



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CWP-4576-2000 (O&M)

Date of Decision:- 06.08.2026

Des Raj and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. B. S. Mittal, Advocate
for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

NIDHI GUPTA, J.

Present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed by the petitioner for issuance of a writ in the nature of **mandamus** directing the respondents to grant pay scale of Rs.4000-6000 to the petitioners who are working as Patwaris in the Panchayat Department, Haryana from 1.1.96 as given to the Patwaris working in Revenue Department.

2. Brief facts in chronological order are as follows: -

1983: Applications were invited by the Haryana State Service Selection Board for appointment to the post of Revenue Patwaris. Petitioners had applied for the said post.



1984-1985: Petitioners were duly selected and underwent the Patwari Training Course and passed the same.

20.11.1985: Accordingly, on 20.11.1985, names of the petitioners were recommended by respondent No. 4/Director Land Records to respondent No. 3 Director Panchayat Department, for appointment as Patwaris.

17.02.1986: Appointment letters (Annexures P-1, P-1/A) were issued to petitioners and others appointing them as Patwaris in the office of Block Development and Panchayat Officer in the Panchayat Department. On their initial appointment, petitioners were placed in the pay scale of Rs. 400-660 with effect from 01.01.1985. At that stage, persons working in the Revenue Department were also getting the same pay scale.

01.01.1986: Subsequently, pay scale of Rs. 400-660 was revised to Rs. 950-1500 w.e.f. 01.01.1986. Petitioners who were working in Panchayat Department as well as Patwaris working in the Revenue Department were placed in the pay scale of Rs.950-1500.

Thereafter, pay scales to the post of Patwaris were revised from time to time. Subsequently, petitioners who were working in the Panchayat Department as well as Patwaris working in the Revenue Department were placed in the pay scale of Rs. 3050-4590.

07.08.1998: Thereafter, another revision of pay scale took place in the year 1998 and pay scales of the Patwaris working in the Revenue Department were revised



from Rs. 3050-4590 to Rs. 4000-6000 with effect from 01.01.1996, vide Notification dated 07.08.1998 (Annexure P-2).

1998: It is the grievance of the petitioners that while revising pay scales as above, only pay scales of Patwaris working in the Revenue Department were revised; and Patwaris working in Panchayat Department/petitioners were not given the benefit. Accordingly, petitioners had moved representation (Annexure P-3) in the year 1998 to the Director Panchayat, Haryana, Chandigarh.

1999: Petitioners had moved another representation (Annexure P-4) to the Director Panchayat, Haryana, seeking grant of same pay scale being given to the Patwaris in the Revenue Department.

21.01.1999: It is the case of the petitioners that they came to know that Director Panchayat, Haryana, had recommended the case of the petitioners for grant of pay scale claimed by the petitioners to the respondent No. 1/Finance Department. However, it was subsequently discovered that the said request had been declined by the Finance Department.

10.01.2000: Present Civil Writ petition was filed by the petitioners.

27.05.2002: The present writ petition was admitted.

23.05.2022: Subsequently, vide order dated 23.05.2022, the present writ petition was dismissed as follows: -

“Petition herein, inter alia, is for issuance of a writ in the nature of mandamus directing the respondents to grant the pay scale of Rs.4000-6000 to the petitioners from 01.01.1996 as given to the Patwaris working in the Revenue Department.



2. *Petition was admitted on 27.05.2002 and has been lying admitted ever since. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioners states that despite attempts, his office could not contact the petitioners.*

3. *It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.*

4. *In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para No.1 of the reply, which is reproduced herein below for ready reference:-*

"1. That in the present writ petition, the petitioners who are working as Patwaris in the Panchayat Department Haryana are claiming pay scale of Rs.4000-6000 w.e.f. 01.01.1996 at par with the Patwaris working in the Revenue Department. In this regard, it is submitted that initially, the petitioners were appointed in the pay scale of Rs.400-10- 490/540-15-600-EB-20-660 with usual allowances. The pay scale was subsequently revised to Rs.950- 1500 and Rs. 3050-4590. At the time of appointment, this pay scale was accepted by the petitioners. Now, State Government has revised the pay scale of Patwaris working in Revenue Department and has given them the pay scale of Rs.4000-6000 w.e.f. 01.01.1996. The claim of the petitioners, who are working in Panchayat Department, for pay at par with Revenue Patwaris was



examined and it was found that the duties of Revenue Patwaris are of arduous nature and very different from that of the petitioners working in the Development and Panchayat Department. Patwaris of these two Departments are governed by separate set of statutory Rules. Moreover, promotional avenues of patwaris working in the Development and Panchayat and Revenue Department are different. Thus, the petitioners are not entitled to the pay scale of Rs.4000-6000.”

5. *I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same.*

6. *In view of the aforesaid, no grounds are made out to interfere.*

7. *Dismissed. “*

17.03.2025: Thereafter, petitioners had moved review application bearing RA-CW-129 of 2025 seeking review of the said order dated 23.05.2022. Vide order dated 17.02.2026 the said review application came to be allowed.

3. It is in this background that the matter comes up for hearing before this Court today.

4. It is *inter alia* submitted by Id. counsel for the petitioners that initially in 1983, applications were invited by the Haryana State Service Selection Board on the requisition made by the Revenue Department/respondent No. 4 for appointment of Revenue Patwaris. The petitioners had applied for and were appointed as Revenue Patwaris. Thereafter, petitioners had passed the Field



Patwar Training conducted by the respondents and their names were recommended for appointment as Patwari. After completion of training petitioners were appointed as Patwaris in the pay scale of Rs. 400-660. It is submitted that at that time, persons working in the Revenue Department were also getting same pay scale as the petitioners. As noted above, the said pay scale was subsequently revised to Rs. 950-1500. It is submitted that the petitioners who were working in the Panchayat Department as well as the Patwaris working in the Revenue Department were subsequently placed in the pay scale of Rs. 3050-4590. Therefore, up to the year 1996, there was no distinction made in the pay scale drawn by the Patwaris whether in the Revenue Department or in the Panchayat Department.

5. However, vide the notification dated 07.08.1998 (Annexure P-2), the pay scale of the Patwaris working in the Revenue Department was revised from Rs. 3050-4590 to Rs. 4000-6000. Ld. counsel submits that grievance of the petitioners is that while revising the pay scales as above, the pay scales of the Patwaris such as the petitioners who were working in the Panchayat Department, no revision was effected; and only Patwaris working in the Revenue Department were given the benefit. It is argued that the said action of the respondents in not granting the pay scale of Rs. 4000-6000 to the petitioners with effect from 01.01.1996 is highly discriminatory. The petitioners who were working in the Panchayat Department were also entitled to the same pay scale and could not have been treated differently in the subsequent revision of pay



scale, especially in view of the fact that right since the beginning in 1985, petitioners have been drawing the same pay scale as that of their counterparts. Even in the revision of pay scale which took place in the year 1996, petitioners and the Patwaris working in the Revenue Department were treated similarly.

6. Ld. counsel submits that considering the fact that the qualifications needed for appointment, nature of duties, and the responsibilities of the Patwaris working in both the departments i.e., the Panchayat and the Revenue Departments of the Government of Haryana, are identical, such discrimination could not have been made.

7. It is submitted that no reason has been given by the respondents as to why the petitioners have been kept in the lower pay scale than the Patwaris working in the Revenue Department, who were treated alike in the past. It is reiterated that even now the petitioners possess and are performing similar duties and responsibilities as of Patwaris in the Revenue Department and as such there is no justifiable reason to treat them differently and deny the petitioners the same pay scale as has been granted to the Patwaris of the Revenue Department

8. It is further submitted that the impugned action of the respondents is also arbitrary and discriminatory because some persons selected alongwith the petitioners and appointed in the Panchayat Department were sent to the Revenue Department subsequently. One such example is that of Ramesh Chander S/O Goda Ram, who was given posting in the Panchayat Department as



Patwari alongwith petitioners in the year 1986 and was transferred and appointed in the Revenue Department in the year 1991. He is getting the Pay scale being given to the Patwaris in the Revenue Department i.e. 4000-6000 with effect 1.1.96. but similar treatment is not being given to the petitioners. It is submitted that no change of circumstance has been pointed out by the respondents after 1996/7.8.1998 justifying the said difference in pay scale.

9. In support, Id. counsel for the petitioners relies upon judgment of the Hon'ble Supreme Court in ***State of U.P. v. U.P. Sales Tax Officers Grade II Association, (SC): Law Finder Doc Id # 35553***, wherein it is held:

“A. Constitution of India, Article 309, Article 14 - Equal Pay Scale - Discrimination -Pay Commission Recommendation Prior to U.P. Government Resolution implementing recommendations of Second U.P. Pay Commission Trade Tax Officers were carrying pay scale at par with other District Level Officers in other department of the State - Revised pay scale granted to trade Tax Officer is a step below to that of District Level Officer - Held that it is per se discriminatory - Trade Tax Officers are equal in rank to District Level Officers Entitled to pay scales at par with other District Level Officers.”

10. Learned counsel also relies upon judgment of this Court in ***CWP-14381-2020*** titled as ***Bhuvnesh Kumar and others vs. State of Haryana and others***. The relevant para is as follows:-

“(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."*

11. It is contended that therefore the impugned action is violative of Articles 14 and 16 of the Constitution of India. It is accordingly prayed that the present writ petition be allowed and a writ of mandamus be issued directing the respondents to grant the pay scale of Rs. 4000-6000 to the petitioners from 01.01.1996 as given to the Patwaris working in the Revenue Department. The petitioners also pray that either they may be granted the same pay scales as that of Revenue Department or they may also be transferred and appointed in the Revenue Department as they fulfill all requisite qualifications, experience etc.

12. *Per contra*, learned State counsel has vehemently opposed submissions of the petitioner and has submitted that a conscious decision was taken to revise the pay scales of the Revenue Patwaris as it was found that the duties of the Revenue Patwaris are much more arduous than that of the



petitioners. It is submitted that the Panchayat Patwaris such as the petitioners only have to cater to their village; whereas the Revenue Patwaris have to maintain voluminous land records of several villages. It is accordingly prayed that the present writ petition be dismissed.

13. No other argument is made on behalf of learned counsel for the parties. I have heard Id. counsel and perused the case file and record in detail. I find no merit in the submissions advanced on behalf of the petitioners.

14. No doubt, initial pay scale of the petitioners as well as the Revenue Patwaris was identical. However, it is the case of the respondent-State that subsequently upon examination, it was found that the duties of Revenue Patwaris are of arduous nature and very different from that of the petitioners working in the Development and Panchayat Department. It has also been pointed out that Patwaris of these two Departments are governed by separate set of statutory Rules. Even promotional avenues of Patwaris working in the Development and Panchayat and Revenue Department are different. Thus, the petitioners cannot be equated with the Patwaris working in the Revenue Department; and therefore, petitioners are not entitled to the pay scale of Rs.4000-6000.

15. In this regard reference may be made to judgment of the Hon'ble Supreme Court in ***Mewa Ram Kanojia vs. AIIMS, 1989, SCC, 235*** wherein it has been held that the answer to the question whether two posts are equal or to carry equal pay scale depends upon several factors. It does not just depend



upon either the nature of work or volume of work done. The equation of post or equation of pay must be left to be determined by the executive Govt. Expert bodies like the Pay Commission. This Court should not interfere with such equivalence unless it is shown that it was made with extraneous consideration.

16. Reference may also be made to another judgment of the Hon'ble Supreme Court in ***State of U.P. and others vs. J.P. Chorasias and others 1989 1 SCC 121***, wherein it is held that more often functions of two posts may appear to be the same or similar but there may be difference in the degree in the performance. The quantity of work may be the same, but the quality may be different, that could not be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to the executive Government. It must be determined by the expert body like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of the post. If there is any such determination by the Commission or Committee, the Court should normally accept it.

17. In case of ***Secretary of Finance Department and others vs. West Bengal Registration Services Association and others 1993 Supp (1) SCC 153***, Hon'ble Supreme Court has held that it is well settled that equation of posts and determination of pay scale is the primary function of the Executive and not of the judiciary and therefore ordinarily courts will not enter upon the task of job evaluation which is generally left to expert bodies like Pay Commission etc. It was observed that ordinarily a pay structure is evolved keeping in mind several



factors i.e. (i) method of recruitment (ii) level at which recruitment is made (iii) the hierarchy of service in a given case (iv) minimum educational/technical educational qualification required (v) avenues of promotions (vi) nature of duties and responsibilities (vii) the horizontal and vertical relativity with similar jobs (viii) public dealing (ix) satisfaction level (x) employer's capacity to pay etc.

While evolving a pay structure, the horizontal and vertical relativities have to be carefully balanced keeping in mind the hierarchical arrangements, avenues for promotion etc. Such a carefully evolved pay structure ought not to be ordinarily disturbed as it may upset the balance and cause avoidable ripples in other cadres.

