



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 45268 OF 2017 (L-RES)

BETWEEN:

BANGALORE METRO RAIL
CORPORATION LTD.
EMPLOYEES UNION (REGD)
HAVING ITS REGD OFFICE AT
NO.807, JYOTHI,
5TH MAIN ROAD,
VIJAYANAGAR,
BENGALURU-40

REPRESENTED BY ITS
GENERAL SECRETARY,
SRI.T.R.UDAYA
AGED ABOUT 31 YEARS

...PETITIONER

[BY SRI P.S. RAJAGOPAL, SR. COUNSEL, A/W
SRI SAMBHAV M., ADVOCATE FOR
SMT. ASHWINI RAJAGOPAL, ADVOCATE]



AND:

1. BANGALORE METRO RAIL CORPORATION LTD.
(A JOINT VENTURE OF GOVERNMENT
OF INDIA AND GOVERNMENT OF KARNATAKA)
HAVING ITS REGISTERED OFFICE AT
3RD FLOOR, BMTC COMPLEX,
KENGAL HANUMANTHAIAH ROAD,
BENGALURU - 560 027.
REP BY ITS MANAGING DIRECTOR
2. THE REGIONAL LABOUR COMMISSIONER (C)
GOVERNMENT OF INDIA,
MINISTRY OF LABOUR,
"SHRAM SADAN",



NC: 2026:KHC:17034
WP No. 45268 of 2017

YESHWANTHPUR INDUSTRIAL
SUBURB AREA, II STAGE,
GORUGUNTEPALYA,
TUMKUR ROAD,
BANGALORE - 560 022.

...RESPONDENTS

[BY SRI S. SANTHOSH NARAYAN, ADVOCATE FOR R1;
SRI M.N.KUMAR, CGC., FOR R2]

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH LETTER DATED 01.09.2017 VIDE ANNEXURE-G ISSUED BY THE RESPONDENT NO.1 BY THE ISSUE OF WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION AS THE CASE MAY BE DECLARING THE SAME AS ILLEGAL, IRREGULAR, ARBITRARY, MALAFIDE, CAPRICIOUS AND NOT SUSTAINABLE BOTH IN LAW AND ETC.,

THIS PETITION IS COMING ON FOR HEARING ON I.A., THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard learned Senior Counsel appearing for the petitioner, learned Counsel for respondent No.1 and learned Government Advocate for respondent No.2.

2. The petitioner-Union seeks to quash Annexure-G-Endorsement dated 01.09.2017. This Endorsement is issued pursuant to petitioner's application/letters dated 26.07.2016 and 15.10.2016.



3. In terms of letter dated 26.07.2016, the petitioner-Union sought recognition of its Union, formed by the employees of the respondent No.1-Corporation.

4. The Managing Director of respondent No.1-Corporation, in terms of impugned Endorsement dated 01.09.2017, has held that the petitioner-Union cannot grant membership to the employees of respondent No.1-Corporation, who are working as Section Engineers, Junior Engineers, Customer Relations Officer and Station Controller/Train Operators.

5. The Managing Director of respondent No.1-Corporation is of the view that, all the employees occupying the posts named above are working as Supervisors and those employees cannot be admitted as members of the Union and accordingly, recognition sought by the petitioner is rejected.

6. Learned Senior Counsel appearing for the petitioner would urge that the reasons assigned by the respondent No.1-Corporation in terms of Annexure-G is untenable in view of the settled position of law declared by the Co-ordinate Bench of this Court in case of **Government Tool Room and Training**



***Centre's Supervisory & Officers Association & Another.
Vs. Assistant Labour Commissioner & Others¹.***

7. Elaborating the submission, learned Senior Counsel would urge that the Co-ordinate Bench of this Court has also followed the judgment of the Apex Court in ***Tirumala Tirupati Devasthanam vs. Commissioner of Labour²***. It is urged that under the Trade Unions Act, 1926 (for short 'Act, 1926'), in case the Union is formed and registered, any employee of trade or the Industry can be member of the Union.

8. Learned counsel for respondent No.1-Corporation would submit that the application is filed under the Act, 1926 and under the Industrial Relations Code, 2020, (Code, 2020) which came into effect from 21.11.2025, the Act of 1926 is repealed. And that being the position, the petition does not survive for consideration. The petitioner-Union has to file a fresh application under the Code, 2020 and the same will be considered, in accordance with the existing law, is the submission.

¹ **2002 LAB IC 1034**

² **1995 Supp (3) SCC 653**



9. In addition the learned counsel for the respondent No.1/Corporation would urge that the Writ petition against respondent No.1 which is a Corporation is not maintainable. It is also urged that the petitioner-Union cannot claim statutory recognition as such recognition is not provided under any statute.

10. In support of his contentions, learned counsel for respondent No.1 would also refer to the following judgments:

- "1. Workmen of Kampli Co-operative Sugar Factory Ltd. vs. Mgt. of Kampli Co-operative Sugar Factory Ltd. and Others³.**
- 2. The President of Bengaluru Metro Rail Employees Union vs. The Management of Bangalore Metro Rail Corporation Limited and Others⁴.**
- 3. K.V.Sridharan and Others vs. S Sundaramoorthy and Others⁵.**
- 4. The Bengaluru Metro Rail Employees Union vs. The Management of Bangalore Metro Rail Corporation Limited and Others⁶"**

³ MANU/KA/0165/1994

⁴ MANU/KA/1029/2024

⁵ MANU/TN/1360/2008

⁶ W.A.No.532/2024 (D.D.29.06.2025)



11. Learned Senior Counsel appearing for the petitioner in reply would submit that the Code, 2020 does provide statutory recognition.

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

13. It is noticed that in Annexure-G, respondent No.1 has refused to recognize the petitioner-Union on the premise that the Union cannot include employees working in supervisory posts. The Co-ordinate Bench of this Court in **Government Tool Room** (*supra*) following the judgment of the Apex Court in **Tirumala Tirupathi Devashtanam** (*supra*) has held that under Act, 1926, there is no embargo to admit membership to the employees, who are working in Supervisory category and the law does not mandate that the membership is available only to the workmen.

14. The Apex Court in **Tirumala Tirupathi Devashtanam** (*supra*) has held as under:

"It would be apparent from this definition that any group of employees which comes together primarily for the purpose of regulating the relations between them and their employer or between them and other workmen may



be registered as a Trade Union under the Act. It cannot be disputed that the relationship between the appellant and the workmen in question is that of employer and employee. The registration of the association of the said workmen as a Trade union under the Act has nothing to do with whether the said wings of the appellant are an 'industry' or not. We are, therefore, of the view that the High Court went into the said issue, although the same has not arisen before it. Since the findings recorded by the High Court on the said issue, are not germane to the question that falls for consideration before us, we express no opinion on the same and leave the question open."

15. This being the position, the Court is of the view that the reasons assigned by the Managing Director of respondent No.1-Corporation to reject the application filed by petitioner-Union, is untenable.

16. Learned counsel for respondent No.1 has referred to the judgments of the Division Bench of this Court, wherein it is held that there is no such statutory right to grant recognition to the Union.

17. Now the question is "*whether recognition can be granted to the petitioner-Union?*"



18. The petitioner -Union now claims that a statutory right is available under Section 14 of Code, 2020. Said provision reads as under:

"14. Recognition of negotiating union or negotiating council.—(1) *There shall be a negotiating union or a negotiating council, as the case may be, in an industrial establishment having registered Trade Union for negotiating with the employer of the industrial establishment, on such matters as may be prescribed.*

(2) *Where only one Trade Union of workers registered under the provisions of this Chapter is functioning in an industrial establishment, then, the employer of such industrial establishment shall, subject to such criteria as may be prescribed, recognise such Trade Union as sole negotiating union of the workers.*

(3) *If more than one Trade Union of workers registered under this Code are functioning in an industrial establishment, then, the Trade Union having fifty-one per cent. or more workers on the muster roll of that industrial establishment, verified in such manner as may be prescribed, supporting that Trade Union shall be recognised by the employer of the industrial establishment, as the sole negotiating union of the workers.*

(4) *If more than one Trade Union of workers registered under this Code are functioning in an*



industrial establishment, and no such Trade Union has fifty-one per cent. or more of workers on the muster roll of that industrial establishment, verified in such manner as may be prescribed, supporting that Trade union, then, there shall be constituted by the employer of the industrial establishment, a negotiating council for negotiation on the matters referred to in sub-section (1), consisting of the representatives of such registered Trade Unions which have the support of not less than twenty per cent. of the total workers on the muster roll of that industrial establishment so verified and such representation shall be of one representative for each twenty per cent. and for the remainder after calculating the membership on each twenty per cent.

(5) Where any negotiation on the matters referred to in sub-section (1) is held between an employer and a negotiating council constituted under sub-section (4), consequent upon such negotiation, any agreement is said to be reached, if it is agreed by the majority of the representatives of the Trade Unions in such negotiating council.

(6) Any recognition made under sub-section (2) or sub-section (3) or the negotiating council constituted under sub-section (4) shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be.



(7) The facilities to be provided by industrial establishment to a negotiating union or negotiating council shall be such as may be prescribed.

19. The bare reading of the provision would reveal that the Code, 2020 provides statutory recognition to the Unions. This being the position, this Court is of the view that the law laid down by the Division Bench of this Court in ***The Bengaluru Metro Rail Employees Union*** (*supra*) cannot be applied to the present case where the provisions of Code, 2020 are not noticed in the aforementioned judgment.

20. Now the Court has to consider whether the application which is filed before the commencement of Code, 2020 should be rejected as does not survive for consideration with a direction to file fresh application under the Code, 2020.

21. Section 104 of the Code, 2020 which deals with the repeal and savings reads as under:

104. Repeal and savings.—(1) *In the notification issued under sub-section (3) of section 1 for the commencement of any provision of this Code, the Central Government may specify that the provisions of—*

(a) the Trade Unions Act, 1926 (16 of 1926);



(b) the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946); and

(c) the Industrial Disputes Act, 1947 (14 of 1947),

shall stand repealed with effect from the date appointed in the notification in this behalf and the remaining provisions of the enactments referred to in clauses (a) to (c) shall remain in force till they are repealed by like notifications in the like manner.

(2) Notwithstanding such repeal under sub-section (1), anything done or any action taken under the provisions of the enactments so repealed including any rule, regulation, notification, nomination, appointment, order or direction made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Code and shall be in force to the extent they are not contrary to the provisions of this Code.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such enactments."

(Emphasis supplied)

22. The aforementioned provision does not repeal each and every order, notification, Regulation, Rule under the repealed Acts. Section 104(2) of Code, 2020, provides for



continuation of rule, regulation, notification, nomination, appointment, order or direction under the repealed Acts ***insofar as they are not contrary to the provisions of the Code, 2020.***

23. The application filed by the Union seeking recognition before commencement of the Code, 2020 and the request to consider the same under the provisions of Code, 2020 cannot be said to be impermissible because of repeal of the Act, 1926.

24. As already noticed, the Code, 2020 does provide for recognition of the Unions under Section 14 of the Code, 2020. That being the position, the petitioner - Union's claim for recognition of the Union cannot be said to be contrary to the provisions of the Code, 2020. On the other hand, it appears that it is in sync with the provisions of the Code, 2020.

25. Thus, the application seeking registration of the Union does survive for consideration post commencement of Code, 2020.

26. Though the learned counsel for the respondents have cited the judgments in ***Workmen of Kampli Co-operative***



Sugar Factory Ltd., The President of Bengaluru Metro Rail Employees Union and K.V.Sridharan (*supra*) to contend that the Writ Petition against respondent No.1/Corporation is not maintainable, the Court is of the view that those judgments are rendered in a situation where Section 14 of the Code, 2020 was not in force. Now, Section 14 of the Code, 2020 is in force and the statutory right is created in favour of the petitioner Union to seek recognition.

27. It is also settled law that in appropriate cases to enforce statutory right, the Court can entertain the Writ Petition. That being the position, the contention of respondent No.1 that writ petition is not maintainable cannot be accepted.

28. Hence, the following:

ORDER

- (i) Writ Petition is ***allowed in part***;
- (ii) Endorsement dated 01.09.2017 issued by Managing Director of respondent No.1-Corporation, at Annexure-G is set-aside.
- (iii) Respondent No.1 is directed to consider the application filed by the petitioner in the light



of Section 14 of the Industrial Relations Code, 2020; and

- (iv) It is made clear that this Court has not expressed anything on the merits of the petition as to any other eligibility criteria fixed under any other Rules or Regulations for registration of the Trade Union.
- (v) The said exercise shall be completed within 60 days from the date of receipt of the copy of this order.
- (vi) All contentions are kept open.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

AV
List No.: 1 Sl No.: 3