HC-KAR
CNR: KAHC010755422026

NC: 2026:KHC:62132
WP No. 34247 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34247 OF 2026 (L-RES)

BETWEEN:

TOYOTA KIRLOSKAR MOTOR PVT LTD
REGD.OFFICE. PLOT NO.1, BIDADI INDUSTRIAL AREA
BENGALURU SOUTH-562109.
REP. BY ITS MANAGER
EMPLOYEE RELATIONS DIVISION
SRI SRINIVASA K.V.
REGD. UNDER COMPANIES ACT, 1956

...PETITIONER

(BY SRI. S.N. MURTHY, SENIOR ADVOCATE FOR
SMT. ROOPA SRI S., ADVOCATE)

AND:

SRI M S NAVEEN
S/O LATE SRI M.P.SHANTHA KUMAR
AGED ABOUT 48 YEARS
R/O NO.11, NEW NO.8
LAKSHMAIAH ROAD HALASURU
BENGALURU-560 008.

...RESPONDENT

(BY SRI.SAMEER SHARMA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 14.10.2026 IN I D NO. 1/2025 AT ANNEXURE-L AND DIRECT LABOUR COURT TO DECIDE THE STATUS OF THE RESPONDENT AS A WORKMAN OR AS PER SECTION 2(S) OF THE INDUSTRIAL DISPUTES ACT

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HAREKOPPA THIMMANNA GOWDA

1947, BEFORE DECIDING ON IA NO.1 FILED BY THE RESPONDENT IN ID 1/2025 AND ETC.

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

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

ORAL ORDER

1. This writ petition is filed by the petitioner-Company challenging the order dated 14.10.2026 passed by the District and Sessions Judge, Labour Court, Ramanagara (hereinafter referred to as 'Labour Court' for short) on I.A.No.4 in I.D.No.1/2025, whereby the said application filed by the petitioner has been dismissed.

2. The petitioner is a private limited company engaged in the manufacture of passenger cars. The respondent was working as a Deputy Manager in the petitioner-Company. His services came to be terminated on the ground of misconduct by order dated 21.01.2025. The said order of termination was called in question by the respondent before the Labour Court in I.D.No.1/2025. Along with the industrial dispute, the respondent filed I.A.No.1 seeking an interim relief of subsistence allowance. The petitioner

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opposed the said application on the ground that the respondent does not fall within the definition of 'workman' and, therefore, the industrial dispute raised by him is not maintainable before the Labour Court. Accordingly, the Labour Court framed the following issues as per Annexure-D:

> *"(1) Whether the first party proves that he is a workman as defined u/s.2(s) of the Industrial Disputes Act, 1947?*
>
> *(2) Whether the second party justifies the order of discharge from service dated 21/01/2025?*
>
> *(3) What relief the first party is entitled to?"*

3. While framing the above issues, the Labour Court clarified that issue No.1 would be treated as the preliminary issue.

4. In view of the same, the respondent filed a memo seeking to press for consideration of I.A.No.1 pending disposal of issue No.1. However, the petitioner objected to the same and insisted that issue No.1 be decided first.

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Accordingly, the petitioner filed I.A.No.4 seeking disposal of the preliminary issue before considering I.A.No.1. The same has been dismissed. Being aggrieved by the same, the petitioner is before this Court.

5. Since the Labour Court itself has treated issue No.1 as a preliminary issue, the same is required to be decided first, particularly when the petitioner has disputed the status of the respondent as a workman and the maintainability of the industrial dispute before the Labour Court, before considering I.A.No.1 filed by the respondent.

6. However, having regard to the fact that the respondent is out of service and is not receiving any subsistence allowance, it would be appropriate to direct the Labour Court to dispose of the preliminary issue within a time-bound period, so as to enable the parties to proceed further in accordance with law.

7. Accordingly, the following order is passed:

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ORDER

a) The writ petition is ***allowed***.

b) The impugned order dated 14.10.2026 passed by the Labour Court on I.A.No.4 in I.D.No.1/2025 is hereby quashed.

C) The Labour Court is directed to dispose of issue No.1, which has been treated as a preliminary issue, within a period of two months from today, before considering I.A.No.1 filed by the respondent.

d) The parties are directed to cooperate and assist the Labour Court for early disposal of the preliminary issue. Thereafter, the Labour Court is at liberty to consider I.A.No.1 in accordance with law.

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(H.T. NARENDRA PRASAD)
JUDGE

HA
LIST NO.: 1 SL NO.: 14