



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

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LPA No.2027 of 2025 (O&M)
DATE OF DECISION : 02nd FEBRUARY, 2026

State of Haryana & others

.... Appellants

Versus

Ramesh Kumar & others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

* * * *

Present : Mr. Saurabh Mohunta, Sr. DAG, Haryana
for the appellants.

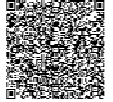
Mr. R. K. Malik, Sr. Advocate with
Mr. Varun Veer Chauhan, Advocate
for respondents Nos.1, 157, 160, 161 & 281.

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ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal is by the State of Haryana challenging the judgment of the learned Single Judge whereby the pay parity has been allowed between the Radiographer and Lab Technician w.e.f. 01.01.2006. The basis for granting such relief is that prior to 1998 and even after 01.01.2016 the State has granted pay parity between the two and therefore, only for the limited period when such parity was denied no justification is found to exist for such discriminatory treatment.

2. Learned counsel for the appellants-State submits that the writ petitioners were Lab Technicians who were governed by separate Rules i.e., the Haryana Health Department-Lab Technician (Group C) Service Rules 1998. As per these Rules the qualification for appointment to the post of Lab Technician is 10+2 or its equivalent with Physics,



Chemistry as well as Diploma in Lab Technician from recognized institution. In addition to it Hindi upto Matric was also required. As against it, the qualification for the post of Radiographer is specified in the Haryana Health Department Para-Medical and Miscellaneous, Posts (State Group C) Service Rules, 1998. As per these Rules the qualification is Intermediate with Science along with B.Sc. in Radiography or three years Diploma in Radiography as well as knowledge of Hindi or Sanskrit upto matric or higher education level. Learned State counsel also argues that the job conditions for the two posts are distinct inasmuch as Radiographer is exposed to radiation and requires higher qualification therefore the award of higher pay scale to them cannot be challenged by the Lab Technicians.

3. Though we were initially impressed by the arguments advanced on behalf of the appellants-State, but on a careful consideration we are ultimately not convinced that any case of interference is made out for the simple reason that till 2006 the State had maintained pay parity between the two posts. From 2006, a distinct pay scale was prescribed for the post of Radiographer and Lab Technician. On a protest made by the Lab Technicians the State got the matter examined and ultimately w.e.f. 01.01.2016 pay parity between Radiographer and Lab Technician has been restored. Once the State itself has found that the persons appointed on the posts of Lab Technician and Radiographer perform similar functions and duties and they are entitled to pay parity from 01.01.2016, and such pay parity otherwise existed till 01.01.2006, there is no reason as to why for this interregnum period between 01.01.2006 to



01.01.2016 a distinct scale be prescribed for the two posts. Learned Single Judge having gone through the materials on record has come to the conclusion that pay parity having been accepted by the State itself prior to 01.01.2006 and after 01.01.2006, there would be no rationale to deny such pay parity between 01.01.2006 to .01.01.2016.

4. Having examined the matter in its entirety we are not persuaded to interfere in the matter on the grounds urged by the State counsel when the State itself has subsequently treated the two posts alike and has granted pay parity between them. The State therefore cannot argue contrary to its own decision.

5. Lastly, the learned State counsel submits that there was a delay in raising the grievance by the writ petitioners and therefore, the benefits under the judgment of the learned Single Judge be restricted notionally and actual payments be denied to them. The principles laid down by the Supreme Court in the case of *Union of India Vs. Tarsem Singh, (2008) 8 SCC 648* is also pressed.

6. Mr. Malik, learned senior counsel for the respondents in response to the above, submits that the pay parity between the two posts continued till 2009 when it was retrospectively altered w.e.f. 01.01.2006. The Lab Technicians at that stage represented their grievance before the State Government and a Committee was constituted to look into the matter. The Committee ultimately submitted its report based on which pay parity has been restored between the two posts w.e.f. 01.01.2016. However, when the State Government declined to implement the recommendation of the Committee for the period 2006 to 2016 that the



writ petition was ultimately filed in 2022. Facts, as have been stated by Mr. Malik are not in dispute. In such circumstances when pay parity continued from 1998 onwards between two posts and the discrimination made w.e.f. 2006 was objected to, and a Committee was constituted which ultimately found substance in the contention of the Lab Technicians that they are entitled to pay parity with Radiographers, we fail to find any reason to interfere in the judgment of the Single Judge in restoring the pay equivalence even for the period it was denied.

7. Accordingly, the present appeal fails and is dismissed.
8. The State shall ensure that all benefits in terms of the judgment of the learned Single Judge is released within a period of three months from today, failing which respondents would also be entitled to interest @ 6%.
9. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

02nd FEBRUARY, 2026
'raj'

(ROHIT KAPOOR)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>