

2026.PHHC.035321-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. LPA-257-2020 (O&M)

State of Punjab and others

Vs.

Raj Kumar and others

...Appellants

..Respondents

2. LPA-1336-2019 (O&M)

State of Punjab

Vs.

Punjab Government Driver
Technical Employees Union

...Appellant

...Respondents

3. LPA-449-2019 (O&M)

State of Punjab and others

Vs.

Manmohan Singh and others

...Appellants

...Respondents

1.	Date when Order was reserved	19.02.2026
2.	Date of Pronouncement of Order	09.03.2026
3.	Date of uploading order	13.03.2026
4.	Whether operative part or full order is pronounced	FULL
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM: HON’BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Maninderjit Singh Bedi, Advocate General, Punjab
Ms. Anu Chatrath, Senior Addl.AG, Punjab with
Ms. Arundhati Kulshreshtha, AAG, Punjab
for the applicant-appellant(s).

Mr. Kshitij Sharma, Sr. Advocate with
Mr. Shobhit Sharma, andMs. Shruti Gupta Sharma, Advocates
for the respondents (in LPA-257-2020).
Mr. K.S.Dadwal, Advocate and Mr. Manish Dadwal, Advocate
for the respondents (in LPA-449-2019).

Mr. Rakesh Sobti, Advocate (through Video Conferencing)
for respondents (in LPA-1336-2019).

DEEPAK MANCHANDA, J.

Through the present Intra-Court Appeals, the appellant–State has challenged the impugned judgments dated 01.02.2018, 23.10.2018 and 13.12.2018, whereby the writ petitions filed by the respondents/petitioners were allowed. Since common questions of facts and law are involved in the aforesaid three appeals, regarding the pay-scale of drivers and Heavy vehicle Bus Drivers, the same are being disposed of by this common judgment. For the sake of convenience and reference, the facts are being taken from LPA No. 257 of 2020.

2. The facts emanating from the pleadings are that the respondents/petitioners are working as drivers/ Heavy vehicle Bus Drivers, under the control of the appellant-State. Initially, from 01.01.1976 till the implementation of the Pay Commission recommendations w.e.f. January 2006, the respondents/petitioners, along with certain other categories of employees, were placed in the same pay scale. However, on 01.12.2011, the pay scales of certain other categories, namely Head Constable, Junior Scale Stenographer, Technical Assistant, Field Assistant and Head Warden/Matron, were revised to ₹10,300–34,800 with Grade Pay of ₹3,600, with initial start of ₹14,430, vide orders annexed as Annexures P-1 to P-5. However, the pay scale of the respondents/petitioners was not correspondingly revised.

3. Besides, about nine other categories of employees, who were earlier drawing less pay than the respondents/petitioners, were also granted higher pay scales, whereas the claim of the respondents/petitioners for removal of anomaly

in the pay scale was not considered. Aggrieved by the same, the respondents/petitioners filed CWP No. 23455 of 2012, which was disposed of with a direction to the competent authority to consider their claim and take a final decision regarding rectification of the anomaly. However, vide order dated 19.03.2015 (Annexure P-9), the claim of the respondents/petitioners was rejected by the appellants.

4. The respondents/petitioners thereafter challenged the said order dated 19.03.2015 by filing CWP No. 9627 of 2015, which was allowed vide impugned judgment dated 13.12.2018 by the learned Single Judge, holding that the respondents/petitioners were entitled to the revised pay scale of ₹10,300–34,800 with Grade Pay of ₹3,600, with initial start of ₹14,430 w.e.f. 01.12.2011. Being aggrieved by the said impugned judgment dated 13.12.2018, the appellants–State preferred the present Intra-Court Appeal.

5. Learned Advocate General, Punjab for the appellants contends that the learned Single Judge has failed to appreciate that the pay scales of all categories, including that of Drivers, were recommended by the 5th Punjab Pay Commission on the basis of the qualifications, experience and nature of duties assigned to the respective categories. It is further submitted that an Anomaly Committee was also constituted to examine and resolve the anomalies that had arisen due to the implementation of the pay scales recommended by the 5th Punjab Pay Commission. Wherever any discrepancy was noticed by the said Committee, revised pay scales were recommended and consequently granted to certain categories of employees.

6. He further submits that the category of the respondents/petitioners was also granted special grade pay of ₹150 vide Notification No. 5/10/09–

5FP1/1807 dated 14.11.2011 and also argued that the respondents/petitioners, who are working as Drivers/Heavy Vehicle Bus Drivers, cannot be treated at par with the posts of Head Constable, Junior Scale Stenographer, Technical Assistant, Field Assistant, Head Warden/Matron, and other nine categories of the employees from different departments of the State of Punjab, as the qualifications, nature of duties, responsibilities, promotional avenues and service conditions of the said posts are materially different from those of the respondents/petitioners.

7. It is again argued that no parity exists between the aforesaid posts, and therefore no anomaly in the pay scales arises. Consequently, the findings recorded by the learned Single Judge are contrary to the facts as well as the settled principles of law and, therefore, same deserves to be set aside.

8. *Per contra*, learned Senior Counsel appearing for the respondents/petitioners has argued that the pay parity between the respondents/petitioners and the other categories of employees was not disturbed by any expert body such as the Pay Commission, but rather by a Cabinet Sub-Committee. It is submitted that there is no reference to any Anomaly Committee or its report either in the impugned order challenged in the writ petition or in the written statement filed by the appellants.

9. Learned Senior Counsel, while referring to Annexure P-11, further submits that even Finance Department of the State of Punjab had also admitted and addressed communications to various departments directing that only such proposals be forwarded which pertained to anomalies arising out of pay scales in cases of promotional posts, those created by the action of Cabinet Sub-Committee. It has also been pointed out that the appellants themselves had stated

therein that the demands of the other Government employees would be considered by the next Pay Commission.

10. Learned Senior Counsel further submits that in the year 2016, the 6th Punjab Pay Commission, which is an expert body, maintained the parity as it existed under the 5th Pay Commission, which continued uptill the re-revision implemented on 01.12.2011 and the scales prevailing under the 5th Pay Commission were taken as the reference point. Thus, the breaking of pay parity by a non-expert body, i.e. the Cabinet Sub-Committee, for the period between 01.12.2011 and 01.01.2016, resulted in higher fixation of basic pay and corresponding benefits such as DA and HRA for other categories while excluding the respondents/petitioners.

11. It is further contended that five categories of employees, who had been drawing the same pay scale as the respondents/petitioners from 1976 till 2006, were granted higher pay scales, and even nine other categories of employees, who were earlier drawing lower pay scales, were also granted enhanced scales, whereas the respondents/petitioners were completely ignored without any justification.

12. Learned Senior Counsel has also argued that the impugned order dated 19.03.2015, which was challenged in the writ petition, is a non-speaking and unreasoned order, as the claim of the respondents/petitioners was rejected merely by observing that their demand was “not found logical.” Even in the written statement filed by the appellants, no cogent reasoning has been furnished, rather, it has only been stated that an additional special grade pay of ₹150 had been granted and that fixation of pay scales falls within the domain of State policy and expert bodies like the Pay Commission, without specifying

which Pay Commission had broken the parity that had existed since the year 1976.

13. In addition to the aforesaid submissions, Mr. Dadwal learned counsel appearing for the respondents/petitioners in LPA No. 449 of 2019, has contended that the material on record itself demonstrates that the pay parity was consistently maintained by the expert bodies, namely the Pay Commissions, from the year 1976 till 01.12.2011, and that the anomaly which arose thereafter was created solely by the Cabinet Sub-Committee, which cannot be treated as an expert body competent to disturb such parity. He also submits that while considering the said aspect learned Single Judge rightly allowed the CWP No.7920-2013, which became the cause for similar relief in other petitions where the said judgment had been followed by the learned Single Judge.

14. Heard.

15. Perusal of the impugned judgment dated 13.12.2018 would show that the writ petition was allowed by the learned Single Judge in favour of the respondents/petitioners. The relevant findings recorded therein are reproduced hereunder:—

“This Court in CWP No. 7920 of 2013 titled as “Manmohan Singh and others vs. State of Punjab and others” decided on 01.02.2018 has held as under:-

“A bare perusal of the afore-stated chart reveals that the drivers were initially drawing pay scale of 400- 600 in the year 1978 and in the year 1986 their pay scale was at a higher pedestal than the Patwaris. Similar was the position in the year 1996 as also in 2006. However, the recommendations made by the Pay Commission in 2011 brought about anomaly in the pay scales to be granted to the drivers. Intriguingly, Patwaris, who were drawing lower pay scale were

granted pay scale of Rs.10,300-34,800/- plus grade pay of Rs.32,00/- as against the drivers (petitioners) who were not granted the revised pay scale in 2011. This anomaly has to be redressed. Admittedly, the petitioners being drivers are performing arduous duties but have been drawing lesser pay than the Patwaris. The changed pay scales adverse to the petitioners are not justifiable in the background explained above. They are legally entitled for the pay scale of Rs.10,300-34,800/- plus grade pay of Rs.32,00/- as is being drawn by the Patwaris. The State being a model employer cannot act arbitrarily and in a discriminatory manner to the prejudice of one class of its employees. From the inception till date, the nature of job has substantially remained unchanged. This fact itself is suggestive of the fact that the deviation in the original pattern of pay scale is not substantiated by any logic nor any material in support of the fact that both the cadres have undergone any change has been brought on record by the State. Therefore, it is inherently illogical to discriminate against one set of employees of the State as against their counterparts who were at the same footing at the time of inception of the process.”

In the present case, the petitioners were drawing pay scale of Rs.4020-6200 before 5th pay commission and after 5th pay Commission they were drawing 5910-20200 + grade pay of Rs.2400/- with initial start of Rs.9880/- which was at par with Head Constables, Junior Scale Stenographers, Technical Assistants, Field Assistants, Head Warden/Matron. However, the revision made by the State Government with effect from 01.12.2011 caused anomaly as the pay scales of the petitioners were not revised. The aforesaid five categories of employees who were drawing equal pay scale to the petitioners were granted pay scale of Rs.10300-34800 with grade pay of Rs.3600 with initial start of Rs.14430/- but the pay scale of the petitioners was not revised. The anomaly has to be addressed. The State being a model employer cannot act arbitrarily and in a discriminatory manner to the prejudice of one

class of its employees. From the inception till date, the nature of job has substantially remained unchanged. This fact itself is suggestive of the fact that the deviation in the original pattern of pay scale is not substantiated by any logic nor any material in support of the fact that both the cadres have undergone any change has been brought on record by the State.

In view of above, the present writ petition is allowed. The petitioners are held entitled to the revised pay scale of Rs.10,300- 34,800/- plus grade pay of Rs.3600/- with initial pay of Rs.14430/- with effect from 01.12.2011. The State is directed to fix the pay of the petitioners accordingly within a period of three months from the date of receipt of certified copy of this judgment. The arrears of the pay etc. also be released in their favour within three months thereafter.”

16. After perusing the impugned judgment as well as the material available on record, we are of the considered view that the question which arises for consideration before this Court is whether the pay parity, which had existed for decades, could have been disturbed by a non-expert body, namely a Cabinet Sub-Committee primarily comprising Ministers, instead of an expert body such as the Pay Commission. It is an admitted position that no Anomaly Committee had examined the issue, rather, the change was brought about by a Cabinet Sub-Committee, which is evident from the impugned order dated 19.03.2015 (Annexure P-9) challenged through the writ petition. It is also apparent that in the entire pleadings placed on record there is no reference to any Anomaly Committee or to any report submitted by such Committee.

17. On the contrary, the material available on record indicates that the expert body, i.e., the Pay Commission, had consistently maintained the pay parity from the year 1976 till 01.12.2011. The said parity appears to have been disturbed thereafter by a non-expert body, i.e. the Cabinet Sub-Committee, which in effect created the anomaly in the pay scales. Furthermore, the

arguments raised by the appellant–State, as well as the pleadings on record, fail to demonstrate that whether the Cabinet Sub-Committee had examined the relevant factors, such as the nature of duties, responsibilities, method of recruitment, qualifications, and promotional avenues of the respective posts, before disturbing the existing parity.

18. We also cannot lose sight of the fact that the entire exercise of granting higher pay scales to certain categories of posts, which were admittedly at par with the respondents/petitioners from the year 1976 till 01.12.2011, and even to some other categories which were earlier drawing lower pay scales, while depriving the respondents/petitioners, of such revision without assigning any reason, cannot be sustained. It is well settled that reasons form the foundation of every administrative decision, and the absence of reasons renders such action arbitrary and unsustainable in law.

19. Viewed from the above perspective, we believe that without any alteration of the relevant rules, such revision of pay scales adverse to the respondents/petitioners could not have been affected merely by an act of a non-expert body as has been rightly pointed out by the learned counsels for the respondents/petitioners. Even the stand taken by the appellant–State in the written statement filed before the learned Single Judge, as well as in the grounds of the present appeal, is silent on the material aspects of the issue.

20. Furthermore, while rejecting the claim of the respondents/petitioners vide the order dated 19.03.2015, impugned in the writ petition, wherein it was merely observed that the demand of the respondents/petitioners was “not logical”, without supporting the said conclusion with any material or cogent reasoning. Undoubtedly, the posts held

by the respondents/petitioners and the other categories of employees may involve different qualifications, duties and responsibilities, however, the undeniable fact remains that all these posts were treated as equivalent initially and continued to remain so even at the time of earlier revisions of pay scales. If, at a subsequent stage, it was considered necessary to treat them differently, the appellant-State was required to disclose valid and cogent reasons justifying such differential treatment. However, no such reasons have been placed on record by the appellant-State either before the learned Single Judge or in the present appeal.

21. We are conscious of the settled principle that differential treatment in the matter of pay scales, based upon educational qualifications and the nature of duties, is legally permissible. However, it is equally well settled that where two categories of employees have historically been treated as equals, they must continue to be treated alike unless a reasonable and justifiable basis for such differentiation is established. In matters relating to fixation of pay, which is a delicate mechanism requiring careful consideration of multiple factors, any departure from an established parity must be supported by cogent material. In the present case, the record reveals that since 1976, the parity between the posts in question had consistently been maintained by the expert bodies, namely the Pay Commissions, which kept the posts and their corresponding pay scales at par, till 2011.

22. Once such considerations had been duly weighed by the expert bodies over a long period of time, a heavy burden lay upon the appellant-State to justify the disturbance of that parity. However, the appellant-State has acted upon the recommendations of a non-expert body, namely the Cabinet Sub-

Committee, which in effect disturbed the said delicate mechanism of pay fixation.

23. In the absence of any material on record to demonstrate that the alleged anomaly had been created by the Pay Commission itself, there was no occasion to refer the matter to any Anomaly Committee. Rather, it is evident that in the subsequent 6th Punjab Pay Commission, the pay scales recommended under the 5th Pay Commission were accepted as a reference point. The record further reveals that the respondents/petitioners (in LPA-257-2020) being Heavy Vehicle Drivers, had always been placed at par with the five categories of posts mentioned in Annexure P-6, annexed with the writ petition and such parity was consistently maintained through successive Pay Commissions, including the 5th Pay Commission (w.e.f.2006) and the 6th Pay Commission (w.e.f.2016). The break in this parity occurred only on 01.12.2011, not on the basis of any recommendation made by a Pay Commission or other expert body, but by way of selective executive notifications issued on the recommendations of a Cabinet Sub-Committee.

24. On the similar issue, the Hon'ble Supreme Court in ***G.K.Nagpal V. Punjab State Electricity Board 1998 (1) SCT 694*** has observed as under:-

“5. It is undoubtedly true that the posts of Laboratory Assistants are different from those of Line Superintendents etc. It is also correct that they carry different qualifications as well as different duties. However, the fact remains that all these posts had been treated as 'equal' initially. They were even treated as 'equal' even at the time of the revision of the pay scales. If at a subsequent stage they were to be treated differently, some reason should have been disclosed. The respondent-Board has not disclosed any reason in the written statement. This is in spite of the fact that various officers of the Board have repeatedly opined that the duties

of the posts are analogous, the qualifications are similar and as such the plea for parity of treatment in the pay-scales should have been granted. Why the respondent-Board treated the appellants differently? Neither in the written statement nor by any other document the reason has been disclosed in the Court. Even at the hearing, no one has appeared on behalf of the respondent-Board to justify this action.

6. We are conscious of the fact that a differential treatment in the matter of pay scales 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 differential treatment is justified by some cogent reason. 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 continue to be identical or as they were initially laid down, then the Court shall be slow to accept the action of the authority in according a differential treatment unless some good reason is disclosed. In the present case, the only reason pointed out in the written statement is based on the qualifications and the job requirements. There has been admittedly no change in either of the two parameters. That being so, no new ground for creating a classification was made out.

7. In view of the above, we allow the appeal. The appellants shall be entitled to be placed in the scale of Rs. 700-1200 with effect from January 1, 1978. We are not awarding any costs as no one has appeared on behalf of the respondent-Board to contest the claim.

Appeal allowed.”

25. We have examined the entire material placed on record and find that there is no Pay Commission report, committee study, or comparative assessment produced by the appellant-State to justify the exclusion of the respondents/petitioners, from the benefit of the revised pay scale, while similarly placed and even lower-paid categories were granted the upgraded pay scales.

Even the impugned order dated 19.03.2015, which was challenged through the writ petition filed by the respondents/petitioners, does not disclose any reasons, data, or analysis explaining why the long-standing parity was broken, nor does it indicate why relevant considerations such as the nature of duties, responsibilities, and working conditions of the respondents/petitioners were ignored while granting higher pay scales to categories that were earlier drawing lower pay than the respondents/petitioners.

26. Furthermore, the appellant-State has failed to explain as to which Pay Commission had found the claim of the respondents/petitioners to be illogical or unsuitable. On the contrary, it is evident from the record that the 6th Punjab Pay Commission, which came into effect from 01.01.2016, once again restored the parity between the respondents/petitioners and the categories mentioned in Annexure P-6.

27. This subsequent development clearly demonstrates that the disruption of parity on 01.12.2011 was neither principled nor based upon any expert assessment, but was merely a deviation from the long-standing and rational pay structure that had been maintained over the years.

28. The learned Single Judge, in fact, corrected and addressed the admitted anomaly which the State had failed to justify. It is a matter of record that the decision regarding re-revision of pay scales in 2011 was taken only by a Cabinet Sub-Committee. While referring to the 6th Punjab Pay Commission Report, the learned Advocate General has fairly submitted that the recommendations of the Cabinet Sub-Committee, which had been implemented in respect of certain categories of employees since 2011 were subsequently examined in detail by the 6th Punjab Pay Commission, particularly in Chapter V

of its report. The said report was submitted in the year 2021 and implemented thereafter, hence, the same was not referred to in the original LPA filed in the year 2019.

29. We have also gone through with the recommendations of the 6th Punjab Pay Commission, which were implemented vide Gazette Notification dated 05.07.2021, with retrospective effect from 01.01.2016, wherein it has also been fairly conceded that a significant aspect of the report of the 6th Punjab Pay Commission is that the revision of pay scales effected in the year 2011 have effectively been treated as non-est (legally non-existent). Consequently, the Commission recommended separate multiplier factors for the re-revised and un-revised categories. The relevant extract from the said report, a copy of which has been supplied by the learned counsel for the appellants, is reproduced hereunder:-

“5.8. For all the considerations above, the Commission has decided to treat the revision ordered in 2011 on the recommendations of the Cabinet Sub Committee as non-est for the purpose of determining the wage increase w.e.f. 1.1.2016.”

30. We also do not find merit in the argument raised by the appellants that, after the implementation of the 6th Punjab Pay Commission, the Government of Punjab has rationalised the revised pay scales recommended by the Cabinet Sub-Committee across all categories. It has been contended that the employees who had received the benefit of revision in the year 2011 were granted protection of such benefit as a personal measure, by giving them the option to adopt a multiplication factor of 2.25 under the 6th Punjab Pay Commission, whereas the employees who had not been granted the benefit of the 2011 revision were allowed a multiplication factor of 2.59 for the purpose of

pay revision under the 6th Punjab Pay Commission.

31. However, the said contention does not advance the case of the appellants. Once the 6th Punjab Pay Commission itself examined the issue and made specific recommendations effectively neutralising the revision of pay scales introduced in 2011, the acceptance of the claim of the respondents/petitioners would not result in perpetuating any illegality. On the contrary, it would only restore the parity that had existed for decades and correct an anomaly which the State itself has subsequently recognised and addressed.

32. We are of the considered view that the action of the appellants in excluding the respondents/petitioners from the revision of pay-scales effected in 2011 was wholly unjustified. The said exercise appears to have been undertaken selectively on the recommendations of a Cabinet Sub-Committee, which is not an expert body. Notably, the said revision has itself been effectively treated as ‘non est’ in the 6th Punjab Pay Commission Report.

33. Furthermore, the implementation of the recommendations of the 6th Punjab Pay Commission vide notification dated 05.07.2021, with retrospective effect from 01.01.2016, itself indicates that the earlier revision of pay scales in favour of certain categories, while excluding the respondents/petitioners, was not justified. Once the appellant–State has rectified the pay anomaly and has implemented the revised pay structure with effect from 01.01.2016, the dispute essentially survives only for the intervening period between 2011 and 2016, which in principle the exclusion of the respondents/petitioners for the said time period cannot be sustained.

34. We have also considered the judgments relied upon by the appellant–State, however, the same are wholly misconceived and inapplicable to

the facts of the present case. The controversy in the present matter does not relate to the initial fixation of pay scales, formulation of a new pay structure, on the basis of qualifications, duties or recruitment process, or judicial substitution of the opinion of an expert body. Rather, it arises from the arbitrary and selective disruption of an undisputed historical parity that had existed continuously since 1976, which was disturbed on the recommendations of an un-authorised Cabinet Sub-Committee.

35. The learned Single Judge has observed that the respondents/petitioners were drawing the pay scale of ₹4020–6200 prior to the 5th Pay Commission, and after the implementation of the 5th Pay Commission, they were placed in the pay scale of ₹5910–20,200 with Grade Pay of ₹2400 and an initial start of ₹9880, which was at par with the categories of Head Constables, Junior Scale Stenographers, Technical Assistants, Field Assistants, and Head Wardens/Matrons. However, when the State Government carried out a revision with effect from 01.12.2011, an anomaly was created as the pay scale of the respondents/petitioners was not revised, whereas the aforesaid categories were granted the higher pay scale.

36. A careful perusal of the impugned judgment further reveals that the learned Single Judge addressed the said anomaly and found that the departure from the earlier parity in pay scales was neither supported by any cogent reasoning nor by any material on record to demonstrate that the relevant posts had undergone any change in duties, responsibilities, or service conditions. It has been further held that the revision and implementation of pay scales cannot be undertaken in an arbitrary or discriminatory manner. Merely because a few categories of employees were granted the benefit of revised pay scales by the State, the State, being a model

employer, is under an obligation to ensure that such benefit is extended uniformly to all similarly situated employees, unless a valid and reasonable basis for differentiation is established.

37. Consequently, the findings recorded by the learned Single Judge against the appellants have attained finality on the merits of the issue. In an intra-court appeal (LPA), the scope of interference is limited to examining whether the impugned judgment suffers from perversity, patent illegality, or material error of law. Upon a careful examination of the impugned judgment, we find that the conclusions drawn by the learned Single Judge are well reasoned and supported by the material on record, and therefore no ground for interference is made out.

38. In view of the foregoing discussion, we are of the considered opinion that the learned Single Judge has rightly allowed the writ petition filed by the respondents/petitioners, and the impugned judgment does not suffer from any perversity, illegality, or error warranting interference by this Court.

39. Consequently, the present Letters Patent Appeal(s) stand dismissed.

40. All pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

09.03.2026

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No