



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT APPEAL NO. 200081 OF 2026 (L-ID)

BETWEEN:

THE ASST. EXECUTIVE ENGINEER,
IRRIGATION DIVISION NO.2,
SUB-DIVISION, KARATGI,
TQ: GANGAVATI, DIST: KOPPAL – 583 227.

PRESENTLY AEE,
KARNATAKA NEERAVARI NIGAM LTD.,
NO.2 CANAL SUB-DIVISION,
KARATGI TALUK KARATGI,
DISTRICT : KOPPAL.

...APPELLANT

(BY SRI. SUDARSHAN M., ADVOCATE)

AND:

1. THE SECRETARY,
IRRIGATION DEPARTMENT,
STATE OF KARNATAKA,
VIDHAN SOUDHA, BANGALORE – 560 001.
2. NASEERUDDIN
S/O MOHD. AFIFUDDIN,
AGE : 43 YEARS,
OCC : EX-CLEANER,
R/O: KARATGI TQ: GANGAVATI,
DIST : KOPPAL – 583 229.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS ON THE FILE OF LEARNED SINGLE JUDGE IN WP NO.205534/2019 AND THEREBY SET ASIDE THE ORDER DATED 26.06.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.205534/2019 (L-ID) AND CONSEQUENTLY, ALLOW THE WRIT PETITION, IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Appellant/Employer of Karnataka Neeravari Nigam Ltd. is before this Court seeking for the following relief:

"Wherefore, it is most respectfully prayed that this Hon'ble Court may be pleased to call for records on the file of learned Single Judge in WP No.205534/2019 and thereby set aside the order dated 26/06/2025 passed by the learned Single Judge in W.P No.205534/2019 (L-ID) and consequently, allow the writ petition, in the interest of justice."

2. Respondent No.2 having been dismissed from service by an oral order raised a reference with the appropriate government, which was referred to the Labour Court, Kalaburagi, vide reference No.64/20225 and the same was came to be disposed on 07.02.2009 by setting aside the termination order passed by respondent dated 10.04.2001 and



directing the respondent therein, who was the appellant herein, to reinstate the workman into service as a driver on daily wage basis as per the current D.S.R. rates within four weeks from the date of award coming into force on its publication by award dated 07.02.2009.

3. The respondents having challenged the award passed in the reference. The said challenge came to be dismissed vide order dated 30.03.2015 in W.P.No.82303/2009.
4. Further, the workman seeking direction for re-instatement by claiming benefit of pendency of writ petition and as he is entitled for wages from the date of publication of the award, approached the Labour Court and the Labour Court initiated proceedings under Section 33C (2) of the Industrial Disputes Act, 1947, in Application No.80/2017, which came to be allowed on 07.03.2019, directing the employer to make pay a sum of Rs.3,64,000/-, within two months from the date of the order and in the event of any default to make the payment, the applicant shall be entitled for interest at the rate of 12% per annum along with cost of Rs.10,000/-.
5. The said order having been challenged before the learned Single Judge of this Court in W.P



No.205534/2019, the same came to be dismissed on 26.06.2025. Challenging the same, the appellant is before this Court.

6. The submission of Sri M. Sudarshan, learned counsel for the appellant is that, in terms of the order dated 07.02.2009, in reference No.64/2005, it is only re-instatement of the respondent as a driver on a daily basis which had been ordered and the reference Court having categorically held that the workman would not be entitled for any backwages, hence, the claim made by the workman is unsustainable.
7. The said submission on the first blush appears to be correct however, it is the period which is required to be considered by this Court, which has also been rightly considered by the learned Single Judge. Inasmuch as in terms of the aforesaid order in Reference No.64/2005, there would be no backwages liable to be paid until 07.02.2009. Post 07.02.2009, it was required for the employer to have reinstated the workman and make payment of the wages on daily wage basis from the date of reinstatement. The appellant having challenged the said order in W.P.No.82303/2009, the said writ petition came to be dismissed on 30.03.2015 and it is only thereafter the reinstatement was done. Hence, the appellant



cannot claim any benefit of pendency of writ petition. Inasmuch as the writ petition having been dismissed, the order in reference No.64/2005 has merged with the order passed in W.P.No.82303/2009. Hence, after 07.02.2009, the appellant was required to pay wages as if the workman had been reinstated into service; this position was also considered in Application No.80/2017 and the order therein was upheld in W.P.No.205534/2019.

8. Hence, as we find no infirmity in the order passed by the learned single judge, the appeal stands ***dismissed*** with the observation that the employer is liable to make payment of wages from 07.02.2009 and not earlier.
9. In view of the dismissal of this appeal, I.A.Nos.5/2026 and 6/2026 does not survive for consideration.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE