



CNR: KAHC010096842020

NC: 2026:KHC:50028
WP No. 4526 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 4526 OF 2020 (L-RES)

BETWEEN:

SRI LOKESHAPPA
S/O NINGAPPA
AGED ABOUT 50 YEARS
R/AT KANCHINALU
CHANNAGIRI TALUK
DAVANAGERE DISTRICT-577 213.

...PETITIONER

(BY SRI. SIDDAPPA B M., ADVOCATE)

AND:

1. THE LABOUR INSPECTOR
CHANNAGIRI CIRCLE, CHANNAGIRI
DAVANAGERE DISTRICT-577 213.
2. THE ASSISTANT LABOUR COMMISSIONER
AND AUTHORITY APPOINTED UNDER THE
PROVISIONS OF MINIMUM WAGES ACT 1948
BELLARY DIVISION, DAVANAGERE-577 001.
3. SRI.JAYAPPA
S/O HANUMANTHAPPA
AGE MAJOR
R/AT KALKERE
HOLALKERE TALUK-577 526
CHITRADURGA DISTRICT.

...RESPONDENTS

(BY SMT. PRATIBHA R K, AGA. FOR R1 & R2:
R3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO

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HAREKOPPA THIMMANNA GOWDA





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QUASH THE ORDER DATED 01.01.2020 IN CASE NO: SAKAAADA/KAVEKA/DA/CR-36/2018-19 PASSED BY THE R-2, VIDE ANNEXURE-F 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

1. The petitioner has called in question the order dated 01.01.2020 passed by respondent No.2 vide Annexure-F, whereby the petitioner is directed to pay sum of Rs.5,74,875/- to respondent No.3 under the Minimum Wages Act, 1948 (for short 'the Act').

2. The respondent No.3 herein made an application to the respondent No.1 on 27.09.2018 (Annexure-A) stating that he is working as a Sweeper and doing garden work under the petitioner since 2 years 10 months and petitioner has not paid the wages for a period of 2 years. On the basis of the said application, respondent No.1 made a claim before that respondent No.2 against the petitioner on 19.12.2018 (Annexure-B). On the basis of the claim petition, the respondent No.2 initiated the

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proceedings under Section 20 of the Act. After issuing the notice, the respondent No.2 passed the impugned order dated 01.01.2020 vide Annexure-F. Being aggrieved by the said order, the present petition is filed.

3. Learned counsel appearing for the petitioner submits that Section 20 of the Act mandates that the Authority shall hear the applicant and the employer or afford them an opportunity of being heard before passing an order. It is contended that no effective opportunity was afforded to the petitioner to place his case and produce the necessary material in support thereof. Hence, the impugned order, having been passed in violation of the principles of natural justice, is liable to be set aside. In support of his contention, learned counsel has placed reliance upon the order sheet maintained by respondent No.2, produced at Annexure-D.

4. Learned Additional Government Advocate appearing for respondent Nos.1 and 2 submits that, upon initiation of



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proceedings under Section 20 of the Act, notice was duly issued to the petitioner. The petitioner appeared through his counsel and, after affording an opportunity of hearing, the impugned order came to be passed. Hence, he submits that there is no violation of the principles of natural justice.

5. Heard the learned counsel for the parties. Perused the writ papers. Respondent No.3 is served and remained unrepresented.

6. It is not in dispute that respondent No.3 submitted an application before respondent No.1 alleging that the petitioner had not paid wages to him for a period of two years. On the basis of the said application, respondent No.1 preferred a claim before respondent No.2 as per Annexure-B, pursuant to which proceedings were initiated under Section 20 of the Act.

7. Section 20(3) of the Act mandates that, when an application under sub-section (2) is entertained, the



Authority shall hear the applicant and the employer, or afford them an opportunity of being heard, and thereafter undertake such further inquiry, if any, as it may consider necessary. The relevant provision reads as under:

"20. Claims.—

XXXXXXXXX.

(3) When any application under sub-section (2) is entertained the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct—

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the



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Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees;

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application."

8. The petitioner has produced the order sheet maintained by respondent No.2 at Annexure-D. A perusal of the same reveals that on 04.11.2019, as there was a lawyers' strike, the matter was adjourned to 07.11.2019. On 07.11.2019, the matter was adjourned to 27.11.2019. On 27.11.2019, since the Presiding Officer had gone to an official meeting at Kalaburagi, the matter was adjourned to 04.12.2019. On 04.12.2019, the matter was posted for hearing of the parties on 24.12.2019. On 24.12.2019, the



applicant was absent and, accordingly, the matter was posted for orders on 01.01.2020.

9. A perusal of the order sheet does not indicate that the petitioner was afforded an effective opportunity to place his case before respondent No.2. In such circumstances, this Court is of the considered view that the impugned order has been passed without affording a proper and effective opportunity of hearing to the petitioner. The same is therefore in violation of the principles of natural justice.

10. In view of the aforesaid, the impugned order dated 01.01.2020 passed by respondent No.2 vide Annexure-F cannot be sustained and is liable to be set aside. The matter requires reconsideration by respondent No.2 after affording an effective opportunity of hearing to both parties. Accordingly, the following:



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ORDER

- a) The writ petition is allowed.
- b) The order dated 01.01.2020 passed by respondent No.2 vide Annexure-F, is set aside.
- c) The matter is remitted to respondent No.2 for fresh consideration.
- d) Respondent No.2 shall reconsider the matter and pass an appropriate order on merits and in accordance with law, after affording an effective opportunity of hearing to both parties.

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**(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 48