



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 738 OF 2020 (L-TER)

BETWEEN:

SMT RASHMI G K,
W/O SATISH G B,
AGED ABOUT 33 YEARS,
RESIDING AT GUJJANAHALLI VILLAGE,
MADIYANURU POST,
MULBAGAL TALUK-563127.

...PETITIONER

(BY SRI A J SRINIVASAN, ADVOCATE)

AND:

THE MANAGEMENT OF
M/S UNICAST AUTOTECH PVT LTD.,
REP BY ITS PLANT HEAD AND
ASSOCIATE VICE PRESIDENT,
NARASAPURA INDUSTRIAL AREA,
BEHIND MAHINDRA AERO STRUCTURES,
KOLAR-563133.

...RESPONDENT

(RESPONDENT SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS RELATING TO I.D.NO.44/2017 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT KOLARQUASH THAT PORTION OF THE AWARD DT 30.07.2019 PASSED BY THE HONBLE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KOLAR IN I.D.NO.44/2017, ANNEXURE-A TO THE EXTENT OF THE PETITIONER WORKMAN BEING AGGRIEVED AND MODIFY IT GRANTING THE FULL RELIEF OF REINSTATEMENT, WITH ALL CONSEQUENTIAL BENEFITS, INCLUDING FULL BACK WAGES AND CONTINUITY OF SERVICE

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



FROM 03.01.2017 TILL THE DATE OF REINSTATEMENT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the Award dated 30.07.2019 in I.D. No.44/2017 on the file of Principal District Judge, Kolar.

2. In terms of the said Award, the Court has come to the conclusion that order dated 03.01.2017 orally terminating the petitioner is illegal and same is set aside. However, reinstatement as prayed is not granted. The second party management is directed to pay retrenchment compensation to the first party by deducting Rs.49,701/- already paid to the petitioner. The Award also directs payment of Rs.50,000/- as gratuity to the first party/petitioner.



3. Learned counsel appearing for the petitioner/workman who is assailing the aforementioned Award would submit that, after having held that the termination is illegal, the Labour Court ought to have directed reinstatement. Merely by accepting the statement that the petitioner was on probation the Court declined to grant reinstatement.

4. Learned counsel for the petitioner would submit that the petitioner has completed more than 240 days of service under the respondent and for non-compliance of requirement under Section 25F of the Industrial Disputes Act, 1947, the order of termination would be illegal and the Labour Court ought to have directed reinstatement.

5. It is further submission that the direction to pay Rs.50,000/- towards gratuity is also without any basis and would urge that the impugned Award has to be set aside and there has to be a direction for reinstatement.



6. The respondent has been served and today there is no representation on behalf of the respondent.

7. The Court has considered the contentions raised at the Bar and perused the records.

8. It is noticed that the Labour Court, has recorded a finding that the order of termination is illegal and it is also noticed that the order of termination is an oral order and not preceded by any inquiry. That being the position, the Court is of the view that the Labour Court ought to have directed reinstatement as the petitioner has completed more than 240 days from the date of initial appointment on 10.07.2014, till order of termination on 03.01.2017.

9. However, the part of the Award which directs Rs.50,000/- to be paid towards gratuity has to be set aside as it is without any basis. Learned counsel for the petitioner at this juncture also apprehends that the respondent company might have stopped functioning and there is no



official communication relating to the closure. Hence, the following:-

ORDER

- (i) The petition is ***allowed.***
- (ii) The Award dated 30.07.2019 in I.D. No.44/2017 on the file of Principal District Judge, Kolar is set aside.
- (iii) The respondent is directed to reinstate the petitioner with full back wages and all consequential benefits.
- (iv) In the event of closure, the petitioner is entitled to full back wages till the date of closure with all consequential benefits and continuity of service till such closure and also entitled to closure compensation as applicable under law and all other legal dues.



NC: 2026:KHC:19079
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- (v) The compliance shall be made within 45 days from the date of receipt of the certified copy of this order.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 SI No.: 48