

112 + 136 (6 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2820-2025 (O&M)
Date of Decision: 03.11.2025

Lakhmi Chand and others ...Appellants

Vs.

State of Haryana and others ...Respondents

LPA-1744-2025 (O&M)
Date of Decision: 03.11.2025

Sukhbir Sharma and others ...Appellants

V/s

State of Haryana and others ...Respondents

LPA-1800-2025 (O&M)
Date of Decision: 03.11.2025

Surjeet Singh and others ...Appellants

V/s

State of Haryana and others ...Respondents

LPA-1815-2025 (O&M)
Date of Decision: 03.11.2025

Balvinder Singh and others ...Appellants

V/s

State of Haryana and others ...Respondents

LPA-1844-2025 (O&M)
Date of Decision: 03.11.2025

Balraj Singh and others ...Appellants

V/s

State of Haryana and others ...Respondents

LPA-1937-2025 (O&M)

Date of Decision: 03.11.2025

Munshi Ram and others

V/s

...Appellants

State of Haryana and others

...Respondents

LPA-1941-2025 (O&M)

Date of Decision: 03.11.2025

Surender Singh and others

V/s

...Appellants

State of Haryana and others

...Respondents

CORAM:

HON’BLE MR. JUSTICE ASHWANI KUMAR MISHRA

HON’BLE MR. JUSTICE ROHIT KAPOOR

Present:

Mr. Ranjit Singh Kalra, Advocate for the appellant(s).

Mr. Pankaj Middha, Addl. AG, Haryana and

Mr. Saurabh Mohunta, Sr. DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-7108-LPA-2025 in

LPA-2820-2025

Delay of 17 days in filing the appeal has been satisfactorily explained.

Accordingly, the application is allowed and delay of 17 days in filing the appeal is condoned.

Main Cases.

1.

The controversy raised in this bunch of appeals is similar, therefore, all the appeals are being dealt with together. For convenience, facts are being extracted from LPA-2820-2025.

2. The appellants' claim for parity in the payment of higher pay-scale at par with the Physical Training Instructors (for short 'PTIs') has been rejected by the learned Single Judge after observing that the appellants are not similarly placed as PTIs/(NFCs) or PTIs. The learned Single Judge has also observed that work and duty performed by the appellants cannot be termed to be equal to one performed by PTIs. It has also been observed that teaching Art and Craft and physical training to the students is not one and the same thing. The learned Single Judge, therefore, has observed that the nature of instructions to be imparted to students by the Art and Craft Teachers and PTIs are altogether different.

3. In view of the law otherwise settled that parity in the payment of higher pay-scale can be claimed only by similarly placed persons and such similarity has found to be missing in the facts of the present case, as such, the claim of the appellants has been rejected by the learned Single Judge.

4. Learned counsel for the appellants contends that all the appellants are placed in Class-C and were governed by the Haryana State Education School Cadre (Group-C) Service Rules, 1998. Subsequently, new rules came into existence i.e. Haryana School Education (Group-C) State Cadre Service Rules, 2012 and the Art and Craft Teachers were placed in the similar pay scale and cadre as was the PTIs. It is, therefore, submitted that merely because Art and Craft Teachers perform distinct functions vis-à-vis PTIs, would not be material particularly when the appellants were placed in the same pay-scale and have otherwise higher qualification.

5. Learned State counsel, on the other hand, opposes the claim of the appellants on the ground that plea of similarity in the payment of higher pay-scale is dependent upon two set of employees being similarly placed i.e.

they have similar qualifications and similar duties to be performed. It is argued that since the duties performed by an Art and Craft Teacher is distinct from that of a PTI, as such, merely because they are placed in the same pay-scale or cadre, would not be a ground for the appellants to claim higher pay-scale. It is also submitted that grant of benefit to PTIs was otherwise in a different context which has no applicability in the facts of the present case.

6. The learned Single Judge has examined the claim of the appellants and observed as under:-

“5. As per the facts apparent on record, the petitioners joined service as Art and Craft Teachers in the Department, and their services were governed under the 1998 Rules; so was the case with PTIs working in the Department. The requisite qualifications for the two posts were different. Although they had been placed in the same pay scales, the Art and Craft Teachers had been given three additional increments based upon their higher qualifications. There has been a protracted litigation between PTIs/PTIs(NFC) and the Department. The two being part of the same cadre and performing similar duties, were given parity of pay scales by this Court vide judgments rendered in Ram Kishan Ahlawat case, National Fitness Corps Teachers Association case and Om Parkash case. Pursuant thereto, the Department vide office orders dated 02.11.2016 and 03.08.2023, released the benefits of higher scales to PTIs/NFC as a personal measure. As a consequence and in terms of the directions issued by this Court in the judgments aforementioned, vide office order dated 03.08.2023, pay scales of PTIs were brought at par with those of PTIs/NFC with effect from 01.07.1976. Grant of these scales to the PTIs cannot be a basis for the petitioners to claim parity therewith. It was in entirely different circumstances, viz., absorption of PTIs/NFC in the existing cadre of PTIs, and following the principle of ‘equal pay for equal work’, this Court held them entitled to the same pay

scales. It is apt to refer to the observations of this Court in CWP-11738-1988 titled Ram Kishan Ahlawat and others v. State of Haryana and others, in this regard, which are as follows:

Thus, what is required to be seen by the employer while fixing the pay-scale of persons belonging to one or similar cadre is the similarity of qualifications and qualitative as well as quantitative similarity in the nature of duties. A broad view is to be taken by the employer of the nature of duties required to be performed by the employees and a scientific and mathematical similarity in the nature of duties is not necessary for applying the principle of "equal pay for equal work".

In view of the above, it must be held that there is no justification for making any discrimination between the Physical Training Instructors of the department qua others, who are designated as Physical Training Instructors (NFC) or who are given similar other designations. While the petitioners have specifically pleaded that qualifications prescribed for the two posts as well as the nature of duties being performed by the holders of such posts are similar, respondents have simply made a bald statement that there is a difference in the method of recruitment of the employees belonging to the two cadres and that there is difference in the nature of duties. This, in my opinion, is not sufficient to justify the disparity of pay scales. Being employer of the petitioners, the respondents are in possession of the material on the basis of which they could show difference in the nature of duties required to be performed by the petitioners on the one hand and the Physical Training Instructors (NFC) on the other hand and as the respondents have not done that, it is reasonable to accept the petitioners' assertion regarding the nature of their duties vis-a-vis other Physical Training Instructors and that they have been

denied the benefit of the principle of "equal pay for equal work" without any reason or rhyme.

However, the aforesaid conclusion cannot automatically result in the issue of a direction to the respondents to give benefit of the pay scale of Rs.1400-2600 to the petitioners straightaway. Learned Assistant Advocate General has brought to the notice of the Court that the State Government has already taken note of the mistake allegedly committed in the grant of grade of Rs. 1400-2600 to the Physical Training Instructors (NFC). She submitted that if the Government finally decides to give pay scale of Rs.1200-2040 to the Physical Training Instructors (NFC), the very basis of the claim made by the petitioners for grant of salary in the pay scale of Rs.1400-2600 would disappear. This submission of the learned Assistant Advocate General merits consideration. From the record of this case it is clear that the sole basis of the claim made by the petitioners lied in the fact that the Physical Training Instructors (NFC) have been given higher grade of Rs.1400-2600. Therefore, if the Government finally takes the view that the Physical Training Instructors (NFC) are not entitled to the grant of higher pay scale, the very foundation of the claim made by the petitioners would disappear and in that eventuality, they will not be entitled to the benefit of grade of Rs.1400-2600.

In view of the above discussion, the writ petitions are allowed. It is declared that the petitioners, who are doing duties similar to the duties being performed by the Physical Training Instructors (NFC), are entitled to be treated at par with them in the matter of pay scales. The respondent-Government is directed to examine the entire issue relating to the claim of the petitioners to the grant of pay scale of Rs.1400-2600 afresh. This consideration must be done within a period of three months of the

receipt of certified copy of this order. If the Government ultimately upholds the claim of the Physical Training Instructors (NFC) to the grant of the grade of Rs.1400-2600, benefit of that grade will have to be extended to the petitioners and other similarly situated Physical Training Instructors. If, on the other hand, the Government takes the view that the Physical Training Instructors (NFC) are not entitled to the grade of Rs.1400-2600, such benefit shall not be admissible to the petitioners as well. It is further made clear that if on the basis of any Court order, the Physical Training Instructors (NFC) are given the benefit of pay scale of Rs.1400-2600, then also the Government shall have to extend such benefit to the petitioners and other similarly situated persons. Costs made easy.

6. The facts in the instant case are entirely different, as the petitioners are not similarly placed as PTIs/NFC or PTIs. Also, the work and duties performed by the petitioners cannot be termed equal to the one performed by the PTIs; teaching Art and Craft and Physical Training to the students are not one and the same thing. The nature of instructions to be imparted to the students by the Art and Craft Teachers and PTIs, are altogether different. Qualifications for these two posts are also different. Merely because PTIs and PTIs/NFC have been given higher pay scales under the peculiar circumstances mentioned hereinbefore, that cannot be a ground to claim the same pay scales for Art and Craft Teachers, that too at this stage, viz. after four decades of joining service.”

7. Though various submissions are urged in order to contend that the appellants have been placed in the same cadre but we find that the appellants vis-à-vis the PTIs have different qualifications and nature of work to be performed. As the work of PTIs and Art and Craft Teacher are distinct, we do not find any substance in the challenge laid to the judgment of the

learned Single Judge that these two set of persons be treated alike so as to extend the benefit of pay parity.

8. Learned counsel for the appellants has also placed reliance upon para No.18 of the judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others vs. Senior Vocational Staff Masters Association and Others 2017 (9) SCC 379**, which reads as under:-

“18. We are conscious of the fact that a differential scale on the basis of educational qualifications and the nature of duties is permissible. However, it is equally clear to us that if two categories of employees are treated as equal initially, they should continue to be so treated unless a different treatment is justified by some cogent reasons. In a case where the nature of duties is drastically altered, a differential scale of pay may be justified. Similarly, if a higher qualification is prescribed for a particular post, a higher scale of pay may be granted. However, if the basic qualifications and the job requirements continued to be identical as they were initially laid down, then the Court shall be reluctant to accept the action of the authority in according a differential treatment unless some good reasons are disclosed. Thus, the decisions relied upon by learned senior counsel are clearly distinguishable and are not applicable to the facts of the present case.”

9. The observations made by the Hon'ble Supreme Court in the aforesaid paragraph do not come to the aid of the appellants inasmuch as the qualification prescribed for two posts as also the nature of work performed by them, is entirely distinct. Merely stating that appellants have higher qualification, is also a misconceived argument inasmuch as the qualification for the two posts is entirely distinct and, therefore, to state that the appellants' qualification is higher would be misplaced on facts. Learned counsel has also placed reliance upon a judgment of the Division Bench of

this Court in the State of Punjab vs. R.S. Sharma 1994 (8) SLR 99, where the Division Bench has observed that ordinarily parity in pay-scale of employees in two categories ought not to be withdrawn or disturbed. This judgment is based on the facts of the case involved therein, but the same cannot be construed as laying down any binding principle inasmuch the law is well settled that parity in the matter of pay-scale would be dependent upon the nature of qualification and work performed by two set of employees.

10. It is otherwise informed that benefit of higher pay scale was extended to the PTIs pursuant to orders passed by this Court and the said order has attained finality. Such parity granted to the PTIs, in our view, would not construe any basis for Art and Craft Teachers or else teachers cutting across in all other sets falling in classical or vernacular category, to claim similar benefit as the same would lead to an endless process.

11. In that view of the matter, we do not find any error in the judgments passed by the learned Single Judge. The appeals consequently fail and are dismissed.

12. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

03.11.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No