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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 25.08.2026

Order Pronounced on : 31.08.2026

Order (Full) Uploaded on : 31.08.2026

Writ Petition (Service) No.10434 of 2019

Veerendra Singh Thakur, S/o Shri S.L. Singh Thakur, aged about 40 years, presently posted and working as Warden-Cum-Estate Officer, In Regional Panchayat and Rural Development Training Centre, Kurud, Tahsil and District Dhamtari, (Chhattisgarh)

... Petitioner

Versus

1 - State of Chhattisgarh, through The Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, (Chhattisgarh)

2 - The Secretary Department of Finance, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, (Chhattisgarh)

3 - The Development Commissioner, Officer of The Development Commissioner, Indrawati Bhawan, Atal Nagar, Nawa Raipur, (Chhattisgarh)

4 - The Director Thakur Pyarelal State Panchayat And Rural Development Training Institute, Nimora, Raipur, District Raipur, (Chhattisgarh)

5 - The Principal Regional Panchayat and Rural Development Training Centre, Kurud, District Dhamtari, (Chhattisgarh)

... Respondents

Cause-title taken from Case Information System (CIS)

For Petitioner : Ms. Priyanka Rai, Advocate

For Respondents : Mr. Sharad Mishra, Panel Lawyer

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

1. Invoking extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner herein has filed this writ petition seeking quashment of order dated 22.06.2019 (Annexure-P/01), by which, petitioner's representation for grant of pay-scale of Rs.15,600-39,100/- with grade pay of Rs.6,600/- at par with the Hostel Superintendent in SC and ST Development Department and Estate Officers in Chhattisgarh Housing Board and Prasad Mukharji International Institution of Information Technology, on the principle of "equal pay for equal work", has been rejected finding no merit.

2. The aforesaid challenge has been made on the following factual backdrop:-

2.1 The Department of Panchayat and Rural Development issued sanctioned set-up for Regional Panchayat and Rural Development Training Centre, Kurud, sanctioning the post of "Warden-cum-Estate Officer" in the pay scale of Rs. 4500-7000/-, for which, competitive examination was held, in which, the petitioner also participated and vide order dated 14.06.2013 and eventually he was appointed as "Warden-cum-Estate Incharge" in the pay scale of Rs. 5200-20200/- with Grade Pay of Rs. 2800/- and joined the said post accepting the terms and conditions in the said appointment order. Thereafter, on

07.12.2016 the petitioner submitted representation to the respondent No. 3 alleging discrepancy between the sanctioned post i.e. Warden-cum-Estate Officer and the designation of his appointed post i.e. Warden-cum-Estate Incharge and sought revision of pay scale of Rs.15,600-39,100/- with Grade Pay of Rs.6600/-.

2.2 The said representation of the petitioner was duly forwarded by the respondent No.3 and, accordingly, by order dated 31.01.2017, the State Government corrected the designation of the petitioner and re-designated the post as Warden-cum-Estate Officer”, however, the pay-scale was not interfered with. Aggrieved, the petitioner filed fresh representation claiming additional duties (i.e. Training Incharge, Faculty) and reiterating his demand for grant of pay scale of Rs.15,600-39,100/- with Grade Pay Rs.6600/- at par with the Hostel Superintendent (SC & ST Development Department) and the Estate Officers, posted at Dr. Shyama Prasad Mukharji International Institution of Information Technology and Chhattisgarh Housing Board, which was rejected by the impugned order dated 22.06.2019, resulting to the filing of this writ petition.

3. It is the case of the petitioner that he performs duties and functions identical to the Hostel Superintendents posted at SC & ST Development Department and the Estate Officers posted at Dr. Shyama Prasad Mukharji International Institution of Information Technology and Chhattisgarh Housing Board and both posts carries

pay scale of Rs.15,600-39,100/- with Grade Pay Rs.6,600/-. It is also the case of the petitioner that he performs duties similar to the aforesaid posts including additional responsibilities of Training Incharge and Faculty and continuing him in a lower pay scale is discriminatory and violative of Article 14 of the Constitution of India. As such, the order dated 22.06.2019 (Annexure-P/01) rejecting revision of pay-scale is illegal, arbitrary and violative of Article 14 & 13D of the Constitution of India.

