



CNR: KAHC010386482026

NC: 2026:KHC:52602-DB
WA No. 1540 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1540 OF 2026 (L-RES)

BETWEEN:

M/S. G4S SECURE SOLUTIONS INDIA PVT. LTD.,
NO.5/13, 1ST MAIN ROAD,
VASANTHANAGARA,
BANGALORE-560 052.

PRESENTLY AT
NO. 1548, PEDDANA LAYOUT,
OUTER RING ROAD, OFF BANASWADI,
HORAMAVU JUNCTION,
BANGALORE – 560 043.

REPRESENTED BY ITS
HUB-LEGAL HEAD SOUTH
MR. R GUNASHEKARAN (64 YEARS)

...APPELLANT

(BY SRI. K.KASTURI, SENIOR COUNSEL FOR
SRI. PRADEEP KUMAR, ADVOCATE)

AND:

MR. S.KRISHNA MURTHY,
AGED ABOUT 52 YEARS,
S/O. SRI SHIVARAMAIAH,
RESIDING AT NO.619, 1ST MAIN, 1ST CROSS,
BYRAVESHWARANAGARA,
LAGGERE, BANGALORE - 560 058.

...RESPONDENT

(BY SRI. ANANDA B.,ADVOCATE)

Digitally
signed by
MALA K N
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO A) ALLOW THE PRESENT WRIT APPEAL AND TO SET ASIDE THE ORDER AT ANNEXURE-S OF THE LEARNED SINGLE JUDGE DATED 30.04.2026 IN WP NO.23493/2021 FILED BY THE APPELLANT IN THE INTEREST OF JUSTICE AND SET ASIDE THE AWARD DATED 28.04.2021 AT ANNEXURE-R PASSED BY THE II ADDITIONAL LABOUR COURT, BANGALORE IN ID NO.176/2013 PASS SUCH OTHER ORDER/S AS THIS HONBLE COURT MAY DEEM FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND RENDER JUSTICE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

This intra-court appeal has been filed impugning the order dated 30th April 2026 passed by the Writ Court in Writ Petition No.23493/2021 (L-RES), which was filed by the respondent herein, impugning the award dated 28th April 2021 passed by the II Additional Labour Court, Bangalore, in Industrial Dispute No.176/2013.



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2. The respondent, who was working as 'Security Supervisor', was dismissed from service vide order dated 14.10.2013 by the appellant. He raised an industrial dispute under Section 10(4-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as the '***I.D.Act***').

3. An issue of the respondent being 'workman' under the provisions as defined under Section 2(s) of the I.D.Act was raised, however, the Labour Court on examination of the evidence and the provisions including the definition of 'workman' under Section 2(s) of the I.D.Act, came to the conclusion that the respondent would be a 'workman' under the provisions of the I.D.Act.

4. The Labour Court also found dismissal order as illegal, not in accordance with the law and therefore, set aside the order of dismissal and allowed the claim petition filed under Section 10(4-A) of the I.D.Act. The Labour Court also directed to reinstate the respondent into service



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will full backwages, continuity of service along with costs of Rs.5,000/- as litigation costs.

5. The challenge to the said award has been unsuccessful before the Writ Court and the Writ Court has held that the said Court is exercising its limited jurisdiction of judicial review under Article 227 of the Constitution. Whether the respondent is a 'workman' or not would depend on the facts and circumstances of the case and the evidence brought on record. Once the Labour Court has found the respondent as 'workman', on appreciation of the evidence, the High Court would not interfere under Article 227 of the Constitution of India, to hold it otherwise.

6. Mr.K.Kasturi, learned Senior Counsel appearing on behalf of the appellant has submitted that the respondent has been reinstated and interim relief of Rs.2,32,000/- has been paid. The Labour Court as well as the Writ Court have failed to take into account the amount paid. It is further submitted that the order for



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reinstatement with backwages with continuity of service, is against the law inasmuch as, unless the order of dismissal or the termination of service is perverse and illegal completely, no such order of payment of full backwages should be granted.

7. On the other hand, learned counsel for the respondent/workman has supported the order passed by the Labour Court as well as in the writ petition. He submitted that the Labour Court has held the order of termination to be illegal and therefore, it has awarded full backwages, reinstatement with continuity of service. This Court should not interfere with the impugned order passed by the learned Single Judge as well as the award passed by the Labour Court.

8. We have considered the said submissions. The payment of full wages in case of restatement is an exception and should be granted only when the order of termination/dismissal is perverse and wholly illegal. We



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have gone through the impugned award as well as the order passed by the learned Single Judge. We do not find that the order of termination of the services of the respondent is perverse.

9. In light thereof, we are of the view that the order of payment of 100% backwages requires a modification. Therefore, we modify the order of payment of backwages from **100%** to **50%** with continuity of service. The respondent has already been reinstated into service. Hence, he shall be given continuity of service and his salary/wages would be fixed accordingly. However, the order of backwages is modified from 100% to 50%. The said amount of 50% to be paid within one month from today.

With aforesaid modification in the award passed by the Labour Court, we **dispose of** this appeal.



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Pending I.A. stands disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 1 Sl No.: 22