

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 31ST DAY OF OCTOBER, 2014

BEFORE

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

WRIT PETITION No.49396/2014 &

WP Nos.50535-50596/2014 [L-RES]

BETWEEN :

MANAGEMENT OF BOSCH LTD.,
(THE COMPANY EARLIER KNOWN AS
MOTOR INDUSTRIES COMPANY LTD)
P B NO. 3000, HOSUR ROAD
ADUGODI, BANGALORE – 560 030,
REPRESENTED BY MR M. NAGARAJ
SR GENERAL MANAGER – H.R

... PETITIONER

(By Sri. K. KASTURI, SR. COUNSEL FOR
SMT. K SUBHA ANANTHI, ADV.,)

AND

1. MR. ANDREW C SHEKARAN K.P.,
EMP NO. 55533, MAJOR
EX EMPLOYEE OF PETITIONER
2. MR LEO BALARAJ S.,
EMP NO. 70405, MAJOR
EX EMPLOYEE OF PETITIONER
3. MR RAMAKRISHNA RAO R.,
EMP NO. 67892, MAJOR
EX EMPLOYEE OF PETITIONER
4. MR ABDUL MAJEED
EMP NO. 53714, MAJOR
EX EMPLOYEE OF PETITIONER

5. MR GURURAJA
EMP NO. 47831, MAJOR
EX EMPLOYEE OF PETITIONER
6. MR VIJAYENDRA RAO
EMP NO. 62591, MAJOR
EX EMPLOYEE OF PETITIONER
7. MR BRAMHA RAJU
EMP NO. 51294, MAJOR
EX EMPLOYEE OF PETITIONER
8. MR VINAYAKA MURTHY D
EMP NO. 76044, MAJOR
EX EMPLOYEE OF PETITIONER
9. MR ARUL DASS R.S.,
EMP NO. 52523, MAJOR
EX EMPLOYEE OF PETITIONER
10. MR RAMAKRISHNA H.V.,
EMP NO. 62586, MAJOR
EX EMPLOYEE OF PETITIONER
11. MR LAKSHMAIAH K.R.,
EMP NO. 58265, MAJOR
EX EMPLOYEE OF PETITIONER
12. MR DHANAPALA SETTY
EMP NO. 68711, MAJOR
EX EMPLOYEE OF PETITIONER
13. MR CHELLAPPAN K.K
EMP NO. 54814, MAJOR
EX EMPLOYEE OF PETITIONER
14. MR NARAYANA B
EMP NO. 53966, MAJOR
EX EMPLOYEE OF PETITIONER
15. MR JAVEED AHMED M
EMP NO. 47776, MAJOR
EX EMPLOYEE OF PETITIONER

16. MR BALASUBRAMANYAM K
EMP NO. 38991, MAJOR
EX EMPLOYEE OF PETITIONER
17. MR V CHOKALINGAM
EMP NO. 14036, MAJOR
EX EMPLOYEE OF PETITIONER
18. MR GANESHA N A
EMP NO. 23265, MAJOR
EX EMPLOYEE OF PETITIONER
19. MR RAJU B.M
EMP NO. 17962, MAJOR
EX EMPLOYEE OF PETITIONER
20. MR MARTIN P.F.
EMP NO. 16754, MAJOR,
EX EMPLOYEE OF PETITIONER
21. MRS ESWARI M A
EMP NO. 18983, MAJOR
EX EMPLOYEE OF PETITIONER
22. MR AROKIASWAMY K
EMP NO. 19450, MAJOR
EX EMPLOYEE OF PETITIONER
23. MR SELVAPERUMAL C.M.,
EMP NO. 15136, MAJOR
EX EMPLOYEE OF PETITIONER
24. MR BHUJANGASAYANA
EMP NO. 15100, MAJOR
EX EMPLOYEE OF PETITIONER
25. MR RAJAVELU A.M.,
EMP NO. 11350, MAJOR,
EX EMPLOYEE OF PETITIONER
26. MR SAVARIMUTHU D
EMP NO. 14583, MAJOR
EX EMPLOYEE OF PETITIONER

