

Sub:INTERIM ORDER IN BONUS MATTER

1. Vide Circular No. 15/2016 dated 2.2.2016, the Karnataka Employers' Association and another Establishment have filed the Writ Petition before Hon'ble High Court of Karnataka in WP No.5272 & 5311/2016 challenging the portion of the Payment of Bonus (Amendment) Act 2015 (No. 6 of 2016) published in the Gazette of India Extraordinary Part II Section-1, dated 1.1.2016 in so far as the retrospective operation of the amendment from 1.4.2014 and also the amendment in so far as relates to words "or the Minimum Wage for the scheduled employment, as fixed by the appropriate Government, whichever is higher" as inserted in Section 12 of the Act.
2. The Writ Petition came up for preliminary hearing on 2.2.2016. After hearing the matter the Hon'ble Court has stayed the Amendment to the Payment of Bonus Act to the extent it gives the retrospective effect from 1.4.2014.
3. The Members were also advised the gist of the Interim Order passed by the Hon'ble High Court on 2.2.2016 vide Circular referred to above. Certified copy of the interim order is now available. The interim order is extracted below:-

"INTERIM ORDER

Pending issue of Rule nisi in the aforesaid Writ Petition it is hereby ordered by this Court on

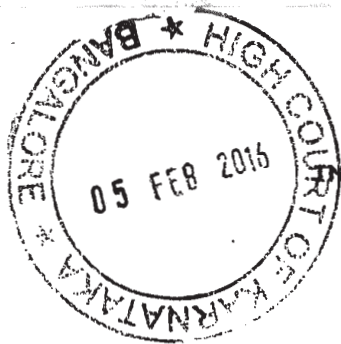
Tuesday the 02nd day of February, 2016,

By Hon'ble Mr. Justice A.S. BOPANNA

Issue notice to the respondents. Simultaneously notice may also be taken out on Asst. Solicitor General of India and acknowledgement be filed.

In the meanwhile, the impugned notification at Annexure-A shall stand in so far as retrospective effect of the implementation provided therein. It is clarified that the amendment would take effect only from the financial year 2015-16 onwards."

Note: Annexure A - Gazette Notification published in the Gazette of India on 01-01-2016 with regard to Payment of Bonus (Amendment) Act, 2015, No. 6 of 2016."



FORM III - A

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

WRIT PETITION NO 5272 / 2016 (L-MW)
& 5311/2016

[Notice under Rule 13(a) proviso]

Petitioners

- 1 KARNATAKA EMPLOYEES ASSOCIATION,
SHANKAR CHAMBERS, NO.74, VANIVILAS ROAD,
BASAVANAGUDI, BENGALURU-560 004,
REPRESENTED BY ITS SECRETARY.
- 2 SRI. ARVIND SEKHAR,
DIRECTOR, SAI SECURITY PRINTERS PVT. LTD.,
SY. NO.168/1 & 168/2, MACHOHALLI (NEAR VANI SCHOOL)
MAGADI ROAD, DASANAPURA HOBLI, BENGALURU-560 091.

(By Sri B C PRABHAKAR, Adv.
for M/s. BHOOPALAM LAW ASSOCIATES)

Vs

Respondents

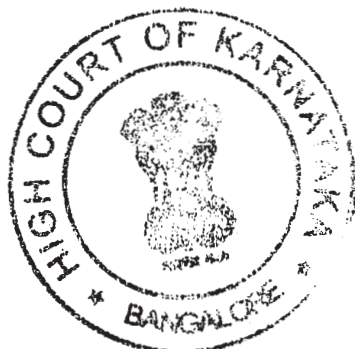
- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF LABOUR AND EMPLOYMENT,
SHRAM SHAKTI BHAWAN, NEW DELHI-110 001.
- 2 SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF LAW AND JUSTICE,
4TH FLOOR, A-WING, SHASTRI BHAWAN,
NEW DELHI-110 001.

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the Constitution of India, as in the copy annexed hereunto, has been registered by this court.

Notice is hereby given to you to appear in this court in person or through an Advocate duly instructed or through some one authorised by law to act for you in this case, at 10.30 AM in the forenoon within 10 days of the service of this notice to show cause why rule nisi should not be issued.

If you fail so to appear on the said date or any subsequent date to which the matter may be posted as directed by the court, without any further notice, the petition will be dealt with, heard and decided on merits in your absence.

[CONTD...2/...]



This Certified copy contains... 2 Pages
and is signed by... 2
[Signature]

INTERIM ORDER

Pending issue of Rule nisi in the aforesaid Writ Petition it is hereby ordered by this Court on

Tuesday THE 02ND DAY OF February 2016

By Hon'ble Mr. Justice A.S.BOPANNA
as follows :-

Issue notice to the respondents. Simultaneously notice may also be taken out on Asst. Solicitor General of India and acknowledgement be filed.

In the meanwhile the impugned notification at Annexure-A shall stand stayed in so far as retrospective effect of the implementation provided therein. It is clarified that the amendment would take effect only from the financial year 2015-16 onwards.



COPY

M.V. Susheela 5/2/16
[M.V. SUSHEELA]

Assistant Registrar

Sd/-
JUDGE

NOTE: Annexure-A - Gazette Notification published in the Gazette of India on 01.01.2016 with regard to Payment of Bonus (amendment) Act 2015, No.6 of 2016.

M.V. Susheela 5/2/16
Assistant Registrar

FREE LEGAL AID WILL BE PROVIDED TO:-

- 1) SC/ST, Woman, Child, Prisoners, an Industrial workman, mentally ill.
 - 2) Others whose annual income is less than Rs. 1,00,000/-.
- : Eligible persons may contact the Member Secretary,
High Court Legal
: Services Committee, High Court Annex. Bangalore.
Phone No. 080 22862988 ;

trr/040216.5

TRUE COPY
Section Officer 5/2/16
High Court of Karnataka
Bangalore - 560 001

- a) The date on which the application was made 3/2/16
- b) The date on which charges and addl charges, if any, are paid for.....
- c) The date on which charges and addl charges if any, are paid.....
- d) The date on which the copy is ready 5/2/16
- e) The date of next filing of the copy is ready for delivery 5/2/16
- f) The date on which copy is delivered 5/2/16

