



CNR: KAHC010536912019

NC: 2026:KHC:54945
WP No. 7159 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 7159 OF 2020 (L-RES)

BETWEEN:

SRI R K GOPINATH
AGED ABOUT 63 YEARS
S/O LATE R N KRISHNA RAO
NO.44/1, WEST ANJANEYA TEMPLE STREET
(W A T STREET), BASAVANAGUDI
BANGLAORE-560 004
PRESENTLY AT NO.887-A
SITE NO.30, FIRST FLOOR
7TH CROSS, 13TH MAIN
SRINIVASANAGAR, 2ND PHASE
BSK III STAGE, 4TH BLOCK
BANGALORE-560 050.

...PETITIONER

(BY SRI. SATYANARAYANA., ADVOCATE)

AND:

M/S MICRONOVA IMPEX PRIVATE LTD
NO.43, W A T STREET
BASAVANAGUDI, BANGALORE-560 004
DULY REP. BY ITS MANAGING DIRECTOR

...RESPONDENT

(BY SMT. B.RAJASHREE, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
AWARD DATED 01.08.2019, PASSED IN REF.NO.59/2018, BY

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





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THE III ADDL. LABOUR COURT, BANGALORE (PUBLISHED ON 11.09.19) PRODUCED AT ANNEXURE-A AND ETC.

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

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

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the award dated 01.08.2019, passed by the III Additional Labour Court, Bengaluru (for short, 'the Labour Court') in Reference No.59/2018, whereby the reference has been dismissed.

2. The case of the petitioner is that, he was working as a Stores In-charge with the respondent-Company from 06.07.2004 to 06.05.2013. The respondent issued an order transferring the petitioner from Bengaluru to Chennai. The petitioner submitted several representations to the respondent, seeking extension of leave and also requested cancellation of the transfer order on health grounds. Thereafter, the petitioner tendered his resignation from the post vide letters dated 04.06.2013



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and 15.06.2013, which was accepted on 18.06.2013 by the respondent.

3. Subsequently, the petitioner raised an industrial dispute contending that his resignation had been obtained forcibly. The said dispute was referred to the Labour Court in Reference No.59/2018. The question referred for adjudication is extracted below:

"1. Whether the first party workman R.K.Gopinath S/o late R.N.Krishna No.44/1, West Anjaneya Temple Street, Basavanagudi, Bangalore-560 004 is justified in raising the dispute regarding justification of the Management of M/s. MICRONOVA IMPEX PVT. LTD., No.43, West Anjaneya Street, Basavanagudi, Bangalore-04 in taking forcible resignation from the workman and in not giving bonus, annual increments incentives to the workman?"

4. The Labour Court dismissed the reference. Being aggrieved by the same, the petitioner is before this Court.



5. Learned counsel appearing for the petitioner has raised the following contentions:

(i) Firstly, the respondent, with an intention to harass the petitioner, issued an order transferring him to Chennai. Despite the petitioner submitting several representations seeking extension of leave, though leave was available to his credit, the same was not sanctioned. His request for cancellation of the transfer on health grounds was also not considered. The respondent threatened the petitioner by issuing a notice proposing to initiate departmental enquiry and forcibly obtained his resignation. It is further contended that, even after accepting the resignation, the respondent did not grant the retirement benefits due to the petitioner.

(ii) Secondly, the reference made to the Labour Court was in respect of two issues, namely, whether the resignation of the petitioner had been obtained forcibly and whether the second party-respondent had paid all the



retirement benefits due to the petitioner. However, the Labour Court has considered only the issue relating to the resignation and, insofar as the retirement benefits are concerned, it rejected the reference on the ground that the same was not within the purview of the Labour Court. Therefore, learned counsel sought for allowing the writ petition.

6. Per contra, learned counsel appearing for the respondent has raised the following contentions:

(i) Firstly, transfer is an incidence of service. The appointment order itself clearly provides that the petitioner was required to report for duty at the place to which would he was transferred.

(ii) Secondly, the petitioner voluntarily tendered his resignation stating that he was not in a position to go to Chennai. The respondent-second party had not compelled or forced the petitioner to submit his resignation.



(iii) Thirdly, all the retirement benefits due to the petitioner have been paid. Hence, learned counsel sought for dismissal of the writ petition.

7. Heard the learned counsel for the parties and perused the writ papers.

8. It is not in dispute that the petitioner was appointed as a workman in the second respondent-Establishment with effect from 06.07.2004 and was discharging his duties as a Store-Man. On 06.05.2013, the second respondent transferred the petitioner to Chennai and directed him to report for duty at Chennai on 08.05.2013. The petitioner submitted several representations seeking extension of leave as well as cancellation of the transfer order on health grounds, contending that he was suffering from chest pain. Thereafter, he submitted his resignation letter dated 04.06.2013 and 15.06.2013, which are marked as Ex.W9 on the file of the Labour Court.



9. The main contention of the petitioner is that, his resignation was obtained forcibly. In order to substantiate the said contention, the petitioner examined himself as WW1 and produced 40 documents. As per the appointment order marked as Ex.M7, there is a condition that the petitioner was duty-bound to report for duty at the place to which he was transferred to, being a workman of the second respondent. The petitioner had accepted the said condition contained in the appointment order, wherein it is clearly stipulated that he had agreed to report for duty at the place of transfer.

10. The second respondent, being the employer, transferred the petitioner to Chennai. Transfer is an incidence of service. Since the petitioner was suffering from health ailments, he submitted his resignation on 04.06.2013 and again on 15.06.2013. Though the petitioner submitted his resignation on the said dates, he did not address any letter to the second respondent



seeking withdrawal of the resignation. He also did not lodge any complaint before the police or approach any higher authority alleging that his signature had been forcibly obtained on the resignation letters.

11. On the contrary, as per Ex.M3, the petitioner submitted a letter seeking payment of gratuity, bonus, increments and leave encashment. The second respondent also paid the retirement benefits to the petitioner, which he received without any protest and subsequently encashed the same.

12. Considering the evidence of WW1 and the documents produced by the petitioner, the Labour Court has rightly held that the resignation submitted by the petitioner was voluntary and that the same had not been obtained forcibly by the respondent.

13. Insofar as the retirement benefits are concerned, the Labour Court has not adjudicated upon the said issue. Therefore, insofar as the claim relating to retirement



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benefits is concerned, liberty is reserved to the petitioner to work out his remedy before the appropriate legal forum, in accordance with law, if law permits.

14. Insofar as the acceptance of the resignation is concerned, the finding recorded by the Labour Court does not call for interference.

15. Accordingly, the writ petition is dismissed.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

**(H.T. NARENDRA PRASAD)
JUDGE**

CM
LIST NO.: 1 SL NO.: 76