

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 (3 cases)

CWP-16192-2015

Date of Decision: 15.12.2025

Om Parkash and others

...Petitioners

Versus

State of Haryana and others

...Respondents

With

Sr. No.	Case No.	Petitioners	Respondents
2.	CWP-13202-2015	Hari Singh and others	State of Haryana and others
3.	CWP-16198-2015	Krishan Kumar and others	State of Haryana and others

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Anurag Goyal, Senior Advocate with
Mr. Nikhil Lather, Advocate and
Mr. Siddharth Sharma, Advocate for the petitioners

Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.16192 of 2015*.
2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 28.08.2014 to the extent of upgradation of functional pay structure w.e.f. 01.09.2014 instead of 01.01.2006.



3. The petitioners are retired police officers. The State Government vide notification dated 30.12.2008 framed Haryana Civil Services (Revised Pay) Rules, 2008. These Rules came into force w.e.f. 01.01.2006. By way of these Rules, pay scales of State Government employees were revised. The petitioners were in pay scale of 5500-175-8300-EB-175-9000. Their pay scale was revised to ₹9300-34800/-. They were further granted grade pay of ₹3600/-. The State Government from time to time revised grade pay of employees of different departments e.g. Accountants of Haryana Bureau of Public Enterprises were granted grade pay of ₹3600/- instead of ₹3200/- w.e.f. 01.04.2011, APRO and equivalent of Public Relation were granted grade pay of ₹4000/- in place of 3600/- w.e.f. 01.09.2009. The State Government vide order dated 28.08.2014 decided to revise grade pay of its employees except whose grade pay was revised during the intervening period i.e. 2008-2014. The grade pay of ₹3200/- and ₹3300/- was upgraded to ₹3600/- and grade pay of ₹3600/- was upgraded to ₹4000/-. In the said order, it was made clear that upgradation would take place w.e.f. 01.09.2014 and employees whose grade pay had already been upgraded would not be entitled to benefit of this order.

4. Learned Senior counsel for the petitioners submits that petitioners are retired police officials and they have been discriminated with employees of other departments. The petitioners were granted upgradation of grade pay w.e.f. 01.09.2014 whereas upgradation of grade pay was granted to employees of other department w.e.f. 01.01.2006. In the case of Teachers, the respondent granted upgradation on actual basis w.e.f. 01.09.2009 and notional basis w.e.f. 01.01.2006. They approached this Court by way of *CWP No.511 of 2011* which was allowed vide judgment dated 22.05.2012. This Court held that petitioners are entitled to upgraded grade



pay on actual basis w.e.f. 01.01.2006. The said judgment has attained finality. The respondent is denying benefit to petitioners on the ground that upgradation of pay scale is a complex matter and it needs expertise. The Courts are not experts, thus, cannot interfere in these matters. There is no rationale behind the claim of the respondent. The petitioners have been denied their valuable right of upgradation of scale w.e.f. 01.01.2006. No complexity is involved. The respondent, as per its whims and caprice, has discriminated the petitioners. There is no intelligible differentia and foundation to treat petitioners differently from other employees.

5. *Per contra*, learned State counsel submits that a Full Bench of this Court in ***Rajbir Singh and others v. HSEB and others, 2009 SCC OnLine P&H 1230*** has held that employees are entitled to pay scales from the date granted by State Government. Full Bench has overruled decision of Division Bench of this Court wherein claim of employees was allowed. The Division Bench had held that petitioners were entitled to higher pay scales from the date the employees of State Governments were extended i.e. 01.01.1986.

6. I have heard the arguments of learned Senior counsel for the petitioners as well as learned State counsel and perused the record with their able assistance.

7. From the perusal of record, it is evident that State Government vide notification dated 30.12.2008 framed Haryana Civil Services (Revised Pay) Rules, 2008. These Rules were framed in exercise of powers conferred by Article 309 of the Constitution of India. The Revised Pay Rules extended higher scale to State Government employees w.e.f. 01.01.2006 though Rules were framed by way of notification dated 30.12.2008. The functional pay



scale of employees was revised. They were granted pay band along with grade pay. The grade pay was running from ₹1300/- to ₹6000/-. The petitioners were granted grade pay of ₹3600/-. The State Government from time to time issued orders whereby grade pay was revised. The revision was made post-wise e.g. grade pay of Accountants of Haryana Bureau of Public Enterprises was revised though revision was not made with respect to other employees of said department. The revision took place from retrospective date. In the case of APRO and equivalent of Public Relation, revision was made w.e.f. 01.09.2009. Grade pay of ₹3200/- was revised to ₹3600/- and ₹3600/- to ₹4000. In the case of Education Department, grade pay of Teachers was revised w.e.f. 01.09.2009 (actually) and w.e.f. 01.01.2006 (notionally). The revision was not made with respect to all the Teachers and many Teachers filed writ petition before this Court. The writ petition was allowed noticing the fact that decision of Central Government cannot be made applicable to few Teachers. Giving effect to Central Government's decision to all the teachers except PTI, Art & Craft (Drawing) and Cutting & Tailoring w.e.f. 01.01.2006 is discriminatory. PTI, Art & Craft and Cutting & Tailoring Teachers are also entitled to said benefit w.e.f. 01.01.2006.

8. No employee can claim that he should be extended a particular pay scale. It is discretion of the Government to determine pay scale. If there is discrimination between similarly situated employees, an employee getting lower pay scale may raise grievance, however, he cannot claim that he should be given higher pay scale or pay scale should be fixed in a particular manner.

9. Relying upon its earlier judgment in *State of Madhya Pradesh v. Ramesh Chandra Bajpai*, (2009) 13 SCC 635, a two Judge Bench of



Secretary & Others v. 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.

10. In *Hukam Chand Gupta v. Director General, Indian Council of Agricultural Research and others, (2012) 12 SCC 666*, the Hon'ble Supreme Court has held that the prescription of two different pay scales would not violate the principle 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 categorize the posts and to prescribe the duties of each post. There cannot be any straightjacket 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.



11. In the case in hand, the petitioners belonged to Police Department. The State Government did not think it appropriate to upgrade their grade pay w.e.f. 01.01.2006 whereas decided to upgrade w.e.f. 01.09.2014. It is apt to notice here that petitioners were granted grade pay of ₹3600/- w.e.f. 01.01.2006 i.e. the date from which Revised Pay Scale Rules were brought into force. There was no objection on the part of petitioners with respect to grade pay of ₹3600/- granted to them. The State Government, as per its wisdom, decided to revise their grade pay from ₹3600/- to ₹4000/- w.e.f. 01.09.2014. It was complete prerogative of the State Government to upgrade their grade pay which was originally granted w.e.f. 01.01.2006. The State Government was not bound to upgrade grade pay which was for the first time granted w.e.f. 01.01.2006. By order dated 28.08.2014, the State Government upgraded grade pay. There was no duty to upgrade from the date of inception i.e. 01.01.2006. In the order dated 28.08.2014, there is a table disclosing different posts and departments where grade pay was revised. There are different employees of different departments whose grade pay has been revised from different dates. In the case of Pharmacist of ESI, grade pay has been revised w.e.f. 10.01.2013. Similar is case of Assistant Librarian of Haryana Vidhan Sabha. Those employees could also claim that their grade pay should be upgraded w.e.f. 01.01.2006. The State Government, as per its wisdom, has upgraded grade pay of different employees of different departments from different dates. The petitioners being police officers were getting 13 months salary besides dress allowance, conveyance allowance, ration money, risk allowance which are not payable to employees of other departments.

12. In the wake of above discussion and findings, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

15.12.2025
Mohit Kumar

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