

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF JULY, 2012

BEFORE

THE HON'BLE MR. JUSTICE SUBHASH B ADI

WRIT PETITION No.46608/2011 (L-TER)

BETWEEN :

THE MANAGEMENT OF
M/S VIRAT INSTITUTIONS OF RUAL
AWARENES TRUST (R),
DODDAHOUR GATE
KUNIGAL ROAD, GULUR POST
TUMKUR DIST-572118.

REPRESENTED BY ITS SECRETARY
SMT MAMATHA H K ,
AGED ABOUT 31 YEARS.

...PETITIONER

(BY SRI:K PRABHAKAR RAO, ADVOCATE)

AND :

MR PARTHARAJU,
S/O LATE KARIYAPPA,
AGED ABOUT 41 YEARS,
HEROOR POST,
HERUR KASABA HOBLI
KUNIGAL TALUK,
TUMKUR DISTRICT.

...RESPONDENT

(RESPONDENT SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE

AWARD DATED 07.01.2011 VIDE ANNEXURE-G ON THE FILE OF REF.NO.21/2010 THE PRINCIPAL LABOUR COURT, BANGALORE SINCE THE SAME IS ILLEGAL, VIOLATIVE OF PRINCIPLES OF NATURAL JUSTICE AND NOT IN ACCORDANCE WITH LAW.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner – management has called in question the judgment and award in the Ref.No.21/2010 dated 7th January 2011 on the file of Principal Labour Court, Bangalore.

2. The Labour Court has allowed the reference and directed the petitioner to re-instate the respondent - workman and also to pay full backwages from 31.10.2008 at the rate payable to a male worker under the Minimum Wages Act.

3. Learned counsel for the petitioner has produced the order sheet at Annexure-F. The order sheet dated 13.09.2010 shows that the petitioner – management was served, however, the petitioner was placed *exparte* and on the basis of the evidence of

the workman, the award has been passed.

4. No doubt, the petitioner had remained absent before the Labour Court, but the counsel for the petitioner submits that, when the counsel engaged by the petitioner – management before he could appear, the petitioner – management was placed *exparte* on the very same day on 13.09.2010 itself.

5. Without going into the merits of the case, ends of justice would be met, if the petitioner is given one more opportunity of being heard before the Labour Court, however, it should be on the reasonable cost.

Accordingly, the petition is allowed. the judgment and award in the Ref.No.21/2010 dated 7th January 2011 on the file of Principal Labour Court, Bangalore, is hereby set aside. The matter is remitted to the Principal Labour Court, Bangalore, for fresh

disposal by affording reasonable opportunity to the petitioner and the respondent. The petitioner shall pay cost of Rs.5,000/- to the respondent - workman on or before first date of hearing before the Labour Court.

**Sd/-
JUDGE**

KNM/-