



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100185 OF 2024 (L-RES)

BETWEEN:

THE MANAGEMENT,
M/S. NETALKAR POWER TRANSMISSION
A PARTNERSHIP FIRM REGISTERED
UNDER THE INDIAN PARTNERSHIP ACT, 1932
45/2G, DHARWAD ROAD (KHASBAG P.O.),
BELAGAVI-590001, REPRESENTED BY
MR. SATISH NETALKAR, PARTNER.

...APPELLANT

(BY SRI. VINAY S. KOUJALAGI, ADVOCATE)

AND:

THE GENERAL SECRETARY,
NETALKAR POWER TRANSMISSION
WORKER'S UNION, R/S. NO.38(2),
TEACHERS COLONY, 4TH CROSS,
KHASBAG, BELAGAVI-590001.

...RESPONDENT

(BY SRI. AMOGH B. JOSHI, ADVOCATE FOR
SRI. S.L. MATTI, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
KARNATAKA HIGH COURT ACT, 1961 PRAYING TO CALL FOR
THE RECORDS, ALLOW THE APPEAL AND SET ASIDE THE
ORDER DATED 16-2-2024 PASSED BY THE LEARNED SINGLE
JUDGE IN WRIT PETITION NO.106164/2019 (LB-RES) AND THE



AWARD DATED 02.11.2018 PASSED IN REFERENCE NO.8/2017 BY THE LABOUR COURT HUBLI, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, THE JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. One of the threshold questions that arises is regarding the maintainability of the present appeal under Section 4 of the Karnataka High Court Act, 1961 [**1961 Act**].

2. Section 4 of 1961 Act reads as under:

“4. Appeals from decisions of a single Judge of the High Court. -An appeal from a judgment, decree, order or sentence passed by a single Judge in the exercise of the original jurisdiction of the High Court under this Act or under any law for the time being in force, shall lie to and be heard by a Bench consisting of two other Judges of the High Court.”

3. An intra-court appeal lies against an order passed by the court in exercise of its original jurisdiction. The impugned order appears to be an order passed in exercise of power under Article 227 of the Constitution of India. Thus, *prima facie*, the appeal is not



maintainable. The appellant contends that the appeal would lie under Section 10(iva) of 1961 Act. However, a plain reading of Section 10 indicates that it sets out the Coram of the Bench required to hear appeals.

4. Section 10 of 1961 Act reads under:

“10. Other powers of a bench of two Judges.- The powers of the High Court in relation to the following matters shall be exercised by a Bench of two Judges:-

(i) a reference,-

(a) under section 113 of the Code of Civil Procedure, 1908;

(b) under section 395 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974).

(ii) an application under rule 2 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908;

(iii) x x x

(iv) exercise of powers under clause (1) of article 226 of the Constitution of India where such power relates to the issue of a writ in the nature of habeas corpus;

(iva) an appeal from any original judgment, order or decree passed by a single Judge in exercise of the powers under clause (1) of article 226, article 227 and article 228 of the Constitution of India.

(v) all other matters not expressly provided for in this Act, or any other law for the time being in force.”



5. Learned counsel for the parties states that the said issue is pending before a larger bench of this Court, and the consideration of the same may be deferred.

6. Insofar as the merits are concerned, learned counsel for the appellant submits that the impugned order is erroneous as the learned Single Judge had failed to appreciate that the workmen in question (nine in number) were retrenched on the basis that they failed to undergo the training to operate the CNC machines, which was required. He contends that the said workmen are unemployable, as the work is now done on CNC machines.

7. The controversy in the present appeal had arisen from the context of the following facts.

8. The appellant is a firm engaged in manufacturing, selling, and distributing crankshafts for the automotive industry since 1991. The appellant claims that it decided to upgrade its manufacturing technology and, accordingly, switched to a sophisticated C.N.C. technology for the manufacturing process. The appellant states that it asked all its workmen to undergo training in the operation and maintenance of C.N.C. machines. Whilst forty-four number of



workmen underwent the said training, nine workmen refused to do so. Notwithstanding their reluctance to undergo training the appellant continued to pay wages for a period from March 2015 to November 2015. The appellant claims that thereafter the said workmen started creating disharmony, and the appellant was constrained to retrench them. Appellant claims that it terminated the services after following the prescribed due process.

9. Some workmen raised a dispute in the year 2016, which was referred by the State Government to the Labour Court. The said reference (No. 24/2016) culminated in an order dated 02.11.2018, by which the Labour Court set aside the termination order and directed the reinstatement of the workmen.

10. The aforesaid order was challenged in Writ Petition No.106164/2019 (L-RES) before this Court. The learned Single Judge found no infirmity with the order passed by the Labour Court and accordingly, dismissed the petition by the impugned order.

11. The learned counsel appearing for the appellant advanced submissions on the sole ground that the learned Single Judge, as well as the Labour Court, had erred in not appreciating that the



workmen in question had refused to undergo training for operating and maintaining the C.N.C. machine.

12. However, we note that the learned Labour Court found that no evidence or material was produced by the appellant to substantiate any refusal on the part of the said nine workmen to undergo such training. This is a finding on a question of fact.

13. We find no ground to fault the said finding.

14. Thus, without going into the question of maintainability of the present appeal, we find no ground to interfere with the impugned order. The appeal is, accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(GEETHA K.B.)
JUDGE**

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LIST NO.: 1 SL NO.: 13