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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

DECIDED ON 26.05.2026

CWP-29110-2025

PRIYAWART AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT(S)

2. CWP-149-2026

RAJESH KUMAR AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT(S)

3. CWP-162-2026

KAVITA DEVI AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT(S)

4. CWP-181-2026

MANDEEP SINGH AND OTHERS

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT(S)



5. CWP-28404-2025 (O&M)
- MUKESH DEVI AND OTHERS
...PETITIONER(S)
- VERSUS
- STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
6. CWP-36504-2025
- KALPANA AND OTHERS
...PETITIONER(S)
- VERSUS
- STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
7. CWP-1139-2026
- RAHUL SHARMA AND OTHERS
...PETITIONER(S)
- VERSUS
- STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
8. CWP-1142-2026
- SHARMILA AND OTHERS
...PETITIONER(S)
- VERSUS
- STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
9. CWP-1116-2026
- VED PARKASH AND OTHERS
...PETITIONER(S)
- VERSUS
- STATE OF HARYANA AND OTHERS
...RESPONDENT(S)



10. CWP-39195-2025
SAPNA SAINI AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
11. CWP-5271-2026
MUSKAN AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
12. CWP-4940-2026
BHARTI SHARMA AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
13. CWP-39541-2025
ROHIT NAIN AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
14. CWP-7107-2026 (O&M)
KRISHAN KUMAR AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)



15. CWP-5424-2026
PARAMJIT KAUR AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
16. CWP-7701-2026
URMILA AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
17. CWP-7723-2026
SARITA YADAV AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
18. CWP-8617-2026
BABITA AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
19. CWP-20345-2025
HARENDER AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)



20. CWP-9282-2026
DALBIR SINGH AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
21. CWP-11581-2026
MAMTA YADAV AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)
22. CWP-15818-2026
NIRAJ GUPTA AND OTHERS
...PETITIONER(S)
VERSUS
STATE OF HARYANA AND OTHERS
...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sarvesh Malik, Advocate,
Mr. Parambir Singh Ghotra, Advocate
Ms. Parminder Kaur, Advocate and
Ms. Maneesha Kumari, Advocate
Mr. T.S. Dhull, Advocate
Mr. Navnit Sharma, Advocate for
Mr. Ravinder Singh Dhull, Advocate
for the petitioner(s)

Mr. Deepak Balyan, Addl. AG. Haryana

Mr. Anil Chawla, Sr. Panel counsel
for respondents/UOI in CWP-28404, 9282 of 2025 and
CWP Nos.4940, 5271, 7107, 11581 of 2026

Mr. Vipul Aggarwal, Sr. Panel counsel
for respondents/UOI in CWP Nos.7723, 7701 of 2026

**SANDEEP MOUDGIL, J.**

Vide this common order, this Court intends to dispose off all the above-said petitions together as common question of law is involved therein. For the sake of brevity, the facts are being taken from ***CWP-29110-2025 titled as "Priyawart & others vs. State of Haryana and others"***.

PRAYER

1. The jurisdiction of this Court has been invoked under articles 226/227 of the Constitution of India seeking direction to the respondents to revise pay scale for the post of the petitioners in accordance with the 7th Pay Commission with a further prayer to release the arrears of revised salary under the 7th Pay Commission.

BRIEF FACTS

2. The petitioners before this Court are contractual employees engaged under the National Health Mission, Haryana, on various posts such as Staff Nurse, Pharmacist, ANM, Lab Technician, Computer Assistant, Medical Social Worker and other allied categories. The National Health Mission (NHM) was implemented through the State Health Society, Haryana, a registered society constituted for execution of public health programmes under the overall supervision of the State Government. The Society functions through its Governing Body and Executive Committee constituted in accordance with its Memorandum of Association and Service Bye-laws.

3. Prior to the year 2018, contractual employees working under NHM were being paid consolidated remuneration. However, on 22.12.2017, the Finance Department granted approval for amendment of the Service Bye-laws so as to provide remuneration and pay scales to contractual employees on the pattern of



the recommendations of the 6th Pay Commission. Consequent thereto, the Service Bye-laws, 2018 were approved and brought into force with effect from 01.01.2018, governing the conditions of service of all contractual employees engaged under NHM.

4. After the enforcement of the aforesaid Bye-laws, the petitioners were appointed through a process of selection on contractual basis and have continued in service from time to time. Their contractual engagements were periodically renewed and the petitioners have remained in continuous service without any break. It is also stated that the benefits flowing from the 6th Pay Commission, including pay fixation and dearness allowance, were extended to employees working under the Mission in terms of the Service Bye-laws.

