



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 34614 OF 2025 (L-RES)

BETWEEN:

DEEPAK BHAT
S/O. SHRIPAD BHAT,
AGED ABOUT 46 YEARS,
OCC: NOT EMPLOYED
R/O NO. 375, EWS BDA LAYOUT,
1ST CROSS, 2ND BLOCK, J.P. NAGAR,
8TH PHASE,
BANGALORE 560 076

...PETITIONER

(BY SRI. VILAS RANGANATH DATAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF LABOUR,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE 560 001.
REP. BY ITS SECRETARY
2. M/S. SCANIA COMMERCIAL VEHICLES (IND) PVT
LTD.,
PLOT NO. 64-66-88/97,
NARASAPURAHOBLI,
KIADB INDUSTRIAL AREA,
ACCHATANAHALLI VILLAGE
TALUK-KOLAR



REPRESENTED BY ITS MANAGING DIRECTOR
REGISTERED UNDER INDIAN COMPANIES ACT 1956
...RESPONDENTS

(BY SRI. M. RAJKUMAR, AGA FOR R1
SMT. SHWETHA RAVISHANKAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO:

- (A) ISSUE A WRIT OF CERTIORARI OR WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION UNDER ARTICLE 226 AND/OR 227 OF THE CONSTITUTION OF INDIA BY CALLING FOR RECORDS FROM THE 2ND RESPONDENT AND QUASHING THE ORDER ON IA NO. III DATED 18.10.2025 IN ID NO. 17/2024 PASSED BY THE LABOUR COURT AND PRINCIPAL DISTRICT JUDGE, KOLAR VIDE ANNEXURE-M IN THE INTEREST OF JUSTICE AND EQUITY.
- (B) THAT CONSEQUENTLY THIS HON'BLE COURT PLEASED TO ISSUE A WRIT OF CERTIORARI OR WRIT ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION UNDER ARTICLE 226 AND/OR 227 OF THE CONSTITUTION OF INDIA BY CALLING FOR RECORDS FROM THE 2ND RESPONDENT AND QUASHING THE ORDER OF FRAMING THE ADDITIONAL ISSUE DATED 18.10.2025 IN ID NO. 17/2024 PASSED BY THE LABOUR COURT AND PRINCIPAL DISTRICT JUDGE, KOLAR VIDE ANNEXURE-N IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. This case is listed for orders on interlocutory application at I.A. No.1 of 2026. With the consent of both the counsel, the case is heard on merits, as the question raised before this Court lies in a narrow compass.
2. This petition is filed assailing the order dated 18.10.2025 passed in Industrial Dispute No.17 of 2024 by the Labour Court, Kolar. In terms of the said order, the Labour Court has allowed I.A. No.3 filed by the second party before the Labour Court to frame an additional issue on limitation.
3. The Labour Court has held that it is a mixed question of law and fact and no prejudice will be caused to any of the parties by framing the issue. Hence, I.A.



No.3 was allowed and an additional issue was framed. The additional issue framed reads as under:

"Whether reference is barred by limitation?"

4. Assailing the said order, the employee is before this Court.
5. Whether the petitioner is a workman or not is one of the questions to be decided by the Labour Court.
6. Learned counsel appearing for the petitioner would submit that the petitioner was terminated on 08.11.2017 and the petitioner raised a dispute by filing an application before the Conciliation Officer on 05.12.2018 through an e-mail. Thus the petitioner claims that the claim is in time and there is no scope to raise an issue on limitation.
7. It is also submitted that no specific period of limitation is prescribed to raise a dispute of this



nature, as such, the Labour Court could not have framed an issue relating to Limitation.

8. In addition, elaborating the submissions, the learned counsel for the petitioner would also submit that when the communication was sent to the Conciliation Officer in the month of December 2018, the Officer did not take up the application for further proceedings as required under the law and later, he rejected the claim on the premise that there is no industrial dispute.
9. The said order was called in question by filing a writ petition in W.P. No.28534 of 2023 [L-RES] and the Co-ordinate Bench of this Court has allowed the writ petition and set aside the order passed by the Conciliation Officer and remitted the matter to the Conciliation Officer to pass an appropriate order in accordance with law.



10. It is further submitted that the employer filed a writ appeal in W.A. No.904 of 2024 [L-RES] and the same was dismissed on 13.11.2024 confirming the order passed by the learned Single Judge.
11. Referring to these circumstances, the learned counsel for the petitioner would submit that the issue relating to limitation does not arise, for the reason that the employer has not raised the question of limitation when the employer was served with the notice in the aforementioned writ petition as well as when employer filed Writ Appeal No.904 of 2024.
12. It is also submitted that the employer was very much aware of the fact that the petitioner raised a dispute before the Conciliation Officer in 2018 and same can be noticed from the statement of objections filed by the employer who has chosen not to rebut the statement made in the claim petition.



13. In addition, the learned counsel for the petitioner would also urge that the Labour Court cannot go beyond the point for reference framed and there is no point for reference framed relating to the limitation.
14. Learned counsel for the petitioner would also urge that the Conciliation Officer has not reported that the claim is time barred. He has only reported that the conciliation has failed and as such the Labour Court could not have framed an issue relating to limitation.
15. In support of his contentions, the learned counsel for the petitioner would place reliance on the following three judgments:

- (i) *The Delhi Cloth and General Mills Co. Ltd. v. The Workmen and others*¹.
- (ii) *Mahendra L. Jain and others v. Indore Development Authority and others*².

¹ **AIR 1967 SC 469**

² **(2005) 1 SCC 639**



(iii) *U.S. Technology International Private Limited v. Ms.Manju S. Pillai*³.

16. Referring to the aforementioned judgments, it is urged that the Labour Court cannot adjudicate a question which is not referred to by the appropriate Government and the points for reference made by the appropriate Government would not cover the issue relating to the limitation.
17. Learned counsel appearing for the respondent - employer would submit that the dispute is raised in 2022 and no document is placed before the Labour Court to show that the employee approached the Conciliation Officer in the year 2018 as contented and it is also urged that a specific plea is taken in the statement of objections stating that the claim is time barred and that being the position, the Labour Court

³ ***(Writ Petition No.15689 of 2019 disposed of on 01.08.2024)***



was justified in framing an issue relating to limitation.

18. In addition, it is also urged that the question of limitation is incidental to the point for reference framed and even in the absence of any specific plea, the Court is required to frame an issue relating to limitation, as the Court is not required to consider the stale or time-barred claims.
19. Learned counsel for the respondent has disputed the petitioners claim that the application was submitted before the Conciliation Officer in the year 2018. It is urged that the dispute is raised for the first time in the year 2022.
20. The Court has considered the contentions raised at the Bar and perused the material on record.
21. The Conciliation Officer has once rejected the application filed by the petitioner on the premise that an industrial dispute does not exist. The said order



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was called in question by the employee before this Court in W.P. No. 28534 of 2023. The said petition was allowed and the Court has held that the Conciliation Officer has no jurisdiction to take a view that the industrial dispute does not exist.

22. It is also noticed that the said order in W.P. No. 28534 of 2023 was called in question before the Division Bench of this Court by filing Writ Appeal No.904 of 2024. In the aforementioned proceedings, the Court was required to consider the question as to whether the Conciliation Officer is justified in holding that the industrial dispute does exist or not. In the aforementioned context, the Court has said that the Conciliation Officer was not justified in taking a view that an industrial dispute does not exist.

23. The question of limitation did not arise in those proceedings and the employer was also not obligated under law to raise a defence relating to limitation at



that point of time, as the employer was only contesting the petition and opposing the employee on the premise that the industrial dispute does not exist and the Conciliation Officer is justified in rejecting the petitioner's application. Thus, the submission that the contention relating to limitation ought to have been raised in the writ petition or in the writ appeal referred to above, cannot be accepted.

24. The next question is "whether the Industrial Tribunal/Labour Court can frame a question relating to the limitation, when the point for reference does not touch upon the question of limitation?".
25. Learned counsel for the petitioner has referred to the judgment of the Hon'ble Apex Court as well as the Co-ordinate Bench of this Court referred to above, wherein it is held that the power of the Labour Court is limited to say that it cannot frame a question



which is unconcerned and unconnected with the point for reference.

26. The question relating to limitation cannot be said to be a question which is unconcerned or unconnected to the point for reference that is framed. The point for reference that is framed in this case is relating to the validity of termination of the employee. In case, the dispute raised is stale or belated, the employer is enabled under law to raise such contentions.
27. When the point for reference was framed, the employer or the employee were not heard. It is only an administrative order. At that stage, the employer has no right of audience and no opportunity to raise the plea of limitation or delay and laches. That being the position, the employer is permitted under law to raise a defence relating to delay and laches. In that event, the Labour Court is also competent to frame an issue relating to delay and laches.



28. In the instant case, the Labour Court has framed an issue relating to limitation. It is a settled position of law that the dispute of this nature is not governed by any Article in the Limitation Act, 1963, as such, there cannot be any question relating to limitation. The issue ought to have been relating to the delay and laches, if any, on the part of the employee.
29. That being the position, this Court is of the view that the petition has to be allowed in part. The issue relating to the limitation has to be reframed and accordingly reframed as under:

"Whether the claim made by the petitioner is hit by delay and laches?"

30. There appears to be a dispute as to when the dispute is raised. Petitioner claims it was raised before the Conciliation Officer in the year 2018 and respondents contend that the dispute is raised for the first time in the year 2022. The Labour Court shall consider this



aspect while deciding issue relating to delay and laches.

31. It is made clear that in case the petitioner has raised the dispute in the year 2018 itself, then the Court is of the view that the Labour Court is obliged to consider the case on merits, and cannot reject the claim on the premise that it is hit by delay and laches.

32. If the dispute is raised in the year 2022 for the first time, then the Labour Court has to consider, whether there are justifiable reasons for the delay and if sufficient reasons are made out explaining the delay, then the Labour Court has to consider such claim on merits.

33. In the result, I pass the following:

ORDER

(I) The writ petition is ***allowed in part;***



(II) The impugned order on I.A. No.III and framing of additional issue, both dated 18.10.2025 passed in Industrial Dispute No.17 of 2024 by the Labour Court, Kolar vide Annexures 'M' and 'N' are ***modified.***

(III) The Labour Court shall frame the following additional issue:
"Whether the claim made by the petitioner is hit by delay and laches?".

(IV) It is made clear that this Court has not expressed anything on the merits of the matter.

(V) All contentions are kept open.

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