



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 7367 OF 2026 (S-RES)

BETWEEN:

1. PRAKASH H.,
S/O HOMBAIAH,
AGED ABOUT 59 YEARS,
R/AT #102, 7TH CROSS,
SHANASHWARA BADAVANA,
NR MOHALLA, MYSORE – 570 007
2. S. SOMU,
S/O LATE M. SIDDAIAH,
AGED ABOUT 57 YEARS,
R/AT #1561/2, 4TH CROSS,
ASHOKAPURAM, MYSORE SOUTH,
MYSORE – 570 008
3. RAVI N.,
S/O LATE NANJUNDASWAMY,
AGED ABOUT 41 YEARS,
R/AT #2666, 3RD CROSS,
KALIDASA ROAD,
V V MOHALLA, MYSORE – 570 002
4. M. MAHADEVAIAH,
S/O LATE M. MADIAH
AGED ABOUT 58 YEARS,
R/AT #19, AMBEDKAR BEEDI,
1ST CROSS, PURIGALI GRAMA,
BEEJIPURA HOBALI, MALAVALLI TALUKU,
MANDYA – 571 463
5. N. S. MAHADEVAIAH,
S/O SIDDAIAH,
AGED ABOUT 47 YEARS,
R/AT DODDE KAVALANDE HOBLI,



NANJANAGUD TALUK,
NERALE, MYSORE – 571 312

6. KARPAMMA
C/O RAMA,
AGED ABOUT 47 YEARS,
R/AT #163, VAMBA MANE
NAVODAYA BADAVANA, JP NAGAR,
MYSURU – 570 031.
7. CHANDRAMMA,
W/O KUPPA,
AGED ABOUT 49 YEARS,
R/AT #27, D DEVARAJA URS COLONY,
VISHWESHWARA NAGAR,
MYSURU – 570 008.
8. RANGAMMA,
W/O RANGASWAMY,
AGED ABOUT 43 YEARS,
R/AT #31, D DEVARAJA URS COLONY,
VISHWESHWARA NAGAR,
MYSURU – 570 008.
9. LAKSHMI,
AGED ABOUT 47 YEARS,
R/AT #63, D DEVARAJA URS COLONY,
VISHWESHWARA NAGAR,
MYSURU – 570 008.
10. SUMATHI,
W/O SHIVANNA,
AGED ABOUT 47 YEARS,
R/AT NO. 30, D DEVARAJA URS COLONY,
VISHWESHWARA NAGAR,
MYSURU – 570 008.
11. GANESHA K. S.,
S/O KUMAR,
AGED ABOUT 41 YEARS,
R/AT #63/1, D DEVARAJA URS COLONY,
VISHWESHWARA NAGAR,
MYSURU – 570 008.



12. RAVI P.,
S/O LATE PUTTA MARI,
AGED ABOUT 44 YEARS,
R/AT # 4341, 9TH CROSS,
GANDHI NAGAR,
MYSORE – 570 007.
13. NAGESH B.,
S/O BORAIAH,
AGED ABOUT 43 YEARS,
R/AT HALE KESARE, RBI POST,
MUDRAN NAGAR,
MYSORE – 570 003.
14. RAJA M.,
S/O C. MALLESHA,
AGED ABOUT 34 YEARS,
R/AT # 109/9, 13TH CROSS,
DR AMBEDKAR COLONY,
ASHOKAPURAM,
MYSORE – 570 008.
15. SIDDARAJU T.,
S/O THAMMEGOWDA,
AGED ABOUT 40 YEARS,
R/AT # 55, BHADREGOWDANA KOPPALU,
ELWALA VILLAGE,
MYSURU – 571 130
16. KASHYAP M. A.,
S/O ANATHARAMASWAMY,
AGED ABOUT 41 YEARS,
R/AT # 64, 2ND CROSS,
KURUBARAHALLI,
MYSURU – 570 011.
17. VENUGOPAL K. M.,
S/O MAHADEVA K. C.,
AGED ABOUT 43 YEARS
R/AT # 2500, 5TH CROSS,
NEW KANTHARAJA URS ROAD,
K. G. KOPPAL, MYSURU – 570 009.



18. SATHYA NARYANA S.,
S/O LATE C. SHIVANNA,
AGED ABOUT 50 YEARS,
R/AT # 511/21, 4TH CROSS,
JAYANTHA NAGAR, TK LAYOUT,
MYSURU – 570 009.
19. HONNAPPA,
S/O LATE SIDDEGOWDA,
AGED ABOUT 50 YEARS,
R/AT # 227, MANANDAVADI ROAD,
SRIRAMPURA POST,
SRIRAMPURA VILLAGE,
MYSURU – 570 023.
20. CHINNASWAMY,
S/O B. SHIVAIAH,
AGED ABOUT 55 YEARS,
R/AT # 224, 14TH CROSS,
5TH MAIN, JAYANAGAR,
MYSURU – 570 014.
21. MANJUNATHA C. M.,
S/O MAHADEVAPPA,
AGED ABOUT 46 YEARS,
R/AT # 64, RAMANNA HOME STREET,
JAYAPURA HOBLI, MADDUR POST,
CHUNCHARAYANA HUNDI VILLAGE,
MYSURU – 571 125.
22. MAHADEVA,
S/O LATE MUTTAIAH,
AGED ABOUT 51 YEARS,
R/AT 26/1, DHARMA SINGH COLONY,
J P NAGAR ROAD, VISHWESHWARA NAGARA,
2ND STAGE, MYSURU – 570 008.
23. MALLESHA
S/O LATE JAVARAIAH,
AGED ABOUT 50 YEARS,
R/AT KOTTE HUNDI, RAYANAKERE POST,
KASABA HOBLI, MYSURU – 570 008.



24. NANJUNDA,
S/O KARPAIAH,
AGED ABOUT 51 YEARS,
R/AT # 718, DOORA GRAMA,
JAYAPURA HOBLI,
MYSURU – 570 008.
25. BALASINGAIAH,
S/O LATE PUTTARANGAIAH,
AGED ABOUT 57 YEARS,
R/AT # 0, DR. BR AMBEDKAR STREET,
LOKKANAHALLI VILLAGE AND POST,
KOLLEGAL, CHAMARAJANAGARA – 571 440.
26. SOMESH M.,
S/O LATE R MAHADEVAPPA,
AGED ABOUT 43 YEARS,
R/AT # 319(121), MAVINAHALLI ROAD,
JAYAPURA VILLAGE AND POST,
MYSURU – 570 008.
27. BORA B. S.,
S/O BORANNA,
AGED ABOUT 44 YEARS,
R/AT # 2547/1, KANTHARAJA URS ROAD,
K. G. KOPPAL, MYSURU – 570 009.
28. A. N. PRAVEEN,
S/O K. L. NAGARAJU,
AGED ABOUT 38 YEARS,
R/AT # 99A, ALUR VILLAGE,
MADDUR TALUK, MANDYA – 571 433.

...PETITIONERS

(BY SRI. SHARATH S. GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
VIKAS SOUDHA,
BANGALORE – 560 001.



2. MYSURU CITY CORPORATION,
REP. BY ITS COMMISSIONER,
SAYYAJI RAO ROAD,
MYSURU – 570 001.

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1;
SRI. GAURAV G.K., ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE GOVERNMENT ORDER NO. NAE 104 ACM 2013, BANGALORE DATED 07.11.2022 ISSUED BY THE 1ST RESPONDENT VIDE ANNEX-A IN SO FAR AS PETITIONER CONCERN TO THE EXTENT OF CONDITION IMPOSED IN THE IMPUGNED ORDER EXTENDING BENEFITS OF EQUAL PAY FOR EQUAL WORK WITH PROSPECTIVE EFFECT IN RESPECT OF PETITIONERS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioners seek for the following reliefs:-

- "A. Issue writ in the nature of certiorari or any other appropriate writ to quash the Government Order No.NAEE 104 ACM 2013, Bangalore dated 07.11.2022 issued by the 1st Respondent vide Annexure-A in so far as petitioner is concern to the extent of condition imposed in the impugned order extending benefit of equal pay for equal work with prospective effect, in respect of petitioners.*
- B. Issue writ in the nature of mandamus or any other appropriate writ directing the respondent Authorities to extend the benefit of equal pay for equal work to the*



petitioners with effect from 05.12.2012, as it is granted to similarly placed employees of Mysore City Corporation.

