

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR. N.V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K.V. ARAVIND

WRIT APPEAL No.23 OF 2024 (L - MW)

C/W WRIT APPEAL Nos. 53/2024, 54/2024, 78/2024, 82/2024,
87/2024, 88/2024, 90/2024, 92/2024, 93/2024, 107/2024, 113/2024,
139/2024, 141/2024, 142/2024, 148/2024, 156/2024, 159/2024,
160/2024, 161/2024, 162/2024, 165/2024, 166/2024, 170/2024,
177/2024, 216/2024, 316/2024, 413/2024, 438/2024, 502/2024,
511/2024, 533/2024, 542/2024, 543/2024, 545/2024, 553/2024,
565/2024, 567/2024, 570/2024, 572/2024, 573/2024, 574/2024,
575/2024, 576/2024, 577/2024, 578/2024, 579/2024, 580/2024,
581/2024, 583/2024, 644/2024 AND 905/2024 (L - MW)

IN W.A. NO. 23 OF 2024

BETWEEN:

1. KARNATAKA EMPLOYERS' ASSOCIATION
HAVING ITS OFFICE AT:
NO.74, 2ND FLOOR,
SHANKARA ARCADE,
VANI VILAS ROAD, BENGALURU – 560 004,
AN ASSOCIATION REGISTERED UNDER
THE TRADE UNIONS ACT, 1926,
REPRESENTED THROUGH ITS SECRETARY GENERAL
SRI SEETHARAM BHAT
2. MACHENAHALLI INDUSTRIES ASSOCIATION
HAVING ITS OFFICE AT:
KIADB MAIN ROAD,
SHIVAMOGGA-BHADRAVATHI INDUSTRIAL AREA
MACHENAHALLI, NIDIGE,



SHIVAMOGGA – 577 222,
AN ASSOCIATION INCORPORATED UNDER THE
KARNATAKA SOCIETIES REGISTRATION ACT, 1960,
AND ENGAGED IN PROMOTING FOUNDRY,
MACHINE SHOP AND ALLIED INDUSTRIES,
REPRESENTED THROUGH ITS
HONORARY PRESIDENT
SRI RAMESH HEGDE M.A.

3. SHANTHALA SPHEROCAST PVT. LTD.,
NO.36B, SHIMOGA BHADRAVATHI INDUSTRIAL AREA,
MACHENAHALLI, NIDIGE POST – 577 222,
SHIMOGA KARNATAKA,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956,
ENGAGED IN FOUNDRY,
MACHINE SHOP AND ALLIED INDUSTRIES,
REPRESENTED BY ITS
MANAGING DIRECTOR,
SRI D.B. ASHOK

...APPELLANTS

(BY SRI S.S. NAGANAND, SENIOR ADVOCATE A/W
SRI B.C. PRABHAKAR, ADVOCATE)

AND:

1. ALL INDIA TRADE UNION CONGRESS (R)
KARNATAKA STATE COMMITTEE,
NO.6, SIRUR PARK ROAD,
SHESHADRIPURAM,
BENGALURU – 560 020.
• REP BY ITS GENERAL SECRETARY
2. ENGINEERING & GENERAL
WORKERS UNION (R)
BENGALURU DISTRICT, GHATE BHAVAN,
VYALIKAVALLI, G.D. PARK EXTENSION,
BENGALURU – 560 003.
REPRESENTED BY ITS
GENERAL SECRETARY
3. THE STATE OF KARNATAKA
DEPARTMENT OF LABOUR,
VIKASA SOUDHA,
5TH FLOOR,
DR. B.R. AMBEDKAR VEEDHI,

AND:

1. ALL INDIA TRADE UNION CONGRESS (R),
KARNATAKA STATE COMMITTEE,
NO.6, SIRUR PARK ROAD,
SHESHADRIPURAM,
BENGALURU – 560 020
REP. BY ITS GENERAL SECRETARY
2. ENGINEERING AND
GENERAL WORKERS UNION (R)
BENGALURU DISTRICT,
GHATE BHAVAN,
VYALIKAVAL,
G.D. PARK EXTENSION,
BENGALURU – 560 003,
REP. BY ITS GENERAL SECRETARY
3. THE STATE OF KARNATAKA
DEPARTMENT OF LABOUR,
VIKASA SOUDHA, 5TH FLOOR,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU – 560 001
REP. BY ADDITIONAL CHIEF SECRETARY

.... RESPONDENTS

(BY SRI V. PRAKASH, SENIOR ADVOCATE A/W
SRI K.B. NARAYANA SWAMY, ADVOCATE FOR R-1,
SRI V.R. DATAR, ADVOCATE FOR R-2,
SMT. NILOUFER AKBAR, AGA FOR R-3)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET-ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 12/10/2023 IN W.P. NO.22994/2023 BY ALLOWING THE WRIT APPEAL, DISMISS THE WRIT PETITION FILED BY RESPONDENT NOS.1 AND 2 AND TO PASS AN ORDER TO RETAIN THE EXISTING REVISION OF MINIMUM WAGES & ETC.

IN W.A. NO. 161 OF 2024

BETWEEN:

1. THE EMPLOYEES FEDERATION OF
SOUTHERN INDIA,
CHENNAI,
TAMILNADU
REP. BY ITS SECRETARY GENERAL

2. PEENYA INDUSTRIES ASSOCIATION
18/B PEENYA TRADE CENTRE
1ST CROSS ROAD,
PEENYA 1ST STAGE,
PEENYA, BENGALURU – 560 058
REP BY ITS PRESIDENT.
3. ELECTRONICS AND CONTROLS POWER
SYSTEM PVT. LTD.
R.T. NAGAR,
BENGALURU – 560 032
REP. BY MR. RAJARAM RAMMOORTHY
4. ASHWINI HARD CHROME INDUSTRIES
PEENYA INDUSTRIAL AREA,
BENGALURU – 560 058
REP. BY MR A.P. SELAKUMAR
5. LAKSHMI ELECTRO PLATERS
PEENYA INDUSTRIAL AREA,
BENGALURU – 560 058
REP. BY MR. S.K. SHANNAPPA
6. VIJAY METAL FINISHERS
PEENYA INDUSTRIAL AREA,
BENGALURU – 560 058
REP. BY DR RUDHESH H.B.
7. SHANKAR CASHEW EXPORTS
DOOPADAKATTE
KARNATAKA – 576 124
REP. BY MR. SHANKAR SUVARNA
8. P.S. AGRO FOODS
NO 2/3, 72ND CROSS,
6TH BLOCK, RAJAJINAGAR,
BANGALORE – 560 010
REP. BY MR. VIKRAM GOLECHA
9. GLITTER PRINTZ
KSSIDC INDL. ESTATE
RAJAJINAGAR
BENGALURU – 560 010
REP. BY MR. VASUDEVAN V.R.

- 10 . R.R. INDUSTRIES
No.447, 1ST MAIN ROAD,
7TH CROSS, PRKASHNAGAR,
BENGALURU – 560 021
REP BY MR. R.R. DURAI
- 11 . BENAKA ELECTRONICS
13, WEST OF CHORD ROAD,
4TH MAIN, 4TH CROSS,
INDUSTRIAL TOWN
BENGALURU – 560 044
REP. BY MR K. VENKATESH
- 12 . FINE TOOLS (INDIA) PVT. LTD.
PEENYA, BANGALORE – 560 058
REP. BY MR.MOHAN S.S.
- 13 . VISAT TOOLS PVT. LTD
PEENYA
BANGALORE – 560 058
REP. BY MR VIRUPAXAPPA
- 14 . SANJAY POLYMERS
NO 29/1, 1ST MAIN, 1ST CROSS,
PETECHENNAPPA INDUSTRIAL ESTATE,
KAMAKSHIPALYA MAGADI ROAD,
BENGALURU – 560 079
REP. BY MR SHRIYANS KUMAR JAIN
- 15 . SRI LUXMI ELECTROPLATING
PEENYA INDUSTRIAL AREA,
BENGALUR – 560 058
REP. BY MR. L.C. RAMAKRISHNA
- 16 . POLYMET DIMENSIONS
MAGADI MAIN ROAD,
BENGALURU – 560 079
REP. BY MR. RAJESH S.B.
- 17 . BIHANI CONTAINERS
NO C -132, 2ND B MAIN,
PEENYA INDUSTRIAL ESTATE,
2ND STAGE, PEENYA,
BENGALURU – 560 058
REP. BY MR. PAWAN KUMAR BIHANI

- 18 . BIHANI PLASTICS
CF-A, MS COMPLEX,
6TH MAIN, 2ND STAGE,
PEENYA INDUSTRIAL ESTATE
BENGALURU – 560 058
REP. BY MR. PAWAN KUMAR BIHANI
- 19 . PRIMEX PLASTICS (P) LTD
NO 48/1, 8TH MAIN,
SLV INDUSTRIAL ESTATE,
PEENYA 2ND STAGE
BENGALURU – 560 058
REP BY MR. SHARANA BASAVA
- 20 . ARADHANA FIBREGLASS TECHNOLOGIES
No.295, 8TH CROSS,
4TH PHASE, PEENYA INDUSTRIAL AREA
BENGALURU – 560 058
REP. BY MR. K. VIJAYAPRAKASH
- 21 . ESKAY POLYMERS
C-40, 2ND MAIN , KSSIDC INDUSTRIAL ESTATE
DODDABALLAPURA – 562 163
REP. BY MR. SUDHAKAR ADIGA

...APPELLANTS

(BY SRI K. KASTURI, SENIOR ADVOCATE FOR
SMT. SUBHA ANANTHI K., ADVOCATE)

AND:

- 1 . ALL INDIA TRADE UNION CONGRESS (R),
KARNATAKA STATE COMMITTEE,
REGISTERED UNDER THE TRADE UNIONS ACT, 1926,
NO.6, SIRUR PARK ROAD,
SHESHADRIPURAM,
BENGALURU – 560 020
REP. BY ITS GENERAL SECRETARY
- 2 . ENGINEERING AND GENERAL WORKERS UNION
REGISTERED UNDER THE TRADE UNIONS ACT, 1926,
BENGALURU DISTRICT,
GHATA BHAVAN, VYALIKAVAl,
G.D. PARK, EXTENSION,
BENGALURU – 560 003,
REP. BY ITS GENERAL SECRETARY

circumstances of the case and perceiving the controversy and issues involved, it has to be held that the appellant-employers are required to be treated at least proper parties and that they ought to have been heard.

6. As a result of the foregoing reasons and discussions, following order is passed,

- (i) The proceedings of writ petition are remitted back to the learned Single Judge for his decision afresh in accordance with law.
- (ii) While undertaking the exercise of deciding afresh, the appellants herein shall be permitted to put forward their case by filing reply.
- (iii) The appellants shall be given opportunity of hearing before final decision is rendered in the petition.
- (iv) The aforesaid exercise shall be completed by the learned Single Judge expeditiously and preferably within ten weeks, looking to the nature of the issue involved and its consequences.

- (v) The parties shall cooperate in early disposal of the petition.
- (vi) This Court has not gone into merits nor expressed anything on merits of the case of the either side which is to be reconsidered by learned Single Judge. Any observation in this order shall not be construed as of expression of opinion on merits.
- (vii) In order to enable learned Single Judge to undertake the aforesaid exercise of deciding the petition afresh, the judgment and order dated 26th September 2023 in writ petition No.3632 of 2023 is set aside.

7. All the appeals are partly allowed in the aforesaid terms and stand disposed of.

Sd/-
(N.V. ANJARIA)
CHIEF JUSTICE

Sd/-
(K.V. ARAVIND)
JUDGE