HC-KAR
NC: 2026:KHC:63515
WP No. 9785 of 2024
CNR: KAHC010182282024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17TH DAY OF NOVEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO. 9785 OF 2024 (L-PF)**

**BETWEEN:**

GARMENT AND TEXTILE WORKERS UNION
OFFICE 17/1, FIRST FLOOR
NEAR BMTC BUS STOP
NEW GUDDUDDAHALLI
MYSORE ROAD, BENGLAURU -560026
REP. BY ITS PRESIDENT
REGISTERED UNDER INDIAN
TRADE UNION ACT 1926.

...PETITIONER

(BY SMT. AVANI CHOKSHI., ADVOCATE)

**AND:**

1. REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANISATION
REGIONAL OFFICE -1
ANNAPURNESHWARI NAGARA
6TH MAIN, SINGANSANDRA
HSOUR , MAIN ROAD
BENGLAURU -560068.

2. M/S CUTHEBERTS APPARELS PVT LTD.,
( IN LIQUIDATION)
REP. BY OFFICIAL LIQUIDATOR
HIGH COURT OF KARNATAKA
CORPORATE BHAVAN, 12TH FLOOR
RAHEJA TOWERS, NO.26-27, M G ROAD

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BENGALURU 560 001
REGISTERED UNDER THE COMPANIES ACT

…RESPONDENTS

(BY SMT. NANDITA D HALDIPUR, ADVOCATE FOR R1:
SRI K S MAHADEVAN, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING FOR DIRECTION TO R-1 TO DISBURSE THE SUM OF RS. 44,88,993/- (RUPEES FORTY FOUR LAKHS EIGHTY EIGHT THOUSAND NINE HUNDRED AND NINETY THREE) DEPOSITED TO IT BY THE R-2 TO THE WORKERS ENLISTED IN ANNEXURE-J AND ANY OTHER ELIGIBLE WORKERS OF M/S CUTHBERTS APPARELS PVT. LTD. (KN-24487) ALONG WITH INTEREST AT THE RATE OF 18 PERCENT PER ANNUM FROM DATE OF THE SAID SUM FELL DUE TILL DATE OF DISBURSAL AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

1. In this writ petition, the petitioner sought for the following relief/s:

> *"A. ISSUE a writ of mandamus or direction to the Respondent No. 1 to disburse the sum of Rs. 44,88,993/- (Rupees Forty Four Lakh Eighty Eight Thousand Nine Hundred and Ninety Three) deposited to it by the Respondent No. 2 to the workers enlisted in Annexure J and any other eligible workers of M/s Cuthberts Apparels Pvt. Ltd. (KN-24487) along with interest at the rate of 18% per annum from date of the said sum fell due till date of disbursal.*

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*B. PASS any other orders within the facts and circumstances of the case in the interests of justice and equity, including orders regarding compensation."*

2. The case of the petitioner is that the petitioner Union is a registered Trade Union, working for the rights of garment workers in Karnataka since 2006. The Establishment in question employed approximately 1000 workers and had two units situated at Singasandra and Mysore Road, respectively. In the month of May 2009, the Establishment was illegally closed, resulting in the workers being thrown out of employment. The petitioner Union, representing the said workers, approached this Court seeking disbursement of the provident fund amounts payable to each of the employees. Since the respondent authority has not disbursed the provident fund amounts to the employees, who are members of the petitioner Union, the petitioner has approached this Court seeking a direction to the respondent authority to disburse the sum of Rs.44,88,993/-.

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3. Learned counsel appearing for respondents submits that, since the Establishment has been closed, the petitioner has undertaken to submit Form No.3A under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the 'Scheme, 1952' for short), along with an affidavit from each employee. If the petitioner furnishes the said relevant documents required by the respondent authority, the claims of the employees will be considered in accordance with law.

4. It is not in dispute that the respondent authority has recovered the amount from the Establishment on account of non-payment of provident fund contributions. The respondent authority is now required to assess the amounts recovered towards the provident fund contributions payable to the respective employees in accordance with the Scheme, 1952.

5. The grievance of the petitioner is that the provident fund amounts payable to the employees have not been disbursed even though the Establishment has been closed.

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Learned counsel appearing for the respondents submits that certain documents, such as Form No.3A, an affidavit from each employee and other relevant documents, attested by the petitioner Union, are required for generating the UAN of each employee and for processing the provident fund claims of the employees. The petitioner Union has also undertaken to furnish the said documents as may be required by the respondent authority for processing their claims.

6. Under these circumstances, the writ petition is liable to be disposed of. Accordingly, following order is passed:

ORDER

a) The writ petition is ***disposed of.***

b) The petitioner Union is directed to furnish Form No.3A, duly attested by the Union, in terms of the Scheme, 1952, along with an affidavit from each of the employees and such other relevant documents as may be required by the respondent authority.

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c) Upon furnishing the aforesaid documents, the respective employees shall appear before the respondent authority for generation of their respective UAN numbers, wherever required.

d) Upon completion of the aforesaid process and generation of the UAN numbers, the respondent authority is directed to consider the claims of the respective employees for disbursement of their provident fund amounts, in accordance with law.

All pending applications stand disposed of.

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**(H.T. NARENDRA PRASAD)**
**JUDGE**

HA
LIST NO.: 1 SL NO.: 14