C. *Grant such other relief that this Hon'ble Court may deem fit in the facts and circumstances of the matter."*

2. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.

3. Though several contentions have been urged by both sides in support of their respective claims, the issue in controversy between the parties is directly and squarely covered by the judgment of the Co-ordinate Bench of this Court in the cases of ***Sri.Manjesh B.S. and Ors., Vs. State of Karnataka and Anr., – W.P.No.6518/2024 c/w W.P.No.6443/2024 dated 02.04.2024*** and ***Smt.Mangalamma S.R. and Ors., Vs. State of Karnataka and Anr., - W.P.No.990/2024 dated 29.02.2024***, wherein it was held as under:

In W.P.No.6518/2024 c/w W.P.No.6443/2024

"The captioned petitions are filed by the petitioners, who are group C and D employees of respondent No.2- Corporation assailing the government order dated



07.11.2022 as per Annexure-K, issued by respondent No.1 insofar as extending equal pay for equal work prospectively.

2. Facts leading to the case are as under:

The petitioners are employees of respondent No.2-Corporation. The petitioners were initially working as contract employees. The State Government, vide order dated 13.11.2006, abolished contract labour and therefore, upon the abolishment of contract labor and in terms of government orders dated 03.04.1986, 16.05.1986 and 20.08.1986, the employees of respondent No.2-Corporation, including the petitioners, made a request for payment of equal pay for equal work. Several proposals were forwarded by respondent No.2 to respondent No.1 in that regard. This led to the government constituting a committee and a report was secured in regard to the payment of equal pay for equal work. Based on the report submitted by the committee, respondent No.1-State, vide order dated 05.12.2012, directed for payment of equal pay for equal work insofar as 308 employees are concerned.

3. The petitioners, however, though similarly placed and entitled to equal pay for equal work, were denied the benefit; therefore, petitioners were compelled to approach this Court. The petitioners, who are part of a total of 86 employees who were denied the benefit of equal pay for equal work, submitted a representation to respondent No.2 and made a request to extend the benefit by placing reliance on the benefit extended to around 308 employees,



who are similarly placed. Respondent No.2 sent the proposal to respondent No.1 on 16.04.2013. Respondent No.1-State, however, failed to consider the proposal sent by respondent No.2-Corporation and therefore the petitioners were compelled to knock the doors of the writ court in W.P.57172-57257/2015. This Court, vide order dated 20.07.2017, allowed the writ petition and directed respondent No.1 to pass appropriate orders by taking cognizance of approval granted to 308 employees, who were found to be similarly placed to that of petitioners.

4. Though this Court issued a direction on 20.07.2017 and the direction clearly contemplated that respondent No.1 is required to pass orders within eight weeks, respondent No.1 failed to secure a report in that regard from the committee. Pursuant to the constitution of the committee by respondent No.1-State, the report was secured in 2021 and vide impugned order under challenge, which is dated 07.11.2022, though respondent No.1-State has extended the benefit of equal pay for equal work, the order is found to be prospective in nature and therefore, the petitioners feeling aggrieved by the later portion of the order are before this Court.

5. Heard learned counsel for the petitioners, learned AGA for respondent No.1 and learned standing counsel for respondent No.2. I have given my anxious consideration to the materials placed on record. I have also taken cognizance of the assurance given by respondent No.2-Corporation in the communication dated 10.02.2014,



addressed to respondent No.1-State expressing their willingness to accept the additional burden in the event, the benefit of equal pay for equal work is extended prospectively.

6. *Before I proceed further, it would be useful for this Court to refer to the said communication, which reads as under:*

ಉಲ್ಲೇಖ (1) & (2) ರ ಪತ್ರದನ್ವಯ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ಒಳಚರಂಡಿ ವಿಭಾಗದ ಒಳಚರಂಡಿ | ಸ್ವಚ್ಛತಾ ಕಾರ್ಯದಲ್ಲಿ 139 ನೌಕರರು ಹಾಗೂ ಮಲಿನ ನೀರು ಶುದ್ಧೀಕರಣ ಘಟಕಗಳಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಣೆ ಮಾಡುತ್ತಿರುವ 86 ಗುತ್ತಿಗೆದಾರರ ನೌಕರರುಗಳಿಗೆ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ವನ್ನು ನೀಡುವಂತೆ ದಿನಾಂಕ: 28.12.2013 ರಂದು ತಜ್ಞರ ಸಮಿತಿ ಸಭೆಯನ್ನು ನಡೆಸಿ ಕೈಗೊಂಡಿರುವ ತಿರ್ಮಾನದ ವಿಸ್ತೃತ ವರದಿಯನ್ನು ಈಗಾಗಲೇ ಉಲ್ಲೇಖ (3)ರಲ್ಲಿ ಸಲ್ಲಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನವನ್ನು ನೀಡುವಂತೆ ಸೂಕ್ತ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಶಿಪಾರಸ್ಸು ಮಾಡಿದೆ ಹಾಗೂ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ನೀಡಿದರೆ ತಗಲುವ ವ್ಯತ್ಯಾಸದ ಮೊತ್ತವನ್ನು ನಗರಪಾಲಿಕೆಯ ಸಂಪನ್ಮೂಲಗಳಿಂದ ಭರಿಸಲು ಬದ್ಧವಾಗಿರುತ್ತದೆ. ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಅನುಮೋದನೆ ಕೋರಲಾಗಿದೆ.

7. *On meticulous examination of materials on record, this Court would find that petitioners were also entitled to the benefit on par with 308 employees, who were extended the benefit of equal pay for equal work way back in 2012. Petitioners were denied the said benefit. Petitioners had to fight for their rights by approaching this Court and it is only pursuant to directions issued by this Court, respondent No.1 has constituted a committee. The committee, in turn, has recommended extending the benefit to the petitioners. Around 308 employees were extended the benefit way back in 2012, while petitioners who were also entitled to the benefit were denied for no fault. Respondent No.1-State having received the proposal way back in 2013, was found*



not to be diligent in taking action on the proposal sent by respondent No.2-Corporation. Respondent No.2 sent a proposal on 16.04.2013. There is absolute laxness on the part of respondent No.1-State in not deciding the proposal, which was virtually affecting the petitioners financially. After securing the report from the committee, respondent No.1 has belatedly decided to extend the benefit in 2023. In absence of any strong and valid reasons to deny the benefit that was conferred on 308 employees, who are similarly placed, the order under challenge conferring the benefit of equal pay for equal work prospectively not only amounts to discrimination but also undermines petitioners legitimate right of seeking equal pay. The impugned order passed by respondent No.1 in extending the benefit prospectively is not supported by any valid reasons. If respondent No.2-Corporation is willing to take up the additional burden in the event the benefit is extended retrospectively, respondent No.1-State cannot contest or have any objection in extending the benefit retrospectively.

8. *Be that as it may. If similarly placed employees were extended the benefit way back in 2012, no exception can be taken and no discrimination can be meted out against the petitioners as they cannot be faulted.*

9. *In the light of observations made supra, this Court is of the view that despite recognition of petitioners' entitlement to parity, respondent No.1 has chosen to extend the benefit prospectively. The principle of equal pay for equal work is a fundamental tenet of labour rights, aimed at*



ensuring fairness and equity in the workplace. Despite the acknowledgment of this principle, respondent No.1 has opted to extend the benefit prospectively, thereby perpetuating a disparity in treatment between employees performing similar duties. This discrepancy is further exacerbated by the fact that employees in analogous positions (308 employees) were granted the benefit as early as December 2012. The failure to adhere to the directives of this Court issued in 2017 further underscores the inexcusable delay in rectifying the injustice. The action of respondent No.1 constitute a clear case of discrimination.

10. In the light of discussions made supra, this Court proceeds to pass the following:

ORDER

- i. Both writ petitions are allowed;*
- ii. The order dated 07.11.2022 insofar as imposing a condition of extending the benefit of equal pay for equal work with prospective effect is hereby quashed.*
- iii. Respondents No.1 and 2 are hereby directed to determine the difference amount and pay the same to the petitioners herein;*
- iv. Respondent No.1 is hereby directed to extend the benefit of equal pay for equal work for petitioners retrospectively from the date it was granted to similarly placed employees i.e., 05.12.2012.*



- v. *This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.*
- vi. *Pending applications, if any, are also disposed off."*

In W.P.No.990/2024:

"The captioned petition is filed by the petitioners, who are group C and D employees of respondent No.2Corporation assailing the government order dated 07.11.2022, issued by respondent No.1 insofar as extending equal pay for equal work prospectively.

