



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 27138 OF 2025 (L-RES)

BETWEEN:

M/S. HANUMAN TRANSPORT CO. (P). LTD.,
REGISTERED UNDER THE COMPANIES ACT,
POT BOX NO.27, CHETAPADI,
NO.76, BADAGABETTUM, UDUPI-576101.
KARNATAKA
REPRESENTED BY ITS
MANAGING DIRECTOR.

...PETITIONER

(BY SRI. MANJUNATHA B., ADVOCATE)

AND:

SRI. ANNAPPA V.B.,
S/O. LATE VADDI BANGARAPPA,
AGED ABOUT 55 YEARS,
R/AT NO.38, SRI RANGA NILAYA,
RML NAGARA, 3RD CROSS,
SHIVAMOGGA-577205.

...RESPONDENT

(BY SRI. K.GOVINDARAJ, ADVOCATE)

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

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



ORAL ORDER

Sri.Manjunatha.B., counsel for the petitioner has appeared through video conferencing.

Sri.K.Govindaraj., counsel for the caveator/ respondent has appeared in person.

2. The short facts are these:

The petitioner's Company was engaged in the transportation business. Subsequently, the company closed its entire transportation operations and no longer owns any buses. During the course of employment, the respondent entered the cabin/chambers of the directors of the company, misbehaved rudely, and shouted at one of the directors. For the said acts of misconduct, the respondent was issued a show-cause notice followed by a charge sheet. Pending inquiry, he was placed under suspension. The petitioner instructed the respondent to attend the domestic inquiry. An inquiry was conducted; however, the respondent neither attended nor participated. The notices sent to him were returned unserved with the postal endorsement "not claimed."



Consequently, on 01.07.2019, the petitioner dismissed the services of the respondent. Thereafter, in June 2022, the respondent raised an industrial dispute questioning the order of dismissal. Upon failure of conciliation, the Government referred the matter to the Labor Court, Udupi, in Reference No.4 of 2022.

Pursuant to the reference, the respondent filed his claim statement, and the petitioner filed a counter-statement. The Labor Court framed issues, and RW-1, the Inquiry Officer, was examined and duly cross-examined.

After recording the evidence of the management, the Labor Court, without posting the case for the evidence of the first party, directly posted the matter for hearing on the validity and fairness of the domestic inquiry.

The Labor Court heard arguments of both parties on the said preliminary issue and posted the matter for orders on 14.08.2024. However, instead of passing an order confined to the validity/fairness of the inquiry, the Labor Court proceeded to pronounce its final order on 30.08.2024, without affording opportunity to the parties to adduce evidence on the charges or



on the points of reference. Aggrieved by the said course adopted by the Labor Court, the petitioner has approached this Court.

3. Counsel for the respective parties presented several contentions.

Counsel for the petitioner submitted that the Labor Court, after recording the evidence of the Inquiry Officer on the issue of the validity of the domestic inquiry, without recording the evidence of the first party, directly posted the matter for arguments on the validity of the domestic inquiry. He contended that the Court heard arguments on the said issue but, without passing any order on the validity of the domestic inquiry, proceeded to pronounce the final award. Counsel therefore, argued that the award suffers from procedural infirmity and is liable to be quashed.

In reply, the counsel for the respondent urging other grounds submitted that the writ petition is devoid of merit and is liable to be rejected.



4. Having heard the arguments and carefully perused the record, the facts stand established and need no repetition.

5. Thus, the controversy centres on two lapses: (i) non-recording of the evidence of the first party, and (ii) non-passing of an order on the validity of the domestic inquiry.

6. It is undisputed that the respondent raised a dispute. The Labor Court thereafter recorded the evidence of RW-1. However, instead of posting the matter for recording the evidence of the first party, the Court proceeded to post the case for arguments on the validity of the domestic inquiry. Even at that stage, no order was passed on the validity of the domestic inquiry. The Court, without deciding that issue, proceeded to pronounce the final order.

Such a course of action is untenable in law. The failure to decide the validity of the domestic inquiry before passing the final order vitiates the proceedings. Consequently, the matter needs to be remanded for fresh consideration in accordance with the law.



7. For the reasons stated above, the award of the Labor Court is liable to be set aside, and accordingly, it is set aside.

8. The Writ of Certiorari is ordered. The award dated 30.08.2024 passed by the Labor Court, Udupi, in Ref.10.1.C.of I.D. Act No.4/2022 vide Annexure-L is quashed. As the petitioner and respondent are represented by their respective counsel, the parties are directed to appear before the Labor Court on **04.08.2026** without awaiting notice from the Labor Court. A gentle request is made to the Labor Court to proceed with the matter in accordance with the law.

9. Resultantly, the Writ Petition is ***allowed and remanded.***

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

MRP
List No.: 1 Sl No.: 49