



RSA-1206 of 2002

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

**RSA-1206 of 2002 (O&M)
Reserved on:05.03.2026
Date of decision :20.03.2026**

KISHORE LAL

..... Appellant

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Dhirinder Chopra, Advocate
for the appellant.

Mr. Amarpreet Singh Bains, AAG, Punjab.

DEEPINDER SINGH NALWA, J.

1. The present appeal has been filed against the judgment and decree passed by the learned lower Appellate Court dated 22.12.2001, vide which the judgment and decree dated 16.05.2000 passed by the learned trial Court was set aside and the suit of the appellant/plaintiff was dismissed.

2. Brief facts of the case are that the appellant-plaintiff was appointed on the post of Book Binder on compassionate grounds vide order dated 12.01.1994. As per the appellant-plaintiff, the pay scale of Book Binder was Rs.950-1800/- vide notification dated 09.09.1988, which was revised w.e.f. 01.01.1986. According to the appellant-plaintiff, since the pay scale had been revised to 950-1800/- for the post of Book Binder, appellant-plaintiff was entitled to the said pay scale. However, the respondents-

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defendants were granting the pay scale of Rs.810-1440/- to the appellant-plaintiff.

3. The appellant-plaintiff submitted various representations for grant of pay scale of Rs.950-1800/- w.e.f.12.01.1994. However, no action was taken by the respondents-defendants as a consequence, the appellant-plaintiff filed a suit for declaration to the effect that the appellant-plaintiff was entitled for grant of pay scale of Rs.950-1800/- instead of Rs.810-1440/- of the post of Book Binder w.e.f. 12.01.1994, i.e., from the date of appointment of the appellant-plaintiff. The case of appellant-plaintiff was that since the appellant-plaintiff was performing the same duties and responsibilities as has been performed by the other Book Binders who were granted the pay scale of Rs.950-1800/- as such, the appellant-plaintiff was also entitled for grant of same pay scale.

4. Per contra, the respondents-defendants duly filed written statement in the suit. It was the case of the respondents-defendants that as per the revised pay scale, Book Binders were entitled for pay scale of Rs.810-1440/- and not Rs.950-1800/-. It was further the case of the respondents-defendants that as per the notification dated 20.01.1989 (Ex. D-2) and the subsequent notification dated 27.03.1991 (Ex.D-3), the pay scale of 950-1800/- was to be granted only upon fulfilling the requisite qualifications.

5. From the pleadings of the parties, learned trial Court framed the following issues:-

“1. Whether plaintiff is entitled to the declaration to the effect that action of the defendant in not granting the salary to the plaintiff in the pay scale of Rs.950-1800 instead of Rs.810-1440 of the post of Book Binder w.e.f.

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12.1.94 is illegal, null and void, unjustified and against the principles of natural justice?OPP

2) Whether plaintiff is entitled to arrears w.e.f. 12.1.94 alongwith interest @ Rs.18% P.A.?OPP

3) Whether the suit of the plaintiff has been filed within the period of limitation?OPD

4) Whether plaintiff is not entitled to claim declaration not being eligible for the same ?OPD

5) Relief.”

6. The learned trial Court decided the suit in favour of the appellant-plaintiff vide judgment and decree dated 16.05.2000 vide which, the appellant-plaintiff was held entitled for pay scale of Rs.950-1800/- instead of Rs.810-1440/- w.e.f. 12.01.1994. The appellant-plaintiff was also held entitled to arrears w.e.f 12.01.1994, and respondents-defendants were directed to pay the arrears to the appellant/plaintiff within a period of 03 months by fixing the pay of the appellant-plaintiff in the pay scale of Rs.950-1800/-. In case, the arrears were not paid within a period of 03 months, the appellant-plaintiff was entitled to claim interest @ 12% per annum after the expiry of the said period.

7. That aggrieved against the judgment and decree passed by the learned trial Court dated 16.05.2000, the respondents-defendants filed an appeal before the lower Appellate Court.

8. The learned lower Appellate Court allowed the appeal filed by the respondents-defendants vide judgment and decree dated 22.12.2001 and set aside the judgment and decree passed by the learned trial Court dated 16.05.2000.

9. A perusal of the judgment and decree passed by the learned

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lower Appellate Court would show that the learned lower Appellate Court has taken into consideration the notification dated 27.03.1991 (Ex.D-3). Taking into consideration the above said notification, it was held that an employee would be entitled for grant of pay scale of Rs.950-1800/- as a personal measure subject to the condition that the employee possessed the requisite qualification on matriculation with diploma.