5. The dispute in the present writ petition arises from the claim of the petitioners for extension of the benefits of the 7th Pay Commission. The pleadings disclose that employees of the Haryana School Shiksha Pariyojna Parishad were granted revised pay scales in accordance with the 7th Pay Commission with effect from 01.01.2016. The petitioners rely upon the fact that the 6th Pay Commission benefits had earlier been extended to NHM employees on the pattern applicable to the said Parishad and contend that the Service Bye-laws governing both sets of employees are similarly structured.

6. Moreover, the representations seeking revision of pay and extension of corresponding benefits were submitted to the authorities but no final decision was taken thereon. Aggrieved by the non-extension of the benefits of the 7th Pay Commission and claiming parity with similarly situated employees, the petitioners have approached this Court by way of the present writ petition seeking appropriate directions against the respondents.



CONTENTIONS
ON THE BEHALF OF THE PETITIONERS

7. Learned counsel for the petitioners submits that the denial of the benefits of the 7th Pay Commission to employees working under the National Health Mission, Haryana, is wholly arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution. It is contended that the Service Bye-laws, 2018 governing the pay structure of petitioners were framed with the concurrence of the Finance Department and specifically extended the benefits of the 6th Pay Commission on the same pattern as applicable to employees of the Haryana School Shiksha Pariyojna Parishad. Having consciously adopted the said parity and implemented it in letter and spirit, the respondents cannot now create an artificial distinction while extending the benefits of the 7th Pay Commission to one class of employees and denying the same to another similarly situated class.

8. It is further argued that the petitioners were appointed through a duly prescribed process of selection and have continuously discharged their duties for several years under NHM. The benefits of the 6th Pay Commission were granted to them after due approval of the Finance Department and their salaries were revised and fixed accordingly. The respondents themselves repeatedly acknowledged the applicability of the Service Bye-laws and even sanctioned additional financial allocations for implementation thereof. In these circumstances, the plea of financial or administrative constraints cannot be invoked to deny the consequential benefits arising from the subsequent revision of pay scales.

9. Learned counsel submits that employees of the Haryana School Shiksha Pariyojna Parishad have already been granted the benefits of the 7th Pay Commission with effect from 01.01.2016 together with consequential arrears. It is



urged that since, the service conditions governing both sets of employees are substantially similar and the respondents have failed to disclose any intelligible differentia justifying the differential treatment. Therefore, the impugned action results in hostile discrimination between employees governed by analogous service frameworks and is liable to be struck down on that ground alone.

10. It is also contended that several categories of regular employees working in the Health Department on comparable posts are drawing revised pay scales under the 7th Pay Commission, whereas the petitioners, despite performing duties of a similar nature in the same establishments and contributing to the public healthcare system, have been excluded from the benefit. It is argued that the continued denial of revised pay scales despite such service, it is submitted, is manifestly unfair and contrary to the constitutional principle of equal pay for equal work.

11. Lastly, learned counsel submits that repeated representations submitted by the petitioners have remained unattended despite internal deliberations and file notings acknowledging the issue. The respondents have neither taken a final decision nor furnished any legally sustainable justification for withholding the benefit.

ON THE BEHALF OF THE RESPONDENTS

12. Learned State counsel raises a preliminary objection to the maintainability of the writ petition on the ground that the National Health Mission is a centrally sponsored scheme funded jointly by the Union of India and the State Government. It is submitted that any direction relating to revision of pay or extension of pay commission benefits would have financial implications for the



Union of India, which has not been impleaded as a party. It is further contended that the issue concerning the freezing of the Service Bye-laws, 2018 is sub judice pending consideration before the Division Bench in LPA No. 1134 of 2026 filed by the State of Haryana against the judgement in CWP-3472-2025 dated 17.11.2025 and, therefore, the present petition is premature.

13. On merits, learned counsel submits that the petitioners are contractual employees engaged under a scheme-based project and do not hold sanctioned civil posts under the State. Their service conditions are governed exclusively by their contracts, Scheme Guidelines and the NHM Service Bye-laws. It is argued that contractual or scheme-based employment does not confer any vested right either to regularization or to claim regular pay scales and service benefits applicable to regular government employees.

