IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Rai Chattopadhyay

WPA 27338 of 2017

Amarendra Kumar Nath & Ors.
Vs.
Union of India & Ors.

For the Petitioners	: Mr. Malay Dhar
	: Mr. Amarnath Sen
	: Mr. Pranab Kr. Ghosh
	: Ms. Subhangi Panigrahi
	: Mr. Biswajit Sarkar
For the UOI	: Ms. Sabita Roy
	: Ms. Tapati Samanta
	: Mr. Arindam Ghosh
For the respondent Nos. 2 to 4	: Mr. Bikash Ranjan Bhattacharyya, ld. Sr. Adv.
	: Mr. Arup Nath Bhattacharyya
	: Ms. Sayani Das
	: Ms. Sreetama Biswas
	: Mr. Snehasish Dey
	: Mr. Arya Bhattarcharyya

Judgment on : 10.06.2026
Uploaded on : 10.06.2026

Rai Chattopadhyay, J. :-

1) The writ petitioners have filed the instant case seeking relief inter alia that, (i) order dated August 17, 2017, passed by the 3rd respondent/Board of Directors of the Security Printing and Minting Corporation of India Limited [in short SPMCIL] may be set aside and quashed; (ii) the respondents be directed to grant pay scale and other benefits to the petitioners as 'electricians' similarly and equally as paid to the electricians of other

departments of the Government of India; (iii) revise the pay scales of the petitioner in appropriate rate as mentioned in the prayer of the writ petition, with effect from January 1, 1986 for the petitioners No.1 to 5 and from the date of their respective appointments for the petitioners No.6 to 8, commensurate to the recommendation of the 5th Central Pay Commission; (iv) revision of pay giving effect to all the successive Pay Commissions' recommendations including consequential benefits, retirement benefits and pension.

2) In the impugned order dated August 17, 2017, the 3rd respondent/Board has held in the following manner; The petitioners argued that electricians working in other Central Government organizations were receiving higher pay scales and that the petitioners were performing comparable duties. On that basis, parity in pay was sought under the doctrine of "equal pay for equal work." Reliance was placed by the petitioners on the judgment of the Supreme Court of India in **State of Punjab v. Jagjit Singh** reported at **(2017) 1 SCC 148**. The Board held that the judgment in **Jagjit Singh (supra)** was not applicable because that case concerned temporary, daily-wage, ad hoc, casual, or contractual employees claiming minimum pay parity with regular employees, whereas the present petitioners were already regular employees enjoying regular pay scales fixed by Pay Commissions.

3) The petitioners also relied upon the Office Memorandum dated February 10, 2006, issued by the Department of Economic Affairs, Ministry of Finance concerning transfer of assets and liabilities of Mints, Presses and Paper Mill to SPMCIL. The Board observed that the cited Office Memorandum regarding transfer of assets was not directly relevant. Instead, another Office Memorandum dated same that is, February 10, 2006, relating to transfer of staff was applicable, for determining claim of the petitioners as above. Under that memorandum:

- Employees were initially to remain on deemed deputation for two years.

- Employees could thereafter opt either for absorption in the company or redeployment through the Department of Personnel and Training.
- Existing service conditions, including pay, allowances, medical facilities and leave, were to continue until company rules were framed.
- Employees were assured that no benefits would become inferior after absorption.

4) The Board recorded that all concerned employees, including the petitioners, exercised their option for permanent absorption in SPMCIL on November 1, 2008, pursuant to a Memorandum of Settlement [MoS] under Section 12(3) of the Industrial Disputes Act, 1947, before the Chief Labour Commissioner. Clause-5 of the Memorandum of Settlement provided that the pay structure and allowances would continue according to existing Central Government rules. The company also implemented the recommendations of both the 6th and 7th Central Pay Commissions for the employees, including the petitioners. Therefore, the Board concluded that no benefit due under the Memorandum of Settlement had been denied to the petitioners as permanent employees of the 2nd respondent/company.

