



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
WRIT PETITION NO. 25523 OF 2025 (L-MW)

BETWEEN:

UNIVERSITY OF MYSORE
VISHWAVIDYANILAYA KARYA SOUDHA
CRAWFORD HALL, MYSURU - 570 004
REPRESENTED BY ITS REGISTRAR.

...PETITIONER

(BY SMT. KEERTHI KRISHNA REDDY, ADV., FOR
SRI ABHISHEK K, ADV.)

AND:

1. ASSISTANT LABOUR COMMISSIONER
AND DESIGNATED OFFICERS
APPOINTED UNDER MINIMUM
WAGES ACT 1948
MYSURU DIVISION, MYSURU - 570 004.
2. KARNATAKA RAJYA SAMYUKTHA
VISHWAVIDYALIYA SWACHCHATHA
KARYA NOUKARARA SANGHA (REGD)
464, D SUBBAIAH ROAD, AICTU OFFICE
MYSURU - 570 001, REP. BY PRESIDENT.

...RESPONDENTS

(BY SRI M. RAJAKUMAR, AGA FOR R-1;
SRI V.S. NAYAK, ADV., FOR R-2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH PROCEEDINGS IN
CRL. MISC. NO. 69/2025 PENDING ON THE FILE OF HONBLE JMFC II
COURT, MYSURU PURSUANT TO A COMPLAINT FILED UNDER
SECTION 200 OF THE CODE OF CRIMINAL PROCEDURE, 1973, FOR
THE RECOVERY OF THE AMOUNT UNDER SECTION 20(5)(B) OF THE
MINIMUM WAGES ACT, 1948 VIDE ANNEX-B.

Digitally
signed by
VANAMALA
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Location:
HIGH
COURT OF
KARNATAKA



THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed to quash the proceedings in Criminal Miscellaneous No.69/2025 pending on the file of the Judicial Magistrate First Class - II Court, Mysuru [for short, '*the judicial Magistrate*'] pursuant to the complaint under Section 200 of Code of Criminal Procedure, 1973 for recovery of the amount payable under Section 20(5)(b) of the Minimum Wages Act, 1948 [for short, '*the Act, 1948*'].

2. The petitioner has also sought for writ of mandamus to the direct the first respondent to dispose of the review petition filed by the petitioner University against the order dated 19.03.2024.

3. This Court *vide* order dated 22.08.2025 stayed the further proceedings in Criminal Miscellaneous No.69/2025 on the file of the JMFC -II Court, Mysuru. The respondents have filed an application for vacating stay. Therefore, the case is listed today. With the consent of both the learned counsel for the parties, the case is heard on merit.

4. The petitioner is the University and the second respondent is the workers Union. It appears that the second respondent Union raised a dispute to recover difference in wages



payable to some of its members who according to the second respondent Union worked for the petitioner University.

5. The authority under the Act, 1948 passed an order on 19.03.2024. Since the amount ordered to be paid towards arrears of wages is not paid, it appears that the second respondent Union has initiated action under Section 20(5)(b) of Act, 1948. The Magistrate has issued notice to the respondent in the said proceeding under Section 20(5)(b) of Act, 1948. Aggrieved by the said order issuing notice to the respondent-University in the said proceeding is before this Court.

6. Learned counsel for the petitioner would submit that the order dated 19.03.2024 has not yet attained finality and it is the subject matter of a review petition under Rule 34 (4) of the Karnataka Minimum Wages Rules 1958 [for short '*Rules, 1958*']. It is submitted that the review petition is still pending and the controversy is not yet adjudicated and that being the position the second respondent Union could not have lodged a complaint under Section 20(5)(b) of Act, 1948.

7. It is submitted that the notice could not have been issued against the Vice Chancellor of the University under the applicable statute and it is the Registrar of the University who has to represent the University and the complaint filed against the Vice-Chancellor is not tenable in law.



8. Learned counsel for the petitioner would also urge that the review petition is pending consideration and it has to be disposed of in the manner known to law and there has to be appropriate direction against the authority which is not yet decided the review petition.

9. Learned counsel for the second respondent Union would urge that the proceeding is initiated under Section 20(5)(b) of Act, 1948, as the amount ordered to be paid by the competent authority under the Act of 1948 has not been paid by the petitioner University. It is the further submission that the law enables a party to move an application under Section 20(5)(b) of the Act, 1948 to recover the amount in case the amount is not paid despite the order passed by the competent authority.

10. The learned counsel would also submit that the review petition is not maintainable as there is no provision under the Act, 1948 which enables the authority who passed the order to review its own order.

11. In addition, the learned counsel for the second respondent would also urge that the complaint is filed against the Registrar and not against the Vice-Chancellor and merely because there is a typographical error in the order sheet maintained by the Judicial Magistrate it cannot be construed that the complaint is filed against the Vice-Chancellor.



12. This Court has considered the contentions raised at the Bar and perused the records.

13. Insofar as the first contention relating to the pendency of review petition is concerned, it is noticed from Annexure-F , a copy of the review petition, the petition is filed under Rule 34 (4) of the Rules, 1958. The said Rule reads as under:

34. Appearance of parties:

- (1) xxxxx
- (2) xxxxx
- (3) xxxxx
- 4) *An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).*

14. From the said Rule, it is apparent that the authority has the power to set aside its order under sub-Rule (2) or sub-Rule (3) of the Rules, 1958. The authority is not invested with the jurisdiction to review its own order passed under Section 20 of Act, 1948. Thus, this Court is of the view that the review petition is not maintainable. However, the authority before whom the review petition is filed ought to have taken a call on the review petition filed before it and should



have passed an appropriate order. If the authority's view is that the review petition is not maintainable, to that effect there should have been an order.

15. Be that as it may, it is also noticed that order passed by the authority under Act, 1948 is not stayed and that being the position, the second respondent Union is justified in filing an application under Section 20(5)(b) of Act, 1948 to recover the amount.

16. It is noticed that in terms of Annexure - C, the second respondent Union has made a proper claim against the University and the University is represented by the Registrar. Though it is not explicitly clear from the cause title, but it can be inferred that the claim is made against the University where the Registrar is representing the University.

17. However, it is noticed that the first respondent, Assistant Labour Commissioner has filed a complaint under Section 200 of the Code of Criminal Procedure read with Section 20(5)(b) of Act, 1948 by arraying Vice-Chancellor as a respondent. This is untenable.

18. Under the law applicable to the Universities, the University has to be represented by the Registrar. Accordingly, the proceedings in Criminal Miscellaneous No.69/2025 *vide* Annexure -A against the Vice Chancellor is untenable and is accordingly quashed.



19. Liberty is reserved to initiate proceeding under Section 20(5)(b) of Act, 1948, as advised in law by arraying the proper parties.

20. Insofar as the prayer to direct the authority to consider the review petition is concerned, the first respondent authority shall pass appropriate orders in the said review petition in the manner known to law. It is made clear that the review petition pending consideration filed under Rule 32 of Rules, 1958 is not maintainable. If there is any other provision which enables the authority to review the order, then suitable orders have to be passed. If there are no other provisions which confer jurisdiction on the authority, the petition has to be dismissed.

21. First respondent shall decide the review petition in accordance with law within fifteen (15) days from the date of receipt of certified copy of this order.

Accordingly, the petition is allowed with the above observations.

**SD/-
(ANANT RAMANATH HEGDE)
JUDGE**

SA
List No.: 1 Sl No.: 10