



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 30013 OF 2019 (L-RES)

BETWEEN:

1. MYSORE CITY CORPORATION,
MYSORE-570 007,
REPRESENTED BY ITS COMMISSIONER.
2. VANI VILAS WATER SUPPLY AND
DRAINAGE BOARD,
YADAVAGIRI,
MYSORE-570 007,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
HARISH G.
3. ASSISTANT EXECUTIVE ENGINEER,
VANI VILAS WATER SUPPLY AND
DRAINAGE BOARD,
YADAVAGIRI, MYSORE-570 007,
REPRESENTED BY ITS NAGARAJ MURTHY.

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by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SMT GEETHA DEVI M P., ADVOCATE)

AND:

1. SRI N RAVI KUMAR,
S/O LATE SHRI. NARAYAN,
AGED ABOUT 42 YEARS,
CARE OF S. SHANTHAPPA,
PRESIDENT MYSORE CITY CORPORATION,
VANI VILAS WATER WORKS



AND DRAINAGE BOARD WORKERS UNION,
ROOM NO.1, 2ND FLOOR,
PAI COMPLEX,
MYSORE-570001,
RESIDING AT NO.2257/1,
6TH MAIN ROAD,
4TH CROSS, PADUVARAHALLI,
BEHIND DODDA RAMA MANDIR,
VINAYAKANAGAR,
MYSORE-570 002.

2. MINISTRY OF URBAN DEVELOPMENT,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA, BANGALORE-01,
REPRESENTED BY ITS CHIEF SECRETARY.

...RESPONDENTS

(BY SRI V S NAIK, ADVOCATE FOR R1,
SRI M RAJAKUMAR, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL
FOR THE RECORDS IN REFERENCE NO.1 OF 2014 FROM THE
LABOUR COURT MYSOREQUAWH THE AWARD DTD 16.11.2016
IN REFERENC 1 OF 2014 ON THE FILE OF THE LABOUR COURT
AT MYSORE AS PER ANENXURE-D COST OF THE PETITION.

THIS PETITION, COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



ORAL ORDER

This petition is filed to quash the award dated 16.11.2016 in Ref. No.01/2014 on the file of the Labour Court at Mysuru.

2. In terms of the impugned award, the Labour Court has directed the Corporation (the petitioner before this Court) to reinstate the workman to the job held by him as on 26.10.2009, the date on which respondent No.1 was allegedly refused employment.

3. The award also directs payment of 25% back wages at the rate of Rs.3,800/- per month from 26.10.2009 till the date of reinstatement.

4. Learned counsel appearing for the petitioners, referring to the facts of the case, would raise the following contentions:

(i) Respondent-workman claims that he was a daily wager and thereafter sought regularization. The



appointment order is not produced before the Court. There is no material to hold that the workman was employed by the petitioners. At the most, he was employed by a contractor who was supplying labourers to the petitioner to carry out certain works in the petitioner-Corporation.

(ii) Earlier, an award was passed in Ref. No.8/2001 in a dispute raised by the Union wherein the Tribunal held that the I party/workman is entitled to seek regularization only after abolition of contract labour by the Appropriate Government and subject to eligibility. In the event of the Government passing appropriate orders for abolition of contract labour, the I party-workman would be entitled to regularization, subject to eligibility and vacancies in the establishment.

(iii) The award in Ref. No.8/2001 dated 31.01.2004 was assailed in W.P. No.1748/2005 by 54 workmen who



were members of the I party-Union, which was a party to Ref. No.8/2001. The said Writ Petition No.1748/2005 was disposed of vide order dated 04.11.2008. In terms of the said order, the award dated 31.01.2004 in Ref. No.8/2001 was set aside and the matter was remitted to the Tribunal for fresh consideration.

- (iv) After fresh consideration, the Tribunal passed the award only in favour of 52 workmen as per the list annexed to the memo dated 03.04.2009, and the award for regularization is only in favour of 52 persons and not the respondent.
- (v) The respondent cannot take the benefit of the award dated 31.01.2004, nor can he take the benefit of the award dated 29.08.2009 after remand, as the said award confers benefits only on 52 persons named therein, and admittedly, the respondent-workman is not one among them. Hence, he is not entitled to the benefit of the award.



- (vi) A daily wager is not entitled to reinstatement.
- (vii) The workman is not a regular employee appointed by the Corporation, and the point for reference framed by the Appropriate Government is also not in accordance with law.

5. Learned counsel appearing for the petitioner-Corporation would also urge that the point for reference in the present petition relates to denial of employment with effect from 26.10.2009, and the respondent-workman has not produced any records to show that he was working prior to 26.10.2009.

6. In support of the contention, learned counsel for the petitioners would refer to the judgment of the Apex Court in ***Incharge Officer and Another vs. Shankar Shetty***¹.

¹ (2010) 9 SCC 126



7. Referring to the said judgment, it is urged that merely because the relationship of a daily wager with an employer is established, that does not mean that the daily wager is entitled to reinstatement/regularization.

8. Learned counsel for the respondents raised the following contentions:

(a) The award dated 31.01.2004 in Ref. No.8/2001 has attained finality insofar as the respondent-workman is concerned.

(b) The subsequent order in W.P. No.1748/2005 referred to above does not dilute or set aside the award in favour of the respondent-workman.

