



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

*Judgment reserved on: 29.01.2026**Judgment pronounced on: 03.02.2026**Judgment uploaded on: 03.02.2026*

+ W.P.(C) 12205/2019

DELHI MEDICAL TECHNICAL EMPLOYEES
ASSOCIATION (REGD.) AND ANRPetitioners

Through: Mr. Ramesh Rawat and Mr.
Rohit Bhardwaj, Advs.

versus

UNION OF INDIA AND ORS.Respondents

Through: Dr. Monika Arora, CGSC with
Mr. Subhrodeep Saha, Mr.
Prabhat Kumar, Ms. Anamika
Thakur and Mr. Abhinav
Verma, Advs. for R-2/MCD.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T****ANIL KSHETARPAL, J.**

1. The present Petition under Article 226 of the Constitution of India assails the order dated 21.11.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 1321/2017 (hereinafter referred to as the "*Impugned Order*"), as well as the order dated 25.04.2019 passed in R.A. No. 58/2019 arising therefrom, whereby the Original Application and the Review Application preferred by the Petitioners came to be dismissed.



2. This Court has heard learned counsel for the parties at length. At the outset, it would be apposite to notice the factual background in brief.

FACTUAL BACKGROUND

3. The Petitioner association representing Laboratory Technicians working in hospitals of the Municipal Corporation of Delhi (“MCD”), claim entitlement to the pay scale of Rs. 5000-8000 w.e.f. 01.01.1996 on the basis of the recommendations of the Fifth Central Pay Commission (“5th CPC”). Their case is premised on alleged parity with Laboratory Technicians working under the Central Government, including those in institutions such as the National Institute of Communicable Diseases and All India Institute of Medical Sciences.

4. The Petitioners’ grievance traces its origin to earlier writ petition before this Court in the year 2005, which were later transferred to the Central Administrative Tribunal in 2017 and registered as O.A. No. 1321/2017. By the Impugned Order dated 21.11.2018, the Tribunal declined the relief sought by the Petitioners. The Review Application in the aforesaid O.A. was also dismissed by order dated 25.04.2019.

5. The Tribunal, while dismissing the Original Application, noted inter alia that: (i) the conferment of the 5th CPC pay scale upon MCD Laboratory Technicians could not be made out on the material placed; (ii) issues relating to anomalies could be taken up before the appropriate Anomalies Committee; and (iii) recruitment rules had not been amended in accordance with the 5th CPC recommendations,



though such exercise had been pending for a considerable period. The Tribunal consciously refrained from issuing directions, observing that an ad hoc approach might give rise to legal complications.

6. The Review Application in the O.A. was dismissed on the ground that it merely reiterated the submissions urged in the Original Application and disclosed no error apparent on the face of the record.

SUBMISSIONS OF THE PARTIES

7. Learned counsel for the Petitioners contends that the denial of the 5th CPC pay scale to MCD Laboratory Technicians is arbitrary and discriminatory, particularly when similarly designated employees under the Central Government have been granted the said scale. It was urged that the recommendations of the 5th CPC regarding qualifications were prospective and applicable only to future direct recruits.

8. *Per contra*, learned counsel for Respondent No. 2/MCD submitted that the recommendations of the Central Pay Commissions are not *ipso facto* applicable to MCD employees unless specifically adopted. It was further submitted that the educational qualifications prescribed for Laboratory Technicians in MCD hospitals are materially different from those prescribed for Laboratory Technicians working under the Central Government and therefore no parity can be claimed.

9. On a specific query by this Court, learned counsel for Respondent No. 2/ MCD clarified that Laboratory Technicians in



MCD hospitals are required to possess 10th Class/Matriculation, whereas Laboratory Technicians under the Central Government are required to possess a Bachelor of Science (B.Sc.) degree.

ISSUES FOR CONSIDERATION

10. The principal issues that arise for consideration are:
- (i) Whether the Petitioners can claim parity in pay scales with Laboratory Technicians under the Central Government, notwithstanding the admitted difference in educational qualifications governing recruitment; and
 - (ii) Whether the orders passed by the Tribunal suffer from any jurisdictional error, perversity, or illegality warranting interference.

ANALYSIS

11. It is well-settled that the scope of judicial review in matters of pay fixation and parity is extremely circumscribed. The determination of pay scales is a complex exercise involving a delicate balancing of factors, including the nature of duties, responsibilities, and, crucially, educational qualifications.

12. The doctrine of ‘Equal Pay For Equal Work’ does not operate in the abstract. The Supreme Court, in *State of Bihar v. Bihar Secondary Teachers Struggle Committee*¹, has authoritatively held that parity in pay cannot be claimed merely on the basis of similarity in designation or nature of duties when there exist material differences

¹ 2019 INSC 680



in educational qualifications, recruitment processes, or service conditions. Educational qualification is a valid and rational basis for classification and differential pay structures.

13. To successfully claim equal pay for equal work, the Petitioners must establish a “wholesale identity” with the compared cadre. Mere similarity in designation or a broad overlap in job functions is insufficient if there exists a fundamental difference in the recruitment criteria or the minimum educational standards prescribed by the Recruitment Rules.

14. In the present case, the difference in the minimum educational qualifications between Laboratory Technicians employed by the MCD and those employed under the Central Government is admitted. While the MCD’s Recruitment Rules prescribe Matriculation as the minimum educational qualification, the Central Government mandates a Bachelor of Science (B.Sc.) degree. Such a distinction in the entry-level academic requirements constitutes an ‘intelligible differentia’. It is well-settled that a difference in prescribed minimum qualifications is a valid ground for classification.

15. Once such a material distinction is established, the claim for automatic parity in pay scales cannot be sustained as a matter of constitutional right. The Supreme Court in *Bihar Secondary Teachers Struggle Committee (Supra)* has held that the principle of Equal pay for equal work is not a fundamental right but a constitutional goal. It can only be invoked when there is a complete and wholesale



identity between the groups in terms of recruitment, qualifications, and responsibilities.

16. The Petitioners' reliance on parity based on nomenclature or broadly similar duties cannot override the aforesaid settled principle of service jurisprudence, and as such, pay parity cannot be claimed where the underlying recruitment criteria and the prescribed qualifications for a post are fundamentally distinct.

17. The contention that the recommendations of the 5th CPC regarding qualifications were only prospective also does not advance the Petitioners' case. The implementation of Pay Commission recommendations is a matter of policy, subject to adoption by the competent authority and alignment with existing recruitment rules and cadre structures. The MCD is not bound to mechanically adopt Central Government pay scales without due consideration of its own service rules and requirements.

18. The Petitioners have also vehemently argued that the Respondent/MCD had, in previous affidavits (dated 19.04.2007), admitted that the process of amending Recruitment Rules was underway. It is urged that this amounts to an admission of the claim.

19. However, this Court finds that a mere administrative intent or proposal to amend rules does not crystallize into an enforceable legal right until the statute is actually amended.

20. The Petitioner Association also highlighted a perceived anomaly where the feeder post (Laboratory Assistant) compared to the



promotional post (Laboratory Technician) allegedly carry a higher pay scale and scale of a promotional post cannot be less than that of a feeder post, thereby rendering the promotion futile.

21. While a stagnant pay hierarchy is an administrative anomaly that requires correction, the remedy does not lie in the Court granting a specific higher scale. As correctly observed by the Tribunal, such anomalies fall within the exclusive domain of the Anomalies Committee or the Pay Commission.

22. As regards the Impugned Orders, this Court finds that the Tribunal has considered the rival submissions and declined relief on grounds that cannot be termed perverse or legally untenable. The Tribunal's decision to refrain from issuing directions in the absence of amended recruitment rules does not disclose any infirmity.

CONCLUSION

23. In view of the admitted difference in educational qualifications in recruitment criteria between Laboratory Technicians employed by the MCD and those under the Central Government, and in light of the law laid down by the Supreme Court in *State of Bihar v. Bihar Secondary Teachers Struggle Committee (Supra)*, this Court finds no merit in the Petitioners' claim for pay parity.

24. The impugned orders dated 21.11.2018 and 25.04.2019 passed by the Central Administrative Tribunal do not suffer from any illegality, perversity, or jurisdictional error warranting interference under Article 226 of the Constitution of India.



25. In view of the aforesaid, the writ petition is dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 03, 2026/sp/ad