18. More recently, the above-said position in law has been reiterated by the Hon'ble Supreme Court in ***Civil Appeal No.3855 of 2007*** titled as ***State of West Bengal and another vs. West Bengal Minimum Wages Inspectors Association and others***, wherein it is held that: -

“15. The principles relating to granting higher scale of pay on the basis of equal pay for equal work are well settled. The evaluation of duties and responsibilities of different posts and determination of the Pay scales applicable to such posts and determination of parity in duties and responsibilities are complex executive functions, to be carried out by expert bodies. Granting parity in pay scale depends upon comparative job evaluation and equation of posts. The principle "equal pay for equal work" is not a fundamental right but a constitutional goal. It is dependent on various factors such as educational qualifications, nature of the jobs, duties to be performed, responsibilities to be discharged, experience, method of



*recruitment etc. Comparison merely based on designation of posts is misconceived. Courts should approach such matters with restraint and interfere only if they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to any particular section of employees. The burden to prove disparity is on the employees claiming parity vide **State of U.P. v. Ministerial Karamchari Sangh, 1997(4) S.C.T. 769: (1998) 1 SCC 422; Associate Bank Officers' Association v. State Bank of India, 1997(4) S.C.T. 790: (1998) 1 SCC 428; State of Haryana & Anr. v. Haryana Civil Secretariat Personal Staff Association, 2002(3) S.C.T. 674: (2002) 6 SCC 72; State of Haryana v. Tilak Raj, 2003(4) S.C.T. 485: (2003) 6 SCC 123; S.S. Chandra v. State of Jharkhand [2007 (8) SCC 299]; Uttar Pradesh State Electricity Board v. Aziz Ahmad, 2009(1) S.C.T. 670: 2009 (2) SCC 606.***

16. What is significant in this case is that parity is claimed by Inspectors- AMW, by seeking extension of the pay scale applicable to Inspector (Cooperative Societies), Extension Officers (Panchayat) and KGO-JLRO (Revenue Officers) not on the basis that the holders of those posts were performing similar duties or functions as Inspectors-AMW. On the other hand, the relief was claimed on the ground that prior to RPA Rules 1981, the posts in the said three reference categories, and Inspectors-AMW were all in the same pay scale (Pay Scale No. 9), and that under RPA Rules 1981, those other three categories have been given a higher Pay Scale of No. 11, while they-Inspectors-AMW - were discriminated by continuing them in the Pay Scale No. 9 The Claim in the writ petition was not based on the ground that subject post and reference category posts carried similar or identical duties and responsibilities but on the contention that as the subject post holders and the holders of reference



category posts who were enjoying equal pay at an earlier point of time, should be continued to be given equal pay even after pay revision. In other words, the parity claimed was not on the basis of equal pay for equal work, but on the basis of previous equal pay.

17. It is now well-settled that parity cannot be claimed merely on the basis that earlier the subject post and the reference category posts were carrying the same scale of pay. In fact, one of the functions of the Pay Commission is to identify the posts which deserve a higher scale of pay than what was earlier being enjoyed with reference to their duties and responsibilities and extend such higher scale to those categories of posts. The Pay Commission has two functions; to revise the existing pay scale, by recommending revised pay scales corresponding to the pre-revised pay scales and, secondly, make recommendations for upgrading or downgrading posts resulting in higher pay scales or lower pay scales, depending upon the nature of duties and functions attached to those posts. Therefore, the mere fact that at an earlier point of time, two posts were carrying the same pay scale does not mean that after the implementation of revision in pay scales, they should necessarily have the same revised pay scale. As noticed above, one post which is considered as having a lesser pay scale may be assigned a higher pay scale and another post which is considered to have a proper pay scale may merely be assigned the corresponding revised pay scale but not any higher pay scale. Therefore, the benefit of higher pay scale can only be claimed by establishing that holders of the subject post and holders of reference category posts, discharge duties and functions identical with, or similar to, each other and that the continuation of disparity is irrational and unjust. The respondents have neither pleaded nor proved that the holders of



post of Inspectors (Cooperative Societies), Extension Officers (Panchayat) and KGO-JLRO (Revenue Officers) were discharging duties and functions similar to the duties and functions of Inspector-AMW. Hence, the prayers in the original writ petition could not have been granted. In fact, that is why the learned single Judge rightly held that whether the posts were equivalent and whether there could be parity in pay are all matters that have to be considered by expert bodies and the remedy of the respondent was to give a representation to the concerned authority and the court cannot grant any specific scale of pay to them.”

19. The present case is covered by the ratio of the aforesaid judgment which has been followed by this Court in **CWP-4670-1998** titled as ***Darshan Lal Kapoor and others vs. State of Haryana.***

20. Judgments relied upon by the Id. counsel for the petitioners are distinguishable on facts and law. In any event, Law, as laid down by the Hon’ble Supreme Court will prevail.

21. Ld. counsel for the petitioners is unable to dispute or distinguish the above-said position in law.

22. In view of the aforesaid factual and legal position, the present writ petition stands ***dismissed.***

23. Pending application(s), if any, also stands disposed of.

06.08.2026
Neelam

(NIDHI GUPTA)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No