(c) The writ petition was filed by only 54 employees, and the respondent-workman is not one among them. By the time the writ petition was filed, the Union which had earlier raised the dispute in Ref. No.8/2001 had ceased to exist. As such, 54 employees filed the writ petition, and the respondent-workman did not file the same, having



accepted the award as it conferred certain benefits on him directing regularization after abolition of contract labour by the Government.

9. In addition, it is also urged that after the remand pursuant to the order passed in the writ petition referred to above, there was one more adjudication insofar as the rights of the 54 persons who were parties to the said proceeding are concerned, and in terms of the award, adjudication is in respect of the claim of 54 employees.

10. Learned counsel for the respondent-workman would submit that after remand of the matter by the High Court, pursuant to the order passed in the aforementioned petition, there was adjudication with reference to the same point for reference as earlier. While discussing the evidence on record, the Labour Court concluded that all persons covered under the earlier reference were employees of the petitioner-Corporation, and the award is



confined only to 54 persons since the writ petition was filed by them.

11. In the aforementioned background, it is urged that the earlier award dated 31.01.2004 in favour of the respondent-workman has remained intact as far as he is concerned, and observations in the award dated 29.08.2009 to the effect that all employees who raised the dispute earlier were employed by the petitioner-Corporation would enure to his benefit.

12. In addition, it is urged that the Government abolished contract labour in the Corporation with effect from 02.11.2006, and the respondent-workman is entitled to the benefit of the award dated 31.01.2004. Since the said award has attained finality insofar as the respondent-workman is concerned, the petitioners are under an obligation to regularize him. As no such regularization was effected, the respondent-workman raised another dispute on the premise that he was denied employment.



Thereafter, the point for reference was framed as to whether the denial of employment is justified.

13. It is also urged that the Corporation did not lead evidence effectively, inasmuch as though an officer of the Corporation was examined, he did not subject himself to cross-examination. Hence, his evidence cannot be relied upon.

14. Learned counsel for the petitioners, by way of reply, would contend that if the respondent-workman had the benefit of the award dated 31.01.2004, he ought to have filed an appropriate application under Section 33C(2) of the Industrial Disputes Act, 1947 for execution of that award and could not have raised another dispute. The very fact that the workman raised another dispute indicates that he was not working with the petitioners.

15. Referring to the contentions raised by learned counsel for the respondents, wherein reference is made to the second award dated 29.08.2009 in Ref. No.8/2001, it



is urged that the said award was later set aside by this Court in W.P. No.16316/2010, wherein the Court declined to regularize the employees by following the ratio in ***Secretary, State of Karnataka and Others vs. Umadevi and Others***².

16. The Court has considered the contentions raised at the Bar and perused the records.

17. As can be noticed, the respondent-workman has raised a dispute relating to denial of employment and not claiming regularization as per the earlier award dated 31.01.2004 in Ref. No.8/2001. Thus, the Court has to consider whether the respondent-workman has established that he was working with the petitioner.

18. It is to be noticed that the award in Ref. No.8/2001 comprises two awards: one dated 31.01.2004 where all the workmen were represented by the Union, and the second dated 29.08.2009, passed pursuant to the

² (2006) 4 SCC 1



remand order in the writ petition. When the matter was heard for the second time after remand, the Union was not representing the workers. Fifty-four workers were parties to the proceeding, and they had filed the writ petition challenging the earlier award dated 31.01.2004.

19. It is to be noticed that the present respondent-workman did not challenge the earlier award dated 31.01.2004. Hence, in the peculiar circumstances of the case, the Court is of the view that the earlier award dated 31.01.2004 remains as a piece of evidence to hold that the respondent-workman was working under the petitioner.

20. The question is, whether the respondent-workman was working beyond the reference dated 20.02.2001?

21. The award dated 31.01.2004 indicates that the respondent-workman was working under the petitioners.



Under these circumstances, the Court is inclined to hold that the respondent-workman worked till 2004.

22. The next question is, whether, between 2004 and 2009, the respondent-workman has produced any material to show that he worked under the petitioners?

23. When the dispute was raised before the Labour Court, the petitioners took the stand that the respondent-workman did not work under them. The respondent was therefore required to establish that he did work under the petitioners. To substantiate his claim, the respondent-workman filed an application to summon the records/attendance register maintained by the petitioner-establishment. The application was allowed by the Labour Court, and the petitioners (II party) were directed to produce the records vide order dated 11.03.2015. However, the petitioners did not produce the attendance register.



24. In these circumstances, the Court holds that an adverse inference must be drawn against the petitioners for non-production of records. Taking all these factors into consideration, the Court is of the view that the respondent-workman has established that he worked under the petitioners till 2009, and upon denial of employment in 2009, he raised the dispute.

25. As already noticed, the claim is not for regularization, and the Court has to consider whether the action of the petitioners in denying employment is justified. Admittedly, no procedure was followed while removing the respondent-workman. It is also relevant that although the respondent-workman attempted to examine an official, the witness examined on behalf of the petitioners did not appear for cross-examination, and his evidence was discarded. Thus, there was no rebuttal evidence from the petitioners.



26. In these circumstances, the Court has concluded that the respondent-workman established that he was working till 2009 and was thereafter denied employment. The Labour Court, after considering the material on record, denied 75% back wages, and the respondent-workman has accepted the award.

27. For the aforementioned reasons, this Court does not find any error warranting interference in exercise of jurisdiction under Article 227 of the Constitution of India.

28. Accordingly, the writ petition is ***dismissed***.

29. Two months' time is granted to comply with the order.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN, GVP
List No.: 1 Sl No.: 24
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