



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -1-

**130+131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**130 CWP-22686-2026 (O&M)
DATE OF DECISION: 28.07.2026**

UNION TERRITORY, CHANDIGARH AND OTHERS

.....PETITIONERS

Vs.

PARINEETA JINDAL AND ANOTHER

.....RESPONDENTS

131 CWP-22691-2026 (O&M)

UNION TERRITORY, CHANDIGARH AND OTHERS

.....PETITIONERS

Vs.

ROMI KUMAR AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

**Present: Ms. Subhreet Kaur Saron, Additional Standing Counsel, with
Mr. Gaurav Vir Singh Behl, Junior. Standing Counsel,
for the petitioners-U.T., Chandigarh
(in both petitions).**

**Mr. Rohit Seth, Advocate, with
Mr. Vivek Ahujha & Mr. K.Vinay, Advocates,
for respondent No. 1 (in CWP-22686-2026) &
for respondents No. 1 and 2 (in CWP-22691-2026).**

HARSIMRAN SINGH SETHI, J.(ORAL)

**1. In the present petitions, the challenge is to the order dated
28.01.2026 (Annexure P-9) passed by the learned Central Administrative**



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -2-

Tribunal, Chandigarh, (for short 'the Tribunal') by which the benefit of revised pay scales/grade pay has been extended to the applicants therein who are working as Music Teachers/Yoga Therapists in the Government Medical College and Hospital, Sector 32, Chandigarh, at par with the Masters/Mistresses (special educators) working in the Education Department, Chandigarh.

2. Learned counsel appearing on behalf of the petitioners-U.T., Chandigarh Administration submits that the benefit so extended by the Tribunal to the respondents, has been extended without considering certain aspects which go to the root of the case, i.e. not only the duties of the post of Yoga Instructors/Therapists/Music Teachers are different from the Masters/Mistresses (special educators) working under the Education Department but even the qualification required for appointment to the said two posts is different. Hence, it is the State which has the jurisdiction to provide a different pay scale to the said posts. Therefore, the grant of the same pay scale to both the posts only on the ground that when the post of Yoga Instructor/Therapist/Music Teacher was under the Education Department of the Chandigarh Administration, the same pay scale was awarded, is incorrect, especially when, as of now, the Yoga Instructors/Therapists/Music Teachers are not working under the Education Department but are working under the Government Medical College and Hospital, Sector 32, Chandigarh, which institution is also under the administrative control of the Department of Medical Education and Research, Chandigarh Administration.



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -3-

2.1 Learned counsel for the petitioners further submits that different pay scales can be granted based upon the nature of duties and the qualifications prescribed for appointment. Hence, the direction given by the Tribunal to grant the same pay scale to the Yoga Instructor/Therapists/Music Teachers as admissible to the Masters/Mistresses (special educators) working in the Education Department, is incorrect and such direction may kindly be set aside.

3. The learned counsel appearing on behalf of the respondents submits that it is a settled principle of law that once any two posts have been equated, different pay scales cannot be granted and in case the pay scale of one post is revised, the other equated post is also entitled to the same benefit.

4. We have heard learned counsel for the parties and perused the paper-books carefully.

5. Though it is a settled principle of law that the fixing of pay for the post is within the jurisdiction of the employer concerned and that, the employer is well within jurisdiction to fix a different pay scale, keeping in view the recruitment rule depicting different qualifications to be possessed for the appointment to different posts and the nature of duties to be performed by the same and in case, the two posts are not similar, keeping in view the nature of duties, as well as the recruitment rules prescribing the qualifications required for the appointment to such posts, then different pay scales can be prescribed and adopted but it is also a settled principle of law that if after appreciating all these aspects *qua* the Recruitment Rules and the nature of duties being different, two posts have been equated for the



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -4-

purpose of pay scale, the said equation has to be given effect even in the event of subsequent revision of the pay scale of a particular post.

6. The post of Yoga Instructors/Therapists/Music Teachers has been equated with that of Masters/Mistresses (special educators) keeping in view the Chandigarh Administration Civil Services (Revised Pay) Rules, 1991 (for short ‘the 1991 Rules’). The relevant notification is as under:-

“FINANCE DEPARTMENT
ACCOUNT BRANCH

NOTIFICATION

30.11.94

No. 46/2/F&PO(7)-94/17005 Chandigarh, dated the Oct 1994
In pursuance of the provisions of Rule 3 (J) of the Chandigarh Administration Civil Services, (Revised Pay) Rules, 1991, the Administrator, Union Territory, Chandigarh is pleased to make the following amendment in Chandigarh Administration, Finance Department notification No. 46/2/F&PO(7)-94/17005 dated the 3rd January, 1992, namely:-

AMENDMENT

In the said notification, in part ‘B’ of the 2nd schedule, in the table:-

Under the Heading “XXXVII EDUCATION DEPARTMENT” at Serial No. 17 to 22, the following shall be inserted namely:-

Sr. No.	Name of the Post	Existing scale of pay as on 31.12.85	Revised scale on Punjab pattern	Remarks
1.	S.Y.O	800-1400	2000-3500 Senior Scale After 8 years service 2100-3700 Selection scale after 18 years service 2200-4000	Equated with Headmaster
2.	Yoga Instructors	620-1200	1640-2925 Senior Scale After 8 years service 1800-3200 S.G. of Rs. 2000-3500 after 18	Equated with Masters/Mistresses



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -5-

			years of service	
3.	Yoga Therapists	620-1200	1640-2925 Senior Scale after 8 years service 1800-3200 S.G. of Rs. 2000- 3500 after 18 years of service	Equated with Masters/Mistresses
4.	Jr. Librarian	450-800	1200-2100	Existing pay to be protected equated with School Librarian.

