



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 27247 OF 2024 (L-RES)

BETWEEN:

THE MANAGEMENT OF
M/S TOYOTA BOSHOKU AUTOMOTIVE
INDIA PRIVATE LIMITED
(REP.UNDER COMPANIES ACT 1956/2013)
41, BHIMENAHALLI, M.N.HALLI PO, BIDADI
RAMANAGARA-562 109
REPRESENTED BY ITS MANAGING DIRECTOR
MR. MASAHIKO MORI

...PETITIONER

(BY SRI. PRASHANTH B.K, ADVOCATE)

AND:

1. THE SECRETARY TO
DEPARTMENT OF LABOUR
GOVERNMENT OF KARNATAKA
VIKASA SOUDHA, DR.AMBEDKAR VEEDHI
BENGALURU-560 001
REPRESENTED BY D.O.-6 MR. SHASHI
2. SHRI. B.G. CHANDRA KUMAR
S/O GOVINDAIAH
AGED ABOUT 26 YEARS
BELUR, KOTHATHI HOBLI
MANDYA TALUK AND DISTRICT
KARNATAKA-571 404
3. M/S ASCEND FACILITY
MANAGEMENT AND SERVICES
PRIVATE LIMITED.





64/1, 3RD FLOOR, 8TH B MAIN ROAD
JAYANAGAR 3RD BLOCK
JAYANAGAR, BENGALURU
KARNATAKA-560 011
(REP.UNDER COMPANIES ACT 1956/2013
REP. BY SHUBHAKAR SALIYAN
MANAGING DIRECTOR

...RESPONDENTS

(BY SRI. M. RAJAKUMAR, AGA FOR R1;
SMT. R. JAYANTHI, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER OF REFERENCE DATED 02.08.2024 BEARING NO. LD-IDM/429/2024/LD.DO.6.L.S, MADE BY THE R-1 AT ANNEXURE-G AND THE PURSUANT PROCEEDINGS AT ANNEXURE-H, IN A.I.D NO. 50/2024, BEFORE THE LEARNED ADDITIONAL INDUSTRIAL TRIBUNAL, BENGALURU.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the order of reference marked at Annexure - G.

2. In terms of the said order dated 02.08.2024, the dispute between the petitioner-Establishment and the respondent No.2-employee working through respondent



No.3 in the petitioner-Establishment is referred for adjudication.

3. The point for reference reads as under:

"Whether the Respondent No.2 is justified in seeking regularisation/ permanency of his job with the Petitioner Company due to his eye problem & if yes, what relief, the Respondent No.2 is entitled for".

4. The order of reference in unmistakable term reveals that respondent No.2-employee claims regularization of his employment.

5. Learned counsel appearing for the petitioner would submit that issue involved in the petition is covered in terms of the ratio in ***Workmen of Dharampal Premchand (Saughandhi) vs Dharampal Premchand (Saughandhi)***¹. In the said judgment, the Apex Court in paragraph No. 2 has held as under:

¹ AIR 1966 SC 182



3. xxx

*But the decisions of this Court have consistently taken a view that in order that dispute between a single employee and his employer should be validly referred under Section 10 of the Act, it is necessary that it should have been taken by the Union to which the employee belongs or by a number of employees. **On this view, a dispute between an employer and a single employee cannot by itself be treated as an industrial dispute, unless it is sponsored or espoused by the Union of workmen or by a number of workmen.** In other words, if a workman is dismissed by his employer and a dismissed workman's case is that his dismissal is wrongful, he can legitimately have the said dispute referred for adjudication before an Industrial Tribunal under s. 10(1) of the Act, provided a claim for such a reference is supported either by the Union to which he belongs or by a number of workmen.*

(Emphasis supplied)

6. The case on hand is not a case of dismissal or termination from the employment. The respondent seeks regularisation of his employment.



7. Under these circumstances, the learned counsel for the petitioner would submit that the reference is not maintainable.

8. Learned counsel for the respondent No.2 has filed written submissions on 11.02.2026. It is alleged that the employment is denied. Learned counsel has relied on the following decisions:

1. *WORKMEN OF AMERICAN EXPRESS INTERNATIONAL BANKING CORPORATION VS. MANAGEMENT OF AMERICAN EXPRESS INTERNATIONAL BANKING CORPORATION*²
2. *MANAGEMENT OF STANDARD MOTOR PRODUCTS OF INDIA LIMITED VS. A. PARTHASARATHY AND ANOTHER*³
3. *G.T. LAD AND OTHERS VS. CHEMICAL AND FIBRES OF INDIA LTD*⁴
4. *MOHD. RASHID AHMAD VS. STATE OF U.P AND ANOTHER AND ASHFAQ HUSSAIN VS. STATE OF U.P AND ANOTHER*⁵

² (1985) 4 SCC 71

³ (1985) 4 SCC 78

⁴ (1979) 1 SCC 590



5. *KUNAL SINGH VS. UNION OF INDIA AND ANOTHER*⁶
6. *TELCO CONVOY DRIVERS MAZDOOR SANGH AND ANOTHER VS. STATE OF BIHAR AND OTHERS*⁷
7. *ASLAM AHMED ZAHIRE AHMED SHAIK VS. UNION OF INDIA AND OTHERS*⁸
8. *D.P MAHESHWARI VS. DELHI ADMINISTRATION AND OTHERS*⁹
9. *M/S STAR SUGAR MILLS VS. STATE OF U.P AND OTHERS AND N.K.GUPTA VS. STATE OF U.P. AND OTHERS*¹⁰

9. The Court has considered the said written submissions and the judgments cited therein.

10. It is noticed that the aforementioned judgments are rendered in a context of dismissal of the employee with or without order of termination.

11. In the instant case the petitioner claims to be the principal employer and further submits that it is

⁵ (1979) 1 SCC 596 AND CIVIL APPEAL NO.1732 OF 1971

⁶ (2003) 4 SCC 524

⁷ (1989) 3 SCC 271

⁸ (1989) 3 SCC 277

⁹ (1983) 4 SCC 293

¹⁰ (1983) 4 SCC 299 AND WP NO.1537 OF 1981



registered under Section 7 of the Contract Labour – (Regulation and Abolition) Act, 1970.

12. The petitioner claims that, it has appointed the Labour Contractor to provide services and through respondent No.3-Labour Contractor the petitioner has availed the services of respondent No.2. It is also stated that the petitioner has no objection in case respondent No. 2 is sent to the petitioner establishment through respondent No.2 Labour Contractor.

13. Thus, there is no denial of employment or termination by the petitioner.

14. In case the respondent No.3 has denied the employment, then the respondent No.2 may raise an industrial dispute in accordance with law.

15. In case the respondent No.2 seeks regularisation of employment as noticed in the order of reference, then the respondent No.2 has to raise the dispute through the Union as advised in law.



16. This being the position, the Court is of the view that the reference is not maintainable.

17. Hence the following:

ORDER

- (i) Writ Petition is ***allowed.***
- (ii) The impugned order of reference dated 02.08.2024 passed by the Deputy Special Officer vide Annexure - G is quashed.
- (iii) Liberty is reserved to respondent No.2 to raise the dispute in the manner known to law.
- (iv) In case, the respondent No.2 is terminated from the employment or denied employment during the pendency of the petition, then it is always open to the respondent No.2 to raise such dispute, for such relief, as advised in law.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**