



CNR: KAHC010379402026

NC: 2026:KHC:44230
WP No. 17366 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 17366 OF 2026 (L-RES)

BETWEEN:

GOVERNMENT SOAP FACTORY AND
ALLIED EMPLOYEES UNION,
AFFILIATED TO THE AITUC
HAVING ITS OFFICE AT GHATE BHAVAN,
GAYATHRIDEVI PARK EXTENSION,
17TH CROSS, MALLESHWARAM,
BENGALURU-560003,
REPRESENTED BY ITS PRESIDENT,
SRI. M.PRATHABAN

...PETITIONER

(BY SMT. MAITREYI KRISHNAN, ADVOCATE)

AND:

1. KARNATAKA SOAPS AND
DETERGENTS LIMITED,
A GOVERNMENT OF
KARNATAKA UNDERTAKING,
NO.27, INDUSTRIAL SUBURB,
RAJAJINAGAR,
BENGALURU-560055,
REPRESENTED BY ITS
MANAGING DIRECTOR.
2. THE GENERAL MANAGER
(ADMINISTRATION),
KARNATAKA SOAPS AND
DETERGENTS LIMITED,



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NO.27, INDUSTRIAL SUBURB,
RAJAJINAGAR,
BENGALURU-560055.

3. THE LABOUR COMMISSIONER,
DEPARTMENT OF LABOUR,
KARMIKA BHAVANA,
BANNERUGHATTA ROAD,
BENGALURU-560029.

...RESPONDENTS

(BY SRI. GANGADHAR R.GURUMATH, SENIOR COUNSEL, FOR
SRI. MANJULA D., ADVOCATE FOR R1 AND R2;
SRI. RAJAKUMAR M., AGA FOR R3)

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 04.08.2026, THIS DAY, AN ORDER
IS PRONOUNCED AS UNDER:

CAV ORDER

Smt.Maitreyi Krishnan, counsel for the petitioner, and Sri.
Gangadhar R. Gurumath, Senior counsel on behalf of Smt.
Manjula D, for respondents 1 and 2, and Sri. Rajakumar M,
Additional Government Advocate, for respondent No. 3,
appeared in person.

2. The petition is filed seeking the following reliefs:



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- a) *Issue a writ order or direction quashing the Office Order bearing No.KSDL/Pr.Vya (Administration)/2026-27/171 dated 02.06.2026 issued by the 2nd respondent, produced as Annexure-G. Issue a writ in the nature of Mandamus directing respondent No.1 to 3 to conduct a verification of membership of Trade Unions for the recognition of a Negotiating Union/ Negotiating Council as mandated under Section 14 of the Industrial Relations Code, 2019 and Rule 9 of the Industrial Relations Rule, 2006.*
- b) *Issue a writ, order or direction directing respondent No.3 to supervise and facilitate the conduct of the referendum/elections for the recognition of trade unions in the establishment of the 1st respondent in accordance with the law.*
- c) *Grant such other relief or reliefs, orders or directions as this Hon'ble Court may deem fit, proper and necessary in the facts and circumstances of the case, in the interest of justice and equity.*

3. The facts are stated as follows.

The petitioner's union was registered under the Trade Unions Act, 1926, in 1980. It is affiliated with the All India Trade Union Congress (AITUC). It has been operating at the establishment of the first respondent (K S D L) for



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over four decades, representing the interests and grievances of workers and engaging in collective bargaining and settlement negotiations. Besides the petitioner union, two other unions function within the first respondent's establishment. The management has entered into settlements with the trade unions since 1988. Under these settlements, the management provided office accommodation and union facilities to the petitioner's union within the factory premises, and its office bearers were extended on duty/ time-off facilities. The petitioner union has continuously occupied and used this office premises without interruption.

The KSDL issued guidelines for recognising trade unions through a secret-ballot referendum. Clause 7 of the guidelines prescribes that recognition granted through referendum is valid for a period four years from the date of election, with fresh elections to be conducted periodically thereafter. Clause 9(3) further prescribes that unions securing a minimum of 20% of valid votes are entitled to office facilities.



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The referendum was conducted in accordance with the guidelines. The Government Soap Factory Workers' Union was recognised as the main negotiating/ bargaining union for four years. The petitioner secured 55 votes (26.07% of valid votes), qualifying for office space and related facilities.

The recognition granted under the 2020 referendum has expired. A new referendum was necessary. A meeting was held before the Deputy Labor Commissioner to discuss holding fresh referendum elections. The petitioner's union demanded immediate elections. The petitioner also submitted a representation to the managing director of KSDL, requesting the prompt conduct of referendum elections without delay.

In 2025, the Union Government enacted the Industrial Relations Code 2020. It is stated that respondent Nos.1 and 2 allegedly issued an office order recognising HMKP as the main/ primary negotiating union for an additional three years without conducting a fresh



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referendum. It is contended that the petitioner was not provided with a copy of the order.

The petitioner submitted a representation to the Labor Commissioner highlighting the failure to conduct elections after the recognition period expired. However, the office order was issued withdrawing the office accommodation and time-off facilities to the petitioner's union. The authority communicated the impugned office order to the petitioner on 03.06.2026. On 04.06.2026, the petitioner submitted a representation to the Managing Director, objecting to the withdrawal of facilities and seeking the conduct of referendum/ elections under the law. However, respondent Nos.1 and 2 failed to consider the petitioner's representation or to conduct any new verification or elections. Under these circumstances, the petitioner has approached this court by filing the writ petition.

4. Counsel for the petitioner argues that the impugned order and the management's actions are clearly



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discriminatory, amounting to victimisation and an unfair labor practice.

Next, it is argued that three unions operate in the establishment: KSDL Employees Union, the Government Soap Factory Employees Union, and the petitioner union i.e., the Government Soap Factory Allied Employees' Union. It is strongly asserted that the management has now granted recognition to the Government Soap Factory Employees Union without following the proper procedure under the Guidelines or the provisions of the Industrial Relations Code 2020.

It has been argued that the withdrawal hampers the petitioner's freedom of association under Article 19 (1) (c) and undermines the purpose of the Trade Unions Act 1926. Office space and time-off facilities are the means by which a trade union receives grievances, holds meetings, communicates with members, and represents workers before management. The withdrawal substantially impairs the petitioner's ability to function as a trade union, contrary to the constitutional guarantee of freedom of



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association and the protective purpose of the Trade Unions Act 1926. In addition, it is submitted that the impugned order violates the principles of natural justice, as no show-cause notice was issued, no allegation of breach of conditions was made, and no hearing or opportunity was afforded.

Lastly, it is submitted that the impugned order may be quashed and the writ petition be allowed.

Counsel for the petitioner placed reliance on the following decisions.

1. *HINDUSTAN MEDICAL INSTITUTION VS BIRLA CORPORATION LIMITED AND OTHERS, MANU/SC/0548/2026. EQUIVALENT / NEUTRAL CITATION 2026 INSC 554.*
2. *MAGADH SUGAR AND ENERGY LTD VS STATE OF BIHAR AND OTHERS, (2022) 16 SCC 428.*
3. *GODREJ SARA LEE LTD VS EXCISE AND TAXATION OFFICER CUM- ASSESSING AUTHORITY AND OTHERS, 2023 SCC ONLINE SC 95.*



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Conversely, Senior counsel Sri.Gangadhar R.Gurumath., submits that KSDL issued guidelines governing the recognition of trade unions, including clause 9(3) related to office accommodation and time-off facilities. A secret ballot was held, and the petitioner received only 55 votes, making them eligible solely for limited facilities under clause 9(3) of the guidelines. It is argued that the 4-year recognition period ended on 28.11.2024, and the petitioner no longer qualifies for office accommodation and time-off facilities under clause 9(3), read with clause 7.

Next, it is submitted that the first and second respondents have filed a suit for a permanent injunction before the trial court, and the court has granted an interim order. The petitioner suppressed the pendency of the suit and the interim order dated 28.06.2025 while filing the writ petition. It is submitted that the petitioner also suppressed the pendency of the contempt petition and PCR number 3393/2025 and not approached the Court with clean hands.



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It has been strongly argued that the KSDL submitted a representation to the Labor Commissioner requesting the cancellation of the petitioner's trade union registration. KSDL has again submitted a similar representation to the Labor Commissioner for the same purpose. The first and second respondents recognised the Government Soap Factory Workers' Union (HMKP) as the only and primary negotiating union for three years. KSDL issued an order withdrawing the office accommodation and time-off facilities previously granted to the petitioner.

It has been vehemently contended that Section 14 of the Industrial Relations Code, 2020 pertains to the recognition of a negotiating union or negotiating council, which falls under the jurisdiction of respondent No.3. Respondent No. 1 and respondent No. 2 have merely acted according to the current recognition status and the Trade Union recognition guidelines. Any grievance regarding recognition under Section 14 or the conduct of a new verification or election is a matter for respondent No.3 to address, not respondent Nos.1 and 2.



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The petitioner has already approached the Labor Commissioner to conduct the union elections. The petitioner has also invoked the jurisdiction of the competent statutory authority, namely the Additional Labor Commissioner (Industrial Relations), by submitting a representation seeking verification of membership and recognition of a negotiating union under Section 14 of the Code of 2020. The said proceedings are pending consideration in accordance with the notice dated 15.06.2026. Without awaiting the outcome of these statutory proceedings, the petitioner initiated the present petition on 08.06.2026, seeking essentially the same reliefs. The petitioner has thus elected to pursue two parallel remedies, both regarding the same cause of action, before two different forums, which is legally impermissible. Consequently, the present writ petition is premature, not maintainable, and liable to be dismissed.

It has also been submitted that during the pendency of the writ petition, respondent No. 3, being the competent authority under the Code of 2020, issued an endorsement



on 13.07.2026 on the petitioner's representations concerning the verification of membership and recognition of the negotiating union. Through this endorsement, respondent No.3 considered and disposed of the petitioner's request, thereby confirming the action reflected in a memo with a document dated 04.08.2026. Consequently, the relief sought in the writ petition, which directs respondent No.3 to verify membership and recognise the negotiating union under Section 14 of the Code, 2020, no longer remains for consideration. The writ petition has therefore become infructuous and is liable to be dismissed on that ground alone.

Lastly, it is submitted that the petitioner has sought two distinct reliefs in the writ petition: (i) a challenge to the Office Order dated 02.06.2026 issued by KSDL, and (ii) a direction to respondent No.3 to conduct a verification election under Section 14 of the Code. The second relief falls exclusively within the statutory jurisdiction of respondent No.3 and cannot be maintained against respondent Nos.1 and 2 in the present writ petition.



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Counsel, therefore, submits that the writ petition is devoid of merit and is liable to be dismissed.

Senior counsel for respondent Nos.1 and 2 placed reliance on the following decision:

JAI SINGH V/S. UNION OF INDIA AND OTHERS, AIR 1977 SC 898.

SMT.JANSY V/S. ALLAHBAD BANK, CRIMINAL PETITION NO.3056/2015.

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

6. With reference to the facts, the following points arise for consideration.

1. Whether the recognition of the Government Soap Factory Workers Union (HMKP) as the sole/main negotiating union for three years, in the absence of a fresh referendum, is legally sustainable.
2. Whether the management's stand that no election is required until 01.12.2028, owing to the subsisting settlement, can be accepted.



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3. Whether the withdrawal of facilities based on such recognition is valid.

7. The facts are set out in detail and therefore need no repetition. The issue falls within a narrow compass and concerns the withdrawal of facilities provided to the petitioner's union.

The management has raised two preliminary objections: one concerning the maintainability of the writ petition, as the petitioner is simultaneously pursuing their grievance before two different forums, which is legally impermissible; and the second is that the petitioner has suffered an adverse order on 13.07.2026, rendering the writ petition infructuous.

The writ is filed seeking the reliefs stated supra. It is noted that counsel for respondent Nos.1 and 2 has filed a memo stating that the Labor Commissioner issued an endorsement on the 13th day of July 2026. I have perused the same with utmost care. The endorsement states that the management has recognised the Government Soap Factory



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Workers Union (HMKP) as the sole/main negotiating union for three years. A settlement with the negotiating union is valid until 01.12.2028; therefore, no election is required.

It is undisputed that the earlier referendum has expired. No fresh referendum for elections has been issued. The management has recognised the Government Soap Factory Workers Union (HMKP) as the sole/main negotiating union for three years, and a settlement with the negotiating union is valid until 01.12.2028. Hence, it has been noted that there is no need to conduct an election, which cannot be accepted for the simple reason that recognising the said union as the sole and main negotiating union is itself arbitrary. Consequently, withdrawing the facility is unsustainable.

The earlier referendum has, admittedly, expired. No fresh referendum has been conducted to ascertain the representative character of any union. Recognition of HMKP as the sole/main negotiating union, without a fresh referendum, amounts to unilateral action by the management and is therefore arbitrary. The continued existence of a settlement until 01.12.2028 cannot override the statutory requirement for democratic



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determination of representative union status. Consequently, the plea that elections are unnecessary until the expiry of the settlement is untenable. Withdrawal of facilities premised on such arbitrary recognition is unsustainable in law.

The principle of industrial democracy requires that a union's representative character be determined through a valid referendum. Once the earlier referendum has lapsed, continued recognition of a union without a fresh mandate violates fairness and transparency. A private settlement cannot substitute for the statutory recognition process. Accepting management's contention would perpetuate arbitrariness and deny workers their right to choose their negotiating representative.

The Management argues that while the petitioner's union was registered under the 1926 Act, it has taken proper steps under Section 9 of the Code to cancel the registration. This point is acknowledged. However, since the cancellation has not yet been effected, it cannot form the basis for the Court to reject the petitioner's request.



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Therefore, it can be safely concluded that recognizing the Government Soap Factory Workers Union (HMKP) as the sole/main negotiating union for three years, in the absence of a fresh referendum, is not legally sustainable and the management's stand that no election is required until 01.12.2028, owing to the subsisting settlement, cannot be accepted. The withdrawal of facilities based on such recognition is not valid.

Finally, much of the debate pertains to the relevant provisions of the Code of 2020. However, as mentioned earlier, the core issue concerns the withdrawal of facilities to a registered and recognized union, so discussing the provisions of the Code of 2020 is unnecessary at this stage.

8. For the reasons stated above, it is held that: (i) The recognition of HMKP as the sole/main negotiating union, in the absence of a fresh referendum, is arbitrary and unsustainable. (ii) The management's stand that elections are unnecessary until 01.12.2028 cannot be accepted. (iii) Withdrawal of facilities based on such recognition is invalid and liable to be set aside. (iv) The appropriate authority shall ensure that a



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referendum/election is conducted in accordance with law for the purpose of recognizing the trade union(s) in the establishment of the first respondent and determining the representative union.

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

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.4