2026:AHC:150187-DB

A.F.R.
Reserved on 01.07.2026
Delivered on 22.07.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 70 of 2020

State of U.P. and 8 others

…..Appellant(s)

Versus

Sant Lal Sonkar and 8 others

…..Respondent(s)

Counsel for Appellant(s)	:	Ratan Deep Mishra, Pranab Kumar Ganguli
Counsel for Respondent(s)	:	Rajesh Kumar, Shravan Kumar Panday

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

(Per: Swarupama Chaturvedi, J.)

1. This Special Appeal is filed by the State against the judgement and order dated 24.07.2019 passed by learned Single Judge in Writ-A No. 12959 of 2012 *Sant Lal Sonkar and others Vs. State of U.P. and others* (hereinafter referred to as the "impugned order"), whereby the Government Order dated 02.04.1992 and the State authorities were directed to provide pay scale of Rs.1350–2200/-

with effect from 01.01.1986 to original writ petitioners, who are respondents in present Special Appeal. Aggrieved thereby, this Special Appeal is preferred seeking setting aside of the impugned judgment and dismissal of the writ petition.

2. This Court *vide* its order dated 22.01.2020 allowed the Delay Condonation Application No. 1 of 2020 considering the sufficient cause for the delay in filing of this Special Appeal. Further by order dated 06.02.2020, the effect and operation of the impugned order was stayed by this Court and this interim order has continued to operate during the pendency of the Special Appeal.

3. Pleadings are already exchanged and the appeal is finally heard and the judgment got reserved on 01.07.2026.

I. Factual background

4. The respondents herein were appointed between the years 1981 and 1986 as Live Stock Development Assistants. By Government Order dated 04.02.1988, the post was re-named as Live Stock Extension Inspector and presently their service conditions are governed by the U.P. Animal Husbandry Live Stock Extension and Poultry Development Service Rules, 2002**.**

5. The point of dispute is in the root of the merger of the service and its redesignation after joining (of respondents in this appeal), because prior to the year 1990, the Animal Husbandry Department had two posts, namely, Live Stock Extension Officer and Live Stock Development Assistant/ Extension Inspector. The former carried the pay scale of Rs. 470–735/-, whereas the latter was placed in the pay scale of Rs. 400–615/-. As a fact, both posts required the same qualifications and involved substantially identical functions. The employees working as Live Stock Development Assistants/ Extension Inspector, represented before the State Government, seeking removal of the disparity in both pay scales for taking similar work from similarly qualified employees.

6. In order to examine the above mentioned grievance of employees, the State Government constituted a Task Force Committee (hereinafter referred to as the "Committee"), by Government Order dated 20.01.1987. The Committee examined the issue and concluded in its meeting held on 22.06.1987 that no material difference in the work/duties discharged by the two categories of employees. It therefore recommended that the claim of Live Stock Development Assistants / Extension Inspector for the pay scale admissible to Live Stock Extension Officers be considered by the Pay Commission. The said recommendation was forwarded on 03.09.1987 to the Secretary, Pay Commission, Uttar Pradesh.

7. During the pendency of the matter before the Pay Commission, the State Government revised the pay scales of various posts in the Animal Husbandry Department by Government Order dated 19.07.1989 with effect from 01.01.1986 or from the date of creation of the post, whichever was later. While acting upon the recommendations of the *Samta Samiti*, *u*nder the revised pay structure, the pay scale of Live Stock Extension Officer was revised to Rs. 1200–2040/-, whereas the pay scale of Live Stock Extension Inspector (earlier named as Live Stock Development Assistant) was revised to Rs. 975–1660/-.

8. Thereafter, the State Government accepted the recommendations of the Pay Commission and decided that the posts of Live Stock Extension Inspector and Live Stock Extension Officer would constitute a single cadre, with effect from 01.01.1986. The merger got notified by the Government Order dated 03.03.1990 and its retrospective operation got clarified by order dated 05.06.1991.

The Government Order further provided that employees working as Live Stock Extension Inspectors would also be entitled to the pay scale of Rs. 1200–2040/- with effect from 01.01.1986. Consequently, the respondents and other similarly situated employees became members of the unified cadre of Live Stock Extension Officer with effect from the said date.

9. Later, the Government Order dated 02.04.1992 issued in continuation of the Government Order dated 05.06.1991, modified the Government Order dated 19.07.1989. By virtue of the said Government Order 02.04.1992, the revised pay scale of Rs. 1350–2200/- was provided only to those employees who had been working as Live Stock Extension Officers prior to 01.01.1986 in the pre-revised pay scale of Rs.470–735/-, whereas the remaining members of the unified cadre continued in the pay scale of Rs. 1200–2040/-. The validity of the Government Order dated 02.04.1992 was the subject matter of challenge in the writ petition before the learned Single Judge.

II. Impugned Judgment

10. By the impugned order, learned Single Judge has allowed the writ petition holding that the recommendations of the Committee, as accepted by the Commission and implemented by the State Government through Government Orders dated 03.03.1990 and 05.06.1991, had removed the disparity between the posts of Live Stock Extension Inspector and Live Stock Extension Officer by merging them into a single cadre with retrospective effect from 01.01.1986. The learned Single Judge further observed that the merger was done on the finding of the Committee that there was no material difference in the duties and responsibilities attached to the two posts and, therefore, the incumbents were entitled for the pay parity on the principle of equal pay for equal work.

11. The learned Single Judge further held that, after the merger of the two posts and their re-designation as Live Stock Extension Officer, all employees constituted one homogeneous class. Consequently, the Government Order dated 02.04.1992, which granted the revised pay scale of Rs. 1350–2200/- only to those employees who had been working as Live Stock Extension Officers prior to 01.01.1986 while continuing the remaining members of the same cadre in the pay scale of Rs. 1200–2040/-, was considered as an impermissible classification within a single cadre. Such classification was held to have no rational basis and to be violative of Articles 14 and 16 of the Constitution.

12. The learned Single Judge also took note of the admitted position that the disparity in pay scales between the two groups had subsequently been removed with effect from 29.11.2007 on the basis of a Committee report to resolve the issue of pay parity and there was no justification for maintaining different pay scales within the same cadre for the intervening period with subsequent notification. The learned Single Judge quashed the Government Order dated 02.04.1992 to the aforesaid extent and directed the State authorities to place the writ petitioners in the pay scale of Rs.1350–2200/- with effect from 01.01.1986 and to pay the consequential arrears.

III. Submissions on behalf of the Appellant-State

13. Aggrieved by the judgment of the learned Single Judge, Mr. Ratan Deep Mishra, learned Counsel appearing for the State submitted that the impugned judgment proceeds on wrong appreciation of factual and legal aspects of the matter. It is contended that the learned Single Judge failed to appreciate the true scope and object of the Government Order dated 02.04.1992 and consequently erred in quashing the same.

14. Elaborating on his submissions, Mr. Mishra contended that prior to 01.01.1986, the posts of Live Stock Extension Officer and Live Stock Extension Inspector constituted two separate cadres carrying different pay scales. Upon revision of pay scales with effect from 01.01.1986, the pay scale of Live Stock Extension Officers stood revised to Rs. 1200–2040/-, whereas that of Live Stock Extension Inspectors was revised to Rs. 975–1660/-. Thereafter, by Government Orders dated 03.03.1990 and 05.06.1991, the cadre of Live Stock Extension Inspectors was merged with that of Live Stock Extension Officers with retrospective effect from 01.01.1986 and all such employees were placed in the pay scale of Rs.1200–2040/-.

15. Mr. Mishra further submitted that the aforesaid merger resulted in an unintended anomaly, inasmuch as employees who had been serving as Live Stock Extension Officers long prior to 01.01.1986 and were senior in service came to draw the same pay scale as those who entered the unified cadre only by virtue of the merger. It is submitted that the Government Order dated 02.04.1992 was issued solely to remove this anomaly by protecting the pay of those officers who had held the higher post prior to 01.01.1986. The classification made therein is stated to be founded upon a rational criteria, *i.e.,* the pre-existing status and seniority of the employees, and bears a direct nexus with the object sought to be achieved.

16. Mr. Mishra further submitted that the Government Order dated 02.04.1992 merely amended the earlier Government Order dated 19.07.1989 insofar as it related to the pay scale of the post of Live Stock Extension Officer and did not revise the pay scale prescribed for Live Stock Extension Inspectors. According to the appellants, the benefit of the revised pay scale of Rs. 1350–2200/- was intended only for those employees who had actually been holding the post of Live Stock Extension Officer in the pre-revised pay scale of Rs. 470–735/- prior to 01.01.1986. The respondents in appeal, who admittedly became members of the cadre only by virtue of the merger as per Government Orders dated 03.03.1990 and 05.06.1991 with retrospective effect from 01.01.1986, could not claim the said benefit merely because they subsequently formed part of the unified cadre.

