



CNR: KAHC010377572026

NC: 2026:KHC:40038
WP No. 17239 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17239 OF 2026 (L-RES)

BETWEEN:

PRESS TRUST OF INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT
PTI BUILDING, 1ST FLOOR,
NO.4, PARLIAMENT STREET,
NEW DELHI-110001
REPRESENTED BY ITS
CHIEF CORRESPONDENT
MR. KISHORE SU
(A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956)

...PETITIONER

(BY SRI. N.B.JOSHI, ADVOCATE FOR
SRI. ROOPA SRI S., ADVOCATE)

AND:

1. MR. INDUKANT DIXIT,
SON OF SRI SUDHAKAR DIXIT,
PRESENT ADDRESS
APARTMENT NO. 3,
HOUSE NO.24-01-75, GROUND FLOOR,
CHANDRA KUTEERA, K.E.B. CROSS ROAD,
OPPOSITE MESCOM, ATTAVARA,
MANGALURU-575001.
KARNATAKA.

PERMANENT ADDRESS
RAMESHWARAM COLONY,
PLOT NO.4208,
SRI. RADHEKRISHNA GARDEN,

Digitally signed by PREMCHANDRA M R

Location: HIGH
COURT OF
KARNATAKA



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BARIYATU, BARIYATU POST,
RANCHI DISTRICT,
JHARKHAND STATE-834001.

2. THE DEPUTY LABOUR COMMISSIONER
AND CONCILIATION OFFICER,
HASSAN REGION,
HASSAN-573201.

...RESPONDENTS

(BY SRI. CLIFTON D.ROZARIO, ADVOCATE FOR
SRI. PAVAN KUMAR G., ADVOCATE FOR C/R1;
SRI. RAJAKUMAR M., AGA FOR R2)

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

THIS WRIT PETITION HAVING BEEN HEARD AND
RESERVED FOR ORDERS ON 27.07.2026, THIS DAY, AN ORDER
IS PRONOUNCED AS UNDER:

CAV ORDERS

Sri.N.B.Joshi, counsel on behalf of Sri.Roopa Sri S., for
the petitioner and Mr Clifton D'Rozario, counsel on behalf of Sri.
Pavan Kumar C., for caveator/respondent No.1, appeared in
person.

2. The order dated 15.05.2026, passed by the second
respondent - Deputy Labour Commissioner and Conciliation



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Officer, Hassan, is called into question in this writ petition on several grounds as set out in the memorandum of writ petition.

3. Counsel for the respective parties presented several contentions. Counsel for the petitioner submits that the impugned order proceeds on the ground that an application for permission to dismiss should have been made, whereas the petitioner made only an approval application after dismissing the first respondent.

Next, it is submitted that the second respondent has proceeded on the basis that the misconduct for which the first respondent was dismissed from service is directly related to the ongoing industrial dispute. It is argued that the issue pending before the second respondent concerns the lack of amenities at the Mangaluru office of the petitioner; the second dispute relates to non-payment of reimbursements to the first respondent w.e.f. January 2020, and neither of these disputes is a ground on which the dismissal order was issued.

It has been further submitted that the dismissal of the services of the first respondent was on account of unauthorised



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absence, making a false statement of unauthorised absence. It is vehemently argued that the charges of misconduct were in no way related to the dispute(s) raised before the second respondent. As such, the second respondent concludes that the dismissal is related to the issue in the conciliation and that permission should have been taken, which is totally erroneous.

The petitioner's counsel has argued that the statutory scheme under Section 33(2)(b) requires only approval of the action taken by the management, and not prior permission. Treating the application as one for permission amounts to a fundamental error. The approval application was filed independently of the conciliation proceedings and, therefore, the rejection is unsustainable. In support of additional grounds, he contends that the impugned order should be quashed, approval be granted, and the writ petition may be allowed.

Counsel for the first respondent submits that the first respondent was appointed on 01.07.1997, has maintained an unblemished service record, and has served as Vice President and currently as Acting President of the petitioner's Employees Union. He refers to the transfer order dated 17.07.2023



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(Annexure-R2), transferring him from Ranchi to Mangaluru, where the address mentioned was "The Press Trust of India Limited, Flat No.C-0904, Brigade Pinnacle, Derebail, Mangaluru-575006." It is argued that no such office has existed since 2009. Upon inquiry, the first respondent confirmed through colleagues and the apartment owner that no office was present at the said address, and he notified the CEO on 28.08.2023. Despite this, the petitioner issued a final call on 13.10.2023 directing him to report to another address in Mangaluru by 17.10.2023, failing which disciplinary action would follow.

Counsel contends this amounts to victimisation and an illegal transfer. During conciliation proceedings, the management issued a charge sheet on 06.11.2023, alleging unauthorised absence arising from the disputed transfer. It is argued that since disputes CR-24/2024-25 (Annexure-G) and CR-04/2025-26 (Annexure-H) were pending, the petitioner was required to seek prior permission under Section 33(1)(b) of the Industrial Disputes Act, rather than terminating employment and then seeking approval under Section 33(2)(b). The dispute



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concerning the transfer remained unresolved, and the management itself had requested the consolidation of identical disputes before the Commissioner of Labor. Counsel further points out that in the case of another employee, Renu Sinha, the management refrained from proceeding due to a pending dispute, and the same approach should have applied here. On these grounds, dismissal of the petition is sought.

4. Heard the arguments and perused the papers with care.

5. The following points arise for determination.

1. *Whether the petitioner was required to seek prior permission under Section 33(1)(b) before dismissing the first respondent, or whether an approval application under Section 33(2)(b) sufficed.*
2. *Whether the misconduct alleged against the first respondent (unauthorised absence and false statement) related to the pending industrial disputes before the Conciliation Officer.*



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3. Whether the transfer to Mangaluru and subsequent dismissal amounted to victimisation and unfair labor practice.

4. Whether the impugned order rejecting the petitioner's approval application suffers from jurisdictional or legal error.

6. The issue falls within a narrow compass. Basically, the rival contentions are as follows.

The Petitioner's counsel argues that Section 33(2)(b) requires only approval post-dismissal, not prior permission. He contends that the misconduct (unauthorised absence, false statement) is unrelated to the pending disputes (amenities at the Mangaluru office, reimbursement claims). He maintains that treating the application as a permission request is a fundamental error. Hence, he seeks the quashing of the impugned order and the grant of approval.

The First Respondent's Counsel emphasises a long, unblemished service record and a role in union leadership. He points to the transfer order to a non-existent office in Mangaluru, calling it illegal and a form of victimization. He



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notes that disputes concerning transfer and reimbursements were already pending; hence, management should have sought permission under Section 33(1)(b). He argues that the charge sheet itself was linked to the disputed transfer, making the dismissal inseparable from the ongoing conciliation. He cites the comparative treatment of another employee (Renu Sinha) to show discriminatory conduct. Hence, he prays for dismissal of the writ petition.

The rival contentions are noted with utmost care, and the Court notes the distinction between Section 33(1)(b) and Section 33(2)(b) of the ID Act.

Section 33(1)(b) mandates prior permission of the adjudicating authority when the proposed action relates to matters connected with the pending dispute. Section 33(2)(b) permits the employer to dismiss or discharge a workman for misconduct not connected with the pending dispute, subject to payment of one month's wages and subsequent approval of the authority. The distinction lies in the timing of permission (prior vs. subsequent) and in the nexus between misconduct and the dispute under adjudication.



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7. Reverting to the facts of the case, disputes concerning the transfer were pending, and those disputes were in no way connected with the disciplinary action initiated against the first respondent. It is not in dispute that the first respondent was punished. The law is settled that once the management imposes a punishment order, it must comply with section 33(2)(b). This Court has perused the writ papers with care. Annexure -G is the claim filed by the Federation in CR - 24/2024-25 regarding the lack of basic amenities at the Mangaluru office of the petitioner. Annexure-H is the claim filed by the Federation in CR -04/2024-25 regarding non-payment of legitimate allowance (Mobile, Phone, Landline Phone, Newspaper, Entertainment and other due allowances since January 2020 to the first respondent), and these disputes were in no way connected with the disciplinary action initiated against the first respondent. It is not in dispute that the first respondent was subjected to disciplinary proceedings and was punished. The law is settled that once the management imposes a punishment order, it must comply with section 33(2)(b). The punishment order was passed, and one month's



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gross wages (rounded off upwards) was transferred to the first respondent's HDFC Bank Account, and an approval application was filed. There was compliance with section 33(2)(b) of the ID Act.

The second respondent treated the approval application under Section 33(2)(b) as a permission application, which is a misdirection of law. The approval application was not connected to the pending conciliation proceedings relating to the lack of basic amenities at the Mangaluru office of the petitioner and the non-payment of legitimate allowances (Mobile, Phone, Landline Phone, Newspaper, Entertainment, and other due allowances) since January 2020 to the first respondent. As already noted above, Section 33(1)(b) applies when the dispute relates to the subject matter of the action taken, whereas Section 33(2)(b) applies to cases of dismissal or discharge during the pendency of proceedings, subject to approval. The authority's approach in conflating the two provisions has resulted in an erroneous order.

8. In view of the above findings and reasoning, this Court holds that:



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- i. The impugned order dated:15.05.2026 passed by the second respondent vide Annexure-A is unsustainable in law and is quashed.
- ii. The approval application filed under Section 33(2)(b) of the Industrial Disputes Act is allowed.
- iii. The writ petition stands ***allowed***.

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

MRP

List No.: 1 Sl No.: 2