27. MR BALAKRISHNA K
EMP NO. 67180, MAJOR
EX EMPLOYEE OF PETITIONER
28. MR KRISHNA MURTHY P.V.,
EMP NO. 39465, MAJOR.,
EX. EMPLOYEE OF PETITIONER
29. MR BENNY SANTIAGO A.,
EMP NO. 43306, MAJOR
EX EMPLOYEE OF PETITIONER
30. MR SRINIVASAN S
EMP NO. 22836, MAJOR
EX EMPLOYEE OF PETITIONER
31. MR THYAGARAJAN S
EMP NO. 19582, MAJOR,
EX EMPLOYEE OF PETITIONER
32. MR ANTHONY DASS C
EMP NO. 22340, MAJOR
EX EMPLOYEE OF PETITIONER
33. MR RAMASWAMAPPA S.N.,
EMP NO. 51150, MAJOR
EX EMPLOYEE OF PETITIONER
34. MR MARIYAPPA B
EMP NO. 26155, MAJOR
EX EMPLOYEE OF PETITIONER
35. MR VINCENT J
EMP NO. 16186, MAJOR
EX EMPLOYEE OF PETITIONER
36. SMT DHANALAKSHMI
W/O MR RAMASWAMI
EMP NO. 20466, MAJOR
EX EMPLOYEE OF PETITIONER

37. MR CHATRAPATHY S.D
EMP NO. 23560, MAJOR
EX EMPLOYEE OF PETITIONER
38. MR BUDDANNA
EMP NO. 38576, MAJOR,
EX EMPLOYEE OF PETITIONER
39. MR RATHNAGANAPATHY V
EMP NO. 47416, MAJOR
EX EMPLOYEE OF PETITIONER
40. MR BABU VITTAL S
EMP NO. 23493, MAJOR
EX EMPLOYEE OF PETITIONER
41. MR GOVINDASWAMY D
EMP NO. 31415, MAJOR
EX EMPLOYEE OF PETITIONER
42. MR HANUMANTHA SASTRY M.S
EMP NO. 48375, MAJOR
EX EMPLOYEE OF PETITIONER
43. MR BALAKRISHNA H.R.,
EMP NO. 28463, MAJOR
EX EMPLOYEE OF PETITIONER
44. MR VEERESH B
EMP NO. 44596, MAJOR
EX EMPLOYEE OF PETITIONER
45. MR RAMABHATA R.V.,
EMP NO. 43630, MAJOR
EX EMPLOYEE OF PETITIONER
46. MR RANGASWAMAIAH B
EMP NO. 32743, MAJOR
EX EMPLOYEE OF PETITIONER
47. MR KARTHIKEYAN M
EMP NO. 37622, MAJOR
EX EMPLOYEE OF PETITIONER

48. MR JAYASEELAN G.,
EMP NO. 63604, MAJOR
EX EMPLOYEE OF PETITIONER
49. MR ASIF-UL-HUQ
EMP NO. 60304, MAJOR
EX EMPLOYEE OF PETITIONER
50. MR GOVINDASWAMY M
EMP NO. 43285, MAJOR
EX EMPLOYEE OF PETITIONER
51. MR RAMALINGAPPA B
EMP NO. 56156, MAJOR
EX EMPLOYEE OF PETITIONER
52. MR SHAMA RAO K
EMP NO. 32230, MAJOR
EX EMPLOYEE OF PETITIONER
53. MR PATTAR M.L.I
EMP NO. 52950, MAJOR
EX EMPLOYEE OF PETITIONER
54. MR NANJALINGAPPA
EMP NO. 65783, MAJOR
EX EMPLOYEE OF PETITIONER
55. MR RAVINDRANATHA TAGORE
EMP NO. 60726, MAJOR
EX EMPLOYEE OF PETITIONER
56. MR NARASIMHA MURTHY C
EMP NO. 88096, MAJOR
EX EMPLOYEE OF PETITIONER
57. MR MOHAMMED JALALUDDIN
EMP NO. 72066, MAJOR
EX EMPLOYEE OF PETITIONER
58. MR PUTTSOMACHARY
EMP NO. 68234, MAJOR
EX EMPLOYEE OF PETITIONER

