



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 56469 OF 2017 (L-RES)

BETWEEN:

THE COMPANY SECRETARY AND
GENERAL POWER OF ATTORNEY HOLDER,
KARNATAKA AGRO INDUSTRIES CORPORATION LTD.,
NO.24, BELLARY ROAD, HEBBAL,
BENGALURU-560024
MR.P.KRISHNAMURTHY
AGE ABOUT 67 YEARS.

...PETITIONER

(BY SRI. NARASIMHA SWAMY N.S., ADVOCATE)

AND:

MR. J.ANANTHARAJ,
S/O. MR. MALLAPPA,
RESIDING AT MADALAGERI POST,
HARAPANAHALLI TALUK,
DAVANAGERE DISTRICT-583131.

...RESPONDENT

(BY SRI. G.S.NAVEEN KUMAR, ADVOCATE FOR
SRI. S.B.MUKKANNAPPA, ADVOCATE)

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



THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.N.S.Narasimha Swamy, counsel for the petitioner and Sri.G.S.Naveen Kumar, counsel on behalf of Sri.S.B.Mukkannappa, for the respondent, have appeared in person.

2. The short facts are these:

The petitioner is a Government of Karnataka undertaking and a Corporation. The Corporation was closed in the year 2003. At the time of closure, all existing employees were relieved after being granted benefits under the Voluntary Retirement Scheme (VRS) formulated and announced by the Government of Karnataka. All financial transactions of the petitioner were controlled and supervised by the State Accounts Department, and pay fixation during the functioning of the Corporation was carried out strictly in accordance with the guidelines issued by the said Department.



The respondent was employed as a Sales Clerk until the closure in 2003. On 10.10.2003, the respondent was relieved from service. The respondent was paid a sum of ₹5,84,284/- towards all terminal benefits, including statutory benefits, in four instalments between 28.02.2004 and 02.02.2007. The respondent accepted the payments without protest and remained silent for seven years. In 2014, the respondent filed a petition under Section 33(C)(2) of the Industrial Disputes Act, claiming an additional sum of ₹2,31,490/- as alleged difference in VRS benefits. The petitioner filed detailed objections, contending that the respondent was not entitled to any further claim and prayed for dismissal of the petition. The Labor Court, by award dated 04.10.2016, partly allowed the application. Aggrieved by the award, the petitioner has approached this Court.

3. Petitioner's counsel urged that a petition under Section 33(C)(2) of the I.D. Act cannot determine entitlement without prior adjudication, as proceedings under this section are akin to execution proceedings. It is pointed out that no order or award of the Labor Court or Tribunal exists to support



the respondent's claim. It is contended that the Corporation was closed in 2003, the VRS was fully settled, and the application filed in 2014 suffers from inordinate delay. It is submitted that the Labor Court failed to appreciate these issues and erroneously allowed the application. Accordingly prayed that the award may be quashed.

Respondent's Counsel justified the Labor Court's order. It is argued that though the respondent opted for VRS and received benefits, a sum of ₹2,31,490/- remained due. It is asserted that the respondent was compelled to approach the appropriate forum for redressal. Lastly, it is urged that the petition may be dismissed.

4. The arguments of both sides have been heard and the records perused with care.

5. The issue lies within a narrow compass: whether the partial allowance of the application under Section 33(C)(2) was justified.

6. It is undisputed that the petitioner Corporation, a Government of Karnataka undertaking, was closed in 2003, and



all benefits were settled at that time as per calculations made by the State Accounts Department. There exists no prior award or order to sustain a grievance under Section 33(C)(2), which operates like execution proceedings.

It is a settled principle that an application under Section 33(C)(2) of the Industrial Disputes Act is maintainable only when there exists an award or a pre-existing right capable of being enforced, the proceeding being like execution. In the present case, there is admittedly no award of the Labor Court which could enable the respondent to invoke Section 33(C)(2). Consequently, the application filed under Section 33(C)(2) of the Act was not maintainable. For the foregoing reasons, the order is liable to be set aside.

7. The writ of certiorari is ordered. The order dated 04.10.2016 passed by the Labor Court, Bengaluru, in Application No.06/2014 is quashed.

8. Resultantly, the writ petition is ***allowed***.



**NC: 2026:KHC:35454
WP No. 56469 of 2017**

Because of disposal of the Writ Petition, 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.: 24