

2023:PHHC:052922

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

CWP-18653-2022 (O&M)

Date of decision: 13.04.2023

Satpal Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Onkar Rai, Advocate for the petitioners

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioners, on attaining the age of superannuation, retired as Law Officers between 2007 and 2011. They pray for issuance of a writ in the nature of Certiorari to quash the order dated 17.11.2020 whereby their request for grant of revised pay scale of 7000-10980 at par with Law Officers working in Legal Legislative Affairs Department has been rejected. The petitioners are working as Law Officers in the Department of Transport. They claim parity of pay on the ground that the educational qualifications of the Law Officers in the Department of Legal and Legislative Affairs and the Department of Transport are same.

2. This Court has considered the submission. The equation of pay scale is a highly specialized work of expert bodies namely the Pay Commission or the Pay Anomaly Committee. The scope of judicial review at the hands of the Court exercising writ jurisdiction is limited.

Recently, the Supreme Court in **State of Bihar vs. Bihar Secondary**

Teachers Struggle Committee, Munger and others (2019) 18 SCC 301

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.”

3. In the absence of material, this Court does not find it appropriate to issue any writ.

4. Learned counsel representing the petitioners, after taking instructions from the petitioners admits that the Punjab Transport (non-commercial) Wing Class III Service Rules are not applicable to the petitioners and their services were governed by the Punjab Roadways (Ministerial) State Services Class III Rules, 1977. Appendix A of the these Rules provides that Law Officers shall be entitled to the pay in the pay scale of 6400-10640. The petitioners have been paid in accordance therewith.

5. Hence, no ground to issue the writ, as prayed for, is made out.

6. Dismissed.

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

13.04.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE