

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 8235 OF 2017

Between:

Dr.R.Hampaiah, s/o late R. Venkappa Aged about 66 years, Occ Agricultural Scientist and Ex-Chairman, Biodiversity Board, Chandravihar Complex, Hyderabad R/ o. 201, Sai Ram Homes, Yellareddyguda Engineers Colony, Yusufguda, Hyderabad - 500 073..

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Special chief Secretary, Secretariat, Amaravathi, Guntur District
2. The Special Chief Secretary to the, State of Telangana, Secretariat, Secretariat Buildings, Hyderabad
3. The Biodiversity Board, rep by its Chairman State of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyderabad - 500 004
4. The Biodiversity Board, rep by its Chairman, State of Telangana, 6th Floor, Chandravihar, MJ Market Road, Nampally, Hyderabad - 500 001
5. The General Administration Department, Rep by its Principal Secretary State of Andhra Pradesh Secretariat, Amaravathi, Guntur District
6. The General Administration Department, Rep by its Principal Secretary State of Telangana, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of MANDAMUS (a) declare the action of the respondents in non-implementation of 6th Pay Commission to revise the pay of the petitioner in the cadre of Chairman, Biodiversity Board i.e., Rs.80,000/- (instead of Rs.26,000/- from 1.1.2006) as was

done in the case of other similarly situated persons of the Central Government/other States like Gujarat, Uttarkhand and Karnataka from 30.5.2006 till date of retirement 31.1.2015 with all consequential benefits and not taking any action on the representations and latest representation of the petitioner to fix his pay in terms of 6th Pay Commission Pay Scales, is illegal, arbitrary, discriminatory, violative of Principles of Natural Justice and contrary to Art 14, 16 and 21 of the Constitution of India and (b) consequently direct the respondents to consider the case of petitioner to revise and fix his pay scale as per 6th Pay Commission from the date of his appointment i.e., Rs.80,000/- w.e.f., 30.5.2006 till completion of his term i.e., on 31.1.2015 and pay all consequential benefits and pass such other and further order or orders as this Honble Court may deem fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2017(WPMP. NO: 10167 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to dispose of the representations of the petitioner and consider the case of petitioner to revise and fix pay scale of the petitioner in terms of 6th Pay Commission from the date of his appointment i.e., 30.5.2006 to till completion of his tenure on 31.01.2015 and pay all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : M/s.R.S. ASSOCIATES

**Counsel for the Respondents NO.1&5 : B.RAJESHWAR REDDY,
GP FOR STATE OF A.P**

Counsel for the Respondents No.2 : GP FOR SERVICES II

Counsel for the Respondents No.3,4&6: --

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.8235 of 2017

DATE: 29.12.2025

BETWEEN:

Dr.R.Hampaiah

....Petitioner

AND

State of Andhra Pradesh and 5 others

....Respondents

ORDER

Heard Sri S. Ravi, learned Senior Counsel representing M/s.R.S. Associates appearing for the petitioner; Sri.B.Rajeshwar Reddy, learned Government Pleader appearing for respondent Nos.1 and 5 and Smt.M.Shalini, learned Government Pleader for Services-II appearing for respondent No.2 and perused the record.

2. The present Writ Petition is filed under Article 226 of the Constitution of India, with the following prayer viz.,

to issue an order or direction more particularly one in the nature of Writ of MANDAMUS

(a) declare the action of the respondents in non-implementation of 6th Pay Commission to revise the pay of the petitioner in the cadre of Chairman, Biodiversity Board i.e., Rs.80,000/- (instead of Rs.26,000/- from 01.01.2006) as was done in the case of other similarly situated persons of the Central Government/other States like Gujarat, Uttarkhand and Karnataka from 30.5.2006 till date of retirement 31.1.2015 with all consequential benefits and not taking any action on

the representations and latest representation of the petitioner to fix his pay in terms of 6th Pay Commission Pay Scales, is illegal, arbitrary, discriminatory, violative of Principles of Natural Justice and contrary to Art 14, 16 and 21 of the Constitution of India; and

(b) consequently direct the respondents to consider the case of petitioner to revise and fix his pay scale as per 6th Pay Commission from the date of his appointment i.e., Rs.80,000/- w.e.f., 30.05.2006 till completion of his term i.e., on 31.01.2015 and pay all consequential benefits and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Factual matrix (in brief)

3. The petitioner a distinguished agronomist, possessing a Ph.D. (Agronomy) from Indian Agricultural Research Institute, Delhi, has held various positions in governmental, research, and international organizations prior to his association with the State Biodiversity Board.
4. The Biological Diversity Act, 2002 (for short 'Biodiversity Act') under Section 8 thereof provided for setting up a National Biodiversity Authority. The Biodiversity Act also provided for establishment of State Biodiversity Board under Section 22 for implementation of various provisions of the Act.
5. The petitioner was appointed as Chairman of the Andhra Pradesh State Biodiversity Board *vide* G.O.Ms.No.68, Environment Forests, Science and Technology (for-II) Department dated 11.05.2006 and assumed charge on 20.05.2006, and continued as Chairman of the State Biodiversity Board for successive terms under

extensions granted by the competent authority, covering the period from 20.05.2006 to 31.01.2015.

6. The Biological Diversity Rules, 2004 (for short 'Rules 2004') originally prescribed a fixed pay of Rs.26,000/- for the Chairperson, under Rules 5(1). Following the acceptance of the recommendations of the 6th Central Pay Commission with effect from January, 2006, the fixed pay of Rs.26,000/- stood revised to Rs.80,000/- in the Central Government revised pay scales.

7. During the tenure of the petitioner as Chairman, remuneration was paid in accordance with G.O.Rt.No.57, dated 05.02.2009, under which a fixed pay of Rs.44,000/- per month was sanctioned. The said pay continued to be drawn by the petitioner until completion of his tenure.

8. The Government of Andhra Pradesh *vide* G.O.Ms.No.57, Environment Forests, Science and Technology (for-II) Department dated 05.02.2009 extended the pay and allowances to the petitioner with the pay and allowances on par with the Chairman, Kerala Biodiversity Board, Government of Kerala @ Rs.40,000/- per month.

9. Rule 2(d) of the Rules 2004 defines the term "Chairperson" to include the Chairperson of the National Biodiversity Authority and, as the case may be, the Chairperson of a State Biodiversity Board. In this context, the Government of India issued a clarification dated

02.09.2008 regarding the applicability of pay and allowances prescribed under the Rules.

10. The record indicates that, during the year 2010 and 2011, the Member Secretary of the State Biodiversity Board addressed communications to the State Government seeking consideration of revision of the pay of the petitioner-Chairman of Biodiversity Board with reference to the pay structure applicable to the National Biodiversity Authority and State Biodiversity Boards in other States. No final orders were passed on the said communications.

11. Thereafter, representations were submitted by the petitioner to the authorities of the successor States of Andhra Pradesh and Telangana seeking revision of pay and allowances. The petitioner completed his tenure as Chairman on 31.01.2015 without any modification to the pay structure earlier sanctioned.

12. Accordingly, the petitioner has filed the present writ petition seeking judicial scrutiny of the issue relating to fixation of pay and the grant of consequential benefits for the period during which the petitioner served as Chairman of the State Biodiversity Board.

Contentions of the petitioner

13. Learned Senior Counsel for the petitioner raised the following contentions:

- i. That this writ petition is directed against the inaction and omission on the part of the respondents in not implementing the 6th Pay Commission recommendations so as to revise and fix the pay of the petitioner in the cadre of Chairman, State Biodiversity Board for the period from 31.05.2006 to 31.01.2015, despite such revision having been extended to similarly situated functionaries under the Central Government and other State Governments in accordance with the Biodiversity Act.
- ii. That the petitioner was paid only Rs.44,000/- per month under G.O.Rt.No.57 dated 05.02.2007, even though the Member Secretary working under him was drawing higher pay and allowances, leading to an anomalous and irrational situation, inconsistent with administrative hierarchy and service jurisprudence.
- iii. As a matter of fact, the Special Chief Secretary to Government, Department of Environment, Forests, Science & Technology, Government of Andhra Pradesh accorded permission to extend the pay and allowances to the Chairman of the Andhra Pradesh State Biodiversity Board on par with the terms and conditions that are followed by the Government of Kerala, vide G.O.Rt.No.57, dated 05.02.2009. The Chairman, Kerala State Biodiversity Board was drawing a pay of Rs.40,000/- per

