IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.41132/2014 (L-RES)
c/w
WRIT PETITION No.41133/2014 (L-TER)
WRIT PETITION No.24232/2015 (L-RES)
WRIT PETITION NO.24234/2015 (L-TER)

IN WRIT PETITION NO.41132/2014:

BETWEEN

M/S. VXL INSTRUMENTS LIMITED
NO.17, ELECTRONIC CITY,
HOSUR ROAD,
BENGALURU – 560 001
REPRESENTED BY
BY ITS DIRECTOR.

... PETITIONER

[BY SRI. PRASHANTH B.R., ADVOCATE FOR SRI. M.R.C. RAVI, ADVOCATE (PHYSICAL HEARING)]

AND

1. SRI M. DAYANANDA,
   MAJOR.

2. SRI K.R. VEERABHADRA,
   MAJOR.

3. SRI SURESH K,
   MAJOR.

4. SRI M. RAMESH,
MAJOR.

5. SRI N. MUNIRAJU,
MAJOR.

6. SRI P. DAMODARAN
MAJOR.

7. SRI J. MOHAN KUMAR,
MAJOR.

8. SRI B.S. PRAKASH,
MAJOR.

(SRI NAGESH IS NOT MADE PARTY IN
VIEW OF HIS VOLUNTARY RETIREMENT
SETTLEMENT)

ARE ALL REPRESENTED BY
KARNATAKA WORKERS UNION
REPRESENTED BY ITS
GENERAL SECRETARY,
CITU OFFICE,
NO.20/1, LALBAGH FORT ROAD,
BENGALURU – 560 004.

... RESPONDENTS

(BY SRI. V.S. NAIK, ADVOCATE FOR R1 TO R8
(VIDEO CONFERENCING)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DATED 15.04.2014 DIRECTING THE PETITIONER TO REINSTATE THE RESPONDENTS INTO SERVICE WITH CONTINUITY OF SERVICE, PASSED IN I.D.NO.106/2009 BY THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, LABOUR COURT, BANGALORE AS PER ANNEXURE-A.

IN WRIT PETITION NO.41133/2014:

BETWEEN

THE MANAGEMENT OF
M/S. VXL INSTRUMENTS LIMITED,
NO.17, ELECTRONIC CITY,
HOSUR ROAD,
BENGALURU – 560 001
REPRESENTED BY
BY ITS DIRECTOR

... PETITIONER

[BY SRI. PRASHANTH B.R., ADVOCATE FOR
SRI. M.R.C. RAVI, ADVOCATE(PHYSICAL HEARING)]

AND

1. SRI JAYASHANKARA RAJU,
MAJOR.

2. SRI JAGANNATHAN D.,
MAJOR.

THEY ARE REPRESENTED BY
THE GENERAL SECRETARY,
KARNATAKA WORKERS UNION,
NO.20/1, LALBAGH FORT ROAD
BENGALURU – 560 004.
(SRI J.TRISHANKARA RAJU IS NOT
MADE A PARTY IN VIEW OF THE
SETTLEMENT)

... RESPONDENTS

(BY SRI V.S. NAIK, ADVOCATE (VIDEO CONFERENCING)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DATED 04.04.2014 DIRECTING THE PETITIONER TO REINSTATE THE RESPONDENTS INTO

SERVICE WITH CONTINUITY OF SERVICE, PASSED IN I.D.NO.57/2008 BY THE PESIDING OFFICER, INDUSTRIAL TRIBUNAL, LABOUR COURT, BENGALURU AS PER ANNEXURE-A.

IN WRIT PETITION NO.24232/2015:

BETWEEN

THE WORKMEN
M/S. VXL INSTRUMENTS LIMITED,
NO.17, ELECTRONIC CITY,
HOSUR ROAD, BENGALURU,
REPRESENTED BY
KARNATAKA WORKERS' UNION,
CITU OFFICE, V.G. GOPAL BUILDING,
NO.20/1, LALBAGH FORT ROAD,
BENGALURU – 560 004
BY ITS GENERAL SECRETARY.

... PETITIONER

[BY SRI V.S. NAIK, ADVOCATE (VIDEO CONFERENCING)]

AND

THE MANAGEMENT OF
M/S. VXL INSTRUMENTS LIMITED,
NO.17, ELECTRONICS CITY,
HOSUR ROAD,
BENGALURU – 560 001
REPRESENTED BY ITS
MANAGING DIRECTOR.

... RESPONDENT

(BY SRI. PRASHANTH B.R., ADVOCATE FOR
SRI. M.R.C. RAVI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS FROM THE

INDUSTRIAL TRIBUNAL, BENGALURU, PERTAINING TO ANNEXURE-A AND ETC.

IN WRIT PETITION NO.24234/2015:

BETWEEN

THE WORKMEN
M/S. VXL INSTRUMENTS LIMITED,
NO.17, ELECTRONIC CITY,
HOSUR ROAD, BENGALURU
REPRESENTED BY
KARNATAKA WORKERS' UNION
CITU OFFICE, V.G. GOPAL BUILDING,
NO.20/1, LALBAGH FORT ROAD,
BENGALURU – 560 004
BY ITS GENERAL SECRETARY.

... PETITIONER

[BY SRI. V.S. NAIK, ADVOCATE
(VIDEO CONFERENCING)]

AND

THE MANAGEMENT OF
M/S. VXL INSTRUMENTS LIMITED
NO.17, ELECTRONICS CITY
HOSUR ROAD
BENGALURU – 560 001
REPRESENTED BY ITS
MANAGING DIRECTOR

... RESPONDENT

(BY SRI. PRASHANTH B.R., ADVOCATE FOR
SRI. M.R.C. RAVI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS FROM THE INDUSTRIAL TRIBUNAL, BENGALURU, PERTAINING TO ANNEXURE-A.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Writ petition Nos.41132/2014 and 41133/2014 are filed by the Management, VXL Instruments Limited (hereinafter referred to as 'Management' for short) and writ petition Nos.24232/2015 and 24234/2015 are filed by the workmen of VXL Instruments Limited (hereinafter referred to as 'the workmen' for short), all of whom have called in question the awards of the Labour Court passed in I.D.Nos.106/2009 dated 15.04.2014 and 57/2008 dated 04.04.2014, wherein, the Management has challenged the reinstatement of the workmen and the workmen have challenged the same for not granting backwages and extension of other consequential benefits.

2. In all about 89 workmen in the Management, who were terminated and industrial disputes were raised by all of them. Later, the Management have entered into a settlement with all the employees and granted them certain benefits, which is also placed before this Court along with joint memo dated 13.07.2018, in writ petition No.41132/2014, which depict terms of settlement with 59 workmen, which also include preset workmen.

3. The settlement between the Management and workmen is brought about in the light of the challenge to the closure of the company being withdrawn by the Union on a memo for withdrawal in W.P.No.16217/2011 and the writ petition recording the contents of the memo was disposed on 13.07.2018 as withdrawn. The withdrawal of the challenge to the closure resulted in the closure becoming final and it is later, the Management

entered into a settlement with other workmen which includes these workmen.

4. Therefore, learned counsel appearing for the Management would submit that they are willing to settle the dispute with these workmen as well as is done in the case of all other workmen with the same terms and conditions.

5. Learned counsel appearing for the workmen would vehemently argue and contend that the awards of the Labour Court is unassailable and they are entitled to back wages and other benefits. The fact remains that the Management has settled the dispute with all other workmen on the same terms and conditions.

6. Therefore, I deem it appropriate to direct the Management to grant all the benefits that are granted in terms of settlement to all other workmen

except back wages. In the light of the closure being challenged by the workmen and that challenge having been withdrawn except the relief that the Management is now submitting before this Court, the workmen would not be entitled to any other relief.

7. It is brought to the notice of this Court that the workmen in this case have been paid 17B wages till date.

8. It is made clear that the respondent-workmen are not entitled to any back wages whatsoever and the Management shall not recover 17B wages that is paid till date. The Management shall settle all the benefits as is given to all other employees of the company as per the joint memo placed before this Court dated 13.07.2018, concerning settlement with the present workmen.

9. It is further brought to my notice that certain amount is deposited before this Court for payment to be made to the workmen, the same may be released to the Management to enable them to settle the dues that the workmen are entitled to as is done in the case of other employees in terms of joint memo dated 13.07.2018. The direction shall be complied by the Management within three months from the date of receipt of a copy of this order.

With the aforesaid observations, the writ petitions are disposed.

Sd/-
JUDGE

SJK