



CNR: KAHC010569592026

NC: 2026:KHC:46144
WP No. 25834 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 25834 OF 2026 (L-RES)

BETWEEN:

H.M.NAGESH,
AGED 61 YEARS,
S/O. LATE NAGENDRA,
NO.2656, 3RD CROSS,
K.G. KOPPAL, MYSURU.

...PETITIONER

(BY SRI. K.B.NARAYANA SWAMY, ADVOCATE)

AND:

1. THE MANAGEMENT OF
KARNATAKA SILK INDUSTRIES
CORPORATION (KSIC),
CENTRAL OFFICE,
M. G. ROAD,
BENGALURU - 560 001,
REPRESENTED BY THE
MANAGING DIRECTOR,
2. THE GENERAL MANAGER,
K.S.I.C. SILK WEAVING FACTORY,
MANANDAVADI ROAD,
MYSURU - 570008.

...RESPONDENTS

(BY SRI. T.P.MUTHANNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.



CNR: KAHC010569592026

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. K. B. Narayana Swamy, counsel for the petitioner, and Sri. T. P. Muthanna, counsel for the respondents, appeared in person.

2. The short facts are these:

The Labor Court, vide award dated 01.12.2010 in I.I.D. No.107/2006, partly allowed the petition, and the punishment of termination from service was modified and directed reinstatement by withholding of three annual increments with cumulative effect. It was also ordered that the workman was not entitled to back wages, and if the second-party management sanctions voluntary retirement, the workman will be entitled to all terminal benefits open to him under the law. The management was given the option either to reinstate the workman in service or to consider the question of voluntary retirement. The workman challenged the said award in Writ Petition No.36902/2011, which was disposed of on 07.03.2022,



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WP No. 25834 of 2026**

and the award of the Labor Court was modified. The option of voluntary retirement was quashed, and for the unauthorised absence, the petitioner was imposed a penalty of withholding three annual increments and 40% of the back wages was also awarded. Against the said order, a writ appeal was filed by the management in Writ Appeal Nos.404/2022 connected with 425/2022, and the award of back wages was set aside. Thereafter, he filed an application under Section 33C(2) of the I.D. Act. However, the same was rejected by the Labor Court on 20.05.2026. Under these circumstances, the petitioner is before this Court.

3. Counsel for the respective parties urged several contentions.

Counsel for the petitioner placed reliance on *M.L.BOSE AND CO., PRIVATE LTD., CALCUTTA VS. ITS EMPLOYEES, AIR 1961 SC 1198*.

4. The arguments were heard, and the papers were perused with care.



CNR: KAHC010569592026

**NC: 2026:KHC:46144
WP No. 25834 of 2026**

5. The point that requires consideration is whether the order of the Labor Court requires interference.

6. The facts are clearly presented and don't need to be restated. The issue is straightforward. The Labor Court dismissed the 33C(2) application solely because there was no award or settlement supporting the applicant's claim, which is incorrect. The order from the Labor Court, attached to the writ petition and marked as Annexure-A, shows that, aside from citing the judgment provisions, decisions, and earlier proceedings, the Court did not thoroughly address the matter as required under Section 33C(2) of the I.D. Act.

It is undisputed that the Labor Court passed an award, and the reinstatement was confirmed through the writ appeal proceedings. Therefore, the Labor Court could not have denied the 33C(2) application simply because there is no award. As a result, the case needs to be remanded.

7. The order dated 20.05.2026 passed by the Labor Court in Application No.01/2025 is quashed. The matter is remanded to the Labor Court to hear the matter afresh and



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NC: 2026:KHC:46144
WP No. 25834 of 2026

pass orders strictly in consonance with the provisions of the law within three months from the receipt of a certified copy of this order.

8. The writ petition is ***allowed and remanded.***

Because of disposal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

MRP
List No.: 2 Sl No.: 26