

IN THE HIGH COURT OF KARNATAKA CIRCUIT BENCH AT

GULBARGA

DATED THIS THE 28<sup>TH</sup> DAY OF MARCH 2013

BEFORE

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

**WRIT PETITION NO.7519/2006 (L-RES)**

BETWEEN

1. THE EXECUTIVE ENGINEER  
(WORLD BANK) Z.P. ENGINEERING  
DIVISION GULBARGA.

2. THE CHIEF EXECUTIVE OFFICER  
ZILLA PANCHAYAT  
GULBARGA.

... PETITIONERS

(BY SRI AMEET KUMAR DESHPANDE, ADV.)

AND

BASAWARAJ  
S/O BABURAO GUDDA  
AGE: 33 YEARS  
OCC: NIL  
R/O MUDHOL (B)  
BIDAR DISTRICT.

...RESPONDENT

(BY SRI P. VILAS KUMAR, ADV.)

THIS WP FILED PRAYING TO QUASH THE AWARD OF THE LABOUR COURT GULBARGA, IN REF. NO.258/03 DATE: 14.9.2005 HEREIN MARKED AS ANN-A.

This petition coming on for hearing a/w IA 1/10 this day, the Court made the following:-

### **ORDER**

It is the case of the petitioner that respondent was working as Engineer on daily wages in world bank project at Zilla Panchayath.

2. The first respondent says that he was working for the period from 2.1.96 to 1.2.97 and that he was orally terminated from 1.2.97. The respondent raised a dispute. Reference is made to the Labour Court. The Labour Court found that termination is illegal without following the procedure under Section 25-F of the I.D.Act and directed re-instatement as daily wager within a period of three months. The Zilla Panchayath aggrieved by the said order, has filed this writ petition.

3. It is the contention of the petitioner that the counsel who was engaged before the labour court, did not appear in the case and never filed objections statement to the claim petition. The order is virtually is in the nature of exparte order. It is the

contention of the petitioner that the respondent was appointed in project works funded by the world bank. The project work is completed and closed. Therefore, question of continuing the respondent in service does not arise. In support of their contentions, documents are produced. Hence pray for setting aside the order of the Labour Court and with a prayer for remand of the matter to the Labour Court to prove their case.

4. This Court by its order dated 10.12.09 had directed compliance U/s 17-B of the Act to pay last drawn wages. The petitioner has to comply with the said order and pay last drawn wages till the disposal of the petition by the Labour Court. Accordingly, the impugned order is set aside and the matter is remitted to the Labour Court for fresh disposal in accordance with law. The writ petition is allowed.

**Sd/-  
JUDGE**

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