equivalent to +2 stage of patron of education for the purpose of admission to the graduation courses with effect from 1987-88. Vide order dated 16.01.1990, the Governor of Haryana passed the order that the annual examination of the students of 10+2 classes studying in various vocational educational institutions under the +2 Scheme of vocational education would henceforth be conducted by the Haryana School Education Board instead of Department of Industrial Training and Vocational Education, Haryana and certificates were also be issued by the said Board. Upon closure of the Vocational Education Scheme in 2007, the existing staff of 31 vocational institutes was transferred to the Department of Secondary Education; however, they were kept in a separate pay scale and separate cadre. Some of the vocational educational instructors were transferred to the Technical Education Department while few of them were retained in the Industrial Training and Vocational Education Department.

4. The petitioners preferred a writ petition claiming that their job requirement were similar to that of Lecturers (School Cadre) working in the senior secondary schools in the Education Department. It is because the syllabus being taught by the VEIs and the Lecturers (School Cadre) was

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approved by the NCERT, but the petitioners, who were VEIs, had been discriminated in the matter of pay-scales. While the VEIs were placed in the pay-scale of ₹ 1400-2600 and the Lecturers were given the higher pay-scale of ₹ 2000-3500. The writ petitioners further pointed out that their pay scale was placed equivalent to the Masters/ JBT Teachers, who were teaching classes to Matric/ Primary standard. The writ petitions were, therefore, filed before the learned Single Judge claiming parity of pay-scale.

5. As per the additional facts brought on record, the State Government has, principally agreed to change the nomenclature of vocational teachers/ GFC Instructors to the name of Vocational/ GFC Lecturers on the conditions that they shall not demand higher pay-scale. Vide letter dated 06.07.2009, a tentative joint seniority list, including the petitioners (GFC Instructors), as well as English and Hindi Language Teachers and employees from other trades, was prepared. Vide notification dated 11.06.2008, 68 VEIs were transferred to different Government Departments including Education Department and Technical Education Department. In 2017, the designation of Vocational/GFC Instructors was changed to Employability Skills Instructor.

6. The appellants have contested the claim and submitted that there was no basis for the petitioners to claim parity in pay scales with employees who were transferred to the different departments with the Lecturers (School Cadre) working in the Education Department. It was further submitted that qualifications for two posts were different while Lecturers (School Cadre) were required to possess post-graduation

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qualification of M.A./M.Sc. /M.Com. Group-B Instructors were required to have M.A. Sociology or Economics with Hindi upto Matric.

7. Learned Single Judge took into consideration the judgment passed in CWP No. 10269 of 2010 **Makhan Singh and others vs State of Haryana and another**, decided on 23.09.2015 and noticed that this Court had granted VEIs same pay-scale as admissible to Lecturers (School Cadre). When the scheme was terminated, VEIs were categorized as Vocational Education Instructors, GFC Instructors, Language Teachers Hindi and English. A joint seniority list was also published on 06.07.2009 of the GFC Instructors and the Language Teachers and, therefore, it held that the pay scale was also required to be similar for both of Vocational Education Instructors and the Lecturers (School Cadre).

8. We also notice that the learned Single Judge has taken into consideration the judgment of this Court in **Ram Chander and others vs State of Haryana and another** 1993 (1) RSJ 648, wherein it was held that the Language Teachers and GFC Instructors working in the Government Vocational Education Institutes were entitled to the same pay-scale as admissible to Lecturers in senior secondary schools in the State of Haryana. The GFC Instructors did not press the said petition and it was dismissed qua them. Learned State counsel, therefore, submitted that there is difference in qualification of posts held by the petitioners with that of Lecturers (School Cadre) and pay parity can, therefore, not be admissible.

9. We notice that this Court in **Makhan Singh's** case (supra), made the following observations:-

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“On perusal of the aforesaid, I am of the view that the stand of the respondents cannot be sustained in the eyes of law for the simple reason that the petitioners were designated as Lecturers and had similar qualification as the ones possessed by the Lecturers in the School Education Department. The petitioners having been absorbed in the Education Department would be entitled to similar treatment in matters of pay particularly when there is no distinction between the functions being discharged by both the sets of employees. It has been stated that the petitioners are teaching higher classes of 11th and 12th whereas Lecturers in Education Department were teaching classes 9th to 12th.”

10. The said judgment was upheld by Hon’ble the Supreme Court and complied with by the appellants giving the pay scale to the concerned writ petitioners as admissible to the Lecturers (School Cadre). The learned Single Judge found that the case of the petitioners cannot be distinguished from that of **Ram Chander**’s case (supra) and applied principle of equal pay for equal work. The learned Single Judge, therefore, did not accept the contention of learned counsel for the appellant that the case would not fall within the four corners of **Makhan Singh**’s and **Ram Chander**’s cases (supra). The writ petitions were, accordingly, allowed and learned Single Judge held the petitioner to be entitled for grant of pay scales as admissible to Lecturers (School Cadre) in the School Education Department with effect from 16.01.1999.

11. In appeal, learned State counsel has vehemently argued that the grant of pay scales to the Vocational Education Instructors was wrongful. The learned Single Judge has wrongly relied on **Makhan Singh**’s case

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(supra) as the petitioners in **Makhan Singh's** and **Ram Chander's** (cases) were working as Instructors in the Vocational Education Institution and had been adjusted in the Education Department, while some were adjusted in Technical Education Department. Since Makhan Singh and another were transferred to School Education Department, there case was not similar to the case of the petitioner. It was, therefore, submitted that the writ petitioners were not entitled to draw the same pay of the post which they were drawing in Industrial Training and Vocational Education Department and not that which was granted to **Makhan Singh and others**, who have been transferred to the Education Department.

12. The main issue which needs to be decided whether those Vocational Education Instructors who continued to remain in Industrial Training Department would be entitled to the same pay scale as has been given to their counterparts who were transferred to the School Education Department. In the opinion of this Court, transferring of some of the Vocational Education Instructors to the Technical Education Department or to the State Education Department is a fortuitous circumstance and on the basis similarly placed persons cannot be denied similar pay scale. Once it has come on record that the educational qualifications as well as teaching pattern of the petitioners is not different from the pattern of education being provided by the erstwhile VEIs designated as School Lecturers.

13. We notice that the work being performed is of teaching classes upto +2 and the vocational instructors who continued in vocational institutions have now been also designated as Lecturers (school cadre).

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14. An affidavit has been filed by Additional Director (Tech.) Skill Development & Industrial Training Department, Haryana, wherein the qualifications of the writ petitioners and the school Lecturers as per applicable statutory service rules has been placed in a tabulated form. It would be apposite to quote the same:-

	<i>Respondents</i>	<i>School Lecturers</i>
<i>Initially Applicable Rules</i>	<i>Haryana Industrial Training and Vocational Education (Field Offices) Group-C, 1998</i>	<i>The Haryana State Education School Cadre (Group-C) Service Rules, 1998</i>
<i>Prescribed Qualification</i>	<i>As Group Foundation Course Instructors in Vocational Education Institutes (i) Post Graduation Degree in Economics/ Agriculture Economics/ Extension Service Environment Science / Commerce from a recognized university. (ii) Knowledge of Hindi upto matric standard.</i>	<i>(i) M.A. in relevant subject with atleast 50% marks from recognized university; AND (ii) Knowledge of Hindi upto matric standard.</i>
<i>Now Applicable Rules</i>	<i>Industrial Training Department, Haryana, Field Offices (Group-C) Service (Amendment) Rules, 2023</i>	<i>Haryana State Education School Cadre short title (Group B) Service Rules, 2012</i>
<i>Prescribed Qualification</i>	<i>As Employability Skill Instructors in Skill Development & Industrial Training Department (i) Full time regular mode Master Degree in Business Administration (MBA) after BBA from any recognized university or institute approved by All India Council of Technical Education or Institute established by Ministry of Human Resource Development, Government of India; and (ii) Hindi or Sanskrit as one of these subject in Matric or Higher Education</i>	<i>(i) M.A. in relevant subject with atleast 50% marks and B.Ed. from recognized university; AND (ii) Matric with Hindi/ Sanskrit or 10+2/ B.A./M.A. with Hindi as one of the subject, AND (iii) Certificate of having qualified Haryana Teachers' eligibility Test (HTET) School Teachers Eligibility TEST (STET) (iv) Consistent good academic record.</i>

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15. It has also been stated that the nature of duties being discharged as school Lecturers are different, while the Department of Skill Development and Industrial Training is imparting skill based training in different trades to the unemployed youth through the network of industrial training institutes for employment/ self-employment. Engineering and Non-Engineering trade courses of one and two years duration are being run in the said institutes with the primary objective to provide skill crafts manpower to industries and also provide self employment opportunities. The relevant part of the affidavit is extracted below:-

“ITI instructors teach in Industrial Training Institutes, which are focused on practical skills and trades such as electrical work, carpentry, plumbing, welding, mechanics, etc. Their primary focus is to impart hands-on skills that prepare students for specific trades and industrial jobs. ITI Instructors have technical qualifications like degrees, diplomas, certifications, or ITI-specific certificates. Many I instructors also possess industry experience in their trade, ensuring they can effectively teach the needed practical skills to the trainees.

In Industrial Training Institutes, the curriculum is job-oriented and focuses on imparting practical skills, hands-on training and workshop-based learning. Courses are designed around specific trades like carpentry, plumbing, electronics, automotive mechanics, etc. The curriculum is more specialized and less focused on theoretical knowledge. Students must have passed at least 8th grade, 10th grade (Matriculation), or 12th grade, depending on the trade. Most ITI courses require a minimum of 10th-grade education. For some trades, specific subjects like Science and Mathematics at the 10th-grade level is required.

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After completion of the skill training, students are awarded with course certificates specific to their trade from the National Council for Vocational Training, NCVT.

Whereas, School lecturers teach in secondary schools (Grades 9-12), focusing on academic subjects like mathematics, science, history, or languages. They deliver formal education following state or national curricula (e.g., CBSE, ICSE, State Boards). School Lecturers hold Master's degrees. They also have additional qualifications like B.Ed. (Bachelor of Education) or M.Ed. (Master of Education), which are teaching qualifications specific to school education along with the State Teacher Eligibility Certificate.

In Schools, the curriculum is theoretical subjects across various disciplines. At the end of secondary education (Grade 10), students receive board certification (e.g., CBSE, ICSE, State Boards). In schools, Lecturers prepares students for a variety of higher education pathways and career options and in ITIs specialized vocational training that equips students with practical skills for immediate employment in trades and industries.”

16. We also notice that so far as judgment in **Makhan Singh**'s case (supra) is concerned, while originally such persons were working, like the petitioners, in the Vocational Wing as Vocational Education Instructors, but they were declared surplus and absorbed in the Education Department. After absorbing in the Education Department, they have been teaching regular classes. Thus, Hon'ble the Supreme Court as well as the High Court directed them to be given the same pay scale as that of the other school lecturers working in the Education Department. However, so far as those who are working in the Skill Development and Industrial Training are concerned, their scope of work and duties is completely different. Initially though the

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VEIs were teaching upto class twelfth in the vocational classes but after bifurcation into three departments i.e. Technical Education, Secondary Education and Industrial Training Institutes, the scope of training in it cannot be said to be similar to that of Education Department.

17. In our opinion, both the classes of teachers are distinguishable with regard to their skill and work and also with reference to the students to whom they are providing training. They can, therefore, not claim same pay scale on the basis of 'equal pay for equal work'.

18. Similarly the case of **Ram Chander's** case (supra) is also distinguishable on facts. We find that the learned Single Judge has erred in following the law as laid down in **Ram Chander's** case (supra) to allow the writ petitions. In **Ram Chander's** case (supra), the petitioners were originally working as Language Teachers in various VEIs. They can claim parity with Lecturers working in senior secondary schools, which was granted to them. So far as GFC Instructors are concerned, they are imparting training in various Vocational Fields and cannot be said to be imparting education of +2 under the regular education system. The syllabus is also different.

19. The Courts while sitting in judicial review would not be expected to have expertise to grant equivalence to the employees with regard to pay scales and it is exclusively in the domain of the administration to decide as to what pay scales should be given to a particular set of employees. Each department has different job, syllabus as well as the field of education. Scope of duties is different; responsibilities are also different; and education

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qualifications are also different. We, therefore, are unable to uphold the order dated 16.02.2024 passed by the learned Single Judge and the same is accordingly set aside. The appeals are allowed.

- 20. All pending applications shall stand disposed of.
- 21. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

28th May, 2025
vs

(MEENAKSHI I. MEHTA)
JUDGE

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