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## ASSESSING CLAIMS FOR PAY SCALE PARITY

The Himachal Pradesh High Court, (**HC**) on May 20, 2025 in the case of *Surender Verma*,<sup>1</sup> opined on the stringent requirements for establishing claims of pay scale parity, particularly under the ‘equal pay for equal work’ doctrine (**Doctrine**), for employees in different departments.

### Brief Facts

Surender Verma (**Verma**) was appointed as an Assistant Librarian in Rajiv Gandhi Government Post Graduate Ayurvedic College in 1997. He sought a higher pay scale. This claim was on the basis of seeking parity with assistant librarians in Himachal Pradesh’s (**State**) Education Department (**ED**), who had received these revised pay scales following earlier judgments.

Verma had previously filed a writ petition for the same relief, which was disposed of with directions to the State. This representation was subsequently rejected in 2015 on grounds that post in the Department of Ayurveda (**DoA**) could not be equated with the same post in the ED (**Order**).

The benefit of the *Madan Lal Tomar* case,<sup>2</sup> which led to the revised pay scales for ED assistant librarians, was deemed inapplicable to Verma because the ED had a single cadre, and each department had its own recruitment and promotion rules (**R&P Rules**) and service conditions.

### Verma’s Contentions

Argued that:

- He was selected through the same process as assistant librarians in the ED.
- His duties and functions were more onerous, and the incumbents in both departments held the same educational qualifications and identical service conditions.

He also pressed into service of the Doctrine.

### States’ Contentions

Defended the Order by stating that:

- The service conditions and R&P Rules for assistant librarians in the DoA and the ED were different.
- Verma was governed by the R&P Rules of the DoA.
- Due to these differences in service conditions, Verma was not entitled to draw parity with his counterparts in the ED.

### HC’s Judgement & Reasoning

The HC dismissed the petition. It reiterated several settled legal principles on the Doctrine which include:

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<sup>1</sup>*Surender Verma v. State of H.P. & Ors*, CWPOA No. 1720 of 2020.

<sup>2</sup> *State of H.P. v. Madan Lal Tomar*, LPA No. 10894 of 2010.

- Parity of pay scale cannot be claimed on the sole ground of similarity in designation. While posts may share the same title, it does not necessarily mean they are identical in every manner.
- For drawing parity between posts with the same designations in different departments or organizations, or for attracting the Doctrine, there must be quantified data on the nature of duties, recruitment and promotion rules, initial qualifications, and mode of selection.
- The prescription of pay scales on particular posts is a very complex exercise requiring assessment of the nature and quality of duties performed and responsibilities shouldered by incumbents on different posts. Such matters are best assessed by expert bodies like the employer or the Pay Commission. Neither the Central Administrative Tribunal nor a writ court would normally substitute its own opinion for those of experts, as they lack the necessary expertise for such complex exercises of equating posts or pay scales.
- The Doctrine is not abstract and has no mechanical application in every case. It can only be invoked when employees are similarly situated, considering factors like (a) source and mode of recruitment; (b) qualifications; (c) nature of work, its value, responsibilities, reliability, experience, confidentiality, functional need, and dexterity; and (d) wholesale or complete identity between the holders of two posts.
- The onus to establish discrimination by the employer lies on the person claiming the parity of pay.
- Differentiation in pay scales is permissible if the value judgment of those responsible for administration is found to be *bona fide*, reasonable, and based on intelligible criteria with a rational nexus to the objective of differentiation. It is not prohibited in law to have two grades of posts in the same cadre. A mere difference in service conditions does not amount to discrimination.

The HC concluded that Verma had:

- Not placed on record any quantifiable data to suggest that, by application of requisite parameters, his post was equivalent to those he sought parity with.
- Accepted the appointment as assistant librarian in DoA fully aware of the then-existing R&P Rules and their applicability to his service.

It held, the scope for judicial review in matters concerning grant or revision of pay scales is very limited. Courts should only interfere when administrative action is palpably unreasonable, unjustified, prejudicial to employees, and taken in ignorance of material and relevant factors. The decision as to fixation of pay and its revision is the exclusive domain of the government, and courts should not substitute their opinion for that of experts.

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