14. It is further submitted that the claim for parity with employees of the Haryana School Shiksha Pariyojana Parishad is legally untenable as both organizations operate under distinct administrative, financial and statutory frameworks with different funding patterns and service conditions. Merely because the benefits of the 6th Pay Commission were extended to NHM employees on a similar pattern does not create a corresponding right to seek the benefits of the 7th Pay Commission. Matters relating to pay fixation and extension of pay commission benefits fall within the policy domain of the executive and are not ordinarily amenable to judicial directions.

15. Learned counsel further submits that the petitioners are already receiving remuneration in accordance with the Service Bye-laws, 2018, which provide for pay fixation as well as certain allowances. Any internal proposal,



recommendation or file noting, unless translated into a formal policy decision with financial concurrence, does not create an enforceable legal right. It is also argued that the principle of equal pay for equal work is inapplicable as the petitioners have failed to establish complete parity in qualifications, mode of recruitment, duties, responsibilities and service conditions with the employees with whom comparison is sought. Consequently, no ground for interference under Article 226 of the Constitution is made out.

ANALYSIS

16. Having heard learned counsel for the parties at length and carefully perusing the pleadings, documents placed on record and the relevant provisions governing the service conditions of the petitioners. Upon consideration of the matter, this Court is of the view that the present writ petition deserves judicial scrutiny.

17. At the very outset, it requires to be noticed that the sole grievance raised in the present petition pertains to denial of the benefits of the 7th Pay Commission despite the existence of approved Service Bye-laws, repeated governmental recommendations and parity maintained by the State itself with similarly situated employees. Consequently, the authorities relied upon by the respondents concerning regularisation, including *State of Karnataka v. Umadevi (3), (2006) 4 SCC 1*, do not directly govern the controversy involved in the present case.

18. Before examining the rival contentions, it would be appropriate to briefly notice the institutional framework of the National Health Mission. The National Rural Health Mission, subsequently renamed as the National Health



Mission, was conceived as a flagship programme to strengthen the accessibility and delivery of public healthcare throughout the country. The material placed on record demonstrates that though the funding of the project is being proportionately shared among the Union of India and the State in the ratio of 60:40 but the functions of the mission are under the overall control and supervision of the State Government. The project headed by the Chief Minister of the State, operates through the State Health Society constituted by the Government itself. The Governing Body and Executive Committee comprise senior functionaries of the State including the Chief Secretary and Administrative Secretaries. Thus, though implemented through a society structure, the Mission remains an instrumentality through which the State discharges its constitutional obligation of providing healthcare to its citizens.

19. It is also an admitted fact that thousands of employees engaged under the National Health Mission constitute the operational backbone of public healthcare in the State. They serve in hospitals, dispensaries, community health centres, vaccination programmes, maternal healthcare initiatives, disease control projects and numerous welfare schemes undertaken by the Government in urban as well remote rural areas, especially during the Covid-19 pandemic where they worked continuously under extremely adverse circumstances, often exposing themselves and their families to considerable risk while ensuring uninterrupted provision of healthcare service to all fulfilling the functions of the State. It is also present in the record that the State itself has acknowledged this contribution in its official records. Therefore, it can be culled out that such employees are not mere project workers divorced from the governmental framework but an inseparable



component of the machinery through which the State discharges its public functions.

20. Learned State counsel has argued that NHM employees are scheme-based employees whose salaries are funded jointly by the Union of India and the State Government. In the considered opinion of this Court, the argument misses the real controversy as the present claim is not founded upon the nature of engagement. The source of the right asserted by the petitioners by way of the present writ petition is the approved Service Bye-laws, 2018 themselves. Once a statutory framework governing pay fixation, allowances and financial progression has been framed and implemented by the State, the respondents cannot defeat claims arising therefrom merely by describing the petitioners as contractual employees.

21. Otherwise also, the stand of the respondents is undermined by the fact that the Service Bye-laws governing NHM employees were admittedly framed on the same pattern as those applicable to employees of the Sarva Shiksha Abhiyan/Haryana School Shiksha Pariyojana Parishad. The record reveals that the Finance Department granted approval on 22.12.2017 (Annexure P-3) for amendment of the Service Bye-laws of NHM employees and extension of remuneration/pay scales in accordance with the recommendations of the 6th Pay Commission on the pattern of SSA employees. Thereafter, vide communication dated 29.12.2017 (Annexure P-4), the competent authority approved the Service Bye-laws, 2018 and brought them into force with effect from 01.01.2018.