4. The respondents/State has filed their return stating that the sanctioned set-up dated 03.01.2003, for the Regional Panchayat & Rural Development Training Centre, Kurud, provides for the post of Warden-cum-Estate Officer in the pay scale of Rs. 4500-7000/- and the petitioner was appointed on said post on 14/06/2013 in the pay scale of Rs.5200-20200/- with Grade Pay Rs. 2800/-, which the petitioner accepted with open eyes while joining the said post in terms of the order of appointment, which is in accordance with the departmental set-up established by the applicable rules. It is also stated by the respondent-State that the correction of nomenclature of the post vide order dated 31/01/2017 was purely an administrative correction to align the designation with the sanctioned set-up and it did not, and could not, by itself confer any right to a revised or higher pay scale and the claim of the petitioner of parity with that of the Hostel Superintendents posted at SC & ST Development Department and the Estate Officers posted at Dr. Shyama Prasad

Mukharji International Institution of Information Technology and Chhattisgarh Housing Board is not at all tenable, as each of the posts having distinct recruitment rules, qualifications, cadre structure, employer/management & service conditions and as such, deserves to be rejected.

5. It is also the stand of the respondent-State that entitlement to equal/similar pay scale does not depend merely upon nomenclature or the nature/volume of work performed, indeed, it requires an evaluation of qualifications, mode of recruitment, duties, degree of responsibility and the employer/establishment, which the petitioner has neither pleaded nor established with material particulars. Further, fixation of pay scale and equation of posts across departments is a complex exercise falling within the domain of the executive Government and expert bodies such as the Pay Commission, having regard to the financial position and capacity of the State to bear additional liability and this Court, ordinarily, cannot sit in an appeal over such an exercise. Therefore, the impugned order dated 22/06/2019 does not suffer from any arbitrariness, mala fide or non-application of mind and rejection of petitioner's representation is just, legal and reasoned administrative decision, which calls for no interference by this Court. Thus, the present writ petition deserves to be dismissed.

6. Ms. Priyanka Rai, learned counsel appearing for the petitioner submits that the impugned order dated 22.06.2019 (Annexure-P/01) is illegal, unsustainable and bad in law, therefore, the same is liable to be set aside. She vehemently argued that the petitioner is entitled for parity with the Hostel Superintendents posted at SC & ST Development Department and the Estate Officers posted at Dr. Shyama Prasad Mukharji International Institution of Information Technology and Chhattisgarh Housing Board, as enshrined under Article 14 of the Constitution of India. Learned counsel also submits that the action of the respondents in rejecting the representation of the petitioner is not only violative of the principles of equality, but the same is also discriminatory and liable to be set aside. As such, the present petition be allowed. And appropriate writ/direction be issued.

7. Mr. Sharad Mishra, learned State counsel submits that principle of “equal pay for equal work” is not a fundamental right vested in any employee, though it is a constitutional goal under Article 39(d) read with Articles 14 and 16. Fixation of pay and equation of posts is a complex matter falling within the domain of the executive and expert bodies such as the Pay Commission and same is to be assessed having regard to relevant factors including the financial position and capacity of the State Government and it is not a matter in which the Court ordinarily re-appreciates. Learned State counsel further submits that the burden lies on the petitioner

to plead and establish, with cogent material particulars, that the posts sought to be compared are identical in qualifications for recruitment, mode of appointment, nature of duties, degree of responsibility, quality of work, and common employer/establishment. Bald assertions of 'similar duties', unsupported by comparative material, cannot found a claim for parity. Even otherwise, the posts relied upon by the petitioner i.e. Hostel Superintendent in SC and ST Development Department and Estate Officer in Dr. Shyama Prasad Mukharji International Institution of Information Technology and Chhattisgarh Housing Board, both belong to entirely different establishments with different management, recruitment rules and service conditions than the Regional Panchayat and Rural Development Training Centre, Kurud.