10. It has been held by the learned lower Appellate Court that the appellant-plaintiff was only a matriculate and did not possess the diploma and therefore as per the notification dated 27.03.1991 (Ex.D-3), the appellant-plaintiff was not entitled for grant of pay scale of Rs. 950-1800/- w.e.f. 12.01.1994, i.e., the date on which the appellant-plaintiff joined service. It has also been held by the learned lower Appellate Court that even if an employee performs the same nature of duties and responsibilities but does not possess the requisite qualifications, in that case, the principle of equal pay for equal work would not be applicable.

11. Aggrieved against the judgment and decree dated 22.12.2001 passed by the learned lower Appellate Court, the appellant-plaintiff has filed the present appeal.

12. The only contention raised by learned counsel appearing on behalf of appellant-plaintiff is that as the appellant-plaintiff was appointed on the post of Book Binder and is performing similar duties and responsibilities as performed by other Book Binders who are given the pay scale of Rs. 950-1800/- as such, the appellant-plaintiff is also entitled for the same pay scale w.e.f. the date of his appointment.

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13. On the other hand, learned counsel appearing on behalf of the respondents submits that the appellant-plaintiff is not entitled for grant of pay scale of Rs.950-1800/- for the reason that as per the notification dated 27.03.1991 (Ex. D-3), the pay scale of Rs. 950-1800/- can only be given as a 'personal measure' to an incumbent/incumbents possessing the qualification of matriculation with diploma. He submits that as the appellant-plaintiff does not possess the qualification of diploma in book binding, as such, the appellant-plaintiff is not held entitled for grant of pay scale of Rs.950-1800/- w.e.f. the date of his appointment i.e. 12.01.1994.

14. After hearing learned counsel for the parties at some length and going through the record and evidence led before the Court, the only issue involved in the present appeal is whether the appellant-plaintiff is entitled to the grant of revised pay scale of Rs.950-1800 w.e.f. the date of his appointment i.e.12.01.1994.

15. A perusal of the facts of the present case would show that there is no dispute that the appellant-plaintiff was appointed on the post of Book Binder on 12.01.1994. The pay scales of Book Binders were revised vide notification dated 20.01.1989 (Ex.D-2). As per the said notification, the pay scale of Rs.325-495/- was revised to Rs. 810-1440/-. However, as per the notification dated 20.01.1989 (Ex. D-2), the pay scale of Rs.950-1800/- was to be given to an employee who fulfilled the academic qualifications or upon completion of 10 years of service, whichever was earlier. As the appellant-plaintiff was appointed on 12.01.1994 and did not have 10 years of service in terms of the notification dated 20.01.1989 (Ex.D-2), the appellant-plaintiff



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was granted the pay scale of Rs. 810-1440/- instead of pay scale of Rs.950-1800/- w.e.f. 12.01.1994.

16. The department subsequently issued another notification dated 27.03.1991 (Ex. D-3). As per the above said notification, the pay scale of Rs.325-495/- was again revised to Rs.950-1800/- as a 'personal measure' to the incumbents possessing the qualification of matriculation with diploma. It is an admitted fact that the petitioner does not possess the qualification of diploma.

17. Insofar as the applicability of the principle of 'equal pay for equal work' is concerned, the said principle cannot be invoked automatically. In order to invoke the above said principle, all relevant factors has to be identical. Different pay scales can be prescribed for the same post on the basis of qualifications, which constitutes a reasonable classification and passes the test of Articles 14 and 16 of the Constitution of India.

18. In the present case, the appellant-plaintiff has claimed the pay scale of Rs.950-1800 on the basis of the notification dated 27.03.1991 (Ex. D-3). A perusal of the said notification would show that the pay scale of Rs.950-1800/- was to be granted as a 'personal measure' to an employee possessing the qualification of matriculation with diploma. The said pay scale is based on the basis of qualification and therefore is to be given to individual employee/employees possessing the requisite qualification. Pay scale given as 'personal measure' is given to the employee/employees based on qualification, merit, performance etc. such pay scale is not attached to the post. The said pay scale cannot be granted to all employees merely by



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invoking Article 39 (d) of the Constitution of India i.e. applying the principle of equal “pay for equal work” on the ground that employee/employees are performing similar duties and responsibilities.

19. Taking into consideration the facts of the case and the evidence led by the parties, as the appellant-plaintiff does not possess the qualification of diploma, the appellant-plaintiff is held not entitled for grant of pay scale of Rs.950-1800/- in terms of the notification dated 27.03.1991 (Ex. D-3).

20. In view of above, this Court finds no infirmity or illegality in the judgment and decree passed by the learned lower Appellate Court dated 22.12.2001.

21. Accordingly, the present appeal is dismissed.

22. Pending application(s), if any, also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

20.03.2026

Rimpal

Whether speaking/reasoned Yes

Whether Reportable : Yes