month plus Rs.4,000/- per month, which is equal to Rs.44,000/- per month. Though the salary of the Chairman of Kerala State Biodiversity Board and also of Gujarat and Uttarakhand were revised to the scale of Rs.80,000/- per month plus allowances in service, as per the communication of the Member Secretary, Andhra Pradesh State Biodiversity Board to the Special Chief Secretary to Government, Department of Environment, Forests, Science & Technology, Government of Andhra Pradesh vide letter dated 16.12.2011 with a request for fixation of pay and allowances to Chairman, Andhra Pradesh State Biodiversity Board, the pay and allowances of the petitioner was not revised at par with the Chairman of Kerala State Biodiversity Board and as per the Sixth Pay Revision.

- iv. That the post of Chairman, State Biodiversity Board is a high statutory office under Section 22 of Biodiversity Act, carrying significant regulatory, supervisory, and representational responsibilities; that the said post is equivalent in status, responsibility, and functional importance to that of a Secretary to the Government or Chairpersons of other statutory and regulatory commissions, thereby entitling the petitioner to commensurate pay and allowances.

- v. That the petitioner possessed exceptional academic credentials and professional experience, including a Ph.D. in Agronomy such qualifications and experience were the very basis for his appointment as Chairman and the qualifications of the petitioner together with the strategic role and responsibilities of the post further strengthen the petitioner's entitlement to the revised pay structure applicable to the post.
- vi. That as per the clarification issued by the Government of India *vide* letter dated 02.09.2008, read with Rule 2(d) of the Rules 2004, the pay and allowances prescribed for the Chairperson of the National Biodiversity Authority are equally applicable to the Chairperson of a State Biodiversity Board. Thus, the statutory framework unequivocally mandates parity in emoluments, leaving no discretion with the respondents to deny the same to the petitioner.
- vii. That the chairmen of State Biodiversity Boards in other States, including Gujarat, Kerala, and Uttarakhand, and the Chairman of the National Biodiversity Authority have been granted Rs.80,000/- with allowances pursuant to the revisions under the 6th Pay Commission; denial of the same benefit to the petitioner, despite repeated official recommendations, amounts to hostile discrimination.

- viii. The impugned action is arbitrary and discriminatory, violating Articles 14 and 16 of the Constitution of India and the doctrine of 'Equal Pay for Equal Work', and further offends Article 21 by denying the petitioner dignified and fair remuneration despite discharge of high statutory duties.
- ix. That despite repeated representations by the petitioner and the Member Secretary, the respondents failed to pass any order, rendering their inaction arbitrary and violative of the principles of natural justice.

Contentions of the respondents

14. Learned Government Pleader appearing for the respondents raised the following contentions hereunder:

- i. That the post of Chairman of the Andhra Pradesh State Biodiversity Board is a statutory, tenure-based appointment, governed exclusively by the provisions of the Biodiversity Act which does not constitute a civil post under the State in the conventional sense.
- ii. That the appointment is not part of the regular State service, nor is it borne on any cadre to which the general service rules or pay revision mechanisms automatically apply.
- iii. That, under Rule 5 of the Andhra Pradesh Biological Diversity Rules, 2009, the pay and allowances of the Chairperson are to be determined by the State Government,

and the Rule does not provide for automatic application of Central or State Pay Commission recommendations; consequently, the 6th Pay Commission, being applicable to regular civil posts, does not extend *ipso facto* to statutory appointments unless expressly adopted by the State through a specific order or notification.