5) The Board then examined the claim for parity with electricians in other organizations and made observations:

- Pay scales of electricians differ across Central Government departments and PSUs.
- Even the petitioners' own examples showed differing pay scales among organizations including those cited by the petitioners, like CPWD, Ministry of Water Resources and Ministry of Defence.

6) The Recruitment Rules of the organizations cited by the petitioners were found materially different because:

- They permitted direct recruitment from the open market.

- They required 3–5 years' field experience.
- The petitioners, in contrast, had been recruited as fresh matriculates.

7) The Board further held that the nature of duties was not identical. Electricians in organizations such as CPWD and Railways handled complex high-tension and low-tension systems, including maintenance of electrical traction systems and overhead equipment. By contrast, electricians in SPMCIL were mainly engaged in:

- Repair and maintenance of electrical installations,
- Battery checking and repairs,
- Forklift electrical connections,
- Electrical panel checking,
- Limited programmable logic controller (PLC) related work, with specialized PLC work often outsourced to private agencies.

8) The Board noted that electricians within SPMCIL itself belonged to different grades carrying different grade pay scales, ranging from Grade Pay ₹1800 to ₹4200. Hence, all electricians could not claim parity with one specific grade in another organization. The Board also discussed the historical cadre structure. The petitioners had originally been recruited as Probationary Tradesmen and later promoted through Tradesman Grade III, Grade II and Grade I. The "Tradesman" category historically included many different trades such as machinist, fitter, plumber, carpenter, mason, electrician, welder, painter, millwright and others, all having identical pay scales. According to the Board, granting electricians alone a higher scale would disturb the long-maintained parity among various tradesmen categories.

9) After considering all circumstances, the Board concluded:

- The petitioners did not perform equal work comparable to electricians in the cited organizations.
- No discrimination or unequal treatment was established.
- Therefore, the claim for higher pay on the principle of equal pay for equal work had no merit.

10) Before dealing with the respective arguments of the parties, the factual background of the case may be stated here in a nut shell. The petitioners have joined in service with the Government of India Mint, on various dates between December 5, 1977 and December 1, 1986. At the time of filing of the writ petition the petitioners No.6 to 8 were still working and the petitioners No. 1 to 5 had retired from service. Though at the time of their induction in service, the Mint was under supervision and control of the Government of India, the situation has changed subsequently. As per decision of the Union Cabinet, the 2nd respondent/company was incorporated on January 31, 2006. After incorporation of the company, the existing employees were given option either to continue with the service under the Union of India or to join the newly formed company. In exercise thereof the writ petitioners opted to be engaged with the newly established company, that is the respondent No.2. the company becomes a separate legal entity being controlled and managed by the Board of Directors and the Union of India had no manner of control over there any further. Assets and liabilities were also transferred by the Union of India, in favour of the newly formed corporate entity.

11) A tripartite Memorandum of Settlement dated November 15, 2008, was entered into between the employees, the company and the Union of India to decide that the employees of the newly formed company shall be entitled to the pay structure as per recommendation of up to the 6th Pay Commission. It was decided further that subsequent there after pay structure of the employees was to be decided by the company/Board itself. By this way the employees of the company have been allowed benefits under the recommendation of the 7th Pay Commission too.

12) The petitioners say that they were recruited through Employment Exchange as qualified "Probationary Tradesman Electricians", with the India Government Mint at Alipore, Kolkata. That they possess I.T.I. certificates, NCTVT certification, apprenticeship training, and electrical licences. They state that after completion of probation, they were confirmed as electricians but were placed in lower pay scales compared to electricians employed in other departments of the Central Government. Also, that they are technically qualified and skilled workmen, not unskilled or semi-skilled employees. According to them, they discharge highly technical duties involving installation, maintenance, repair of electrical systems, transformers, substations, computerized PLC-controlled machinery, coin stamping and packaging machines, telephone lines, pumps, motors, and allied electrical equipment. They contend that the nature of their duties is identical or even more onerous than those performed by electricians employed in departments such as the Central Public Works Department (CPWD), Ministry of Water Resources, Ministry of Defense and Army establishments.