2. Facts leading to the case are as under:

The petitioners are employees of respondent No.2Corporation. The petitioners were initially working as contract employees. The State Government, vide order dated 13.07.2006, abolished contract labour and therefore, upon the abolishment of contract labor and in terms of government orders dated 03.04.1986, 16.05.1986 and 20.08.1986, the employees of respondent No.2-Corporation, including the petitioners, made a request for payment of equal pay for equal work. Several proposals were forwarded by respondent No.2 to respondent No.1 in that regard. This led to the government constituting a committee and a report was secured in regard to the payment of equal pay for equal work. Based on the report submitted by the committee, respondent No.1-State, vide order dated 05.12.2012, directed for payment of equal pay for equal work insofar as 308 employees are concerned.



3. *The petitioners, however, though similarly placed and entitled to equal pay for equal work, were denied the benefit; therefore, petitioners were compelled to approach this Court. The petitioners, who are part of a total of 86 employees who were denied the benefit of equal pay for equal work, submitted a representation to respondent No.2 and made a request to extend the benefit by placing reliance on the benefit extended to around 308 employees, who are similarly placed. Respondent No.2 sent the proposal to respondent No.1 on 16.04.2013. Respondent No.1-State, however, failed to consider the proposal sent by respondent No.2-Corporation and therefore the petitioners were compelled to knock the doors of the writ court in W.P.57172-57257/2015. This Court, vide order dated 20.07.2017, allowed the writ petition and directed respondent No.1 to pass appropriate orders by taking cognizance of approval granted to 308 employees, who were found to be similarly placed to that of petitioners.*

4. *Though this Court issued a direction on 20.07.2017 and the direction clearly contemplated that respondent No.1 is required to pass orders within eight weeks, respondent No.1 failed to secure a report in that regard from the committee. Pursuant to the constitution of the committee by respondent No.1-State, the report was secured in 2021 and vide impugned order under challenge, which is dated 07.11.2022, though respondent No.1-State has extended the benefit of equal pay for equal work, the order is found to be prospective in nature and therefore, the*



petitioners feeling aggrieved by the later portion of the order are before this Court.

5. *Heard learned counsel for the petitioners, learned AGA for respondent No.1 and learned standing counsel for respondent No.2. I have given my anxious consideration to the materials placed on record. I have also taken cognizance of the assurance given by respondent No.2-Corporation in the communication dated 10.02.2014, addressed to respondent No.1-State expressing their willingness to accept the additional burden in the event the benefit of equal pay for equal work is extended prospectively.*

6. *Before I proceed further, it would be useful for this Court to refer to the said communication, which reads as under:*

ಉಲ್ಲೇಖ (1) & (2) ರ ಪತ್ರದನ್ವಯ ಮೈಸೂರು ಮಹಾನಗರಪಾಲಿಕೆಯ ಒಳಚರಂಡಿ ವಿಭಾಗದ ಒಳಚರಂಡಿ | ಸ್ವಚ್ಛತಾ ಕಾರ್ಯದಲ್ಲಿ 139 ನೌಕರರು ಹಾಗೂ ಮಲಿನ ನೀರು ಶುದ್ಧೀಕರಣ ಘಟಕಗಳಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಣೆ ಮಾಡುತ್ತಿರುವ 86 ಗುತ್ತಿಗೆದಾರರ ನೌಕರರುಗಳಿಗೆ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ವನ್ನು ನೀಡುವಂತೆ ದಿನಾಂಕ: 28.12.2013 ರಂದು ತಜ್ಞರ ಸಮಿತಿ ಸಭೆಯನ್ನು ನಡೆಸಿ ಕೈಗೊಂಡಿರುವ ತೀರ್ಮಾನದ ವಿಸ್ತೃತ ವರದಿಯನ್ನು ಈಗಾಗಲೇ ಉಲ್ಲೇಖ (3)ರಲ್ಲಿ ಸಲ್ಲಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನವನ್ನು ನೀಡುವಂತೆ ಸೂಕ್ತ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಶಿಪಾರಸ್ಸು ಮಾಡಿದೆ ಹಾಗೂ ಸಮಾನ ಕೆಲಸಕ್ಕೆ ಸಮಾನ ವೇತನ ನೀಡಿದರೆ ತಗಲುವ ವ್ಯತ್ಯಾಸದ ಮೊತ್ತವನ್ನು ನಗರಪಾಲಿಕೆಯ ಸಂಪನ್ಮೂಲಗಳಿಂದ ಭರಿಸಲು ಬದ್ಧವಾಗಿರುತ್ತದೆ. ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಅನುಮೋದನೆ ಕೋರಲಾಗಿದೆ.

7. *On meticulous examination of materials on record, this Court would find that though petitioners were*



also entitled to the benefit on par with 308 employees, who were extended the benefit of equal pay for equal work way back in 2012. Petitioners were denied the said benefit. Petitioners had to fight for their rights by approaching this Court and it is only pursuant to directions issued by this Court, respondent No.1 has constituted a committee. The committee, in turn, has recommended extending the benefit to the petitioners. Around 308 employees were extended the benefit way back in 2012, while petitioners who were also entitled to the benefit were denied for no fault. Respondent No.1-State having received the proposal way back in 2013, was found not to be diligent in taking action on the proposal sent by respondent No.2-Corporation. Respondent No.2 sent a proposal on 16.04.2013. There is absolute laxness on the part of respondent No.1-State in not deciding the proposal, which was virtually affecting the petitioners financially. After securing the report from the committee, respondent No.1 has belatedly decided to extend the benefit in 2023. In absence of any strong and valid reasons to deny the benefit that was conferred on 308 employees, who are similarly placed, the order under challenge conferring the benefit of equal pay for equal work prospectively not only amounts to discrimination but also undermines petitioners legitimate right of seeking equal pay. The impugned order passed by respondent No.1 in extending the benefit prospectively is not supported by any valid reasons. If respondent No.2Corporation is willing to take up the additional burden in the event the benefit is extended retrospectively, respondent No.1-State cannot



contest or have any objection in extending the benefit retrospectively.

8. *Be that as it may. If similarly placed employees were extended the benefit way back in 2012, no exception can be taken and no discrimination can be meted out against the petitioners as they cannot be faulted.*

9. *In the light of observations made supra, this Court is of the view that despite recognition of petitioners' entitlement to parity, respondent No.1 has chosen to extend the benefit prospectively. The principle of equal pay for equal work is a fundamental tenet of labour rights, aimed at ensuring fairness and equity in the workplace. Despite the acknowledgment of this principle, respondent No.1 has opted to extend the benefit prospectively, thereby perpetuating a disparity in treatment between employees performing similar duties. This discrepancy is further exacerbated by the fact that employees in analogous positions (308 employees) were granted the benefit as early as December 2012. The failure to adhere to the directives of this Court issued in 2017 further underscores the inexcusable delay in rectifying the injustice. The action of respondent No.1 constitute a clear case of discrimination.*

10. *In the light of discursion made supra, this Court proceeds to pass the following:*

ORDER

- i. The writ petition is allowed;*



- ii. The order dated 7.11.2022 insofar as imposing a condition of extending the benefit of equal pay for equal work with prospective effect is hereby quashed.*
- iii. Respondents No.1 and 2 are hereby directed to determine the difference amount and pay the same to the petitioners herein;*
- iv. Respondent No.1 is hereby directed to extend the benefit of equal pay for equal work for petitioners retroactively from the date it was granted to similarly placed employees i.e., 5.12.2012.*
- v. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order."*

4. Under these circumstances, the present petition is also disposed of in terms of the aforesaid judgments of the Co-ordinate Bench of this Court.

5. In the result, I pass the following:

ORDER

- i. The writ petition is allowed;
- ii. The order dated 07.11.2022 insofar as imposing a condition of extending the benefit of equal pay for equal work with prospective effect is hereby quashed.



- iii. Respondent Nos.1 and 2 are hereby directed to determine the difference amount and pay the same to the petitioners herein;
- iv. Respondent No.1 is hereby directed to extend the benefit of equal pay for equal work for petitioners retroactively from the date it was granted to similarly placed employees i.e., 05.12.2012.
- v. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE