

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14381-2020 (O&M)

Bhuvnesh Kumar & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

1.	Judgment reserved on	07.03.2026
2.	Judgment pronounced on	21.04.2026
3.	Judgment uploaded on	23.04.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Raman B Garg, Advocate and
Mr. Mayank Garg, Advocate and
Ms. Komal Parveen Singh, Advocate for the petitioners

Mr. Rahul Dev Singh, Addl. AG Haryana

Sandeep Moudgil, J.

Prayer

(1). The present petition has been filed under Articles 226/227 of Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the order dated 15.10.2018 (Annexure P13) passed by respondent No.1 rejecting the claim of the petitioners during pendency of COCP-2469-2018 decided on 15.01.2019 (Annexure P14). He seeks a direction to the respondents to re-fix the pay/pension of the petitioners after granting them the grade pay of Rs.4800/- and Rs.5400/- w.e.f. 02.07.2009 with all consequential benefits including arrears with interest @ 12% p.a.

Contentions of the petitioner

(2). Learned counsel for the petitioners submits that once the State, by notification dated 02.03.1982 (Annexure P-1), abolished the classification of offices into Class 'A', 'B' and 'C', and thereafter, vide notification dated

27.09.1990 (Annexure P-2) read with orders dated 23.06.1993 (Annexure P-3) and 17.08.1994 (Annexure P-4), consciously declared all Superintendents across all departments as Group 'B' Gazetted officers and brought their pay scales at par, it was not open to the State to re-introduce discrimination by granting higher grade pay only to Superintendents in selected offices like Haryana Civil Secretariat (HCS), Financial Commissioners Revenue (FCR), Governor House (GH), Haryana Public Service Commission (HPSC), Haryana Vidhan Sabha (HVS) and Legal Remembrancer (LR) which is manifestly arbitrary and violative of Articles 14, 16 and 21 of the Constitution, as well as the doctrine of "equal pay for equal work".

(3). It is argued that the Pay Anomalies Commission as well as the State Govt., while passing the impugned order dated 15.10.2018 (Annexure P-13), failed to consider the foundational fact that the classification of offices stood abolished in 1982 and that all Superintendents had been deliberately placed in one homogenous class of Group 'B' Gazetted officers. The subsequent plea, both in the Commission's report and in the impugned order, that the offices of Haryana Civil Secretariat (HCS), Financial Commissioners Revenue (FCR), Governor House (GH), Haryana Public Service Commission (HPSC), Haryana Vidhan Sabha (HVS) and Legal Remembrancer (LR), are "premier departments" is, therefore, misconceived and unsustainable, as it runs contrary to the State's own policy decision to erase such hierarchical distinctions.

(4). Counsel further submits that from 01.01.1986 onwards, under the Haryana Civil Services (Revised Pay) Rules, 1987 and later under the Haryana Civil Services (Revised Pay) Rules, 2008, the pay scale of all Superintendents,

irrespective of their place of posting, was kept identical. In this backdrop, the grant of grade pay of Rs. 4800 (and Rs. 5400 after four years) only to a small sub-set of Superintendents by notifications dated 02.07.2009 (Annexure P-5) and 06.01.2010 (Annexure P-6), and the denial of the same to the petitioners through the impugned order dated 15.10.2018, amounts to hostile discrimination and offends the law laid down by the Supreme Court in *Union of India & Others v. D.G.O.F. Employees Association & Another, 2023 SCC Online SC 1471*, wherein parity in pay scale was upheld when historically equal cadres had been treated alike in all respects.

(5). It is also the submission of learned counsel that the Manual of Administration (Annexure P-9) clearly delineates the duties, responsibilities and workload of Circle Superintendents, and these have remained substantially the same before and after the introduction of the impugned pay differentiation. In the absence of any pleading or material from the respondents to show that the nature, quantum or complexity of work of Superintendents posted in the so-called premier officers has undergone any qualitative change warranting higher grade pay, the State's differential treatment is bereft of any rational nexus to a legitimate objective and thus falls foul of Article 14.

(6). The petitioners further assail the reasoning given in para 6 of the impugned order dated 15.10.2018, wherein educational qualifications have been cited as a ground for maintaining differential pay scales. It is pointed out that most Circle Superintendents are graduates and, more importantly, that no distinct higher qualification is prescribed in any of the relevant service rules for promotion to the post of Superintendent in the so-called premier departments. It is also urged that under the applicable service rules, a Superintendent working

in any office/department of the State, including a Circle Superintendent, is eligible for appointment by transfer to the cadre of Superintendents in the 'premier offices' which underscores that they all belong to the same service class and are interchangeable and any differentiation in pay scale within this single class of employees, without any intelligible differentia and reasonable nexus with the object sought to be achieved, is arbitrary, whimsical and violative of settled principles of service jurisprudence governing equal treatment within a cadre.

Respondents counter

(7). The respondents have filed their written statement dated 12.02.2021 which has been supplemented by way of additional affidavit dated 04.08.2021 wherein it has been averred that abolition of the earlier "Class A/B/C" offices and declaration of all Superintendents as Group 'B' Gazetted officers does not in itself erase real and substantial differences in functional role, responsibilities and sensitivity of work between Superintendents posted in Civil Secretariat/FCR/Governor House/HPSC/HVS/LR and Circle Superintendents like the petitioners. It is submitted that the Superintendents deputed at Secretariat and such offices are involved in drafting, processing and vetting policy proposals of State-wide impact and are required to maintain a high degree of confidentiality, whereas the petitioners' role is largely confined to implementation of policies already framed, which justifies a higher grade pay for the former without offending Articles 14 and 16. Reliance has been placed on **Jagdish Kumar & Ors. vs. State of Jammu & Kashmir & Ors. 2024 (3) SLR 141** wherein the J&K High Court dealt with petition seeking parity in pay scale with employees in other departments and it was authoritatively held

that equality in pay cannot be based merely on designation or nature of work but must consider factors like responsibilities, reliability, confidentiality and functional requirements

(8). Learned State counsel then submits that where the petitioners allege that the Pay Anomalies Commission and the State ignored the abolition of classification and wrongly relied on the “premier departments” concept, it is submitted that the Anomaly Committee specifically examined the petitioners’ cadre, their service conditions, qualifications and responsibilities in its meeting dated 01.08.2018 and consciously recommended continuation of a distinct, upgraded pay structure only for six identified offices. He submits that the reference to “premier offices” in the impugned order is a compendious expression for objective criteria, higher entry qualifications, more stringent promotion and testing norms, and higher-level policy work and is not an arbitrary label as sought to be projected. Reliance has been placed on *State of Haryana & Anr. vs. Haryana Civil Secretariat Personal Staff Association, AIR 2002 SC 2589* to contend that fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge by taking several relevant factors into consideration and Courts should interfere only on satisfaction that the executive decision is patently irrational, prejudicial and materially relevant factors have been ignored.

(9). It is argued that the Manual relied upon by the petitioners describes only the petitioners’ own functions and says nothing about the qualitatively different work profile of Superintendents in the Civil Secretariat and allied offices and that apart, the petitioners have brought no concrete material to show that their duties are identical in nature, complexity and

responsibility to those of Secretariat Superintendents, and in the absence of such proof, the plea of “equal pay for equal work” cannot be accepted merely on the basis of similar nomenclature.

(10). Heard learned counsel for the parties and the judgment was kept reserved on 07.03.2026.

A Brief Overview:

(11). The present case arises out of a long sequence of pay-revisions for Superintendents in the State of Haryana, beginning with the restructuring of cadres after reorganisation of the erstwhile State of Punjab. On 02.03.1982, the State issued a notification abolishing the earlier classification of offices into Class ‘A’, ‘B’ and ‘C’, and subsequently, through notifications dated 27.09.1990, 23.06.1993 and 17.08.1994, declared all Superintendents in various departments to be Group ‘B’ Gazetted officers with a common status, thereby eliminating the earlier difference between Superintendents working in so-called higher and lower offices. When pay was revised with effect from 01.01.1986 under the Haryana Civil Services (Revised Pay) Rules, 1987, and again with effect from 01.01.1996 under the Haryana Civil Services (Revised Pay) Rules, 1998 (notified on 07.01.1998), all Superintendents were placed in the same pay scale, and later, under the Haryana Civil Services (Revised Pay) Rules, 2008 notified on 30.12.2008, their pay was revised with effect from 01.01.2006 to the pay band of Rs. 9300-34,800 with Grade Pay Rs. 4200, uniformly across all departments.

(12). A departure from this uniformity occurred when, by notification dated 02.07.2009 and a further notification dated 06.01.2010, the State granted an upgraded pay structure to Superintendents posted in certain identified

“premier” offices namely the Haryana Civil Secretariat, offices of the Financial Commissioners (Revenue), Governor House, Haryana Public Service Commission, Haryana Vidhan Sabha and Legal Remembrancer by conferring on them Grade Pay Rs. 4800 at the initial stage and Grade Pay Rs. 5400 after completion of four years of regular satisfactory service, while Superintendents in other departments, including the petitioners who are working as Circle Superintendents, continued to draw Grade Pay Rs. 4200.

(13). Feeling aggrieved, the petitioners submitted several representations, including a detailed representation dated 20.08.2015, which were considered by the Pay Anomaly Committee and the said Committee in its meeting held on 01.08.2018, recommended only a partial relief by up-grading their grade pay from Rs. 4200 to Rs. 4600, and this recommendation was implemented through the Haryana Civil Services (Revised Pay) Rules, 2016 notified on 30.12.2015, by placing all such Superintendents in Functional Pay Level-7 with effect from 01.01.2016.