13) A major grievance raised is discrimination in pay scales despite equal qualifications and equal work. The petitioners compare their own scales with those granted to electricians in other Central Government departments. They cite examples showing that electricians elsewhere, possessing similar qualifications such as matriculation and I.T.I. certification, were granted substantially higher scales under successive Central Pay Commissions, whereas the petitioners continued in lower scales. They allege that this disparity violates Articles 14 and 16 of the Constitution and offends the doctrine of "equal pay for equal work." To substantiate their claims, the petitioners rely upon various documents, advertisements, and information obtained under the Right to Information Act from different Government departments. These documents allegedly demonstrate that the prescribed qualifications and duties for electricians in other departments are substantially identical to theirs, while those employees receive higher scales of pay. The RTI replies from the Ministry of Water Resources, CPWD, and

Ministry of Defense are specifically cited to show corresponding pay structures under the 3rd, 4th, 5th, and 6th Central Pay Commissions. The petitioners have therefore, prayed for revision and upgradation of their pay scales retrospectively in parity with electricians of other Central Government departments, including grant of scales under the 4th, 5th, and 6th Central Pay Commissions, corresponding grade pay, arrears, consequential service benefits, and revised retiral benefits for those who had already retired.

14) The writ petitioners have been represented by Mr. Malay Dhar. The points made in argument may be summarized in the following manner. That study of the comparative pay structures of electricians working in organizations such as the Central Ground Water Board, CPWD and Ministry of Defense would show that electricians in those departments received substantially higher scales under successive Central Pay Commission revisions. That, the petitioners possessed comparable or superior qualifications, including Madhyamik/Higher Secondary qualification, ITI certification, NCTVT certification, electrical licences and prior experience in the trade. That, the petitioners were recruited through employment exchange after prescribed trade tests and were appointed substantively as "Probationary Tradesman–Electrician" and they have discharged specialised electrical functions. The petitioners allege that in the impugned order, the respondent authority has deliberately suppressed and not considered the extent and technical nature of duties discharged by the writ petitioners.

15) The petitioners' further argument is that they have been erroneously catagorised by the respondent authority in a broad industrial tradesman category comparable to machinists, fitters, plumbers and carpenters. According to the petitioners, electricians constitute a distinct technical category requiring specialised qualifications and statutory permits, and therefore cannot reasonably be equated with unrelated trades. It is argued that the comparison adopted by the respondents and even the observations of the Fifth Central Pay Commission lacked rational basis and resulted in arbitrary classification

and downgrading of the petitioners' scale of pay, which is not only irrational but is in violation of the Constitutionally protected rights of them.

16) The petitioners' further argument is that contention of the respondent authority that under Clause 8 of the Memorandum of Settlement dated September 15, 2008, disputes relating to pay scales ought to be raised only through the registered trade union as an industrial dispute before the Industrial Tribunal, is an afterthought and belated contention. That such plea has never been raised earlier before the Central Administrative Tribunal, the Division Bench in W.P.C.T. No. 254 of 2009, the contempt proceedings, or even in the affidavits filed in the present writ petition. Therefore, according to the petitioners, the respondents had waived such objection regarding alternative remedy and maintainability.

17) The petitioners submit about the procedural history of the litigation from 2005 onwards, including proceedings before the Tribunal, the High Court and the contempt proceedings culminating in the impugned order dated August 17, 2017. They say Clause-25 of the settlement dated 15.09.2008, has contemplated review of anomalies arising out of implementation of the 5th Pay Commission recommendations through consultation with employee representatives. On that basis, it has been argued that the respondents themselves had admitted the existence of pay anomalies. It has been contended that neither Clause 8 nor the overall settlement could curtail the writ petitioners' constitutional right to approach the High Court under Article 226 on the specific allegation of violation of Articles 14 and 16 of the Constitution through discriminatory pay fixation.

18) It has been submitted by relying on the ratio decided by the Supreme Court in ***M.R.Gupta versus Union of India and others at AIR 1996 SC 669***, that though the petitioners have been espousing their cause since the year 2005, the alleged inaction of the respondent authority is a continuing wrong which gives rise to recurring cause of action justifying maintainability of the instant writ petition. The petitioners

have also relied on the Supreme Court's Constitution Bench decision in ***D.S. Nakara versus Union of India at (1983) 1 SCC 305***, as they say that where all relevant considerations are same, persons holding identical posts may not be treated differently in the matter of their pay, merely because they belong to different departments. In ***D.S.Nakara (supra)***, the Supreme Court has quoted an earlier decision of it, in ***Randhir Sing versus Union of India at (1982) 1 SCC 618***.

19) The principle of "equal pay for equal work" has been discussed by the Supreme Court and applied to uphold the right of the respondents before it, in the case of ***Union of India versus Dineshan K.K. at (2008) 1 SCC 586***, which the petitioners have relied upon, while trying to establish that the said principle of law squarely applies in their case too. They specifically rely on the Court's finding that 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 that the basis of classification of posts is ex-facie irrational, arbitrary or unjust, it is open to the Court to intervene in exercise of writ jurisdiction. They also rely on the Court's finding not to accept the decision of the expert body like Pay Commission only as sacrosanct and that the Court should never interfere into the same. On the similar proposition of "equal pay for equal work", another judgment in ***Arindam Chattopadhyay and Others versus State of West Bengal and Others at (2013) 4 SCC 152***, has been relied on. Similarly, a judgment of this Court in ***Anirban Ghosh versus State of West Bengal and Others at (2019) 3 CAL L.T. 617*** (HC), has also been referred to.

20) The next judgment of Supreme Court in ***Bhagwan Das and Others versus State of Haryana and Others at (1987) 4 SCC 634***, has been relied on for the proposition that inequal treatment amongst the equals is not justified on the ground that processes of selection of the two classes of employees have been different. The petitioners have also relied on the Court's finding that it is fallacious to determine artificial parameters to deny fruits of labour as held by the Supreme Court in ***State of***

Punjab and Others versus Jagjit Singh and Others at (2017) 1 SCC 148. The Court has further held that any act of paying less wages as compared to others similarly situated, constitutes an act of exploitative enslavement emerging out of domineering position of the State and finally that the temporary employees possessing requisite qualifications and appointed against posts which were also available in regular cadre, performing similar duties and responsibilities as being discharged by regular employees holding the same/corresponding posts, were entitled to claim wages on a par with minimum pay scale of regular employees holding the same posts. According to the petitioners, determination by the respondent authority in the impugned order regarding existence of different category of pay scale, in the establishment where the petitioners are engaged, justifying no similar pay scale for all of them, is baseless insofar as, according to them the law settled has envisaged for grant of at least the minimum corresponding similar pay scale comparable to similarly placed personnel in the other departments. Similarly, it has been argued that this kind of equal treatment is bound to be extended to the pensioners, who have retired upon reaching the age of superannuation, having duly discharged their duties during their service period. In regard to the retired employees the judgment of Supreme Court in ***Maharashtra State Financial Corporation Ex-employees Association and Others versus State of Maharashtra and Others at AIR 2023 SC 792***, has been referred to.

21) The respondent company/ SPMCIL is the principal objector here and has been represented by Mr. Bikash Ranjan Bhattacharyya, Learned Senior Advocate. the said respondent has contended inter alia that after the petitioners have consciously and undisputedly opted to join in the company and also accepted the terms of the Memorandum of Settlement, they should be considered to bourn in the industrial workmen cadre and not on a same platform with an employee of any department of the Union of India, as they claim to be. Whereas, they have erroneously claimed parity with classified cadre in Group-C in Central Government. That,

the documents relied on by the petitioners, like vacancy notification of Army Services, appointment order issued by Water Resources Department, office order issued by Central Public Works Department, appointment order issued by the Central Ministry of Textiles, office note envisaging duties and responsibilities of 'electricians' at Central Ground Water Board, categorically relate to the Group-C cadre employees in Central Government. It has been submitted that there is no parity between two different cadres under the two different establishments. That as an independent corporate entity the respondent company is at liberty to decide pay structure for its work force, which may or may not be in comparison to any other entity or any Government organisation, but for disparity if any, the decision cannot ipso facto be held as invalid or against the Constitutional mandate. That, the petitioners having belonged to industrial workmen cadre under the respondent company, have been holding commensurate posts and pay scales accordingly. That, there can be found no discrimination or illegality in the same as alleged. According to the said respondent, the petitioners have sought to equate their service with the service under the Central Government, which is untenable. The respondent has stated that the cadre of staff with whom the petitioners have tried to equate themselves, belong to different entity, cadre and classification and the petitioners who belong to the industrial cadre, cannot be treated as equal with them.

