

2025:PHHC:065164



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

1196(3 cases)

Date of decision: 15.05.2025

CWP-6607-2009

Babu Ram and others

vs. State of Punjab and another

CWP-10706-2009

Dharam Singh and another

vs. State of Punjab and another

CWP-1939-2010

Ajit Singh and others

vs. State of Punjab and another

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together and for the sake of brevity, the facts are taken from CWP-6607-2009.

2. Prayer made in the present petition is for issuance of direction to respondent No.2 to grant parity of pay scale to the petitioners, who retired as Multi-purpose Supervisors, as was granted to the Sanitary Inspectors, working in the Local Self-Government Department.

3. This Court while admitting the petition on 28.04.2010, had ordered it to be heard alongwith LPA-351-2010, that was filed by the State of Punjab and came to be allowed on 23.02.2011 setting aside the impugned judgment, against which SLP (Civil) No.23927/2013, was also dismissed on 11.11.2013, relevant of which reads thus:

“This petition is directed against the judgment of the Division Bench of the Punjab and Haryana High Court whereby the Letters Patent Appeals filed by the respondents were allowed and the direction given by the learned Single Judge for grant of pay scale of Sanitary Inspectors of the Local Self Government Department to Multipurpose Supervisors of the Health Department was set aside.

The learned Single Judge had quashed the orders passed by the Director, Health and Family Welfare, Punjab rejecting the representations made by the respondents by observing that till 1978 there was parity in the pay scale of the two cadres, i.e., Multipurpose Supervisors of the Health Department, Government of Punjab and the Sanitary Inspectors of the Local Self Government Department.

After noticing the pleadings of the parties, the Division Bench of the High Court framed the following questions:

"1. Whether dues of the post of Multipurpose Supervisor working in the department of Health and Family Welfare are identical to that of the Sanitary Inspector working in Local Government Department?

2. Whether parity in the pay scale of a similar post in two different departments of the Government is required to be maintained all the times despite the restructuring and reorganization of one of the department?

While dealing with question no.1, the Division Bench referred to the duties of the Multipurpose Supervisors of Health Department on the one hand and that of the Local Self Government Department on the other and observed:

"13. A perusal of the aforesaid table would show that the duties of a Sanitary Inspector are entirely different when compared to the duties of a Multipurpose Supervisor. The duties as listed in the aforesaid table have not been seriously disputed by the counsel for the writ petitioner-respondent. It has however been suggested that earlier to the merger of the post of Sanitary Inspector working in the health department with the common cadre of Multipurpose Supervisor, their duties were similar. However, fact remains that the restructuring of the cadre has taken place at different stages in 1978 and 1987 and as a result the pay scale has also been readjusted accordingly. The crisis which confronts the Courts in these type of matters is that the doctrine of equality is invoked for its application to different classes of persons who might seem to perform same duties. Such a claim sometimes is erroneously made on the basis that at one stage the pay scale of two classes of persons were identical and therefore, the parity needs to be maintained for all times to come. Such a proposition as a concept of law

cannot be accepted. There is ample support for the view that merely because the nature of work is the same, the principle of equal pay for equal work cannot be applied without considering the educational qualification, mode of appointment, expenses and other host of factors. In support of the proposition we draw support from the judgment and observation made by the Hon'ble the Supreme Court in the case of Govt. of West Bengal v. Tarun K. Roy 2004(1) SCC 347."

The Division Bench relied upon the judgments in State of Haryana v. Charanjit Singh (2006) 9 SCC 321, State of Haryana v. Haryana Civil Secretariat Personal Staff Association (2002) 6 SCC 72, Union of India v. Pradip Kumar Dey (2000) 8 SCC 580 and held that the learned Single Judge was not right in ordering parity in the pay scales of the posts in two different cadres ignoring stark difference in the nature of their duties.

In para 20 of the impugned judgment, the Division Bench noticed that sources of recruitment for the posts of Multipurpose Supervisors in Health Department and Sanitary Inspectors in Local Self Government Department are different and held that the holders of two posts cannot be granted the same pay scale.

In our view, the detailed reasons recorded by the Division Bench of the High Court for rejecting the petitioners' claim for parity are correct and the judgment under challenge does not require inference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed."

4. Petitions dismissed.
5. Photocopy of this order be placed on the connected files.

15.05.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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