

Karnataka High Court

N Karadigowda vs The Deputy Labour on 3 December, 2009

Author: Ram Mohan Reddy

IN THE HIGH COURT OF KARNATAKA.

DATED THIS THE 3rd DAY OF DECEMBER; 2009

BEFORE

THE HON'BLE MR. JUSTICE

WRIT PETITION No. 321 of 2009 {195 of 2009} [vL-RES)

1 N
S/O

AGE 50 years; ARS.

R/ATS AJRAK1 'E' DA. 1 EDIN}; SHIVARA POST
'I'AI; UK. ;

TUMKUR D-13. 1 RIC'f. - .\

2 SRIKARIYAPPTX S /:0 MUTTAYAN

-- AGE 45 YEARS -

R/'AT NAGAR, D.HOSAHALLI

EJANATA, COLONY, AMMASANDRA
V --. POST TURUVEREKRE TALUK
- . f\$U_MKUR..DISTRICT.

Sm KUMAR S /O Y PA

AGE 48 YEARS

" .13, %'A'I' ARAKERE DANTDINASHIVARA POST
= 4 TURUVEREKRE TALUK,
* TUMKUR DISTRICT.

4 SR1 MUNI BORAIHAH S/O DODDALAKKAYYAN

AGE 54 YEARS

R/AT MARUTHI NAGAR,

(D HOSAHALLI JANATA COLONY)
AMMASANDRA POST TURUVEKERE TALUK

ML

TUMKUR DISTRICT.

SRI B T KEMPEGOWDA s/o THIMMAIAH _
AGE 37 YEARS '
R/AT BAREPALYA BEERASANDRA POST

TUPATUR TALUK
KABBANAHALLI HOBLI,

TUMKUR DISTRICT.

SRI CHIKKANNA s/o I\:.ANJA:AH'~..

AGE 50 YEARS ' _ . x_
R /AT SAMUDRANA KOTEADALACEERE Rosir
NI'I'i'UR HOBLI, GUBBI ' _I_ ' _UM_KU_R DIS'I'RI_CT._5

SRI GA;NGAIAR S/C) NAR!:S;AD&H AA

AGE 41 YEARS 1

R /AT CHAKAVA\$ \IA1fALLI'~HADA'VANAHALLI POST
DEVARAJURS ROAD,;,~:DA;\\$'D_1NAs1\$ i:vARA HOBLI
TURUVERERKER TALUK, _ 4. g. V '
TUMKUR.Di'S';fRIC.'E._ " _

SIQI C 'S20 CHIKKANARASAIHA
AGE'-48vYEA_Rs._ ' ~

;' "R/AT CRAKAVANARALLI HADAVANAHALLI
HOST, DEVARA-5 URS ROAD.

DANDINASHNARA I-IOBLI
TURUVEKERE TALUK,

<mMi:t;R..ElSTR1cT.

SHIVAKUMARASWAMY S / O MAHALINGAIAH
AGE' 44 YEARS

" R}-AT AMMASANDRA RAILWAY STATION ROAD,
" = AMMASANDRA POST

SR} D S NANJUNDALAH S / 0 SAN NA THIMMAIAI-I
AGE 48 YEARS

R/AT MAGGADAVARA BEEDI DANDINASHIVARA
POST, TURUVEKRE TALUK,

TUMKUR DISTRICT. Q/'L

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12

13

14

SR1 A S HONNAPPA S / 0 SAN NAPPA
AGE 46 YEARS

R/AT AMAMSANDARA, A

POST. TURUVEIKERE TALUK
TUMKUR DISTRECT. I

SRI ARMUGAM S/O R KRJSHNAPPA
AGE 50 YEARS ' _ '

R/AT AMMASANDRA. RAMRIAY STA'lfioN7.=

ROAD, AMMASANDRA PQ.ST'~.._
TURUVEKERE TALLIK, '
TUMKUR DISTRICT » -

SR1 MOHAMMED,{3FIOUSE.S/O MASTANSAB
AGE 48 ,
R/AT A,MiMASANDRA,:. BEHIND UNION
BUILDING; POST
TURUVEKERE TALUK', «. 5

TUMKUEZ. I3:ISTI12iic:*T:A~."'-... *

SR} 'B T .GA1\SGADH2ARA1AI¥ S /0 THIMMAIAH
AGE 45 YEARS "
R/AT BAREPALYA'.BEF:RASANDRA POST
TEPATUR TALUK,

._"K¥.BBANAHALLI..HQBLI.

'A TIJNIKIIRDISTRICT.

A .VA.:jRVi;GA1\ANDAM S/O VESHWANATHA

' . AGE '4«?;"L'YEARS

*-R/AT N_Q;229, NEAR RAILWAY GATE

RAILWAY STATION ROAD, AMMASANDARA
PO:-3T""1'URUVERI{ERE TALUK.

" 'SSTUMKUR DISTRICT.

ASARE S ANAND S/O SARANGAPANI

AGE 57 YEARS

R/AT M.G.ROAD, D 358--A, (BACK SIDE)
AMMASANDA. DANDINASHIVARA HOBLI,
TURUVERKERE TALUK.

TUMKUR DISTRICT.

1'7

18

19

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M4, .

SR1 N S DEVARAJ S/O SANNA CHIKKANNA
AGE 45 YEARS

R/AT D HOSAHALLI DUNDA POST
DANDINASI-IIVARA HOBLI
TURUVERKERE TALUK.

TUMKUR DISTRICT.

SR1 RAJA S/O CHANNIGMAH A is '
AGE 47 YEARS
R/AT HOSAHALLI DUNDA POST "
DANDIONASHEVARA HOBLI '
TURUVERKERE TALUK. ' '
TUMKUR DISTRICT.

SR1 SHN VHUC
AGE 47YEARS " , jy
R/AT TEERTHAPURA-I}'QST"> -- _ Z
'HOBLE 'V

vCHII{__ 'jIAY}¢i;?{AN'A}i1iLLvi"'FA1;UK,

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cm ASpSAAmxa%iSS%S
S/O;--..CJ'rIITl'AN:_

* AGE 38-.YEA'RS '-

~ R/Afr AMMASAIDRA

RAILWAY STATION ROAD
'1,az«w'1)11xs.ASH1vARA HOBLI

* TURUVEIQERE TALUK

21° '

' TUEVEKUR DISTRICT.

SR1'C'VN NARASIMHAMURTHY S /0 NARASIMI-EAIAH

" AGE 47 YEARS

R/AT CHOWKAVALLI I-IADAVANAHALLI

H POST, DANDINASHIVARA HOBLI

22

' TURUVEKERE TALUK

TUMKUR DISTRICT.

SR1 C LAKSHMAIAI-1 S/O CHIKANARASIAH
AGE 44 YEARS
R/AT CHOWKAVALLI.

M

23

24

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-5-

HADAVANAHALLI POST
DANDINASI-IIVARA HOBLI
TURUVEKERE TALUK
TUMKUR DISTRICT.

SRI S B SHIVANNA S/O Bo.RAL1reGA1AH« V

AGE 49 YEARS

R/AT SIDDAPURA,

I-IULLEKERE POST .
DANDINASHIVARA HOBLI
TURUVEKERE TALUK
TUMKUR DISTRICT.

SR1 S SHANKAR S/Q'S}-1.D;*A;LINGA£A1~I
AGE 43YEARS A f _ V V
R/AT AM13'IKANAGAR- _ _ -
DANDINASHNARA HOBLI _
TURUVE.KE.RE TA; ,u'1»:_ »

v*1*UIvII{D-1:1 Dis-3TR'1<5,T-. S

SSRIS D S S/Ø SIDDIAIAH

AGE 4.8 YEARS _ " - - _
R/A'F_ AMBIKAI' - \$AG.AR

' SVDANDINASHNARA

»' HOBLI,TU'RE..IV.EKERE TALUK

.6: ~ .-

28

'mM'i;DR DISTRICT.

-- LiNr;\$ARAJU S /Ø IVEALLAIAH

' AGE 50;: YEARS

R./~A_Tf'...-DANDINASHIVARA HOBLI
'FURUVEKERE TALUK

" TUMKUR DISTRICT.

SR1 V JAGADESH S/O VENKATAPPA
AGE 39 YEARS

R/ AT KIBBANAHALLI

POST. TIPATUR TALUK,

TUMKUR DISTRICT.

SR1 D SHANKARAIHA S/O DASANNA

EEK

35

36

AGE 50 YEARS

R/AT AMBIKA NAGAR.
DANDINASHIVARA HOBLI
TURUVEKERE TALUK
TUMKUR DISTRICT.

SR1 GOPAL 8/0 D B BYTARAYAPPSA .; « S T

AGE 48 YEARS I . . .
R/AT MAGGADAVANARA BEED1-
IN FRONT OF DIR, " "
DANDINASHIVARA HOB~LI '*~
TURUVEKERE TALUK, ' '
TUMKUR DISTRICT.

sm ANSAR BAS1?:As', 'C ,A5"1"V\$flv3;2iIIS."I,AS _
R/AT No.42, BAI\§AS'i1ANKARI--'"MVAINjv ROAD,
SHANTH1NACAR.; TU'MAJKUR..'VS».,x % ~ *

SRISvK.EIyIP.I:3J€}OWDA-S'N£d\%JUNDAPPA

{R/AT CnANPATI%i1. TEMPLE

DAI*éDENASHfEV£LRA'S.HOBLI
TURUVEK'ERE'TAj;.I_jK;'
TUMKU R }:)1s'r:;1cfr;'

sra SU13;I9I2%N___S_/0 MODINSAB

JANATA COLONY.
DANDINSHIVARA HOBLI

" -- TALUK,
- TUMKUR' DISTRICT.

38"'

RSSIDASAPPA s/0 RANGAPPA

"RAT AMMASANDRA

BESIDE RAELOWAY STATION.

1" TURUVEKERE TALUK,

" V. ._.39

" TUMKUR DISTRICT.

SR1 SHANKARAIHA S/O NANJAPPA
R/AT TALAVARANA HALLI AND POST
DADINASHIVARA HOBLI.
TURUVEKERE TALUK. 3

40

41

42

43

TUMKUR DISTRICT.

SR1 S N SHIVALINGAIAH S /0 SANNA NIN{ }AL1X£I--.: : ... A'

R/AT MAKAVALLI GOLARAI--IAT'I'1
SHETTIKERE HOBLI

C NHALLITALUK
TUMKUR DISTRICT. '

SR1 A RAMAIAH S/0 VENAKTAPPIK _
R/AT D HOSALLI JANA'1fA'~COLOI\?Y,' ,_
MARUTHINAGAR POST * "
DANDINSHIVARA HOBLI _ " "
TURUKERE TALUK '

TUMKUR DIS'I'RICT,- '

SR1 D H I_3II,ASKS\$2ASi2gIAmI\$;*_S,'C '1' HONNAPPA
R/AT BASVANNA CIRCLE A ' V. '

.DAI»IDI'\$JSI\$17vARA;,HCIjI;I~--
:v:TURUK'}£.RI:} "I'.AL{JK--..._ _ ;
TUMKUR D«\$5.TR1.CT:' "

SRICSIINANANIJALEIH S / 0 KARIYAPPA

- » R/AT'A;.MMASA\$~IDRA.

D1%NDINS'HfEVAFA HOBLI

*:'u12'LII{ERE TALUK

" ~ ..fIfuMKUR_ DISTRICT.

EAJASHEKARAI AH S /0 LINGAPPA

R, fA'if.-AMMSANDRA
BESIDE SHIVA TEMPLE

" DANDINSHIVARA HOBLI

TURUKERE TALUK

H TUMKUR DISTRICT.

'?45

SR1 B RANGEGOWDA S / 0 BETTAIAH
R/AT BAREPALYA

BEERASANDRA POST
KEBBANAHALLI HOBLI

TIPTATUR TALUK. Uik

52

53

54

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KIBBANAHALLI HOBLI
TIPATUR TALUK,

TUMKUR DISTRICT.

SR1 D L SHIVANNA s/0 LAKSI-IMA3\IA£AI%I_ " ,
R/AT MASZID ROAD, ,\
DANDINASHIVARA HOBLI 5
TURUVEKERE TALUK, I
TUMKUR DISTRICT.

SR1 A s NARASIMAIAH SANN
R/AT APPASANDRA * '
HADAVANAHALLI Posfli... '
DANDINASHNARA HC>'BL1V'1*U._RU VEREKERE TALUK
TUMKUR DISTRICT.--. ' 1 ' .. '

SR1 's/Vt') R'u:>RAi>pz\$ " M
R/AT _URS-VRoad', ..

HADAV'AL\EAHAL£. .1 POST, '

'DAN_D1NAsH=wARA__L1'QBL1,
"FURUVEI{.ERE TALUK.
TUMKUR VDISTRICT.

SR1 MEf"iABQ_Q.B s/0 SHEIKH KHALEMULLA

ZR/AVTDEVARAJ URS ROAD.

..CE!1LK"fNALLI, HADAVANAHALLI POST

-- DANDENASHIVARA HOBLI

56

' TURUVTEKERE I-IOBLI

W13/£:;UR DISTRICT

" ,s§<1 C s RAJASHEKARAIHAH s/0 SHIVANNA

CHIKKAGORAGHATTA DODAGORA-

1.