17. Mr. Mishra lastly submitted that the classification created by the Government Order dated 02.04.1992 was temporary and protective in nature and intended to safeguard the interests of the senior employees who had entered service much earlier, as recruitment to the post of Live Stock Extension Officer had substantially ceased thereafter. It is, therefore, contended that the classification was reasonable and legally permissible, and that the learned Single Judge committed manifest error in its direction and quashing the Government Order dated 02.04.1992 and therefore the impugned order is not sustainable.

IV. Submission of the respondent- original writ petitioner

18. *Per contra*, Mr. Rajesh Kumar, learned counsel appearing for the original writ petitioner, which are respondents in this Special Appeal, supported the judgment of the learned Single Judge and submitted that the Government Order dated 02.04.1992 is wholly arbitrary and unconstitutional. Mr. Kumar contended that once the recommendations of the Pay Commission were accepted and the posts of Live Stock Extension Inspector and Live Stock Extension Officer were merged into a single cadre and redesignated as Live Stock Extension Officer by Government Orders dated 03.03.1990 and 05.06.1991 with retrospective effect from 01.01.1986, there remained no justification for creating two classes within the same cadre or prescribing two different pay scales for employees holding the same post, which was effectively taking back the complete status before the exercise of the Committee which was constituted specially for the pay parity examination.

19. Mr. Kumar further submitted that the very basis of the merger was the finding of the Committee that both categories of employees had same qualifications and were discharging identical duties and responsibilities. The longstanding grievance regarding disparity in pay scales thus stood readdressed upon acceptance of the recommendations. He contended that once the disparity had been removed with effect from 01.01.1986, the fact that certain employees had originally been appointed and were actually working as Live Stock Extension Officers prior to the said date ceased to have any relevance for the purpose of revision of pay scales. The source from which an employee entered the unified cadre could not constitute a valid basis for differential treatment amongst persons holding the same post and discharging identical functions, especially when the Committee made its recommendation the fact was same.

20. Mr. Kumar further submitted that the Government Order dated 02.04.1992, by confining the revised pay scale of Rs. 1350–2200/- only to those who had been working as Live Stock Extension Officers prior to 01.01.1986 and denying the same benefit to the respondents, introduced an artificial and unreasonable classification within a single cadre solely on the basis of the erstwhile designation of the employees and such classification bears no rational nexus with the object sought to be achieved after the merger of the cadres and in fact it revives the very disparity, which had already been removed. It is, therefore, contended that the Government Order dated 02.04.1992 is violative of Articles 14, 16 and 39(d) of the Constitution of India, and that the learned Single Judge rightly quashed the same and directed extension of the pay scale of Rs. 1350–2200/- to the respondents with effect from 01.01.1986.

V. Points for Determination

21. Having considered the rival submissions advanced by learned counsel for the parties and after perusal of the record, the point for determination in this Special Appeal is whether after merger of the posts of Live Stock Extension Inspector and Live Stock Extension Officer into a single cadre with effect from 01.01.1986 by Government Orders dated 03.03.1990 and 05.06.1991, the State Government was justified in prescribing two different pay scales for members of the same cadre on the basis of their pre-merger status by Government Order dated 02.04.1992, and whether the learned Single Judge was justified in quashing the said Government Order.

VI. Discussion and Analysis

22. Before examining the validity of the classification introduced by the Government Order dated 02.04.1992, it would be appropriate to notice the undisputed factual position.

23. It is undisputed fact that prior to 01.01.1986, the Animal Husbandry Department had two separate posts, namely, Live Stock Extension Officer and Live Stock Development Assistant (subsequently re-named as Live Stock Extension Inspector). The two posts carried different pay scales, although the qualifications, nature of duties and responsibilities attached to the posts were substantially similar.

24. The grievance regarding disparity in pay scales for similar services was examined by the State Government by constituting a Committee *vide* Government Order dated 20.01.1987 and further sending the Committee’s recommendation to the Pay Commission for salary considerations. The Committee, after considering the duties and responsibilities attached to the two posts, recorded a finding that there was no material difference in the functions discharged by the employees of the two categories. It accordingly recommended that the claim of Live Stock Extension Inspector for grant of the pay scale admissible to Live Stock Extension Officers be considered by the Pay Commission.

25. The recommendation of the Committee was thereafter positively considered by the Pay Commission. Upon acceptance of the recommendation, the State Government issued Government Order dated 03.03.1990 and the subsequent clarificatory order dated 05.06.1991, whereby it was decided that the posts of Live Stock Extension Inspector and Live Stock Extension Officer would constitute one cadre with effect from 01.01.1986. The said Government Order further provided that employees working as Live Stock Extension Inspectors would also be entitled to the pay scale of Rs. 1200–2040/- with effect from 01.01.1986, which was the revised pay scale admissible to Live Stock Extension Officers.

26. Thus, by virtue of Government Order dated 03.03.1990 and 05.06.1991, the earlier distinction between the two posts stood removed and it became clearly declared as one cadre. Employees working on either of the two posts prior to the merger became members of one unified cadre under one designation, namely, Live Stock Extension Officer, with effect from 01.01.1986 as per the Government Order dated 05.06.1991.

27. Subsequently, the Government Order dated 19.07.1989 was modified by Government Order dated 02.04.1992, as per which the pay scale of Rs.1350–2200/- was extended only to those employees who had actually been working as Live Stock

Extension Officers prior to 01.01.1986 in the pre-revised pay scale of Rs.470–735/-. The other members of the unified cadre, including the respondents who entered the cadre by virtue of merger, continued in the pay scale of Rs.1200–2040/-.

28. Learned counsel for the appellant State attempted to justify the aforesaid distinction by submitting that the Government Order dated 02.04.1992 was issued to remove the anomaly created after merger of the cadres. As per learned counsel, those employees who were already working as Live Stock Extension Officers prior to 01.01.1986 constituted a distinct class and were entitled to protection of their higher pay on account of their earlier status and seniority.

29. There can be no dispute that the State Government possesses the power to determine pay scales and to make classification amongst employees, provided such classification satisfies the constitutional mandate of equality. The settled principle is that a classification must be founded upon an intelligible differentia, and such differentia must have a rational nexus with the object sought to be achieved. This principle has been recognised by the Supreme Court in a catena of judgments including ***S. Sivaguru Vs State of Tamilnadu (2013) 7 SCC 335***.

30. The legal consequence of integration of cadres has been considered by the Supreme Court in ***S. Sivaguru (supra)***, wherein it has been recognised that upon merger of cadres, the earlier separate identity of the cadres ceases and the employees become members of the newly constituted unified cadre. Once such integration takes place, differentiation amongst members of the same cadre merely on the basis of their erstwhile cadre identity cannot ordinarily be sustained.

31. In ***S. Sivaguru (supra)*** the Supreme Court has examined the merger of two posts in one cadre in health department of State of Tamilnadu. While deciding the issue against the State's notification to create two categories after merger in one cadre, the Supreme Court observed that:

> *"60. Upon merger of the two posts, it was no longer permissible to treat the redesignated Health Inspector Grade IA differently from Health Inspector Grade IB. Since 1997, all incumbents on the posts of Health Inspector Grade IA and Health Inspector Grade IB were performing the same duties. There was intermixing of the duties performed by the two categories of the Health Inspector Grade IA and IB. Both the posts had lost their original identity since 27-6-1997, and formed one homogenous cadre. Further, having relaxed the qualifications on the basis of their length of service and experience, they were on a par with the Health Inspector Grade IA. Thereafter, the State was not justified in denying to the erstwhile Health Inspector Grade IB, the same treatment as was given to Health Inspector Grade IA. Therefore, the respondents could not have been denied the benefit of service on the post of Health Inspector Grade I from the date of the initial integration. It would be appropriate to notice the ratio of law laid down in Sub-Inspector Rooplal [Sub-Inspector Rooplal v. Lt. Governor, (2000) 1 SCC 644 : 2000 SCC (L&S) 213] , wherein it was inter alia held that the previous service of the transferred officials who are absorbed in an equivalent cadre in the transferred post is permitted to be counted for the purpose of determination of seniority. It would be appropriate to notice here that Leprosy Inspectors redesignated as Health Inspector Grade IB have not been granted the benefit of seniority in their cadre from the date of their initial appointment. They have been deprived of their service on the post of Leprosy Inspector up to 27-6-1997 when they were integrated and redesignated as Health Inspector Grade IB. However, upon merger w.e.f. 27-6-1997, there was no distinction in the services rendered by Health Inspector Grade IA and Health*

> *Inspector Grade IB. Therefore, in our opinion, the provision in GOMs No. 382 of 2007 not to grant the Health Inspectors Grade IB/erstwhile Leprosy Inspectors the benefit of the service from 1997 for determination of their seniority for promotion to the post of Block Health Supervisor was completely unjustified.*
>
> *61. Thus, the High Court, in our opinion, was completely justified in quashing Clauses 6(iv) and (v) of GOMs No. 382 of 2007. The High Court has correctly held that the redesignated Health Inspector Grade I ought to have been given the same scale of pay as Health Inspector Grade IA from the date of the merger. In fact, on that date itself, the two posts should have been redesignated as Health Inspector Grade I, enjoying the same scale of pay, as all incumbents were performing the same duties and shouldering the same responsibilities. It was not permissible for the State to treat the redesignated Health Inspector Grade I differently from the Health Inspector Grade IA, on the basis of the initial source of recruitment."*

