



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 110 OF 2024 (S-RES)

BETWEEN:

1. UNION OF INDIA
REPRESENTED BY SECRETARY,
MINISTRY OF LAW AND JUSTICE,
GOVERNMENT OF INDIA,
SHASTRI BHAWAN,
NEW DELHI-110 070,
(DESCRIBED IN THE WRIT PETITION
AS MINISTRY OF LAW AND JUSTICE,
THROUGH ITS SECRETARY)
2. JOINT SECRETARY AND LEGAL ADVISOR
DEPARTMENT OF LEGAL AFFAIRS,
MINISTRY OF LAW AND JUSTICE (CUSTODIAN)
SHASTRI BHAWAN,
NEW DELHI-110 070.

...APPELLANTS

(BY SRI. K. ARVIND KAMATH ASGI FOR
SRI. KUMAR M N., ADVOCATE)

AND:

1. V. SANTHOSH
SON OF VENKATESH MURTHY,
AGED ABOUT 30 YEARS,
RESIDING AT NO. 18,
SREE MAHALAKSHMINAGARA,
NEAR GOPALVIDYA KENDRA SCHOOL,
SOLADEVANAHALLI,



CHIKKABANAVARA,
BENGALURU-560 090.
JUNIOR CLERK, ICADR,
REGIONAL CENTRE,
CRESCENT ROAD, BENGALURU.

2. SMT. D. K. ROHINI JAMDAGNI
WIFE OF MR. G. SHIVAPRAKASH,
AGED ABOUT 55 YEARS,
RESIDING AT NO. 388, ANUGRAHA,
11TH CROSS ROAD,
SHABARINAGARA LAYOUT,
HEGDENAGAR, BENGALURU-560 078,
AND SENIOR CLERK, ICADR,
REGIONAL CENTRE, CRESCENT ROAD,
BENGALURU.
 3. HONORARY SECRETARY GENERAL
THE INTERNATIONAL CENTRE FOR
ALTERNATIVE DISPUTE RESOLUTION (ICADR)
PLOT NO. 6, VASANT KUNJ INSTITUTIONAL AREA,
PHASE-I, NEW DELHI-110 070.
 4. MR. C. R. SUNDARESH
SECRETARY,
THE INTERNATIONAL CENTRE FOR
ALTERNATIVE DISPUTE RESOLUTION (ICADR),
REGIONAL CENTRE,
HAVING OFFICE AT NO. 738,
13TH CROSS ROAD, 7TH BLOCK WEST,
JAYANAGAR, BENGALURU-560 078.
- ...RESPONDENTS
- (BY SRI. MANOHAR, ADVOCATE FOR C/R1 AND R2;
SRI. K.VENUGOPAL, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE FINAL ORDER
DATED 19/12/2023 PASSED BY THE LEARNED SINGLE JUDGE
OF THIS HONBLE COURT IN WP NO.10033/2020, ETC.



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 4 of the Karnataka High Court Act 1961 R/w Rule 27 of the Writ Proceedings Rules, 1977, has been filed impugning the judgment and order dated 19.12.2023 passed by the learned Single Judge in W.P.No.10033/2020 filed by the respondent Nos.1 and 2 herein.

2. Parties are referred to as per their ranking before the writ Court for the sake of convenience.

3. Both the petitioners were appointed as Junior Clerks in the Regional Office of the International Centre for Alternative Dispute Resolution (for brevity referred to as '**the ICADR**'). Initially, the Regional Office of the ICADR was housed in Karnataka Judicial Academy and was headed by the Secretary. The appointment orders of the petitioners would suggest that their appointment was purely temporary. The ICADR is a



Society registered under the Societies Registration Act, 1860. The Central Government enacted the New Delhi International Arbitration Centre Act, 2019 (for brevity referred to as '**the 2019 Act**') and under the said Act the New Delhi International Arbitration Centre has come into existence.

4. The petitioners were not paid salary from February 2020, hence the petitioners filed writ petition claiming salary from the month of February 2020 onwards.

5. Under the provisions of Section 7 of the 2019 Act, *'the undertakings of the Society as form part of, or are relatable to the Society, and the right, title and interest of the Society in relation to such undertakings, shall by virtue of this Act, stand transferred to, and vest in, the Central Government.'*

6. Under the provisions of Section 11 (1) of the 2019 Act *'the general superintendence, direction, control and management of affairs of the undertakings, the right, the interest in relation to which have vested in the Central Government under Section 7'.*



HC-KAR

**NC: 2026:KHC:32413-DB
WA No. 110 of 2024**

7. The Arbitration Centre would be entitled to exercise all powers and govern all such things as the Society would be authorized to in relation to the undertaking the provisions of the 2019 Act and what stood transferred in the Central Government is an undertakings or undertaking within the mechanism of the Society and not the Society itself. The petitioners have not been transferred to New Delhi by means of any order and they have continued to work in Bengaluru. They would be working under the Society and not in the New Delhi International Arbitration Centre, which would be one of the undertakings of the Society.

8. The learned Single Judge has travelled beyond the scope of the 2019 Act as well as the writ petition. The only prayer in the writ petition was for a direction for payment of salary to the petitioners w.e.f. February 2020. The petitioners have not become the employees of the New Delhi International Arbitration Centre, inasmuch as the Arbitration Centre is only in New Delhi and not in Bengaluru. We fail to understand how the learned Single Judge directed the Central Government to make payment of salary to the petitioners, inasmuch as there



exists no relationship of employer and employee between the petitioners and the Central Government of the New Delhi International Arbitration Centre.

9. We therefore, **allow** this appeal and set aside the impugned judgment and order dated 19.12.2023 passed in W.P.No.10033/2020 (S-RES), whereby a direction has been issued to the Central Government to make payment of the salary to the petitioners w.e.f. February 2020 and absorb them into service.

10. If the petitioners have any grievance against the Society, they may take recourse against the Society.

11. In view of the appeal having been allowed, pending interlocutory applications, if any do not survive for consideration, hence stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**