(14). As the petitioners’ grievance regarding full parity from 02.07.2009 onwards remained unredressed and their claim was ultimately rejected by the impugned order dated 15.10.2018, passed during the pendency of COCP No. 2469 of 2018 arising from earlier directions dated 23.08.2017 in CWP No. 13292 of 2017, they have approached this Court seeking quashing of the order dated 15.10.2018 and directions for re-fixation of their pay and pension by granting Grade Pay Rs. 4800 and Rs. 5400 with effect from 02.07.2009 along with consequential benefits.

Core Issue:

(15). Whether the grant of a higher pay structure to Superintendents posted in “premier” offices, premised on higher duties and responsibilities as endorsed by PAC, withstands the test of reasonableness and fairness under law?

Analysis

(16). The admitted factual position is that ever since the reorganisation of the State of Haryana and at least from 02.03.1982 onwards, all Superintendents in the State of Haryana were consciously treated as one homogenous class. The earlier distinction between Class ‘A’ and Class ‘B’ offices was abolished. Thereafter, by successive pay-revision Rules up to the 2006 revision, the State placed all Superintendents, irrespective of their offices or departments, in the same Group ‘B’ Gazetted status and in the same pay scale. The petitioners and the Superintendents posted in the Civil Secretariat, offices of the Financial Commissioners (Revenue), Governor House, Haryana Public Service Commission, Haryana Vidhan Sabha and Legal Remembrancer thus enjoyed historical parity in status and scale. It is only by notifications dated 02.07.2009 and 06.01.2010 that the State, for the first time, carved out an intra-cadre distinction by granting a substantially higher Grade Pay of Rs. 4800/- at the entry point and Rs. 5400/- after four years to Superintendents in the six identified “premier” offices, while leaving identically designated Superintendents in other departments, including the petitioners, at Grade Pay Rs. 4200/-.

(17). The State has not been able to furnish any convincing material to show that, before 02.07.2009, the petitioners’ duties and responsibilities ceased to be substantially comparable to those of Superintendents in the six favoured offices. The general assertions of higher confidentiality and “policy work” at

the Secretariat level are not backed by a detailed comparative analysis of duties. On the contrary, the admitted position that Superintendents are inter-transferable inter se between Departments indicates that they form one functional cadre. In these circumstances, the mid-course introduction of a higher 4800/5400 scale for only a segment of the same cadre and same nomenclature, leaving the rest of the Superintendents to draw a grade pay of Rs.4200 only, amounts to an irrational sub-classification and offends the guarantee of equality in Articles 14 and 16 as understood in **Randhir Singh v. Union of India, (1982) 1 SCC 618** and its progeny, which recognise “equal pay for equal work” as enforceable where unequals are not shown.

(18). It is true that though the Pay Anomaly Committee recommended and the same came into force by way of Haryana Civil Services (Revised Pay) Rules, 2016, there was an upgradation of all such Superintendents, including the petitioners, from Grade Pay Rs. 4200 (FPL-6) to Grade Pay Rs. 4600 (FPL-7). However, that partial correction, coming years after the anomaly arose and still maintaining a substantial gap vis-à-vis their historically equal counterparts in the Secretariat stream, does not cure the core Constitutional infirmity.

(19). In **D.G.O.F. Employees Association** case (supra), the Supreme Court upheld the High Court’s intervention to restore parity in pay scales between two sets of ordnance factory employees who had been historically treated alike. The Supreme Court emphasised that once it is shown that two categories of Government servants have, over successive Pay Commissions, been placed in the same scales and treated as similarly situated, any subsequent attempt to place one set in a lower scale must rest on clear, cogent and rational

justification; in the absence of such material, maintaining a differential scale is arbitrary and violative of Articles 14 and 16, and the court is justified in directing that historical parity be restored. The relevant portion of the said judgment read as under:-

*“13. Further, what was also taken into consideration by the High Court is the historical similarity in pay scales which existed prior to the recommendations in the Sixth CPC. Such historical similarity which had existed was taken note and, in that light, the pay scale which was applicable was taken into consideration and had accordingly arrived at the conclusion that the employees in the headquarters of the Ordnance Factories being similarly placed cannot be discriminated. Therefore, such consideration in the instant case would fall within the parameters as permitted by this Court. Also, in the present circumstance, the High Court has adverted to the fact situation and has thereby rectified the pay anomaly. In fact, the question of parity with regard to the pay scale to the Assistants in the lower formations in the Indian Navy with that of the Assistants in CSS was held as discriminatory and violative of Article 14 of the Constitution by this Court in the case of **All India Naval Clerks Association and Others v. Union of India and Others in Civil Appeal arising out of Special Leave Petition (Civil) No.29204 of 2019 dated 27.07.2022**....*

15. Be that as it may, in the present facts the perusal of the judgment passed by the High Court impugned herein would indicate that the High Court having kept in view the legal, as well as the factual aspects, has not proceeded in a manner so as to equate two sets of employees in different organizations. But, keeping in view the recommendation of the Pay Commission and the applicability of the pay scales recommended to similarly placed employees employed in the headquarters and on noticing discrimination despite historical similarity has merely rectified the error, which does not call for interference.”