32. Applying the aforesaid principle to the facts of the present case, we are of the considered view that the classification introduced by Government Order dated 02.04.1992 is not based upon any difference in qualifications, duties, responsibilities or nature of work attached to the post after merger. On the contrary, after issuance of Government Orders dated 03.03.1990 and 05.06.1991, all employees became members of one unified cadre and were holding the same post of Live Stock Extension Officer, which was the actual objective behind all the exercise undertaken by the State before decision of the merger of the cadre.

33. After considering submissions as well as records before the Court, we find the only basis for differentiation under the Government Order dated 02.04.1992 is that one category of employees had been actually working on higher pay scale with the designation having termed as Live Stock Extension Officers before

01.01.1986, whereas the other category entered the cadre by virtue of the merger of posts then got the same designation and pay parity. In our considered opinion, such distinction cannot be sustained once the State Government itself decided to merge the two posts retrospectively and treat both categories as members of one cadre on the recommendation of Committee report regarding duties and responsibilities and thereafter Pay Commission's approval for providing same salary to all in the unified cadre.

34. In the present case, once the State Government accepted the recommendations of the Committee and Pay Commission and thereafter merged the posts of Live Stock Extension Inspector and Live Stock Extension Officer into one cadre with effect from 01.01.1986, the respondents ceased to retain their separate identity as members of the erstwhile cadre of Live Stock Extension Inspector. They became members of the unified cadre of Live Stock Extension Officer. Therefore, their entitlement to pay scale was required to be determined with reference to their status in the unified cadre and not on the basis of their earlier designation.

35. The submission of the appellant that the Government Order dated 02.04.1992 merely amended the earlier Government Order dated 19.07.1989 with respect to the post of Live Stock Extension Officer and did not revise the pay scale of Live Stock Extension Inspectors, in our considered view, does not support the submission of the appellant. After the merger, the respondents were not getting the benefit as Live Stock Extension Inspectors but were getting the salary for which they were entitled as members of the unified cadre of Live Stock Extension Officers.

36. The argument that the classification was introduced to protect the interests of senior employees also cannot be accepted. Seniority of the years of service may have relevance in matters of promotion and other service benefits, however, grant of two different pay scales to employees holding the same post in the same cadre requires a rational basis. A distinction based merely upon the date on which an employee joined the service before merger of the cadre cannot justify differential pay after the cadre itself has been unified as the same is against the principles established by the Supreme Court in ***S. Sivaguru (Supra)***.

37. The object behind the entire exercise undertaken by the State Government was to remove the disparity between two posts of employees performing identical duties and responsibilities. The merger of the cadres was effected after acceptance of the recommendation that there was no difference in the nature of work performed by the two categories and further approved by the Pay Commission. The subsequent creation of two different pay scales within the same cadre, therefore, runs contrary to the very purpose for which the merger was brought into effect.

38. In the light of the aforesaid discussion, we are of the considered view that the learned Single Judge correctly appreciated the effect of Government Orders dated 03.03.1990 and 05.06.1991 and 02.04.1992. Once the posts had merged into one cadre with retrospective effect from 01.01.1986, the State Government could not create two different pay scales amongst members of the same cadre merely on the basis of their pre-merger status.

39. The finding recorded by the learned Single Judge that the classification introduced by Government Order dated 02.04.1992 was violative of Articles 14 and 16 of the Constitution does not suffer from any legal infirmity warranting interference in the present intra-Court appeal.

VI. Conclusion and Operative Order

40. For the reasons recorded above, we find no merit in the present Special Appeal. The Special Appeal is, accordingly, dismissed. The judgment and order dated 24.07.2019 passed by the learned Single Judge in Writ-A No. 12959 of 2012, *Sant Lal Sonkar and others Vs. State of U.P. and others* is hereby affirmed. Consequently, the State authorities shall extend the benefit of the pay scale of Rs. 1350–2200/- to the respondents with effect from 01.01.1986 with all consequential benefits.

41. The aforesaid exercise shall be completed within a period of three months from the date of production of a certified copy of this judgment before the competent authority.

42. No order as to costs.

(Swarupama Chaturvedi,J.)

I agree.

(Saumitra Dayal Singh,J.)

July 22, 2026
Bhanu