



CNR: KAHC010512832019

NC: 2026:KHC:48728
WP No. 496 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 496 OF 2020 (L-RES)

BETWEEN:

SHRI S PRITHIVIRAJAN
S/O SOMA SUNDARAM
AGED ABOUT 39 YEARS
R/AT NO.D-2, 3RD FLOOR
LAKSHMI BUILDING
ST.MARY'S SCHOOL ROAD
NEAR ROJA SILKS
GHARVEBHAVI PALYA
BENGALURU-560068.

...PETITIONER

(BY SRI. NANJA REDDY P N., ADVOCATE)

AND:

M/S KREATIO SOFTWARE PVT LTD
NO.53, 54, 77 AND 78
OLD MANGAMMANAPALYA ROAD
MUNISWAMAPPA LAYOUT
WARD NO.190, HOSUR MAIN ROAD
BENGALURU-560068.

...RESPONDENT

(BY SRI.SHYAM SUNDAR H.V., ADVOCATE (ABSENT))

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD OF THE II ADDL. LABOUR COURT BENGALURU IN I.D.NO.32/2018 DATED 20.09.2019 VIDE ANNEXURE-F AS THE SAME IS ILLEGAL, ARBITRARY AND WITHOUT THE AUTHORITY OF LAW AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Article 226 of the Constitution of India, challenging the award passed by the Presiding Officer, Second Additional Labour Court, Bengaluru (for short, 'the Labour Court') in ID No.32/2018, whereby the dispute raised by the petitioner came to be dismissed.

2. The case of the petitioner is that he was appointed as Head - Application Infrastructure in the respondent-Company on 05.08.2016, on a net salary of Rs.1,04,533/- per month. Thereafter, his salary was revised with effect from 01.07.2017 to Rs.14,25,000/- per annum. By e-mail dated 25.06.2018, the respondent allegedly forcibly obtained the resignation of the petitioner. Therefore, the petitioner raised an industrial dispute challenging the termination order dated 25.06.2018 before the Labour Court in ID No.32/2018. The same came to be dismissed.



Being aggrieved by the said order, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner contended that the petitioner is a 'workman' as defined under Section 2(s) of the Industrial Disputes Act, 1947 (for short, 'the ID Act'). The Labour Court, solely on the basis of the nature of work performed by the petitioner, arrived at the conclusion that he was working in a supervisory capacity and, therefore, was not a workman. This finding of the Labour Court is contrary to the provisions of the ID Act. In support of his contention, he relied upon the judgment of the Apex Court in the case of **SRINIBAS GORADIA v. ARVIND KUMAR SAHU AND OTHERS**, reported in **(2026) 4 SCC 697** and contended that the Labour Court could not have concluded that the petitioner was not a workman merely on the basis of the nature of his duties. Hence, he sought for allowing the petition.



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4. None appears for the respondent.

5. It is not in dispute that the petitioner was appointed as Head – Application Infrastructure in the respondent-Company on 05.08.2016, on a salary of Rs.1,04,533/- per month. It is also not in dispute that his salary was revised with effect from 01.07.2017 to Rs.14,25,000/- per annum. The petitioner raised an industrial dispute under Section 10(4-A) r/w. Section 2A of the ID Act, contending that his termination from service was in violation of the provisions of the ID Act and that he was a workman within the meaning of Section 2(s) of the ID Act.

6. To establish that he was a workman as defined under Section 2(s) of the ID Act, the petitioner neither produced any documents nor adduced any evidence. On the other hand, from the evidence adduced on behalf of the respondent-Company, it is clear that the petitioner is a B.Sc. graduate in Computer Science and has also



completed RHCE International Certification. He is an expert in IT infrastructure. Admittedly, six persons were reporting to the petitioner. He was also an income-tax assessee. Considering the evidence available on record, the Labour Court recorded a clear finding that the petitioner was not a workman as defined under Section 2(s) of the ID Act. The relevant paragraphs of the award are extracted below:

"09. In the cross-examination of counsel for second party, WWI in para no.10 deposed that second party is developing website and CMS (Content Management System). His qualification is B.Sc., Computer Science and completed RHCE International Certification and he is expert in IT infrastructure. Further admitted the suggestion that six peoples were reporting to him initially and at the time of his termination one person was reporting to him. Earlier he was handling two teams and subsequently one team was started. In para no.11 he admitted the suggestion that application team was under his control. In para no.14 of his cross-examination, WWI in clear terms deposed that he was having authority to grant leave to the employees who were reporting to him. The above piece of evidence of WW1 in his cross-examination clearly indicates and clarified that first party being B.Sc., graduate in computer science and also completed RHCE International



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Certification and he is an expert in IT infrastructure. Any workman can claim that he was expert in IT infrastructure? Answer is obviously no. Admittedly six peoples were reporting to the first party and subsequently one person was reporting and he was earlier handling two teams and he was having authority to sanction leave to the employees who were reporting to him. Therefore the first party was discharging the work in the capacity of administrator or having control over the staff who were reporting under him and he was having supervisory capacity.

10. Ext.W.2 is pay slip for the month of March 2018 wherein he was drawing Rs.1,05,118/- including HRA of Rs.17,661/-, conveyance of Rs.1,600/-, medical allowance of Rs.1250/-, LTA allowance of Rs.7,361/-, special allowance of Rs.30,406/-, books and magazine Rs.1000/- and kitting allowance of Rs.1667/-. Further said document shows that first party was paying income tax of Rs.23,751/-. Whether any employee who is paying that much of income tax would be treated as workman, same is not argued on the side of first party. In para no.6 of written arguments, first party stated that first party was not having any signing authority to the cheque in the second party and he was reporting to his higher authority. It means he was not having any administrative capacity. Hence the first party is workman under section 2(s) of ID Act. Said argument is baseless and unsustainable because same is neither pleaded in the claim statement nor deposed in the evidence of WW1. Moreover first party who was reporting to CEO Mr.Krishnakumar about the team who were reporting to him and not for any other persons. Mere not having authority to sign on the cheque that does



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not mean that he was workman. First party failed to prove issue no.1. Accordingly I answer issue no.1 in the NEGATIVE."

7. From the above finding, it is clear that the petitioner has failed to establish that he was a workman as defined under Section 2(s) of the ID Act. Therefore, the dispute raised by the petitioner under Section 10(4-A) r/w. Section 2A of the ID Act itself was not maintainable. Accordingly, the Labour Court has rightly dismissed the dispute. The judgment relied upon by the petitioner is not applicable to the facts of this case.

8. There is no error or illegality in the order passed by the Labour Court. The writ petition is devoid of merit and is accordingly dismissed.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 34