



CNR: KAHC010078362022

NC: 2026:KHC:44228
WP No. 4007 of 2022
C/W WP No. 10278 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 4007 OF 2022 (L-RES)

C/W

WRIT PETITION NO. 10278 OF 2022 (L-MW)

IN WP No. 4007/2022

BETWEEN:

M/S. WONDERLA HOLIDAYS LIMITED,
28 KM, MYSURU ROAD,
BENGALURU-562109,
REPRESENTED BY ITS
PRESIDENT-ADMINISTRATION
MR. SIVADAS M.,

...PETITIONER

(BY SRI. PRASHANTH B.K., ADVOCATE)

AND:

WONDERLA KARMIKARA SANGHA,
C/O. MR. NARASHIMAIAH,
RANGANATHA PROVISION STORES,
NO.150, 1ST MAIN ROAD, 3RD CROSS,
SANJEEVINI NAGARA, HEGGANAHALLI,
BENGALURU-560091,
REPRESENTED BY ITS
GENERAL SECRETARY
MR. KANTHARAJU C.,

...RESPONDENT

(BY SRI. REDDY G.V.P., ADVOCATE)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

IN WP NO. 10278/2022

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C/O. MR. NARASHIMAIAH,
RANGANATHA PROVISION STORES,
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THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 10.08.2026, THIS DAY, AN ORDER IS PRONOUNCED AS UNDER:

CAV ORDER

IN WP No.4007/2022

Sri.Prashanth.B.K., counsel for the petitioner, and Sri G.V.P. Reddy, counsel for the respondent, appeared in person.

IN WP No.10278/2022

Sri. G.V.P. Reddy, counsel for the petitioner, and Sri.Prashanth.B.K., counsel for the respondent, appeared in person.

2. The short facts are as follows:

The petitioner - M/s. Wonderla Holidays Limited - has set up its Park at Bengaluru. On 01.08.2008, one Mr Uttam Kumar Mandola, a workman represented by the respondent Union, joined the services of the petitioner as 'Gardener' in the 'Landscape' department. The petitioner confirmed Mr Uttam Kumar Mandola's service on 28.02.2010. He applied for leave,



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seeking permission to go on leave from 28.03.2017 for one month. Considering the work exigencies, the petitioner granted only 10 days, against his request for one month. The petitioner issued a warning letter directing him to report for duty. He reported for duty without explaining his unauthorized absence. When the petitioner sought an explanation, he submitted a photocopy of a medical certificate stating that he suffered from typhoid. Hence, the petitioner directed him to produce the original medical certificate. The workman did not produce any medical certificate. But he wrote a letter to the petitioner stating that the petitioner had denied him work.

As it stood, the respondent Union filed a petition before the Deputy Labor Commissioner Cum the Conciliation Officer, stating that the petitioner had prevented Mr Uttam Kumar Mandola from resuming his work. The petitioner filed detailed objections before the Conciliation Officer. The Conciliation Officer directed the workman to produce a medical certificate to the petitioner and also directed the petitioner to take the workman back to duty after verifying his health. The workman submitted a medical certificate from the Bidadi Government



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Doctor. The petitioner allowed the workman to resume his duties on 09.08.2017. The respondent Union filed a petition before the Deputy Labor Commissioner and the Conciliation Officer, Region-01, Bengaluru, regarding non-payment of wages to the workman from 01.04.2017 to 08.08.2017. The petitioner filed objections to the petition. The Government of Karnataka, referred the dispute to the Additional Industrial Tribunal, Bengaluru, for adjudication. The respondent Union filed its claim statement. The petitioner filed its counter statement. The Industrial Tribunal, vide Award dated 23.11.2021, held that the petitioner was fully justified in not paying wages to the workman. However, it directed the petitioner to pay 50% of wages to the workman on grounds of sympathy. Under these circumstances, the petitioner is before this Court. The respondent has filed the connected writ petition seeking payment of full wages.

3. Counsel for the respective parties presented several contentions.

Counsel for the management contended that, as per the certified standing orders, a worker must apply 10 days in



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advance to avail earned leave. In the present case, he did not adhere to the standing orders. He argued that granting 50% of the wages to the workman on sympathy ground cannot be sustained. Urging additional grounds, he submits that the petition may be allowed.