59. MR RAMESH K.N.,
EMP NO. 64733, MAJOR
EX EMPLOYEE OF PETITIONER

60. MR PRABHAKARA S.,
EMP NO. 57340, MAJOR
EX EMPLOYEE OF PETITIONER

61. MR MURTHY S.V.S
EMP NO. 57704, MAJOR,
EX EMPLOYEE OF PETITIONER

62. MR NARAYANAPPA M
EMP NO. 63525, MAJOR
EX EMPLOYEE OF PETITIONER

63. MR ANKAIAH H.M.,
EMP NO. 45022, MAJOR
EX EMPLOYEE OF PETITIONER

NOS 1 TO 63 EX-EMPLOYEES REPRESENTED BY

64. 64 MICO RETIRED EMPLOYEES ASSOCIATION,
B '4' 98, BDA FLATS, KALLAHALLY
BANGALORE – 560 042.
REPRESENTED BY ITS PRESIDENT

65. STATE BANK OF INDIA
SPECIALISED PERSONNEL BANK BRANCH
ST MARK'S ROAD,
BANGALORE - 560 001.
REPRESENTED BY CHIEF MANAGER

66. CANARA BANK
NO. 35-2-3, OPP MICO REAR GATE
BANNERGHATTA ROAD, ADUGODI
BANGALORE-560 029
REPRESENTED BY CHIEF MANAGER

67. DEPUTY LABOUR COMMISSIONER
BANGALORE DIVISION II
(AUTHORITY UNDER S. 33 (C) (1)

OF THE I D ACT 1947)
BANNERGHATTA ROAD,
KARMIKA BHAVANA,
BANGALORE-560030.

... RESPONDENTS

(By SMT. NILOUFER AKBAR, AGA FOR R67;
NOTICE TO R1 TO R66 NOT NECESSARY V/O DATED 31.10.14)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN CASE NO.DLC/RECOVERY/CR17-68/2012-13 AND CASE NO.DLC/RECOVERY/CR 3-13/2014-2015 BEFORE THE DEPUTY LABOUR COMMISSIONER, BANGALORE DIVISION II, ANNX-E1 TO E63. QUASH FURTHER PROCEEDINGS IN CASE NO.DLC/RECOVERY/CR 17-68/2012-13 AND PROCEEDINGS IN CASE NO.DLC/RECOVERY/CR 3-13/2014-2015 BEFORE THE DEPUTY LABOUR COMMISSIONER, BANGALORE DIVISION II, R-67 ANNX-E1 TO E63 & ETC.,

THESE WRIT PETITIONS COMING ON FOR PRL.HEARING,
THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Having regard to the nature of lis brought before Court, there is no necessity for issue of notice to respondents 1 to 66. Learned Additional Government Advocate takes notice for 67th respondent Deputy Labour Commissioner.

2. The core question for decision making is whether the 67th respondent invested with the

jurisdiction under section 33C[1] of the Industrial Disputes Act, 1947, for short 'Act', can entertain an application without satisfying himself, over condonation of delay, if an application is made beyond the period of one year?

3. If regard is had to the said provision of law, it is needless to state that the 67th respondent was required to examine whether the applications filed by respondents 1 to 66 were in accordance with law and within the time prescribed by the statute and if not whether applications were filed for condonation of delay and if not pass orders in accordance with law.

4. This is more so because petitioner arraigned as party respondent in the applications having entered appearance, filed statement of objections, and at paragraph-6, advanced a plea that the applications were time barred and suffered from delay and laches.

5. This plea should have been considered by the 67th respondent before proceeding further in the matter since it touches upon the root of the proceedings, either permitting or not permitting the entertainment of the applications.

6. Although the relief in the petitions is to quash the proceeding, it is appropriate to direct the 67th respondent to consider the applications in the light of section 33C[1] of the 'Act' and the proviso thereto and pass orders in accordance with law.

7. Petitions are ordered accordingly.

Sd/-
JUDGE

AN/-