IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 53042 OF 2018 (L-RES)

BETWEEN:

M/S PEPSICO INDIA HOLDINGS PVT. LTD.,
N.H.4, T BEGUR, NELAMANGALA,
BANGALORE RURAL DISTRICT,
REP. BY ITS MANAGER-HR SRI MANJUNATH R.

...PETITIONER

(BY SRI RAJESH MAHALE, SR. COUNSEL FOR
MS MAITREYI B KANNUR, ADVOCATE)

AND:

SRI S G MAHADEVAPPA,
EMP. 1155, PEPSICO INDIA HOLDINGS PVT. LTD.,
NELAMANGALA, T.BEGUR- 560 086,
REP. BY ITS GENERAL SECRETARY,
ENGINEERING AND GENERAL WORKERS
UNION GHATE BHAVANA,
GAYATHRI DEVI PARK EXTENSION,
VYALIKAVAL, BANGALORE - 560 008.

...RESPONDENT

(BY SRI M NARAYANA BHAT, ADVOCATE)

Digitally signed by C HONNUR SAB
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DATED 27.1.2018 PASSED BY THE ADDITIONAL INDUSTRAIL TRIBUNAL, BENGALURU IN A.I.D.NO.10/2013 AT ANNEXURE-A TO THIS W.P.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09TH FEBRUARY, 2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER

The petitioner-Company has assailed the award dated 27.01.2018 in A.I.D. No.10/2023 passed by the Additional Industrial Tribunal, Bangalore, which has directed the Company to pay wages to the respondent-workman, on par with C.G.Girish another employee of the petitioner-Company.

2. The respondent-employee had raised a dispute (through Union) claiming parity in the wages on the premise that he is senior to C.G.Girish.

3. The respondent-employee was appointed as a trainee in the Company on 27.12.2006, whereas C.G.Girish was appointed on 24.06.2008. Respondent should have been paid higher wages than C.G.Girish and if not, at least wages on par with C.G.Girish is the contention.

4. The Company disputed the claim and urged that C.G.Girish and the respondent cannot be equated and justified disparity in wages paid.

5. The Tribunal held that the wages of Rs.6,920/- per month paid to the respondent violates the equal wages for

equal work doctrine and directed Company to pay same wages (Rs.9,351/- pay paid to C.G. Girish).

6. The Tribunal, recorded the evidence of both sides, came to the conclusion that in view of disparity in the wages paid to respondent and C.G.Girish, held that the respondent is entitled to equal wages as C.G.Girish and directed the petitioner to pay wages on par with C.G.Girish.

7. Aggrieved by the aforementioned award, the petitioner-Company is before this Court.

8. Learned Senior Counsel urged that, C.G.Girish had a prior experience when he was appointed by the petitioner-Company on 24.06.2008. C.G.Girish on successful completion of probation on 27.02.2009, was made permanent employee. Whereas the respondent was initially appointed as trainee on 27.12.2006 and was on probation from 01.02.2009 and was made permanent employee in the on 18.02.2011.

9. It is urged that Tribunal proceeded on an erroneous premise that respondent is entitled to equal wages, on par with C.G.Girish because both of them have same designation *'associate'* though there is no evidence on record to show that

the work entrusted to respondent and C.G.Girish are one and the same.

10. Thus it is urged that one cannot conclude that both respondent and C.G.Girish are on par with each other when it comes to experience and the necessary skill.

11. Learned Senior Counsel in support of his contention place reliance on the judgment of the High Court of Jammu and Kashmir in ***Jagdish Kumar & Ors. vs State of Jammu and Kashmir***[1]**.** It is also urged that the doctrine of equal pay would apply only in a situation when the work and responsibilities entrusted to the employees are equal. Here, the work entrusted to C.G.Girish is different from the work entrusted to the respondent and C.G.Girish was in charge of the electrical work as he is an electrician by qualification and he discharged more responsible function than the respondent and these aspects have not been considered by the Tribunal.

12. Learned counsel appearing for the respondent-workman would urge that the Company cannot raise the contention relating to difference in work and responsibility without producing any records. No records are produced by the

[1] ***2024 SCC Online J & K 179***

Company to show that the respondent and C.G.Girish were entrusted with different works despite carrying a same designation, warranting different wages.

13. It is also urged that under the wage settlement applicable the employees were classified into different categories, namely Grade 1, Grade 2, Grade 3, and Grade 4. And the respondent and C.G.Girish are in the same Grade and both of them were designated as associate and that being the position, the Tribunal has held that respondent is entitled to equal wages on par with C.G.Girish.

14. The wage settlement arrived at between the petitioner-Company and the Union was not produced before the Tribunal and that being the position the Tribunal is justified in holding that the respondent has made out a case for a direction to pay equal wages on par with C.G.Girish.

15. The Court has considered the contentions raised at the Bar and perused the records.

16. The Tribunal has held that the respondent is entitled to wages on par with C.G.Girish on the premise that both of them are permanent employees and have the same

designation. It is relevant to notice that the settlement relating to payment of wages is not produced before the Tribunal. The said document is produced before this Court as the Court directed the Company to produce the said document.

17. The Court has perused the said settlement for the period between 01.08.2008 to 31.07.2011. Said settlement, provides for payment of basic wages, dearness allowance, house rent allowance, and conveyance allowance. Classification of workmen into four categories, namely Grade 1, Grade 2, Grade 3 and Grade 4 is also noticed from the said settlement.

18. It is not forthcoming from the said settlement as to whether the Company is enabled to pay different wages for the workmen falling under the same grade based on nature of work. It is also not forthcoming as to whether there can be a difference in wages based on date of confirmation of probation, though the workmen are falling under the same category or grade and when the workmen are having the same designation.

19. Apart from making an assertion that the nature of duties discharged by the respondent and C.G.Girish were different, the Company has not placed any cogent evidence to substantiate the said contention. No job description, duty chart,

or contemporaneous records have been produced to demonstrate that C.G.Girish was discharging functions of a higher responsibility to justify higher wages in comparision with respondent.

20. On the contrary, the admitted position that both the respondent and C.G.Girish were placed in the same grade and carried the same designation assumes significance. In the absence of any material to show a classification within the same grade, the presumption that similarly placed employees are entitled to similar wages cannot be lightly displaced.

21. The plea of prior experience of C.G.Girish or earlier confirmation, by itself, would not be sufficient to sustain a disparity in wages, particularly when the governing settlement does not expressly provide for such differentiation.

22. It is well settled that the principle of equal pay for equal work is not to be applied in a mechanical manner; however, where the employer fails to demonstrate any intelligible differentia in the nature of duties, responsibilities, or qualifications, a disparity in wages would be arbitrary and unsustainable.

23. In ***Jagdish Kumar*** *supra*, the Jammu and Kashmir High Court has referred to the judgment of the Apex Court in ***State Bank of India vs M.R. Ganesh Babu***[2]. The relevant portion in the said judgment of the Apex Court is as under:

> *"It is well settled that equal pay must depend upon the nature of work done. It cannot be judged by the mere volume of work; there may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities made a difference. One cannot deny that often the difference is a matter of degree and that there is an element of value judgment by those who are charged with the administration in fixing the scales of pay and other conditions of service. So long as such value judgment is made bona fide, reasonably on an intelligible criterion which has a rational nexus with the object of differentiation, such differentiation will not amount to discrimination. The principle is not always easy to apply as there are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. Differentiation in pay scales of persons holding same posts and performing similar work on the basis of difference in the degree of responsibility, reliability and confidentiality would be a valid differentiation. The judgment of administrative authorities concerning the responsibilities which attach to the post, and the degree of reliability expected of an incumbent, would be a value judgment of the authorities concerned which, if arrived at bona fide reasonably and rationally, was not open to interference by the court."*

24. In the aforementioned case, the Apex Court has held that equal pay must depend upon the nature of the work done and it cannot be judged by mere volume of the work. The Apex Court has also held that there may be qualitative

---

[2] ***2002(4) SCC 556***

difference as regards reliability and responsibility. It is also held that the functions may be same but the responsibilities may differ. The Apex Court has also held that as long as the differentiation is based on intelligible criterion having nexus to the object of differentiation, then such differentiation will not amount to discrimination.

25. In the present case, upon appreciation of the evidence on record, the Tribunal has recorded a finding that the work performed by the respondent and C.G.Girish is comparable. This finding is based on the designation assigned to both workmen.

26. It is noticed that the High Court of Jammu and Kashmir has held that the burden is on the person who asserts that there is violation. If that is so, the respondent-workman is required to establish that the work discharged by both workmen are qualitatively similar.

27. Now the question is, *"Whether the workman has adduced evidence to substantiate his case?"*

28. The workman has produced records to show that both are having same designation and it appears that both are

placed under the same grade. As far as nature of work entrusted to both workmen in comparison is concerned, it is to be noticed that the relevant records are with the petitioner-employer. As already noticed, the settlement relating to wages was not produced before the Tribunal and same is produced pursuant to direction issued by this Court. The said settlement does not point to any clause which enables/justifies different wages for the workmen coming under a particular grade.

29. This being the position, the petitioner-Company should have produced the records before the Tribunal to justify its stand that the works entrusted to respondent and C.G. Girish are different to justify difference in wages. However, that is not done. The Court is of the view that respondent has produced the records showing same designation for both respondent and C.G. Girish. The suggestion to the respondent-employee in the cross-examination to the effect that C.G. Girish is working as electrician is denied by the respondent. Under these circumstances, the petitioner-Company was required to produce the evidence relating to difference in work and responsibility entrusted, to justify the wage difference.

30. Learned Senior counsel for the petitioner would urge that there was no such occasion to produce the documents as there was no specific issue in this regard. The Court is of the view that, the point for reference framed by the Government in its ambit covered said aspect of the matter and the petitioner was required to produce the same.

31. In the absence of any material to justify the wage disparity, the direction issued by the Tribunal to pay wages to the respondent on par with C.G. Girish cannot be faulted.

32. This Court does not find any perversity or illegality in the said finding in the light of the materials placed on record before the Court, warranting interference in jurisdiction under Article 227 of Constitution of India.

33. The Writ Petition, therefore, fails and is liable to be dismissed.

34. Accordingly, the Writ Petition is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

brn