- iv. That in the absence of any statutory mandate or express Government Order extending the 6th Pay Commission scales to the Chairperson of the State Biodiversity Board, the petitioner cannot claim revision of pay as a matter of right; that fixation of pay at Rs.44,000/- per month, as sanctioned under G.O.Rt.No.57 dated 05.02.2007, was in consonance with the prevailing Rules and validly determined by the competent authority.
- v. That the petitioner's reliance on pay structures applicable to the Chairperson of the National Biodiversity Authority or to Chairpersons of Biodiversity Boards in other States is misplaced, as each State Biodiversity Board operates under its respective statutory rules and executive decisions, and no uniform pay structure is mandated under the Biodiversity Act.
- vi. That mere proposals or representations seeking revision of pay, in the absence of State Government approval, do not

confer any enforceable or vested right upon the petitioner, and that the claim for retrospective pay revision with consequential benefits is legally untenable under the governing statutory framework, particularly when the petitioner drew the sanctioned remuneration throughout his tenure.

15. We have taken note of the respective contentions urged.

16. In this regard, the issue that arises for consideration is whether the exclusion of the petitioner from the benefit of the revised pay structure, despite discharge of statutory functions identical to those of similarly placed Chairpersons in other States, can be sustained in law?

Analysis and finding

17. It is pertinent to note that the office of Chairperson of the State Biodiversity Board is a statutory position entrusted with significant responsibilities. The nature of the functions discharged under the Statute is neither ceremonial nor advisory, but executive and regulatory in character, carrying substantial public responsibility.

18. It is well settled that the State, while exercising its discretion in matters of pay fixation, cannot act arbitrarily or unreasonably. Once a statutory post involving high-level responsibilities is

created, the remuneration attached thereto is required to bear a reasonable nexus with the dignity of the office and the nature of the duties discharged. The State must act as a model employer ensuring fairness and adequate compensation and cannot act as a parsimonious employer in matters affecting public offices of statutory importance.

19. On perusal of the record, it indicates that Chairpersons of State Biodiversity Boards in several other States have been placed in higher pay brackets corresponding to the revised pay structures, while the petitioner continued to draw a substantially lower fixed pay.

20. As it appears from the letter dated 05.02.2009 bearing G.O.Rt.No.57, that the Government had accorded permission to extend pay and allowances to the Chairman of the Andhra Pradesh State Biodiversity Board on par with the terms and conditions that are followed by the Government of Kerala. However, though the pay and allowances of the Chairman of the Kerala State Biodiversity Board and other State Biodiversity Boards like Gujarat and Uttarakhand were revised in the scale of Rs.80,000/- plus allowances, the Government of Andhra Pradesh, despite the communication of the Ministry of Environment, Forests, Science and Technology, dated 02.09.2008 on the subject of pay and allowances of Chairpersons would be of the State Biodiversity Boards, failed to

allow the pay scale of Rs.80,000/- plus allowances to the petitioner whose tenure was extended from time to time upto 31.01.2015, i.e., even after attaining the age of 65 years. The petitioner in his representation dated 27.10.2014 had also pointed out that the Member Secretary working under him was getting more pay and allowances than himself. Therefore, it appears that there was no rational basis to deny the revised pay structure at par with the Chairman of other State Biodiversity Boards like Kerala, Gujarat and Uttarakhand.

21. In this context, the Doctrine of Parity becomes relevant, as the petitioner, though similarly situated and discharging comparable functions under the same statutory framework, has been subjected to differential treatment without any intelligible basis. Article 14 of the Constitution permits classification only where it rests on an intelligible differentia having a rational nexus to the object sought to be achieved; however, no such rationale has been shown for excluding the petitioner from the benefit of pay revision while extending it to similarly placed statutory functionaries elsewhere.

22. The principle of Equal Pay for Equal Work, as recognized by the Hon'ble Supreme Court in ***Dhirendra Chamoli v. State***

of U.P¹, mandates that persons performing identical or substantially similar duties cannot be denied parity in pay merely on the basis of the mode or source of appointment. The said principle applies with equal force to statutory appointments where the functions, responsibilities, and accountability are comparable.

23. The respondents' contention that the petitioner's pay was "fixed" at the time of appointment cannot, by itself, operate as a bar against periodic revision, particularly where the tenure extended over several years and coincided with implementation of a comprehensive pay revision applicable across public services, cannot remain static indefinitely when the cost of living and pay structures across governmental cadres undergo revision pursuant to Pay Commission recommendations.

