107 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8614-2025
Date of decision: 10.12.2025

Virat Saroop and others ....Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the instructions dated 17.07.2020; 29.10.2020 & 18.12.2020 (Annexures P-3, P-4 & P-5, respectively) issued by respondent No.1 i.e. Department of Finance, whereby, the petitioners have been granted pay scale as per 7th Central Pay Commission instead on the basis of Punjab pay scale/pattern as mentioned in the Punjab State Tubewell Corporation Employees Service Bye Laws, 1977 and other allowances as notified by the Punjab Government from time to time (Annexure P-2).

2. The factual background of the case is that the petitioners were recruited to the posts of Junior Engineers, Junior Draftsman, Sub Division Engineers, Clerks, Booking Clerk (Patwari) etc under the Punjab Water Resources Management & Development Corporation and the service conditions

for the posts of the petitioners are governed by statutory rules framed under Article 80(XVI) of the Association of Punjab State Tubewell Corporation Employees Service Bye Laws, 1977 (now PWRM&DC Employees Service Bye Laws). Under the said statutory rules, the pay scales for the posts are mentioned as per 4th Punjab Pay Commission and presently, the Corporation employees are getting pay scales as notified by the Punjab Government as per recommendation of the 5th Punjab Pay Commission. Further, the Finance Department has issued an instruction dated 17.07.2020 to all the departments of the State of Punjab, wherein, it was mentioned that the pay scales applicable to all prospective recruitments in the departments of the Punjab Government, shall be notified as per recommendations of 7th Central Pay Commission. Further, the notification dated 29.10.2020 has been issued by the Department of Finance based on the revised pay scales granted to different categories of employees w.e.f. 01.01.2006, the pay scales for the posts are mentioned as minimum pay admissible as per instructions dated 17.07.2020 by considering the scales as per 5th Punjab Pay Commission as on 01.01.2006 contrary to the bye laws 1977. However, till date, the bye laws, 1977, as applicable to the petitioners have not been amended, meaning thereby, that the instructions dated 17.07.2020 and notification dated 29.10.2020 are in conflict with the statutory rules. It is further alleged that the petitioners after joining, discovered that some of the employees working on the same posts as that of the petitioners in the same department are getting higher pay, whereas, the petitioners are getting almost half salary as per Central Pay Scale. The difference is very huge for employees like petitioners recruited after 17.07.2020 who are performing same work and same nature of duties. It is a direct violation of constitutional principle of

'Equal Pay for Equal Work' which forms an essential facet of Article 14 of the Constitution of India. Further, the petitioners are governed under the Punjab State Tubewell Corporation Employees Service Bye Laws, 1977 (Annexure P-2) and under the said Rules, the scale for the posts are prescribed as per 4th Punjab Pay Commission and employees are getting pay scale as per 5th Punjab Pay Commission. By relying upon the executive decision dated 17.07.2020 (Annexure P-3) and instructions dated 29.10.2020 & 18.12.2020 (Annexures P-4 & P-5, respectively), the petitioners were granted pay scale as per 7th CPC, which has caused huge anomaly between the salary of the petitioners and other employees on the same post who were also recruited prior to 17.07.2020.

3. Learned counsel for the petitioners *inter alia* contends that the statutory Punjab State Tubewell Corporation Employees Service Bye-Laws, 1977, which govern their service conditions and prescribe pay scales as per the 4th/5th Punjab Pay Commission, have not been amended till date. The respondents, however, have unlawfully applied the executive instructions dated 17.07.2020 and notifications dated 29.10.2020 and 18.12.2020, whereby, pay scales as per the 7th Central Pay Commission have been made applicable to new recruits, in clear violation of the statutory Bye-Laws. As a result, the petitioners who were appointed after 17.07.2020 are being paid much less than other employees doing the same work on the same posts. This creates an unreasonable pay difference which clearly violates the principle of 'Equal Pay for Equal Work,' which is protected under Article 14 of the Constitution.

4. Learned State counsel could not controvert the fact that the instructions dated 17.07.2020 and notifications dated 29.10.2020 and 18.12.2020 were issued as part of a Government policy for future recruitments.

He further submits that the petitioners were appointed after these instructions were issued and voluntarily accepted the pay scales, and therefore, at this stage, cannot dispute the same and hence the principle of 'Equal Pay for Equal Work' is not attracted.

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

6. Having considered the rival contentions of learned counsel for the parties, this Court finds merit in the claim of the petitioners. This Court observed that the pay of the petitioners is governed by the Punjab State Tubewell Corporation Employees Service Bye-Laws, 1977, which are statutory rules. However, the State applied the executive instructions dated 17.07.2020, 29.10.2020 and 18.12.2020 to the petitioners and granted them pay scales as per the 7th Central Pay Commission, which is contrary to the statutory rules and the petitioners are receiving lower salary than other employees working on the same posts with identical duties, which violates the principle of "Equal Pay for Equal Work" under Article 14 of the Constitution of India.

7. A Co-ordinate Bench of this Court in **CWP No.15896 of 2023** and connected matters, titled as ***'Saurabh Sharma and others vs State of Punjab and another'***, decided on 13.09.2024 has held that any executive instructions would not dilute or dislodge the implications of the applicable statutory rules. Speaking through Justice H.S. Sethi, the following observations were made:

> *'...11. In the present petitions, the pay scale of the post in question has been described in the 2016 Rules itself, hence, it cannot be said that by the Instructions dated 17.07.2020, respondents were supplementing the Rules. Rather the Instructions dated 17.07.2020 are contrary to the 2016 Rules qua the pay scale of the post on which petitioners are*

> *working and hence, said Instructions dated 17.07.2020 cannot be made operational till 2016 Rules are amended. xxxx 14. Hence, once the 2016 Rules governing the service which have a statutory force, are operational and prescribes a particular pay scale for the post being held by the petitioners and have not been amended so far, the same has to be made applicable by ignoring the Instructions dated 17.07.2020, which are contrary to 2016 Rules, hence the respondents are directed to grant the petitioners the pay scale as envisaged under 2016 Rules i.e. 37,400 - 67,000/-+ 8600/- Grade Pay...'*

The decision in ***Saurabh Sharma (supra)*** was also upheld by a Division Bench of this Court in **LPA No.2977 of 2024** (Annexure P-9) titled ***'State of Punjab and another vs. Dr. Saurabh Sharma and others.'***

8. In view of the discussion above, the present writ petition is allowed and the respondents are directed to grant the petitioners the pay scales in accordance with the Bye Laws, 1977 and the applicable Punjab Pay Commission, along with all consequential benefits.

(HARPREET SINGH BRAR)
JUDGE

10.12.2025
Neha

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