22. This aspect assumes considerable significance because the State itself consciously adopted parity between the two sets of employees. The benefits of the 6th Pay Commission were extended to NHM employees on the same pattern as



employees of Haryana School Shiksha Pariyojana Parishad. The Service Bye-laws themselves were framed on the same pattern and the structure of pay fixation was adopted on the same pattern. Having adopted such parity while conferring benefits by the State themselves, they cannot subsequently abandon the same without disclosing any reason having a rational nexus with the object sought to be achieved by such distinction being created between both sets of employees. This Court fails to comprehend how the State, having itself adopted the pay structure in question, can subsequently choose not to follow the very policy it has framed as the same is manifestly arbitrary and unsustainable in law.

23. It is now trite that the principle of “equal pay for equal work” is not an abstract moral claim but a constitutional guarantee flowing from Articles 14 and 16 of the Constitution, as consistently affirmed in ***Randhir Singh v. Union of India 1982 (1) SCC 618*** and subsequently crystallised in ***State of Punjab v. Jagjit Singh (2017) 1 SCC 148***. In ***Jagjit Singh (supra)***, the Supreme Court authoritatively held that once employees, even if temporary or contractual, discharge duties identical to those of regular employees, denial of pay parity, at least to the extent of minimum of the pay scale would be impermissible. The relevant extract of the same is here as under:

55. In our considered view, it is fallacious to determine artificial parameters to deny fruits of labour. An employee engaged for the same work, cannot be paid less than another, who performs the same duties and responsibilities. Certainly not, in a welfare state. Such an action besides being demeaning, strikes at the very foundation of human dignity. Any one, who is compelled to work at a lesser wage, does not do so voluntarily. He does so, to provide food and shelter to his family, at the cost of his self respect and dignity, at the cost of his self worth, and at the cost of his integrity. For he knows, that his



dependents would suffer immensely, if he does not accept the lesser wage. Any act, of paying less wages, as compared to others similarly situate, constitutes an act of exploitative enslavement, emerging out of a domineering position. Undoubtedly, the action is oppressive, suppressive and coercive, as it compels involuntary subjugation.

57. *Having traversed the legal parameters with reference to the application of the principle of 'equal pay for equal work', in relation to temporary employees (daily-wage employees, ad-hoc appointees, employees appointed on casual basis, contractual employees and the like), the sole factor that requires our determination is, whether the concerned employees (before this Court), were rendering similar duties and responsibilities, as were being discharged by regular employees, holding the same/corresponding posts. This exercise would require the application of the parameters of the principle of 'equal pay for equal work' summarised by us in paragraph 42 above. However, insofar as the instant aspect of the matter is concerned, it is not difficult for us to record the factual position. We say so, because it was fairly acknowledged by the learned counsel representing the State of Punjab, that all the temporary employees in the present bunch of appeals, were appointed against posts which were also available in the regular cadre/establishment. It was also accepted, that during the course of their employment, the concerned temporary employees were being randomly deputed to discharge duties and responsibilities, which at some point in time, were assigned to regular employees. Likewise, regular employees holding substantive posts, were also posted to discharge the same work, which was assigned to temporary employees, from time to time. There is, therefore, no room for any doubt, that the duties and responsibilities discharged by the temporary employees in the present set of appeals, were the same as were being discharged by regular employees. It is not the case of the appellants, that the respondent-employees did not possess the qualifications prescribed for appointment on regular basis.*



Furthermore, it is not the case of the State, that any of the temporary employees would not be entitled to pay parity, on any of the principles summarised by us in paragraph 42 herein above. There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post.

58. In view of the position expressed by us in the foregoing paragraph, we have no hesitation in holding, that all the concerned temporary employees, in the present bunch of cases, would be entitled to draw wages at the minimum of the pay-scale (-at the lowest grade, in the regular pay-scale), extended to regular employees, holding the same post.

24. Furthermore, a careful examination of the Service Bye-laws, 2018 further demonstrates that the State consciously moved away from the concept of fixed consolidated remuneration. The Bye-laws introduced a structured pay regime wherein the basic pay was fixed in accordance with the recommendations of the 6th Pay Commission and dearness allowance became admissible after completion of five years of service and House Rent Allowance became admissible after completion of ten years of service. Additional financial progression and annual increments were also contemplated. Thus, the petitioners were not being treated as casual or temporary workers receiving a static honorarium as they had been brought within a structured pay framework governed by duly approved Service Bye-laws.

