

Karnataka High Court

M/S Karnataka Neeravari Nigam Ltd vs Sri Ganapathi Hanamantappa Barki on 17 April, 2009

Author: Ajit J Gunjal

LA 1:259. BY«.I'F\$ ¢3QMPANY SECRETARY.

wp 19945.07

IN W.P.NO. }4352[2,007

BETWEEN:

SHRI GANAFATHI,
s/o HANUMANT}-IAF'?A BARAK1
AGE 47, occ: NIL, . _ '
R/O HULKUND TALUK, RAMDU Res;
DISTRICT BELGAUM. «-- . _ .

PETITIONER
(BY SRI S.B.HEBBALLI,AD.'V.}

AND:

1. THE STATE OF'«KARNATAE_'ZA.,~"
REPRESENTED §3Y.ITS 'SECRETARY ,
1RRz<3AT1(:;'N F_)EP'\$'.',3'..}d.S-,§;3Iji'LDIN({,
BANGALRQE.-i... ' ..

2. THE:;t\$'é"s :s*:*.é'\$rr R}g;é;c."*PlirE Er:C\$IREER,
MLBCC SUBfDiviI\$C\$ '
RAMDURG, DIST\$'B'£'» .LGA&UM....-*

3. KARNATAKR N9:ERA\éARi~.:§ilGAM LTD,
REGD Fopmc-RA, 4m R:,ooR, COFFEE BOARD,

D»R1,AEMEDKARVEEEIHI,
BANG;§L.R®E -1

_ .. RESPONDENTS

(BYSE11R;'I{L"_~HA'\$iT'i;"I-ECG? FOR R 1. SRH\$.M.1'~1A£€S£, ADV. FOR R2 AND 3;
THi's.,w'Rn* PETITION IS FILED UNDER ARTICLES 226 AND ~ OF' '1"H_E
COL*w¥S'T'I'U'i*ION OF' INDIA PRAYING TO QUASH THE A V{.MPEi{\$NED AWARD DATES
5.3.07 PASSED 9? THE ADDITIONAL

4. "LABOUR COURT, HUBLI, IN REF. NOJ99/93 {OLD No.33/91; A THESE PETITIONS ARE
COMING ON FOR PRELIMINARY HEARING IN B GROUP, THXS DAY, THE COURT MADE THE
FOLLOWING:

wp 19945.07

3. Mr. N.M.Hansi, learned counsel the petitioner submits that the 'A' 2 justified in awarding compensation:- the workman had not worked..__oo□□100:xslyfogj }' of 240 days. . " * "

4. Mr. S._B. Hobhéilii, appearing for the material on record to Villdced, had Worked for a continuously in a calendar year. ho been reinstated. He also subxg□sv that has also □ed Writ Petition Na; % u Evçn though W.P.No. 14352/200? is hot _ ._\$:ho""records are summoned and by this common .'_'c;_rri«...:14' the writ petitions are disposed of. wp 10945.07

6. I have perused the impugned award'. by the labour Court.

'7. It is to be noticed adduced coupled with the eenagnce clearly establish that the had._ 'more 'V than 240 days in a. date of termination. Indeed, by the labour "as . : " '=i:~'~..-- without statutory notice';-_ 'i'fie' declined to reinstate the wor1;1nan"~!) ut to award compensation of '~ _ Inn is to be noticed that the employee compensated. Indeed having rmard exercised by the Labour Court, I am of the that the question of reinstatement after lapse" of "ii at this point of time would be putting the clock ' " "Back which is impermissible. □/' J 1*p':¥□:.'4.1S.07

8. Hence, I am of impugled award of g'ant1'n;;;g" declining to reinstate does

9 . I n s o f a r a s ' f i l e d b y t h e w o r k m a n i s : K V " t h a t t h e compensation□_«4._a;é%.ra\$:gjd6c1Vj[-«...,iEs~~. in lieu of his reinstatement." . ' N to. and situation, the enhanced to Rs.-40,000/-. order is passed:

□led by the employer stands &V's□i\$:é\$ed' and that of employee/Workman is allowed in I UDGE