



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

Date of Decision: 03.02.2025

CWP-8039-1996 (O&M)

HIMMAT SINGH & ORS

....Petitioners

VS.

UNION TERRITORY, ADMINISTRATION & ORS

....Respondents

CWP-11180 of 1998 (O&M)

NIRMAL SINGH SANDHU

....Petitioner

VS.

UNION TERRITORY ADMINISTRATION, CHANDIGARH & ANOTHER

....Respondents

CWP-16102-1997(O&M)

SOM NATH SAINI AND ANOTHER

....Petitioners

VS.

UNION TERRITORY, ADMINISTRATION & ORS

....Respondents

CWP-17660-1996 (O&M)

JATINDER SINGH SOKHI

....Petitioner

VS.

**MANAGING DIRECTOR, CHANDIGARH INDUSTRIAL AND
TOURISM DEVELOPMENT CORPORATION, CHANDIGARH**

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate**



for the petitioners in CWP- 8039 of 1996

Mr. Sanjeev Sharma, Advocate
for the petitioners in CWP- 16102 of 1997

Mr. Atul Arya, Advocate
for the petitioner in CWP- 17660 of 1996

Mr. D.S.Patwalia, Senior Advocate with
Mr. Armaan Dahiya, Advocate
for the petitioner in CWP- 11180 of 1998

Ms. Madhu Dayal, Advocate and
Mr. Harsh Aggarwal, Advocate
for the respondents-CITCO

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP Nos. 8039 of 1996, 11180 of 1998, 16102 of 1997 and CWP No. 17660 of 1996 are hereby adjudicated as common questions of law and facts are involved.

CWP-8039-1996 (O&M)

2. The petitioners pursuant to advertisement applied for the post of Restaurant Manager. They were selected for the advertised post and came to be appointed vide appointment letter dated 16.02.1990. They were given designation of Restaurant Manager and pay scale of Rs. 1400-40-1800-50-2300 plus usual allowances. Their pay scale was revised from 1400-2300 to 1640-2900 in June'1990 alongwith other Managers of the respondent-organisation. Similar revision was carried out in March'1992. By impugned order dated 22.04.1992, the respondent-organisation changed designation of the petitioners from Restaurant Manager to Restaurant Executive which resulted in denial of pay scale as available to Managers of other wings of the



3. Mr. R.K.Malik, Senior Advocate submits that the petitioners had joined as Restaurant Manager and their designation could not be changed without their consent. The act of respondent was unilateral which was not permissible in law. This Court in **Bahadur Chand vs. State of Haryana, 1995 SCC OnLine P&H 1432** has held that designation of an employee without his consent cannot be changed.

CWP Nos. 11180-1998, 16102-1997 and 17660 of 1996

4. Mr. D.S. Patwalia, Senior Advocate, Mr. Sanjeev Sharma, Advocate, and Mr. Atul Arya, Advocate submit that the petitioners were granted pay scale of Rs. 1640-2900 which was at par with Managers. The respondent unilaterally bifurcated different Managers into different cadres and different pay scales were granted. Chef-De-Parte were granted revised pay scale of Rs. 1800-3200 instead of Rs. 2200-4000. The petitioners in CWP- 17660 of 1996 and CWP- 11180 of 1998 were granted pay scale of Rs. 2000-3500 instead of Rs. 2200-4000.

5. Ms. Madhu Dayal and Mr. Harsh Aggarwal, Advocates appearing for CITCO submit that initially the employees of CITCO were paid salary as per Central Government Rules whereas Board of Directors in 1989 reconsidered the matter and by way of Circular dated 24.11.1992 decided to adopt Punjab pay pattern. The Committee of officers/officials was constituted to reconsider pay structure because there were many designations which were not available in the pay structure of the Punjab pay pattern. The designation and pay structure of all the employees were reconsidered which resulted in increase or decrease of pay scale of few employees. The decrease was not in real terms but it was in terms of



comparison of two designations. The Committee found that post of Restaurant Manager is a supervisory post and its qualification is less than the qualification prescribed for the post of Manager. Similar anomalies were found in the case of other petitioners. The employees who were getting pay scale of Rs. 1640-2900 were divided into three pay scales i.e. 1800-3200, 2000- 3500 and 2200-4000. The report of Committee was placed before Board of Directors which in its 77th Meeting held on 30.03.1992 accepted report of the Committee and further constituted Pay Anomaly Committee consisting of different officers. The Pay Anomaly Committee invited objections of employees and thereafter passed appropriate orders rejecting or accepting their objections. There was no discrimination between two similarly situated employees. The disparity in pay erupted on account of difference in nature of job, responsibilities, qualification etc. There was no *mala fide* on the part of Directors or other officials.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. The petitioners are claiming that at the time of appointment, they were at par with Managers of other wings of the organisation. They were getting pay scale of Rs. 1640-2900 and while revising pay scales, the employees were divided into different categories. Few employees were granted pay scale of Rs. 1800-3200 whereas few were granted 2000- 3500 or 2200-4000. There was no reason to convert same pay scale into three different pay scales. The nature of duties did not change still different pay scales were awarded to different set of employees.



8. Relying upon its earlier judgment in [State of Madhya Pradesh v. Ramesh Chandra Bajpai, \(2009\) 13 SCC 635](#), a two Judge Bench of Supreme Court in **State of Madhya Pradesh Through Principal Secretary & Ors. vs. Seema Sharma, (2023) 14 SCC 376** has held that doctrine of equal pay for equal work could only be invoked when the employees were similarly circumstanced in every way. Mere similarity of designation or quantum of work was not determinative of equality in the matter of pay scales. The fixation of scales of pay is a matter of policy, with which the Courts can only interfere in exceptional cases where there is discrimination between two sets of employees appointed by the same authority, in the same manner, where the eligibility criteria is the same and the duties are identical in every aspect.

8.1 In **Hukam Chand Gupta vs. Director General, Indian Council of Agricultural Research and others (2012) 12 SCC 666**, the Supreme Court has held that the prescription of two different pay scales would not violate the principal of equal pay for equal pay. Such action would not be arbitrary or violate Articles 14, 16 and 39-D of the Constitution of India. It is for the employer to categorise the posts and to prescribe the duties of each post. There cannot be any straitjacket formula for holding that two posts having the same nomenclature would have to be given the same pay scale. Prescription of pay scales for particular posts is a very complex exercise. It requires assessment of the nature and quality of the duties performed and the responsibilities shouldered by the incumbents on different posts. Even though, the two posts may be referred to by the same name, it would not lead to the necessary inference that the posts are identical



in every manner. These are matters to be assessed by expert bodies like the employer or the Pay Commission.

9. In the cases in hand, the anomaly in pay scale erupted because of adoption of pay pattern of the State of Punjab. The respondent prior to 1992 was following pay pattern of Central Government employees and after 1992 adopted pay pattern of the State of Punjab employees. The respondent constituted a Committee which considered nature, duties, responsibilities and qualification of each post. The said Committee changed nomenclature as well as pay scale of different employees. The respondent also constituted a Pay Anomaly Committee and claim of each employee was considered.

10. This Court does not find that petitioners were holding the same qualification as by other set of employees or their duties and responsibilities were same. Their claim cannot be considered merely on the ground that at one point of time they were getting pay equal to other Managers. The respondent has found difference in minimum qualification and nature of job of different employees. This Court cannot substitute opinion of Committees constituted by respondent. Thus, there is no ground to direct the respondent to extend to petitioners the pay scale as available to other employees.

11. Mr. D.S.Patwalia, Senior Advocate is further claiming that petitioner in CWP- 11180 of 1998 should be granted revised pay scale from the date of his first appointment.

12. Ms. Madhu Dayal, Advocate has pointed out that petitioner was granted revised pay scale from the date the post was upgraded. He cannot be paid higher scale prior to the date of upgradation.

13. The petitioner has been allowed revised pay scale with effect from 01.07.1989 whereas he is claiming with effect from 22.07.1988. In view of submission of respondent, this Court does not find it appropriate to extend the revised pay scale to the petitioner from the date of his claim.
14. In the wake of above discussion and findings, the petitions are devoid of merit and deserve to be dismissed and accordingly hereby dismissed.
15. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.02.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No

