

**ORDERS ON MAINTAINABILITY OF THE CASE**

This is a Reference made by Government of Karnataka for adjudication of of an industrial dispute between the parties.

2. Herein, the first party is a union of 44 workers represented by Mysuru Mahanagarapalike, Vani Vilasa Water Supply Board, Workers' Union and the second party consist of the Secretary of Urban Development Ministry, Bengaluru, Commissioner of Mysuru City Corporation and Executive and Asst. Executive Engineer of Vani Vilasa Water Supply Board, Mysuru.

3. The first party is seeking regularization of its 44 workmen with back wages from Mysuru City Corporation, Mysuru. They are contending

that since several years, they are working under Mysuru City Corporation, Mysuru and the very same Mysuru City Corporation has regularized its 4 workmen (Engineers) though they are juniors to the 44 workmen represented by the first party. But, the representation of the first party was not considered by the second party.

4. The second party No.2 to 4 have filed objections by contending that the above said workmen of first party Union belongs to Group-D. whereas, the Engineers already regularized by the Mysuru City Corporation, Mysuru are belong to Group-B & C, hence service conditions of said employees cannot be applied to the D-Group employees. Further it is stated that Mysuru City Corporation, Mysuru is not an industry and the 44 workers claiming through first party are not workmen under Industrial Disputes Act,1947 hence, the present Reference is not maintainable before this Tribunal.

5. I have heard the arguments on both sides and perused the relevant provisions of the Industrial Disputes Act, 1947 and 10 documents produced by the representative of the first party-Labour Union.

6. Section-2(j) of Industrial Disputes Act 1947 deals with **Industry** and Section 2(s) of the said Act deals with **Workmen**. According to the above said provisions, Industry means, any systematic activity carried on by the co-operation between an employer and his workmen regardless whether they are employed directly or through a contractor for production and supply of goods or services. Further, the workman means any person employed in an industry to do any skilled, unskilled, manual, supervisory, technical, clerical or operational work for hire or reward, whether the terms of employment be express or implied.

7. In present case, the documents produced by the second party shows that vide orders dated 06.05.2005, the Assistant

Provident Fund Commissioner, Mysuru has opined that the workers working in water treatment units are the employees of Mysuru City Corporation. Further, in Ref.No.08/2001, then Presiding Officer of this Tribunal vide Award dated 31.01.2004 on identical dispute has opined that the daily wages employees of Mysuru City Corporation are the workmen. Further, the very same Mysuru City Corporation vide proceedings dated 29.01.2004 bearing No.ವಾವಿನಿಸಕಾ/14/2003-04 has appointed 213 workers for a period of one year on daily wages basis in different Water Treatment Units. Therefore, prima-facie, there are materials on record to show that the workers claiming through the first party are the workmen and the dispute raised by them is an industrial dispute to be adjudicated by this Tribunal. At this stage, I am of the view that without giving an opportunity to the first party to putforth their case, the contentions of the second party can be entertained and the present proceedings could be rejected as prayed for by the No.2 to 4 of second party. The maintainability of the Reference could be decided at the time of adjudication of the same on merits. With the above observations, I proceed to pass the following-

**ORDER**

There are prima-facie materials to show that the 44 workers represented by first party Labour Union are workmen and the Mysuru City Corporation, Mysuru is an industry and the dispute raised by the first party is an industrial dispute. Therefore, the maintainability of the Reference will be considered at the time of adjudication of this Reference on merits. Consequently, the case is posted for evidence of the first party,

Call on: 28.10.2024.

sd/-  
**Presiding Officer,  
Industrial Tribunal, Mysuru.**