22) The respondent says that the Recruitment Rules of the organizations cited by the petitioners are materially different because the others permitted direct recruitment from the open market of the persons with 3–5 years' field experience; whereas the petitioners, in contrast, had been recruited as fresh matriculates. That therefore the petitioners being industrial cadre employees, in contrast with the classified cadre employees under the Central Government, are governed under independent and different set of recruitment procedure. That the petitioners' entry into the service was as 'Probationary Tradesman cum Electricians", whereas the comparable posts are for 'Direct Recruitment' as skilled employees in the posts of 'Electricians'. Hence the respondent says that if the petitioners

are treated to have been differentiated in any manner in respect of pay, the same is based only in reasonable classification and does in no manner violates the Constitutional mandate of equal treatment amongst the equals only.

23) It has been submitted that exercise of option by the petitioners pursuant to the Memorandum of Understanding dated February 10, 2006, has amounted to cessation of their employment with the Central Government and coming under the administrative control of the newly incorporated company. This has also brought them protection of grade and pay with three additional increments not absorbable in future increments of pay. The effective date of the petitioners' absorption with the 2nd respondent company was November 1, 2008. That the petitioners have received all the benefits of their past services including those as were settled in the said Memorandum of Understanding. That similar is the position with regard to the pensionary benefits. It is submitted that the petitioners may not have any further sustainable claim as regards pay and allowances.

24) It has been further submitted that the Central Pay Commission of India, which is an expert body to determine the applicable pay scale for all categories and cadres of post, has provided for a specific grade of pay and other service conditions for the posts of the writ petitioners'. That the law settled in such event is that the Court may not interfere into the same, in exercise of power of judicial review. More so, when the Commission in its recommendation has duly dealt with the issue of alleged disparity of pay of the Mint workers due to their initial placement on probation for one year. That recommendations of the 7th Pay Commission has been adopted and implemented for the writ petitioners but that is as per the independent decision of their employer, the respondent company. It is submitted that the writ petitioners have failed to discharge their duly to justify their claim beyond requirements of any factual enquiry. Decision of the Commission with regard to the admissible pay has never been challenged by the writ petitioners. On the proposition that a

complex matter like equation of posts and salary should be left to the expert body and Court cannot interfere lightly, a judgment of Supreme Court in ***Rajesh Pravinchandra Rajyaguru versus Gujtar Water Supply and Sewerage Board at (2021) 19 SCC 128***, has been referred to.

25) In reply the petitioners have sought to rebut the respondents' contention that pay fixation falls exclusively within the domain of Pay Commissions as expert bodies. Referring again to the judgment ***Union of India versus Dineshan K.K.*** reported in ***(2008) 1 SCC 586***, the petitioners argued that the Supreme Court had already rejected such an argument where discriminatory treatment violating Article 14 was established. They have challenged the respondents' reliance on the Fifth Pay Commission report. According to the petitioners, the Pay Commission had only considered anomalies between apprentice tradesmen pay scales of Rs.800–1150 and Rs.950–1500, whereas the petitioners were never apprentice tradesmen. It was further argued that the Fifth Pay Commission never specifically examined the disparity between electricians working in the Mint and electricians working in other Government departments. Therefore, the respondents' reliance on the Pay Commission report was said to be misconceived.

