



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 1375 OF 2024 (S-RES)

BETWEEN:

SMT. PREMA
W/O N RAMA MURTHY
AGED ABOUT 60 YEARS
R/AT NO 225 M TYPE
SUGAR TOWN, MANDYA 571402.

...PETITIONER

(BY SRI. MAHESH A S., ADVOCATE)

AND:

THE MYSORE SUGAR COMPANY LIMITED
BY ITS
MANAGING DIRECTOR
MYSORE SUGAR COMPANY LIMITED,
SUGAR TOWN, MANDYA-571402.

...RESPONDENT

(BY SRI. GIRIKUMAR R., ADVOCATE)

Digitally signed by
MALATHI CHALUVA
IYENGAR

Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT TO THE RESPONDENT TO CONSIDER THE PETITION OR REPRESENTATION DATED: 26.10.2023 VIDE ANNEXURE-D AND TO IMPLEMENT ORDER OF THE WRIT PETITION NO.12458/2013 (L-SER) DATED: 11.06.2018 AT ANNEXURE-A OR RELEASE THE RETIREMENT BENEFITS OF SRI N RAMA MURTHY IN FAVOUR OF PETITIONER AND TO HIS FAMILY MEMBERS AND ETC.

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



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 & 227 of the Constitution of India, seeking the following relief:

"Issue a writ in the nature of mandamus to the respondent to consider the petition or representation dated 26.10.2023 vide Annexure-D and to implement order of the W.P.No.12458/2013 dated 11.06.2018 (Annexure-A) or release the retirement benefits of Sri N.Rama Murthy in favour of petitioner and to his family members."

2. The case of the petitioner is that the petitioner's husband, late N. Rama Murthy, was working in the respondent company as a Security Guard with effect from 25.06.1986. Due to certain ill-health, he remained absent from service, pursuant to which, disciplinary action was initiated by the respondent. An order of dismissal was passed against him on 20.05.2004.

3. Aggrieved by the same, a dispute was raised before the Industrial Tribunal, Mysuru, in Reference



No.28/2011. The Labour Court, after considering the rival contentions, passed the impugned award dated 05.10.2012, altering the punishment and modifying it to one of compulsory retirement instead of dismissal.

4. Being aggrieved by the said award, the legal representatives of late N. Rama Murthy filed a writ petition before this Court in W.P.No.12458/2013, wherein this Court passed the following order:

"6. Having arrived at the above conclusion in a normal circumstance, it would have also been appropriate for this Court to modify the punishment and direct reinstatement. However, in the instant facts as noticed, the workman has not only expired during the pendency of this petition, but he had attained the age of superannuation during the year 2011 itself much prior to the Award passed by the Labour Court. If that be the position, all that is necessary to be ordered at this point in time is to issue a direction to treat the continuity of service from 20.05.2004 till the workman had attained the age of superannuation so that the monetary benefits would be available to the petitioners.



Therefore, in that view, I am of the opinion that the Award is to be modified.

The respondent is therefore directed to treat the period between 20.04.2004 and 2011 to be continuous to the benefit of the workman, reckon the consequential benefits in notional terms and fix the salary in that regard as on the date of superannuation, on taking into consideration the continuity of service, work out the terminal benefits payable and pay the said amount to the petitioners.

The consideration in that regard shall be made and the amount shall be paid to the petitioners as expeditiously as possible but not later than two months from the date on which a copy of this order is furnished.”

5. Pursuant to the order passed by this Court, the petitioner submitted representations vide Annexures B, C, and D. Despite the specific directions issued by this Court, the respondent has not implemented the order passed in W.P.No.12458/2013. Hence, the petitioner is before this Court.



6. Since this Court had already issued directions in W.P.No.12458/2013 by order dated 11.06.2018, the same has attained finality. The respondent is therefore directed to consider the case of the petitioner for payment of retirement benefits as expeditiously as possible and, in any event, not later than three months from the date of receipt of a certified copy of this order.

7. With the above observations, the writ petition stands disposed of.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 50