



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

CWP-1062-2018 (O&M)

Date of decision : 01.04.2026

Deepak Kaushik

...Petitioner

Vs.

**Central Administrative Tribunal,
Chandigarh Bench and others**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. P.M.Kansal, Advocate
for the petitioner.

Ms. Divya Sharma, Sr. Advocate with
Mrs. Madhu Dayal, Advocate and
Mr. Himanshu Malik, Advocate
for respondent Nos.2 and 3.

DEEPAK MANCHANDA, J.

1. Through this writ petition, the petitioner has challenged the impugned order dated 19.09.2017 (Annexure P-2) passed by the Tribunal (Central Administrative Tribunal, Chandigarh Bench, Chandigarh), whereby the original application filed by the petitioner has been rejected and prayer seeking pay parity was declined.

2. The facts emanating from the pleadings of the present writ petition are that the petitioner was appointed as a Restorer on 29.01.2007 with respondent No.3 i.e. State Legal Services Authority, U.T. Chandigarh in the pay-scale of Rs. 3120-5160/-. During service, the petitioner sought pay parity with the upgraded pay-scale as granted to the Clerks i.e. Rs.10300-34800 with

Grade Pay of Rs.3200/-, whereas the petitioner being a Restorer was getting Rs.5910-20200 with grade pay of Rs.1900/-. Earlier the petitioner had approached the Tribunal by way of filing OA No.060/00520/2016 which was disposed of with a direction to the competent authority to decide the representation of the petitioner by passing a speaking order within three months. In pursuance to the same, respondent No.3 passed the order dated 08.09.2016 and rejected the representation filed by the petitioner. Being aggrieved with the same, the petitioner challenged the said order dated 08.09.2016 by filing another OA No.060/01115/2017 whereby the Tribunal dismissed the same vide impugned order dated 19.09.2017, which is being challenged through this writ petition.

3. Learned counsel for the petitioner contends that once the posts of Restorer and Clerk were similarly placed under the State Legal Services Authority Employees (Group C & D) Rules, 2004 (Rules of 2004) and also under subsequent revisions in pay scales for both posts which took place on 27.05.2009 w.e.f 01.01.2006 and on 03.10.2011 w.e.f 01.10.2011, the further revision in pay scale of Clerk on 15.12.2011 w.e.f. 01.12.2011 cannot be denied to the petitioner. Learned counsel further contends that the Tribunal erred in considering the fact that the pay-scale of these two different posts had been the same at all relevant points of time and the grant of identical pay-scale to two different posts carrying certain similarities as well as dis-similarities in the duties, details of which have been noticed, is virtually an implied acceptance on the part of the State that the two posts are equal. The counsel submits that the Tribunal has not considered and appreciated the fact that even with different sets of duties and responsibilities, educational qualifications,

method of recruitment, both the posts of Restorer and Clerk were similarly placed under the Rules of 2004. Hence, the basis upon which the Tribunal rejected the claim of the petitioner is not sustainable and deserves to be set aside.

4. Heard.
5. We have perused the order dated 08.09.2016 passed by respondent No.3 as well as order dated 19.09.2017 passed by the Tribunal. The relevant findings recorded under aforesaid orders are reproduced hereunder:-

Order dated 08.09.2016

Post	Age	Qualification
Restorer	Between 18 to 25 years (Relaxable for departmental candidates upto 35 years for appointment by direct recruitment and up to 5 years for other Government servants in accordance with the instructions of the Government of India)	Matriculation 2 nd division or 10+2 having 3 years experience in the line
Clerk	Between 18 to 25 years (Relaxable for departmental candidates upto 35 years for appointment by direct recruitment and up to 5 years for other Government servants in accordance with the instructions of the Government of India)	Bachelor's degree and proficiency in operation of computer (Word processing and spread sheets) and a speed of 30 words per minute in English typewriting. In case of data entry operator having six months certificate in computer data entry course.

Whereas it is very much clear from the Recruitment Rules of the Authority. that the qualification for the post of clerk is much higher than for the post of restorer. Even the mode of recruitment of Clerk is also different from the that of Restorer. It is also on record that the office requested the Home Department, Chandigarh Administration for making necessary amendments in the schedule of the State Legal Services Authority, Union Territory, Chandigarh (Recruitment and General Conditions of Group Ç' and 'D' Employees) Rules, 2004 and to consider Restorer eligible for promotion as Clerk and to change the ratio of direct recruitment from 85% to 60% and for promotion from Group D (Peon) from 15% to 40% but the Home Department declined the request vide letter 03-12-2014 with the remarks that "the post of Restorer in Group Ç' and the same cannot be clubbed with group 'D" employees for making appointment/ promotion to the posts of clerk/clerk-cum-typist/Ahlmad/CDEO."

After a careful consideration of above facts, this office is of the

view that the pay structures are evolved by the Commissions of State Governments keeping in view several factors like mode of recruitment, level of authority making recruitment, the hierarchy of service in a given cadre, minimum qualification/technical qualifications required, the nature and responsibilities of the duty, the horizontal and vertical relevancy with similar jobs, public dealings etc. Therefore, the carefully evolved pay structure for the post of Restorer ought not to be disturbed particularly when the Chandigarh Administration follows Punjab pattern vide Notification dated 13-01-1992 in the matter of pay scales for employees and nowhere else Clerks and Restorers have been given same pay scale and benefits. Moreover, the judgement of Hon'ble High Court on which reliance has been placed by the applicant is in respect of 'Restorers' working under High Court where the Hon'ble Chief Justice has power under Clause 2 of Article 229 of the Constitution of India. Even their services are also governed by Separate Service Rules, namely, High Court Establishment (Appointment and Conditions of Service), rule 1973 (hereinafter called as Rules, 1973). Therefore, no parity can be drawn by the applicant with them and thus he is not entitled to any benefit of the judgement of Hon'ble High Court relied upon by him.

The fact that Sh. Deepak Kaushik, Restorer is a Postgraduate and there is no promotion avenue does not make him entitled to pay scale of Clerk as both the posts are not identical.

In view of above inferences, the MS/SLSA being competent Authority, finds no merit in the representation of Sh. Deepak Kaushik, SLSA dated 30-03-2016 (Annexure P4) with OA No. 60/00520/2016 and the same is declined being devoid of merit."

Order dated 19.09.2017

"6. The Clerks in the State Legal Service Authority in the year 1986 were drawing more basic pay than the Restorer. In the year 2006, the pay scales of Clerk and Restorer were made equal fortuitously, but the same was modified by the Government of Punjab w.e.f. 01.12.2011. Clerks were granted pay scale of Rs. 10300-34800+ Grade Pay of Rs. 3200 whereas Restorers were granted pay scale of Rs. 5900-20200+ Grade Pay of Rs. 2400. Hence, it is argued that the pay scale of Clerk had been in the past was higher than the Restorer and the odd one time aberration of equality was replaced with the differing educational qualifications and the consequent differing pay scales.

7. While disposing of the representation, it has been argued that the Restorer and the Clerk perform different sets of duties and have different responsibilities and therefore, cannot be equated to qualify for equal pay for equal work within the scope of Articles 14-16-and 30 of the Constitution of India. Whereas the educational qualification of the Restorer is matriculation (second division) or (10+2) with experience of three years in the

line, the educational qualification of a Clerk is a Bachelors Degree and proficiency in operation of computers at a speed of 30-w.pm in English typewriting. Hence, in terms of educational qualifications also, treating the two posts at par is not justified as the post with which the applicant is seeking parity, has higher educational qualification plus computer skills. Hence, the argument of equal pay for equal work would fall here. Seeking parity of pay without performing the same nature of functions and same educational qualifications does not make out a case for equal treatment.

8. The applicant has produced Annexure A-4 (Recruitment Rules) for the post of Clerk and Restorer which endorses the higher educational qualification and requirement of computer knowledge. In support of his contention, the applicant produces LPA No. 862 of 2000 of Punjab and Haryana High Court which supports his contention of parity of pay. This petition was for seeking parity by the Surveyors of Soil and Water Conservation Department with Agricultural Sub-Inspectors. While disposing of the case, the High Court had held that the two posts at all relevant point of time had been the same w.e.f. 01.01.1986 which is not the case of the applicant in this OA. Since the nature of duties and the educational qualifications between applicant's post and the post with which he is seeking parity does not compare plus the fact that the applicants post recruitment rules does not prescribe the requirement of computer knowledge, the argument for parity in this OA fails.

9. For the foregoing discussion, the OA, being without merit, is dismissed in limine."

6. A perusal of the aforesaid orders reveals that the qualification for recruitment to the post of Restorer is 10+2 whereas the qualification for the post of Clerk is Graduation+Typing Speed of 30 words per minute. Hence, the parity of treatment in the matter of pay-scale would not be justified in view of the higher educational qualification plus computer skills prescribed for the post of Clerk. Further, the fact that the post of the petitioner is covered by the MACP Scheme which provides for enhancement of Grade pay on completion of 10, 20 and 30 years, addresses the issue of long term stagnation in the pay scale or the issue of isolated post. We agree with the observations made by the learned Tribunal stating therein that the Restorer and Clerk perform different

sets of duties and have different responsibilities and different qualifications have been prescribed for recruitment and therefore cannot be equated to qualify for equal pay for equal work. Hence, the argument of equal pay for equal work would fail and seeking parity of pay without performing the same nature of functions or having same educational qualification does not make out a case for equal treatment.

7. In view of the same, we agree with the order passed by the Tribunal and are of the view that seeking pay parity is not sustainable as the nature of functions and educational qualifications are different for the two posts and therefore, they can not be treated equally.

8. Given the above discussion, the present writ petition, being devoid of merits stands dismissed.

9. Pending civil miscellaneous application(s), if any, stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

01.04.2026
vanita

Whether speaking/reasoned :	Yes
Whether Reportable :	No