Counsel for the management placed reliance on the following decisions:

1. *DAVALSAB HUSAINSAB MULLA V/S. NORTH WEST KARNATAKA ROAD TRANSPORT CORPORATION, MANU/SC/0997/2013.*
2. *KERALA SOLVENT EXTRACTIONS LTD., V/S. UNNIKRISHNAN AND OTHERS, MANU/SC/0885/1993.*
3. *BHARATIYA KAMGAR KARMACHARI MAHASANGH V/S. JET AIRWAYS LIMITED, (2023) 20 SCC 178.*
4. *WESTERN INDIA MATCH COMPANY LTD., V/S. WORKMEN, MANU/SC/0307/1973.*

Counsel for the workman argued that granting of 50% of wages is untenable. It is submitted that the workman has also filed a writ petition challenging the award of the Tribunal. He



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argued that, assuming, for a while, that there is a violation of the standing orders, the management must follow the principles of natural justice. Lastly, he submits that the writ petition filed by the management be dismissed and the writ petition filed by the workman be allowed.

Counsel for the workman placed reliance on the following decisions:

1. G.PERIYAKARUPPAN V/S. DISTRICT COLLECTOR AND INSPECTOR OF PANCHAYATS, LAWS (MAD) 2012 10 257.

2. MAQSOOD AHMAD V/S. STATE OF U.P. AND OTHERS IN 2018-II-LLJ-45 (ALL).

4. The rival contentions are noted and heard, and the records were perused with care.

5. The point for consideration is whether the Tribunal was justified in awarding 50% of wages to the workman for the period from 01.04.2017 to 08.08.2017, despite finding that his leave application and medical certificate were not credible and were contrary to the management's certified standing orders.



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6. The facts are sufficiently noted and need no repetition. The issue falls within a narrow compass and relates to the award of 50% wages.

7. It is undisputed that the management has its own certified standing orders. These require a workman to apply for earned leave at least ten days in advance. Clause 19 of the standing orders provides for 12 days of sick leave in a calendar year, with further leave only on production of an ESI certificate or a medical certificate from a registered practitioner. Casual leave is limited to 12 days per year, not exceeding three days at a time, except in case of sickness.

In the present case, the workman did not adhere to these provisions. The Medical Practitioner in West Bengal issued a certificate on 23.07.2017. However, the absence period was from 28.03.2017 to 28.04.2017. The Tribunal disbelieved the workman's contention regarding leave application and medical certificate. Nevertheless, the Tribunal awarded 50% of wages for the disputed period purely on sympathetic grounds. This is untenable for the following reasons.



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The Tribunal rightly determined that accepting the workman's claim would invalidate the certified standing orders. Because the Tribunal doubted the leave application and medical certificate, it had no lawful basis to award wages. Providing 50% wages based on sympathy conflicts with the conclusion that the workman breached the standing orders. Judicial review must follow statutory provisions and certified standing orders, not subjective sympathy.

The Tribunal's award granting 50% of wages to the workman for the period from 01.04.2017 to 08.08.2017 is unsustainable. The workman's claim for wages during the said period stands rejected. The award dated 23.11.2021 passed by the Addl. Industrial Tribunal, Bangalore, in A.I.D.No.57/2018 is set aside.

In sum, the Tribunal's findings rightly disbelieved the workman's case but erred in granting partial relief on extraneous grounds of sympathy. Judicial adjudication must rest on principles of law and certified standing orders, not benevolence. Accordingly, the award of 50% wages is quashed,



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and the workman's claim for wages during the relevant period is dismissed.

8. Counsel for the respective parties relied on several decisions, but I do not think the law is in doubt. Each decision turns on its own facts. The present case is also examined in light of the decisions referred to above.

9. Resultantly, the writ petition No.4007/2022 is ***allowed*** and the writ petition No.10278/2022 is ***dismissed***.

Because of disposal of the Writ Petitions, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

MRP/List No.1 Sl.No.3