



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 1287 OF 2025 (L-MW)

BETWEEN:

KARNATAKA STATE GOVERNMENT,
DAILY WAGE EMPLOYEES FEDERATION,
SHIMOGA UNIT, SHIVAKUMARA SWAMY LAYOUT,
BEHIND MAGANUR PETROL BUNK, HADADI ROAD,
DAVANAGERE- 577005,
DIST: DAVANAGERE,
REPRESENTED BY IT'S PRESIDENT,
SRI M.R. DORESWAMY,
REGISTERED UNDER THE TRADE UNION ACT, 1926.
...PETITIONER
(BY SRI GOVINDARAJ K, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS CHIEF SECRETARY,
DEPARTMENT OF HEALTH AND
FAMILY WELFARE SERVICES,
VIKASA SOUDHA, BANGALORE - 560001.
2. NODAL OFFICER,
NATIONAL URBAN HEALTH MISSION (NUHM),
ANANDA RAO CIRCLE, BANGALORE 560009.
3. DISTRICT RCH OFFICER AND
INCHARGE DISTRICT PROJECT EXECUTIVE OFFICER,
NATIONAL HEALTH MISSION,
SHIMOGA - 577201.
4. DISTRICT HEALTH AND FAMILY WELFARE OFFICER,
SHIMOGA DISTRICT,





B H ROAD, SHIMOGA - 577201.

5. THE DEPUTY COMMISSIONER
OF LABOUR AND AUTHORITY
UNDER MINIMUM WAGES ACT, 1948,
HASSAN REGION, HASSAN-573201.

...RESPONDENTS

(BY SRI M RAJAKUMAR, AGA FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) DIRECT THE RESPONDENT TO DISBURSE THE AMOUNT OF MINIMUM WAGES AS PER ORDER DATED 09/10/2023 PASSED BY THE R5 VIDE ANN-J, WITH INTEREST AT 10 PERCENT PER ANNUM FOR THE DELAYED PERIOD FROM THE DATE OF THE ORDER TILL PAYMENT 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 ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed seeking writ of mandamus to direct the respondents to disburse the minimum wages determined as per the order dated 09.10.2023 by respondent No.5. The petitioner claims 10% interest on the amount ordered to be paid.

2. The second prayer is to issue writ of mandamus to respondent No.5 to initiate action to recover the amount ordered as provided under Section 20(5) of the Minimum Wages Act, 1948 (for short 'Act of 1948').



3. The third prayer is to modify the order dated 09.10.2023 and to grant minimum wages for the entire period commencing from 01.01.2017 to 31.12.2018. Admittedly, the application is filed in January 2019.

4. Learned counsel for the petitioner would submit that the *proviso* to Section 20(2) of the Act of 1948, the application for minimum wages will have to be submitted within 6 months from the date on which the minimum wages become payable. If it is not filed within 6 months, under the second *proviso* to Section 20(2) of the Act of 1948, the Authority can condone the delay beyond 6 months for the sufficient cause shown.

5. Learned counsel for the petitioner would further submit that the petitioner claimed the minimum wages from 01.01.2017 to 31.12.2018. Thus, it is his contention that the claim for payment of minimum wages from 01.07.2018 to 31.12.2018 is in time and the claim for minimum wages from 01.01.2017 to 30.06.2018 is beyond the prescribed period of limitation. An application is filed to condone the delay and the delay is condoned. However, the Authority has erroneously held that the delay is condoned for the period commencing from 01.07.2018 to 31.12.2018. Thus, it is his



contention that, that part of the order has to be modified.

6. In addition, it is also urged that under Section 20(5) of the Act of 1948, in case the order is passed by the Authority other than a Magistrate, and in case the amount is not paid, the Authority has to make an application in this behalf before the Magistrate. And no steps are taken to recover the amount. Thus, he would urge that, the Authority which passed the order should be directed to take steps as contemplated under Section 20(5) of Act of 1948.

7. Learned Government Advocate would defend the impugned order and would contend that the Authority is justified in not condoning the delay from 01.01.2018 to 30.06.2018. In addition, it is also urged that the application has to be submitted before the Authority to take further steps on the subject under Section 20(2) of the Act of 1948 and without such application, the petition is not maintainable.

8. The Court has considered the contentions raised at the Bar and perused the records.

9. Under the Act of 1948, the person who is denied minimum wages, is entitled to make an application before the



Competent Authority within six months from the due date and if there is delay beyond six months, applicant is also entitled to make an application for condonation of delay assigning sufficient cause in not making application for payment of wages.

10. It is noticed that the petitioner has made a claim for payment of minimum wages from 01.01.2017 to 31.12.2018. Admittedly, the claim for payment of minimum wages made in the month of January 2019 is well within time in so far as minimum wages payable from 01.07.2018 to 31.12.2018. The claim for payment of minimum wages from 01.01.2017 to 30.06.2018 is beyond the prescribed period of limitation and for which an application is already filed. The Authority having held that the delay has to be condoned, has erroneously condoned the delay for the period commencing from 01.07.2018 to 31.12.2018 for which claim is in time. Thus, order passed condoning delay from 01.01.2018 to 31.12.2018, the order has to be rectified by holding that delay is condoned from 01.01.2017 to 30.06.2018.

11. As far as the prayer to direct the respondents to pay the gratuity amount is concerned, the Court is of the view that the petitioner has an alternative remedy under Section 20(5) of the Act



of 1948 and the petitioner has invoked such remedy by applying before the Authority to make an application before the jurisdictional Magistrate. The Authority has not yet considered the petitioner's prayer.

12. Under these circumstances, the Court is of the view that respondent No.5 is directed to make an application before the jurisdictional Magistrate to recover the minimum wages payable.

13. The exercise shall be completed within 45 days from the date of receipt of certified copy of this order.

14. The order dated 09.10.2023 passed by respondent No.5 is to be read as order condoning the delay from 01.01.2017 to 30.06.2018.

15. In case, the amount is not paid within 45 days from today, the petitioner is entitled to claim interest @ 10% per annum on the amount due from today till the date of realisation.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE