



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

CWP No. 3878-2009(O&M)

Date of Decision:11.02.2026

Rishi Pal and others

....Petitioners

VS.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Shanshank Shekhar Sharma, Advocate
for the petitioners

Mr. Akshit Pathania, A.A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to grant them pay scale as per Clause 26 of Annexure 'A' attached with Finance Department letter No. 6/23/3PR(FD)-88 dated 23.08.1990 (Annexure P-4).

2. The petitioners pursuant to advertisement issued by Police Department applied for the post of Draftsman. As per advertisement, they were supposed to possess qualification of Matric and Diploma/Certificate of Draftsman from I.T.I. In the advertisement, pay scale of Rs. 1000-25-1200-30-1560-40-1800 was prescribed. The petitioners came to be selected as Draftsman. Two of them were sent on deputation to Haryana Police



Housing Corporation. They are claiming that they should be paid salary at par with Draftsman of PWD (B&R).

3. Learned Senior Counsel submits that as per judgment of Division Bench of this Court in *Sandeep Mehta and others vs. State of Haryana and another 2010 (1) SCT 350*. The petitioners are entitled to pay scale as paid to Draftsman of PWD (B&R).

4. *Per contra*, learned State counsel submits that petitioners being Constables are getting salary of 13 months which is not paid to any employee of any other department. They are also getting dress allowance and mess allowance. The qualification prescribed for the post of Constable in Police Department is entirely different from qualification prescribed in other departments.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioners are part of police force. They are getting all allowances and benefits which are payable to police officials. They are getting multiple allowances which are not payable to draftsman of other departments. Every year they are getting one month extra salary. Their mode of selection, responsibilities, nature of job, qualifications etc. are different from draftsman of other departments. They cannot compare themselves with Draftsman of other departments. This Court cannot ask the State Government to make their salary at par with Draftsman of other departments. Determination of salary is prerogative of State Government. In the absence of manifest discrimination, this Court cannot entertain writ petition seeking pay parity with employees of other departments.



7. No employee can claim that he should be extended a particular pay scale. It is discretion of the Government to determine pay scale. If there is discrimination between similarly situated employees, an employee getting lower pay scale may raise grievance, however, he cannot claim that he should be given higher pay scale or pay scale should be fixed in a particular manner.

8. Relying upon its earlier judgment in State of *Madhya Pradesh v. Ramesh Chandra Bajpai*, (2009) 13 SCC 635, a two Judge Bench of Hon'ble Supreme Court in *State of Madhya Pradesh through Principal Secretary & Others v. Seema Sharma*, (2023) 14 SCC 376 has held that doctrine of equal pay for equal work could only be invoked when the employees were similarly circumstanced in every way. Mere similarity of designation or quantum of work was not determinative of equality in the matter of pay scales. The fixation of scales of pay is a matter of policy, with which the Courts can only interfere in exceptional cases where there is discrimination between two sets of employees appointed by the same authority, in the same manner, where the eligibility criteria is the same and the duties are identical in every aspect.

9. In *Hukam Chand Gupta v. Director General, Indian Council of Agricultural Research and others*, (2012) 12 SCC 666, the Hon'ble Supreme Court has held that the prescription of two different pay scales would not violate the principle of equal pay for equal pay. Such action would not be arbitrary or violate Articles 14, 16 and 39-D of the Constitution of India. It is for the employer to categorize the posts and to prescribe the duties of each post. There cannot be any straightjacket formula for holding



that two posts having the same nomenclature would have to be given the same pay scale.

Prescription of pay scales for particular posts is a very complex exercise. It requires assessment of the nature and quality of the duties performed and the responsibilities shouldered by the incumbents on different posts. Even though the two posts may be referred to by the same name, it would not lead to the necessary inference that the posts are identical in every manner. These are matters to be assessed by expert bodies like the employer or the Pay Commission.

10. The petitioners are members of Haryana Police force. They are getting multiple allowances beades the salary. Their mode of selection, responsibilities, nature of job, qualifications etc. are different from Draftsman of other departments. There is no ground to direct the respondent to extend to petitioners the pay scale as available to Darftsman of other departments.

11. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

12. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.02.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	