25. Further, the argument that concurrence of the Finance Department was not obtained is unsustainable. The Chief Secretary heads the Governing Body, and approval granted in that capacity is approval granted by the highest executive



authority of the State Health Mission. The State cannot now argue that such approval is not “Government approval.” Once the Chief Secretary, as Chairperson, sanctioned the Bye-laws, and the Finance Department consistently acted upon them through fund releases and administrative clearances, the plea of lack of concurrence is nothing but an after-thought. Administrative law does not permit the State to disown its own acts after implementing them for years. Therefore, the attempt of the respondents to contend that Service Bye-laws never received approval of the competent authority and the Finance Department is not sustainable.

26. Moreover, this submission is also directly contradicted by the record itself as letter issued by Mission Director, NHM addressed to all Civil Surgeons, Haryana (Annexure P-4) specifically records that the Service Bye-laws governing contractual employees of the National Health Mission were approved by the competent authority in concurrence with the Finance Department. Not only this, the respondents acted upon the said Bye-laws for years, fixed salaries thereunder, released Dearness Allowance and House Rent Allowance and granted benefits flowing from the 6th Pay Commission. Therefore, the plea that the Bye-laws lack approval is not only factually incorrect but contrary to the State's own conduct. A State cannot be permitted to approbate and reprobate simultaneously.

27. Equally significant are the proceedings placed on record at Annexure P-3, wherein the final portion thereof records that the benefits of the 7th Pay Commission would be extended to NHM employees sooner or later. The proceedings further reveal consideration of the issue at the highest administrative level. While it is true that an internal noting by itself may not create an enforceable right, such documents undoubtedly reflect the contemporaneous understanding of



the Government regarding the entitlement of NHM employees to the revised pay structure. The respondents have not produced any subsequent decision repudiating the said position.

28. It is also worth noticing that the State Health Society itself forwarded a proposal (Annexure P-10) seeking approval for implementation of the 7th Pay Commission in favour of NHM employees. The proposal specifically recorded that the employees of the National Health Mission had rendered exceptional services during the Covid-19 pandemic and had discharged their duties with dedication despite extraordinary challenges. It was recommended that the benefits of the 7th Pay Commission be extended to them. The proposal ultimately received approval of the Hon'ble Chief Minister on 01.01.2024. The respondents have failed to place on record any material demonstrating that the said approval was ever withdrawn, superseded or rejected. Administrative delay or departmental indecision cannot be permitted to defeat a benefit which stands acknowledged and approved at the highest executive level.

29. The Court also notices that employees working under the Haryana School Shiksha Pariyojana Parishad have already been extended the benefits of the 7th Central Pay Commission with effect from 01.01.2016 pursuant to approval granted by the Finance Department, whereafter the revised pay structure was duly implemented. Having adopted the SSA/HSSPP model while framing the Service Bye-laws governing NHM employees and having earlier extended the benefits of the 6th Pay Commission on the same basis, the State is under an obligation to justify its decision to deny a similar revision thereafter. No satisfactory explanation has been placed on record. A mere reference to differences in funding patterns or the nature of schemes cannot constitute a valid or reasonable basis to



deny equal treatment and sustain such distinction under Article 14 of the Constitution.

30. The claim of the petitioners also draws support from the principle of legitimate expectation. The uninterrupted application of the Bye-laws over a considerable period of time created a reasonable expectation that the existing pay structure and service conditions would continue to govern their employment. The Supreme Court in *“The State Of Jharkhand and others vs Brahmputra Metallics Limited and Another 2020 SCC Online SC 968”* observed that a legitimate expectation arises where the conduct, representation, or consistent practice of a public authority leads individuals to expect a particular course of action, and any abrupt departure therefrom without adequate justification would be arbitrary and offend Article 14. A similar view was reiterated in *“Sivanandan C.T. vs High Court Of Kerala 2023(5) KHC 347”*, wherein it was held that expectations generated by a consistent course of conduct cannot be defeated except for compelling reasons and in accordance with principles of fairness.

31. The argument that employees engaged under NHM cannot seek parity with State Government employees or with employees serving under comparable missions also does not merit acceptance. The material available on record demonstrates that the service framework adopted for NHM employees was consciously patterned on that applicable to the Sarva Shiksha Abhiyan. Having followed and implemented the same framework for several years, the respondents cannot now depart from it without any rational justification. Consistency in administrative action is an integral component of the equality clause embodied in Article 14. The fact that the petitioners are contractual employees does not dilute their entitlement to protection against arbitrary State action. Significantly, the



petitioners do not seek regularisation of service; they merely seek enforcement of the very Bye-laws that governed their appointment and remuneration for a prolonged period. Even in contractual engagements, service conditions cannot be altered in an arbitrary or discriminatory manner, particularly when such conditions have been consistently recognized and applied by the State itself.

32. Guidance may be drawn from the case of “*Asha Sharma v. Chandigarh Administration 2011 (4) SCT 715*” wherein the court has held as under

22. As already noticed, fairness in State action is the essence of proper governance. Where the authorities exercise their powers under the rules, they are expected to exercise the discretion vested in them fairly and with the intention to attain a balance between exercise of discretionary power and the larger public interest sought to be achieved by such discretion. Arbitrariness or irresponsible exercise of the power vested in the authorities, has been a matter of great concern before the courts.

33. This Court also cannot overlook that the petitioners only seek continuity of the pay structure already granted under validly approved Bye-laws. The very spirit of the service jurisprudence is that once the benefits were granted to the employees the same cannot be withdrawn to their disadvantage. The respondents have relied upon decisions such as *State of Haryana v. Jasmer Singh, (1996) 11 SCC 77*, *State of Haryana v. Haryana Civil Secretariat Personal Staff Association, (2002) 6 SCC 72* and *State of Punjab v. Surjit Singh, (2009) 9 SCC 514*. There can be no doubt about the proposition that pay fixation ordinarily falls within the executive domain and that the principle of equal pay for equal work is not to be applied mechanically. However, the present case does not rest merely upon similarity of duties. It rests upon approved Service Bye-laws, admitted Finance Department concurrence, governmental recommendations, parity



consciously adopted by the State and executive approval for implementation of the 7th Pay Commission.

34. The argument that the petitioners are merely seeking relief on sympathetic considerations is equally without substance. Sympathy by itself cannot be a ground for issuing a writ. However, where equity, fairness and constitutional guarantees converge with approved governmental policy, the Court would fail in its constitutional duty if it refuses relief merely because the affected employees happen to be designated as contractual workers. The petitioners are not seeking charity but they merely seek enforcement of a framework created by the State itself and repeatedly affirmed through its own decisions.

35. The State, being a model employer, is expected to act with fairness, transparency and consistency. Administrative lethargy, inter-departmental indecision or shifting stands cannot become instruments for defeating the legitimate claims of employees who have served the public healthcare system of the State for years together. An employee cannot be left to wander through the corridors of bureaucracy in search of a right that is otherwise due to him. The State cannot be permitted to convert its own administrative shortcomings into a defence against a lawful claim, for that would amount to allowing the gatekeeper of justice to become its obstacle. Constitutional governance demands higher standards of conduct, accountability and fairness from the State and its instrumentalities, particularly in matters affecting the rights and entitlements of those who have dedicated their years in public service.

36. The State Health Society recommended similar benefits for NHM employees, acknowledging their invaluable contribution, particularly during the



Covid-19 pandemic, and the proposal ultimately received the approval of the Chief Minister. In these circumstances, the continued denial of the benefits lacks any rational basis and bears the unmistakable imprint of arbitrariness.

37. In view of the discussion made hereinabove, this Court is of the opinion that since the Service Bye-laws were duly approved with the concurrence of the Finance Department and formed the basis for extending 6th Pay Commission benefits to NHM employees and the fact that the same framework governs SSA/HSSPP employees, who have already been granted the benefits of the 7th Pay Commission. Thus, the carving out of a distinction between both set of employees by the State for the purpose of denial of the 7th Pay Commission is discriminatory.

38. Consequently, this Court holds that the action of the respondents in denying the benefits of the 7th Pay Commission to the petitioners despite approved Service Bye-laws, Finance Department concurrence, executive approval and parity maintained with employees of Haryana School Shiksha Pariyojana Parishad is unsustainable in law.

39. Accordingly, the respondents are directed to revise the pay scale of the petitioners and all similarly situated employees working under the National Health Mission, Haryana as per the 7th Pay commission with effect from the date the same became applicable to similarly situated employees governed by the corresponding framework i.e. 01.01.2016, and the consequential benefits including arrears flowing from the revised pay scale shall enure to the petitioners together with interest thereon @6% per annum. However such arrears shall be confined and circumscribed strictly to a period of 38 months immediately preceding the



date of institution of the respective writ petitions the needful exercise shall be undertaken and brought to fruition with due expedition and in any case within a period of twelve weeks from the date of receipt of a certified copy of this judgment.

40. Therefore, the present bunch of writ petitions is hereby allowed.

41. Pending application(s), if any shall be disposed off.

26.05.2026

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No