

**108-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-12998-2015 (O&M)

Kanwarjit Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

2.CWP-13442-2015 (O&M)

Sandeepinder Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 24.01.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kanwarjit Singh, petitioner in person

Mr. R.S.Pandher, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioners pray for issuance of a writ in the nature of Mandamus to direct the respondents for the removal of anomaly in the pay scales. The petitioners are working as Inspectors Legal Metrology and Assistant Controller Legal Metrology, in the Department of Food, Civil Supplies and Consumer Affairs, Punjab. They pray for parity in the pay scale with Junior Engineers posted in PWD (B&R) Department, Punjab as well as Junior Engineers in PSPCL. The removal of anomaly in pay is a specialized work of the Public Service Commission or the Pay Anomaly Committee constituted for the same. This Court in exercise of power of

judicial review does not have the tools to make comparison of the work, functions, duties, responsibilities and various other factors, which lead to the fixation of pay of various posts. The petitioners are seeking parity in the pay scale with the Junior Engineers, who are working in different Departments. Reliance in this context can be made to the '**State of Bihar vs. Bihar Secondary Teachers Struggle Committee, Munger and others**' (2019) 18 SCC 301, wherein the Supreme Court has laid down the following parameters before the Court accepts the applicability of the doctrine of "Equal Pay for Equal Work" in the following manner:-

"96.1 Analysis of the decisions referred to above shows that this Court has accepted following limitations or qualifications to the applicability of the doctrine of 'equal pay for equal work':-

96.1) The doctrine of 'equal pay for equal work' is not an abstract doctrine.

96.2) The principle of 'equal pay for equal work' has no mechanical application in every case.

96.3) The very fact that the person has not gone through the process of recruitment may itself, in certain cases, makes a difference.

96.4) The application of the principle of 'equal pay for equal work' requires consideration of various dimensions of a given job.

96.5) Thus normally the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

96.6) Granting pay scales is a purely executive function and hence the court should not interfere with the same. It may have a cascading effect creating all kinds of problems for the Government and authorities.

96.7) *Equation of posts and salary is a complex matter which should be left to an expert body.*

96.8) *Granting of pay parity by the court may result in a cascading effect and reaction which can have adverse consequences.*

96.9) *Before entertaining and accepting the claim based on the principle of equal pay for equal work, the Court must consider the factors like the source and mode of recruitment/appointment.*

96.10) *In a given case, mode of selection may be considered as one of the factors which may make a difference.”*

Hence, this Court does not find it appropriate to issue the writ, as prayed for.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

24.01.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE