



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

LPA-2492-2024 (O&M)

Date of Decision:- 07.04.2025

Krishan Murari

.....Appellant

Versus

State of Punjab and Others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Kanish Jindal, Advocate
for appellant.

ALOK JAIN, J.

1. Present appeal has been filed by Appellant (original petitioner) raising challenge to judgment dated 24.07.2024 passed by learned Single Judge in CWP NO. 830 of 1999, whereby claim of the appellant was rejected.

2. The brief facts of the case leading to filing of present appeal as narrated by Learned Counsel for Appellant are as follows:-

- a. Appellant (writ petitioner) was appointed as Labour Welfare Officer, in the Punjab State Federation of Co-operative Sugar Mills Ltd.,



- Chandigarh (also referred to as Sugarfed), vide appointment letter dated 10.02.1986, in the pay scale of Rs. 605-1680 as per Sugar Wage Board.
- b. Appellant joined Batala Co-operative Sugar Mills Ltd, Batala on 19.02.1986. The pay scale of the appellant was revised from ₹605-1680 to ₹825-1580 w.e.f. 25.06.1986 vide letter No. ARC/SAM/4-16/3243 dated 25.06.1986, which was further revised to ₹2100-3700 w.e.f. 01.04.1991.
- c. The two-fold claim raised by the petitioner in the Civil Writ Petition was to the effect that firstly the first pay revised was to be effected from the date of joining i.e. 19.02.1986 instead of date when it was notified to be applicable i.e 25.06.1986. Secondly, the petitioner is entitled to pay scale of ₹2200-4000 w.e.f. 19.02.1986 as the equivalent pay scale was granted to his counter part working in State of Punjab namely Gian Chand Gupta, who is entitled to the pay scale of ₹2200-4000.
- d. However, the Punjab Government has revised the pay scale of all the employees w.e.f. 01.01.1986



- but the Punjab Government, Labour and Employment Department, has revised the pay scale of the Labour Welfare Officer i.e. ₹2000-3500 w.e.f. 02.07.1999 instead of 01.01.1986.
- e. The petitioner approached the respondent through representation for grant of arrears on account of revision of pay scale w.e.f. 19.02.1986 i.e. (from date of joining the service) till date, but the same was rejected on 04.05.1988 (Annexure P-3).
- f. Thereafter Sugarfed again revised the pay scale of all its employees including the petitioner with effect 01.01.1996 in view of Government Notification No.07/1/97-/FPI/314 dated 16.01.1998 as amended vide Notification No.07/1/97-/FPI/7370 dated 19.05.1998 issued by Government of Punjab, Department of Finance. Said revision was made subject to condition that no arrears for the period from 01.01.1996 to 31.03.1998 were to be paid considering the financial condition of sugar mills.
- g. Aggrieved by the above, the writ petitioners filed the writ petition for releasing the arrears of pay



as revised pay scale of Rs.2200-4000 from 19.02.1986 along with other consequential benefits w.e.f. 01.01.1996 along with interest. Further modifying the circular dated 03.09.1998 whereby appellants were denied the benefit of revised pay scale from 01.01.1996 to 31.03.1998 on the account of financial position of sugar mills, is illegal, arbitrary and against the principles of natural justice.

3. Upon notice, learned State counsel appeared and filed written statement in which preliminary objection of non-joinder of necessary parties besides petition suffering from delay and laches were raised. On merits also claim raised of the appellant/writ petitioner was denied.

4. After considering the averments raised by both learned counsel for the parties and perusal of record, learned Single bench finding no merit therein dismissed the civil writ petition filed by appellant. Relevant extract of judgment dated 24.07.2024 is reproduced herein under:-

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

7. The facts of the case are not in dispute that the petitioner joined the services of the Sugarfed on 10.02.1986 as Labour Welfare Officer in the pay scale of Rs.605-1680 which was further revised to Rs.825-1580 w.e.f. 26.06.1986 and further to Rs.2130-3700 w.e.f. 01.04.1991. However, the petitioner is claiming the pay



scale of Rs.2200-4000 w.e.f. 19.02.1986 (i.e. date of joining the service) on the plea that one Gian Chand Gupta, who is working as Labour Welfare Officer in Printing and Stationery Department, Punjab was granted pay scale of Rs.2200-4000 w.e.f. 01.01.1986 and therefore, the petitioner cannot be denied the said pay scale. The stand taken by respondent No.4 is that the employees of the Sugarfed are granted the pay scales as per the Common Cadre Rules by the Board of Directors of the Sugarfed with prior approval of the Registrar, Cooperative Societies, Punjab and not as per the Punjab Civil Services Rules, therefore, the employees of the Sugarfed cannot claim parity with the Punjab Government Employees. The claim of the petitioner cannot be accepted for the following reasons :-

- (i) There are no pleadings in the petition with regard to the duties and responsibilities of the post held by the petitioner in Sugarfed and in the Printing and Stationery Department, Punjab. There is also no averments made in the petition which would shed light on the comparative educational qualifications required for the post, the method of recruitment, the duties to be performed and the responsibilities to be discharged. In the absence of such pleadings and material on record, the prayer of the petitioner for grant of pay scale of Rs.2200-4000 cannot be adjudication upon and countenanced with.*

The burden of proof in establishing parity in the payscales and nature of duties and responsibilities, is on the petitioner, however, the said burden has not been discharged by the petitioner as no such



pleading to this effect has been given in the writ petition.

(ii) There is also no conscious decision of the Sugarfed at any point of time equating the post held by the petitioner in the Sugarfed with the same post existing in the Printing and Stationery Department of the Punjab Government.

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12. In view of the foregoing reasons as well as settled proposition of law laid down by the Hon'ble Supreme Court, the claim of the petitioner seeking pay parity with his counterpart working with the State Government cannot be countenanced with and, therefore, the present petition is accordingly dismissed."

5. Learned counsel for appellant with vehemence in his argument, pointed out that when respondent No.4 i.e. Sugarfed adopted the pay commission recommendations for grant of revised pay scale, therefore it shall deemed to come into force on/w.e.f 01.01.1986 and 01.01.1996 as per the notification, further there is no justifiable reason for not granting requisite pay scale w.e.f from 19.02.1986 and fixing the date as **01.04.1991** and 01.04.1998 instead of 01.01.1996.

6. Learned counsel further raised the argument that once respondent no 4 had adopted the Punjab Civil Services (revised pay) rules in totality, they cannot partially implement the amendment thereto w.e.f 01.04.1991 and 01.04.1998 instead of 19.02.1986 and 01.01.1996 respectively. hence, in the absence of any justifiable reasons for withholding of arrears of the appellant, decision of the Board of Directors for not releasing arrears from the



19.02.1986 is arbitrary and without any rational nexus to the object sought to be achieved.

7. Learned counsel further relied upon judgment dated 25.07.1995 passed in the CWP no 10611 of 1995 and claimed parity with the Labour Welfare Officer, Printing and stationary department, Punjab not merely because nomenclature of the post is same but the quality and nature of work in both the departments is the same and have no qualitative difference.

8. Learned counsel for appellant relied upon following judgments :-

Krishan Lal vs Central Administrative Tribunal Chandigarh Bench, Chandigarh 2008 (3) SCT 233, Sukhdev Singh vs State of Punjab 2000(2) SCT 74, Kuldip Singh vs State of Punjab and another 2002 (1) RSJ 114 and Randhir Singh vs Union of India 1982 (1) SCC 681.

9. Heard learned counsel for the appellant at length. However, contentions raised by learned counsel for appellant are unsustainable. Admittedly appellant-petitioner is not an employee governed by Punjab Civil Services Rules as concededly petitioner/appellant was an employee of Punjab State Federation of Co-operative Sugar Mills (Sugarfed). The appellant was working as Labour Welfare Officer and the only reason why he is raising this claim of higher pay scale is that as per the common cadre service rules 1981 as amended in 1995, Clause 3.11 of Chapter III reads as under:-

The pay of employees of the Common Cadre shall be fixed, according to the principles for fixation of pay laid down in the



Punjab Civil Service Rules. Vol. I. Part-I.

10. Contention on behalf of appellant that Punjab Civil Services Rules are applicable and he should be given the higher pay-scale to maintain parity are baseless and unfounded. The appellant is admittedly governed by the Punjab State Welfare Officer Recruitment Service Rules, 1952 and the same are applicable to appellant, his pay has been fixed by the society. A perusal of above, nowhere provide that employees of Sugarfed are to be given same pay scale as that of Government Employee however, the principles for fixation of pay are to be followed. Sugarfed itself being a society is governed by its own cadre rules which have been adopted by Board of Directors with appropriate approval of the Registrar Cooperative Society Punjab in terms of the Punjab Cooperative Societies Act, 1961. Moreover the Department has different post and different work to be executed. Merely because nomenclature of the post is same cannot be a ground to seek parity.

11. Judgment of Hon'ble the Supreme Court in **Randhir Singh vs. Union of India 1982(1) SLR 756**, relied upon by learned counsel for appellant to contend that persons belonging to different department performing the same duties should have equal pay for equal work is of no avail to appellant. Said judgment is distinguishable for the reason that said case pertains to Drivers working in Delhi Police Force viz-a-viz Drivers working in Delhi Administration with both under the same establishment. However, in the present case appellant is governed by the terms and conditions of the Sugarfed which is governed by the Punjab Co-operative Societies Act and hence cannot



claim parity.

12. Similarly reliance by learned counsel for the appellant on the other judgments does not come to their aid in any manner.

13. It is to be noted that learned Single Bench in the given factual matrix has correctly relied upon judgment of Hon'ble the Supreme Court in **Harbans Lal and Others vs. State of Himachal Pradesh and Others (1989) 4 SCC 459** with the relevant para therein being reproduced herein under:-

“11. In the light of the aforesaid principles, we may now consider whether the equality claims of the petitioners could be allowed. We have carefully perused the material on record and gave our anxious consideration to the question urged. From the averments in the pleadings of the parties it will be clear that the Corporation has no regularly employed carpenters. Evidently the petitioners are claiming wages payable to the carpenters in Government service. We do not think that we could accept their claim. In the first place, even assuming that the petitioners' jobs are comparable with the counterparts in the government service, the petitioners cannot enforce the right to "equal pay for equal work". The discrimination complained of must be within the same establishment owned by the same management. A comparison cannot be made with counterparts in other establishments with different management, or even in establishments in different geographical locations though owned



by the same master. Unless it is shown that there is a discrimination amongst the same set of employees by the same master in the same establishment, the principle of "equal pay for equal work" cannot be enforced. This was also the view expressed in Meva Ram Kanojia v. A.L.L.M.S., [1989] 2 SCC 245. In the instant case, the petitioners are employed by a company incorporated under the Companies Act. They cannot claim wages payable to their counterparts in government service."

14. In case of **Hukam Chand Gupta vs. Director General, ICAR and Others 2012(4) SCT 698** Hon'ble the Supreme Court had upheld the distinction in pay-scale of the employees working at Head Quarters and employees serving at the institutional level. It was held that it is for the employer to categorize the post and prescribe duties of each post and there cannot be any straight jacket formula for holding that two posts having same nomenclature would have to be given the same pay-scale. It is further held therein that prescription of pay-scales on particular post is very complex exercise requiring assessment of the nature and quality of duties to be performed, responsibilities to be shouldered, therefore, two posts even if referred to by the same name cannot automatically lead to a necessary inference that they are identical in every manner. A Tribunal or a writ Court, it was further held would normally not venture to substitute its opinion for opinions rendered by experts as it would lack necessary expertise to undertake the



complex exercise of equation of posts or pay-scales. This aforesaid judgment was duly reiterated by Hon’ble the Supreme Court in a subsequent judgment of **State of Punjab and Another vs. Jagjit Singh and Another 2016(4) SCT 641**. It is to be reiterated that as held by learned Single Judge, there are no pleadings in the petition with regard to equivalence of duties and responsibilities of the post of Labour Welfare Officer held by the appellant in Sugarfed and the post of the same nomenclature in the Printing and Stationary Department, Punjab. Furthermore there was never any conscious decision by Sugarfed to equate the post in question.

15. Learned counsel for the appellant is unable to point out any illegality, infirmity or irregularity in the impugned order 24.07.2024 which calls for interference by this Court.

16. No other argument was addressed.

17. In the given factual matrix, appeal being devoid of any merit is thus dismissed.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

07.04.2025
Gaurav Sorot

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No