HC-KAR

NC: 2026:KHC:44017
WP No. 17086 of 2025

CNR: KAHC010373862025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17086 OF 2025 (L-RES)

BETWEEN:

THE MANAGEMENT OF
M/S. PRISM JOHNSON LTD.,
H AND R JOHNSON (INDIA) DIVISION,
KUNIGAL-572 126,
TUMAKURU DISTRICT.
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956)
REPRESENTED BY ITS
ASSISTANT GENERAL MANAGER
(HR AND ADMINISTRATION)
MR. K.M.PRASAD

...PETITIONER

(BY SRI. K.R.ANAND, ADVOCATE)

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

AND:

1. MR. S.S.KUMAR,
   S/O. LATE SUNKAYYA,
   SOMEDEVARAPALYA,
   ELLIURU POST,
   HUTRIDURGA HOBLI,
   KUNIGAL - 562 126,
   TUMAKURU DISTRICT.

2. THE HON'BLE SECRETARY
   DEPARTMENT OF LABOUR
   GOVERNMENT OF KARNATAKA
   VIKASA SOUDHA,

HC-KAR
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DR. AMBEDKAR VEEDHI,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. REDDY G.V.P., ADVOCATE FOR R1;
SRI. B.J.ESWARAPPA, AGA FOR R2)

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. K. R. Anand, counsel for the petitioner; Sri. G. V. P. Reddy, counsel for respondent No. 1; and Sri. B. J. Eswarappa, Additional Government Advocate for respondent No. 2, appeared in person.

2. This petition is filed seeking the following reliefs:

a) Call for the entire records of I.D.No.1/2022 from the Principal District & Sessions Judge & Labor Court, Tumakuru.

b) Issue a writ of certiorari or any other writ or order and be pleased to quash and set aside the Impugned Points Dispute dated:25.02.2022 at

ANNEXURE-A LD-IDM/159/2022/LD.DO.6.L.S. issued by the 2nd Respondent Authority.

c) Consequently, be pleased to hold that the 2nd Respondent Authority acted contrary to law by referring the said matter for its adjudication though the same does not amount to an "Industrial Dispute" as defined under the ID Act, 1947.

d) Issue a writ of certiorari or any other writ or order and be pleased to quash and set aside the impugned Order dated 05/12/2024 on I/A No. 6 at ANNEXURE-B passed by the Principal District & Sessions Judge & Labour Court, Tumakuru in ID No. 1/2022.

e) Pass such other order/s as this Hon'ble Court deems fit in the above stated facts and circumstances.

3. Counsel for the respective parties urged several contentions. The arguments were heard, and the papers were perused with care.

4. It is noted that the first respondent filed a dispute (I.D.No.1/2022) before the Labor Court in Tumakuru. The

Court had outlined issues for consideration. During the proceedings, the management submitted an application in I.A.No.6 under Order XIV Rule 1(4)(5) read with Section 151 of the CPC, along with Sections 11(1) and (3) of the Industrial Disputes Act, 1947, requesting the Court to add a preliminary issue regarding the dispute's maintainability. Specifically, they challenged the first party's status as a workman under Section 2(S) of the I.D. Act 1947, arguing the dispute is only valid if the first party qualifies as a workman under the Act.

The authorized representative of the first party stated he had no objection to including that issue as an additional one. However, the Trial Court rejected the application in its order dated 05.12.2024.

The petitioner's counsel fairly states that the management has no objection to considering the issue as an additional issue and trying it alongside other issues. Counsel for respondent No.1, based on instructions from the authorized representative of the first party, also states that they have no objection to treating the issue as an additional issue.

Considering the submissions from each party, the Labor Court is instructed to regard the issue raised in the application as an additional issue and to try it together with the other issues.

5. Resultantly, the Order dated 05.12.2024 on I.A.No.6 in I.D.No.1/2022, passed by the Principal District and Sessions Judge and Labor Court, Tumakuru, vide Annexure-B is quashed.

6. With the above observations and directions, the writ petition is ***allowed in part***.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 47