24. It is to be noted that Section 2(e) of the Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004, particularly Rule 2(d), define the term 'Chairperson' to include both the Chairperson of the National Biodiversity Authority and the Chairperson of a State Biodiversity Board. The clarification issued by the Government of India dated 02.09.2008, indicates the applicability of parity in emoluments between the two offices, subject to the statutory framework. The letter dated 02.09.2008 is extracted hereunder for ready reference:

¹ (1986) 1 SCC 637

With reference to your letter No.14/BDB/2007, dated 22.07.08 on the above mentioned subject, the undersigned is directed to communicate that Rule 2 (d) on Definitions under the Biological Diversity Rules, 2004 defines Chairperson as the chairperson of the NBA or as the base may be, of the State Biodiversity Board. Thus, the pay and allowances of Chairperson given in these Rules would be applicable to the Chairperson of the SBBs as well.

25. It will not be out of the context to note that, the respondents' by denying the revised pay scale to the petitioner, notwithstanding the discharge of identical statutory duties and responsibilities, has resulted in unequal treatment offending the guarantees under Articles 14 and 16(1) of the Constitution and has also impinged upon the Right to Dignified Remuneration implicit in Article 21, as recognized in settled Service Jurisprudence.

Conclusion

26. For the foregoing reasons, this Court is of the considered view that, the respondents were not justified in excluding the petitioner from the benefit of the revised pay structure applicable during the period of petitioner's tenure, and that the impugned inaction is unsustainable in law.

27. Therefore, the respondents are directed to revise the pay scale of the petitioner as Chairman of the Andhra Pradesh State Biodiversity Board to the same scale of pay as per the Sixth Pay Revision on par with the terms and conditions that are followed by

the Government of Kerala from the date of the G.O.Rt.No.57, dated 05.02.2009, wherein the Government of Andhra Pradesh accorded permission to extend the pay and allowances to the Chairman of the Andhra Pradesh State Biodiversity Board on par with that of the Chairman of the Kerala State Biodiversity Board till the end of his tenure on 31.01.2015. The admissible pay and allowances be disbursed within a reasonable time, preferably within twelve (12) weeks from the date of receipt of a copy of this order.

28. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

That Rule Nisi has been made absolute as above.
Witness THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH, on this Monday, The Twenty Ninth Day Of December Two Thousand And Twenty Five

SD/-T. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special chief Secretary, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District
2. The Special Chief Secretary to the, State of Telangana, Secretariat, Secretariat Buildings, Hyderabad
3. The Chairman, Biodiversity Board, State of Andhra Pradesh, Aranya Bhavan, Saifabad, Hyderabad - 500 004
4. The Chairman, Biodiversity Board, State of Telangana, 6th Floor, Chandravihar, MJ Market Road, Nampally, Hyderabad - 500 001
5. The Principal Secretary, General Administration Department, State of Andhra Pradesh Secretariat, Amaravathi, Guntur District
6. The Principal Secretary, General Administration Department, State of Telangana, Secretariat, Hyderabad....

7. One CC to M/s.R.S. ASSOCIATES, Advocate. [OPUC]
8. Two CCs to GP FOR STATE OF A.P, High Court for the State of A.P [OUT]
9. Two CCs to GP FOR SERVICES II, High Court for the State of Telangana [OUT]
10. Two CD Copies.

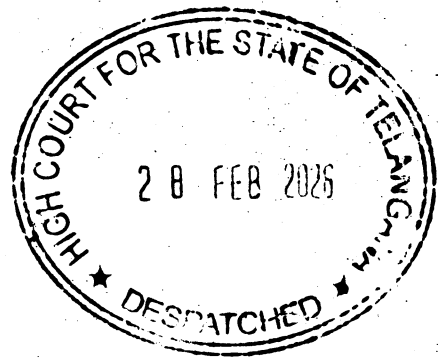
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HIGH COURT

DATED:29/12/2025



ORDER

WP.No.8235 of 2017

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

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