(20). The contention of the respondents that equation of posts and equation of pay structure being complex matters are generally left to the

executive and expert bodies like the Pay Commission etc. and the carefully evolved pay structure ought not to be ordinarily disturbed as it may upset the balance and cause avoidable ripples in other cadres as well is liable to be considered and rejected, for the simple reason that, nevertheless, it will not be correct to lay down as an absolute rule that merely because determination and granting of pay scales is the prerogative of the executive, the Courts have got no jurisdiction to examine any pay structure thereby leaving an aggrieved employee remediless, if he is unjustly treated by arbitrary State action or inaction, except to go on knocking at the doors of the executive or the legislature. Undoubtedly, when there is no dispute with regard to the qualifications, duties and responsibilities of the persons holding identical posts or ranks but they are treated differently merely because they belong to different departments or the basis for classification or post is *ex facie* irrational, arbitrary or unjust it is open to the Court to intervene. In this regard, reference can be made to the decision of the Apex Court in **Union of India v. Dineshan K.K., (2008) 1 SCC 586**, the relevant extract read as under:-

“10. Initially, particularly in the early eighties, the said principle was being applied as an absolute rule but realising its cascading effect on other cadres, in subsequent decisions of this Court, a note of caution was sounded that the principle of equal pay for equal work had no mathematical application in every case of similar work. It has been observed that equation of posts and equation of pay structure being complex matters are generally left to the Executive and expert bodies like the Pay Commission etc. It has been emphasised that a carefully evolved pay structure ought not to be ordinarily disturbed by the Court as it may upset the balance and cause avoidable ripples in other cadres as

well. Nevertheless, it will not be correct to lay down as an absolute rule that merely because determination and granting of pay scales is the prerogative of the Executive, the Court has no jurisdiction to examine any pay structure and an aggrieved employee has no remedy if he is unjustly treated by arbitrary State action or inaction, except to go on knocking at the doors of the Executive or the Legislature, as is sought to be canvassed on behalf of the appellants. Undoubtedly, when there is no dispute with regard to the qualifications, duties and responsibilities of the persons holding identical posts or ranks but they are treated differently merely because they belong to different departments or the basis for classification of posts is ex-facie irrational, arbitrary or unjust, it is open to the Court to intervene.”

(21). Moreover, the recommendations of the Pay Anomaly Committee, far from undermining the petitioners’ case, in fact, support it to a considerable extent. The Committee expressly acknowledged that Superintendents in Directorates and field offices, including the petitioners, were in an anomalous position and recommended their up-gradation from Grade Pay Rs. 4200 (FPL-6) to Grade Pay Rs. 4600 (FPL-7), thereby conceding that their previous placement was unsustainable and required correction. This recognition by the State’s own expert body fortifies the petitioners’ contention that they were historically at par with other Superintendents and had been unjustly left behind.

(22). However, the difficulty is that the Committee’s solution is only partial as it does not furnish any cogent reason why, having accepted an anomaly and granted one step of up-gradation, the petitioners should still be kept below their identically designated counterparts in the six “premier” offices who continue to enjoy Grade Pay Rs. 4800/- and Rs. 5400/-. In the absence of a rational basis for maintaining this residual disparity, the Committee’s

recommendation, while helpful in establishing the anomaly, cannot by itself answer the constitutional challenge. Rather, once it is shown that two sets of employees have been historically similarly placed and treated, the State cannot, by a bare *ipse dixit*, perpetuate a lower scale for one set without clear, objective justification.

(23). Accordingly, the writ petition is allowed. The impugned order dated 15.10.2018 (Annexure P13) is quashed. The respondents are directed to extend to the petitioners the same grade pay structure at par with their counterparts working in the Haryana Civil Secretariat, FCR, Governor House, HPSC, Haryana Vidhan Sabha and LR with effect from 02.07.2009, with all consequential benefits in pay and pension. The arrears shall be computed and released to the petitioners within a period of four months from the date of receipt of a certified copy of this judgment which shall carry interest @ 6% p.a. from the due date till the date of its realization failing which the respondents shall be liable to pay interest @ 12% p.a.

(24). Pending applications stand disposed of accordingly.

21.04.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :

Yes/No

2. Whether reportable? :

Yes/No