GATTA POST.

DANDINASHIVARA HOBLE TURUVEKERE HOBLE TUMKUR DISTRICT SR1 CHINNA DORAI
S/O ANTHONY CRUZ R/AT R.S.ROAD, ' ::,2'§ T63 AMMASANDRA DANDENASHIVARA HOBLI
TURUVEKERE HOBLI TUMKUR DISTRICT SR1 B RAMCHANDRAIAH S;/'Q D"A"BYATAi\$F,§~~
' R/AT WEAVER COLONY, DANDINASHIVARA HOBLI TURUVEKERE HOBLI " ' TUMKUR
DISTRICT SR1 s KUMAR S'/O' s D R/AT SARIGEHALI-I * " ' = BHEECHENAI{AJ;i;I.POST
DANDINASHWARA H'OB.LI~- ' " TUR:VJ%;E1;--ERE..HOBL1 ' TUMKUR ' {if S/O GOPALAIHAH
R/AT DUNDA ms': _ * ".KAsA13Ax~.IOBL3=, ' TORUVEKERE Tm"

TUMKUR SR1 H [\fA.RASIMHAMURTHY S / O VENKATAIAH ' EVR/AT'HEGGERE POST V
»_KAsAI-3A HOBLI, * ..f1'IJRIJ'».?El.KERE TALUK '1'Lt£;aK1JR DISTRICT. . '*7s2R'1 "15 Y
KUMAR S/O YALEKAPPA ' _ R/AT AMBEKANAGAR "DANDINASHIVARA HOBLI,
TURUVEKERE TALUK TUMKUR DESTRICT.

SR1 NATARAJ S/O SHIVANNA R/AT KUMBARA BEEDHL DANDINASHIVARA HOBLI,
TURUVEKERE TALUK OW TUMKUR DISTRICT.

SR1 D T NARASIMAIAH S/O THIMMAIAH R/AT AMBIKANAGAR * -.

DANDINASHIVARA HOBLI, V » TURUVEKERE TALUK "

TUIVEKUR DISTRICT.

SR1 S S KALLEGOWDA S./_O SH-IVALING " R/AT SASALU HULLEKERE POST» . ' " DANDINASHIVARA HOBLT,-., S " TURUVEKERE --

TUMKUR DISTRICTT. ; . 2 " SR1 G BASVA1:zA,.I,Ai;4ua Gi2xz\i(;§;és1SNA R /AT O .E:IOSA§H_ALLI ;I:ANfA'i'A.. COLONY, MARUTHI NAGAR AEQZMASANDRA DANDINASHIVARA HOBLI, TURUVEKfēi{E Tai.__IJ'K' SR} 'OA NAGAPPA R/ATAARAKSRE " " ' DAmO1NASHNA12AO'HOBL1, ;' » TURUVEKEREVTALUK :f§'EfiyIKUR"DIHS*_T}7{ICT. V JAISHANKAR S /O JAIVELU * ..R,(AT4fr_ir1 CROSS. VINLOSANAOAR BESIDE VIVEKANANDA SCHOOL, x "*"rjUMKUR DSITRICT.

SR1 H M SIDDARAMIAH S/O MARJYAPPA R/AT JANATA COLONY, HADAVANAHALLI POST DANDINASHIVARA HOBLI TURUVEKERE TALUK, TUMKUR DISTRICT.

SR1 DORERAJA S/O M MUTTU MS g J3 R/AT C/O THOMAS CHURCH ROAD. B SIDE BASVANAHAPURAGATE GOTTIGERE POST BANNERGHATTA ROAD, BANGALORE 83. I R/AT AMBIKANAGAR'. "

DANDINASI-IIVARA HOBLI TURUVEKERE TALUK TUMKUR DISTRICT.

SR1 HONNAHATTI S/O THIMI-AALAH SR1 M VENKATESH. S/O 'MUDALCrIR1'YAPPA R/AT D }EOSAIiIAI;LI.: "w _ ' JANATAQOLONY, AMMA_SA?:JD_RA. POST. DAI~zD'INA'S'HIvARA HOBLI TUI2U »fII:KEI" «:_TALUK; '--TUMIs:UIz DISTRICT. S /'OJ-IINJIAIE R/AT CEIEIKKARAES/IRURA HOSA}IA'iTI PO.ST__ .

CIIfi<IANpIYA;KpI§IM5IALI TALUK. KAITDISERS H_OB};I, TUMKUR DISTRICT. SR1 S/JO BORANINGAIAH ""AR,/ATAJANATA COLONY.

-v,_DAIIJ.DiNASHIVARA HOBLI, 'V' II .._ '1'I.JRIJ'VEKERE TALUK. S76 'Iuf'§g€[K]JR DISTRICT. . SHIVANNA S/O RAMAIAH ' SP.'/AT VEERASAGARA SAMPIGE POST DANDINASHEVARA HOBLI. TURUVEKERE TALUK.

TUMKUR DISTRICT.

SR1 K KRISHNAPPA S/O KARIYAPPA R / AT BEERASANDRA PALYA BEERASANDRA POST KIBBANAELALLI HOBLI, M F as

-24.

TIPATUR TALUK, TUMKUR DISTRICT. 7'? SR1 HONNAOIRIYAIDPA s /O THIMMAIAH .. R/AT JANATA COLONY . I' DANDINASHIVARA HOBLI --" -- 1. TURUVEKERE TALUK, TUMKUR DISTRICT.

(By Sri : s V SHASTRI, ADV .3 ' V " TIE DEPUTY LABOUR...

COMMISSIONER v RE(3;ION%1.: I _ V _ KARMIKARA "

I3ANNER(:+I«I'Aft'1I<x-I3OAII.§_" I I i

566.; 029- i Q _ RESPONDENT (By SI'i.__: MUNDARGI, GA I ;' » frI-1EsEuI>EII'I*IOI\$Is FILED UNDER ARTICLE 226 er. OE THE JwC__ QNSTiTUTION OF INDIA PRAYING TO _gOAs'II THE ORDER/PROCEEDINGS DTD 14.11.08 BY THE I 'reEsIéOND.EI~r__r_, VIDE ANNEX--C; AND ETC. COMING ON FOR PRL.HEAR1NG A'IJ-VIIS 'BAY; THE COURT MADE THE FOLLOWING: ORDER The petitioners claiming to be employees of the Mysore Cements Limited, Ammasandra, alleging termination of services on representations for voluntary retirement, initiated conciliation proceedings under the £4

-111 Industrial Disputes Act, 1947, for short 'ID Act', whence the respondent--Deputy Labour Comrnissioner," commenced proceedings by issuing no-ticesiigtollll athu'eu'» parties, recorded their respective"st«at_ei:rientjslv 'is: the A further allegation that the conciiilatioln officer ccinncluded, the proceedings without forwaIi~dingV.a--report sstatel Government in compli.ance"ix'rithj4 , 'V3lAec_ tion 12 of the Act. Hence this Writ petitiioii/"C : Though:Sri';S_fV.S1*1astry, learned counsel for the petitioners'x'c.ont_e'nd5s that the action of the Labour Cori-irnissoner"taifita1nounts to exercising a jurisdiction ' ifestectin:'th'e.__Labour Court or Industrial Tribunal, to adj'u'dicaété§*: _ lubon the industrial dispute, in the fact situation, it is unnecessary to advert to that contention. I say so because, conciiiation under the Act means bringing warring parties to ensure a settiement or arrangement, in the course of which the Conciliation Officer possibly would have recorded the pleas of both bk

-16.

the parties in the proceedings. A bare the ordersheet maintained by the Conciii£at,ion,* records the rival contentionsgvo of the Conciliation Officer found fa\fonr'~\ArithV.thVe of the management. That more, it cannot but be said the Officer recorded decision rejecting the _c.1a_im

3. It is .npo--doufzbt thajt: the Eonciliation Officer cannot. 'merit of the dispute but will have to if the conciliation ends in a faiii:.1re_, "to forvvard___av report to the State Government for ' further'actio'n._ under Section 10 of the Act. ' agadish Mundargi, learned counsel for the .State.'=on instructions, submits that the respondent~ O Depnty Labour Commissioner did not send a report to " ~-the State Government on the conclusion of the conciliation proceedings. M

-17..

5. In the circumstances, the pczti-tio:n.ef:3,: 11avi;ig>.» made out a case for issue of Conciliation Officer to fori3v'3J:d Government, it *,;heip11:9oceedings before the Conciliator;-L)ffiéceIf_; '4 A. In :1e""eiV'11owed in part. A Inanda□□□e□□e□soei□féheeespondentto □w□hv□h forward 'Government in accordance with Seciion 12" of " _ . « Sd/"f EUDGE