



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

**CWP No.8997-2015(O&M)
Date of Decision:11.02.2026**

Raj Kumar and others

....Petitioners

VS.

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Dhiraj Chawla, Advocate
for the petitioners**

Mr. Akshit Pathania, AAG, 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 grade pay of Rs.3200/- instead of Rs.2400/- in the pay scale of Rs.9300- 34800/-.

2. The petitioners were recruited against Advertisement dated 07.09.2007 inviting applications for 485 posts of Constable (Computer Operators). The post of Computer Operator has been declared a technical post. The petitioners are getting pay scale available to technical posts. They are claiming that they should be given grade pay of Rs.3200/- instead of Rs.2400/-. The respondent has granted grade pay of Rs.3200/- to all the technical posts including Plumber, Driver, Pharmacist, Motor Mechanic,



Swimmers/Fire Fighters. They have been isolated. Once their post is treated technical, there is no ground to deny grade pay of Rs.3200/- which is paid to all the officials holding technical posts.

3. As per reply, the petitioners are comparing themselves with Constable (Pharmacist). The requisite qualification for the post of Constable (Pharmacist) is 10+2 (Medical) with Diploma in Pharmacy with three years' experience whereas minimum qualification for the post of Constable (Computer Operator) is 10+2 with knowledge and experience of Computer handling.

4. By order dated 10.12.2025, the respondent was directed to file specific affidavit disclosing whether grade pay of Rs. 3200/- is paid to all the aforesaid technical posts or particular technical posts.

5. The respondent has filed affidavit dated 16.12.2025 disclosing that there are Constable Electrician, Constable Motor Mechanic, Constable Plumber who have been granted grade pay of Rs. 2400/- whereas Constable Driver, Constable Swimmer/Fire Fighters have been granted grade pay of Rs. 2000/-. The Constable Pharmacists have been granted grade pay of Rs. 3200/-. In the advertisement different pay scales were prescribed. After implementation of 6th and 7th Pay Commission reports their salary has been revised.

6. Heard the arguments and perused the record.

7. From the perusal of record, it is evident that petitioners are claiming parity with Constable Pharmacists who are possessing different qualification and performing different duties. The petitioners may at one or another occasion be performing duties like Constable Pharmacists, however,



they cannot compare themselves with Constable Pharmacists. The Constable Pharmacists possess much higher qualification than Constable Computer Operators.

8. 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.

9. 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.

10. 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.

11. In the case in hand, the petitioners were appointed as Constable Computer Operator. They are comparing themselves with Constable Pharmacists. The qualification for these posts is entirely different. There is no ground to direct the respondent to extend to petitioners the pay scale as available to Constable Pharmacists.

12. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

13. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

11.02.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	