26) The challenge raised by the writ petitioners, upon careful consideration of the factual matrix and the settled principles governing judicial review in matters of pay fixation, does not merit interference under Article 226 of the Constitution. The reasons therefor are discussed as follows. The foundational premise of the writ petition proceeds on an assumption that the petitioners are similarly situated and identically circumstanced with 'electricians' employed in various departments of the Central Government such as CPWD, Ministry of Defence, Central Ground Water Board and other establishments. Such assumption itself is fundamentally misconceived. Equality under Articles 14 and 16 of the Constitution of India operates amongst equals and not amongst unequals. The doctrine of "equal pay for equal work" is not a doctrine of abstract or mechanical application. Before

invoking the same, the claimants must establish complete and wholesome identity in the matter of employer, source of recruitment, nature of cadre, hierarchy, service conditions, duties, responsibilities, promotional avenues and governing statutory framework. Mere similarity in nomenclature of post or possession of comparable technical qualifications cannot by itself confer enforceable parity in pay.

27) In the present case, the petitioners are employees of the 2nd respondent/company, namely the Security Printing and Minting Corporation of India Limited, which is an independent corporate entity incorporated pursuant to a conscious policy decision of the Union Cabinet. Upon such incorporation, the assets, liabilities and administrative control of the concerned establishments stood transferred to the company. The company thereafter became a distinct juristic entity governed through its own Board of Directors and not as a department of the Central Government. The petitioners consciously exercised option to be permanently absorbed in the said company. Such absorption was neither involuntary nor automatic. It is evident from the records that the petitioners were afforded the opportunity either to continue under the Governmental framework through redeployment or to join the newly incorporated company. Having voluntarily opted for absorption under the respondent company and having accepted all consequential benefits flowing therefrom, including continuity of service, protection of pay, additional increments, implementation of recommendations of successive Pay Commissions and benefits under the Memorandum of Settlement, the petitioners cannot now be permitted to approbate and reprobate simultaneously by contending that their inclusion within the industrial workmen framework or under the Memorandum of Settlement is itself untenable.

28) The principle that a party cannot accept benefits under a transaction or settlement and simultaneously challenge the very basis thereof is too firmly entrenched in law to require any elaborate reiteration. The doctrine of election, coupled with the equitable principle against approbation and reprobation, bars a litigant from blowing hot and cold at the same time. The

petitioners have admittedly continued under the corporate structure for years together, derived benefits thereunder, accepted implementation of the 6th and 7th Pay Commission recommendations through the company structure and continued to be governed by the Memorandum of Settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. Having accepted the advantages flowing from the settlement and the altered legal relationship, they cannot selectively repudiate only those parts thereof which do not suit their present claim.

29) The Court also finds considerable substance in the contention of the respondent that the petitioners belong to an industrial workmen cadre altogether distinct from the classified Group-C cadre employees, serving directly under the Central Government departments, with whom parity is sought. The materials placed before this Court demonstrate that the petitioners entered service as "Probationary Tradesman–Electricians" within an industrial trades structure comprising various categories such as machinists, fitters, plumbers, welders, carpenters and others. The cadre historically maintained parity amongst all such industrial tradesmen. The petitioners were not recruited as direct-entry "Electricians" in the classified Central Government service. On the contrary, the records disclose that the comparable posts in departments like CPWD, Railways and Defence establishments were governed by entirely different recruitment rules permitting direct recruitment from open market candidates possessing substantial field experience of three to five years. The petitioners, admittedly, entered service as fresh matriculates under a different industrial framework. Thus, the very source and methodology of recruitment, the nature of cadre and the governing service structure stand materially differentiated.

30) It is now well settled that reasonable classification founded on intelligible differentia and bearing rational nexus with the object sought to be achieved does not offend Articles 14 and 16 of the Constitution. Distinction based upon cadre structure, recruitment process, nature of employer and service conditions has repeatedly been recognised as constitutionally permissible.

The petitioners therefore cannot claim constitutional parity merely because they possess ITI qualifications or discharge certain electrical functions. The doctrine of equal pay does not envisage comparison across dissimilar establishments or unrelated cadres merely on broad functional overlap.

