

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[THE GENERAL MANAGER VS. SRI. PRABHU KUMAR]

24.04.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

1. Heard the learned Senior Counsel Sri. S.S.Ramdas for the review petitioner.

2. When this petition was last listed on 07.11.2025, the following order was passed:-

"Issue notice on IA No.1/2024.

Steps shall be taken within one week.

Learned counsel, in addition to the normal mode of service, is also permitted to take out hand summons for service on the learned counsel appearing for the respondent in Contempt Petition No.232/2025.

The issue that is sought to be raised by the review petitioner regarding maintainability of writ appeal against an order passed by the learned Single Judge of this Court in exercise of jurisdiction under Article 226/227 of the Constitution of India on an award passed by the Labour Court/Industrial Tribunal, is the subject matter of a reference made by a Division Bench of this court, referring the matter to a Full Bench in WA No.507/2022 (L-RES) ¹ dated 30.01.2025.

¹ Ashis Kumar Nath Vs. VM Ware Software

Therefore, the instant petition is directed to be listed after three months."

3. However, it is noted that the Full Bench decision is awaited.

ON IA No.1/2024

4. On 07.11.2025, this Court directed issuance of notice on the aforesaid IA. Notice was issued to the respondent first time and the office reports that the respondent was served. However, it is noticed that, the office report is also that the hand summons were not taken from the Registry. The cause for the delay has been sufficiently explained in the affidavit filed in support of the IA.

5. There is no representation of the respondent and neither is there any statement of objections filed on behalf of the respondent.

6. The IA is accordingly allowed and the delay is condoned.

7. At this stage, the learned counsel for the review petitioner states that an interim order of stay be granted.

ON IA NO.1/2026

8. This IA seeks stay of the operation of the order of the learned Single Judge dated 11.08.2021 in Writ Petition No.13999/2009 and consequently to stay the implementation of the award of the II Additional Labour Court, Bengaluru, in Reference No.18/2002.

9. It appears that an Industrial Dispute was referred by the State Government for adjudication before the Labour Court, Bengaluru, on whether the Additional General Manager in (P.A.) of Management of Hindustan Aeronautics Limited office, Bengaluru Complex, M.D.(BC) Office, Bengaluru-560017 is justified in refusing employment to the employee-Sri. Prabhukumar, Driver, with effect from 20.02.2001 and if not, what relief the employee is entitled to.

10. By the award dated 01.12.2008, the II Additional Labour Court, Bengaluru, allowed the Reference with cost. The refusal of service by the Management to the 1st party from 20.02.2001 was held to be illegal and the 2nd party was directed to reinstate the 1st party into the service and extend all service benefits to him. However, the 1st party was not

entitled to backwages. The 2nd party was directed to reinstate the 1st party into the same position prior to 20.02.2000. The aforesaid award was subject to challenge in Writ Petition No.13999/2009 before a learned Single Judge of this Court who by a judgment dated 11.08.2021 dismissed the writ petition, directing the petitioner to settle the monetary dues of the workman within three months, failing which the workman would be entitled to interest on arrears of monetary benefits at the rate of 8% per annum.

11. Against the judgment of the learned Single Judge, Writ Appeal No.74/2022 was filed. By the judgment dated 07.06.2022, the Co-ordinate Bench of this Court dismissed the writ appeal as not maintainable. Thereafter, the instant review petition was filed.

12. The learned counsel for the review petitioner states that the proceedings for contempt are going on and as mentioned in the previous order of this Court, the matter has been referred to a Full Bench in Writ Appeal No.507/2022 regarding the maintainability of a writ appeal against the order passed by the learned Single Judge of this Court in exercise of jurisdiction under Article 226/227 of the

Constitution, on an award passed by the Labour Court. The Full Bench has not yet taken a decision. He states that the appellant-Company is facing contempt proceedings and therefore a stay be granted on the operation of the award and the judgment of the learned Single Judge. He also states that the appellant is ready to deposit the entire amount awarded.

13. Given the concession being made by the learned counsel for the appellant with regard to deposit of the entire amount, that is payable to the respondent in terms of the award and judgment, we direct that, there shall be an interim stay on the execution of the award, provided the entire monetary dues of the respondent are deposited before the concerned Labour Court on or before 05.05.2026. No extension of time for deposit shall be granted.

14. On failure to deposit the amount in terms of the order in the writ petition and in the award of the Labour Court, this interim order shall stand automatically vacated. The Labour Court is requested to communicate to the Registrar General of this Court, if due deposit is not made by the employer within the time prescribed.

15. It is made clear that out of the amount so deposited, the respondent shall be permitted to withdraw 1/4th of the amount without any security and another 1/4th of the amount, after furnishing an Indemnity Bond/Security. It shall be open to the respondent to apply before this Court seeking further withdrawal after three months from today.

16. List this petition after decision of the Full Bench.

(JAYANT BANERJI)
JUDGE

(ASHOK S.KINAGI)
JUDGE

KGR
List No.: 19 Sl No.: 1