NC: 2026:KHC:21683
WP No. 18086 of 2021

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 18086 OF 2021 (L-RES)

BETWEEN:

1. NARAYANA C,
   AGED ABUT 33 YEARS,
   S/O LATE CHIKKARANGAIAH,

2. MARUTHI R,
   AGED ABOUT 33 YEARS,
   S/O RAJAPPA D,

3. NAGARAJAPPA H,
   AGED ABOUT 39 YEARS,
   S/O HANUMANTHAPPA,

4. PRINCE S.R,
   AGED ABOUT 33 YEARS,
   S/O RAJAN,

5. SREEDHARA N,
   AGED ABOUT 38 YEARS,
   S/O NAGARAJA,

   ALL THE AFOREMENTIONED PERSONS ARE
   WORKING AS NURSING ORDERLIES
   IN ESIC MODEL HOSPITAL, RAJAJINAGAR,
   BENGALURU - 560 010.

...PETITIONERS

(BY SRI PRADYUMNA M R, ADVOCATE FOR
SRI N G PHADKA, ADVOCATE)

Digitally signed by BELUR RANGADHAMA NANDINI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE UNION OF INDIA,
   REPRESENTED BY THE SECRETARY,
   MINISTRYOF LABOUR,
   SHARMA SHAKTI BHAVAN,
   RAFI MARG, NEW DELHI - 110 001.

2. EMPLOYEES STATE INSURANCE CORPORATION,
   HEAD QUARTERS OFFICE,
   PANCH DEEP BHAVAN, CIG MARG,
   NEW DELHI - 110 002,
   REPRESENTED BY ITS DIRECTOR GENERAL.

3. THE REGIONAL DIRECTOR,
   EMPLOYEES STATE INSURANCE CORPORATION,
   REGIONAL OFFICE KARNATAKA,
   NO.10, BINNY FIELDS, BINNYPET,
   BANGALORE - 560 023.

…RESPONDENTS

(BY SRI S B TOTAD, ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE DECISION OF THE R1 FOUND IN THE IMPUGNED LETTER DATED 10.05.2019 ISSUED AT ANNEXURE-G. DIRECT THE R1 TO REFER THEIR INDUSTRIAL DISPUTE FOR ADJUDICATION MADE IN THE APPLICATION DATED 27.11.2018 AT ANNEXURE-C. PASS ORDER IN FAVOUR OF THE SAID FORTY TWO WORKMEN (WHICH INCLUDES PETITIONERS AND WHOSE CAUSE THE PETITIONERS ARE ESPOUSING) IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This Petition is filed challenging the report of respondent No.1 dated 10.05.2019 marked at Annexure-G.

2. In terms of the said report dated 10.05.2019, the Conciliation Officer has reported that the conciliation has failed. In addition to that, the Conciliation Officer held that the matter does not warrant adjudication and has further held that it is not a fit case for referring the matter for adjudication.

3. Learned counsel for the petitioners would submit that the Conciliation Officer lacks jurisdiction and he is only required to submit the report of the conciliation proceeding, which admittedly resulted in failure, and the officer should have referred the matter to the Appropriate Government for further action.

4. Learned counsel for the respondents would defend the report.

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

6. It is well-settled position of law that the Conciliation Officer has to submit the report of the conciliation proceeding. If

the conciliation has failed, he has to refer the matter to the Appropriate Government and the Appropriate Government has to take a decision as to whether the matter has to be referred for adjudication or not. However, that is not done.

7. Hence, the following order:

ORDER

(i) The Writ Petition is ***allowed in part***.

(ii) The impugned order dated 10.05.2019 marked at Annexure-G is quashed in so far as the observations in the last paragraph of the order which recorded a finding that the matter lacks merit warranting adjudication and not a fit case for adjudication.

(iii) Direction is issued to respondent No.1 - the Appropriate Government to take note of the conciliation report at Annexure-G and take further action as to whether the matter is to be adjudicated for adjudication or not.

(iv) The exercise shall be completed within 45 days from the date of the receipt of certified copy of this order.

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

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 68