



CWP-25367-2019

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

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CWP-25367-2019

Date of Decision:01.03.2025

Prem Lata Yadav and others

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sunil K. Nehra, Advocate for the petitioners

Mr. Harish Rathee, Sr. DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 27.06.2019, Annexure P-6, to the extent ineligible Extension Lecturers have been given remuneration of ₹35,400, instead of ₹57,700 being given to eligible Extension Lecturers.

2. Facts of the case in brief are, the petitioners were initially engaged as Extension Lecturers in various subjects between 2012 to 2016 as per the Policy in vogue dated 20.08.2010, which provided for engagement of Extension Lecturers by way of temporary arrangement to meet urgent requirements/workload in Government Colleges. And the College Principals were authorised to engage such Lecturers against sanctioned posts or available workload. Due to non-availability of sufficient eligible candidates, the ineligible candidates who only had Master's degree with fifty-five per cent



₹35,400 per month. The petitioners had been so engaged, as they were ineligible at that time.

2.1. In terms of law laid down by the Supreme Court in Civil Appeal No.213 of 2013 titled *State of Punjab and others v. Jagjit Singh and others*, the Department issued impugned memo, dated 27.06.2019, extending the principle of 'equal pay for equal work' to Extension Lecturers also, and were accordingly held entitled to remuneration equal to minimum of pay-scale meant for the post of Assistant Professor, i.e, ₹57,700. The memo reads as under:

It is made clear that only amount equal to the initial basic pay of a regular Assistant Professor is to be given to above mentioned beneficiaries and no allowances are to be paid. It is also made clear that contractual guest/extension lecturers may be allotted all additional duties (at par with regular Assistant/Associate Professor), however, duties involving financial responsibilities may not be allotted to them. Such incumbents will be paid remuneration of Rs.57,700/- per month. However, all those incumbents who are NOT ELIGIBLE as per UGC/State Government norms will be paid a remuneration of Rs.35,400/- per month and will be meeting complete workload and all other duties as well.

This Court vide judgment dated 30.04.2024, rendered in LPA No.733 of 2024 titled *State of Haryana and others v. Kalyan Singh and others*, has held that in terms of the memo remuneration at the rate of initial basic pay of a regular Assistant Professor will be given to Extension Lecturers from the date of notification dated 03.11.2017.

2.2. Subsequently, the Department issued a Policy dated 04.03.2020, 'Policy guidelines regarding engaging Eligible Extension Lecturers in Govt. Colleges purely on work requirement basis' (for short, 'the Policy'). It



required only those persons shall be engaged as Extension Lecturers who fulfilled the qualification for appointment as Assistant Professor as per the Haryana Education (College Cadre) Group 'B' Service Rules, 1986. And the non-qualified persons engaged by the Principals shall be removed. The petitioners, however, continued in service as Extension Lecturer in terms of various interim orders passed by this court in different petitions from time to time.

3. In this background, learned counsel for the petitioner has contended that the impugned memo, dated 27.06.2019, is discriminatory against the ineligible Extension Lecturers to the extent they have been given lesser remuneration as compared to eligible Extension Lecturers, though both the categories are performing same duties and functions of teaching. This is violative of the principle of 'equal pay for equal work' laid down by the Supreme Court in *Jagjit Singh* case (supra). Accordingly, the petitioners are also entitled to the higher remuneration of ₹57,700 per month.

4. Learned State counsel, on the contrary, has contended that the petitioners are ineligible Extension Lecturers. They were engaged prior to coming into force of the Policy guidelines, dated 04.03.2020, on the basis of their Master's degree only. In terms of the Policy, they have no right to continue in service and cannot be given the benefit claimed. The minimum laid down qualifications for the post of Assistant Professor that they are required to possess to get higher remuneration, have already been upheld by the Supreme Court.

5. Submissions made by learned counsel for the parties have been considered.



6. It remains an undisputed fact that the petitioners have been engaged as Extension Lecturers only on the basis of their Master's degree in the relevant subject with minimum fifty-five per cent marks. They did not meet the essential qualifications, which are the same as prescribed for the post of Assistant Professor, as none of them had Ph.D. or a certificate of having cleared National Eligibility Test (NET). In terms of Policy dated 04.03.2020, replaced by the subsequent guidelines dated 02.11.2023, the ineligible Extension Lecturers have no right to continue in service, and are to be removed after the Policy coming in force unless protected by orders passed by this Court. Their claim for higher remuneration by setting aside that part of the impugned memo, dated 27.06.2019, which provides lesser remuneration of ₹35,400 per month for them being ineligible, as compared to ₹57,700 for the eligible Extension Lecturers, is without substance. The principle of 'equal pay for equal work' sought to be invoked to justify the claim, is not applicable to their case. One of the essential prerequisites to make the principle applicable is that the two sets of employees must have similar qualifications, apart from meeting the other requirements of same responsibilities and duties, same volume of work, same hierarchy in service, etc. However, the petitioners admittedly do not possess the qualifications meant for eligible Extension Lecturers who have been given higher remuneration of ₹57,700 per month in terms of the impugned memo. Accordingly, they cannot be termed equal vis-à-vis eligible Extension Lecturers, nor can they claim equal pay as has been given to the eligible.

7. In this context, it is apposite to refer to the following observations in *Jagjit Singh* case laying down the parameters to apply the

principle of 'equal pay for equal work':



42. All the judgments noticed in paragraphs 7 to 24 herein above, pertain to employees engaged on regular basis, who were claiming higher wages under the principle of 'equal pay for equal work'. The claim raised by such employees was premised on the ground, that the duties and responsibilities rendered by them, were against the same post for which a higher pay-scale was being allowed, in other Government departments. Or alternatively, their duties and responsibilities were the same, as of other posts with different designations, but they were placed in a lower scale. Having been painstakingly taken through the parameters laid down by this Court, wherein the principle of 'equal pay for equal work' was invoked and considered, it would be just and appropriate, to delineate the parameters laid down by this Court. In recording the said parameters, we have also adverted to some other judgments pertaining to temporary employees (also dealt with, in the instant judgment), wherein also, this Court had the occasion to express the legal position with reference to the principle of 'equal pay for equal work'. Our consideration, has led us to the following deductions:-

(i) to (vii) xxx xxx xxx

(viii) If the qualifications for recruitment to the subject post vis-a-vis the reference post are different, it may be difficult to conclude, that the duties and responsibilities of the posts are qualitatively similar or comparable (see - the Mewa Ram Kanojia case, and *Government of W.B. v. Tarun K. Roy*, (2004) 1 S.C.T.



78: (2004) 1 SCC 347). In such a cause, the principle of `equal pay for equal work', cannot be invoked.

(ix) to (xvii) xxx xxx xxx

Consequently, not having the qualifications prescribed for eligible Extension Lecturers, the petitioners cannot claim parity in remuneration with them. And there is no need to examine other parameters for applying the principle of ‘equal pay for equal work’ laid down in *Jagjit Singh* case.

8. In view thereof, there is no merit in the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

01.03.2025
Payal

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