31) Even otherwise, the factual foundation necessary for application of the doctrine of "equal pay for equal work" has not been established. The impugned decision has elaborately considered the nature of duties discharged by electricians in other departments and found substantial distinction in operational responsibilities. Electricians employed in organisations such as CPWD or Railways were found to be handling complex high-tension and low-tension systems, traction systems, overhead electrical infrastructure and extensive field operations. The duties of the petitioners within the respondent company were found substantially confined to maintenance and repair work relating to installations, electrical panels, battery systems, forklifts and allied internal operations, with specialised PLC work frequently outsourced. Such findings involve technical assessment of functional equivalence and cannot lightly be displaced in judicial review in absence of manifest perversity, which is wholly absent here.

32) It is also relevant to note that the employees with whom the petitioners seek parity belong to the classified service cadre under the Central Government and are governed by statutory service rules framed under the constitutional and administrative framework applicable to Government servants. Their appointments, promotions, disciplinary control, service conditions and retiral benefits are regulated through codified service jurisprudence applicable to civil posts under the Union. The petitioners, on the other hand, upon absorption in the respondent company, became part of the industrial workmen cadre governed substantially by industrial law mechanisms, including the Industrial Disputes Act, collective bargaining arrangements and the Memorandum of Settlement entered into under Section 12(3) thereof. Their rights and obligations are therefore rooted in an altogether different legal regime distinct from classical service law. Such distinction is neither

artificial nor inconsequential. Service-rule governed classified employees and industrial workmen operating under industrial jurisprudence constitute two separate and distinct classes in law. Consequently, the petitioners cannot legitimately claim automatic equivalence or parity with classified Government employees merely on the basis of similarity in designation or certain overlapping technical functions.

33) In this regard a judgment of the Supreme Court may be mentioned in ***State of Rajasthan versus Kunji Raman at AIR 1997 SC 693***, in which considering difference in mode of recruitment and applicable service rules the Court has upheld difference in pay scales for regular establishment employees [similar to classified cadre] and work-charged industrial employees noting that they operate under different service frameworks.

34) The Court must also remain conscious of the settled limitation upon judicial review in matters of pay fixation and equation of posts. Determination of pay structures, equation of cadres and assessment of comparative responsibilities fall primarily within the domain of expert bodies such as the Pay Commission and the employer concerned. Courts exercising writ jurisdiction do not ordinarily undertake the complex exercise of evaluating relative responsibilities, functional requirements and financial implications involved in pay determination. Unless the decision is demonstrated to be patently arbitrary, mala fide or based on manifestly irrational classification, interference is unwarranted. The Supreme Court in several decisions, including ***Rajesh Pravinchandra Rajyaguru (supra)***, has reiterated that equation of posts and salary structures are matters best left to expert bodies and that Courts ought not substitute their own assessment for that of specialised authorities.

35) In the present case, the recommendations of the Pay Commission itself have never been specifically challenged. The petitioners seek selective enhancement of their scales while simultaneously accepting the broader framework under which such scales were determined and implemented. Once the

expert body has considered the cadre structure and the employer has implemented the same within the framework of the Memorandum of Settlement and company policy, this Court would be slow to reopen the entire exercise merely on the basis of perceived disparity with unrelated departments.

36) The issue shall be best explained with the words of Supreme Court in ***State of Haryana v. Haryana Civil Secretariat Personal Staff Assn at (2002) 6 SCC 72,*** which is as follows:

> ***"10.*** *It is to be kept in mind that the claim of equal pay for equal work is not a fundamental right vested in any employee though it is a constitutional goal to be achieved by the Government. Fixation of pay and determination of parity in duties and responsibilities is a complex matter which is for the executive to discharge. While taking a decision in the matter, several relevant factors, some of which have been noted by this Court in the decided case, are to be considered keeping in view the prevailing financial position and capacity of the State Government to bear the additional liability of a revised scale of pay. It is also to be kept in mind that the priority given to different types of posts under the prevailing policies of the State Government is also a relevant factor for consideration by the State Government. In the context of the complex nature of issues involved, the far-reaching consequences of a decision in the matter and its impact on the administration of the State Government, courts have taken the view that ordinarily courts should not try to delve deep into administrative decisions pertaining to pay fixation and pay parity. That is not to say that the matter is not justiciable or that the courts cannot entertain any proceeding against such administrative decision taken by the Government. The courts should approach such matters with restraint and interfere only when they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to a section of employees and the Government while taking the decision has ignored factors which are material and relevant for a decision in the matter. Even in a case where the court holds the order passed by the Government to be unsustainable then ordinarily a*

direction should be given to the State Government or the authority taking the decision to reconsider the matter and pass a proper order. The court should avoid giving a declaration granting a particular scale of pay and compelling the Government to implement the same. As noted earlier, in the present case the High Court has not even made any attempt to compare the nature of duties and responsibilities of the two sections of employees, one in the State Secretariat and the other in the Central Secretariat. It has also ignored the basic principle that there are certain rules, regulations and executive instructions issued by the employers which govern the administration of the cadre."

37) The Supreme Court has stated in ***S.C.Chandra versus State of Jharkhand at (2007) 8 SCC 279***:

"35. In our opinion fixing pay scales by courts by applying the principle of equal pay for equal work upsets the high constitutional principle of separation of powers between the three organs of the State. Realising this, this Court has in recent years avoided applying the principle of equal pay for equal work, unless there is complete and wholesale identity between the two groups (and there too the matter should be sent for examination by an expert committee appointed by the Government instead of the court itself granting higher pay)."

38) The reliance placed by the petitioners on ***D.S. Nakara (supra)*** is misplaced. The said judgment dealt with liberalisation of pensionary benefits amongst pensioners forming one homogeneous class under the same employer and statutory scheme. The ratio therein cannot be extended to compel parity between employees belonging to different establishments, different cadres and different service structures. Similarly, the decision in ***Randhir Singh (supra)*** does not assist the petitioners because even therein the Court emphasised substantial identity in all relevant aspects before parity could be claimed.

39) The judgment in ***Dineshan K.K. (supra)*** also stands distinguishable on facts. In that case, the Court found complete parity in qualifications, duties, responsibilities and rank between personnel within comparable organisational structures and found the classification ex facie irrational. In the present case, however, the respondents have demonstrated substantial differences in recruitment methodology, governing rules, cadre structure, employer identity, operational responsibilities and service conditions. Therefore, the factual substratum necessary for invoking the ratio in ***Dineshan K.K. (supra)*** is conspicuously absent in the present case.

40) Likewise, any reliance on ***Bhagwan Das (supra)*** is of little assistance to the petitioners because the present case does not involve mere difference in mode of selection amongst otherwise homogeneous employees. Here, the distinction is foundational and structural. The petitioners belong to an industrial workmen cadre under a corporate entity whereas the comparators belong to classified Government service under distinct departments governed by altogether separate recruitment rules and administrative control.

41) ***Jagjit Singh's judgment (supra)*** is concerning temporary, ad hoc, daily-wage and casual employees claiming minimum pay parity with regular employees discharging identical work under the same employer. The petitioners before this Court are themselves regular employees governed by structured pay scales. Their claim is not for minimum pay protection against exploitative engagement but for equation with entirely different cadres under different establishments. The factual and legal context of ***Jagjit Singh (supra)*** therefore bears no application to the present controversy.

42) The Court also cannot overlook the larger administrative ramifications of the relief sought. Acceptance of the petitioners' claim would disturb the long-standing parity maintained amongst various industrial trades within the respondent establishment itself and would amount to judicial restructuring of cadre hierarchy and pay architecture. Such

exercise falls beyond the permissible contours of judicial review under Article 226.

43) For all the aforesaid reasons, this Court is not inclined to hold that the impugned decision suffers from arbitrariness, perversity, hostile discrimination or violation of constitutional mandate as alleged, warranting interference. The petitioners have failed to establish that they constitute the same class as electricians employed in the various Central Government departments relied upon by them. On the contrary, the materials on record clearly establish that they belong to a separate industrial cadre under a distinct corporate employer governed by an independent settlement and service structure. The writ petitioners therefore cannot claim parity as a matter of constitutional right.

44) For the reasons as discussed above, the instant writ petition No. WPA 27338 of 2017 stands dismissed.

45) Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)