HC-KAR

NC: 2026:KHC:59526
WP No. 23984 of 2023

CNR: KAHC010558172023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 23984 OF 2023 (L-MW)

BETWEEN:

SRI K N PANCHAKSHARI
@ K N PANCHAKSHARASWAMY
S/O K NANJAPPA
AGED ABOUT 69 YEARS
HAVING PLACE OF BUSINESS AT
M/S KOKILA CHITRAMANDIRA
PANDAVAPURA TOWN, PANDAVAPURA
MANDYA DISTRICT 571434.

…PETITIONER

(BY SRI. M.VEERABHADRAIAH., ADVOCATE)

AND:

1. THE ASST. LABOUR COMMISSIONER
AND DESIGNATED AUTHORITY UNDER
MINIMUM WAGES ACT, 1948
AKSHAYA BHANDARA, KUVEMPU NAGAR
MYSURU-570023.

2. THE LABOUR INSPECTOR
PADAVAPURA CIRCLE
BANDIGOWDA LAYOUT, SHANKARAPURA
MANDYA DISTRICT – 571401.

3. SRI MURUGAN
S/O KRISHNA RAJ
AGED ABOUT MAJOR

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GATE KEEPER

4. SRI KRISHNANAND
S/O THAMBI
AGED ABOUT MAJOR
BOOKING CLERK

5. SRI PURAND
S/O RAMULU
AGED ABOUT MAJOR
OPERATOR

6. SRI CHALUVA
S/O RAJU
AGED ABOUT MAJOR
SWEEPER

7. SRI NARAYANA
S/O SIDDEGOWDA
AGED ABOUT MAJOR
CLERK

8. SRI PRABHU
S/O BASAVEGOWDA
AGED ABOUT MAJOR
WATCHMEN

9. SRI SATHIS
S/O KRISHNEGOWDA
AGED ABOUT MAJOR
MANAGER

R3 TO R9 ARE WORKERS OF
M/S KOKILA CHITHRAMANDHIRA
PANDUVAPURA TOWN
MANDYA DISTRICT-571434.

…RESPONDENTS

(BY SMT. PRATHIBHA R K, AGA FOR R1 & R2:
R3,R4,R6, R7 & R9 ARE SERVED AND UNREPRESENTED:
PETITION IS DISMISSED AGAINST R5 V/O DATED:

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06.01.2025: NOTICE TO R8 IS DISPENSED WITH
V/O DATED: 06.01.2025)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 03.02.2023 PASSED BY THE FIRST RESPONDENT AS PER ANNEXURE-A AND ETC.

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

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

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the impugned order dated 03.02.2023, whereby the first respondent, in exercise of the powers conferred under Section 20 of the Minimum Wages Act, 1948 (for short, 'Act'), has directed the petitioner to pay a total sum of Rs.2,56,375/- to seven employees/workmen.

2.The second respondent–Labour Inspector filed a claim petition under Section 20 of the Act, against the petitioner for non-payment of minimum wages to seven workmen. Initially, the proceedings were pending before

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the Labour Officer and the same was numbered as M.M. No. 39/2012. Notice was issued to both parties, who were represented by their respective counsel. Subsequently, pursuant to the Government Order dated 29.08.2013, the powers exercised by the Labour Officer were delegated to the first respondent. Accordingly, the case was transferred to the first respondent and renumbered as C.R.No.251/2016-17.

3.Learned counsel appearing for the petitioner has produced the order sheet pertaining to the transfer proceedings. A perusal of the order sheet reveals that, although notice was stated to have been issued to both parties, there is no reference to service of notice on the petitioner. Further, the impugned order does not record any finding as to whether notice was duly served on the petitioner.

4.The specific case of the petitioner is that, after the matter was transferred to the office of the Assistant

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Labour Commissioner, no notice was served on the petitioner.

5.Section 20(3) of the Act, requires the authority to hear the applicant and the employer and afford them an opportunity of being heard before passing an order, after such further inquiry, if any, as the authority may consider necessary.

6.A perusal of the documents produced by the petitioner makes it evident that no opportunity of hearing was afforded to the petitioner before passing the impugned order. The impugned order has, therefore, been passed in violation of the principles of natural justice and the mandate of Section 20 of the Act. On this ground alone, the writ petition deserves to be allowed.

7. Accordingly, the following order is passed:

ORDER

(i) The writ petition is allowed.

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(ii) The impugned order dated 03.02.2023, passed by the first respondent and produced at Annexure-A, is hereby set aside.

(iii) The matter is remitted to the first respondent for fresh consideration. The first respondent shall issue notice to both parties, afford them a reasonable opportunity of hearing, and thereafter dispose of the claim petition in accordance with law.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 35