HC-KAR

NC: 2026:KHC:64889-DB
WA No. 1167 of 2023

CNR: KAHC010494252023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO. 1167 OF 2023 (L-TER)

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
NO.2-B, UNITY BUILDING ANNEXE
B KALINGARAO ROAD,
MISSION ROAD,
BANGALORE 560 027.
REP. BY ITS REGIONAL MANAGER,
SMT. M SUMANGALA.

...APPELLANT

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

(BY SRI. SEETHA RAMA RAO B C AND ANUP SEETHARAM RAO, ADVOCATES)

AND:

1. SRI.B. ANKARAJU
   AGED ABOUT 61 YEARS,
   S/O SRI. BASAVAIAH,
   RESIDING AT ARAVANAPURA STREET,
   MADHUVANAGHALLI,
   KOLLEGALA TALUK
   CHAMARAJANAGAR DISTRICT -571 440.

2. GOVERNMENT OF INDIA
   MINISTRY OF LABOUR,

MANSINGH ROAD,
NIRMAN BHAVAN,
CHANAKYAPURI,
NEW DELHI - 110 011
REP. BY ITS UNDER SECRETARY.

…RESPONDENTS

(BY SRI. MUKKANNAPPA S B., ADVOCATE FOR R1;
SRI. D. BASAVARAJA, CGC FOR R2)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO ALLOW THE ABOVE APPEAL TO SET ASIDE THE JUDGMENT DATED 31.01.2023, PASSED IN W.P.No.17986/2012 (L-TER) BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT AND TO DISMISS THE WRIT PETITION FILED BY THE FIRST RESPONDENT, IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

1. This writ appeal is filed against the order/judgment of the learned Single Judge dated 31.01.2023 in W.P.No.17986/2012.

2. We have heard Sri.Anup Seetharam Rao, learned counsel appearing for the appellant and Sri.Mukkannappa S.B., learned counsel appearing for respondent No.1.

3. The essential grievance raised by the appellant as against the judgment is that after setting aside the endorsement dated 27.04.2012, the matter has been remitted to the respondent No.2 to consider the matter afresh and direction has been issued to the respondent No.2 to pass necessary orders referring the matter to the Industrial Tribunal or the Labour Court.

4. It is submitted by the learned counsel for the appellant that even if all the contentions of the respondent No.1 are accepted, the matter could have been remitted to the respondent No.2 only for a consideration as to whether an industrial dispute is in existence after leaving open all the contentions.

5. It is submitted that the directions issued to the respondent No.2 to pass necessary orders referring the matter to the Industrial Tribunal or the Labour Court was erroneous since it takes away the discretion of the respondent No.2 to pass orders considering whether there is an industrial dispute in existence or not.

6. The learned counsel appearing for respondent No.1, on the other hand, contends that all the issues have to be considered on merits by the Labour Court or the Industrial Tribunal concerned.

7. Having considered the contentions advanced, we are of the opinion that even if the endorsement of the respondent No.2 is found to be incorrect, the learned Single Judge could have directed only the consideration of the matter by the respondent No.2 on merits, leaving open all the questions.

8. In the above view of the matter, the appeal is ***allowed-in-part.*** The direction issued to the respondent No.2 to consider the matter afresh is upheld.

9. However, it is made clear that all questions are left open including the existence of the industrial dispute as also the question of delay/limitation, etc., to be decided by the respondent No.2 on merits after hearing both sides.

SD/-
(ANU SIVARAMAN)
JUDGE

SD/-
(K.S.BHARATH KUMAR)
JUDGE

SBN
List No.: 2 Sl No.: 2