

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-8328 of 2015 (O&M)  
Date of decision: 23.02.2023

Ravinder Pal Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karan Bhardwaj, Advocate  
for the petitioner.

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

**ANIL KSHETARPAL, J(Oral)**

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the order dated 08.12.2014 whereby the petitioner's representation for parity of pay with the Sanitary Inspectors working in the Department of Health and Local Self Government has been rejected by the competent authority. The petitioner is employed in the Forest Department. The Financial Commissioner has passed the order pursuant to direction of the court in petitioner's previous writ petition.

2. By now, it is a well settled rule that the equivalence in pay/pay scale/pay band is a highly specialized job of experts appointed in the field. Mere similarity of nomenclature of the post in different departments cannot be the sole ground to order equation of pay. 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 to be taken care of before the Court accepts the applicability of the doctrine of “Equal Pay for Equal Work” in any particular case. The said parameters are

extracted as under:-

*“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. The learned state counsel has submitted that the next pay commission is already trying to finalize its recommendations.

4. Keeping in view the aforesaid facts and discussion, the writ

petition is disposed with liberty to the petitioner to file a representation to the Financial Commissioner/Pay Anomaly Committee,if so advised.

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

February 23, 2023  
*nt*

(ANIL KSHETARPAL)  
JUDGE

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