8. Learned State counsel further stated that the petitioner accepted the post and pay scale of Rs. 5200-20200/- with Grade Pay Rs. 2800/- at the time of his appointment in the year 2013 with full knowledge of the sanctioned set-up and, now he cannot resile from those terms. Even, the subsequent correction of designation vide order dated 31/01/2017 was a limited clerical correction aligning the appointment order with the sanctioned set-up and it is not an admission of entitlement to higher pay and creates no vested right for claiming parity with posts in other departments. Moreover, differential pay scales across departments/institutions, founded on differences in qualifications, duties, responsibility and quality of

work, are inherent in service jurisprudence and are not, without more, discriminatory or violative of Article 14. 'Equality' is a relative concept to be judged on the entire facts, not on isolated similarity of designation or function. In any event, the impugned order dated 22/06/2019 does not suffer from illegality, irrationality, mala fide or procedural impropriety and the only grounds on which judicial review under Article 226 could lie in a pay-fixation matter and none of these has been demonstrated by the petitioner. Hence, the writ petition, being devoid of merit, deserves to be dismissed.

9. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

10. In the case at hand, the claim of the petitioner is with regard to grant of pay-scale of Rs.15,600-39,100/- with grade pay of Rs.6,600/-, which is at par with the Hostel Superintendent posted in the SC and ST Development Department and the Estate Officers posted in the Chhattisgarh Housing Board and the Prasad Mukharji International Institution of Information Technology on the principle of "equality"/"equal pay for equal work" and one of the directive principles enumerated in Part IV of the Constitution is that the State shall direct its policy towards securing that there is equal pay for equal work for both men and women. However, the directive principles contained in Part IV of the Constitution are expressly

declared by Article 37 not to be enforceable by any Court. It is, however, now settled that that directive principles have to be read into fundamental rights as a matter of interpretation and it has also now been held that equal pay for equal work is not a fundamental right but a constitutional goal (See: **State of WB v. WB Minimum Wages Inspectors Assn.**¹). The Supreme Court has unqualifiedly declared that the principle of “equal pay for equal work” is not an abstract doctrine but one of substance (See: **Randhir Singh v. UOI**²). Equal pay for equal work would depend not only on the nature and volume of work but also on the qualitative differences as reliability and responsibility and though the functions may be the same, the responsibilities do make a real and substantial difference (See: **State of Orissa v. Balaram Sahu**³). The parameters to be considered are functional parity, mode of recruitment, qualifications and responsibilities attached, etc. (See: **T. Venkateswarulu v. Tirumala Tirupathi Devasthanams**⁴). Where nature of duties and qualifications are similar, source of recruitment cannot be a factor for denying equal pay for equal work.

11. Furthermore, in this regard, the Supreme Court in the matter of **State of M.P. v. Ramesh Chandra Bajpai**⁵, has held as under:

1 (2010) 5 SCC 225

2 AIR 1982 SC 879

3 2003 (1) SCC 250

4 (2009) 1 SCC 546

5 (2009) 13 SCC 635

“15. In our view, the approach adopted by the learned Single Judge and the Division Bench is clearly erroneous. It is well settled that the doctrine of equal pay for equal work can be invoked only when the employees are similarly situated. Similarity in the designation or nature or quantum of work is not determinative of equality in the matter of pay scales. The court has to consider the factors like the source and mode of recruitment/appointment, qualifications, the nature of work, the value thereof, responsibilities, reliability, experience, confidentiality, functional need, etc. In other words, the equality clause can be invoked in the matter of pay scales only when there is wholesale identity between the holders of two posts.”

12. In the matter of SAIL v. Dibyendu Bhattacharya⁶ their Lordships of the Supreme Court discussed all the relevant factors to be considered for claiming parity invoking Article 14 & 39(d) of the Constitution of India and held in Para-30 & 31 as under:

“30. In view of the above, the law on the issue can be summarised to the effect that parity of pay can be claimed by invoking the provisions of Articles 14 and 39(d) of the Constitution of India by establishing that the eligibility, mode of selection/recruitment, nature and quality of work and duties and effort, reliability, confidentiality, dexterity, functional need and responsibilities and status of both the posts are identical. The functions may be the same but the skills and responsibilities may be really and substantially different. The other post may not require any higher qualification, seniority or other like factors. Granting parity in pay scales depends upon the comparative evaluation of job and equation of posts. The person claiming parity, must plead necessary averments and prove that all things are equal between the posts concerned. Such a complex issue cannot be adjudicated by evaluating the affidavits filed by the parties.

6 (2011) 11 SCC 122

31. The onus to establish the discrimination by the employer lies on the person claiming the parity of pay. The Expert Committee has to decide such issues, as the fixation of pay scales, etc. falls within the exclusive domain of the executive. So long as the value judgment of those who are responsible for administration i.e. service conditions, etc. is found to be bona fide, reasonable, and on intelligible criteria which has a rational nexus of objective of differentiation, such differentiation will not amount to discrimination. It is not prohibited in law to have two grades of posts in the same cadre. Thus, the nomenclature of a post may not be the sole determinative factor. The courts in exercise of their limited power of judicial review can only examine whether the decision of the State authorities is rational and just or prejudicial to a particular set of employees. The court has to keep in mind that a mere difference in service conditions does not amount to discrimination. Unless there is complete and wholesale/wholesome identity between the two posts they should not be treated as equivalent and the court should avoid applying the principle of equal pay for equal work.”

13. Further, in the case of Punjab SEB v. Thana Singh⁷, the Supreme Court has held that equation of pay scales must be left to the Government and on the decision of the experts and the Court should not interfere with it and observed in Para-10, 15 & 19 as under:

“**10.** It is fairly well settled that equation of pay scales must be left to the Government and on the decision of the experts and the Court should not interfere with it. Observing that equation of pay scales of posts must be left to the Government and the experts, in *SAIL v. Dibyendu Bhattacharya* [*SAIL v. Dibyendu*

⁷ (2019) 4 SCC 113

Bhattacharya, (2011) 11 SCC 122 : (2011) 2 SCC (L&S) 192] , this Court held as under: (SCC p. 133, para 26)

“26. In Union of India v. S.L. Dutta [Union of India v. S.L. Dutta, (1991) 1 SCC 505 : 1991 SCC (L&S) 406] , Union of India v. N.Y. Apte [Union of India v. N.Y. Apte, (1998) 6 SCC 741 : 1998 SCC (L&S) 1673] , State of U.P. v. J.P. Chaurasia [State of U.P. v. J.P. Chaurasia, (1989) 1 SCC 121 : 1989 SCC (L&S) 71] and Kshetriya Kisan Gramin Bank v. D.B. Sharma [Kshetriya Kisan Gramin Bank v. D.B. Sharma, (2001) 1 SCC 353 : 2001 SCC (L&S) 1000] , this Court held that the determination that two posts are equal or not, is a job of the Expert Committee and the court should not interfere with it unless the decision of the Committee is found to be unreasonable or arbitrary or made on extraneous considerations. More so, it is an executive function to fix the service conditions, etc. and lies within the exclusive domain of the rule-making authority. (See also T. Venkateswarulu v. Tirumala Tirupathi Devasthanams [T. Venkateswarulu v. Tirumala Tirupathi Devasthanams, (2009) 1 SCC 546 : (2009) 1 SCC (L&S) 202] .)”

15. For considering the equation of posts, the following factors had been held to be determinative:

1. The nature and duties of a post;
2. The responsibilities and powers exercised by the officer holding a post, the extent of territorial or other charge held or responsibilities discharged;
3. The minimum qualifications, if any, prescribed for recruitment to the post; and
4. The salary of the post (vide Union of India v. P.K. Roy [Union of India v. P.K. Roy, AIR 1968 SC 850]).

19. The person claiming parity must produce material before the court to prove that the nature of duties and functions are similar and that they are entitled to parity of pay scales. After referring to a number of

judgments and observing that it is the duty of an employee seeking parity of pay to prove and establish that he had been discriminated against, this Court, in SAIL [SAIL v. Dibyendu Bhattacharya, (2011) 11 SCC 122 : (2011) 2 SCC (L&S) 192] , held as under: (SCC p. 131, para 22)

“22. It is the duty of an employee seeking parity of pay under Article 39(d) of the Constitution of India to prove and establish that he had been discriminated against, as the question of parity has to be decided on consideration of various facts and statutory rules, etc. The doctrine of ‘equal pay for equal work’ as enshrined under Article 39(d) of the Constitution read with Article 14 thereof, cannot be applied in a vacuum. The constitutional scheme postulates equal pay for equal work for those who are equally placed in all respects. The court must consider the factors like the source and mode of recruitment/appointment, the qualifications, the nature of work, the value thereof, responsibilities, reliability, experience, confidentiality, functional need, etc. In other words, the equality clause can be invoked in the matter of pay scales only when there is wholesome/wholesale identity between the holders of two posts. The burden of establishing right and parity in employment is only on the person claiming such right. (Vide U.P. State Sugar Corpn. Ltd. v. Sant Raj Singh [U.P. State Sugar Corpn. Ltd. v. Sant Raj Singh, (2006) 9 SCC 82 : 2006 SCC (L&S) 1610] , Union of India v. Mahajabeen Akhtar [Union of India v. Mahajabeen Akhtar, (2008) 1 SCC 368 : (2008) 1 SCC (L&S) 183] , Union of India v. Dineshan K.K. [Union of India v. Dineshan K.K., (2008) 1 SCC 586 : (2008) 1 SCC (L&S) 248] , Union of India v. Hiranmoy Sen [Union of India v. Hiranmoy Sen, (2008) 1 SCC 630 : (2008) 1 SCC (L&S) 271] , Official Liquidator v. Dayanand [Official Liquidator v. Dayanand, (2008) 10 SCC 1 : (2009) 1 SCC (L&S) 943] , U.P. SEB v. Aziz Ahmad [U.P.

SEB v. Aziz Ahmad, (2009) 2 SCC 606 : (2009) 1 SCC (L&S) 418] and State of M.P.v. Ramesh Chandra Bajpai [State of M.P. v. Ramesh Chandra Bajpai, (2009) 13 SCC 635 : (2010) 1 SCC (L&S) 287] .)”

(emphasis in original)

14. The Supreme Court in the matter of **Punjab State Corporation Limited v. Rajesh Bindaland others**⁸ held that the burden of proof is on the person claiming parity of pay scale and observed in Para-20 & 21 as under:

“20. Ordinarily, the scale of pay is fixed keeping in view the several factors i.e.

- (i) method of recruitment;
- (ii) level at which recruitment is made;
- (iii) the hierarchy of service in a given cadre;
- (iv) minimum educational/technical qualifications required;
- (v) avenues of promotion;
- (vi) the nature of duties and responsibilities; and
- (vii) employer's capacity to pay, etc.

21. It is well settled that for considering the equation of posts and the issue of equivalence of posts, the following factors had been held to be determinative:

- (i) The nature and duties of a post;
- (ii) The responsibilities and powers exercised by the officer holding a post, the extent of territorial or other charge held or responsibilities discharged;
- (iii) The minimum qualifications, if any, prescribed for recruitment to the post; and
- (iv) The salary of the post (vide Union of India v. P.K. Roy [Union of India v. P.K. Roy, AIR 1968 SC 850]).”

8 (2019) 3 SCC 547

15. A careful reading of the above judgments (*supra*) would show that it has been consistently held that mere similarity in designation or duties does not confer a right to equal pay. The employee claiming parity must establish complete and wholesale identity between the posts, having regard to the mode of recruitment, qualifications, nature and extent of duties, responsibilities, hierarchy, functional requirements and other service conditions. Further, fixation and equation of pay scales are primarily matters for the executive and expert bodies, and judicial interference is warranted only where the differentiation is shown to be arbitrary or irrational.

16. Applying the aforesaid principles to the present case, it is quite vivid that the petitioner has merely compared his post of Warden-cum-Estate Officer with the posts of Hostel Superintendent/Estate Officer functioning in other departments/institutions and relied upon similarity of certain duties and the nomenclature of the posts. However, the petitioner has failed to establish that the posts are identical in their source and mode of recruitment, prescribed qualifications, service hierarchy, promotional avenues, duties, responsibilities and functional requirements, as no material has been brought on the record to demonstrate the said requirement. The subsequent correction of his designation by the State to “Warden-cum-Estate Officer” does not, by itself, establish equivalence with the posts governed by different departmental set-ups. As such, the

petitioner has failed to establish the foundational requirement for invoking the doctrine of “equal pay for equal work” and, in the absence of cogent material establishing wholesale identity between the posts, the petitioner cannot claim the higher pay scale as a matter of constitutional right merely on the ground that a higher scale is attached to similarly described posts elsewhere. Consequently, for the reasons mentioned herein-above, the case of the petitioner claiming “equal pay for equal work” has rightly been rejected by the respondents vide impugned order dt. 22.06.2019. I do not find any merit in this petition. It deserves to and is hereby **dismissed** being meritless leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge

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