



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

Date of Decision: 01.05.2025

CWP-11928-1998(O&M)

JAGDISH LAL AND OTHERS

....Petitioners

VS.

STATE ELECTION COMMISSION HARYANA & ANOTHER

....Respondents

CWP-13828-1998(O&M)

RAJESHWAR KUMAR AND OTHERS

....Petitioners

VS.

THE STATE OF HARYANA & OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Himanshu Arora, Advocate
for petitioner No. 1 in CWP-11928-1998 and
for the petitioners in CWP-13828-1998
Mr. Raman Sharma, Addl. A.G., Haryana
Mr. Kshitij Bharati, Advocate
for respondent No. 1 in CWP- 11928-1998 and
for respondent No. 2 in CWP- 13828-1998

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 11928 of 1998 and and CWP No. 13828 of 1998 are hereby adjudicated as common questions of law and facts are involved.

2. The petitioners through instant petitions under Articles 226/227 of the Constitution of India are seeking direction to respondents to grant them revised pay scale as available to employees of Haryana Civil Secretariat.

3. On 11.09.1998, the following order was passed:-



“ There is a written request for adjournment on behalf of Advocate General on the ground that he will remain out of station on 11.9.1998.

Adjourned to 7.10.1998. However, keeping in view the facts that the petitioners have not received a single penny by way of salary since March 1,1998 de hors the dispute regarding the pay scale in which the salary is payable to the petitioners and which they were receiving till February, 1998, we direct the State Election Commission to forward the salary bills of the petitioners at the rates on which the Deputy Advocate General has conveyed readiness of the Government to pay the salary to them i.e. 1400-2600. The Election Commission should send the salary bills of the petitioners by Monday i.e.14.9.1998 and the Government shall grant appropriate sanction within next two days. The payment of the salary shall be made to the petitioners on or before 18.9.1998.

It is, however, made clear that the payment of the salary to the petitioners in the pay scale of 1400-2600 shall be without prejudice to the rights of the parties which may be determined in this litigation.

Copy of the order be given to the learned counsel for the Election Commission and learned Deputy Advocate General by the Bench Secretary after due attestation under her signatures so that compliance of the order is not delayed.”

4. The respondent pursuant to aforesaid order has released salary as per unrevised pay scale.
5. Mr. Himanshu Arora, Advocate submits that as per Annexure P-1 dated 06.09.1994, Government of Haryana accorded sanction for creation of different posts for the State Election Commission, Haryana with



the pay scale as payable to Haryana Civil Secretariat employees. The respondent was duty bound to extend revised pay scale to petitioners, the moment pay scale of Haryana Civil Secretariat employees was revised.

6. *Per contra*, Mr. Raman Sharma, Addl. A.G., Haryana submits that basic qualification, responsibilities and duties discharged by officials of Haryana Civil Secretariat are more rigorous than employees of State Election Commission. In no manner both sets of employees are at par, thus, State Government was not duty bound to extend same pay scale to both sets of employees.

7. There is nothing on record disclosing that employees of State Election Commission are possessing same set of qualification, experience and discharging same duties and responsibilities as by Haryana Civil Secretariat employees. It is prerogative of the State Government to fix pay scale of employees. Unless and until two sets of employees are discharging same duties and in the similar circumstances but paid differently, the Court cannot ask the State Government to revise pay scale of one set of employees to bring at par with another set of employees. There is no such case herein.

8. In the backdrop, the petitions are hereby dismissed.

9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No