7. A bare perusal of the Rules reproduced hereinbefore would show that despite the fact that two posts, i.e. Yoga Instructors and Yoga Therapists had different nature of duties as well as different qualifications as compared to the post of Masters/Mistresses, still for the purpose of the pay scale, both the posts have been equated.

8. Once, such decision vide the aforementioned notification has been taken by the Chandigarh Administration, which notification continues to operate even as of now, the order passed by the Tribunal that the benefit of the different pay scale to Yoga Instructors and Yoga Therapists as compared to Masters/Mistresses working with the Chandigarh Administration, cannot be treated as arbitrary or illegal.

9. Reliance can be placed in this regard upon the judgment of Hon’ble the Supreme Court of India in **State of Uttar Pradesh and Anr. vs. Virendra Bahadur Katheria and Ors. 2024 (15) SCC 1**, wherein under Paragraph 53 it was held as under:-

XXXX XXXX XXXX XXXX

53. It needs no emphasis that prescription of pay scale for a post entails Policy decision based upon the



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -6-

recommendations of an expert body like Pay Commission. All that the State is obligated to ensure is that the pay structure of a promotional or higher post is not lower than the feeder cadre. Similarly, pay parity cannot be claimed as an indefeasible enforceable right save and except where the Competent Authority has taken a conscious decision to equate two posts notwithstanding their different nomenclature or distinct qualifications. Incidental grant of same pay scale to two or more posts, without any express equation amongst such posts, cannot be termed as an anomaly in a pay scale of a nature which can be said to have infringed the right to equality under Article 16 of our Constitution.

XXXX XXXX XXXX XXXX

10. In view of the facts that by notification dated 30.11.1994, while adopting the Chandigarh Administration Civil Services (Revised Pay) Rules, 1991, the post of Masters/Mistresses in the Education Department were equated with the post of Yoga Instructors/Therapists/Music Teachers, and such notification has never been withdrawn ever since, keeping in view the conscious decision taken by the State which decision remains in operation even as of now, two different pay scales cannot be granted by the Chandigarh Administration and such benefit admissible to the respondents has rightly been granted by the Tribunal.

11. The only argument raised is that in the year 1994, the posts of Yoga Instructors/Therapists/Music Teachers were within the Education Department and therefore, the same pay scale as granted to the Masters/Mistresses (special educators) was granted but subsequently the



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -7-

posts of Yoga Instructors and Therapists were transferred to the Government Medical College & Hospital, Sector 32, Chandigarh, which is an entirely different institution though the same falls within the jurisdiction of the Chandigarh Administration under the Department of Health and Medical Education. Learned counsel appearing for the petitioners-U.T., Chandigarh has argued that two different pay scales can be granted keeping in view the said development which came into being after the equation of the said posts.

12. It may be noticed that the posts of the Yoga Instructors/Therapists/Music Teachers might have been taken out of the Education Department to be put under the jurisdiction of the Department of Medical Education and Research subsequently but the same does not change the notification dated 30.11.1994, by which, keeping in view the Rules of 1991, the two posts had been equated. Even if at one point of time, both the posts remained under the jurisdiction of the Chandigarh Administration in the Education Department but even if now such posts are under different Departments, the equation of the said posts, which is still continuing and the same has not been discontinued and still both the departments remain within the jurisdiction of the Chandigarh Administration thereby entitling the Yoga Instructors/Therapists/Music Teachers to the same pay scale as has been granted to the Masters/Mistresses (special educators). It is not a case that the post of the Yoga Instructors/Therapists/Music Teachers has been taken out of the jurisdiction of the Chandigarh Administration itself.



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -8-

13. Further, the Chandigarh Administration is well within its jurisdiction to equate the two posts for the purpose of the same pay even though they fall under different Departments. Hence, the argument that merely because, after the equation of the post of Yoga Instructors/Therapists/Music Teachers with that of Masters/Mistresses (special educators) as done in the year 1994, the post of Yoga Instructors/Therapists/Music Teachers has been transferred to another Department of the Chandigarh Administration pertaining to Medical Education and Research, the same will break the equation of the post for the purpose of pay scale, cannot be accepted. The equation will continue till a decision is taken by the competent authority to break the said equation subsequent to the date when the same was done. Further, no order breaking the equation between the two posts, as ordered by the Chandigarh Administration, has been brought to the notice of this Court.

14. Keeping in view the above, the order passed by the Tribunal based upon the said equation of the posts by the Chandigarh Administration itself, so as to grant the respondents herein the benefit of the equal pay scales as granted to the Masters/Mistresses, needs no interference by this Court.

15. Further, it may be noticed that the respondents being disabled/blind employees of the Chandigarh Administration are teaching the students and are working for the betterment of the society despite suffering from their disability. Once, such kind of employees are putting their heart out for the society, the benefits to which they are entitled, should be given rather than forcing them to approach the Court to obtain the same.



CWP-22686-2026 (O&M) & CWP-22691-2026 (O&M) -9-

16. The order was dictated in the open Court in the presence of learned counsel for the parties and no other argument has been raised for consideration of this Court.
17. Keeping in view the above, no ground is made out to interfere with the order passed by the Tribunal.
18. Consequently, both the petitions stand dismissed.
19. Pending miscellaneous application(s), if any, shall also stand disposed of.
20. A photocopy of this order be placed on the file of the other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

JULY 28, 2026
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking

Yes

Whether Reportable

Yes