

Board Of Management Vs. The Secretary

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SooperKanoon Citation : sooperkanoon.com/1231761

Court : Karnataka

Decided On : Apr-13-2020

Judge : Abhay Shreeniwas Oka (Cj) and Mohammad Nawaz

Appeal No. : WA 1602/2019

Appellant : Board Of Management

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 13TH DAY OF APRIL, 2020 PRESENT THE HONBLE MR. ABHAY S. OKA, CHIEF JUSTICE AND THE HONBLE MR. JUSTICE MOHAMMAD NAWAZ WRIT APPEAL NOS. 1611/2019 & 2282-2365/2019 C/W WRIT APPEAL NOS. 1272/2019, 1481-1519/2019 & 2761-2769/2019, 1520/2019, 1540-1566/2019, 1567-1601/2019, 1602-1604/2019, 1612-1618/2019, 1619/2019 & 2744/2019, 1620/2019, 1621/2019, 1623-1628/2019, 1629-1653/2019, 1679-1680/2019, 1681-1682/2019, 1704/2019, 1765-1792/2019, 1794-1825/2019, 1846/2019, 1872-2214/2019, 2266-2267/2019, 2272/2019 & 2918-2972/2019, 2280-2281/2019, 2465/2019 & 2928-2937/2019, 2466/2019, 2467/2019, 2468/2019, 2546/2019, 2547/2019, 2656-2659/2019, 2667/2019, 2683/2019, 2745/2019, 2778/2019 & 2913-2915/2019, 2779/2019 & 2898-2900/2019, 2814/2019, 2823-2831/2019, 2909/2019, 2910/2019 and 2911/2019 (L-MW) WRIT APPEAL NOS. 1611/2019 & 2282-2365/2019 IN W.A. NOS. 1611/2019 & 2282-2354/2019 BETWEEN 1

PRIVATE HOSPITAL & NURSING HOMES ASSOCIATION PHANA, KMC2 1ST FLOOR, VIDYABHAVANA166, MILLER TANKBUND ROAD, VASANTH NAGAR BANGALORE - 560052 REP. BY ITS: PRESIDENT/ NOW HONORARY SECRETARY, DR.RAVINDRA - 2 - 2. HEALTHCARE GLOBAL ENTERPRISES LIMITED KALINGA RAO ROAD SAMPANGI RAMA NAGAR BANGALORE - 560002 NOW REP. BY ITS: CHIEF OPERATING OFFICER MR. S. RAJARAJAN3 MALNAD HOSPITAL AND INSTITUTE OF ONCOLOGY NO600601,OPP. TO PANCHMUKHI ANJANEYA TEMPLE IRWIN ROAD, MANDI MOHALL MYSURU - 570001 NOW REP. BY ITS: P & I HEAD MR. JAYARAM M.

4. BHARATH HOSPITAL AND INSTITUTE OF ONCOLOGY NO.438, OUTER RING ROAD, HEBBAL MYSORE-17 NOW REP. BY ITS MEDICAL SUPERINTENDENT MR. MS.S. VISHWESHWARA5 GOKAVI MATERNITY AND GENERAL HOSPITAL GOKAVI MATERNITY AND GENERAL HOSPITAL BESIDES BASEL MISSION CHURCH NEAR CHANNAMMA CIRCLE KARWAR ROAD HUBLI - 580029 REP BY ITS PROPRIETOR DR.PUSHPA E GOKAVI6 AMARJYOTHI HOSPITAL AMARJYOTHI HOSPITAL, 1ST CROSS SHANTICOLONY KAMALAPUR, YADAW A ROAD DHARWAD - 580001 REPRESENTED BY ITS: PROPRIETOR DR. UMA.J.SULTANPURI7 DR. N.B.PATIL HOSPITAL DR N.B.PATIL HOSPITAL, MULANDNAKA GADAG58210 NOW REP. BY ITS: MANAGING PARTNER MR.PAVANKUMAR N. PATIL - 3 - 8. NAREGAL NURSING HOME NO23 SRI SIDDHARUDH-SWAMIMATH OLD HUBLI-24 NOW REP. BY ITS: PROPRIETOR DR. SHARATCHANDRA GOVIND NAREGAL9 DR. BIJAPUR HOSPITAL DR. BIJAPUR HOSPITAL, OPP ESI HOSPITAL ARVINDNAGAR, KARWAR ROAD OLD HUBLI - 580029 REP BY ITS: PROPRIETOR DR. BIJAPURA KHAWAJA MAINUDDIN10 DR L.S. KULKARNI CENTRE FOR CHILD CARE DR. L.S.KULKARNI CENTRE FOR CHILD CARE VIKAS NAGAR, HUBLI - 580021 REP. BY ITS: PROPRIETOR DR. ABHIJITH L KULKARNI11 SUSHRUTHA MULTI SPECIALITY HOSPITAL AND RESEARCH CENTRE (P)LTD SUSHRUTHA MULTI SPECIALITY HOSPITAL AND RESEARCH CENTRE (P)LTD,P.B.ROAD, VIDYANAGAR, HUBLI - 580021 REP BY ITS: MANAGING DIRECTOR D.KADASIDDESHWAR GURUNATH BYAKODI12 KASTURBA MATERNITY AND ORTHOPAEDIC HOSPITAL KASTURBA MATERNITY AND ORTHOPAEDIC HOSPITAL MULGUND ROAD,

GADAG - 582103 REP BY ITS: PROPRIETOR DR. JAGADISH V BHOOMRADDI¹³ NMR IMAGING PVT. LTD NMR CURIE CENTER DESHPANDE NAGAR, HUBLI - 580029 NOW REP BY ITS: CHIEF OPERATING OFFICER DR. RENATE SAMUEL¹⁴ SHIVAKRUPA HOSPITAL AND INTENSIVE CARE UNIT SHIVAKRUPA HOSPITAL AND INTENSIVE CARE UNIT BEMBALGI COMPLEX, SRI SIDDAPPA KAMBLI ROAD - 4 - HUBLI - 580020 REP BY ITS: MANAGING DIRECTOR DR.ANIL KUMAR MAHANTAPPA BEMBALGI¹⁵ TAVARGERI NURSING HOME PVT LTD TAVARGERI NURSING HOME PVT LTD, REGD OFFICE: NEAR K.C.PARK POST OFFICE DHARWAD NOW REP BY ITS: DIRECTOR DR.SRIDHAR PUJAR¹⁶ HEBSUR HOSPITAL HEBSUR HOSPITAL DESHPANDE NAGAR HUBLI - 580029 REP BY ITS: PROPRIETOR DR.NAGAREKHA N HEBSUR¹⁷ OUR LADY OF LOURDESCHARITABLE HOSPITAL OUR LADY OF LOURDESCHARITABLE HOSPITAL KELGERI ROAD, DHARWAD - 580008 NOW REP BY ITS: ADMINISTRATOR SISTER SAVITHA¹⁸ DR S.R. RAMANAGOUDAR MULTISPECIALITY HOSPITAL DR S.R. RAMANAGOUDAR MULTISPECIALITY HOSPITAL MALAPUR CROSS ROAD DHARWAD - 580008 NOW REP BY ITS: MANAGING DIRECTOR DR. S.R. RAMANAGOUDAR¹⁹ K.H. JITHURI HOSPITAL K.H. JITHURI HOSPITAL HOSU CROSS, HUBBALLI - 580021 REP. BY ITS MANAGING PARTNER DR. VENKATESH K. JITHURI²⁰ SHOBHA HOSPITAL SHOBHA HOSPITAL, GADAG⁵⁸²¹⁰ NOW REP BY ITS: MANAGING DIRECTOR DR. N.S. BIRADAR²¹ DR. GADAG HOSPITAL DR. GADAG HOSPITAL GADAG - 582101 - 5 - REP BY ITS: PROPRIETOR DR.SUNITA GADAG²² VIVEKANANDA GENERAL HOSPITAL VIVEKANANDA GENERAL HOSPITAL HUBBALLI NOW REP BY ITS: PRESIDENT DR. KAMAL NAYAN K.MEHTA²³ ASHOKA HOSPITAL ASHOKA HOSPITAL, BEHIND AMRUTH THEATRE VIDYANAGAR, HUBLI⁵⁸⁰⁰² REP BY ITS: MEDICAL PARTNER DR ASHOK V. BANGARASHETTAR²⁴ KERUDI HOSPITAL AND RESEARCH CENTRE KERUDI HOSPITAL AND RESEARCH CENTRE, BAGALKOT NOW REP BY ITS: MANAGING PARTNER DR. BASAVARAJ H. KERUDI²⁵ SHAKUNTALA NURSING HOME NOW KNOWN AS SHAKUNTALA MEMORIAL HOSPITAL & RESEARCH CENTRE, HOSUR NOW REP BY ITS: MEDICAL SUPERINTENDENT DR. VIJAY V. GADAGI²⁶ BASAPPA MULTI SPECIALITY HOSPITAL BASAPPA MULTI SPECIALITY HOSPITAL

TURUVANUR ROAD CHITRADURGA - 577501 REP BY ITS: PROPRIETOR DR. RANGAREDDY S.B.

27. BHS LAKEVIEW HOSPITAL BHS LAKEVIEW HOSPITAL R.S. NO737, CTS NO11888OPP. FIRST LAKE, GANDHINAGAR BELAGAVI - 590016 NOW REP BY ITS : MEDICAL DIRECTOR & CHIEF EXECUTIVE OFFICER DR. VISHWANATH UPPALADINNI28 HANJI HOSPITAL HANJI HOSPITAL, No.135 MANGALWAR PETH, TILAKWADI - 6 - BELAGAVI - 590006 NOW REP BY ITS: DIRECTOR ADMINISTRATION DR. ABHINANDAN M HANJI29 VENUGRAM HOSPITAL PVT LTD VENUGRAM HOSPITAL PVT LTD NO.82 & 83, 2ND CROSS, HINDU NAGAR NEAR3D RAILWAY GATE BELAGAVI - 590006 REP BY ITS: DIRECTOR ADMINISTRATION DR. SAYAK DANA30 SPARSH HOSPITAL29P2, THE HEALTH CITY, HOSUR ROAD BOMMASANDRA INDUSTRIAL AREA BENGALURU, KARNATAKA - 560099 NOW REP. BY ITS: CHAIRMAN MR. SHARAN S. PATIL31 BACC HEALTHCARE PVT LTD BACC HEALTHCARE PVT LTD. 7,EAST PART ROAD, KUMARA PARK EAST BANGALORE - 560001 NOW REP. BY ITS: VICE PRESIDENT DR. GAUTAM T. PRANESH32 AGADI HOSPITAL AND RESEARCH CENTRE #35, H. SIDDAIAH ROAD, WILSON GARDEN, BANGALORE56002 REP BY ITS: CHIEF OPERATING OFFICER DR. ANIL B. AGADI33 NU HOSPITALS C.A.6,15TH MAIN ROAD, 11TH CROSS PADMANABHA NAGAR BANGLORE - 560070 REP BY ITS: CEO DR.AKSHAY DHAR34 ANANYA HOSPITAL PVT LTD NO.389/44, 19TH MAIN, RAJAJINAGAR1T BLOCK BENGALURU, KARNATAKA56001 - 7 - NOW REP. BY ITS: DIRECTOR DR M.J.RAJASHEKAR35 SUGUNA RAMAIAH HOSPITALS PVT. LTD. 1A/87,DOCTOR RAJKUMAR ROAD4H N BLOCK, RAJAJINAGAR, BENGALURU KARNATAKA-560010 REP BY ITS: MANAGING DIRECTOR DR. R. RAVINDRA36 RAVI KIRLOSKAR MEMORIAL HOSPITAL NO.19, 2ND MAIN ROAD, PEENYA1T PHASE BENGALURU, KARNATAKA - 560058 NOW REP BY ITS: MEDICAL DIRECTOR DR. J.C. NAGARAJU37 PRISTINE HOSPITALS AND RESEARCH CENTRE NO.877, DR MODI HOSPITAL ROAD2D STAGE EXTENSION WEST OF CHORD ROAD, BENGALURU KARNATAKA - 560086 NOW REP. BY ITS: MANAGING DIRECTOR DR.HALGERE MALLIKARJUNA PRASANNA38 SITA BHATEJA SPECIALITY HOSPITAL NO.8 AND9 O SHAUGHNESSY ROAD LANGFORD

GARDENS, BENGALURU - 560025 REP. BY ITS: MANAGING TRUSTEE DR.ARVIND BHATEJA³⁹ SRI SAI CLINIC AND MATERNITY OME⁶⁵² 46TH A CROSS RD, 1ST BLOCK RAJAJINAGAR BENGALURU KARNATAKA - 560010 REP BY ITS: PROPRIETRIX DR. (MRS) C PALANIAMMAL⁴⁰ PUNYA HOSPITALS INDIA PVT LTD⁵² 80 FEET RING RD, A D HALLI BASAVESHWAR NAGAR, KHB COLONY BASAVESHWAR NAGAR,BENGALURU KARNATAKA - 560079 - 8 - REP BY ITS: MANAGING DIRECTOR DR. NAGARAJ B PUTTASWAMY⁴¹ KALA HOSPITAL NO.1105, 5TH CROSS ROAD NEAR SANJANA ICE CREAM TRIVENI RD, K N EXTENSION KAMLA NEHRU EXTENSION YESHWANTHPUR, BENGALURU KARNATAKA⁵⁶⁰⁰² REP. BY ITS PROPRIETOR DR. H.R.KALAVATHY⁴² BHAGWAN MAHAVEER JAIN HOSPITAL #17, MILLERS ROAD, CANTONMENT RAILWAY STATION ROAD KAVEREPPA LAYOUT VASANTH NAGAR,BENGALURU KARNATAKA - 560052 REP BY ITS: MEDICAL DIRECTOR DR M D MARKER⁴³ GUNASHEELA SURGICAL AND MATERNITY HOME¹ DEWAN MADHAVA ROAD OPP. M N KRISHNA RAO PARK NEAR BASAVANAGUDI POLICE STATION BENGALURU, KARNATAKA - 560004 REP. BY ITS PARTNER DR. RAJSEKHAR NAYAK⁴⁴ ANJAN NURSING HOME PVT LTD NO.138, AECS LAYOUT, SANJAYA NAGAR RMV EXTN., 2ND STAGE, BENGALURU⁵⁶⁰⁰⁹ NOW REP BY ITS: MANAGER SRI R.S. IYENGAR⁴⁵ LAKSHMI NURSING HOME #567, CHOKKASANDRA T. DASARAHALLI, BANGALORE REPRESENTED BY ITS: PROPRIETRIX DR.MRS. MANGALA KEERTHI⁴⁶ ADITI MATERNITY AND GENERAL NURSING HOME⁷⁸ ARAKERE GATE, 1ST CROSS - 9 - ARAKERE MICO LAYOUT BANNERGHATT ROAD BENGALURU, KARNATAKA - 560076 REP. BY ITS: DIRECTOR DR.PINAKI BISWAS⁴⁷ THE VENLAKH HOSPITAL #123, 5TH MAIN ROAD CHAMARAJPET BENGALURU, KARNATAKA - 560018 REP. BY ITS: DIRECTOR DR.NARESH S GAEKWAD⁴⁸ MANJUSHREE NURSING HOME NO.20/70, ST. JOHNS ROAD OPP. RBANM ROAD, COMMERCIAL STREET BENGALURU - 560042 REP BY ITS: MANAGING DIRECTOR, DR.K.SOMNATH⁴⁹ YOGANANDA MULTISPECIALTY HOSPITAL³⁷¹ C J VENKATESH DAS RD RK LAYOUT, 2ND STAGE PADMANABHANAGAR BENGALURU, KARNATAKA - 560070 REPRESENTED BY ITS MANAGING PARTNER DR CHNDRALEKHA JAGADISH⁵⁰ CHAN RE RHEUMATOLOGY

AND IMMUNOLOGY CENTRE AND RESEARCH NO.149, 15TH MAIN ROAD, WATER TANK ROAD TEACHERS COLONY, BASWESHWARA NAGAR, BENGALURU, KARNATAKA - 560079 REPRESENTED BY ITS: MEDICAL DIRECTOR DR. CHANADRASHEKARA S51 DEVAGIRI HOSPITAL2461 24TH CROSS ROAD, BANASHANKARI2D STAGE, OPP TO BDA PARK BENGALURU, KARNATKA - 560070 REPRESENTED BY ITS MANAGING DIRECTOR DR. R.C. SUBHASH - 10 - 52. VINAYAKA HOSPITAL NO.110, STATE BANK OF MYSORE COLONY1T STAGE, 80 FEET ROAD BANASHANKARI, BENGALURU KARNATAKA - 560050 REPRESENTED BY ITS PARTNER DR M.G.ASHOK RAO53 REPUBLIC HOSPITAL NO.5, LANGFORD GARDENS, BENGALURU KARNATAKA - 560025 REPRESENTED BY ITS: MANAGING DR.B.D.SHASHIDHAR54 AMARIYOTHI NURSING HOME NO.491-C,CHINMAYA MISSION HOSPITAL ROAD OFF100FEET ROAD INDIRA NAGAR1T STAGE BENGALURU, KARNATAKA - 560038 REPRESENTED BY ITS PROPRIETOR DR.P.S.SUNDEEP55 FORTIS HOSPITALS LIMITED FORTIS HOSPITALS LIMITED1549, BANNERGHATTA ROAD, BENGALURU - 560076 NOW REPRESENTED BY ITS: ZONAL DIRECTOR DR PRABHAT KUMAR56 M.S RAMAIAH HOSPITAL M.S RAMAIAH HOSPITAL BENGALURU - 560054 REPRESENTED BY ITS: CHIEF ADMINISTRATOR DR NARENDRANATH .V57 SAGAR HOSPITALS SAGAR HOSPITALS, NO4454 30TH CROSS, TILALNAGAR JAYANAGAR, BENGALURU-560041 REPRESENTED BY ITS: VICE-CHAIRMAN DR. D. PREMACHANDRA SAGAR - 11 - 58. NEHA PRAKASH HOSPITAL NO.8, 6TH MAIN ROAD, 5TH PHASE YELAHANKA NEW TOWN BENGALURU, KARNATAKA-560064 REPRESENTED BY ITS MEDICAL DIRECTOR DR. SHOBHA PRAKASH59 SRINIVASA HOSPITAL SRINIVASA HOSPITAL TG EXTENSION, HOSKOTE TOWN BENGALURU-562114 REPRESENTED BY ITS: MANAGING DIRECTOR DR.NAGARAJ60 DR. RUDRAPPAS HOSPITAL ENT & EYE CENTRE, # 5, RAJA RAM MOHAN ROY CROSS ROAD BANGALORE-560025 REPRESENTED BY ITS: PARTNER DR.B.R.VINAY61 APOLLO HOSPITALS15411, OPP.11 M BANNERGHATTA ROAD BANGALORE-560076 REPRESENTED BY ITS: CHIEF EXECUTIVE OFFICER: DR. DAVISON62 TEJAS NURSING HOME TEJAS NURSING HOME No.72, 14TH CROSS PIPELINE ROAD, CHOLARPALYA BANGALORE56002

REPRESENTED BY ITS: MANAGING PARTNER DR.THEJAS B.C63 DR A.V.BALIGA MEMORIAL HOSPITAL DR A.V.BALIGA MEMORIAL HOSPITAL6H MAIN, V.M.NAGAR DODDANAGUDDE, UDUPI57610 REPRESENTED BY ITS: MEDICAL DIRECTOR DR. P VENKATARAYA BHANDARY - 12 - 64. CHITRAS HOSPITAL No.#25/1, OPPOSITE JAMIA MASJID IRWIN RD, LASHKAR MOHALLA MANDI MOHALLA, MYSURU KARNATAKA-570001 REPRESENTED BY ITS PROPRIETOR DR.MAHESH KUMAR65 ASHAKIRANA CHARITABLE TRUST No.CA-1,RING ROAD HEBBAL INDUSTRIAL HOUSING AREA MYSORE-570016 REPRESENTED BY ITS PROPRIETOR MR GURURAJA K.S66 CAUVERY HEART HOSPITAL SIDDARATHA LAYOUT NEAR TERESIAN COLLEGE,MYSURU KARNATAKA-570011 NOW REPRESENTED BY ITS: CHAIRMAN MR. G.R. CHANDRASHEKAR67 BHAVANI HOSPITAL P-2, BHAVANI HOSPITAL COMPLEX, GCST E & F BLOCK, ANIKETHANA RD KUVEMPU NAGARA, MYSURU KARNATAKA - 570023 REPRESENTED BY ITS PROPRIETOR DR.VIJAYA CHELUVARAJ.N68 GOPALAGOWDA SHANTHAVERI MEMORIAL HOSPITAL BANNUR ROAD, NAZARBAD, MYSURU KARNATAKA-570010 NOW REPRESENTED BY ITS: ADMINISTRATOR DR.SANTHRUPH H.V69 SRI KRISHNA SEVASHRAMA HOSPITAL #523, 10TH MAIN, 45TH CROSS5H BLOCK, JAYANAGAR, BENGALURU KARNATAKA-570041 NOW REPRESENTED BY ITS VICE PRESIDENT ADMIN. MR.G.SUBBANNA - 13 - 70. SUCHIRAYU HEALTH CARE SOLUTIONS LTD SY.NO.29/8 9 10, JAVALI GARDEN GOKUL ROAD, HUBBALLI58003 REPRESENTED BY ITS MANAGING DIRECTOR DR. RAJENDRA I.DUGANI71 TATWADARSHA HOSPITAL M.T.SAGAR, NEAR SHREYANAGAR, UNKAL HEGGERI ROAD, OPP.KSRTC DEPOT GOKUL ROAD, HUBBALLI58003 REPRESENTED BY ITS DIRECTOR DR. SHIVAYOGI PARAMESHWARAPPA BALIGAR72 ASHWINI HOSPITAL T.G.EXTENSION, HOSKOTE56211 NOW REPRESENTED BY: ITS MANAGING PARTNER DR. H.V. NARASIMHA PRASAD73 SUBBIAH HOSPITAL NO.31, M.S.RAMIAH ROAD, MATHIKERE BENGALURU-560054 REPRESENTED BY: MEDICAL DIRECTOR DR.SUNIL SUBBIAH74 BGS GLOBAL HOSPITALS (A UNIT OF RAVINDRANATH GE MEDICALS ASSOCIATES PVT LTD.) BGS HEALTH & EDUCATION CITY # 67, UTTARAHALLI ROAD, KENGERI, BENGALURU56006 NOW REPRESENTED

BY: CHIEF EXECUTIVE OFFICER MRS. SHAILAJA SURESH KUMAR ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BENGALURU - 560001 - 14 - 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA, BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN, MALLESHWARAM BENGALURU56000 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU56002 REP BY GENERAL SECRETARY6 ALL INDIA CENTRAL COUNCIL OF TRADE UNION (AICCTU) NO.18, RIYAZ BUILDING BASAVANAGAR MAIN ROAD, HOODY M.D.PURA, BENGALURU- 560048 REPRESENTED BY ITS STATE PRESIDENT ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5 AND SHRI MAITHREYI KRISHNAN, ADVOCATE FOR C/R6) IN W.A. NOS.2355-2364/2019 BETWEEN:

1. ABHAYA HOSPITAL NO.17, M.H.MARIGOWDA ROAD OPP TO9H CROSS BUS STOP - 15 - WILSON GARDEN, BENGALURU56002 REPRESENTED BY ITS DIRECTORS DR.A.JAGADISH, DR.A.SATHISH2 ASTER DM HEALTHCARE LIMITED NO.43/2,NH7 SAHAKARA NAGAR BENGALURU56009 REPRESENTED BY ITS CEO DR.NITHISH SHETTY3 RADHAKRISHNA MULTISPECIALITY HOSPITAL AND IVF CENTRE34, JP NAGAR, GIRINAGAR BENGALURU-560085 REPRESENTED BY: MANAGING DIRECTOR DR. B.K.VISHANATH BHAT4 SRI RAM HOSPITAL NO.10,7/2, NISHVASAHA CENTRE OPP. TRAFFIC POLICE STATION OLD MADRAS ROAD, K.R.PURAM BENGALURU56003 REPRESENTED BY PARTNER DR.G.RAJESHAM5 PREMIER SANJEEVINI HOSPITAL NH-4, DASARAHALLI BENGALURU - 57 REPRESENTED BY: MEDICAL DIRECTOR DR.JAGADISH V. SHETTY6 SATHYA SAI ORTHOPAEDIC AND MULTISPECIALIST HOSPITAL NO.20/2, OLD RTO OFFICE ROAD BHATTARAHALLI, K R PURAM BENGALURU -

560049 REPRESENTED BY: MEDICAL DIRECTOR DR.MAHESH M.N7 SIDVIN
HOSPITAL PVT. LTD. NO.1031, 20TH MAIN5H BLOCK, RAJAJINAGAR
BENGALURU - 560010 REPRESENTED BY: DIRECTOR DR. H.R.VIJAY KUMAR
- 16 -

8. DR Y.B.KULGOD MULTISPECIALITY HOSPITAL DR.Y.B KULGOD
MULTISPECIALITY HOSPITAL BASAVA MARG, RAMDURG DIST: BELAGAVI -
590001 REPRESENTED BY: PROPRIETOR DR.CHANNABASAVA Y. KULGOD9
DR. APTE NURSING HOME FORT ROAD, JUNIPETH RAMDURG - 591123
DIST: BELAGAVI REPRESENTED BY: PROPRIETOR DR.PRAKASH M. APTE10
PRASHANTH NURSING HOME STATION ROAD, DHARWAD - 580007
REPRESENTED BY: PROPRIETOR DR. SOUBHAGYA KULKARNI ...
APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI
SOMASHEKAR, ADVOCATE) AND1 THE SECRETARY LABOUR
DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA
BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA
BHAVANA BANNERGHATTA ROAD BENGALURU56002

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH
CROSS, 4TH MAIN MALLESHWARAM BENGALURU56000

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET - 17 -
BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5,
2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU -
560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY
SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA
SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W
SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.2365/2019
BETWEEN: NANJAPPA TRUST NO.660, KUVEMPU ROAD SHIVAMOGGA -
577201 REPRESENTED BY ITS TRUSTEE DR. AVINASH D.B. ... APPELLANT
(BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR,
ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT
OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, - 18 - 4TH MAIN, MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT⁵ CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS, SAMPANGIRAMA NAGARA BENGALURU⁵⁶⁰⁰² REPRESENTED BY GENERAL SECRETARY⁶ ALL INDIA CENTRAL COUNCIL OF TRADE UNION (AICCTU) NO.18, RIYAZ BUILDING BASAVANAGAR MAIN ROAD, HOODY M.D.PURA, BENGALURU- 560048 REPRESENTED BY ITS STATE PRESIDENT ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5 AND SHRI MAITHREYI KRISHNAN, ADVOCATE FOR C/R⁶) THESE WRIT APPEALS ARE FILED U/S⁴OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED²⁹03/2019 OF THE LEARNED SINGLE JUDGE IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS AND QUANTUM OF MINIMUM WAGES FIXED IN THE IMPUGNED NOTIFICATION BEARING NO.KAA E125LWA 2015 DATED⁰⁶01/2017 [ANNEXURE 'B' IN WP]. OF THE RESPONDENT NO.1 PASSED IN FOLLOWING WRIT PETITIONS NOS.12203/2017, 12204/2017, 12206-12209/2017, 12215/2017, 12218/2017, 12221/2017, 12222/2017, 12226/2017, 12227/2017, 12229/2017, 12231-12233/2017, 12236/2017, 12238/2017, 12239/2017, 12253/2017, 12254/2017, 12256/2017, 12258/2017, 12262/2017, 12265-12267/2017, 12275/2017, 12277/2017, 12278/2017, 12281-12285/2017, 12287-12290/2017, 12294- - 19 - 12298/2017, 12304/2017, 12305/2017, 12307-12314/2017, 12317/2017, 12324/2017, 12327-12331/2017, 12333-12335/2017, 12360/2017, 12374/2017, 12376-12378/2017, 12380/2017, 12384/2017, 12386/2017, 12387/2017,

13841/2017, 13844/2017, 13845/2017, 26051/2017, 26052/2017, 26054/2017, 26057/2017, 26059/2017, 26061/2017, 26063/2017, 26072/2017, 26073/2017, 26079/2017 & 9211/2017. IN W.A. NO.1272/2019 BETWEEN POINTEC PENS AND ENERGY PVT LTD26A, ATTIBELE INDUSTRIAL AREA HOSUR ROAD, BENGALURU - 562107 REPRESENTED BY ITS DIRECTOR ... APPELLANT (BY SRI K. RAMACHANDRAN, ADVOCATE FOR SRI M.R.C. RAVI, ADVOCATE) AND1 THE SECRETARY TO GOVERNMENT DEPARTMENT OF LABOUR GOVERNMENT OF KARNATAKA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKARA BHAVANA BANNERGHATTA ROAD BENGALURU56002 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THIS WRIT APPEAL IS FILED UNDER SECTION4OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE

ORDER

DATED2903.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. No.11863/2018.-. 20 - W.A. NOS. 1481-1519/2019 & 2761-2769/2019 IN W.A. NOS. 1481-1482/2019 BETWEEN1 KARNATAKA EMPLOYERS ASSOCIATION HAVING ITS OFFICE AT: NO.74 2ND FLOOR, SHANKARA ARCADE VANI VILAS ROAD BENGALURU-560004, THROUGH ITS SECRETARY GENERAL SRI SEETHARAM BHAT2 HINDUJA GLOBAL SOLUTIONS LTD HAVING ITS REGISTERED OFFICE AT: HINDUJA HOUSE NO.171 DR. ANNIE BESANT ROAD WORLI, MUMBAI-400018 HAVING ITS BANGALORE OFFICE AT CORPORATE OFFICE, 1ST FLOOR GOLD HILL SQUARE PARK # 690, BOMMANAHALLI, HOSUR ROAD BENGALURU56006 ... APPELLANTS (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU56000

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU56002 - 21 -

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM, BENGALURU56000
4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU56005 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 1483-1491/2019 BETWEEN1 B.S.CHANNABASAPPA & SONS HAVING ITS PRINCIPAL OFFICE AT # 1194, KALIKADEVI ROAD DAVANGERE57700 REP. BY ITS PARTNER2 BSC RETAIL HAVING ITS SHOWROOM AT # 1189/1, KALIKADEVI ROAD DAVANGERE57700 REP. BY ITS PARTNER B.C. UMAPATHY3 SHANTALA HAVING ITS SHOWROOM AT # 323/1, UWX-6, CHAMARAJPET DAVANGERE - 577001 REP. BY ITS PARTNER - 22 -
4. RAVITEJA TEXTILES HAVING ITS SHOWROOM AT #288/1, CHAMARAJAPET CIRCLE DAVANAGERE - 577001
5. ASHA DEEP HAVING ITS SHOWROOM AT: #322/1C, CHAMARAJPET DAVANERE - 577 001 REPRESENTED BY ITS PARTNER MADHU T.
6. GOWDARA JAYADEVAPPA SILK PALACE HAVING ITS SHOWROOM AT # 681, GOWDARS GRAND CHOWKIPET CIRCLE DAVANGERE57700 REP. BY ITS PARTNER HARSHA M GOWDAR7 GOWDARA JAYADEVAPPA SILKS & SAREES HAVING ITS SHOWROOM AT CHOWKIPET DAVANGERE57700 REP. BY ITS PARTNER HARSHA M GOWDAR8 AMBERKER PAMPANNA HAVING ITS SHOWROOM AT # 1,2 KALIKADEVI ROAD DAVANGERE - 577001 REP. BY ITS PARTNER PRATHIK AMBERKAR9 ASHUJI DISTRIBUTORS HAVING ITS SHOWROOM AT # 323/1D-1E-IF BINNY CO. ROAD DAVANGERE57700 REP. BY ITS PARTNER SHANTILAL P SELOTH ... APPELLANTS (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) - 23 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF

KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1492/2019 BETWEEN RETAILERS ASSOCIATION OF INDIA HAVING ITS OFFICE AT111112, ASCOT CENTRE, NEAR HOTEL ITC MARATHA SAHAR ROAD, ANDHERI (E) - 24 - MUMBAI - 400099 THROUGH ITS DIRECTOR FINANCE & ADVOCAY SRI GAUTAM JAIN ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & - 25 - SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1493/2019 BETWEEN SECURITRANS INDIA PVT. LTD. HAVING ITS PRINCIPAL OFFICE AT: NO.10, DDA COMMERCIAL COMPLEX NANGAIRAYA, NEW DELHI11004 & BRANCH OFFICE AT: NO.14, TAMARE KANNAN ROAD ULSOOR, BENGALURU56000 ...

APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA, BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT - 26 - 5. CITU NO.40/5, 2ND B MAIN ROAD16H CROSS SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1494/2019 BETWEEN UNMATCHED SYSTEMS PVT LTD HAVING ITS REGISTERED OFFICE AT #20, POTTERY ROAD COOKES TOWN BANGALORE500005 THROUGH ITS HR MANAGER SRI M VENUGOPAL REDDY ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 - 27 - 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1495/2019 BETWEEN CMS MARSHALL

LIMITED HAVING ITS REGISTERED OFFICE AT #20,POTTERY ROAD COOKES TOWN BANGALORE500005 THROUGH ITS HR MANAGER SRI M VENUGOPAL REDDY ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT - 28 - GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 1496-1515/2019 BETWEEN1 B.G.SALAVATIGI & SONS CLOTH MERCHANTS V.M.ROAD, AKKIALUR581102 REPRESENTED BY ITS PROPRIETOR CHANNAVEERESH C SALAVATIGI2 B.G.SALAVATIGI & COMPANY CLOTH MERCHANTS, - 29 - NEAR NEW BUS STAND HANGAL58110 REPRESENTED BY ITS PARTNER BASAVARJ SALAVATIGI3 DEEPTHI FURNISHINGS MUNICIPAL NO.3372/1 DAJIBAN PETH, HUBLI REPRESENTED BY ITS PROPRIETOR VISHWANATH B KAMATAGI4 GANGAVATHI SILK PALACE DAJIBAN PETH, HUBBALLI KARNATAKA - 580028 REPRESENTED BY ITS PARTNER ANAND B KAMATAGI5 GEETANJALI SILK SAREE SADAN UMACHANGI COMPLEX KOPPIKAR ROAD HUBLI - 588020 REPRESENTED BY ITS PROPRIETOR PRADEEP N SHANGHAVI6 KALYAN CREATION MATOSHRI NEAR JAIN TEMPLE KANCHAGAR GALLI, HUBLI58002 REPRESENTED BY ITS PROPRIETOR PARASMAL PUKHRAJ BHANDARI7 M.H.BHANDARI BROS NEAR BUS STAND BAILHONGAR59110 REPRESENTED BY ITS PROPRIETOR SOHANRAJ P BHANDARI8 PREETI SILKS MADHURA CENTRE DAJIBARPETH,

HUBLI58002 REPRESENTED BY ITS PROPRIETOR KIRAN G BHANDARI9 PRASHANTH ENTERPRISES J.C. NAGAR, ANNIGERI BUILDING HUBLI58002 - 30 - REPRESENTED BY ITS PARTNER ASHOK G ANNIGERI10 RELIANT MATOSHRI KOPPIKAR ROAD,HUBLI56002 REPRESENTED BY ITS PROPRIETOR RAMESH P BHANDARI11 SHA PREMRAJ BHAGWANJI AND CO. JAVALI SAL KUBASAD GALLI,HUBLI - 580020, REPRESENTED BY ITS PARTNER BHARATHKUMAR P PALGOTA12 SANGAM FASHIONS NEAR TULJABHAVANI TEMPLE DAJIBANPETH HUBLI - 580028 REPRESENTED BY ITS PROPRIETOR SANDEEP B KOTHARI13 SHA HIRACHAND VANECHAND & CO. HIREPETH, HUBBALLI - 580028 REPRESENTED BY ITS PARTNER SUNIL G KATARIA14 SHA AMARCHAND VANECHAND AND COMPANY GROUND FLOOR, CTS NO.2922/2 BEARING NO.3006/A VICTORIA ROAD, HUBBALLI DHARWAD-580020 REPRESENTED BY ITS PARTNER MUKESH KUMAR KATARIA15 SHA AMARCHAND VANECHAND AND SONS GROUND PLUS TWO, CTS NO.2538 CTS WARD NO.1, KOPPIKAR ROAD HUBBALLI - 580020 REPRESENTED BY ITS PARTNER ASHOKKUMAR A KATARIA16 SHA AMARCHAND VANECHAND ENTERPRISE GROUND AND FIRST FLOOR SHOP NO.4,5,6,7,8,9 AND10EUREKA CENTRE, KOPPIKAR ROAD - 31 - HUBBALLI - 580020 REPRESENTED BY ITS PARTNER ARVINDKUMAR C KATARIA17 SHA AMARCHAND VANECHAND VENTURE CTS4634 KRISHNA BHAVAN LAMINGTON ROAD HUBBALLI - 580020 REPRESENTED BY ITS PARTNER RAJESH KUMAR S KATARIA18 SHA AMARCHAND VANECHAND ASSOCIATES GROUND PLUS TWO DOOR NO.3005 CTS NO.2921/A, UMACHAGI BUILDING KOPPIKAR ROAD HUBBALLI - 580020 REPRESENTED BY ITS PARTNER JAYANTILAL A KATARIA19 YASHIKA AGENCIES44 JAYANAGAR VIDYA NAGAR HUBLI -580021 REP BY ITS PARTNER SHAMBU S YAVAGAL20 B BABU AND COMPANY BROADWAY, HUBLI58002 REPRESENTED BY ITS PARTNER ASHWIN SANGHAVI ... APPELLANTS (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 - 32 - 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA

BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1516/2019 BETWEEN GANESH TRADE LINKS G-10,EUREKA TOWERS TRAFFIC ISLAND HUBBALLI58002 REPRESENTED BY ITS PARTNER PANDURANG MADHUKAR ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) - 33 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 1517-1519/2019 & W.A. NOS.2761-2763/2019 BETWEEN1 V.S. YAVAGAL MAY LINKS, 1ST FLOOR, BLOCK NO.6 60/3, BUDARSINGHI VILLAGE ROAD, - 34 - OPP: JAIN TEMPLE, P.B. ROAD HUBBALLI - 580024. BY ITS PARTNER V.S. YAVAGAL2 DEEPAK CYCLE STORES32947, PRAMOD CHAMBERS KOPPIKAR ROAD, HUBBALLI58002 BY ITS PARTNER DEEPAK SHAH3 A B AGENCIES RAZAK COMPLEX OPP: MANGALDEEP KOPPIKAR ROAD, HUBBALLI58002 BY ITS

PARTNER, AJAY SHAH⁴ RACHANA DISTRIBUTORS PANCHARATNA, 1ST FLOOR OPP: SAVAL GANDHARVA HALL NEW COTTON MARKET HUBBALLI - 580029 BY ITS PARTNER DEEPAK SHAH⁵ SHIVA MEDICAL AGENCIES PANCHARATNA, 1ST FLOOR OPP: SAVAL GANDHARVA HALL NEW COTTON MARKET HUBBALLI⁵⁸⁰⁰² BY ITS PARTNER DEEPAK SHAH⁶ DYNAMIC DISTRIBUTORS PANCHARATNA, 1ST FLOOR OPP: SAVAI GANDHARVA HALL NEW COTTON MARKET HUBBALLI - 580029 BY ITS PARTNER, DEEPAK SHAH ... APPELLANTS (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) - 35 - AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT⁵ CITU NO.40/5, 2ND B MAIN ROAD^{16H} CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 2764-2767/2019 BETWEEN¹ MUDKAVI PHARMA ASSOICATES MAY LINKS, GROUND FLOOR, BLOCK¹NO.60/3, BUDARSINGHI VILLAGE ROAD HUBBALLI - 580 028 BY ITS PARTNER, CHIDANAND M MUDKAVI - 36 - 2. MY PHARMA MAY LINKS, NO.60/3, BUDARSINGHI OFF P.B. HIGHWAY OPP: JAIN TEMPLE, BUDARSINGHI VILLAGE ROAD HUBBALLI - 580 028 BY ITS PARTNER, MOHAN M MUDKAVI³ PAMPA SERVICES MAY LINKS, NO.60/3 BUDARSINGHI OFF P.B. HIGHWAY OPP: JAIN TEMPLE HUBBALLI - 580 028 BY ITS PARTNER, CHIDANAND M MUDKAVI⁴ COTMAC INDUSTRIAL TRADING PVT LTD SAYED BUILDING, FIRST FLOOR LAMINGTON ROAD HUBBALLI - 580 020 BY ITS DIRECTOR, K. SHIVARAJ ... APPELLANTS (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE

FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 - 37 - 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.2768/2019 BETWEEN RURAL SHORES BUSINESS SERVICES PVT. LTD NO.135/2, MARUTHI INDUSTRIAL ESTATE ITPL ROAD, HOODI, WHITEFIELD BANGALORE - 560 048 BY ITS HEAD-FINANCE PRIYA SUBBAIAH ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA - 38 - KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.2769/2019 BETWEEN STELLAR VALUE CHAIN SOLUTIONS PVT. LTD. SY. NO.67, BOMMANAHALLI VILLAGE

TUMKUR MAIN ROAD, NH-4 OPP. KARNATAKA BREWERIES LTD KASABA HOBLI NELAMANGALA TALUK BANGALORE - 562 123 BY ITS CHIEF FINANCIAL OFFICER MANISH SAROJ JUNJUNWALA ... APPELLANT (BY SHRI S.S. NAGANAND, SENIOR COUNSEL FOR SHRI C.K. SUBRAMANYA, ADVOCATE FOR - 39 - SHRI VASUKI, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA NO.458,OTC ROAD, COTTONPET BENGALURU - 560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 i.e., [TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS]. PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.17439- - 40 - 17440/2018, 14417-14425/2018, 17437/2018, 15598/2018, 15600/2018 AND155992018, 16829-16833/2018, 16839/2018, 16843/2018, 16846/2018, 16849-16850/2018, 16852-16853/2018, 16855/2018, 16863-16869/2018, 50702/2018, 18463-18468/2018, 27113-27116/2018 [L-MW]., 12456/2018, 40550/2018 AND ALLOW THE WRIT PETITIONS FILED BY THE APPELLANTS. IN W.A. No.1520/2019 BETWEEN ALL INDIA TRADE UNION CONGRESS A REGISTERED TRADE UNION HAVING THEIR OFFICE AT NO.6 SHIRUR PARK ROAD SESHADRIPURAM BENGALURU-560020 REPRESENTED BY ITS PRESIDENT SHRI ANANTHA SUBBA RAO ... APPELLANT (BY SHRI VILAS RANGANATH DATAR, ADVOCATE) AND1 STATE

OF KARNATAKA DEPARTMENT OF LABOUR VIDHANASOUDHA DR
AMBEDKAR ROAD BENGALURU-560001 REPRESENTED BY ITS
SECRETARY² COMMISSIONER OF LABOUR OFFICE OF THE LABOUR
COMMISSIONER KARMIKA BHAVAN DAIRY CIRCLE BANNERGHATTA ROAD
BENGALURU-560029 3. CLOTHING MANUFACTURERS ASSOCIATION OF
INDIA KARNATAKA REGIONAL OFFICE NO.212A, SWISS COMPLEX IIND
FLOOR, 33 - 41 - RACE COURSE ROAD, BENGALURU-560001
REPRESENTED BY ITS SECRETARY⁴ KARNATALA TEXTILE MILLS
ASSOCIATION NO.64, VASTRA BHAVAN, 4TH MAIN, NEAR18H CROSS,
MALLESHWARA WEST BENGALURU-560003 REPRESENTED BY ITS
SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA
FOR R1 & R2, SHRI S.S. NAGANAND, SENIOR COUNSEL A/W SHRI C.K.
SUBRAMANYA, ADVOCATE FOR SHRI B.C. PRABHAKAR, ADVOCATE FOR
R3 & R4) THIS WRIT APPEAL IS FILED U/S40F THE KARNATAKA HIGH
COURT ACT PRAYING TO SET ASIDE THE

JUDGMENT
AND

ORDER

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WP
NO.18621/2018 AND PASS APPROPRIATE

ORDER

S IN THE SAID WRIT PETITION. W.A. NOS. 1540-1566/2019 IN W.A. NOS.
1540-1564/2019 BETWEEN¹ KARNATAKA DRUGS & PHARMACEUTICALS
MANUFACTURES ASSOCIATION³, BHARAT DELUXE APARTMENTS
NO.44/1,A & B FAIRFIELD LAYOUT RACE COURSE ROAD BENGALURU-560
001 REPRESENTED BY ITS SECRETARY² NORTH KARNATAKA DURGS AND
PHARMACEUTICAL MANUFACTURERS WELFARE ASSOCIATION C/O
NANDU CHEMICALS PVT.LTD., N-12, INDUSTRIAL ESTATE GOKUL ROAD
HUBLI-580 030 REPRESENTED BY ITS HON.SECRETARY - 42 -

3. ANGLO FRENCH DRUGS & INDUSTRIES LTD., NO.41,3RD CROSS, 5TH
BLOCK SSI INDUSTRIAL AREA RAJAJINAGAR BENGALURU-560 010

REPRESENTED BY ITS DEPUTY HEAD-HR4 EMBIOTIC LABORATORIES (P) LTD., NO.20-C,1ST PHASE KUMBALGODU INDL. AREA MYSORE ROAD BENGALURU-560 074 REPRESENTED BY ITS DIRECTOR5 R.L. FINE CHEM PVT.LTD. RAY HOUSE YELAHANKA NEW TOWN BENGALURU-560 064 REPRESENTED BY ITS AUTHORISED SIGNATORY6 GROUP PHARMACEUTICALS LTD. 521/A, 2ND BLOCK,2ND MAIN2D STAGE, RAJAJINAGAR BENGALURU-560 055 REPRESENTED BY ITS MANAGING DIRECTOR7 GELTEC PRIVATE LIMITED SR NO.26/3, 27/2 YADAVANAHALLI (VILLAGE) ATTIBELE HOBLI, BANGALORE HOSUR ROAD NERALUR(POST) ANEKAL TQ. BANGALORE-562 107 REPRESENTED BY ITS AUTHORIZED SIGNATORY VICE PRESIDENT PLANT OPERATIONS8 WEXFORD LABORATORIES PVT.LTD. NO.4011/2,AYYAPPA ARCADE DR MUTHU RAJ ROAD - 43 - BANASHANKARI, 3RD STAGE GIRINAGAR4H PHASE BENGALURU-560 085 REPRESENTED BY ITS DIRECTOR9 CE CHEM PHARMACEUTICALS PVT. LTD. 336,4TH PHASE,9TH CROSS PEENYA INDUSTRIAL AREA BENGALURU-560 058 REPRESENTED BY ITS MANAGING DIRECTOR10 BIOPLUS LIFE SCIENCES PVT.LTD. PHARMED GARDENS WHITEFIELD ROAD,ITPL BENGALURU-560 048 REPRESENTED BY ITS AUTHORISED SIGNATORY DEPUTY GENERAL MANAGER11 ISHAAN LABS PVT. LTD., 137/B, NEW NO.11/3 4TH MAIN ROAD, INDUSTRIAL TOWN RAJAJINAGAR BENGALURU-560 010 REPRESENTED BY GENERAL MANAGER WORKS12 ONTOP PHARMACEUTICALS PVT. LTD. 9-D, BOMMASANDRA JIGANI LINK RD BOMMASANDRA INDUSTRIAL AREA BENGALURU-560099 REPRESENTED BY ITS MANAGER HR & ADMIN13 REMIDEX PHARMA PVT LTD.B-249-250 IIND STAGE, PEENYA INDUSTRIAL ESTATE, PEENYA BENGALURU- 560 058 REPRESENTED BY ITS CHIEF OPERATING OFFICER14 STERICON PHARMA PVT. LTD. NO.9R, SUB LAYOUT OF PLOT NO.9 1ST PHASE, BOMMASANDRA INDUSTRIAL AREA BENGALURU-560 099 REPRESENTED BY ITS JOINT MANAGING DIRECTOR - 44 -

15. SRUSHTI PHARMACEUTICALS (P) LTD. 154,10TH MAIN,3RD PHASE PEENYA S I BENGALURU-560 058 REPRESENTED BY ITS DIRECTOR16 SANIL PHARMACEUTICALS PVT. LTD. NO.11/4,4TH MAIN ROAD,

INDUSTRIAL TOWN,RAJAJINAGAR BENGALURU-560 044 REPRESENTED BY ITS ACCOUNTANT¹⁷ MICRO LABS LTD # 27,RACE COURSE ROAD BANGALORE-560 001 REPRESENTED BY ITS SENIOR VICE PRESIDENT-H.R¹⁸ MEYER ORGANICS PVT. LTD. NO.10D, 3RD "A" MAIN,3RD PHASE PEENYA INDUSTRIAL AREA BANGALORE-560 058 REPRESENTED BY ITS DIRECTOR¹⁹ RECIPHARMA SERVICES PVT.LTD., (FORMERLY PHARMA DIVISION OF KEMWELL BIOPHARMA PVT.LTD.,) 34TH KM,TUMKUR ROAD T.BEGUR, NELAMANGALA TALUK BANGALORE RURAL DISTRICT REPRESENTED BY ITS ASST. GENERAL MANAGER²⁰ MEDREICH LIMITED MEDREICH HOUSE,12/B SARASWATI AMMAL STREET MARUTHI SEVANAGAR BENGALURU-560 033 REPRESENTED BY ITS COMPANY SECRETARY²¹ WINTAC LIMITED NO.54/1, BOODHIHAL NELAMANGALA - 45 - BENGALURU-562 123 REPRESENTED BY ITS ASST.VP (FINANCE)& SECRETARY²² NANDU CHEMICALS INDUSTRIES N-12,INDUSTRIAL ESTATE HUBLI-580 030 REPRESENTED BY ITS MANAGING PARTNER²³ NANDU CHEMICALS PVT.LTD. N-12,INDUSTRIAL ESTATE HUBLI-580 030 REPRESENTED BY ITS MANAGING DIRECTOR²⁴ WALLACE LABORATORIES PVT.LTD. BELUR INDUSTRIAL AREA DHARWAD, REPRESENTED BY ITS ASSISTANT GENERAL MANAGER²⁵ EMPREE MEDICAMENTS (I) PVT.LTD. 99, C.D.KIADB INDUSTRIAL ESTATE HONGA, BELGAUM-591 156 REP BY ITS MANAGING DIRECTOR APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNEMNT OF KARNATAKA VIKASA SOUDHA BENGALURU-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARNATAKA BHAVANA BANNERGHATTA ROAD BENGALURU-560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) - 46 - NO.26/1, 2ND MAIN, 11TH CROSS VYALIKAVALL BENGALURU-560003

4. GENERAL SECRETARY BHARATIYA MAZADOOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU-560053

5. PRESIDENT, CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS SAMPANGIRAMANAGAR BENGALURU-560027

6. ALL INDIA CENTRAL COUNCIL OF TRADE UNIONS (AICCTU) NO.18, RIYAZ BUILDING BASAVANAGAR MAIN ROAD HOODI, M D PURA BENGALURU-560048 REPRESENTED BY ITS PRESIDENT ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3, SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5 AND SHRI MAITHREYI KRISHNAN, ADVOCATE FOR C/R6) IN W.A. No.1565/2019 BETWEEN SHREE ANAND LIFE SCIENCE LTD PLOT NO.63, A & B HONAGA INDL. AREA HONAGA, BELGAUM-591113 REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 47 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNEMNT OF KARNATAKA VIKASA SOUDHA BENGALURU-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU-560029 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) IN W.A. No.1566/2019 BETWEEN NATURAL CAPSULES LIMITED #102, SHRESHTA BHUMI NO.87, K.R. ROAD BENGALURU - 560 004 REPRESENTED BY ITS MANAGING DIRECTOR SUNIL ALXMINARAYAN MUNDRA ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNEMNT OF KARNATAKA VIKASA SOUDHA BENGALURU-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU-560029 ... RESPONDENTS - 48 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 I.E., (TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS) PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NOS. 61347-357/2016, 61359-371/2016, 61374/2016, 63630/2016 & 6047/2017(L-MW) AND ALLOW THE WRIT PETITIONS FILED BY THE APPELLANTS. W.A. NOS. 1567-1601/2019 IN W.A. NOS. 1567-1569/2019

BETWEEN1 KARNATAKA EMPLOYERS ASSOCIATION HAVING ITS OFFICE AT: NO.74, 2ND FLOOR, SHANKARA ARCADE VANI VILAS ROAD BENGALURU56000 THROUGH ITS SECRETARY GENERAL SRI SEETHARAM BHAT2 SURI AUTO PRODUCTS HAVING ITS PRINCIPAL OFFICE AT: SURVEY NO.42, M T SAGAR INDUSTRIAL ESTATE GOKUL ROAD HUBBALLI - 580030 THROUGH ITS PROPRIETOR JAGADISH SURI3 S L FLOW CONTROLS HAVING ITS PRINCIPAL OFFICE AT: MANJUNATH NAGAR CROSS GOKUL ROAD HUBBALLI58003 THROUGH ITS PROPRIETOR VEERENDRA KOUJALAGI ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 49 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM, BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU56002 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1570-1571/2019 BETWEEN1 AUTOMOTIVE AXLES LTD HOOTAGALLI INDUSTRIAL AREA OFF HUNSUR ROAD MYSORE - 18 - 50 - REPRESENTED BY ITS DEPUTY GENERAL MANAGER HR2 YAZAKI INDIA PRIVATE LIMITED PLANT OFFICE, PLOT NO314(P) TO319(P) BOMMASANDRA- JIGANI LINK ROAD, INDUSTRIAL AREA, JIGANI POST, BENGALURU56010 ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029
3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003
4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053
5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & - 51 - SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1572-1573/2019 BETWEEN1 SHRADDHA INDUSTRIES AT PLOT No.SM-25 M.T.SAGAR, II STAGE INDUSTRIAL ESTATE GOKUL ROAD HUBBALLI - 580030 REP. BY ITS PROPRIETOR MR MANJUNATH I UDDI2 PRAGATI ENGINEERING WORKS AT No.SM-63, M.T.SAGAR1GATE, INDUSTRIAL ESTATE GOKUL ROAD, HUBBALLI58003 REP. BY ITS PROPRIETOR MR BASAVARAJ S GANIGER ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001
2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029
3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 - 52 -
4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053
5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR

COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1574-1580/2019 BETWEEN1 PRAMOD ENGINEERING WORKS C-2, KSSIDC INDL ESTATE SHIVAMOGA - 577204 REP. BY ITS PARTNER SRI PRAMOD R INAMDAR2 PERFECT ALLOY COMPONENTS (P) LTD REGD OFFICE: C-14, KSSIDC INDUSTRIAL ESTATE, SAGAR ROAD, SHIVAMOGGA57720 REP BY ITS DIRECTOR3 M/S SREE S.G.K INDUSTRIES C-15 INDUSTRIAL, ESTATE SAGAR ROAD, SHIVAMOGGA-577204 REP. BY ITS PROPRIETOR MR. B.C.NANJUNDA SETTEE.

4. SSR ENTERPRISES D-3, KSSIDC INDUSTRIAL ESTATE, SAGAR ROAD SHIVAMOGGA-577204 REP. BY ITS PROPRIETRIX SUHAS V DIVEKAR - 53 -

5. NEWCAST TECHNOLOGIES (P) LTD D-4, KSSIDC INDUSTRIAL, ESTATE SAGAR ROAD, SHIVAMOGGA-577204 REP. BY ITS DIRECTOR V.K DIVEKAR6 BHOMIKA ALLOY CASTING PVT LTD SRIRAMPUTRA VILLAGE SAGAR ROAD, SHIMOGA-577204 REP. BY ITS DIRECTOR DEEPAK H.D7 FOCUS DIE CAST PVT LTD C-31, KSSIDC INDL ESTATE SAGAR ROAD SHIMOGA-577204 REP. BY ITS DIRECTOR SRI PRAMOD R INAMDAR ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053 - 54 -

5. CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A.

NO.1581/2019 BETWEEN APARNA ENTERPRISES # 34, 3RD FLOOR LOTUS TOWERS DEVRAJ URS ROAD, RACE COURSE BENGALURU - 560001 REP BY ITS MANAGER UMAPATHY E ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003 - 55 -

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1582-1591/2019 BETWEEN1 SRV AUTOMATIONS C/O SRV CONFIL SYSTEMS PREMISES PLOT NO.10, KIADB INDUSTRIAL AREA RAYAPUR, DHARWAD-580 009 BY ITS PARTNER, SHYAMSUNDAR KOLHAR2 SRV CONFIL SYSTEMS PLOT NO.10, KIADB INDUSTRIAL AREA RAYAPUR, DHARWAD58000 BY ITS PARTNER SHYAMSUNDAR KOLHAR3 SRV AGRI IMPLEMENTS PLOT NO.10, KIADB INDUSTRIAL AREA RAYAPUR, DHARWAD58000 BY ITS PARTNER SHYAMSUNDAR KOLHAR4 MICROFINISH PUMPS PVT. LTD SPECIAL PLOT, INDUSTRIAL ESTATE GOKUL ROAD, HUBBALLI-580030 - 56 - BY ITS MANAGING DIRECTOR MAHENDRA KARAMCHAND VIKAMSHI5 FLOWSERVE MICROFINISH VALVES PVT. LTD. B-161,162, INDUSTRIAL ESTATE GOKUL ROAD HUBBALLI - 580030 BY ITS MANAGING DIRECTOR TILAK KARAMCHAND VIKAMSHI6 FLOWSERVE MICROFINISH PUMPS PVT. LTD5681, INDUSTRIAL ESTATE GOKUL ROAD, HUBBALLI58003 BY ITS MANAGING DIRECTOR TILAK KARAMCHAND VIKAMSHI7 CHUCKMATIC PVT LTD. DHARWAD BYE PASS NATIONAL

HIGHWAY NO.4 VILLAGE NARENDRA DHARWAD - 580005 BY ITS DIRECTOR LAJPAT RAI SUKHIJA8 AIRTECH PVT. LTD5H K.M., N.H.NO.4 (NEXT TO AGRICULTURAL COLLEGE) VILLAGE NARENDRA DHARWAD - 580005 BY ITS DIRECTOR LAJPAT RAI SUKHIJA9 NEW HINDUSTAN ENGINEERING WORKS KIADB, PLOT NO.12, RAYAPUR INDUSTRIAL AREA, RAYAPUR DHARWAD - 580009 BY ITS PARTNER PRASHANT M HALEMANI10 MIVEN MACHINE TOOLS LIMITED TARIHAL INDUSTRIAL AREA TARIHAL, HUBBALLI58002 BY ITS MANAGING DIRECTOR VIKRAM S. SIRUR ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 57 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1592/2019 BETWEEN MIVEN MAYAFRAM CONVEYORS PVT LTD SIRURS COMPOUND KARWAR ROAD, HUBLI - 580024 - 58 - REP. BY ITS MANAGING PARTNER VEERAPPA BASAVANTARAO DESAI ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM, BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR, BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1593/2019 BETWEEN SONA INDUSTRIAL ELASTOMERS B-51, INDUSTRIAL ESTATE - 59 - GOKUL ROAD, HUBBALLI- 580030 BY ITS PARTNER JATIN THAKKAR ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA2 BENGALURU - 560001

3. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

4. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

5. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

6. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) - 60 - IN W.A. NO.1594/2019 BETWEEN KARNATAKA CONEYORS AND SYSTEMS PVT. LTD NO.26,INDUSTRIAL ESTATE GOULU ROAD, HUBLI-580030 REP. BY ITS MANAGER FINANCE MOHAN G NAIK ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT

GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS - 61 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1595-1597/2019 BETWEEN1 SHRI GANESH METAL ROLLING MILL & ENGINEERING WORKS BLOCK NO.271/1-C, GOKUL VILLAGE HUBLI - 580028 BY ITS PARTNER SRI PANDURANG2 SIDDHIVINAYAKA STAINLESS STEEL WORKS PVT. LTD. BLOCK NO.271/1-A, GOKUL HUBLI - 580026 BY ITS MANAGING DIRECTOR SRI RAGHUNATH C MADHURKAR3 MADHU INDUSTRIES12082 10368, ANCHATAGERI ONI MOORUSAVIRA MATH HUBLI - 580026 BY ITS PARTNER SRI RAJESH ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA - 62 - BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS4H MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU56005

5. CITU NO.40/5, 2ND B MAIN ROAD 16TH CROSS SAMPANGIRAMNAGAR BENGALURU 560002 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1598/2019 BETWEEN OMKAR INDUSTRIES 127A, BELUR INDUSTRIAL AREA DHARWAD GROWTH CENTRE DHARWAD 58001 BY ITS PARTNER, TUKARAM ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA - 63 - VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1599/2019 BETWEEN RAJASHRI FOODS PVT. LTD NO.17, PLATFORM ROAD SESHADRIPURAM BANGALORE 560002 REP BY ITS DIRECTOR SRI AMARNATH S ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 64 - AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU56005

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR, BENGALURU56002 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1600/2019 BETWEEN GRASIM INDUSTRIES LIMITED HAVING ITS REGISTERED OFFICE AT: CHEMICAL DIVISION, KARWAR P.O.BINAGA - 518307 DIST: UTTAR KARNATAKA - 65 - BY ITS SENIOR GENERAL MANAGER HR DR. SURYANARAYANA K. BHAT ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM, BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1601/2019 BETWEEN ELVEETY INDUSTRIES PVT. LTD. M-16, INDUSTRIAL ESTATE - 66 - GOKUL ROAD HUBBALLI - 580 030 BY ITS MANAGER ACCOUNTS SMT SHAILAJA BELAVATGI ... APPELLANT (BY SHRI

B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560003

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) - 67 - THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 i.e., [TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS]. PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.9240-41 & 9243/2018, 10469/2018 & 10471/2018, 10136/2018 & 10138/2018, 11811-11815/2018 AND1181711818/2018, 30596/2018, 17806-17813/2018 & 17816/2018 & 17818/2018, 16467/2018, 18455/2018, 15167/2018, 50699-701/2018, 50204/2018, 9162/2018, 16345/2018, 23354/2018 [L-MW]. AND ALLOW THE WRIT PETITIONS FILED BY THE APPELLANTS. W.A. NOS.1602-1604/2019 IN W.A. NO.1602/2019 BETWEEN BOARD OF MANAGEMENT KLE SOCIETY COLLEGE ROAD BELGAUM-590001 REPRESENTED BY ITS SECRETARY ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029
3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN - 68 - MALLESHWARAM BENGALURU - 560029
4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053
5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1603/2019 BETWEEN BOARD OF MANAGEMENT KLE SOCIETY COLLEGE ROAD BELGAUM-590001 REPRESENTED BY ITS SECRETARY ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001
2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560029 - 69 -
3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560029
4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET, BENGALURU - 560053
5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NO.1604/2019 BETWEEN BOARD OF MANAGEMENT KLE SOCIETY COLLEGE ROAD BELGAUM-590001 REPRESENTED BY ITS SECRETARY ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT

GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA - 70 - BANNERGHATTA ROAD BENGALURU - 560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BENGALURU - 560029

4. BHARATIYA MAZADOR SANGA NO.458, OTC ROAD COTTONPET BENGALURU - 560053

5. CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMNAGAR BENGALURU - 560027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARAYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 I.E.(TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS) PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.13676/2017(L-MW), 13678/2017(L-MW) & 13679/2017(L-MW) AND ALLOW THE WRIT PETITIONS FILED BY THE APPELLANTS. W.A. NOS. 1612-1618/2019 BETWEEN 1 AKSHARA MOTORS PVT LTD SY. No.13 11 K. M. KANAKAPURA ROAD BANGALORE-560 062 REPRESENTED BY ITS - 71 - NOW EXECUTIVE DIRECTOR SRI. N.S. SURYA PRAKASH 2 PRERANA MOTORS PVT. LTD. PRIDE HULKUL, 1ST FLOOR, 116 LALBAGH ROAD BANGALORE-560 027 NOW REPRESENTED BY ITS ASSISTANT GPA HOLDER SRI. A.R. GOPAL 3 ADVAITH MOTORS PVT. LTD., NO.32, RESIDENCY ROAD BANGALORE-560 025 NOW REPRESENTED BY ITS DIRECTOR, C.S. GUPTA 4 ADVAITH AUTOMATION PVT. LTD., No.40/1, SOUTH END ROAD BASAVANAGUDI, BANGALORE-560 004 NOW REPRESENTED BY ITS DIRECTOR C.S. GUPTA.

5. BIMAL MOTORS SITE No.90, PLOT NO.241/242/278/90 NO.7, BYATARAYANAPURA BELLARY ROAD, NH-7 BANGALORE-560 072 NOW REPRESENTED BY ITS DIRECTOR NAVEEN KUMAR SARAWAGI AGED ABOUT 51 YEARS BENGALURU CITY 6 BIMAL AUTO AGENCY INDIA PVT. LTD. NO.60/2, CHAND TOWER WHITE FIELD ROAD MAHADEVAPURA POST BANGALORE-560 048 REPRESENTED BY ITS DIRECTOR NAVEEN KUMAR AGED ABOUT 56 YEARS BENGALURU CITY 7 CAUVERY MOTORS PVT. LTD. SY. NO.13 11KM KANAKAPURA ROAD - 72 - BANGALORE-560 062 NOW REPRESENTED BY ITS NOW EXECUTIVE DIRECTOR SRI. N.S. SURYA PRAKASH ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560 001 BENGALORE CITY 2 THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560 029 BENGALURU CITY 3 PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560 003 BENGALURU CITY 4 BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD COTTONPET BANGALORE-560 053 REPRESENTED BY ITS PRESIDENT 5 CITU NO.40/5, 2ND "B" MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560 027 REPRESENTED BY GENERAL SECRETARY 6 ALL INDIA CENTRAL COUNCIL OF TRADE UNION (AICCTU) NO.18, RIYAZ BUILDING - 73 - BASAVANAGAR MAIN ROAD HOODY, M.D. PURA, BENGALURU-560 048 REPRESENTED BY ITS STATE PRESIDENT ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3, SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH ADVOCATE FOR R5, SHRI MAITHREYI KRISHNAN, ADVOCATE & SHRI CLIFTON D. ROZARIO, ADVOCATE FOR C/R6) THESE WRIT APPEALS ARE FILED U/S 40 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED SINGLE JUDGE IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION

BEARING NO.KAA E27LMW 2014 DATED 27/12/2016 [ANNEXURE 'A' IN WP]. OF THE RESPONDENT NO.1 PASSED IN WRIT PETITION NOS.5169/2017, 5170/2017, 5172/2017, 5173/2017, 5174/2017, 5175/2017 AND 5176/2017 & ETC. W.A.NO.1619/2019 & W.A.NO.2744/2019 BETWEEN 1 SURETEX PROPHYLACTIS (I) LTD PLOT NOS 74 TO 91 KIADB INDUSTRIAL ESTATE JIGANI INDUSTRIAL AREA JIGANI 2D PHASE, ANEKAL TALUK BANGALORE - 562106 REPRESENTED BY ITS SENIOR MANAGER HR SRI UMESH P.R.

2. SEAL INDUSTRIES INDIA PVT. LTD., NO.49/3D, OPP:SHUSHRUTI BANK, ANDRAHALLI MAIN ROAD, 2ND STAGE, PEENYA, BENGALURU -560 058 NOW REPRESENTED BY ITS MANAGING DIRECTOR SRI.MAHESH BABU P.V. ... APPELLANTS - 74 - (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA, BANNERGHATTA ROAD BANGALORE-560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS 4H MAIN MALLESHWARAM BANGALORE-560003 4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT 5 CITU NO.40/5, 2ND B MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGAR BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED - 75 - SINGLE JUDGE IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E41LMW 2017 DATED 30/12/2017 (ANNEXURE 'A' IN WP) OF THE RESPONDENT NO.1 PASSED IN W.P.NO.12461/2018 AND W.P.NO.12462/2018 & ETC. W.A. No.1620/2019 BETWEEN AKHILA

KARNATAKA FEDERATION OF PETROLEUM TRADERS - AKFPT(R) UNIT NO.106, 1ST FLOOR PRIDE HULKUL, NO.116 LALBAGH ROAD, BENGALURU-560027 REPRESENTED BY ITS PRESIDENT SRI RANJITH HEGDE ... APPELLANT (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.-. 76 - 4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD, 16TH CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 OF THE LEARNED SINGLE JUDGE INsofaras NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E14LMW 2017 DATED3012/2017 [ANNEXURE 'A' IN WP]. OF THE RESPONDENT NO.1 PASSED IN WRIT PETITION NO.15283/2018 (WRIT PETITION NOS.15282-15284/2018) & ETC. W.A. No.1621/2019 BETWEEN STOVE KRAFT PRIVATE LIMITED # 81, HAROHALLI INDUSTRIAL AREA KANAKAPURA TALUK RAMANAGARA DISTRICT BANGALORE - 562 112 REPRESENTED BY ITS COMPANY SECRETARY SRI. VIVEK MISHRA ... APPELLANT (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) - 77 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA

BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS 4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT 5 CITU NO.40/5, 2ND 'B' MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED U/S 40F OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED SINGLE JUDGE IN SO FAR NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E26LMW 2017 DATED 30/12/2017 [ANNEXURE 'A' IN WP]. OF THE - 78 - RESPONDENT NO.1 PASSED IN WRIT PETITION No.39478/2018 IN [WP NOS.39477-39480/2018]. & ETC. W.A. NOS.1623-1628/2019 IN W.A.NOS.1623-1624/2019 BETWEEN 1 GRASIM INDUSTRIES LIMITED UNIT: HARIHAR POLYFIBERS P.O. KUMARAPATNAM, DIST. HAVERI KARNATAKA-581123 BY ITS VICE PRESIDENT HUMAN RESOURCES ARUN KUMAR MISRA 2 GRASIM INDUSTRIES LIMITED UNIT: GRASILENE DIVISION P.O. KUMARAPATNAM DIST. HAVERI KARNATAKA-581123 BY ITS VICE PRESIDENT HUMAN RESOURCES ARUN KUMAR MISRA ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.-. 79 - 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC)

No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1625/2019 BETWEEN HSIL LIMITED PACKAGING PRODUCT DIVISON GARDEN POLYMERS, PLOT No.15, 16, 17 & 18 PARTS KIADB INDUSTRIAL AREA LAKAMANHALLI DHARWAD-580 004 BY ITS SENIOR GENERAL MANAGER VISHWANATH. ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 80 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1626-1627/2019 BETWEEN1 KWALITY PAINTS R-9 & R-27, 2ND STAGE - 81 - M.T. SAGAR INDUSTRIAL ESTATE GOKUL ROAD, HUBBALLI-580 030 BY ITS PARTNER PRAVEEN B. HEMADRI.

2. ULTRA TUFF COLD RETREADS PVT LTD R-5, M.T. SAGAR INDUSTRIAL ESTATE GOKUL ROAD, HUBBALLI-580 030 BY ITS MANAGING DIRECTOR ASHOK SHARANAPPA GADAD. ... APPELLANTS (BY SHRI B.C. PRABHAKAR,

ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS - 82 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. No.1628/2019 BETWEEN SHRI GAJANAN STEELS BLOCK NO2711 GOKUL ROAD, HUBBALLI - 580026 REPRESENTED BY ITS ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA - 83 - BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 i.e., [TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS]. PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.33067- 68, 18473/2018, 18475-18476/2018 AND 50705/2018 [L-MW]. [ANNEXURE-D TO THE WRIT PETITIONS]. FILED BY THE APPELLANTS & ETC. W.A. NOS.1629-1653/2019 IN W.A. NOS.1629-1633/2019 BETWEEN 1 FINE TECH CORPORATION PRIVATE LIMITED 3D FLOOR, SS PLAZA, NO.74/2 JAY BHEEMA NAGAR MAIN ROAD BTM LAYOUT, 1ST STAGE BENGALURU-560068 THROUGH ITS STATE HEAD-KARNATAKA AUTHORIZED SIGNATORY SRI RAHUL SAXENA 2 SRI HANUMAN TRADERS IRABANAHALLI VILLAGE MALUR TALUK, DIST:KOLAR PIN:563130 REPRESENTED BY ITS PROPRIETOR I.R.SRINIVASA 3 SRI BRAHMI FUELS 6155, VISHNU PRASAD BUILDING, - 84 - KUNDAPUR, DIST:D.K. PIN:576201, REPRESENTED BY ITS PROPRIETOR VIVEKA. U4 VINAYAKA INNOVATIONS NO.79, 4TH MAIN, 1ST STAGE KHB COLONY, BASAVESHWARA NAGARA BENGALURU-560079 REPRESENTED BY ITS PROPRIETOR GIRISH BILIGIRI GOWDA 5 HARIHARA RETAIL OUTLET NO.11/2, NH-4, KHASABAGH NIJAGAL, DABASPET-NELAMANGALA, PIN:562111 REPRESENTED BY ITS PROPRIETOR, K.R.SURESH. ... APPELLANTS (BY SHRI B.C. PRABHAKAR, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS 4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT - 85 - 5. CITU NO.40/5, 2ND 'B' MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS.1634-1653/2019 BETWEEN 1 SRI SAINATHA ENTERPRISES NO.1071,

KHASABAGH RAILWAY STATION ROAD DODDABALLAPUR-561203
REPRESENTED BY ITS PROPRIETOR SRI VENUGOPAL LOHITH² AKANKSHA
ENTERPRISES D.NO.509/A, 31 WARD¹T MAIN, N.C. COLONY BEHIND A C
OFFICE HOSAPETE-583203 REPRESENTED BY ITS PROPRIETOR SRI B M
PRASHANTH³ G K ENGINEERS AND CONTRACTORS NEAR NEW DC OFFIE
HOSPETE ROAD KOPPAL-583231 REPRESENTED BY ITS PROPRIETOR SRI
AMARESH KARADI⁴ RAJESH KAMPALI V NO.135, CNG COMPLEX COLLEGE
ROAD, HOSPET DIST BELLARY-583201 REPRESENTED BY ITS
PROPRIETOR RAJESH VENKANNAYAMANGAPPA KAMPLI - 86 - 5. TRISHIKA
ENTERPRISES SY NO.70/4B, B, C, D RELIANCE PETROLEUM RETAIL OUTLE
OLD GANDHI NAGAR KHASBAUG ROAD BELAGAVI(BELGAUM) PIN-590009
REPRESENTED BY ITS PROPRIETOR ANIL MADHUKAR PATIL⁶ RAKKASGI
CONCERNS GANDHI NAGAR KHASBAUG ROAD BELAGAVI(BELGAUM)
PIN:587101 REPRESENTED BY ITS PROPRIETOR RAVI SIRDESAI⁷ SHREYA
ASSOCIATES RELIANCE PETROL MARKETING AT POST BALLOLLI TALUK
INDI VIJAYAPURA(BIJAPUR) PIN-586117 REPRESENTED BY ITS
PROPRIETOR IRANNA SHRISHAIL WALI⁸ PATIL ENTERPRISES RELIANCE
RETAIL OUTLET SY NO.126/3A2A OPP:GOVT K M F MILK DAIRY HUMNABAD
ROAD GULBARGA PIN-585104 REPRESENTED BY ITS PROPRIETOR
SIDDALINGA S PATIL⁹ SRI RANGA ENTERPRISES SAINIKA NIWASA
KESHAVA NAGARA EXTN SIRA TOWN TUMKUR DIST PIN-572137
REPRESENTED BY ITS PROPRIETOR GOVINDAPPA BASAPPA - 87 - 10.
SRINIVASA PETROLEUM KHATHA NO.5247/3995 RELIANCE PETROL PUMP
TUMKUR ROAD, MADHUGIRI TUMKUR, TUMAKURU(TUMKUR) PIN:572132
REPRESENTED BY ITS PROPRIETOR MADA SRINIVAS SANTHOSH¹¹
NAGAMMA SRIKANTIAH ENTERPRISES DOOR NO.132 NEAR GANDHI
CIRCLE RAMAKRISHNA LAYOUT CHANNARAYAPATNA PIN:573116
REPRESENTED BY ITS PROPRIETOR GANESHGOWDA MAGES¹² SRI
DURGAMBA FUELS VISHNU PRASAD BUILDING KUDAPUR DIST:DK
PIN:576201 REPRESENTED BY ITS PROPRIETOR SUPREETH CHATHRA¹³
DEVI ENTERPRISES OPERATOR RELIANCE PETRO MARKETING LTD
KODIALBAIL LALBAGH MANGALORE PIN:575003 REPRESENTED BY ITS
PROPRIETOR PUCHATHABAIL SADASHIV¹⁴ MOMINDADA ASSOCIATES

H.NO.466 GANDHINAGAR HUKKERI, BELGAVI(BELGAUM) PIN-591313 REPRESENTED BY ITS PROPRIETOR GOUSAMOHADDIN NAZEERAHAMMAD MOMINDADA15 SRI SIDDALINGESHWARA SERVICE STATION NO.55, PALACHAGALHI IRRIGATION LAYOUT - 88 - 3RD MAIN, 2ND STAGEBOGADI SOKUTH MYSORE-570026 REPRESENTED BY ITS PROPRIETOR BASAPPA B16 R M SERVICES STATION ROAD CHALAGERI DIST HAVERI, PIN:581145 REPRESENTED BY ITS PROPRIETOR RIYAZ MOOULASAB PLAT17 B T RAJ ENTERPRISES J C R ROPAD NEAR SAIBABA TEMPLE CHITRADURGA-577501 REPRESENTED BY ITS PROPRIETOR DEVARAJ BASAVARAJ YADAV18 S L V PETROLEUM WARD NO.05 NEAR OLD GOVT HOSPITAL ILKAL, DIST BAGALKOT PIN:587125 REPRESENTED BY ITS PROPRIETOR P V KULKARNI19 RAJESHWARI ENTERPRISES NO.98, 4TH CROSS SILVER TOWN GOKUR ROAD HUBBALLI-580030 REPRESENTED BY ITS PROPRIETOR SURESH MALLAPPA JALI20 SHRI HALSHIDDANATH AND COMPANY BIJAPUR BYPASS, NH50MANGOLI ROAD NEAR HITTANLLI FARM DIST BIJAPUR PIN:586112 REPRESENTED BY ITS PROPRIETOR BASALINGAPPA SHANKAREPPA KHOT ... APPELLANTS (BY SRI B.C. PRABHAKAR, ADVOCATE) - 89 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029.

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003.

4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BANGLORE-560053 5. CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION

OF THE

ORDER

DATED 29/03/2019 i.e., [TO THE EXTENT OF CONFIRMING THE IMPUGNED NOTIFICATIONS]. PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.49468- 49472/2018, 50569-50574/2018 AND 50576-50589/2018 [L-MW]. - 90 - AND ALLOW THE WRIT PETITIONS FILED BY THE APPELLANTS. W.A.NOS.1679-1680/2019 BETWEEN 1 M/S MAHAN FOOD INDUSTRIES A PARTNERSHIP FIRM REGISTERED UNDER THE INDIAN PARTNERSHIP ACT, 1932 B-3, INDUSTRIAL ESTATE YEYYADI MANGALURU-575008 REPRESENTED BY ITS PARTNER RAMA BHAT N SON OF N NARASIMHA BHAT AGED 56 YEARS, B-3 RESIDING AT NO.4-8/3 DANDAKERI ROAD, YEYYADI MANGALURU-575008

2. M/S SARASIJA FOODS SPECIAL PLOT NO.3 & 4, INDUSTRIAL ESTATE, YEYYADI, MANGALURU-575008 REPRESENTED BY ITS PROPRIETRIX SMT SARASWATHI RAM WIFE OF RAMA BHAT N AGED 51 YEARS, RESIDING AT NO.4-8/3 DANDAKERI ROAD YEYYADI MANGALURU-575008

3. M/S ARUNA FOODS SPECIAL PLOT NO.5(A) INDUSTRIAL ESTATE YEYYADI, MANGALURU-575008 REPRESENTED BY ITS PROPRIETOR MR RAMA BHAT N SON OF N. NARASIMHA BHAT AGED 56 YEARS, B-3, INDUSTRIAL ESTATE, YEYYADI MANGALURU-575008 - 91 -

4. SRI RAMA BHAT N SON OF N NARASIMHA BHAT AGED 56 YEARS B-3, RESIDING AT NO.4-8/3 DANDAKERI ROAD YEYYADI MANGALURU-575008

5. SMT. SARASWATHI RAM WIFE OF RAM BHAT N AGED 51 YEARS, RESIDING AT NO.4-8/3, DANDAKERI ROAD YEYYADI MANGALURU-575008 ... APPELLANTS (BY SHRI SHRIDHAR PRABHU, ADVOCATE) AND 1 STATE OF KARNATAKA REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY LABOUR DEPARTMENT, 4TH FLOOR VIKASA SOUDHA BENGALURU-560 001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERUGHATTA ROAD DAIRY CIRCLE BENGALURU-560 029

3. THE MINIMUM WAGES ADVISORY BOARD FOR KARNATAKA STATE CONSTITUTED UNDER SECTION 7 OF THE MINIMUM WAGES ACT, 1948 OFFICE OF THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERUGHATTA ROAD, DAIRY CIRCLE BENGALURU-560029 REPRESENTED BY ITS SECRETARY - 92 -

4. THE DIRECTORATE OF ECONOMICS AND STATISTICS GOVERNMENT OF KARNATAKA 7TH FLOOR, M.S. BUILDING DR B.R. AMBEDKAR VEEDHI BENGALURU-575001 REPRESENTED BY ITS DIRECTOR ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE

ORDER

DATED 29/03/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NOS. 27921-27925/2018 TO THE EXTENT OF UPHOLDING THE REVISION OF MINIMUM WAGES ONLY & ETC. W.A. NOS. 1681-1682/2019 BETWEEN 1 M/S TOOLCOMP SYSTEMS PVT LIMITED A PRIVATE COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT NO. 1240 G.K. GOKHALE ROAD 5TH STAGE, BEML LAYOUT RAJARAJESHWARI NAGAR BENGALURU-560098 REPRESENTED BY ITS MANAGING DIRECTOR 2 M SHYAM BHAT S/O M NARYANA BHAT AGED ABOUT 59 YEARS RESIDING AT NO. 1240 G K GOKHALE ROAD 5TH STAGE, BEML LAOUT RAJARAJESHWARI NAGAR BENGALURU-560098 ... APPELLANTS (BY SHRI SHRIDHAR PRABHU, ADVOCATE) - 93 - AND 1 STATE OF KARNATAKA REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY LABOUR DEPARTMENT 4TH FLOOR, VIKASA SOUDHA BENGALURU-560 001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERUGHATTA ROAD, DAIRY CIRCLE BENGALURU-560 029 3. THE MINIMUM WAGES ADVISORY BOARD FOR KARNATAKA STATE CONSTITUTED UNDER SECTION 7 OF THE MINIMUM WAGES ACT, 1948 OFFICE OF THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERUGHATTA ROAD DAIRY CIRCLE BENGALURU-560 029 REPRESENTED BY ITS SECRETARY 4 THE DIRECTORATE OF

ECONOMICS AND STATISTICS GOVERNMENT OF KARNATAKA 7^H FLOOR,
M.S. BUILDING DR. B.R. AMBEDKAR VEEDI BENGALURU-575001
REPRESENTED BY ITS DIRECTOR ... RESPONDENTS (BY SHRI I.
THARANATH POOJARI, AGA FOR R1 & R2) - 94 - THESE WRIT APPEALS ARE
FILED U/S 40 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE
THE

ORDER

DATED 29/03/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT
PETITION NOS. 24389-24390/2018 TO THE EXTENT OF UPHOLDING THE
REVISION OF MINIMUM WAGES ONLY & ETC. W.A. No. 1704/2019 BETWEEN
POTHYS PVT LTD NO. 33, KEMPEGOWDA ROAD BENGALURU-560 009
REPRESENTED BY ITS SENIOR GENERAL MANAGER SRI. B. KRISHNA
KUMAR ... APPELLANT (BY SHRI VIKRAM G., ADVOCATE) AND 1. THE
SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA
VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER
GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA
ROAD BANGALORE-560029 3. PRESIDENT ALL INDIA TRADE UNION
CONGRESS (AITUC) NO. 27, 6TH CROSS 4^H MAIN, MALLESHWARAM
BANGALORE-560003 4. BHARATIYA MAZDODOR SANGH (BMS) NO. 458, OTC
ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT
- 95 - 5. CITU NO. 40/5, 2ND "B" MAIN ROAD 16^H CROSS, SAMPANGIRAMA
NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ...
RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2 AND
SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO,
SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS
WRIT APPEAL IS FILED U/S 40 OF THE KARNATAKA HIGH COURT ACT
PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED SINGLE JUDGE PASSED IN
W.P. NO. 39801/2018 IN SO FAR AS THE APPELLANT IS CONCERNED
(W.P. NO. 35939/2018 AND 39791 39812/2018), IS SO FAR AS NOT
INTERFERING WITH OTHER ASPECTS OF IMPUGNED NOTIFICATION

BEARING NO.KAA E20LMW 2017 DATED3012/2017 (ANNEXURE-A) ISSUED BY THE RESPONDENT NO.1 AND DIRECTING TO PAY INTEREST @ 6% FROM THE DATE ON WHICH IT BECAME PAYABLE WITHIN8WEEKS & ETC. W.A. NOS.1765-1792/2019 IN W.A. NOS.1765-1766/2019 BETWEEN1 KARNATAKA SMALL SCALE INDUSTRIES ASSOCIATION (KASSIA), NO.2/106, 17TH CROSS MAGADI CHORD ROAD VIJAYANAGAR BENGALURU-560040 NOW REPRESENTED BY ITS HONORARY GENERAL SECRETARY SRI RAVIKIRAN KULKARNI2 M/S REC ENGINEERING PRODUCTS PVT. LTD., PLOT NO.167, M-69, S.NO.346 - 96 - UDYAMBAG, BELGAUM-590008 NOW REPRESENTED BY ITS EXECUTIVE DIRECTOR SRI OMKAR C. HASHILKAR ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) - 97 - IN W.A. NOS. 1767-1781/2019 BETWEEN1 RAJALAKSHMI STAMPINGS NO.51, 2ND STAGE J.C. INDUSTRIAL LAYOUT YALACHENAHALLY KANAKAPURA ROAD BANGALORE - 560062 NOW REPRESENTED BY ITS MANAGER-HR SRI KARUNAKAR SHETTY2 PRAKASH HOME INDUSTRIES695 C NEAR, R.C. NAGAR II STAGE , P.O., UDYAMBAG BELGAUM-590008 REPRESENTED BY ITS PARTNER SRI R.N. PANDIT3 BALU INDIA43 (B), KAKATI INDUSTRIAL AREA BELGAUM-591113

NOW REPRESENTED BY ITS PARTNER SRI FELIX BONGE⁴ CMC COMMUTATOR PVT. LTD., R.S.NO.609/1A & 609/2 MACHHE INDUSTRIAL ESTATE MACHHE, BELGAUM-590014 REPRESENTED BY ITS DIRECTOR SRI PRASAD RAMESH GUDI⁵ AEON TELELECTRONICS PVT. LTD., NO.10, 10TH MAIN ROAD III BLOCK, JAYANAGAR BANGALORE-560011 REPRESENTED BY ITS DIRECTOR SRI VASANTH RANGA - 98 -

6. LEOTECH NO.70, 2ND MAIN ROAD INDUSTRIAL TOWN RAJAJINAGAR BANGALORE-560044 REPRESENTED BY ITS PARTNER SRI S. VENKATESH⁷ QUALIDELS # 49/3, ANDARAHALLI MAIN ROAD OPP. SHUSHRUTHI BANK NEAR PEENYA^{2D} STAGE BANGALORE-560091 REPRESENTED BY ITS PARTNER SRI RAVI KIRAN KULKARNI⁸ BHANDARY POWER LINES (P) LTD^{3B}, INDUSTRIAL AREA MANIPAL-576104 REPRESENTED BY ITS GENERAL MANAGER SRI JNANANANDA A⁹ NETALKAR POWER TRANSMISSION PLANT^{2SY}.NO.350, KHANAPUR ROAD UDYAMBAG BELGAUM⁵⁹⁰⁰⁰ REPRESENTED BY ITS PARTNER SRI SATISH D NETALKAR¹⁰ BILVA TECHNOLOGIES PVT LTD PLOT NO.257, 1ST STAGE SOMPURA INDUSTRIAL AREA NELAMANGALA TALUK DABASPET BENGALURU RURAL DIST NOW REPRESENTED BY ITS DIRECTOR SRI R SHASHISHEKAR - 99 -

11. PRECI-MAC ENGINEERING ENTERPRISES NO.B-57, KSSIDC INDUSTRIAL ESTATE KUMBALAGODU BANGALORE-560074 REPRESENTED BY ITS PARTNER SRI S BABU¹² ASHWIN PRECISION PRODUCTS # 87, SOLUR THIMMARAYAPPA CHOULTRY COMPOUND OPP: AJAN THEATRE MAIN MAGADI ROAD BANGALORE-560023 REPRESENTED BY ITS PARTNER SRI S BABU¹³ C.K. ENGINEERING WORKS P.NO.69, 3RD PHASE , 6TH MAIN PEENYA INDUSTRIAL AREA BANGALORE-560058 REPRESENTED BY ITS PROPRIETOR SRI ANANTHA PADMANABHA¹⁴ B.Y. INDUSTRIES M-14, INDUSTRIAL ESTATE BELGAUM-590008 NOW REPRESENTED BY ITS PARTNER SRI SANDEEP PRADEEP BAGEWADI¹⁵ PRITHVI METALS PVT. LTD., PLOT NO.685, OPP. ASHOK IRON WORKS PLANT-1 UDYAMBAG, BELGAUM-590008 NOW REPRESENTED BY ITS DIRECTOR SRI RAVI ACHUTHA RAO ... APPELLANTS - 100 - (BY SHRI S.N. MURTHY, SENIOR

COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BANGALORE-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS⁴H MAIN, MALLESHWARAM BANGALORE-560003

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT⁵ CITU NO.40/5, 2ND 'B' MAIN ROAD¹⁶H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 1782-1788/2019 BETWEEN¹ M/S VEETECH VALVES (P) LTD. N-4, INDUSTRIAL ESTATE - 101 - GOKUL ROAD HUBLI-580030 NOW REPRESENTED BY ITS DIRECTOR SRI GIRISH V MANE² M/S FINE BLANKING PVT. LTD. 201/2, 202/1, 202/2, GOKUL VILLAGE REVADIHAL ROAD HUBLI-580027 REPRESENTED BY ITS DIRECTOR, SRI RAHUL KHOBARE³ M/S ASHOK IRON WORKS PVT. LTD. SPL. PLOT NOS.¹ AND²INDUSTRIAL ESTATE, UDYAMBAG BELAGAVI-590

008. REPRESENTED BY ITS JOINT MANAGING DIRECTOR SRI. JAYANT A. HUMBARWADI⁴ M/S GANGADEEP INDUSTRIES # 68/60, RAJAJINAGAR INDUSTRIAL TOWN BENGALURU-560044 REPRESENTED BY ITS PROPRIETOR SRI M RAGHAVA REDDY⁵ M/S HITECH ROLLIN BALLS PVT LTD ., PLANT-II, NO.21-A, BELAVADI INUSTRIAL AREA HUNSUR ROAD MYSORE-570018 NOW REPRESENTED BY ITS MANAGER -QA SRI J R SHAH⁶ M/S FLEXO TECH PRODUCTS P18, III CROSS, III STAGE PEENYA INDUSTRIAL AREA BANGALORE-560058 REPRESENTED BY ITS PARTNER SRI BHARATH D - 102 -

7. M/S YOSHAMA AND COMPANY PVT. LTD. NO.6411, 3RD CROSS, SSI AREA RAJAJINAGAR, BANGALORE-560010 REPRESENTED BY ITS DIRECTOR SRI N.S. RAGHUPRASAD ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BANGALORE-560003

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGLORE-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND 'B' MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS - 103 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) IN W.A. NOS. 1789-1792/2019 BETWEEN1 M/S BANGALORE MECHATRONICS PVT. LTD. 23, VASANTH VILAS MALLIKARJUNA TEMPLE ROAD BASAVANAGUDI, BENGALURU-560004 REPRESENTED BY ITS DIRECTOR SRI R MURALIDHAR2 M/S BTM FORGING PVT. LTD. 67/C, TARIHAL INDUSTRIAL AREA NEXT TO PATEL SHREE JEE COLD STORAGE , TARIHAL HUBLI-580030 NOW REPRESENTED BY ITS DIRECTOR, SRI GIRISH V MANE3 M/S S.R. PROCESS CONTROL PVT LTD., PLOT NO.2, SY.NO.P/2B TARIHAL INDUSTRIAL AREA TARIHAL, HUBLI58002 NOW REPRESENTED BY ITS DIRECTOR SRI GIRISH V MAEN4 M/S PASHUPATHI STEELS2027, BONDANTHILA VILLAGE PADMALE PO, NEER MARGA, MANGALURU57502 REPRESENTED BY ITS PARTNER SRI RAHUL JAIN P.S. ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) - 104 - AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BANGALORE-560001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS 4H MAIN, MALLESHWARAM BANGALORE-560003

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT 5 CITU NO.40/5, 2ND 'B' MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S 40F OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED SINGLE JUDGE IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS AND QUANTUM OF MINIMUM WAGES FIXED IN THE IMPUGNED NOTIFICATION BEARING NO. KAA E18LMW 2017 DATED 30/12/2017 [ANNEXURE 'A' IN WP]. OF THE RESPONDENT NO.1 PASSED IN FOLLOWING WRIT PETITION - 105 - NOS. 40309-40310/2018, 15868/2018, 15869/2018, 15871/2018, 15889/2018, 15891/2018, 15894/2018, 15898/2018, 15899/2018, 15902/2018, 15905/2018, 15906/2018, 15907/2018, 15910/2018, 15914/2018, 15915/2018, 25409/2018, 25410/2018, 25419/2018, 25421/2018, 25427/2018, 25440/2018, 25446/2018, 33846/2018, 33853/2018, 33856/2018 & 33863/2018 (L-MW) & ETC. IN W.A. NOS. 1794-1825/2019 BETWEEN 1 J.P.F. MATACAST PVT. LTD. SURVEY NO. 589 & 607 PLOT NO. 7, 16 & 29 MACHHE INDUSTRIAL ESTATE BELGAUM-590014 NOW REPRESENTED BY ITS MANAGING DIRECTOR SRI PRAKASH NARAYAN PANDIT AGED ABOUT 66 YEARS.

2. AKP FOUNDRIES PVT. LTD. R.S. NO.689, UDYAMBAG BELGAUM - 590008 REPRESENTED BY ITS MANAGING DIRECTOR SRI RAM B BHANDARE AGED ABOUT 71 YEARS 3 AKP FERROCAST PVT LTD NO.6663, WAGHWADE ROAD

MACHHE, BELGAVI-590014 REPRESENTED BY ITS DIRECTOR MR. PARAG RAM BHANDARE AGED ABOUT 43 YEARS⁴ ALLOY STEELS PLOT NO.M27 INDUSTRIAL ESTATE UDYAMBAG BELGAUM-590008 REPRESENTED BY ITS PARTNER MR. JAYADEV S DOLLI AGED ABOUT 41 YEARS⁵ I.H. CASTINGS (BELGAUM) SURVEY NOS.336/2/2 - 106 - UDYAMBAG, BELAGAVI KARNATAKA-590008 NOW REPRESENTED BY ITS PARTNER MR. ANAND M DESAI AGED ABOUT 41 YEARS⁶ JINESHWAR MALLEABLE & ALLOYS B-14, ANGOL INDUSTRIAL ESTATE RANICHENNAMMA NAGAR BELGAUM-560008 REPRESENTED BY ITS MANAGING PARTNER MR. MANOJ H. DHAVALESHWAR AGED ABOUT 54 YEARS⁷ VARSHA IRONS PLOT NO.365 SY NO.54/7, NAVAGE CROSS JAMBOTI ROAD BELGAUM-590014 REPRESENTED BY ITS PARTNER MR VIJAY M MUCHANDIKAR AGED ABOUT 62 YEARS⁸ TRIMURTI FOUNDERS SY NO.56/4, NAVAGE CROSS JAMBOTI ROAD, BELGAUM-590014 NOW REPRESENTED BY ITS PARTNER MR VIJAY M MUCHANDIKAR AGED ABOUT 62 YEARS⁹ KAPEEL FOUNDERS PLOT NO,69, UDYAMBAG BELGAUM-590008 REPRESENTED BY ITS PARTNER MR ANANT PATIL AGED ABOUT 38 YEARS¹⁰ MANGAL FOUNDERS SY NO.634/1, PLOT NO.7A/7B JAMBOTI ROAD MACHHE, BELGAUM-590014 REPRESENTED BY ITS PROPRIETOR MR RAHUL MAHADEV HAIBATTI AGED ABOUT 45 YEARS - 107 - 11. THE ALLIED FOUNDERS PVT LTD PLOT NO.L-3, INDUSTRIAL ESTATE UDYAMBAG, BELGAUM-590008 REPRESENTED BY ITS DIRECTOR SRI RAMACHANDRA MALLYA AGED ABOUT 39 YEARS¹² GRIHALAXMI METAL INDUSTRIES LOT NO.N-13, GOVT INDUSTRIAL ESTATE UDYAMBAG, BELAGUM-590008 REPRESENTED BY ITS MANAGING PARTNER SRI MARUTHI YELLAPPA KONO AGED ABOUT 65 YEARS.

13. AMIT FERRO CAST SY NO.608/2 & 608/3 MACHHE INDUSTRIAL ESTATE MACHHE, BELGAUM-590014 REPRESENTED BY ITS PARTNER SRI MARUTHI YELLAPPA KONO AGED ABOUT 65 YEARS.

14. REC ENGINEERING PRODUCTS PVT. LTD. RS NO.56/4, JAMBOTI ROAD NAVAGE CROSS BELGAUM-590014 NOW REPRESENTED BY ITS EXECUTIVE DIRECTOR SRI AMAR MADHU HASHILKAR AGED ABOUT 41 YEARS.

15. BHARAT IRON & STEEL WORKS³⁷¹¹ + 2B, PUNE-BANGALORE ROAD BELGAUM-590016 REPRESENTED BY ITS PARTNER MR. SUDHIR M PATIL AGED ABOUT⁷⁴YEARS¹⁶ BHARAT IRON WORKS³⁷¹¹ + 2B, PUNE-BANGALORE ROAD BELGAUM-590016 REPRESENTED BY ITS PROPRIETOR MR SUNAY S PATIL AGED ABOUT³⁵YEARS - 108 - 17. M/S HINDUSTAN ENGINEERS PLOT NO.11, SY NO.341/2 (689) UDAYAMBAG, BELGAUM-590008 REPRESENTED BY ITS PARTNER SRI YESHWANT A MANGALE AGED ABOUT⁶⁶YEARS¹⁸ M/S BELGAUM ALUMINIUM INDUSTRIES PVT. LTD. PLOT NO.8A/8B, SY NO.34, KIADB INDUSTRIAL ESTATE KANGRALE (BD) OPP. INDAL COLI P.B.ROAD, BELGAUM-560010 REPRESENTED BY ITS CHAIRMAN/DIRECTOR SRI ARAVIND A MANGALE AGED ABOUT⁶³YEARS¹⁹ GOKUL FERROCAST PVT LTD¹⁷²², G.P.NO.509 WAGH WADE, BELGAUM-590014 NOW REPRESENTED BY ITS MANAGING DIRECTOR SRI SUNNY AHUJA AGED ABOUT³⁷YEARS²⁰ VIMAL ENTERPRISES PLOT NO.53, 54, 54A MACHHE INDUSTRIAL AREA, MACHHE BELGAUM-590014 REPRESENTED BY ITS PROPRIETOR SRI VIJAY LENGADE²¹ PRABHAT CASTINGS³⁷⁴ P.B.ROAD, HOSUR POST SHAHAPUR, BELGAUM-590003 REPRESENTED BY ITS PARTNER SRI LAXMAN B SAINUCHE AGED ABOUT⁶⁸YEARS²² SHANTI IRON & STEEL NO.690, UDYAMBAG INDUSTRIAL ESTATE BELGAUM-590008 REPRESENTED BY ITS PARTNER - 109 - SRI SANTHOSH K PORWAL AGED ABOUT⁴²YEARS²³ KUDALE IRON WORKS⁷⁰⁹⁴ INDUSTRIAL AREA RAJARAM NAGAR, NEAR GIT COLLEGE UDYAMBAG, BELGAUM-590008 REPRESENTED BY ITS PARTNER SRI SREENATH S KUDALE AGED ABOUT⁴⁶YEARS²⁴ TECHNOSYSTEMS C-2, GOVERNMENT INDUSTRIAL ESTATE UDYAMBAG, BELGAUM-590008 REPRESENTED BY ITS PARTNER SRI PRADEEP M KULKARNI AGED ABOUT⁵⁹YEARS²⁵ FLUID METALS (INDIA) PVT LTD C/O HM INDUSTRIES C-6, GOVERNMENT INDUSTRIAL ESTAET UDYAMBAG, BELGAUM-590008 NOW REPRESENTED BY ITS MANAGING DIRECTOR SRI SUBHODH TEMBE AGED ABOUT⁵⁸YEARS²⁶ VINSABI INDOTECHS UNIT-2 PLOT NO.M-30, RS NO.8 INDUSTRIAL ESTAET UDYAMBAG BELGAUM-590008 REPRESENTED BY ITS PROPRIETOR SRI SUNIL BASAWANT KANGALKAR AGED ABOUT⁵¹YEARS²⁷ ATUNI STEEL CAST PLOT NO.50, MACHHE INDUSTRIAL ESTATE MACHHE, BELGAUM-

590014 REPRESENTED BY ITS PROPRIETOR SRI SANCHIT A KITTUR AGED ABOUT 40 YEARS 28 TRIDENT STEELS PLOT NO.40, MACHHE INDUSTRIAL AREA - 110 - MACHHE, BELAGAVI-590014 NOW REPRESENTED BY ITS PROPRIETOR SRI MANOJ KUMAR BELGUNDAKAR AGED ABOUT 39 YEARS 29 V.K. METALS 6812, RANICHENAMA NAGAR INDUSTRIAL ESTATE, UDYAMBAG BELGAUM-590008 NOW REPRESENTED BY ITS PROPRIETOR SRI VINAYAKA KALLAPPA KATKAR AGED ABOUT 39 YEARS 30 AMIJEET FOUNDERS (BELAGAVI) PLOT NO.182, UDYAM BAUG UDYAMBAUG, BELAGAVI KARNATAKA-590008 REPRESENTED BY ITS PARTNER SRI AJIT GAJANANRAO HANGIRGEKAR AGED ABOUT 38 YEARS 31 VICTOR ENTERPRISES M/N16, INDUSTRIAL ESTATE UDYAMBAG BELGAUM-590008 REPRESENTED BY ITS PARTNER SRI ADITYA S PARIKH AGED ABOUT 31 YEARS 32 BELGAUM FERROCAST (INDIA) PVT LTD PLOT NO.7A, 8A & 8B R.S. NO.680/2, BEMCIEL UDYAMBAG, BELGAVI 59000 REPRESENTED BY ITS MANAGING DIRECTOR SRI SACHIN B SUBNIS AGED ABOUT 46 YEARS ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) - 111 - AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU-560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS 4H MAIN, MALLESHWARM BENGALURU-560003 4. BHARATIYA MAZDOOR SANGHA NO.458, OTC ROAD, COTTONPET BENGALURU-560053 NO.40/5, 2ND B MAIN ROAD 16H CROSS SAMPANGIRAMA NAGARA BENGALURU-560027 REPRESENTED BY GENERAL SECRETARY 5 CITU NO.40/5, 2ND B MAIN ROAD 16H CROSS, SAMPANGIRAMANAGAR BENGALURU-560027 REPRESENTED BY ITS GENERAL SECRETARY 6 ALL INDIA CENTRAL COUNCIL OF TRADE UNION (AICCTU) NO.18, RIYAZ BUILDING BASAVANAGAR MAIN ROAD HOODY, M.D. PURA BENGALURU-560048 REPRESENTED BY ITS STATE PRESIDENT ... RESPONDENTS - 112 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5

AND SHRI MAITHREYI KRISHNAN, ADVOCATE FOR C/R6) THESE WRIT APPEALS ARE FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 OF THE LEARNED SINGLE JUDGE INSOFARAS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E26LMW 2014 DATED2712/2016 (ANNEXURE 'H' IN W.P.) OF THE RESPONDENT NO.1 PASSED IN WRIT PETITION NOS. 5683/2017, 5684/2017, 5685/2017, 5686/2017, 5687/2017, 5688/2017, 5689/2017, 5690/2017, 5691/2017, 5692/2017, 5694/2017, 5695/2017, 5696/2017, 5697/2017, 5698/2017, 5699/2017, 5701/2017, 5702/2017, 5703/2017, 5704/2017, 5706/2017, 5707/2017, 5708/2017, 5709/2017, 5710/2017, 5711/2017, 5712/2017, 5713/2017, 5715/2017, 5716/2017, 5717/2017, 5718/2017(L-MW) & ETC. W.A. No.1846/2019 BETWEEN M/S PACIFIC INDUSTRIES LIMITED SURVEY NO.13, NH-48 KEMPALINGANAHALLI VILLAGE NELAMANGALA TALUK BENGALURU RURAL DISTRICT-562123 REPRESENTED BY ITS SENIOR ACCOUNTS MANAGER MR. RAKESH TOSHNIWAL ... APPELLANT (BY SHRI SANTHOSH NARAYAN S., ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA - 113 - VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVAN BANNERGHATTA ROAD BANGALORE-560029 3. THE PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560003 4. THE PRESIDENT BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD COTTONPET BANGALORE-560053 5. THE GENERAL SECRETARY CENTRE OF INDIAN TRADE UNIONS(CITU) #40/5, 2ND B MAIN ROAD16H CROSS, SAMPANIGRAMANAGAR BENGALURU-560027 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION40F OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29.03.2019 OF THE LEARNED SINGLE JUDGE PASSED IN WP NOS. 8388-8417/2017 C/W WP NOS. 44237/2018 IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.NO.KAA E20LMW 2017 DATED 30.12.2017 (ANNEXURE -A) OF THE RESPONDENT NO.1 AND ETC.-. 114 - IN W.A. NOS. 1872-2214/2019 BETWEEN 1 M/S. COFFEE DAY GLOBAL LIMITED KALLANAYAKANAHALLI VILLAGE AND POST ARASIKERE TALUK HASSAN DISTRICT KARNATAKA-573 103

2. M/S. COFFEE DAY GLOBAL LIMITED GROUND FLOOR, IKON NURSING COLLEGE CAMPUS SY.NO.51/2,BHEMANAHALLI BIDADI HOBLI BANGALORE, KARNATAKA-562 109

3. M/S. COFFEE DAY GLOBAL LIMITED JUNGLE RESORTS MYSORE BANGALORE HIGHWAY BANGALORE KARNATAKA-562 109

4. M/S. COFFEE DAY GLOBAL LIMITED PB ROAD,BEARING CTS NO.4824C/41 SITUATED IN OLD P.B.ROAD BELGAUM KARNATAKA-590 003

5. M/S.COFFEE DAY GLOBAL LIMITED BELLUR CROSS NATIONAL HIGHWAY-17 BANGALORE-HASSAN HIGHWAY BELLUR,KARNATAKA-571 418

6. M/S. COFFEE DAY GLOBAL LIMITED IOC CHANNARAYAPATNA BANGALORE HASSAN HIGHWAY UDAYPURA CHANNARAYAPATNA TALUK KARNATAKA-573 116

7. M/S. COFFEE DAY GLOBAL LIMITED C/O ABC TRADING CO LTD.-. 115 - KM ROAD, CHICKMAGALUR KARNATAKA-577 101

8. M/S. COFFEE DAY GLOBAL LIMITED PLOT NO.1637/1, SURVEY NO.99/142 VIDYANAGAR, DAVANAGERE KARNATAKA-577 001

9. M/S. COFFEE DAY GLOBAL LIMITED M/S SIDDESHWARA PETROLEUM, BANGALORE DAVANAGERE GOA HIGHWAY NH-4,GOLLARAHATTI

DAVANAGERE, KARNATAKA-577 512

10. M/S. COFFEE DAY GLOBAL LIMITED NEXT HP PETROL BUNK MYSORE
OOTY HIGHWAY GUNDULPET KARNATAKA-571 111

11. M/S. COFFEE DAY GLOBAL LIMITED C/O IOC CHATRA FUEL STATION
CHATRA, HAVERI-DISTRICT KARNATAKA-581 115

12. M/S. COFFEE DAY GLOBAL LIMITED NO.2&3, EUREKA JUNCTION
TRAVELERS BUNGALOW ROAD HUBLI, KARNATAKA-580 020

13. M/S. COFFEE DAY GLOBAL LIMITED HOTEL GARUDA SY NO.327/B
SHIGGON VILLAGE HUBLI, KARNATAKA-581 205

14. M/S. COFFEE DAY GLOBAL LIMITED HPCL PETROL BUNK MUMMY
GATTI,HUBLI KARNATAKA-580 011

15. M/S. COFFEE DAY GLOBAL LIMITED URBAN OASIS MALL CTS NO.4784,
AIRPORT ROAD HUBLI, KARNATAKA-580 020 - 116 -

16. M/S. COFFEE DAY GLOBAL LIMITED C/O IOC ANKOLA NEXT TO KAMAT
RESTAURANT ANKOLA VILLAGE KARWAR DISTRICT KARNATAKA-581 314

17. M/S. COFFEE DAY GLOBAL LIMITED IOC TRASI, EDAPALLY-PANVEL
HIGHWAY TRASI, KUNDAPURA-TALUK KARNATAKA-576 235

18. M/S. COFFEE DAY GLOBAL LIMITED HEMANTH TOWER
S.NO.10/5,CHAKENAHALI VILLAGE YEDIYURU HOBLI, B M ROAD KUNIGAL,
KARNATAKA-572 142

19. M/S. COFFEE DAY GLOBAL LIMITED KOPPA VILLAGE, HARANAHALLI
HOBLI PERIYAPATNA TALUK KARNATAKA-571 234

20. M/S. COFFEE DAY GLOBAL LIMITED BANGALORE-MYSORE HIGHWAY
MUDIGERE-VILLAGE MADDUR-TALUK KARNATAKA-571 419

21. M/S. COFFEE DAY GLOBAL LIMITED NEXT TO INDIAN OIL PETROL BUNK
BANGALORE-MYSORE HIGHWAY GEJALAKERE-VILLAGE MADDUR,MANDYA

DISTRICT KARNATAKA-571 428

22. M/S. COFFEE DAY GLOBAL LIMITED MADDUR BUS STATION MADDUR,
MANDYA DISTRICT KARNATAKA-571 428

23. M/S. COFFEE DAY GLOBAL LIMITED SOMANAHALLI BUNGLOW
OPPOSITE NIDAGHATTA RAILWAY STATION - 117 - SOMANAHALLI-VILLAGE
MADDUR-TALUK MANDYA DISTRICT KARNATAKA-571 605

24. M/S COFFEE DAY GLOBAL LIMITED 136A, BLOCK NO.16 CMC, CHICKPET
MYSORE MADIKERI MAIN ROAD CHICKPET, MADIKERI KARNATAKA-571 201

25. M/S COFFEE DAY GLOBAL LIMITED PLOT NO.7, TUBINAKERE
INDUSTRIAL AREA MANDYA KARNATAKA-571 401

26. M/S COFFEE DAY GLOBAL LIMITED ADLABS, BHARAT MALL OPP.
KSRTC BUS STAND MANGALORE KARNATAKA-575 004

27. M/S COFFEE DAY GLOBAL LIMITED OBRALA TOWERS, OPP JUICE
JUNCTION NEAR BALMATTA CIRCLE MANGALORE KARNATAKA-575 002

28. M/S COFFEE DAY GLOBAL LIMITED CITY CENTRE MALL KSR ROAD,
MANGALORE KARNATAKA-575 001

29. M/S COFFEE DAY GLOBAL LIMITED WEST GATE AVENUE OPP K S
HEGDE HOSPITAL DERLAKATTE, MANGALORE KARNATAKA-575 018

30. M/S COFFEE DAY GLOBAL LIMITED 3D FLOOR, EMPIRE MALL M.G.
ROAD, MANGALORE KARNATAKA-575 001 - 118 -

31. M/S COFFEE DAY GLOBAL LIMITED UNIT NO.F & B01 FORUM FIZA MALL
PANDESHWAR, MANGALORE KARNATAKA-575 001

32. M/S COFFEE DAY GLOBAL LIMITED INFOSYS LTD., KULLOOR FERRY
ROAD KOTTARA, MANGALORE KARNATAKA-575 006

33. M/S COFFEE DAY GLOBAL LIMITED INFOSYS LTD. MUDIPU,
MANGALORE KARNATAKA-574 153

34. M/S COFFEE DAY GLOBAL LIMITED PVR FORUM FIZA MALL OPP CORP BANK HEAD OFFICE PANDESHWAR MANGALORE KARNATAKA-575001
35. M/S COFFEE DAY GLOBAL LIMITED MAHE UNIVERSITY BUILDING NEAR TIGER CIRCLE MANIPAL KARNATAKA-576104
36. M/S COFFEE DAY GLOBAL LIMITED HOTEL KRISHNA LEELA OPP. MANIPAL INSTITUTE OF TECHNOLOGY MANIPAL KARNATAKA-576104
37. M/S COFFEE DAY GLOBAL LIMITED OPP BATA SHOWROOM DEVARAJURS ROAD MYSORE, KARNATAKA-570 001
38. M/S COFFEE DAY GLOBAL LIMITED HOTEL GINGER PLOT NO.4 NAZARABAD MOHALLA MYSORE, KARNATAKA-570 010 - 119 -
39. M/S COFFEE DAY GLOBAL LIMITED HPCL KAMBALAPURA FUEL STATION KAMBALAPURA VILLAGE PERIAPATANA TALUK MYSORE, KARNATAKA-571107
40. M/S COFFEE DAY GLOBAL LIMITED INFOSYS-FOOD COURT HEBBAL ELECTRONIC CITY MYSORE KARNATAKA-570018
41. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR MALL OF MYSORE INDRA NAGAR EXTN. NAZARABAD MOHALLA MYSORE KARNATAKA-570010
42. M/S COFFEE DAY GLOBAL LIMITED NO.350, F C5(OASIS) INFOSYS TECHNOLOGIES LTD. ELECTRONIC CITY HEBBAL, MYSORE KARNATAKA-570018
43. M/S COFFEE DAY GLOBAL LIMITED NO.350, F C5(OASIS) INFOSYS TECHNOLOGIES LTD. ELECTRONIC CITY HEBBAL, MYSORE KARNATAKA-570018
44. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR SITE NO.235/B SURVEY NO.138/1P1 MYSORE-OOTY HIGHWAY CHAMUNDI TOWNSHIP NANJANGUDU KARNATAKA-571 301

45. M/S COFFEE DAY GLOBAL LIMITED PRESTIGE FORUM CENTRE CITY - 120 - UPPER GROUND UNIT NO.21 & 22 NAZARABAD, MYSORE KARNATAKA-570 019
46. M/S COFFEE DAY GLOBAL LIMITED SIDHU COMPLEX VISHWAMANAVA DOUBLE ROAD SARASWATHIPURAM MYSORE KARNATAKA570009
47. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOR, STAR WING BUILDING6H MAIN, GOKULAM ROAD V V MOHALLA, MYSORE KARNATAKA57000
48. M/S COFFEE DAY GLOBAL LIMITED SY. NO.6-2, SULLIA HIGHWAY ALLATI VILLAGE, SULLIA KARNATAKA57432
49. M/S COFFEE DAY GLOBAL LIMITED NEXT TO HPCL PETROL PUMP DOBESPET, TUMKUR KARNATAKA56211
50. M/S COFFEE DAY GLOBAL LIMITED TUMKUR-SHIMOGA HIGHWAY HPCL KIBBANAHALLI CROSS TUMKUR TALUK KARNATAKA57211
51. M/S COFFEE DAY GLOBAL LIMITED KATHA No.2513 1894 VIDYANAGAR LAYOUT B H ROAD, OPP. TO SP GROUND TUMKUR, KARNATAKA57210
52. M/S COFFEE DAY GLOBAL LIMITED HPCL PETROL BUNK MANGALORE-UDUPI HIGHWAY YERMAL, KARNATAKA57411 - 121 -
53. M/S COFFEE DAY GLOBAL LIMITED SHOP A,B,C & D NO.45, GROUND FLOOR15H CROSS-MALLESWARAM BANGALORE, KARNATAKA56001
54. M/S COFFEE DAY GLOBAL LTD NO131, OLD NO1293A7H MAIN, SUBRAMANYA NAGAR A BLOCK, 17TH CROSS, MALLESWARAM BANGALORE, KARNATAKA56000
55. M/S COFEE DAY GLOBAL LIMITED OLD # 369/B, NEW #2 41ST CROSS, 4TH BLOCK RAJAJINAGAR BANGALORE, KARNATAKA56001

56. M/S COFFEE DAY GLOBAL LIMITED CORPORTION NO41 ACCENTURE, IBC KNOWLEDGE PARK SADDUGUNTEPALYA BANNERGHATTA ROAD BANGALORE, KARNATAKA56007

57. M/S COFFEE DAY GLOBAL LIMITED ACCENTURE SERVICES PVT LTD SY NO.36/2, DIVYASHREE TECHNO PARK WHITEFIELD, BANGALORE KARNATAKA-560066

58. M/S COFFEE DAY GLOBAL LIMITED APOLLO-APOLLO HOSPITAL #154/11, OPP IIM-B, BANNERGATA MAIN ROAD, BANGALORE, KARNATAKA56007

59. M/S COFFEE DAYGLOBAL LIMITED ARCADE BRIGADE MEADOWS OP ANJANYA TEMPLE KANAKAPURA ROAD UDAYAPUR POST AND VILLAGE BANGALORE, KARNATAKA56008

60. M/S COFFEE DAY GLOBAL LIMITED #3, ARCHANA BUILDING - 122 - OPP JSS PUBLIC SCHOOL SECTOR4 HSR LAYOUT BANGALORE, KARNATAKA56003

61. M/S COFFEE DAY GLOBAL LIMITED NO99 6TH BLOCK5H CROSS, KORAMANAGALA60FT ROAD, BANGALORE, KARNATAKA56009

62. M/S COFFEE DAY GLOBAL LIMITED3D FLOOR, ASCENDAS PARK SQUARE ITPB, WHITEFIELD ROAD BANGALORE, KARNATAKA56006

63. M/S COFFEE DAY GLOBAL LIMITED BRIGADE HOMESTEAD ASHOKA PILLAR, BANGALORE KARNATAKA56001

64. M/S COFFEE DAY GLOBAL LIMITED BAGMANE CONSTELATION BUSINESS PARK NO.2870 OPP. SOUL SPACE ARENA DODDANEKUNDI MAIN ROAD CHINNAPPA LAYOUT, BANGALORE KARNATAKA56003

65. M/S COFFEE DAY GLOBAL LIMITED BAGMANE WORLD TECH CENTRE DODDANEKUNDI OUTER RING ROAD DODDANEKUNDI, BANGALORE KARNATAKA56003

66. M/S COFFEE DAY GLOBAL LIMITED BAGMANE WORLD TECHNOLOGY CENTRE MARATHAHALLI OUTER RING ROAD K.R. PURAM, BANGALORE KARNATAKA56003

67. M/S COFFEE DAY GLOBAL LIMITED #1431, GROUND FLOOR, 22ND CROSS BANASHANKARI, BANGALORE KARNATAKA56007

68. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR, SITE NO:448 - 123 - BANASWADI HENNUR RING ROAD HBR1T STAGE, 4TH BLOCK BANGALORE, KARNATAKA56004

69. M/S COFFEE DAY GLOBAL LIMITED BANGALORE CENTAL4748, RESIDENCY ROAD BANGALORE, KARNATAKA56000

70. M/S COFFEE DAY GLOBAL LIMITED4H FLOOR, OPP BIG BAZAAR BANGALORE CENTRAL FOOD COURT J.P. NAGAR, BANGALORE, KARNATAKA-560001

71. M/S COFFEE DAY GLOBAL LIMITED BANGALORE CLUB, RESIDENCY ROAD BANGALORE, KARNATAKA-560001

72. M/S COFFEE DAY GLOBAL LIMITED NO.84, BARTON CENTRE M.G. ROAD BANGALORE, KARNATAKA-560001

73. M/S COFFEE DAY GLOBAL LIMITED NO.105, LIC COLONY BASAVESHWARANAGAR BANGALORE, KARNATAKA-560079

74. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR BB ENCLAVE BUILDING HUNASAMARANAHALLI VILLAGE BANGALORE, KARNATAKA-560040

75. M/S COFFEE DAY GLOBAL LIMITED NO.4, ANAGA GROUND FLOOR NEW B E L ROAD BANGALORE KARNATAKA-560054

76. M/S COFFEE DAY GLOBAL LIMITED UNIT NO.32, GROUND FLOOR SITE NO.29P & 32 KATHA NO.658, WARD NO.52 BHATTARAHALLI OMR ROAD BANGALORE, KARNATAKA-560049 - 124 -

77. M/S COFFEE DAY GLOBAL LIMITED NO.808/1001, GROUND FLOOR VIJAYA BANK LAYOUT BILEKAHALLI VILLAGE BEGUR HOBLI BANGALORE KARNATAKA-560076

78. M/S COFFEE DAY GLOBAL LIMITED NO.50/8B, GUBBI CROSS HENNUR BAGALUR ROAD KOTHANUR POST BANGALORE KARNATAKA-560077

79. M/S COFFEE DAY GLOBAL LIMITED C/O BPCL, SHANKARA PETROL BUNK611, 8TH MAIN, 19TH CROSS MALLESHWARAM, BANGALORE KARNATAKA-560055

80. M/S COFFEE DAY GLOBAL LIMITED BRIGADE HOME STEAD28H MAIN, OPP. ADIGAS HOTEL8H BLOCK, JAYANAGAR BANGALORE, KARNATAKA-560082

81. M/S COFFEE DAY GLOBAL LIMITED NO.13 TO NO.15 WINDSOR HOUSE BRIGADE ROAD BANGALORE, KARNATAKA-560001

82. M/S COFFEE DAY GLOBAL LIMITED ANGARICA APARTMENT BROOK FIELDS BANGALORE KARNATAKA-560066

83. M/S COFFEE DAY GLOBAL LIMITED PLOT NO.20, BANASHANKARI3D STAGE BANGALORE KARNATAKA-560085 - 125 -

84. M/S COFFEE DAY GLOBAL LIMITED590445/1, 29TH MAIN6H CROSS, BTM2D STAGE BANGALORE, KARNATAKA-560076

85. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR, 16TH MAIN SITE NO.942 BTM LAYOUT2D STAGE BANGALORE KARNATAKA-560076

86. M/S COFFEE DAY GLOBAL LIMITED SHOP NO.1, SPC COMPLEX BULL TEMPLE ROAD OPP BSNL OFFICE BANGALORE, KARNATAKA-560004

87. M/S COFFEE DAY GLOBAL LIMITED #537, ROBBY ARCADE C M H ROAD, INDIRA NAGAR BANGALORE KARNATAKA-560038

88. M/S COFFEE DAY GLOBAL LIMITED CENTRAL3 BELLANDUR VILLAGE
VARTHUR HOBLI BANGALORE, KARNATAKA-560013
89. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR,
CENTRAL3BELLANDRU OUTER RING ROAD NEAR MARATHAHALLI BRIDGE
BANGALORE KARNATAKA-560013
90. M/S COFFEE DAY GLOBAL LIMITED SITE NO.9, SHOP NO.40/207/9 2ND
STAGE, CHANDRA LAYOUT BASAVESHWARA HBCS BANGALORE
KARNATAKA-560040
91. M/S COFFEE DAY GLOBAL LIMITED NEW SURVEY NO.54 - 126 -
CHICKKASANDRA VILLAGE HESARGHATTA MAIN ROAD YESHWANTHPUR
HOBLI BANGALORE KARNATAKA-560090
92. M/S COFFEE DAY GLOBAL LIMITED NO.94, S.V. CORNER BUILDING
GROUND FLOOR OLD HOUSE LIST KATHA NO.26 CHINNAPPANAHALLI
MARATHAHALLI BANGALORE KARNATAKA-560037
93. M/S COFFEE DAY GLOBAL LIMITED CISCO SYSTEM INDIA PVT LTD SEZ
CESSNA BUSINESS PARK KADUBENAHALLI VILLAGE SARJAPUR,
BANGALORE KARNATAKA-560087
94. M/S COFFEE DAY GLOBAL LIMITED COFFEE DAY SQUARE232, VITTAL
MALLYA ROAD BANGALORE KARNATAKA - 560001
95. M/S COFFEE DAY GLOBAL LIMITED CROSS WORLD STORE MASS
COMPLEX GROUND FLOOR, SITE NO74SARAKKI INDUSTRIAL J.P. NAGAR,
BANGALORE KARNATAKA - 560078
96. M/S COFFEE DAY GLOBAL LIMITED CROSS WORLD, SECOND FLOOR
PHONEIX MARKET CITY MALL BANGALORE, KARNATAKA - 560048
97. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR NO354 OPP YES
BANK - 127 - CUNNINGHAM ROAD BANGALORE, KARNATAKA - 560052

98. M/S COFFEE DAY GLOBAL LIMITED NO81 GROUND FLOOR DEVASANDRA, BANGALORE KARNATAKA - 560094
99. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR SHOP NO02DEVASANDRA MAIN ROAD GEDDALAHALLI BANGALORE KARNATAKA - 560003
100. M/S COFFEE DAY GLOBAL LIMITED # 1691, DR. RAJKUMAR ROAD PRAKASH NAGA, RAJJAINAGAR3D STAGE BANGALORE, KARNATAKA - 560018
101. M/S COFFEE DAY GLOBAL LIMITED NO V- 3, 3RD CROSS INDUSTRIAL ESTATE DODDATHAGUR ELECTRONIC CITY BANGALORE - 560100
102. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR SY NO09KONAPPANA AGRAHARA VILLAGE, ELECTRONIC CITY BANGALORE KARNATAKA - 560100
103. M/S COFFEE DAY GLOBAL LIMITED NO127128, ESTEEM MALL, HEBBAL, KEMPAPURA BANGALORE, KARNATAKA - 560024
104. M/S COFFEE DAY GLOBAL LIMITED NO37 ADAMS CORNER COLES ROAD FRAZER TOWN BANGALORE, KARNATAKA - 560005 - 128 -
105. M/S COFFEE DAY GLOBAL LIMITED G R TECH PARK SALARPURIA CAMPUS, ITPL BANGALORE KARNATAKA - 560066
106. M/S COFFEE DAY GLOBAL LIMITED OPP. GOVT VETENARY HOSPITAL NEXT TO HPCL PETROL PUMP GANGENAHALLI, BANGALORE KARNATAKA - 560053
107. M/S COFFEE DAY GLOBAL LIMITED 2D FLOOR, (ATRIUM) MUNICIPAL NO1517,18,& 27 GARUDA MALL BANGALORE KARNATAKA - 560025
108. M/S COFFEE DAY GLOBAL LIMITED No.G02A GROUND FLOOR GARUDA MALL, BANGALORE KARNATAKA - 560001

109. M/S COFFEE DAY GLOBAL LIMITED # 3/2, 3/3, 3/5, GLOBAL VENTURES WHITEFIELD MAIN ROAD, BANGALORE KARNATAKA - 560066
110. M/S COFFEE DAY GLOBAL LIMITED GLOBAL VILLAGE TANGLIN DEVELOPMENT LTD MYLASANDRA BANGALORE, KARNATAKA - 560059
111. M/S COFFEE DAY GLOBAL LIMITED GOLD COIN - 2-34/1, OPP TO HDFC BANK MEANEE AVENUE ROAD ULSOOR BANGALORE, KARNATAKA - 560008
112. M/S COFFEE DAY GLOBAL LIMITED - 129 - GOPALAN ARCADE MALL NEAR RAJA RAJESHWARI NAGAR ARCH BANGALORE, KARNATAKA - 560039
113. M/S COFFEE DAY GLOBAL LIMITED B N11 W89 GROUND FLOOR GRACE COMPLEX KAMMANAHALLI CLUB ROAD KACARAKANHALLI BANGALORE, KARNATAKA - 560084
114. M/S COFFEE DAY GLOBAL LIMITED NO182A, GROUND FLOOR GRS TOWERS, SARJAPUR MAIN ROAD AMBALIPURA BANGALORE, KARNATAKA - 560102
115. M/S COFFEE DAY GLOBAL LIMITED HALLMARK SALARPURIA MARATTAHALLI RING ROAD BANGALORE, KARNATAKA - 560045
116. M/S COFFEE DAY GLOBAL LIMITED PLOT NO73BINEETA PLAZA HARLUR ROAD KASAVANAHALLI VARTHUR HOBLI BANGALORE KARNATAKA - 560102
117. M/S COFFEE DAY GLOBAL LIMITED NO58 HM TOWRS BRIGADE ROAD BANGALORE, KARNATAKA - 560025
118. M/S COFFEE DAY GLOBAL LIMITED NO61, GROUND FLOOR HOLIDAY INN EXPRESS SUITE RACE COURSE, SHESHADRI ROAD GANDHI NAGAR BANGALORE KARNATAKA - 560009

119. M/S COFFEE DAY GLOBAL LIMITED NO924, 2ND FLOOR - 130 - VANSHEE TOWER MENUKOLALU VILLAGE, BANGALORE KARNATAKA - 560037

120. M/S COFFEE DAY GLOBAL LIMITED HOTEL GINGER OPP MARUTI INFOTECH AMARJYOTHI LAYOUT KORMANGALA BANGALORE, KARNATAKA - 560071

121. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR HOTEL THE SAI LEELA SINGANAYAKANAHALLI VILLAGE YELAHANKA BANGALORE KARNATAKA - 560064

122. M/S COFFEE DAY GLOBAL LIMITED HP WHITEFIELD MAHADEVAPURA OLD MADRAS ROAD BANGALORE KARNATAKA - 560048

123. M/S COFFEE DAY GLOBAL LIMITED HPCL DEVANAHALLI SULEBELE SHANTHI NAGAR DEVANAHALLI BANGALORE, KARNATAKA - 562110

124. M/S COFFEE DAY GLOBAL LIMITED HPCL PETROL BUNK, PEENYA BANGALORE, KARNATAKA - 560058

125. M/S COFFEE DAY GLOBAL LIMITED MANU PLAZA , NEXT TO CMR INSTITUTE HRBR LAYOUT BANGALORE, KARNATAKA - 560037

126. M/S COFFEE DAY GLOBAL LIMITED NO4M, 501, KHATA NO227GROUND FLOOR HRBR2D BLOCK - 131 - KALYANAGAR, BANGALORE KARNATAKA - 560043

127. M/S COFFEE DAY GLOBAL LIMITED NO451 GROUND FLOOR17H CROSS, SECTOR - 4 HSR LAYOUT BANGALORE, KARNATAKA - 560102

128. M/S COFFEE DAY GLOBAL LIMITED KATHA NO552 646 HSR LAYOUT SECTOR -1, BANGALORE, KARNATAKA - 560030

129. M/S COFFEE DAY GLOBAL LIMITED NO496 BINNAMANGALA1T STAGE EXTENSION, CMH ROAD BANGALORE, KARNATAKA - 560038

130. M/S COFFEE DAY GLOBAL LIMITED MSK PLAZA, HAL II STAGE INDIRANAGAR100FEET ROAD BANGALORE, KARNATAKA - 560058
131. M/S COFFEE DAY GLOBAL LIMITED INFOSYS COUNTER2ELECTRONIC CITY, HOSUR ROAD BANGALORE, KARNATAKA - 561229
132. M/S COFFEE DAY GLOBAL LIMITED INFOSYS CAMPUS , 3RD COUNTER ELECTRONIC CITY, HOSUR ROAD BANGALORE, KARNATAKA - 561229
133. M/S COFFEE DAY GLOBAL LIMITED INFOSYS J P TECH PARK, PLOTNO44ELECTRONIC CITY, HOSUR ROAD, BANGALORE, KARNATAKA - 560100
134. M/S COFFEE DAY GLOBAL LIMITED INFOSYS KEC FOOD COURT INFOSYS GATE6ELECTRONIC CITY KONAPPANA AGRAHARA - 132 - BANGALORE KARNATAKA - 560100
135. M/S COFFEE DAY GLOBAL LIMITED INFOSYS MNC BUILDING PLOT NO5253 ELECTRONIC CITY, HOSUR ROAD BANGALORE, KARNATAKA - 560100
136. M/S COFFEE DAY GLOBAL LIMITED # 22, GROUND FLOOR INNOVATION MALL J P NAGAR3D PHASE BANGALORE, KARNATKAA - 560076
137. M/S COFFEE DAY GLOBAL LIMITED INORBIT SHOPPING ARCADE75 EPIP AREA WHITEFIELD BANGALORE, KARNATAKA - 560066
138. M/S COFFEE DAY GLOBAL LIMITED INTEL TECHNOLOGIES NO2356P DEVARABEESANAHALLI OUTER RING ROAD VARTHUR HOBLI BANGALORE, KARNATAKA - 560103
139. M/S COFFEE DAY GLOBAL LIMITED UNIT NUMBER: G -A, GROUND FLOOR ITC INFOTECH, TAWWAKAL CHANCERY BANASWADI ROAD BANGALORE, KARNATAKA - 560043

140. M/S COFFEE DAY GLOBAL LIMITED NO120 A2 GROUND FLOOR EPIP INDUSTRIAL AREA ITPL MAIN ROAD BANGALORE, KARNATAKA - 560066
141. M/S COFFEE DAY GLOBAL LIMITED PID NO5727/N/1/1, GROUND FLOOR WARD NO57 24TH MAIN J P NAGAR, 1ST PHASE BANGALORE, KARNATAKA - 560078 - 133 -
142. M/S COFFEE DAY GLOBAL LIMITED SITE NO265 10TH MAIN T MARIAPPA ROAD ASHOKA PILLAR JAYANAGAR1T BLOCK BANGALORE, KARNATAKA - 560011
143. M/S COFFEE DAY GLOBAL LIMITED519A, GROUND FLOOR GARLA GARNET,9TH MAIN JAYANAGAR4H BLOCK BANGALORE, KARNATAKA-5600032
144. M/S COFFEE DAY GLOBAL LIMITED NO52/22, 2ND MAIN32D CROSS JAYANAGAR7H BLOCK BANGALORE, KARNATAKA - 560032
145. M/S COFFEE DAY GLOBAL LIMITED72126, 18TH MAIN38H CROSS JAYANAGAR4H T BLOCK BANGALORE, KARNATAKA - 560041
146. M/S COFFEE DAY GLOBAL LIMITED JAYARAM COMPLEX HENNUR ROAD BANGALORE, KARNATAKA - 560043
147. M/S COFFEE DAY GLOBAL LIMITED NO39 GROUND FLOOR, N TYPE SECTOR11KODIHALLI, JEEVAN BEEMA NAGAR BANGALORE, KARNATAKA - 560038
148. M/S COFFEE DAY GLOBAL LIMITED SITE NO300 GROUND FLOOR SARAKKI, 5TH PHASE J.P. NAGAR BANGALORE, KARNATAKA - 560078
149. M/S COFFEE DAY GLOBAL LIMITED JUMBO MALL - 134 - NEXT TO MADIWALA POLICE STATION MADIVALA, HOSUR ROAD BANGALORE, KARNATAKA - 560068
150. M/S COFFEE DAY GLOBAL LIMITED # 91/1, KAGGADASPURA MAINROAD, C V RAMAN NAGAR POST BANGALORE KARNATAKA - 560093

151. M/S COFFEE DAY GLOBAL LIMITED 651C, FIRST FLOOR
KAIKONDRAHALLI, NEXT TO PRAGATHI MOTORS BANGALORE,
KARNATAKA- 560035

152. M/S COFFEE DAY GLOBAL LIMITED KALYANI MAGNUM BILEKAHALLI
VILLAGE, BEGUR HOBLI, BANGALORE, KARNATAKA- 560076

153. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR, KAMALA
ARCADE 37, 26TH MAIN 9H BLOCK JAYANAGAR BANGALORE, KARNATAKA -
560069

154. M/S COFFEE DAY GLOBAL LIMITED NO 64 GROUND FLOOR ART OF
LIVING KANAKAURA ROAD BANGALORE KARNATAKA - 560082

155. M/S COFFEE DAY GLOBAL LIMITED KARLE TOWN CENTRE IT/TES SEZ,
NAGAVARA BANGALORE, KARNATAKA - 560045

156. M/S COFFEE DAY GLOBAL LIMITED NO 4 DC-292, 2ND MAIN ROAD,
KASTURINAGAR BANGALORE, KARNATAKA - 560043 - 135 -

157. M/S COFFEE DAY GLOBAL LIMITED KEMPAPURA VILLAGE YELAHANKA
HOBLI BANGALORE, KARNATAKA - 560052

158. M/S COFFEE DAY GLOBAL LIMITED NO 125015/115 KENGERI SATELLITE
TOWN KENGERI BANGALORE, KARNATAKA - 560060

159. M/S COFFEE DAY GLOBAL LIMITED KHT, LAKKSANDRA WILSON
GARDEN BANGALORE, KARNATAKA - 560027

160. M/S COFFEE DAY GLOBAL LIMITED KEMPEGOWDA INTERNATIONAL
AIRPORT ARRIVAL HALL, DEVANAHALLI BANGALORE, KARNATAKA - 560300

161. M/S COFFEE DAY GLOBAL LIMITED KIAL DEPARTURE HALL,
DEVANAHALLI BENGALURU, KARNATAKA - 560300

162. M/S COFFEE DAY GLOBAL LIMITED KIAL PARKING PLAZA
DEVANAHALLI BANGALORE, KARNATAKA- 560300

163. M/S COFFEE DAY GLOBAL LIMITED NEXT TO HOTEL NANDINI KORAMANGALA 100 FEET ROAD BANGALORE, KARNATAKA - 560095
164. M/S COFFEE DAY GLOBAL LIMITED NO 777 GROUND FLOOR JK ASHWATH LAKSHMI HERITAGE 100 FT ROAD KORAMANGALA, 4TH BLOCK BANGALORE, KARNATAKA - 560034
165. M/S COFFEE DAY GLOBAL LIMITED BEHIND BDA COMPLEX KORAMANGALA BANGALORE, KARNATAKA - 560034 - 136 -
166. M/S COFFEE DAY GLOBAL LIMITED NO 136 OPP. JYOTHI NIVAS COLLEGE 5H BLOCK, KORAMANGALA BANGALORE, KARNATAKA - 560017
167. M/S COFFEE DAY GLOBAL LIMITED LAA MARVEL, GROUND FLOOR 622 HAL, 2ND STAGE JEEVAN BHIMANAGAR 12H MAIN, INDIRANAGAR BANGALORE, KARNATAKA - 560038
168. M/S COFFEE DAY GLOBAL LIMITED # 4/1, WALTON ROAD CIRCLE LAVELLE ROAD BANGALORE, KARNATAKA - 560001
169. M/S COFFEE DAY GLOBAL LIMITED NO 23 LEELA PALACE HAL OLD AIRPORT ROAD KODIHALLI BANGALORE, KARNATAKA - 560008
170. M/S COFFEE DAY GLOBAL LIMITED LMN ARCADE GROUND FLOOR SITE NO 17B/217-B/3 & 17-B/4 KATHA No. 1169 DODABALLAPUR MAIN ROAD BANGALORE, KARNATAKA - 560064
171. M/S COFFEE DAY GLOBAL LIMITED LUMBINI GARDEN, NAGAWARA LAKE BANGALORE, KARNATAKA - 560045
172. M/S COFFEE DAY GLOBAL LIMITED NO 225 & 226 GROUND FLOOR 14H CROSS, SAMPIGE ROAD MALLESHWARAM, BANGALORE KARNATAKA - 560003
173. M/S COFFEE DAY GLOBAL LIMITED MANGO SUITS, NO 426 4TH BLOCK KORAMANGALA BANGALORE, KARNATAKA - 560034 - 137 -

174. M/S COFFEE DAY GLOBAL LIMITED P0102, MANTRI MALL, SAMPIGE ROAD, MALLESHWARAM BANGALORE, KARNATAKA - 560003
175. M/S COFFEE DAY GLOBAL LIMITED OPP TO RR RESTAURANT SARJAPURA ROAD BELLANDUR VILLAGE MARATHAHALLI BANGALORE, KARNATAKA - 560037
176. M/S COFFEE DAY GLOBAL LIMITED MARATHAHALLI OUTER RING ROAD AMABLIPURAM VARTHUR BANGALORE KARNATAKA - 560103
177. M/S COFFEE DAY GLOBAL LIMITED MFAR MANYATA TECH PARK, PHASE IV NAGAWARA BANGALORE, KARNATAKA - 560045
178. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR SALARPURIA MONEY CENTER KORAMANGALA7H BLOCK, BANGALROE, KARNATAKA - 560095
179. M/S COFFEE DAY GLOBAL LIMITED MOTA ROYAL ARCADE BRIGADE ROAD, BANGALORE, KARNATAKA - 560001
180. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR, COUNTER NO2023 MSR REGALIA ELEMENTS MALL THANISANDRA MAIN ROAD BANGALORE, KARNATAKA - 560077
181. M/S COFFEE DAY GLOBAL LIMITED NO7 1ST BLOCK - 138 - 2ND STAGE NAGARBHAVI LAYOUT BANGALORE KARANTAKA - 560072
182. M/S COFFEE DAY GLOBAL LIMITED NO1815 GROUND FLOOR HRB1T STAGE NAGAWARA RING ROAD BANGALORE KARNATAKA - 560043
183. M/S COFFEE DAY GLOBAL LIMITED NO43 GROUND FLOOR NANDI DURGA ROAD JAYAMAHAL EXTENSION BANGALORE, KARNATAKA - 560046
184. M/S COFFEE DAY GLOBAL LIMITED NARAYAN REDDY BUILDING GROUND FLOOR WARD NO60 9TH MAIN ROAD JAYANAGAR4H BLOCK BANGALORE, KARNATAKA- 560011

185. M/S COFFEE DAY GLOBAL LIMITED NATHAN PRIDUS, GROUND FLOOR, SURVEY NO.95, KARTHIKNAGAR K.R. PURAM BANGALORE, KARNATAKA- 560037

186. M/S COFFEE DAY GLOBAL LIMITED NISARGA PROPERTY (NEXT TO PIZZA HUT) DODDABANASWADI VILLAGE BANGALORE, KARNATAKA - 560043

187. M/S COFFEE DAY GLOBAL LIMITED NO461 R.R. NAGAR, BANGALORE, KARNATAKA - 560098

188. M/S COFFEE DAY GLOBAL LIMITED NO1862626A, GROUND FLOOR, MAHADEVAPURA OUTER RING ROAD - 139 - KRISHNARAJAURA HOBLI BANGALORE, KARNATAKA- 560048

189. M/S COFFEE DAY GLOBAL LIMITED NO2611A, GROUND FLOOR10H MAIN, 2ND BLOCK ASHOKPILLAR, JAYANAGAR BANGALORE, KARNATAKA - 560011

190. M/S COFFEE DAY GLOBAL LIMITED NO95 GANDHI BAZAAR BANGALORE, KARNATAKA - 560004

191. M/S COFFEE DAY GLOBAL LIMITED ATR COMPLEX OLD AIRPORT ROAD MURUGESHPALYA, KODIHALLI VARTHUR, BANGALORE KARNATAKA - 560017

192. M/S COFFEE DAY GLOBAL LIMITED SHOP NO3 FIRST FLOOR ORION MALL BRIGADE GATEWAY BANGALORE, KARNATKA - 560055

193. M/S COFFEE DAY GLOBAL LIMITED PALACE ORCHID, SHOP NO118UPPER PALACE ORCHARDS BANGALORE, KARNATAKA - 560061

194. M/S COFFEE DAY GLOBAL LIMITED UNIT G - 47, GROUND FLOOR PHOENIX MARKET CIYT MAHADEVAPURA BANGALROE EAST KARNATAKA - 560048

195. M/S COFFEE DAY GLOBAL LIMITED UNIT No.301, THIRD FLOOR PRESTIGE FORUM SHATHINIKETAN MALL ITPL MAIN ROAD BANGALORE, KARNATAKA - 560048

196. M/S COFFEE DAY GLOBAL LIMITED NO108 PRESTIGE PLAZA GROUND FLOOR - 140 - MOTHER DAIRY ROAD YELHANKA BANGALORE, KARNATAKA - 560064

197. M/S COFFEE DAY GLOBAL LIMITED GROUND FLOOR, (LOBBY AREA) OF CRESCENT4BLOCK, PRESTIGE SHANTINIKETAN, WHITEFIELD BANGALORE, KARNATAKA - 560066

198. M/S COFFEE DAY GLOBAL LIMITED JUPITER BUILDING PRESITGE TECH PARK MARATHAHALLI RING ROAD BANGALORE, KARNATAKA - 560103

199. M/S COFFEE DAY GLOBAL LIMITED PRITECH PARK, BELLANDUR VILLAGE VARTHUR HOBLI BANGALORE, KARNATAKA - 560103

200. M/S COFFEE DAY GLOBAL LIMITED OPP BRIDGE MILLENNIUM APT PUTTENAHALLI BANGLAORE, KARNATAKA - 560078

201. M/S COFFEE DAY GLOBAL LIMITED 573 3RD MAIN, 2ND BLOCK R.T. NAGAR BANGALORE, KARNATAKA - 560032

202. M/S COFFEE DAY GLOBAL LIMITED NO891, GROUND FLOOR RAJA IKON, MARATHAHALLI RING ROAD BANGALORE, KARNATAKA - 560037

203. M/S COFFEE DAY GLOBAL LIMITED NO482 3RD STAGE BEML LAYOUT MAIN ROAD RAJARAJESHWARI NAGAR BANGALORE, KARNATAKA - 560038

204. M/S COFFEE DAY GLOBAL LIMITED # 89, NEXT TO BALDWIN GIRLS HIGH SCHOOL - 141 - RICHMOND ROAD BANGALORE, KARNATAKA - 560025

205. M/S COFFEE DAY GLOBAL LIMITED NO54 ROOPA COMPLEX MAGADI CHORD ROAD JUNCTION 2D CROSS MANUVANA VIJAYANAGAR BANGALORE, KARNATAKA - 560040

206. M/S COFFEE DAY GLOBAL LIMITED ROYAL MEENAKSHI MALL OPP TO MEENAKSHI TEMPLE BANERGHATTA ROAD HULIMAVU BANGALORE, KARNATAKA - 560076

207. M/S COFFEE DAY GLOBAL LIMITED NO2443 OPP. NILGIRI SUP MARKET 60 FEET MAIN ROAD SAHAKARNAGAR BANGALORE, KARNATAKA - 560092

208. M/S COFFEE DAY GLOBAL LIMITED SAKRA WORLD HOSPITAL BELLANDUR OUTER RING ROAD MARATHAHALLI BANGALORE, KARNATAKA - 560103

209. M/S COFFEE DAY GLOBAL LIMITED SALAPURIA SOFT ZONE SARJAPUR OUTER RING ROAD BELLUNDUR VILLAGE, VARTHUR HOBLI BANGALORE, KARNATAKA - 560037

210. M/S COFFEE DAY GLOBAL LIMITED NO.16, POSTAL COLONY LAYOUT SANJAYNAGAR MAIN ROAD BANGALORE, KARNATAKA - 560094

211. M/S COFFEE DAY GLOBAL LIMITED NO.18/3, BAPUJI BUILDING RANGANATHA PURA 18H CROSS, MALLESWARAM - 142 - BANGALORE, KARNATAKA-560003

212. M/S COFFEE DAY GLOBAL LIMITED #1, NAGAPPA STREET NEHRU NAGAR CIRCLE SHESHADRIPURAM BANGALORE, KARNATAKA-560020

213. M/S COFFEE DAY GLOBAL LIMITED SHOPPERS STOP, MICO LAYOUT N.S.PALYA, BANERGHATTA ROAD BANGALORE, KARNATAKA-560076

214. M/S COFFEE DAY GLOBAL LIMITED NO:30 & 31, SHRINIDHI ASCEND HONGASANDRA, BEGUR HOBLI HOSUR MAIN ROAD BANGALORE KARNATAKA-560068

215. M/S COFFEE DAY GLOBAL LIMITED SIGMA MALL, CUNNINGHAM ROAD BANGALORE KARNATAKA-560052

216. M/S COFFEE DAY GLOBAL LIMITED NO.14, WARD NO.65 NEXT TO IOC PETROL BUNK SILK BOARD MAIN ROAD BTM2D STAGE BANGALORE, KARNATAKA-560068

217. M/S COFFEE DAY GLOBAL LIMITED NO.5, KATHA NO.1025/139/1/6 SINDHU YELAHANKA GANDHINAGAR (NEAR KHB COLONY) BANGALORE, KARNATAKA-560017

218. M/S COFFEE DAY GLOBAL LIMITED SMOKING JOES, OPP JALVAYU VIHAR BANGALORE, KARNATAKA-560043

219. M/S COFFEE DAY GLOBAL LIMITED SMR VINAY, OPP BAGINI RESTAURANT - 143 - OUTER RING ROAD, BANASWADI BANGALORE, KARNATAKA-560043

220. M/S COFFEE DAY GLOBAL LIMITED SOUL SPACE MALL SURVEY NO365, MARATHALLI OUTER RING DODDANUKUNDI VILLAGE BANGALORE KARNATAKA-560037

221. M/S COFFEE DAY GLOBAL LIMITED 861, GROUND FLOOR SPENCE BUILDING, M.G. ROAD BANGALORE KARNATAKA-560001

222. M/S COFFEE DAY GLOBAL LIMITED SRF BANASHANKARI # 1238, 23RD CROSS, 30TH MAIN ATHIMABBE ROAD BANGALORE, KARNATAKA-560085

223. M/S COFFEE DAY GLOBAL LIMITED SUMUKHA TOWERS, WARD NO.55 ITTAMADU VILLAGE 3D STAGE BANASHANKARI BANGALORE, KARNATAKA-560085

224. M/S COFFEE DAY GLOBAL LIMITED THE COMMERCIAL & HOSTEL BUILDING JARAGANAHALLI ADJACENT TO REVENUE LAYOUT TEACHERS COLONY, BENDRE NAGAR BANGALORE, KARNATAKA-560078

225. M/S COFFEE DAY GLOBAL LIMITED UNIT NO.52, THE FORUM MALL DAIRY CIRCLE, KORAMANGALA BANGALORE, KARNATAKA-560095

226. M/S COFFEE DAY GLOBAL LIMITED A2, GROUND FLOOR THE FORUM
VALUE MALL - 144 - WHITEFIELD MAIN ROAD BANGALORE, KARNATAKA-
560066

227. M/S COFFEE DAY GLOBAL LIMITED TMR TOWERS, KATHA NO205155,
VARTHUR MAIN ROAD VARTHUR HOBLI, BANGALORE, KARNATAKA-560066

228. M/S COFFEE DAY GLOBAL LIMITED UJJINI GLITZ , MATHIKERE
EXTENSION BANGALORE, KARNATAKA-560054

229. M/S COFFEE DAY GLOBAL LIMITED UPPER PALACE ORCHARDS SITE
NO.198, 2ND MAIN ROAD SADASHIVANAGAR BANGALORE, KARNATAKA-
560061

230. M/S COFFEE DAY GLOBAL LIMITED JSS ENGG COLLEGE SITE NO.66-
67, UTTARHALLI MAIN ROAD MYLASANDRA WARD NO.198
RAJARAJESHWARI NAGAR BANGALORE, KARNATAKA-560038

231. M/S COFFEE DAY GLOBAL LIMITED NO.518, V.V ARCADE AECS
LAYOUT BROOKEFIELD, KUNDALAHALLI K R PRUAM HOBLI BANGALORE,
KARNATAKA-560037

232. M/S COFFEE DAY GLOBAL LIMTIED NO.9/A, PALACE ROAD OPP
MOUNT CARMEL COLLEGE VASANTH NAGAR, BANGALORE KARNATAKA-
560052

233. M/S COFFEE DAY GLOBAL LIMITED VEGACITY MALL, NO1721
SRINIVAS INDUSTRIAL ESTATE BANNERGHATTA MAIN ROAD BANGALORE,
KARNATAKA-560076 - 145 -

234. M/S COFFEE DAY GLOBAL LIMTIED NARASIPURA VILLAGE PHASE3
VIDYARANYAPURA LAYOUT YELAHANKA, BENGALURU KARNATAKA-560097

235. M/S COFFEE DAY GLOBAL LIMITED NO.524, VIJAYA BANK EMP
HOUSING CO-OP SOCIETY LTD, VIJAYA BANK LAYOUT, BILEKAHALLI
BANGALORE, KARNATAKA-560076

236. M/S COFFEE DAY GLOBAL LIMITED 24H CROSS, 5TH MAIN ROAD RPC LAYOUT, VIJAYANAGAR BANGALORE, KARNATAKA-560040
237. M/S COFFEE DAY GLOBAL LIMITED VIKARAM HOSPITAL OPP ST. ANNE COLLEGE # 71/1 MILLERS ROAD BANGALORE, KARNATAKA-560052
238. M/S COFFEE DAY GLOBAL LIMITED NO.1570, VINUTHA TOWER, SEC1 HSR LAYOUT HOSUR ROAD BANGALORE, KARNATAKA-560030
239. M/S COFFEE DAY GLOBAL LIMITED VRINDAVAN TECH VILLAGE OPP TO SALAPURIA HALLMARK MARATHALLI MAIN ROAD BANGALORE, KARNATAKA-560045
240. M/S COFFEE DAY GLOBAL LIMITED WASEEM BUILDING SY NO.16, 17 AND 18 AT TAVAREKERE 1ST PHASE 2ND STAGE, BTM LAYOUT BANGALORE, KARNATAKA-560086
241. M/S COFFEE DAY GLOBAL LIMITED GREENS THE PLANET OPP TO HLL, WHITEFIELD BANGALORE, KARNATAKA-560064 - 146 -
242. M/S COFFEE DAY GLOBAL LIMITED WIPRO TECHNOLOGIES ELECTRONIC CITY, HOSUR MAIN ROAD BANGALORE, KARNATAKA-560100
243. M/S COFFEE DAY GLOBAL LIMITED 690A, 3RD MAIN OPP. SHESHADRIPURAM COLLEGE YELAHANKA BANGALORE, KARNATAKA-560064
244. M/S COFFEE DAY GLOBAL LIMITED NO.184-A YMA ARCADE SIR M N KRISHNA RAO ROAD LALBAGH WEST GATE BANGALORE, KARNATAKA-560004
245. M/S COFFEE DAY GLOBAL LIMITED BANGALORE TIRUPATHI HIGHWAY VADGUR, KOLAR KARNATAKA -563101
246. M/S COFFEE DAY GLOBAL LIMITED HPCL NARSAPURA KOLAR HIGHWAY KENDATTI GOLLAHALLI KOLAR, KARNATAKA-563133

247. M/S COFFEE DAY GLOBAL LIMITED UNIT No.G01 BEARYS CITY CENTRE AMEER AHMED CIRCLE SHIVAMOGGA, KARNATAK-577201
248. M/S COFFEE DAY GLOBAL LIMITED IOC-NAGASHREE FUEL STATION BANGALORE-TUMKUR NATIONAL HIGHWAY-4, SIRA, KARNATAKA-572137
249. M/S COFFEE DAY GLOBAL LIMITED CANADIAN INTERNATIONAL SCHOOL420, MANCHENAHALLI YELAHANKA BANGALORE, KARNATAKA-560064 - 147 -
250. M/S COFFEE DAY GLOBAL LIMITED EBENEZAR INTERNATIONAL SCHOOL SINGENA AGRAHARA ROAD VIA HUSKUR ROAD/.A.P.M.C. YARD HUSKUR POST, ELECTRONIC CITY BANGALORE, KARNATAKA-560099
251. M/S COFFEE DAY GLOBAL LIMITED INDUS INTERNATIONAL SCHOOL BIJAPURA CROSS, SARJAPURA BANGALORE, KARNATAKA-562125
252. M/S COFFEE DAY GLOBAL LIMITED J.P. MORGAN CHASE MARATHAHALLI-SARJAPUR OUTER RING ROAD KADUBEESANAHALLI, VARTHUR BANGALORE, KARNATAKA -560087
253. M/S COFFEE DAY GLOBAL LIMITED J.P. MORGAN, PRESTIGE TECH PARK SARJAPURA RING ROAD NEAR MARATHAHALLI JUNCTION KADUBEESANAHALLI BANGALORE, KARNATAKA-560087
254. M/S COFFEE DAY GLOBAL LIMITED J.P. MORGAN SERVICES INDIA PVT LTD. BLUEBAY BLOCK OFF. INTERMEDIATE RING ROAD BANGALORE, KARNATAKA-560071
255. M/S COFFEE DAY GLOBAL LIMITED JPMC-ELECTRA PRESTIGE TECH PARK MARATHALLI RING ROAD KODUBISINAHALLI BANGALORE, KARNATAKA-560087
256. M/S COFFEE DAY GLOBAL LIMITED1T FLOOR, MAIN BUILDING NARAYANA HRUDAYALA NO.09, NO.258/A BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK, BANGALORE KARNATAKA-562106 - 148 -

257. M/S COFFEE DAY GLOBAL LIMITED ONCOLOGY1T FLOOR NARAYANA HRUDAYALAYA NO.8 NO.258/A BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK BANGALORE KARNATAKA-562106

258. M/S COFFEE DAY GLOBAL LIMITED NORTHERN TRUST MANYATA TECH PARK NAGAWARA OUTER RING ROAD BANGALORE, KARNATAKA-560045

259. M/S COFFEE DAY GLOBAL LIMITED PROGEON02 INFOSYS BPO LTD. PLOT NO.26-3, 26-4 & 26-6 ELECTONIC CITY, HOSUR ROAD BANGALORE, KARNATAKA-560100

260. M/S COFFEE DAY GLOBAL LIMITED SAMSUNG R & D INSTITUTE NO.2870, PHONENIX BUILDING BAGMANE CONSTELLATION BUSINESS PARK BANGALORE, KARNATAKA-560 037

261. M/S. COFFEE DAY GLOBAL LIMITED SYMPHONY TELECA PLOT NO.3 & 3A EOIZ INDUSTRIAL AREA SADARAMANGALA VILLAGE BANGALORE, KARNATAKA-560 066

262. M/S COFFEE DAY GLOBAL LIMITED AMAZON DEVELOPMENT CENTER TAURUS1BUILDING BAGMANE CONSTELLATION BUSINESS PARK BANGALORE, KARNATAKA-560 037

263. M/S COFFEE DAY GLOBAL LIMITED APOLLO CRADLE NO.58, 5TH CROSS, 18TH MAIN KORAMANGALA, BANGALORE KARNATAKA-560 095.-. 149 -

264. M/S COFFEE DAY GLOBAL LIMITED APOLLO CRADLE, NO.101-209 & 210 ITPL MAIN ROAD, MARATHALLI, BANGALORE KARNATAKA-560 037

265. M/S COFFEE DAY GLOBAL LIMITED CMI ASTER HOSPITAL432, NEW AIRPORT ROAD SAHAKARANAGAR BANGALORE, KARNATAKA-560 092

266. M/S COFFEE DAY GLOBAL LIMITED BAPTIST HOSPITAL, 3RD FLOOR LOBBY BELLARY ROAD, HEBBAL BANGALORE, KARNATAKA-560 024

267. M/S COFFEE DAY GLOBAL LIMITED BAPTIST HOSPITAL-1 BELLARY ROAD, HEBBAL BANGALORE, KARNATAKA-560 024.

268. M/S COFFEE DAY GLOBAL LIMITED BAPTIST HOSPITAL2BELLARY ROAD, HEBBAL BANGALORE, KARNATAKA-560 024 269. M/S COFFEE DAY GLOBAL LIMITED BAPTIST HOSPITAL3BELLARY ROAD, HEBBAL BANGALORE, KARNATAKA-560 024 270. M/S COFFEE DAY GLOBAL LIMITED BGS GIMS HISPITAL BGS HEALTH AND EDUCATION CITY CAMPUS KENGERI UTTARAHALLI MAIN ROAD BANGALORE, KARNATAKA-560 060 271. M/S COFFEE DAY GLOBAL LIMITED BGS GIMS HOSPITAL2KENGERI UTTARAHALLI MAIN ROAD BANGALORE, KARNATAKA-560 060 - 150 - 272. M/S COFFEE DAY GLOBAL LIMITED BGS INTERNATIONAL RESIDENTIAL SCHOOL CAMPUS NITYANANDANAGAR K.GOLLAHALLI POST BANGALORE, KARNATAKA-560 074 273. M/S COFFEE DAY GLOBAL LIMITED BUHLER INDIA NO.213 -D12D13C AND13B KIADB INDUSTRIAL AREA BANGALORE, KARNATAKAA-562 107 274. M/S COFFEE DAY GLOBAL LIMITED BNMIT, P.B.NO.7087 27TH CROSS, 12TH MAIN BANASHANKARI II STAGE BANGALORE, KARNATAKA-560 070 275. M/S COFFEE DAY GLOBAL LIMITED BRINDAVAN COLLEGE DWARKANAGAR BAGALUR MAIN ROAD, YELAHANKA BANGALORE, KARNATAKA-560 063 276. M/S COFFEE DAY GLOBAL LIMITED BUHLER (INDIA) PVT LTD. 13-D, KIADB INDUSTRIAL AREA ATTIBELE BANGALORE, KARNATAKA-562 107 277. M/S COFFEE DAY GLOBAL LIMITED CAMBRIDGE INSTITUTE OF TECHNOLOGY JAI BHUVANESHWARI LAYOUT ROAD SR LAYOUT, CHIKABASAVANAPURA KRISHNARAJAPURA BANGALORE, KARNATAKA-560 036 278. M/S COFFEE DAY GLOBAL LIMITED CAMBRIDGE PUBLIC SCHOOL C A SITE NO.13, 19TH MAIN, 25TH CROSS SECTOR2 HSR EXTENSION BANGALORE, KARNATAKA-560 102 279. M/S COFFEE DAY GLOBAL LIMITED CAUVERY MEDICAL CENTER - 151 - NO.43/2, NEAR HEBBAL FLYOVER KEMPEGOWDA INTERNATIONAL AIRPORT ROAD SHAKARANAGAR, BANGALORE KARNATAKA-560 092 280. M/S COFFEE DAY GLOBAL LIMITED CHRIS SUPER SPECIALTY HOSPITAL NO.1, HENNUR JUNCTION GRACE TOWN, KALYAN NAGAR BANGALORE, KARNATAKA-560 043 281. M/S COFFEE DAY GLOBAL LIMITED CHRIST ACADEMY BEGUR-KOPPA ROAD, HULLAHALLI

SAKKALWARA POST BANGALORE, KARNATAKA-560 083 282. M/S COFFEE DAY GLOBAL LIMITED CHRIST UNIVERSITY, BANNERGHATTA MAIN ROAD BANGALORE, KARNATAKA-560 076 283. M/S COFFEE DAY GLOBAL LIMITED CLOUD NINE, #47, 17TH CROSS 11H MAIN, MALLESHWRAM BANGALORE, KARNATAKA-560055 284. M/S COFFEE DAY GLOBAL LIMITED CLOUD NINE, NO.115, OPPOSITE KEMP FORT (TOTAL MALL) OLD AIRPORT ROAD BANGALORE, KARNATAKA-560017 285. M/S COFFEE DAY GLOBAL LIMITED CLOUD NINE, 636/1 SERVICE ROAD, NANJAPPA GARDEN HORAMAVU, BANGALORE KARNATAKA-560048 286. M/S COFFEE DAY GLOBAL LIMITED CMR INSTITUTE OF TECHNOLOGY NO.132, AECS LAYOUT ITPL MAIN ROAD, KUNDALAHALLI BANGALORE, KARNATAKA-560037 - 152 - 287. M/S COFFEE DAY GLOBAL LIMITED COLT TECHNOLOGIES MANYATA TECH PARK NAGAWARA, BANGALORE KARNATAKA-560045 288. M/S COFFEE DAY GLOBAL LIMITED DAYANANDA SAGAR INSTITUTE SHAVIGE MALLESHWARA HILLS KUMARASWAMY LAYOUT BANGALORE, KARNATAKA-560078 289. M/S COFFEE DAY GLOBAL LIMITED EAST POINT COLLEGE OF MEDICAL SCIENCE & RESEARCH CENTRE, JNANA PRABHA #147, VIRGO NAGAR POST BIDARAHALLI, BANGALORE KARNATAKA-560049 290. M/S COFFEE DAY GLOBAL LIMITED A2, GROUND FLOOR, THE FORUM VALUE MALL WHITEFIELD MAIN ROAD BANGALORE, KARNATAKA-560066.

291. M/S COFFEE DAY GLOBAL LIMITED EAST POINT HOSPITAL JNANA PRAHA, #147, VIRGO NAGAR POST BIDARAHALLI, BANGALORE KARNATAKA-560049.

292. M/S COFFEE DAY GLOBAL LIMITED GARUDA SHOPPING MALL MAGRATH ROAD, ASHOK NAGAR BANGALORE, KARNATAKA-560025 293. M/S COFFEE DAY GLOBAL LIMITED GLOBAL CITY INTL SCHOOL 50H MAIN ROAD, 6TH CROSS MALLESHPALYA BANGALORE, KARNATAKA-560075.

294. M/S COFFEE DAY GLOBAL LIMITED GLOBAL INDIAN INTERNATIONAL SCHOOL NO.568, SARJAPUR MAIN ROAD - 153 - HEGGONDAHALLI VILLAGE BANGALORE, KARNATAKA-560087 295. M/S COFFEE DAY GLOBAL LIMITED GLOBAL VILLAGE TECH PARK TOWER B, COLONADE AREA IT SEZ

PATTANGERE MYLASANDRA VILLAGE BANGALORE, KARNATAKA-560059
296. M/S COFFEE DAY GLOBAL LIMITED HEWLETT PACKARD ENTERPRISE
SY-39, HP AVENUE ELECTRONICS CITY PHASE2HOSUR ROAD
BANGALORE, KARNATAKA-560100 297. M/S COFFEE DAY GLOBAL LIMITED
HIMALAYA DRUGS, MAKALI ALURU MAIN ROAD MAKALI BANGALORE,
KARNATAKA-562162 298. M/S COFFEE DAY GLOBAL LIMITED HKBK
COLLEGE OF ENGINEERING NO.22-10TH CROSS GOVINDAPURA
NAGAWARA, BANGALORE, KARNATAKA-560045 299. M/S COFFEE DAY
GLOBAL LIMITED IMPACT COLLEGE OF ENGINEERING AND APPLIED
SCIENCES KODIGEHALLI SAHARAKARANAGAR BANGALORE, KARNATAKA-
560092 300. M/S COFFEE DAY GLOBAL LIMITED J.P.MORGAN CHASE, ETV
EMBASSY TECH VILLAGE PARCEL5BLOCK G & H OUTER RING ROAD
DEVARABEESANAHALLI BANGALORE, KARNATAKA-560103 301. M/S
COFFEE DAY GLOBAL LIMITED JP MORGAN SERVICES INDIA PVT. LTD.-.
154 - ETAMIN BLOCK PRESTIGE TECH PARK SARJAPUR-MARATHAHALLI
ROAD BANGALORE, KARNATAKA-560103 302. M/S COFFEE DAY GLOBAL
LIMITED JYOTHY INSTITUTE OF TECHNOLOGY OFF KANAKAPURA ROAD
THATHGUNI, BANGALORE KARNATAKA-560082 303. M/S COFFEE DAY
GLOBAL LIMITED MANIPAL HOSPITAL NO.98, OLD AIRPORT ROAD
BANGALORE, KARNATAKA-560017 304. M/S COFFEE DAY GLOBAL LIMITED
MADGENOME3D FLOOR NARAYANA NETRALAYA BUILDING NARAYANA
HEALTH CITY BANGALORE, KARNATAKA-560099 305. M/S COFFEE DAY
GLOBAL LIMITED MVJ COLLGE OF ENGINEERING CHANNASANDRA MAIN
ROAD NEAR ITPB WHITEFIELD KADUGODI BANGALORE, KARNATAKA-
560067 306. M/S COFFEE DAY GLOBAL LIMITED NAGARJUNA COLLEGE OF
ENGINEERING381, MADUGURKI VENKATAGIRI KOTE POST DEVANA HALLI
BANGALORE, KARNATAKA-562110 307. M/S COFFEE DAY GLOBAL LIMITED
NARAYANA E TECHNO SCHOOL BEHIND ROYAL MEENAKSHI MALL
BANNERGHATTA ROAD HULIMAVU BANGALORE, KARNATAKA-560076 308.
M/S COFFEE DAY GLOBAL LIMITED NARAYANA MEDICAL CENTER - 155 -
BUILDING No.9 (OLD No.18) LANGFORD TOWN BANGALORE, KARNATAKA-
560025 309. M/S COFFEE DAY GLOBAL LIMITED NARAYANA MULTI
SPECIALTY HOSPITAL HSR BASANT HEALTH CENTER BUILDING No.1 18TH

MAIN SECTOR3HSR LAYOUT BANGALORE, KARNATAKA-560 102 310. M/S COFFEE DAY GLOBAL LIMITED NARAYANA MULTI SPECIALTY HOSPITAL3& 4, ITPL MAIN ROAD SADARAMANGALA BANGALORE, KARNATAKA-560066 311. M/S COFFEE DAY GLOBAL LIMITED NARAYANA NETHRALAYA NARAYANA HEALTH CITY BOMMASANDRA HOSUR ROAD BANGALORE, KARNATAKA-560099 312. M/S COFFEE DAY GLOBAL LIMITED NARAYANA NETHRALAYA, 121/C, WEST OF CHORD ROAD RAJAJINAGAR BANGALORE, KARNATAKA-560010 313. M/S COFFEE DAY GLOBAL LIMITED NARAYANA NETHRALAYA63 BANNERGHATTA MAIN ROAD OPP. MEENAKSHI TEMPLE HULIMAVU, BANGALORE KARNATAKA-560076 314. M/S COFFEE DAY GLOBAL LIMITED NARAYANA NETHRALAYA CITY CENTRE No.37, CASTLE STREET ASHOK NAGAR BANGALORE, KARNATAKA-560025 - 156 - 315. M/S COFFEE DAY GLOBAL LIMITED NARAYANA SUPER SPECIALITY HOSPITAL No.24, 9TH CROSS MARGOSA ROAD MALLESHWARAM BANGALORE, KARNATAKA-560003 316. M/S COFFEE DAY GLOBAL LIMITED NARAYANAHHRUDAYALAYA CORPORATE OFFICE No.261-A2D FLOOR BOMMASANDRA INDUSTRIAL AREA BANGLAORE, KARNATAKA-560099 317. M/S COFFEE DAY GLOBAL LIMITED NATIONAL INSTITUTE OF FASHION TECHNOLOGY CA SITE # 21, 27TH MAIN ROAD SECTOR-1, HSR LAYOUT BANGALORE, KARNATAKA560102 318. M/S COFFEE DAY GLOBAL LIMITED NETHRADHAMA EYE HOSPITAL, JAYANAGAR7H BLOCK, BANGALORE, KARNATAKA56008 319. M/S COFFEE DAY GLOBAL LIMITED NARAYANAHHRUDAYALAYA ONCOLOGY (BASEMENT) No.258/A, BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK, BANGALORE, KARNATAKA56009 320. M/S COFFEE DAY GLOBAL LIMITED NARAYANAHHRUDAYALAYA ENTRANCE No.258/A, BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK BANGALORE, KARNATAKA-560099 321. M/S COFFEE DAY GLOBAL LIMITED NARAYANAHHRUDAYALAYA ONCOLOGY, 7TH FLOOR No.258/A, BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK - 157 - BANGALORE KARNATAKA-560099 322. M/S COFFEE DAY GLOBAL LIMITED NARAYANAHHRUDAYALAYA ONCOLOGY, 5TH FLOOR No.258/A, BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK BANGALORE, KARNATAKA-560099 323. M/S COFFEE DAY GLOBAL LIMITED ODC2Ff21 3RD

BLOCK HBR LAYOUT BANGALORE, KARNATAKA-560043 324. M/S COFFEE DAY GLOBAL LIMITED OXFORD MEDICAL COLLEGE HOSPITAL AND RESEARCH HOSUR ROAD, YADAVANAHALLI ATTIBELE BANGALORE KARNATAKA-562107 325. M/S COFFEE DAY GLOBAL LIMITED PRESIDENCY UNIVERSITY ITGALPU, RAJANAKUNTE YELAHANKA BANGALORE, KARNATAKA-560006 326. M/S COFFEE DAY GLOBAL LIMITED PSK LALBAGH No.45, PRESTIGE LIBRA NEAR URVASHI THEATRE LAL BAGH MAIN ROAD BANGALORE, KARNATAKA-560002 327. M/S COFFEE DAY GLOBAL LIMITED PSK SAI ARCADE, SURVEY NO.56/P DEVARABISANAHALLI MARTHAHALLI OUTER RING ROAD BANGALORE, KARNATAKA-560103 328. M/S COFFEE DAY GLOBAL LIMITED QUINTILES TECHNOLOGIES - 158 - PRESTIGE TECHNOLOGY PARK II (ETAMIN) SURVEY NO.111/1 TO1154, BELLANDUR KHANE VILLAGE OUTER RING ROAD BANGALORE, KARNATAKA-560103 329. M/S COFFEE DAY GLOBAL LIMITED RAJARAJESWARI HOSPITAL NO.202, KAMBIPURA MYSORE ROAD BANGALORE, KARNATAKA-560074 330. M/S COFFEE DAY GLOBAL LIMITED RAJARAJESWARI MEDICAL COLLEGE NO.202, KAMBIPURA MYSORE ROAD BANGALORE, KARNATAKA-560074 331. M/S COFFEE DAY GLOBAL LIMITED RAJARAJESWARI SUPER SPECIALTY HOSP NO.202, KAMBIPURA, MYSORE ROAD BANGALORE, KARNATAKA-560074 332. M/S COFFEE DAY GLOBAL LIMITED RR COLLEGE OF PHARMACY ADITYA LAYOUT MAIN ROAD GUDDADAHALLI BANGALORE, KARNATAKA-560098 333. M/S COFFEE DAY GLOBAL LIMITED SAMSUNG R AND D INSTITUTE INDIA PVT LTD., ORION BUILDING, BAGMANE CONSTELLATION BUSINESS PARK, OUTER RING ROAD BANGALORE, KARNATAKA-560037 334. M/S COFFEE DAY GLOBAL LIMITED SAPTHAGIRI HOSPITAL NO.15, HESARGHATTA MAIN ROAD CHIKKASANDRA, BANGALORE KARNATAKA-560090 335. M/S COFFEE DAY GLOBAL LIMITED SDM INST OF AYURVEDA AND HOSPITAL ANCHEPALYA, KUMBALGODU POST - 159 - MYSORE ROAD, BANGALORE KARNATAKA-560074 336. M/S COFFEE DAY GLOBAL LIMITED SOBHA LIMITED, DEVIN PARADISE ENCLAVE, THANISANDRA MAIN ROAD BANGALORE, KARNATAKA-560077 337. M/S COFFEE DAY GLOBAL LIMITED SPARSH HOSPITAL NO.29/P2, HOSUR ROAD BOMMASANDRA INDUSTRIAL AREA BANGALORE,

KARNATAKA-560099 338. M/S COFFEE DAY GLOBAL LIMITED SYMPHONY EYC INDIA PRIVATE LIMITED SJR I PARK, TOWER-3, FIFTH FLOOR PLOT NO.13, 14 AND15SY NO.143 AND151EPIP ZONE, WHITEFIELD BANGALORE, KARNATAKA-560056 339. M/S COFFEE DAY GLOBAL LIMITED SYMPHONY INCUBATOR BUSINESS SERVICES SJR I PARK TOWER-3, SIXTH FLOOR NO.9, EPIP ZONE, WHITEFIELD BANGALORE, KARNATAKA-560066 340. M/S COFFEE DAY GLOBAL LIMITED TATA ELXSI SERVICES, 9TH FLOOR, CRESCENT4AND TOWER B PRESTIGE SHANTHINIKETHAN WHITEFIELD MAIN ROAD THIGALARAPALYA, HOODI BENGALURU, KARNATAKA-560067 341. M/S COFFEE DAY GLOBAL LIMITED TECH MAHINDRA ELECTRONIC CITY PHASE-2 BANGALORE, KARNATAKA-560100 342. M/S COFFEE DAY GLOBAL LIMITED TESCO HINDUSTAN PVT LTD.-. 160 - NO.81 AND82 EPIP AREA, WHITEFIELD, BANGALORE KARNATAKA-560066 343. M/S COFFEE DAY GLOBAL LIMITED TESCO HINDUSTAN SERVICE CENTRE NO.81 AND82 EPIP AREA WHITEFIELD, BANGALORE KARNATAKA-560066 344. M/S COFFEE DAY GLOBAL LIMITED THE CAMBRIDGE INT SCHOOL SURVEY NO.145/2, 100 FEET ROAD HARLUR KUDLU, BANGALORE KARNATAKA-560068 ... APPELLANTS (BY SHRI SANTHOSH NARAYAN S., ADVOCATE) AND1 THE SECRETARY DEPARTMENT OF LABOUR GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVAN BANNERGHATTA ROAD BANGALORE-560029 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 OF THE LEARNED SINGLE JUDGE PASSED IN WRIT PETITION NOS.8388- 8417/2017 C/W WRIT PETITION NOS.4635-4977/2018, IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E20LMW2017- 161 - DATED3012/2017 [ANNEXURE 'A']. OF THE RESPONDENT NO.1 & ETC. W.A. NOS.2266-2267/2019 BETWEEN1 FEDERATION OF KARNATAKA CHAMBER OF COMMERCE & INDUSTRY P.B.NO.9996, K.G.ROAD BENGALURU REP. BY:

MR.M.LOKARAJ SECRETARY² PRESS TOOLS & ELEMENTS PVT. LTD.
NO.93/8, SUBHADRA SOUTH END ROAD BANGALORE-560004 REP. BY:
MR.TALLAM VENKATESH MANAGING DIRECTOR³ SBEE CABLES (INDIA)
PVT. LTD. NO.29, J.C.INDUSTRIAL ESTATE KANAKAPURA ROAD REP. BY:
MR.M.DASIAH PARTNER⁴ FOOD CREATIONS PVT LTD SY.NO.34,
KACHARAKANAHALLI VILLAGE NADUVATHI POST HOSKOTE TALUK
BANGALORE-560 067 REP. BY: ITS FACTORY MANAGER V. THULASI
MADHAVA NAIDU⁵ INTEGRATED ELECTRICAL CO. PVT. LTD PLOT
NO.497/A, 4TH PHASE PEENYA INDUSTRIAL AREA PEENYA, BANGALORE-
560 058 REP. BY: ITS MANAGING DIRECTOR R. VIJAYARAGHAVAN⁶ SHREE
HARI PRECISION PRODUCTS PVT LTD¹²⁴ 7TH MAIN, 3RD PHASE - 162 -
PEENYA INDUSTRIAL AREA BANGALORE-560 058 REP. BY: ITS MANAGING
DIRECTOR SHAM SUNDER⁷ SHARAVATHI CONDUCTORS PRIVATE LIMITED
NO.23, BANGALORE CO OPERATIVE INDUSTRIAL ESTATE^{6H} MILE, OLD
MADRAS ROAD P.B.NO.1609 BANGALORE-560 016 REP. BY ITS: MANAGING
DIRECTOR KAARDAM PATEL⁸ VIJAYA SEAMLESS CONTAINERS (P) LTD
NO.189, 11TH MAIN, 3RD PHASE PEENYA INDUSTRIAL AREA BANGALORE-
560 058 REP. BY ITS: MANAGING DIRECTOR K.MUKUND⁹ DRAWCANS
PRIVATE LTD NO.380, 10TH CROSS, PHASE-4 PEENYA INDUSTRIAL AREA
BANGALORE-560 058 REP. BY ITS: MANAGING DIRECTOR K.ANAND¹⁰
FITWEL TOOLS AND FORGINGS PVT. LTD PLANT² FAC: No.2 KHT COMPLEX
ANTARASANAHALI TUMKUR-572 106 REP. BY ITS: OFFICE HR,
N.SRIDHAR¹¹ FITWEL TOOLS AND FORGINGS PVT. LTD FAC: No.2, KHT
COMPLEX ANTARASANAHALI TUMKUR-572 106. REP BY ITS OFFICE HR,
N.SRIDHAR - 163 - 12. FINPOWR AIRCON SYSTEMS PVT. LTD PLOT
No.1,2,3,4 INDUSTRIAL AREA BIAKAMPDY, MANGALORE⁵⁷⁵⁰⁵¹ REP. BY
UDAYKUMAR SHENOY PLANT HR AND ADMIN HEAD¹³ KNND ASSOCIATION
PVT LTD KNND HOUSE No.153-166/1 EAST END MAIN ROAD JP NAGAR,
BANGALORE⁵⁶⁰⁰⁷ REP BY ITS ACCOUNTS & FINANCE MANAGER NP
RAVISHANKAR¹⁴ RENEWSYS INDIA PVT. LTD PLOT No.21,22,23,
BOMMASANDRA-JIGNI LINK ROAD INDUSTRIAL AREA, ANEKAL TALUK
BANGALORE-560 105 REP. BY ITS EXECUTIVE DIRECTOR JAYARAM U.K.

15. ESS ENN AUTO CNC (P) LTD # 82, 2ND MAIN, 2ND BLOCK3D STAGE, BASAVESHWARANAGAR BANGALORE56007 REP. BY ITS DIRECTOR ANAND HOSMANE16 VEER-O-METALS PVT LTD PLOT No.124 & 125, PART-1 HAROHALLI INDUSTRIAL AREA HEROHALLI-562112 REP. BY ITS MANAGING DIRECTOR SHAM SUNDER17 VEER-O-METALS PVT LTD A-02, BEL INDUSTRIAL AREA OUTER RING ROAD JALAHALLI, BANGALORE56001 REP. BY ITS MANAGING DIRECTOR SHAM SUNDER18 VEER-O-METALS PVT LTD SITE No.130/139 - 164 - HUSKUR ROAD NAGRUR VILLAGE DASANPUR HOBLI BANGLAORE NORTH56002 REP BY ITS MANAGING DIRECTOR SHAM SUNDER19 VEER-O-METALS PVT LTD SHED No.02, SY. No.51/A HUSKUR ROAD HEGGADADEVANAPURA DASANAPURA HOBLI BANGALORE NORTH56002 REP. BY ITS MANAGING DIRECTOR SHAM SUNDER20 VEER-O-METALS PVT LTD PLOT No.87/A, JIGANI I PHASE INDUSTRIAL AREA, JIGANI ANEKAL TALUK-562106 REP. BY ITS MANAGING DIRECTOR SHAM SUNDER21 SWITCHGEAR AND CONTROL TECHNICS PVT LTD PLOT No.152, BOMMASANDRA INDUSTRIAL AREA, HOSUR ROAD ANEKAL TALUK, BANGALORE-560099 REP. BY ITS DIRECTOR BHAVESH V MEHTA22 G C CABLES AND WIRES INDIA PVT LTD No.170/1, SUBHARAM INDUSTRIAL ESTATE MARSUR GATE POST CHANDAPURA, ANEKAL TALUK BANGALORE56210 REP. BY ITS MANGING DIRECTOR SANDIP RAJNIKANT MEHTA23 ADITYA AUTO PRODUCTS & ENGINEERING (I) PVT LTD PLONT No.13E, KIADB INDUSTRIAL AREA DODDABALLAPURA-561 203 - 165 - REP. BY ITS HR HEAD RAMESH PAI24 SUPRAJIT ENGINEERING LIMITED NO.100, BOMMASANDRA INDL. AREA BANGLAORE-560099. REPRESENTED BY ITS CHIEF FIANNCE OFFICER MEDAPPA GOWDA25 SUPRAJIT AUTOMOTIVE PRIVATE LIMITED NO.25, 26A (PART) KIADB INDUSTRIAL ARA, DODDABALLAPUR-561203. BANGALORE REPRESENTED BY ITS CHIEF FINANCE OFFICER MEDAPPA GOWDA26 BILL FORGE PVT.LTD. UNIT III PLOT NO.7C, KIADB INDUSTRIAL AREA HOSUR ROAD, ATTIBELE ANEKAL TLAUK, BANGLAORE-562105 REPRESENTED BY ITS GM.HR & ADMIN K.CHANDRA SHEKAR27 BILL FORGE PVT.LTD. UNIT II #98L, PHASE II, KIADB INDUSTRIAL AREA JIGANI, ANEKAL TALUK BANGALORE-562106 REPRESENTED BY ITS GM.HR & ADMIN K.CHANDRA SHEKAR28 BILL

FORGE PVT.LTD. UNIT I #9C, BOMMASANDRA INDUSTRIAL AREA ANEKAL TALUK BANGALORE-560099 REPRESENTED BY ITS GM.HR & ADMIN K.CHANDRA SHEKAR29 BILL FORGE PVT. LTD. UNIT VI PLOT NO.86, (M & N) KIADB INDUSTRIAL AREA PHASE I SURVEY #126, JIGANI ANEKAL TALUK, BANGALORE - 166 - REPRESENTED BY ITS GM. HR & ADMIN, K. CHANDRA SHEKAR30 HYDROLINES NO.497/C, IV PHASE PEENYA INDUSTRIAL AREA BANGALORE-560058 REPRESENTED BY ITS PARTNER DEEPAK SETHI31 HYDROLINES INDIA KIADB BLOCK2 INDUSTRIAL AREA GARAG ROAD, MUMMIGATTI DHARWAD-580007 REPRESENTED BY ITS PARTNER DEEPAK SETHI32 GOLDEN PROFILES #485/5, 14TH CROSS, 4TH PHASE PEENYA INDUSTRIAL AREA BANGALORE-560058 REPRESENTED BY ITS PARTNER DEEPAK SETHI33 SANSERA ENGINEERING LTD NO.261-C, BOMMASANDRA INDUSTRIAL AREA BANGALORE-560099 REPRESENTED BY T.P MADHUSUDHAN ASST.GEN.MANAGER HR34 JAP ENGINEERING NO.B-14, BEL INDUSTRIAL ESTATE JALAHALLI, BANGALORE - 560 013 REPRESENTED BY ITS PARTNER PRANEETH KUMAR35 TELECRAFT INDUSTRIES PVT.LTD NO.22, I.T.I.INDUSTRIAL ESTATE MAHADEVAPURA BANGALORE-560048 REPRESENTED BY ITS MANAGING DIRECTOR J.D.HEGDE - 167 - 36. SIDERFORGEROSSI INDIA PRIVATE LIMITED NO.82, BELAGOLA INDUSTRIAL AREA5H MILE, KRS ROAD, MERAGATTI POST, MYSORE - 570016 REPRESENTED BY ITS MANAGING H.R. PRAVEEN K.S.

37. SUPRAVENI CHEMICALS PVT LTD8178C2, II CROSS KIADB INDUSTRIAL AREA KADGOUDI, OFF WHITEFIELD ROAD BANGALORE - 560067 REPRESENTED BY ITS ACCOUNT OFFICER A. ERANNA ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIEMATH, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560 001 BENGALURU CITY2 THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560 029 BENGALURU CITY3 PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560 003 BENGALURU CITY4 PRESIDENT BHARATIYA MAZDOOR - 168 - SANGHA (BMS) NO.458, OTC ROAD COTTONPET BANGALORE-560053 5. GENERAL SECRETARY CITU, NO.40/5,

2ND B MAIN ROAD, 16TH CROSS SAMPANAGIRAMA NAGARA BANGALORE-560027 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED 29.03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. No.11452 & 11921-11925/2018 (L-MW), W.P. No.11453 & 11926- 11972/2018, W.P. No.17155-17172/2018, W.P. NO.28470 & 31125-31145/2018, W.P. NO.8653-8657/2018, W.P. No.35936/2018 & 38897-38899/2018, W.P. NO.15285-15287/2018, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED 30.12.2017 ISSUED BY THE FIRST RESPONDENT IN NO.KE27LMW2017 AND ETC. W.A. No.2272/2019 & W.A. NOS.2918-2972/2019 BETWEEN 1 FEDERATION OF KARNATAKA CHAMBER OF COMMERCE & INDUSTRY P.B.NO.9996, K.G.ROAD REPRESENTED BY MR M. LOKARAJ SECRETARY 2 B.DEVAIAH SETTY SILKS & SAREES # 585, 1ST FLOOR KANTHARAJ PLAZA AVENUE ROAD - 169 - BANGALORE-560002 REPRESENTED BY: ANUP P DEVAIAH , THE PARTNERS 3 B.DEVAIAH SETTY SILKS #585, 2ND FLOOR KANTHARAJ PLAZA AVENUE ROAD BANGALORE-560002 REPRESENTED BY: ANUP P DEVAIAH, THE PARTNERS 4 JMD ELECTONIC CO. NO.21, KAILASH BUILDING KODICHIKKANAHALLI MAIN ROAD BOMMANAHALLI , BANGALORE -560068 REPESENTED BY PROPRIETOR VIRAINDRA SHARMA 5 ECOM EXPRESS (P) LTD # 13 AND 14 ROYAL CHAMBERS DODDA BANASAWAI OUTER RING ROAD NEAR VIJAYA BANK COLONY BANGALORE-560043 REPRESENTED BY ITS AUTHORISED SIGNATORY MR. GAHRAR NANDA 6 MAL ASSET MANAGEMENT ENTERPRISES RMZ LATITUDE -COMMERCIAL NO.69, BELLARY ROAD, HEBBAL BANGALORE-560024 REPRESENTED BY ITS PARTNER ALAGAPPA 7 VARDHAMAN PHARMA DIST. PVT. LTD NO.38, K H CIRCLE HOSUR ROAD (OPP LALBHAG DOUBLE ROAD GATE) BENGALURU-560027 REPRESENTED BY ITS H.R. MANAGER MR. SARFARAZ - 170 - 8. FOCUS MEDISALES PRIVATE LIMITED NO.44, 44/1, 1ST, 2ND AND 3D FLOOR 6H CROSS, HOSUR

MAIN ROAD WILSON GARDEN BANGALORE-560027 REPRESENTED BY ITS H.R. MANAGER MR. SARFARAZ MANAGING DIRECTOR⁹ SRINIVASA MEDISALES PRIVATE LIMITED # 40, DOUBLE ROAD, K.H. CIRCLE BANGALORE-560027 REPRESENTED BY ITS H R MANAGER MR. SARFARAZ MANAGING DIRECTOR¹⁰ FEATHERLITE OFFICE SYSTEMS (P) LTD SURVEY NO.83 AND⁸⁶¹ BANGALORE-MYSORE ROAD HEJJALA CIRCLE, HEJJALA BIDADA HOBLI, RAMANAGARA-562109 REPRESENTED BY AUTHORISED SIGNATORY MS NIKITA GOSWAMI¹¹ PRAKASH RETAILS PVT. LTD AMBALAPADY POST OFFICE UDUPI DIST-576103 REPRESENTED BY ITS MD SURYA PRAKASH ... APPELLANTS (BY SHRI PRAVEENKUMAR HIEMATH, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BANGALORE-560001 BENGALURU CITY² THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA - 171 - KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029 BENGALURU CITY³ PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO²⁷⁶TH CROSS⁴H MAIN MALLESHWARAM BANGALORE-560003 BENGALURU CITY⁴ PRESIDENT BHARATIYA MAZDOOR SANGHA(BMS) NO.458, OTC ROAD COTTONPET BANGALORE-560053 5. GENERAL SECRETARY CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS SAMPANGIRAMA NAGARA BANGALORE-560027 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S⁴OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED²⁹03/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.35939/2018, 39792/2018, 39794/2018, 39807/2018, 18482/2018, 18483/2018, 18496/2018,18497/2018, 18498/2018, 18503/2018 & 37054/2018, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED³⁰12/2017 ISSUED BY THE FIRST RESPONDENT IN NO.KAA E20LMW 2017 ANNEXURE-A)& ETC.-. 172 - W.A. NOS. 2280-2281/2019 BETWEEN¹KARNATAKA SMALL SCALE INDUSTRIES ASSOCIATION (KASSIA) NO.2/106,

17TH CROSS MAGADI CHORD ROAD VIJAYANAGAR BENGALURU - 560 040 REPRESENTED BY ITS HONORARY GENERAL SECRETARY SRI. RAVIKIRAN KULKARNI² M/S HERMES LABORATORIES PVT. LTD. C-31, 32 & B -10 2ND CROSS, KSSIDC INDUSTRIAL SHED VEERAPURA DODDABALLPUR - 562 163 NOW REPRESENTED BY ITS DIRECTOR SRI. SOHAN KUMAR S MAHALE ... APPELLANTS (BY SHRI S.N. MURTHY, SENIOR COUNSEL FOR SHRI SOMASHEKAR, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE - 560 001.

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE - 560 029 BENGALURU CITY³ PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS, 4TH MAIN, - 173 - MALLESHWARAM BANGALORE - 560 003 BENGALURU CITY⁴ BHARATIYA MAZDOOR SANGHA (BMS) No.458, OTC ROAD, COTTONPET BANGALORE - 560 053 REPRESENTED BY ITS PRESIDENT⁵ CITU No.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMA NAGARA BANGALORE - 560 027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S⁴OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED²9/03/2019 OF THE LEARNED SINGLE JUDGE INsofar as NOT INTERFERING WITH OTHER LEGAL ASPECTS AND QUANTUM OF MINIMUM WAGES FIXED IN THE IMPUGNED NOTIFICATION BEARING NO.KAA E8 LMW 2017 DATED³30/12/2017(ANNEXURE 'A' IN WP) OF THE RESPONDENT NO.1 PASSED IN W.P.NOS.33836/2018 & 33840/2018 (L-MW) & ETC. W.A. No.2465/2019 & W.A. NOS.2928-2937/2019 BETWEEN¹ FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE AND INDUSTRY P B NO.9996 KEMPEGOWDA ROAD BENGALURU-560009 REPRESENTED BY ITS

SECRETARY MR. M. LOKARAJ - 174 -

2. M/S KARNATAKA SPONGE AND IRON MANUFACTURERS ASSOCIATION P-33, FIRST FLOOR OPP. BPCL PETROL BUNK SANJAY GANDHI NAGAR BELLARY-583104 REPRESENTED BY ITS PRESIDENT SRI POLISETTY VENKATA SRINIVASA RAO³ M/S YESHASVI STEELS & ALLIED PVT LTD SY NO.405, 406, 407 PB NO.4, COWL BAZAR HALKUNDI VILLAGE, BELLARY REPRESENTED BY ITS PLANT INCHARGE SRI TUKARAM NORA⁴ M/S SLD STEELS PVT LTD MOKA ROAD BELLARY REPRESENTED BY ITS DIRECTOR SRI E SRINIVASA⁵ M/S SHIRDI SAI STEELS PVT LTD HALKUNDI VILLAGE BELLARY REPRESENTED BY ITS MANAGING DIRECTOR SRI E SRINIVASA⁶ M/S RAYEN STEEL PVT LTD SY NO.115-D, 115-E HARAGINADONI ROAD VENI VEERPUR CROSS BELLARY REPRESENTED BY ITS MANAGING DIRECTOR SRI GATTU RAMU⁷ M/S RANGINENI STEELS PVT LTD SY NO.286 B, SIDAPUR MAIN ROAD HALKUNDI VILLAGE BELLARY REPRESENTED BY ITS DIRECTOR KATAKAM YELLAH - 175 -

8. M/S MAHAMANAV ISPAT PVT LTD SY NO.81A, 82A, TUMPI ROAD BELLARY-583115 REPRESENTED BY ITS DIRECTOR SRI BELLAM KONDA VENKATA SURESH⁹ M/S SHREE VENKATESHWARA SPONGE AND POWER PVT LTD. SY NO.403, HALKUNDI VILLAGE BENGALURU ROAD BELLARY-583102 REPRESENTED BY ITS DIRECTOR SRI G ARUNENDAR¹⁰ M/S SATVIJAY PRAGATI STEEL UDYOG PVT LTD SY NO.34/4C, 37A & 37B HARUVANAHALLI VILLAGE NH-13, HOSPET, HKOODIGE ROAD BELLARY DISTRICT-583222 REPRESENTED BY ITS DIRECTOR SRI SANTOSH S¹¹ M/S KARNATAKA INSTRUMENTS²⁵⁹ INDUSTRIAL ESTATE PEENYA^{2D} STAGE BENGALURU-560058 REPRESENTED BY ITS PARTNER SRI GAUTAM HAZARA ... APPELLANTS (BY SHRI PRAVEENKUMAR HIEMATH, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUHDA BENGALORE-560 001

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA - 176 - BANNERGHATTA ROAD BANGALORE-560 029

3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560 003

4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGALORE-560 053 REP. BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD, 16TH CROSS SAMPANGIRAMA NAGARA BANGALORE-560 027 REP. BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL JUDGEMENT DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.43943/18, 42893/18, 42894/18, 42895/18, 42896/18, 42897/18, 42898/18, 42899/18, 42900/18, 42903/18 AND4290418, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED2902/2016 ISSUED BY THE FIRST RESPONDENT IN NO.KAE17LMW2017[ANNEXURE-A IN WP].. W.A. No.2466/2019 BETWEEN1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE AND INDUSTRY - 177 - P.B. NO.9996, KEMPEGOWDA ROAD BENGALURU-560009 REPRESENTED BY ITS SECRETARY MR M LOKARAJ2 ARON UNIVERSAL LIMITED NO.25/1, 2ND PHASE JIGANI INDUSTRIAL AREA BANGALORE-560105 REPRESENTED BY COF MR. SUNIL VARGHESE3 LABORATORIES DAFFODIL PVT. LTD. 34, BALKMPADY INDUSTRIAL AREA MANGALORE-575011 KARNATAKA REPRESENTED BY ITS MANAGING DIRECTOR MR DAMODAR A S4 EVEREADY INDUSTRIES INDIA LTD POWER CELL DIVISION71 A (PART), KIADB INDUSTRIAL AREA SOMANAHALLI, MADDUR-571428 DIST: MANDYA KARNATAKA REPRESENTED BY SENIOR GM MR BVS MURTHI5 SAVA HEALTH CARE LIMITED107109, KIADB3D PHASE INDUSTRIAL AREA MALUR-KOLAR DISTRICT-563160 KARNATAKA REPRESENTED BY ITS SIGNATORY MR MADHUSUDHANA REDDY6 P J MARGO PVT. LTD. 344/8, 4TH MAIN SADASHIV NAGAR BANGALORE-560080 REPRESENTED BY ITS SR. MANAGER, MR NMS BABU - 178 -

7. MARGO BIO CONTROLS PVT LTD³448, 4TH MAIN, SADASHIV NAGAR BANGALORE-560080 REPRESENTED BY ITS SR. MANAGER MR. NMS BABU ... APPELLANTS (BY SHRI PRAVEENKUMAR HIEMATH, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUHDA BANGALORE-560 001 BENGALURU CITY² THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560 029 BENGALURU CITY³ PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560 003 BENGALURU CITY⁴ BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGALORE-560 053 REP BY ITS PRESIDENT⁵ CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560 027 REP BY GENERAL SECRETARY. ... RESPONDENTS - 179 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION⁴OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED²⁹03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.35936/2018 C/W3889738899/2018 (L-MW), W.P. NO.17936/2018 C/W185382018 (L-MW), W.P.NO.13221-13230/2018 (L-MW) AND W.P. NO.28473/2018 C/W3114831155/2018 (L-MW), IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED³⁰12.2017 ISSUED BY THE FIRST RESPONDENT IN KAA E8LMW 2017 AND ETC. W.A. No.2467/2019 BETWEEN¹ AMRUT DISTILLERIES PVT. LTD., 7TH FLOOR, JNR CITY CENTER NO.30, RAJARAM MOHANRAOY ROAD BENGALURU-560027 REPRESENTED BY ITS COMPANY SECRETARY VISHWANATHAN.^{K2} VORION DISTILLERIES INC NO.64, 3RD FLOOR, BLUMOON COMPLEX M G ROAD, BENGALURU⁵⁶⁰⁰⁰ REPRESENTED BY ITS MANAGING PARTNER H.N. RAGHAVENDRA³ SARVADA DISTILLERIES NO.64, 3RD FLOOR, BLUMOON COMPLEX M.G. ROAD, BENGALURU⁵⁶⁰⁰⁰ REPRESENTED BY ITS MANAGING PARTNER H.P. DARSHAN⁴ SRI LAKSHMINARASIMHA

DISTILLERIES PVT LTD NO.219/11, 4TH FLOOR, J.P.CORP - 180 - BELLARY ROAD, SADASHIVANAGAR BENGALURU-560080 REPRESENTED BY ITS DIRECTOR J.P.SUDHAKAR⁵ J.P. DISTILLERIES PVT LTD CORPORATE OFFICE J.P.CORP NO.219/11, 4TH FLOOR, J.P.CORP BELLARY ROAD, SADASHIVANAGAR BENGALURU-560080 REPRESENTED BY ITS DIRECTOR J.P.SUDHAKAR⁶ UNISTIL ALCO BLENDS PVT LTD B.M. ROAD SOLUR, MAGADI TALUK RAMANAGAR DIST RAMANAGAR-562127 REPRESENTED BY ITS DIRECTOR B HARENDER NAIDU⁷ JOHN DISTILLERIES PVT LTD #110, PANTHARAPALYA MYSORE ROAD BENGALURU-560039 REPRESENTED BY ITS DIRECTOR N KRISHANAN ... APPELLANTS (BY SHRI PRAVEENKUMAR HIREMATH, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU-560 001.

2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVAN BANNERGHATTA ROAD BENGALURU-560 029 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) - 181 - THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED 29.03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NOS.13688 TO 13704/2017 (L-MW), IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION NO.KE/12 LMW 2015 DATED 16.07.2016 ISSUED BY THE FIRST RESPONDENT AND ETC. W.A. No.2468/2019 1. FEDERATION OF KARNATAKA CHAMBER OF COMMERCE & INDUSTRY P.B.NO.9996, K G ROAD BANGALORE-560 009 REPRESENTED BY ITS SECRETARY MR M. LOKARAJ² THE SOUTH INDIAN PLYWOOD MANUFACTURERS ASSOCIATION NO.1 & 2, 5TH MAIN INDUSTRIAL ESTATE YADAVAGIRI MYSURU-570020 REPRESENTED BY ITS PRESIDENT SRI SIRAJ ASGAR ALI³ KANARA WOOD & PLYWOOD INDUSTRIES LIMITED P.B. NO.566, JEPPU MANGALURU-575002 REPRESENTED BY ITS DIRECTOR SRI YENAPOYA ABDULLA JAVEED⁴ THE KARNATAKA PLYWOOD MANUFACTURERS ASSOCIATION THUMBAY ARCADIA, 8TH FLOOR FALNIR JUNCTION MANGALURU-575001 REPRESENTED BY ITS PRESIDENT SRI

BOLAR ABDUL SALAM⁵ HUNSUR PLYWOOD WORKS PRIVATE LIMITED
POST BOX NO.2, B.M. ROAD - 182 - HUNSUR-571105 REPRESENTED BY ITS
DIRECTOR SRMOIZ S VAGH ... APPELLANTS (BY SHRI PRAVEENKUMAR
HIEMATH, ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT
GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001
BENGALURU CITY² THE LABOUR COMMISSIONER GOVERNMENT OF
KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-
560029 BENGALURU CITY³ PRESIDENT ALL INDIA TRADE UNION
CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM
BANGALORE-560003 BENGALURU CITY⁴ BHARATIYA MAZDOOR SANGHA
(BMS) NO.458, OTC ROAD, COTTONPT BANGALORE-560053 REPRESENTED
BY ITS PRESIDENT⁵ CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS,
SAMPANGIRAMA NAGARA BANGALORE-560027 REPRESENTED BY
GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH
POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR
R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH,
ADVOCATE FOR R5) - 183 - THIS WRIT APPEAL IS FILED UNDER
SECTION⁴OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED²⁹03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.
NO.15288- 15293/2018, IN SO FAR AS IT UPHOLDS THE VALIDITY OF
MINIMUM WAGE NOTIFICATION DATED³⁰12.2017 ISSUED BY THE FIRST
RESPONDENT IN NO.KAA E9LMW 2017 AND ETC. W.A. NO.2546/2019
BETWEEN M/S SRI CHAMUNDESWARI SUGARS LIMITED No.88/5 RICHMOND
ROAD, BANGALORE - 560 025 REPRESENTED BY ITS PRESIDENT MR. K R
NACHIAPPAN ... APPELLANT (BY SHRI SANTHOSH NARAYAN S.,
ADVOCATE) AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT
OF KARNATAKA VIKASA SOUDHA BANGALORE - 560 001 2. THE LABOUR
COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVAN
BANNERGHATTA ROAD BANGALORE - 560 029 3. THE PRESIDENT ALL
INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN
MALLESHWARAM BANGALORE - 560 003 4. THE PRESIDENT BHARATIYA

MAZDOOR SANGHA (BMS) - 184 - NO.458, OTC ROAD, COTTONPET BANGALORE - 560 053 5. THE GENERAL SECRETARY CENTRE OF INDIAN TRADE UNIONS (CITU) #40/5, 2ND B MAIN ROAD, 16TH CROSS, SAMPANGIRAMANAGAR BENGALURU - 560 027. ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI SATHEESH K.N., ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 OF THE LEARNED SINGLE JUDGE PASSED IN WRIT PETITION NOS.28472/2018 C/W37051 37061/2018 IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E20LMW 2017 DATED3012/2017 [ANNEXURE 'A']. OF THE RESPONDENT NO.1 & ETC. W.A. No.2547/2019 BETWEEN M/S SRI CHAMUNDESWARI SUGARS LIMTIED K.M. DODDI, BHARATHI NAGAR MADDUR TALUK MANDYA DISTRICT-571422 REPRESENTED BY ITS PRESIDENT MR K.R. NACHIAPPAN ... APPELLANT (BY SHRI SANTHOSH NARAYAN S., ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560 001 - 185 - 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA, BANNERGHATTA ROAD BANGALORE-560 029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27 6TH CROSS, 4TH MAIN MALLESHWARAM, BANGALORE-560 003 4. THE PRESIDENT BHARATIYA MAZDOOR SANGHA (BMS) No.458, OTC ROAD COTTONPET, BANGALORE-560 053 5. THE GENERAL SECRETARY CENTRAL OF INDIAN TRADE UNIONS (CITU) NO.40/5, 2ND "B" MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560 027 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED 29/03/2019 OF THE LEARNED SINGLE JUDGE PASSED IN WRIT PETITION NOS.30330-30335/2018 IN SO FAR AS NOT INTERFERING WITH OTHER LEGAL ASPECTS OF IMPUGNED NOTIFICATION BEARING NO.KAA E20LMW 2017 DATED 30/12/2017 [ANNEXURE 'A']. OF THE RESPONDENT NO.1 & ETC. W.A. NOS.2656-2659/2019 BETWEEN 1 M/S. ENTOMA WAREHOUSE (UNIT OF M/S ADITYA BIRLA - 186 - FASHION & RETAIL LIMITED) SURVEY No.60/1 SRINARAYANA BUILDING BOMMANAHALLI BANGALORE - 560068 REPRESENTED BY HEAD-COMPLIANCE BHARATH KVN2 M/S ATTIBELE WAREHOUSE (UNIT OF M/S ADITYA BIRLA FASHION & RETAIL LIMITED) SURVEY NO528 527 ATTIBELE ANEKAL ROAD ADJACENT TO DHLWARE HOUSE MAYASANDRA VILLAGE ATTIBELE HOBLI BANGALORE - 562107 REPRESENTED BY HEAD-COMPLIANCE BHARATH KVN3 M/S HOSKOTE WAREHOUSE (UNIT OF M/S ADITYA BIRLA FASHION & RETAIL LIMITED) SURVEY NO32& 33, SAIKYA ROAD KACHAREKANAHALLI VILLAGE HOSKOTE - 560067 REPRESENTED BY HEAD-COMPLIANCE BHARATH KVN4 M/S E-COM WAREHOUSE (UNIT OF M/S ADITYA BIRLA FASHION & RETAIL LIMITED) KRUPA GODOWN SY NO21 THIRUMALASHETTY HALLI VILLAGE, ANUGONDANAHALLI HOSKOTE TALUK BENGALURU RURAL DISTRICT - 560067 REPRESENTED BY HEAD-COMPLIANCE BHARATH KVN ... APPELLANTS (BY SHRI KESTHUR N. CHENDRA SHEKHER, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BANGALORE - 560001 - 187 - 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD, BANGALORE - 560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO27 6TH CROSS 4H MAIN, MALLESHWARAM BENGALURU - 560003 4. BHARATIYA MAZDOOR SANGHA (BMS) NO458 OTC ROAD COTTONPET, BANGALORE - 560053 REPRESENTED BY ITS PRESIDENT 5 CITU NO405, 2ND B MAIN ROAD 16H CROSS, SAMPANIGIRAMA NAGARA, BANGALORE - 560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE

WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT
PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

IN PARAS11 12, 13, 14 AND15OF THE JUDGEMENT AND

ORDER

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WP
NOS.24108-24111/2018 & ETC. W.A. NO.2667/2019 BETWEEN HEALTHIUM
MEDTECH PVT. LTD (FORMERLY SUTURES INDIA PVT. LTD) 472/D, 13TH
CROSS, 4TH PHASE PEENYA INDUSTRIAL AREA - 188 - BENGALURU -
560058 REPRESENTED BY ITS CFO AND COMPANY SECRETARY NOW REP.
BY ITS GENERAL MANAGER-HR ... APPELLANT (BY SHRI K.
RAMACHANDRAN, ADVOCATE FOR SHRI M.R.C. RAVI, ADVOCATE) AND1
THE SECRETARY TO GOVERNMENT DEPARTMENT OF LABOUR
GOVERNMENT OF KARNATAKA BENGALURU-560001 2. THE LABOUR
COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA
BANEERGHATTA ROAD BENGALURU-560029 ... RESPONDENTS (BY SHRI I.
THARANATH POOJARI, AGA FOR R1 & R2) THIS WRIT APPEAL IS FILED
U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE

ORDER

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT
PETITION NO.11647/2018 (L-MW) & ETC. W.A. NO.2683/2019 BETWEEN NEO
FOODS PRIVATE LIMITED A COMPANY REGISTERED UNDER THE
COMPANIES ACT HAVING ITS REGISTERED OFFICE AT: NITON, No.11 E
BLOCK GROUND FLOOR, PALACE ROAD BENGALURU560005 AND ALSO ITS
FACTORY AT PLOT No.107/108121 & 122 - 189 - KIADB INDUSTRIAL AREA,
ANTHARASANAHALI TUMKUR-572106, KARNATAKA REPRESENTED BY ITS
AUTHORISED SIGNATORY MR. RAVI KUMAR C ... APPELLANT (BY SHRI
NIKHILESH RAO M., ADVOCATE) AND1 STATE OF KARNATAKA
REPRESENTED BY THE SECRETARY DEPARTMENT OF LABOUR VIKASA
SOUDHA BENGALURU-560001 2. THE LABOUR COMMISSIONER
GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA

ROAD BENGALURU-560029 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THIS WRIT APPEAL IS FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED

ORDER

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.40568/2017 IN SO FAR AS IT UPHOLDS THE VALIDITY OF NOTIFICATION BEARING NO.KAE-11-LMW-2015, BENGALURU DATED1609/2016 ISSUED BY RESPONDENT NO.1. & ETC. W.A. No.2745/2019 BETWEEN MANGALORE ELECRICITY SUPPLY CO. LTD., ATTAVARA, MANGALORE REPRESENTED BY THE SUPERINTENDING ENGINEER (ELECL.) ... APPELLANT (BY SHRI B.C. PRABHAKAR, ADVOCATE) - 190 - AND1 SENIOR LABOUR INSPECTOR DEPARTMENT OF LABOUR, PUTTURU CIRCLE PUTTURU2 AUTHORITY UNDER THE MINIMUN WAGES ACT1948D.K. SUB DIVISION-II MANGALORE3 MR. SUNDARA GOWDA CONTRACTOR, JYOTHI ELECTRICALS UPPINAGADI, PUTTUR TALUK4 SUNDARA SHETTY CONTRACTOR, RAJESH ELECTRICAL, RAJDHANI TOWER UPPINANGADI, PUTTUR TALUK DIST. DAKSHINA KANNADA5 GANESH PRABHU CONTRACTOR, SRI DURGA POWER SYSTEM MANCHI BANTWALA TALUK DIST: DAKSHINA KANNADA6 JAGADEESHA CONTRACTOR, J C ELECTRICALS CHLILPAR, DODDATHOTA SULLA, DIST: DAKSHINA KANNADA7 JAMES J MARTHA CONTRACTOR, M/S J.M. ELECTRICALS COURT ROAD, PUTTUR.

8. SRI PIYOOS CONTRACTOR, M/S LEVIN ELECTRTLICs BY PASS ROAD, BANTWALA DIST: DAKSHINA KANNADA9 SULAIMAN CONTRACTOR - 191 - M/S KARNATAKA TECHNICAL POWER COMPANY KALLADKA BANTWALA DIST: DAKSHINA KANNADA ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2) THIS WRIT APPEAL FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE PORTION OF THE

ORDER

DATED2903/2019 i.e., [TO THE EXTENT OF CONFIRMING THE NOTIFICATION PERTAINING TO UNSCHEDULED EMPLOYMENTS]. PASSED BY THE

LEARNED SINGLE JUDGE IN WP NOS.39940-48/2010 [L-MW]. AND ALLOW THE WRIT PETITION FILED BY THE APPELLANT. W.A. No.2778/2019 & W.A. NOS. 2913-2915/2019 BETWEEN1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE & INDUSTRY P.B. 9996, KEMPEGOWDA ROAD BANGALORE56000 REPRESENTED BY ITS SECRETARY MR. M. LOKARAJ2 REITZEL INDIA PRIVATE LIMITED PLOT No.98-99 KIADB INDUSTRIAL AREA ANCHEPALYA VILLAGE KUNIGAL-572 13 REPRESENTED BY ITS AUTHORISED SIGNATORY S. N. MOHAN KUMAR3 INNOVA DIESEL GENERATORS PVT. LTD. REGD. OFFICE #61/1 12TH CROSS MAHALAKSHMI LAYOUT BANGALORE-560 086 REPRESENTED BY ITS DIRECTOR MR. PRASHANTH SHETTY - 192 - 4. PROFESSIONAL DIESEL POWER ENGINEERS HEAD OFFICE1611 12TH CROSS MAHALAKSHMI LAYOUT BANGALORE-560 086, REPRESENTED BY ITS PROPRIETOR MR. PANKAJ S ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIEMATH, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALRUU-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVAN BANNERGHATTA ROAD BENGALURU-560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) No.27, 6TH CROSS4H MAIN, MALLESHWARAM BENGALURU-560003 4. BHARATIYA MAZDOOR SANGHA No.458, OTC ROAD, COTTONPET, BENGALURU-560053 REP. BY ITS PRESIDENT5 CITU No.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU56002 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS - 193 - (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WP NOS.19589/17, 19590/17, 19592/2017 & 19593/2017 IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED1609/2016 ISSUED BY THE FIRST RESPONDENT IN NO.KAA

E13LMW2015 ANNEXURE-C & ETC. W.A. No.2779/2019 & W.A. NOS. 2898-2900/2019 BETWEEN1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE & INDUSTRY P.B. 9996, KEMPEGOWDA ROAD BANGALORE-560009 REPRESENTED BY ITS SECRETARY MR. M. LOKARAJ2 M/S BRUHAT BANGALORE HOTELS ASSOCIATION # 87, SHRESTA BHOOMI UNIT No.307, 3RD FLOOR K.R. ROAD, BANGALORE-560004 REPRESENTED BY ITS SECRETARY MR. SUBRAMANYA HOLLA S3 M/S HOTEL SHEETAL S.C. ROAD ANANDA RAO CIRCLE BANGALORE-560009 REPRESENTED BY ITS PARTNER MR A. PRABHAKAR RAO4 BALLAL TOURIST HOTEL (P) LTD. #4, MAGRATH ROAD NEW NO.74/4, 3RD CROSS - 194 - RESIDENCY ROAD BANGALORE-560025 REPRESENTED BY ITS MANAGING DIRECTOR MR K. JAYAVARMARAJ BALLAL ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIREMATH, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU-560001 2. THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD, BENGALURU-560029 3. PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC), No.27, 6TH CROSS, 4TH MAIN, MALLESHWARAM BENGALURU-560003 4. BHARATIYA MAZDOOR SANGHA No.458, OTC ROAD COTTONPET, BENGALRU-560053 REPRESENTED BY ITS PRESIDENT5 CITU No.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA, BENGALURU560002 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) - 195 - THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.17341/2017, 17342/2017, 17347/2017 AND WP NO.17363/2017 IN SO FAR AS IT UP HOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED1609/2016 ISSUED BY THE FIRST RESPONDENT IN NO.KAA E18LMW 2015 ANNEXURE -B IN WP & ETC. W.A. No.2814/2019 BETWEEN1

FEATHERLITE COLLECTIONS #16-A, MILLRS ROAD, VASANTH NAGAR, BANGALORE-560052 REPRESENTED BY MS. NIKITA GOSWAMI² ASHWIN PRECISION PRODUCTS PRIVATE LIMITED A-158, 3RD CROSS PEENYA INDUSTRIAL ESTATE BANGALORE-560058 REPRESENTED BY: ASHWIN BABU³ INNOVA DIESEL GENERATORS PRIVATE LIMITED #163, GROUND FLOOR¹²H CROSS OPP. ANJANEYA TEMPLE MAHALAKSHMI TEMPLE, BANGALORE-560086 REPRESENTED BY MR. PRASHANTHA SHETTY, DIRECTOR⁴ PROFESSIONAL DIESEL POWER ENGINEERS BRANCH OFFICE #163, GROUND FLOOR, 12TH CROSS OPP. ANJANEYA TEMPLE MAHALAKSHMI TEMPLE, BANGALORE-560086 REPRESENTED BY MS. PANKAJA ADMIN-MANAGER ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIREMATH, ADVOCATE) - 196 - AND¹ THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560001 BENGALURU CITY² THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029 BENGALURU CITY³ PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESHWARAM BANGALORE-560003 BENGALURU CITY⁴ PRESIDENT BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD COTTONPET BANGALORE-560053 5. GENERAL SECRETARY CITU NO.40/5, 2ND B MAIN ROAD¹⁶H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560027 ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION⁴OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED²⁹03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO.8388/2017 (L-MW), IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM - 197 - WAGE NOTIFICATION DATED³⁰12.2017 ISSUED BY THE FIRST RESPONDENT IN No.KE18LMW 2017 ND ETC. W.A. NOS. 2823-2831/2019 BETWEEN¹ FEDERATION OF KARNATAKA CHAMBERS COMMERCE & INDUSTRY P.B. NO.9996, KEMPEGOWDA ROAD

BENGALURU-560009 REPRESENTED BY ITS SECRETARY MR M. LOKARAJ2
TEKNIC ELECTROMECHANICS PVT. LTD. NO.93, ELECTRONICS CITY
HOSUR ROAD, BANGALORE-560100 REPRESENTED BY ITS SENIOR
MANAGER MR KERIYAPPA THIPPE3 FEATHERLITE PRODUCTS PVT LTD
UNIT-III, SY NO.18, 19/1 CHOKKANAHALLI VILLAGE ARAKERE GRAMA
PANCHAYAT RAJANKUTTE POST BANGALORE-561263 REPRESENTED BY
ITS NOW SR. MANAGER4 INDO-SPANISH TASTY FOODS PVT. LTD. SREE
VENKATESHWARA NILAYA HOUSING BOARD, KUNIGAL TUMKUR-571230
REPRESENTED BY ITS MANAGER MR. JAGADISHTIMMANNA NAIK5 SREE
SITARAGHAVA VAIDYASALA PB NO.235, CHAMARAJA DOUBLE ROAD
MYSORE-570024 REPRESENTED BY ITS AUTHORISED SIGNATORY MR.
S.SRIRAM6 VISHAAL NATURAL FOOD PRODUCTS (I) PVT LTD S.NO.26/1, G.
NAGENAHALLI KASABA HOBLI - 198 - KORATAGERE TALUK TUMKUR
DISTRICT REPRESENTED BY ITS MANAGING DIRECTOR MR.
MADHUSUDHAN P S7 INSTRUMENTS INDIA B-8, ITI ANCILLARY INDUSTRIAL
ESTATE MAHADEVAPURA BANGALORE-560048 REPRESENTED BY ITS
PROPRIETOR MR B.S. SATYAPRASAD8 KOELEMANN INDIA PVT. LTD. NO.99,
4TH CROSS, 2ND MAIN, 1ST BLOCK KORAMANGALA BANGALORE-560034
NOW REPRESENTED BY MR. KRISHNA BHAT9 NATURAL REMEDIES PVT.
LTD. PLOT NO.5B, VEERASANDRA INDUSTRIAL AREA19K.M. STONE HOSUR
ROAD BANGALORE-560 100 NOW REPRESENTED BY ITS MANAGING
DIRECTOR MR ANURAG AGARWAL ... APPELLANTS (BY SHRI PRAVEEN
KUMAR HIREMATH, ADVOCATE) AND1 THE SECRETARY LABOUR
DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA
BANGALORE-560001 BENGALURU CITY2 THE LABOUR COMMISSIONER
GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA
ROAD - 199 - BANGALORE-560029 BENGALURU CITY3 PRESIDENT ALL
INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN
MALLESHWARAM BANGALORE-560003 BENGALURU CITY4 BHARATIYA
MAZDOOR SANGHA (BMS) NO.458, OTC ROAD COTTONPET, BENGALURU-
560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN
ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU-560027
REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I.

THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THESE WRIT APPEALS ARE FILED U/S4OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED FINAL JUDGEMENT DATED2903/2019 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NOS.17301/2017, 17303/2017, 17305/2017, 17317/2017, 17320/2017, 17325/2017, 17328/2017, 17331/2017 & 17336/2017, IN SO AR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED2902/2016 ISSUED BY THE FIRST RESPONDENT IN NO.KAA E123LWA2015[ANNEXURE-C].. W.A. No.2909/2019 BETWEEN1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE & INDUSTRY - 200 - P.B NO.9996, KEMPEGOWDA ROAD BENGALURU-560009 REPRESENTED BY ITS SECRETARY MR M LOKARAJ2 HORIZON PACKS PVT. LTD. PLOT NO.230, (CORNER) 2ND PHASE, HAROHALLI HOBLI KANAKAPURA TALUK RAMANAGAR DIST-562112 REPRESENTED BY MANAGER HR MR ANANTH KULKARNI3 FICUS PAX PVT LTD SY.NO.95/2B, KORALURU NADAVATTI, HOSKOTE BENGALURU-560067 REPRESENTED BY ITS MANAGING DIRECTOR MR B.R. VIJAYENDRA ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIEMATH, ADVOCATE) AND1 THE SECRETARY LABOUR DEPARTMNET GOVERNMENT OF KARNATAKA VIKASA SOUDHA, BENGALURU-560001 BENGALURU CITY2 THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU-560029 BENGALURU CITY3 PRESIDENT ALL INDIA TRADE UNION CONGRESS(AITUC) NO.27, 6TH CROSS4H MAIN, MALLESWARAM BENGALURU-560003 BENGALURU CITY - 201 - 4. BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD COTTONPET BENGALURU-560053 REPRESENTED BY ITS PRESIDENT5 CITU NO.40/5, 2ND B MAIN ROAD16H CROSS, SAMPANGIRAMA NAGARA BENGALURU-560027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION4OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING

TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED 29.03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. No.35937/2018, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION No.KAA E31LMW 2017 DATED 31.12.2017 AND ETC. W.A. No.2910/2019 BETWEEN 1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE & INDUSTRY P.B.No.9996 KEMPEGOWDA ROAD BENGALURU - 560 009 REPRESENTED BY ITS SECRETARY MR.M. LOKARAJ 2 SAVA HEALTHCARE LIMITED #107-109, KIADB 3D PHASE INDUSTRIAL AREA MALUR - 563 160 - 202 - KOLAR DISTRICT KARNATAKA STATE REPRESENTED BY ITS AUTHORISED SIGNATORY MR. MADHUSUDHAN REDDY 3 OM PHARMACEUTICALS LTD., 12TH MAIN, OLD MADRAS ROAD VIRGO NAGAR POST BENGALURU - 560 049 REPRESENTED BY ITS SR. MANAGER MR. LOKESH KODANCHA 4 LABORATORIES DAFFODIL PVT LIMITED 34 BAIKAMPADY INDUSTRIAL AREAS MANGALORE - 575 011 KARNATAKA REPRESENTED BY MANAGING DIRECTOR MR. DAMODAR SHANBHAG ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIREMATH, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BENGALURU - 560 001 BENGALURU CITY 2 THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BENGALURU - 560 029 BENGALURU CITY 3 PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN MALLESWARAM - 203 - BENGALURU - 560 003 BENGALURU CITY 4 BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD COTTONPET BENGALURU - 560 053 REPRESENTED BY ITS PRESIDENT 5 CITU No.40/5, 2ND B MAIN ROAD 16H CROSS SAMPANGIRAMA NAGARA BENGALURU - 560 027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED 29.03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NOS. 19584- 19588/2017, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE FINAL NOTIFICATION No.KAA E LMW 2015 DATED 16.09.2016 AND ETC. W.A. No.2911/2019 BETWEEN 1 FEDERATION OF KARNATAKA CHAMBERS OF COMMERCE AND INDUSTRIES, P.B.NO.9996, K.G.ROAD, BENGALORE-560 009 REPRESENTED BY ITS SECRETARY SRI.M.LOKARAJ 2 MYSORE POLYMERS AND RUBBER PRODUCTS LIMITED - 204 - 20P, K.R.S. ROAD METAGALLI, MYSORE-570 016 REPRESENTED BY ITS EXECUTIVE DIRECTOR SRI.V.SRIKANTHA 3 J.K.TYRE AND INDUSTRIES LIMITED VIKRANT TYRE PLANT, K.R.S.ROAD METAGALLI MYSORE-570 016 REPRESENTED BY ITS GENERAL MANAGER HR/IR, SRI. VIKRAM HEBBAR 4 RIGID INDUSTRIES NO.152-A, 3RD CROSS 5H MAIN, 2ND STAGE INDUSTRIAL SUBURB YESHWANTHPUR BANGALORE-560022 REPRESENTED BY PARTNER MR PRASHANTH RAO ... APPELLANTS (BY SHRI PRAVEEN KUMAR HIEMATH, ADVOCATE) AND 1 THE SECRETARY LABOUR DEPARTMENT GOVERNMENT OF KARNATAKA VIKASA SOUDHA BANGALORE-560 001 BENGALURU CITY 2 THE LABOUR COMMISSIONER GOVERNMENT OF KARNATAKA KARMIKA BHAVANA BANNERGHATTA ROAD BANGALORE-560029 BENGALURU CITY 3 PRESIDENT ALL INDIA TRADE UNION CONGRESS (AITUC) NO.27, 6TH CROSS, 4TH MAIN - 205 - MALLESHWARAM BANGALORE-560 003 BENGALURU CITY 4 BHARATIYA MAZDOOR SANGHA (BMS) NO.458, OTC ROAD, COTTONPET BANGALORE-560053 REPRESENTED BY ITS PRESIDENT 5 CITU NO.40/5, 2ND B MAIN ROAD 16H CROSS, SAMPANGIRAMA NAGARA BANGALORE-560 027 REPRESENTED BY GENERAL SECRETARY ... RESPONDENTS (BY SHRI I. THARANATH POOJARI, AGA FOR R1 & R2, SHRI K.B. NARYANA SWAMY, ADVOCATE FOR R3 & SHRI K. SUBBA RAO, SENIOR COUNSEL A/W SHRI K.N. SATHEESH, ADVOCATE FOR R5) THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED FINAL

JUDGMENT

DATED 29.03.2019 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NOS.24865- 24870/2018 AND W.P.NOS.12457-12463/2018, IN SO FAR AS IT UPHOLDS THE VALIDITY OF MINIMUM WAGE NOTIFICATION DATED 30.12.2017 ISSUED BY THE FIRST RESPONDENT IN No.KAA E41LMW 2017 AND ETC. THESE APPEALS, HAVING HEARD AND RESERVED FOR

JUDGMENT

, COMING ON FOR PRONOUNCEMENT OF

JUDGMENT

, THIS DAY, THE CHIEF JUSTICE DELIVERED THE FOLLOWING: - 206 -

JUDGMENT

OVERVIEW These appeals take exception to the Judgment and order dated 29th March, 2019 by which, the learned Single Judge decided writ petition Nos.8388-8417/2017 and several other connected writ petitions.

2. The writ petitions arose out of the exercise of powers under Section 5 of the Minimum Wages Act, 1948 (for short the said Act of 1948). Under Section 3 of the said Act, the Appropriate Government is required to fix minimum rates of wages payable to the employees, employed in any employments specified in Part-I or Part-II of the Schedule to the said Act of 1948. Section 5 of the said Act of 1948 lays down the procedure for fixing and revising minimum wages.

3. In the writ petitions filed before the learned Single Judge, which were decided by the impugned Judgment and order, there was a challenge by the employers to the Notifications issued under Sub-Section (2) read with clause (b) of Sub- Section (1) of Section 5 of the said Act of 1948 by the - 207 - appropriate Government, which in this case is the State Government. These were notifications issued in respect of thirty seven (37) sectors of employment in the State in exercise of powers under Sub-Section (2) read with clause (b) of Sub- Section (1) of Section 5 of the said Act of 1948. The rates of minimum wages were fixed by the said notifications in respect of various categories of employments. Apart from that, there were three final notifications issued under sub-section (2) of Section-5 which were withdrawn by the State Government. One draft notification issued under

clause (b) of Sub-Section (1) of Section-5 of the said Act of 1948 was also withdrawn. Those four notifications were withdrawn on 22nd March 2018. The three final notifications withdrawn were in respect of Textile (silk) industry, Spinning Mills Industry, Cloth Dyeing and Printing Industry respectively which were issued on 30th December, 2017. The withdrawn draft notification dated 22nd February 2018 was in respect of Tailoring Industry. W.P.No.18621/2018 was filed by a Union for challenging the withdrawal of the said four notifications. The said writ petition was rejected by the impugned Judgment and order. Writ Appeal No.1520/2019 filed by the Union of employees arises - 208 - out of said writ petition. The rest of the writ petitions were filed by the employers and/or their associations for challenging particular notifications out of the said 37 notifications. There were diverse challenges in the writ petitions which were considered by the learned Single Judge by a detailed Judgment and order which is impugned in this group of appeals. While dealing with the challenge to the Notifications by the employers, certain parts of the impugned minimum wages notifications were quashed by the learned Single Judge without disturbing the rates of minimum wages fixed there under. As far as the writ petition filed by the Union of employees is concerned, as stated earlier, the learned Single Judge has declined to interfere with the action of the Government of withdrawing the four notifications. However, a direction was issued to the State Government to accomplish the fixation/revision of minimum wages in respect of the sectors which were subject matter of the four withdrawn notifications within the outer limit of six months. For the sake of convenience, we are reproducing the operative portion of the impugned Judgment and order dated 29th March, 2019 which reads thus: - 209 - For the reasons stated above, these Writ Petitions filed by the employers are allowed in part; a Writ of Certiorari issues quashing only the following parts of the impugned Minimum Wages Notifications; (a) That part which directs payment of Service Seniority Allowance at the rate of 1% of the minimum wages for each completed year of service or otherwise, to the employees who have put in a service of ten or more years; (b) that part which directs the employers to pay and to continue to pay the current wages that are above the notified minimum wages subject to the rider that the downward revision, if any, shall not be below the Minimum Wages prescribed under these notifications; (c) that part which directs payment of Minimum Wages

to the supervisory staff who do not prima facie answer the definition of employee under Section 2(e) of the Minimum Wages Act, 1948, subject to the condition that the individual claim, if any, of such employees may be processed u/s 20 of the Act, regardless of their designation; and (d) that part which directs the employer to constitute and appoint the Competent Officer and - 210 - the Appellate Authority for adjudication of Claims/Disputes relating to payment of minimum wages. The interim orders granted earlier stand dissolved. The amount of wages that remain unpaid because of the interim orders shall be paid by the petitioners/employers within a period of eight weeks with interest at the rate of 6% p.a. from the date from which the same was otherwise payable. The Writ Petitions filed by the Employers/Trade Unions challenging withdrawal of three Minimum Wage Notifications and one Draft Notification are disposed off without interference; however, a Writ of Mandamus issues to the official respondents to accomplish the fixation/revision of minimum wages in respect of the subject sectors of employment within an outer limit of six months by issuing the Minimum Wages Notifications with retrospective effect from the respective dates from which the minimum wages would have become payable, had the impugned withdrawal notifications were not issued. No costs. - 211 -

4. Before we go to the submissions made by the learned counsel representing the parties, it will be necessary to make a reference to some of the appeals which are the part of this group. (i) Writ Appeal No.1611/2019 is filed by the Private Hospital and Nursing Homes Association which was the petitioner in various writ petitions. There are other appellants. The first appellant is the said association of the Hospitals and Nursing Homes. The appellants were aggrieved by the impugned notification by which the minimum wages were fixed for the employees working in the Hospitals and Nursing Homes. Therefore, they had filed a writ petition before the learned Single Judge. (ii) Writ Appeal No.1272/2019 is filed by the Petitioner-Employer who is the manufacturer of writing instruments. The appellant has challenged the relevant notification fixing the minimum wages by filing a writ petition. (iii) Writ Appeal Nos.1481 to 1519/2019 and 2761 to 2769/2019 have been preferred by the Karnataka Employers Association and the other appellants who are the - 212 - establishments under the Karnataka Shops and Establishments Act, 1961. They had filed writ petitions for challenging the minimum wages notification applicable to

the said establishments. (iv) Writ Appeal No.1520/2019 is an appeal preferred by the Union of the employees viz., All India Trade Union Congress (for short the Union). The Union had filed a writ petition for challenging the notification dated 22nd March 2018 by which three final notifications dated 30th December 2017 in respect of Textile Manufacturing (silk) Industry, Spinning Mills Industry, Cloth Dyeing and printing industry and one draft notification dated 22nd February, 2018 in respect of tailoring industries, were withdrawn. By the impugned Judgment and order, the said petition has been dismissed. (v) Writ Appeal Nos.1540 to 1566/2019 have been preferred by the Karnataka Drugs and Pharmaceuticals Manufacturers Association and others who had filed a writ petition for challenging the relevant minimum wages notification. (vi) Writ Appeal Nos.1567 to 1601/2019 have been filed by the Karnataka Employers Association and others. The - 213 - other appellants are running Bakery and Engineering Industries, who had filed a writ petition for quashing the relevant minimum wages notification. (vii) Writ Appeal Nos.1602 to 1604/2019 has been filed by the Board of Management of an Educational Institution which had filed a writ petition for challenging the relevant minimum wages notification. (viii) Writ Appeal Nos. 1612 to 1618/2019 have been filed by the Automobile Dealers/Industries who had filed writ petitions challenging the relevant notification, fixing minimum wages of the employees of Automobile Industries. (ix) Writ Appeal Nos. 1619/2019 and 2744/2019 have been filed by the Rubber Industries. The appellants had filed writ petitions challenging the minimum wages notification concerning Rubber Industry. (x) Writ Appeal No.1620/2019 is filed by Akhila Karnataka Federation of Petroleum Traders which represents the Petrol and Diesel Oil Pumps Industries. The appellant had challenged the relevant minimum wages notification by filing writ petitions before the learned Single Judge.-. 214 - (xi) Writ Appeal No.1846/2019 has been filed by the appellant which is in the business of processing Granite slabs. Even the appellant had filed a writ petition before the learned Single Judge challenging the relevant minimum wages notification. (xii) Writ Appeal Nos.1872 to 2214/2019 have been preferred by a Commercial Establishment M/s Coffee Day Global Limited which is having a chain of outlets for sale of Coffee, beverages and snacks. Even the said establishment had filed writ petitions before the learned Single Judge challenging the minimum wages notification applicable to its establishments. (xiii) Writ Appeal Nos.2266 to

2267/2019 and 2272/2019 have been preferred by Federation of Karnataka Chamber of Commerce and Industries (for short FKCCI), representing the commercial establishments. Even the appellants in these appeals were the petitioners before the learned Single Judge in writ petitions filed for challenging the relevant minimum wages notification. (xiv) Writ Appeal No.1704/2019 has been preferred by a Commercial Establishment. The said appellant was a writ - 215 - petitioner before the learned Single Judge in a writ petition filed for challenging the minimum wages notification. (xv) Writ Appeal Nos.1765 to 1792/2019 have been filed by the Karnataka Small Scale Industries Association (for short KSSIA). The appellants in these appeals had challenged the minimum wages notification concerning some of the industries by filing writ petitions. (xvi) Writ Appeal Nos.1794 to 1825/2019 have been preferred by the appellants who belong to the category of Foundry Industries who had challenged the relevant minimum wages notification before the learned Single Judge by filing writ petitions. (xvii) Writ Appeal No.1621/2019 is filed by a limited company coming under the category of Brass, Copper, Aluminum, Steel Utensils manufacturing industry. Even this appellant is the writ petitioner before the learned Single Judge in which the challenge was to the minimum wages notification. (xviii) Writ Appeal Nos.1623 to 1628/2019 are filed by the Industries claiming to be not specifically falling under any of the specific categories in the Schedule to the said Act of 1948.-. 216 - Even these appellants partially succeeded before the learned Single Judge in a challenge to the minimum wages notification. (xix) Writ Appeal Nos.1629 to 1653/2019 have been filed by the industries falling under the category of Employment of Petrol and Diesel Oil Pumps industries. Here again, the appellants are the writ petitioners before the learned single Judge who could not succeed in their challenge to the minimum wages notification. (xx) Writ Appeal Nos.2280 to 2281/2019 have been preferred by KSSIA along with another. The second appellant is falling under the category of Chemical Industry. The appellants are the un-successful petitioners before the learned Single Judge. (xxi) Writ Appeal Nos.2465/2019 and 2928 to 2937/2019 have been filed FKCCI and other industries that are in the category of Metal Re-Rolling (Ferrous) Industries. The appellants were the petitioners before the learned Single Judge. (xxii) Writ Appeal No.2466/2019 is also filed by FKCCI and six industries which are the Chemical

Industries which had - 217 - impugned the minimum wages notification before the learned Single Judge. (xxiii) Writ Appeal No.2467/2019 is filed by the Manufacturers of Alcohol and distilleries. There was a challenge by the appellants before the learned Single Judge to the minimum wages notification, as in case of other industries. (xxiv) Writ Appeal No.2468/2019 is preferred by FKCCI and other appellants belonging to the Plywood Industry who were un-successful before the learned Single Judge in challenging the relevant minimum wages notification. (xxv) In Writ Appeal No.2546/2019, the appellant is a sugar industry which is aggrieved by the rejection of its prayer for quashing the applicable minimum wages notification. (xxvi) Writ Appeal No.2547/2019 has been preferred by the appellant, a Sugar Industry which is manufacturing sugar. Even the appellant is the unsuccessful petitioner who had filed writ petition before the learned Single Judge for challenging the relevant minimum wages notification. (xxvii) Writ appeal Nos.2667/2019 has been filed by the appellant who claims to be the manufacturer of absorbable and non-absorbable sutures, surgical meshes, gloves and other - 218 - surgical equipment. It is claimed that the appellant does not fall under any of the employments covered by Part-I or Part-II of the Schedule to the said Act of 1948. (xxviii) Writ Appeal No.2745/2019 is filed by the appellant company which engaged in buying and distributing the electricity to consumers. (xxix) In Writ Appeal No.2683/2019, the appellants are a part of the Food Processing industry i.e., processing of food material products like pickles and preserved vegetables. Even the appellants in this appeal are the unsuccessful petitioners before the learned Single Judge. (xxx) Writ Appeal No.2778/2019 and 2913 to 2915/2019 have been preferred by FKCCI and others who are similarly placed writ petitioners representing electronics industry. (xxxi) Writ Appeal No.2909/19 is filed by FKCCI and two others who claim that they fall in the category of employments not covered by the Schedule under the said Act of 1948. They are also unsuccessful writ petitioners. (xxxii) Writ Appeal No.2911/2019 is preferred by FKCCI and three others who are engaged in manufacture of rubber - 219 - products. The appellants were the petitioners who had challenged the relevant minimum wages notification. (xxxiii) Writ Appeal Nos. 2779/2019 and 2898 to 2900/2019 have also been preferred by FKCCI , Bruhat Bengaluru Hotels Association and two other appellants belonging to the Hotel Industry, being aggrieved by the rejection of their

prayer by the learned Single Judge for quashing the minimum wages notification. (xxxiv) Writ Appeal No.2814/2019 is filed by Engineering Industries which claim to be covered by the provisions of Micro, Small and Medium Enterprises Development Act, 2006 (for short the said Act of 2006). The appellants had also challenged the relevant minimum wages notification before the learned single Judge. (xxxv) Writ Appeal Nos. 2823 to 2831/2019 have been preferred by FKCCI and others who are concerned with the minimum wages notification applicable to the employment in security agencies. Even the appellants are un-successful petitioners who failed in their challenge to the minimum wages notification applicable to them.-. 220 - (xxxvi) Writ Appeal No.2910/2019 is filed by FKCCI and three others who had filed a writ petition for challenging the relevant minimum wages notification. (xxxvii) Writ Appeal Nos. 1681 and 1682/ 2019 have been preferred by the appellants who had challenged the relevant minimum wages notification by filing a writ petition before the learned Single Judge. DELAY IN PRONOUNCEMENT OF

JUDGMENT

5 We must note here that the submissions of the learned counsel in these appeals were initially concluded on 23rd August, 2019 and the judgment was reserved. The Judgment which was to be pronounced in December 2019 could not be pronounced till January 2020 due to ill health of one of us (Chief Justice). Before the Judgment could be pronounced, the learned counsel for the appellants in Writ Appeal No.1681 to 1682/2019 filed a memo dated 10th December, 2019. Along with the said memo, copies of the subsequent notifications issued by the Government on 31st October, 2019 were sought to be produced before the Court. The said notifications were in respect of four industries namely, Spinning Mills Industry, - 221 - Textile Manufacturing (Garments, Costumes and Tailoring) Industry, Cloth Dyeing and Printing Industry and Textile (Silk) Industry. In case of these four industries, the earlier notifications issued were withdrawn which were the subject matter of challenge in one of the writ petitions. On 20th January, 2020, IA No.2 of 2020 was filed by the appellants in Writ Appeal No.1681 of 2019 seeking permission to produce the said fresh notifications dated 31st October, 2019 published in the official Gazette dated 14th November, 2019. The appellants contended that they were desirous of relying upon the said notifications in support

of their appeals. Under such circumstances, by virtue of the order passed by this Court on 16th January, 2020, the appeals were again fixed for further hearing on 23rd January, 2020 and after conclusion of further arguments, the Judgment was again reserved on 23rd January, 2020. The Judgment was kept ready and was to be pronounced on 31st March 2020. But, it could not be pronounced due to the closure of the Courts due to corona virus pandemic.-. 222 - SUBMISSIONS OF THE APPELLANTS:

6. Very detailed submissions have been made by the learned counsel for the respective parties. We are reproducing the relevant submissions of the learned counsel.

7. In Writ Appeal No.1611 of 2019, which is filed by the Private Hospital and Nursing Homes Association, the learned Senior Counsel appearing for the appellants invited our attention to the impugned minimum wages notification issued by the Government dated 6th January, 2017 and in particular, clause-11 thereof which provided that wage rates stipulated in the Notification and the applicable rates of dearness allowance from time to time shall be entered in the respective columns and shall be paid. Inviting our attention to the definition of wages contained in clause (h) of Section-2 of the said Act of 1948, he submitted that as long as the component of wages paid to the workmen falls within the definition of wages defined in clause (h) of Section-2 and the aggregate paid is equal to or more than the aggregate of the minimum wages fixed under different heads, it should be taken that there is a sufficient compliance with the provisions of the said Act of 1948. Therefore, he submits that clause (11) of the impugned - 223 - Notification is liable to be quashed. He also invited our attention to clause (3) of the impugned Notification which provides that in the event the rate of wage paid at present is higher, the payment at the said rate shall be continued and the increase in dearness allowance from time to time also shall be remitted. In support of his contention, the learned counsel relied upon the decision of the Apex Court, in the case of Airfreight Limited -vs.- State of Karnataka¹. He submitted that though the first part of clause (3) of the impugned Notification had been quashed by the learned Single Judge, the second part as regards the payment of increase in dearness from time to time has not been quashed. 7.1 He submitted that the

portion of clause (3) of the impugned notification which requires the employer to pay increased dearness allowance from time to time, even though the rate of wages paid is higher than the minimum wages, also needs to be quashed. He pointed out that even the figure of the rent taken under cost of house rent for arriving at the minimum wages is very high. 40% of the minimum wage should not have been taken as cost of house rent. Inviting 1 AIR 1999 SC2459= (1999)6 SCC567- 224 - attention of the Court to paragraph 28 of the statement of objections filed by the State Government, he pointed out that the State Government has relied on the sixth pay Commission report of the Karnataka State and pointed out that even when the Government fixes living wage of its employees and not the minimum wages or fair wages, the rate of house rent is taken at 30%. The submission is that for fixation of minimum wages, the house rent should always be the rent corresponding to the minimum area provided under the Government Industrial Housing Scheme. He also invited our attention to the zone-wise statements relied upon by the State Government. He placed reliance upon the decision of the Apex Court in the case of Workmen represented by Secretary - vs.- Reptakos Brett and Company Limited and another² which lays down that the rent corresponding to the minimum area provided for under Government Industrial Housing Scheme should be taken into consideration while fixing the minimum wages. He pointed out that the learned Single Judge, instead of taking recourse to the Government Industrial Housing Scheme, erroneously referred to affordable housing scheme for urban poor. He submitted 2 (1992) 1 SCC290- 225 - that said scheme provides for grant of loans for buying houses. He submitted that even in the seventh pay Commission, only around six percent (6%) had been allocated for house rent allowance. 7.2 He submitted that the fixation and neutralization of dearness allowance is contrary to law and direction to pay four paise per point increased for every point increase in State average consumer price index above 5780 point is incorrect. He submitted that when the impugned notification was issued, the consumer index was 6537 points as shown at page 676 of the paper book. He submitted that the figure of 5780 points was the average points for the year 2013 and therefore, the impugned notification should have provided for asking the employer to neutralize the increase in cost of living allowance at 6537 points. 7.3 He pointed out that for the Doctors, the earlier minimum wage fixed of

Rs.6966.70 which has been increased to Rs.40908.40 which comes to increase at 487.20% and whereas in case of other categories, the increase is only 75%.-. 226 - He submitted that an error has crept in as abnormal increase under the head cost of house (rent) has been given. 7.4 He urged that the Advisory Board constituted under section 5 (1) (b) of the said Act of 1948 has not tendered any advice to the State Government. He submitted that various other directions given under the impugned notifications regarding providing rest rooms, washing facilities, drinking water facilities, hand gloves, slippers and cleaning materials etc., are contrary to the provisions of the said Act of 1948. He pointed out that in case of three types of industries such as (i) Spinning Mills Industry, (ii) Cloth Dye and Printing Industry and (iii) Textile (Silk) Industry, the minimum wage notifications were withdrawn and in case of Tailoring Industry, the notification notifying the proposed revision of minimum wages has also been withdrawn and thereby, the State Government has indulged in hostile discrimination. He submitted that considerations for the withdrawal of the said notifications should also apply to other industries as well.

8. In Writ Appeal No.1612/2019, a memo has been filed by the learned Advocate for the appellants adopting the - 227 - arguments addressed in Writ Appeal No.1611/2019. Even in Writ Appeal No.1619/2019, by filing a memo, the appellants have adopted the arguments advanced in W.A. No.1611/2019. The same is the case in W.A.No.1620/2019. Even in Writ Appeal Nos.1621/2019, 1765 to 1792/2019, 1794 to 1825/2019 and 2280-2281/2019, the learned counsel appearing for the appellants have adopted the submissions made in Writ Appeal No.1611/2019.

9. In Writ Appeal Nos. 2266/2019, 2272/2019, 2465/2019, 2466/2019, 2467/2019, 2468/2019, 2778/2019, 2779/2019, 2814/2019, 2823/2019, 2909/2019, 2910/2019 and 2911/2019, common submissions have been made. The learned counsel appearing for the appellants in the said appeals invited attention of the Court to the decision of the Apex Court in the case of Bijay Cotton Mills Limited -vs- State of Ajmer³ and pointed out that in the case before the Apex Court, the constitutional validity of the provisions of the said Act of 1948 was challenged. He pointed out that the Apex Court held that though the provisions of the said Act of 1948

interfere with the fundamental rights guaranteed under clause (g) of Article 19 (1) of the Constitution of India, the restrictions imposed therein 3 AIR 1955 SC33- 228 - are reasonable and are in the interests of general public. He pointed out that therefore, the Apex Court held that the restrictions are protected by clause (6) of Article 19 of the Constitution of India. He submitted that in view of this position, the impugned notifications issued under the said Act of 1948 will have to be strictly scrutinized, as the same curtail the fundamental rights of the employer. He relied upon the decision of the Apex Court in the case of Subhash Chandra - vs.- Delhi Subordinate Services⁴ and pointed out that the Apex Court held that the doctrine of strict scrutiny adopted by the Courts in United States of America will also be applicable in India. The Apex Court held that where a statute has been enacted restricting the fundamental rights of a citizen under Article 19 of the Constitution of India, the State will have to justify the reasonableness of such a statute. He, would, therefore submit that the learned Single Judge has committed an error by holding that the expression shall used in Section-9 of the said Act of 1948 is not mandatory, but directory. Similarly, the findings recorded that Rules 16 and 17 of the Karnataka Minimum Wages Rules, 1958 (for short the said Rules of 1958) are also not mandatory is erroneous. He submitted that there is no presumption of validity exists in 4 (2009) 15 SCC458- 229 - favour of the impugned notifications, as held by the learned Single Judge. He further submitted that if the view taken by the learned Single Judge that the Advisory Board need not specifically discuss each and every class or category of employment is upheld, the provisions of the said Act of 1948 and the Rules framed therein will become vulnerable. He submitted that the learned Single Judge has misread the ratio laid down by the Apex Court in the case of Chandra Bhavan Boarding and Lodging, Bangalore -vs- State of Mysore and another⁵. He urged that as the expression shall has been used in Section-9 of the said Act of 1948, the defects in constitution of the Advisory Board are not curable. He submitted that in the present case, it was demonstrated that Rule-16 and 17 of the said Rules of 1958 mandate that any decision of the Advisory Board shall be arrived at after voting and the said Rules cannot be by-passed by holding that the same is not mandatory. He submitted that if the Advisory Board ignores the views of affected parties, the same will defeat the very object of the provisions of Section 5 (1) (b) of the said Act of 1948. He

submitted that merely because the high functionaries of the State Government are involved in the decision making process, no presumption under law can be 5AIR 1970 SC2042- 230 - attached to the said decision. He submitted that the fixation of minimum wages has to be a very strict process and therefore, the learned Single Judge could not have given approval to the retrospective operation of the impugned notification. 9.1 As regards the constitution of the Advisory Board, it was urged by the learned counsel appearing for the appellants that the representatives nominated to represent the employers have no intricate or full knowledge in relation to the nature of work and the problems faced by the specific industries. He submitted that the learned Single Judge has failed to note the relevant fact that persons appointed to the Committee to represent the employees are also required to fulfill the parameters laid down for appointment. He relied upon the observations made by the Apex Court in the case of Ministry of Labour and Rehabilitation and another -vs- Tiffins Barytes Asbestos and Paints Ltd., and another⁶. He submitted that the representation given to the employees was increased to twelve (12) members and it is not clear as to whether a member by name Mr. Raja Mohammad Fakrusabha Bhagawan was representing the employer or employees. He 6 (1985) 3 SCC594- 231 - submitted that the relevant data furnished on behalf of the employers was not considered by the Advisory Board. He also made the same submissions about the increased house rent allowance which have been made in support of Writ Appeal No.1611/2019. 9.2 The learned counsel submitted that as compared to the neighboring States, the quantum of minimum wages in the State of Karnataka is highly excessive. He pointed out the discrepancies in the proceedings of the Advisory Board by pointing out that there was no effective participation of the Chairman of the Advisory Board. He reiterated the submissions made in Writ Appeal No.1611/2019 to the effect that there were no recommendations made about the proposed revision of minimum wages by the Advisory Board and that there was no proper consultation between the Advisory Board and the State Government before issuing the impugned notification and that the Advisory Board did not follow the mandatory procedure prescribed under Rule 16 and 17 of the said Rules of 1958. He relied upon the decision of the Apex Court in the case of State of Uttar Pradesh -vs- Babu Ram Upadhyay⁷. He submitted that the Chairman of the Advisory Board ought to 7 1971 SCR (2) 679 - 232 - have

followed the procedures laid down under Rules 16 and 17 of the said Rules of 1958. He relied upon the decision of this Court in the case of Karnataka Planters Association -vs.- State of Karnataka⁸. He submitted that when the Advisory Board has not given any recommendations, the Government should not have notified the revised rates of minimum wages by issuing the impugned notifications. He submitted that the impugned notifications suffer from non-application of mind, inasmuch as the Advisory Board did not apply its mind at all. He submitted that considering the extent/quantum of raise in the minimum wages proposed, the industries will have to close down. He submitted that considering the short time within which the impugned notifications were published from the date of recommendations made by the Advisory Board, an adverse inference ought to be drawn that the entire exercise was done by the State Government in a hurried manner, without application of mind. He submitted that rise of pay/wages on account of contribution of ESI, PF and Gratuity to an extent of 100% in some cases is in gross violation of Article 14 of the Constitution of India. He submitted that the rate of minimum wages enhanced/fixed in respect of Cinchona, Rubber, Tea and Coffee plantation industries are reasonable and affordable 8 ILR 1986 KAR1787- 233 - and therefore, there is a hostile discrimination while fixing the minimum wages of different industries. He submitted that the enactment of said Act of 1948 is based on the concept of one male member feeding his wife and two children which is now outdated. He also argued that the concept of equal opportunity, equal pay for equal work ought to have been considered by the State Government to the industry.

10. The submission of the learned counsel for the appellants in Writ Appeal No.1846/2019 is more or less repetition of the submissions made in the aforesaid appeals. In addition, it is submitted that the Advisory Board has decided the cases of thirty seven (37) industries in one stretch in less than three hours. He repeated the submissions made in the other appeals that the Advisory Board did not render any recommendations. He submitted that the learned Single Judge has failed to consider the plea of the employer that indirect cost on the employer on account of exorbitant increase in the minimum wages is ignored by the State Government. He submitted that the increase of minimum wages leads to increase in contribution of the employer towards ESI, EPF and gratuity and therefore, the industries will not

be in a - 234 - position to supply the products at an affordable price. He also criticized the direction of the learned Single Judge with regard to payment of interest at the rate of 6%. He submitted that the rate of increase in minimum wages at an average of 60% severely compromises the competitiveness and sustainability of the industries. In Writ Appeal Nos.1872-2214/2019, 2547/2019 and 2546/2019, more or less, similar submissions have been canvassed.

11. In Writ Appeal No.1704/2019, the arguments made by the learned counsel for the appellant is more or less a repetition of the arguments canvassed by as above. Reliance was placed on some of the Judgments including the judgment of the Apex Court rendered in Airfreight (supra). It was submitted that the constitutional validity of the provisions empowering the State Government to revise the minimum wages was upheld by the Constitution Bench only in view of the safeguard provided in the said Act of 1948 of the Advisory Board tendering advice. The learned counsel relied upon the comparative statement of the minimum wages fixed in various States and submitted that this table would show that minimum - 235 - wages fixed in the State of Karnataka are much higher than what is fixed in the neighboring States. He pointed out that in the previous wage revision of 5th February, 2013, the average increase given was 5.61% and in July 2012, the average increase was of 20.55% and in the impugned notification, the average increase in minimum wages for skilled and semi- skilled workmen is about 75%. He pointed out that the notification pertaining to Textile Industry has been withdrawn, but the notification regarding the industries which are engaged in Textile retail business of selling clothes has not been withdrawn and thereby the Government practicing discrimination.

12. In Writ Appeal No.2683/2019, the learned counsel pointed out that the impugned notification dated 16th September, 2019 revising the minimum wages in respect of appellants industry of food processing and packaging of food products including coffee, tea and spices, the State Government has classified Tumakuru city as Zone-1 area and the reason for designation of the said area is that it is a Corporation under Section-3 of the Karnataka Municipal - 236 - Corporation Act, 1976. He submitted that therefore, by the said notification, un-equals have been treated as equals by violating Article 14 of the Constitution of India. He submitted

that there was no reason to classify Tumakuru city as falling in Zone-1 along with Bengaluru and in fact, in the subsequent notification, Tumakuru city has been placed in Zone-2. He relied upon the decision of the Apex Court in the case of Bhikusa Yamasa Kshatriya and another -vs.- Sangamner Akola Taluka Bidi Kamgar Union and others⁹. He submitted that while fixing the rates of minimum wages, various local factors such as economic climate of the locality and general economic condition of the industrial development in the area, adequacy of wages paid and earnings in other comparable employments and similar other matters should be taken into account. He pointed out the manner in which the data from sixteen cities was collected. He submitted that the Court will have to see the economic and financial impact of its decision while deciding the cases relating to industries. He relied on the decision of the Apex Court in the case of Shivashakthi Sugars Limited - 9 AIR 1963 SC806- 237 - vs- Shree Renuka Sugars¹⁰. He submitted that the so-called data collected by the State Government of sixteen cities is self- prepared by the Government only with a view to give very high benefits to non-Bengaluru workmen. He submitted that the grounds which he urged in the pleadings and written and oral submissions made before the learned Single Judge have not been considered.

13. In support of the Writ Appeal No.1679-1682/2019, the learned counsel submitted that under the earlier notification dated 23rd January, 2012, the revision of wages for employees of the Engineering Industry was linked to the Consumer Price Index (for short CPI) (Industrial Workers) 1960 equivalent 100 series (CPI) (IW) and employers were liable to pay V.D.A at the rate of 4 paise per point over and above 3944 points in the CPI (IW), in addition to the basic wages to all four categories of employees in the Engineering Industries. He pointed out that since the CPI (IW) 1960 equivalent to 100 series does not exist in the State of Karnataka, the State Government has converted the CPI (IW) series of 2001 = 100 determined for five Centers in Karnataka to CIP (IW) series 1987-88 = 100 by multiplying a conversion/linking factor. He 10 (2017) 7 SCC729- 238 - submitted that due to changes in consumption pattern, change in basket of goods of the CPI has resulted in highly unrealistic CPI if converted to 1960 = 100 series.

14. He pointed out that the earlier, the minimum wages Advisory Board, in its meeting dated 15th December, 2016 recommended to the State Government to form a Committee consisting of experts to review the Shanthappa Committee report. He pointed out that the State Government has constituted a Committee to submit a report which is yet to be received. It is submitted that the proposal to revise the minimum wages was formulated on the basis of the minimum wages revised for twenty six (26) scheduled employments in the year 2015-16 by claiming that the same were made following Shanthappa Committee report. He submitted that they arrived at erroneous figure of Rs.11, 587/- per month instead of Rs.10, 918/- per month for un-skilled workers of zone-1. He submitted that the proposed revision for semi- unskilled workers of zone-1 was erroneously made at Rs.735.46 per month and for the skilled workers, the enhancement of Rs.809/- per month was made. He submitted that even in case of highly skilled worker of zone-1, salary was - 239 - erroneously enhanced. He submitted that this enhancement by very high percentage is without any basis.

15. He submitted that the notes on the file clearly demonstrate that there was no material available before the Government to enable it to proceed under Section 5 (1) (b) of the Act of 1948. His submission is that the act of the Government in following the procedure under clause (b) of sub- section (1) of Section-5 is highly erroneous and in fact, the procedure under clause (a) of sub-section (1) of Section-5 ought to have been followed.

16. He criticized the very constitution of the Advisory Board and made similar submissions which are made by some of the learned counsel representing the other appellants. He submitted that the constitution of the Board itself was illegal, as sufficient number of independent members were not there. He would urge that in case of Beedi, cashew, handloom and power loom (cotton) industry, the State Government had constituted a tripartite Committee for revision of minimum wages. He submitted that appointing members of these industries on the Board was itself illegal. He also pointed out - 240 - the manner in which the proceedings were conducted on 6th December, 2017. He submitted that the minutes of the proceedings reveal that the Advisory Board never discussed the objections filed to any of the 37 proposals. He pointed out that the extent of minimum wages fixed in

respect of other industries. He urged that the rates revised minimum wages are abnormally high which have been finalized without considering the paying capacity of the employers. He submitted that the impugned notification fixing the minimum wages for Managers, Personal Officer, Assistant Manager Etc., even though the same are out of the purview of the said Act of 1948, is illegal. He submitted the contribution made by the employer towards Provident Fund, Gratuity, need of education, recreation are being met through bonus. He stated that medical care of the employee and his family members are being met through State Insurance and the same should have been kept out while fixing the minimum wages.

17. In Writ Appeal No.1272 of 2019, while adopting the arguments addressed by the learned counsel representing the employer in Writ Appeal No.1611/2019, it was submitted that - 241 - the learned Single Judge has ignored the grounds urged in writ petition No.11863/2018 filed by the appellant. The challenge was to the notification dated 30th December, 2017 in respect of the employment not covered in any of the scheduled employments. He submitted that the appellant which is the manufacturer of Pens and Pen-Pencils was never intended to be brought under Part-I or Part-II of the schedule. He submitted that the impact of such sudden increase to the extent of Rs.3, 000/- to Rs.4000/- in the wages of fresh employees will have a cascading effect on the permanent employees who have put in several years of service. He submitted that the exorbitant increase in minimum wages ranging from 52.22% to 72.88% has been granted. The learned Single Judge ignored that the State Government had already notified the basic wages and the VDA (Variable Dearness Allowance) which increases based on the cost of living index. He submitted that the necessity of having to pay cost of living allowance over consumer price index of 6537 is misconceived and in fact, any increase over and above 6843 is required to be neutralized. He submitted that Micro, Small and Medium Enterprises (MSMEs) are providing more employment to the citizens and if - 242 - they are not in a position to pay the minimum wages, they will migrate to the neighboring States. Such an exorbitant increase would not only adversely affect the economic viability of the industry but also would even lead to closure of some of the industries as unviable.

18. In Writ Appeal No.2667/2019, while adopting some of the arguments made by the learned Senior Counsel appearing for the appellants in Writ Appeal No.1611/2019, additional submissions are made which are similar to the submissions made in Writ Appeal No.1272/2019, as the appellant in the said appeal also falls in the same category of employment which is not covered in any of the Scheduled employment.

19. In Writ Appeal No.1611/2019 and connected matters, the learned Senior Counsel appearing for the employee- respondent No.11 has made detailed submissions. He submitted that FKCCI, KASSIA and Karnataka Employers Association who are the part of the Minimum Wages Advisory Board, are the parties to the recommendations made by the Advisory Board and therefore, they are stopped from challenging the impugned notifications. He submitted that while fixing or revising the minimum wages, the various factors - 243 - will have to be taken into consideration including the directive principles of State policy as enshrined in Part-IV of the Constitution of India particularly, Articles 39, 39 (e), 42 and 43. He submitted that under Article-21 of the Constitution of India, right to life of dignity and the right to livelihood for all persons is guaranteed. He submitted that the rights envisaged under Article-21 can be protected only through the assurance of minimum wages commensurate with such life. He urged that said view is reiterated by the Apex Court in the case of Bijou Cotton Mills Ltd. -vs.- State of Ajmer (supra). He submitted that in the case of Standard Vaccum Refining Co. of India - vs.- Its Workmen¹¹, the Apex Court adopted five norms for calculation of the minimum wages. Subsequently, the Apex Court expanded the same by adding a sixth norm to be considered for fixation of minimum wages in the case of Reptakos (supra). He submitted that in the case of Unichoyi (U) and others -vs- State of Kerala¹², the Apex Court clarified that the minimum wage is not a bare subsistence wage, but it lies above that and below the fair wage. He submitted that in the present age, a family requires a minimum of about Rs.21, 000/- per month to survive. He urged that the exercise of fixation of minimum wages is a part of Legislative Function and 11 AIR 1961 SC895¹² AIR 1962 SC12- 244 - therefore, it cannot be decided solely on the basis of the compliance with the principles of natural justice. He relied on the decision of this Court in the case of Mangalore Ganesh Beedi and Allied Beedi Factories Workers Association

-vs- State of Karnataka and others¹³ and Karnataka Planters Association (supra). He submitted that the State Government is not bound to record its reasons for fixation or revision of minimum wages. He submitted that the Apex Court, in the case of Ministry of Labour and Rehabilitation and another -vs- Tiffins Barytes Asbestos and Paints Ltd and another (supra) held that fixation of minimum wages being a social welfare measure undertaken to further the directive principles of the State policy, such action of the State cannot be struck down on mere technicalities. Relying upon the decision of the Apex Court in the case of Unichoyi (U) (supra), he submitted that the Writ Courts cannot sit as a Court of Appeal over the policy decision of the State Government of fixation or revision of minimum wages. He submitted that the Court does not have expertise to decide in what manner the minimum wages should be fixed and what should be the quantum thereof. 13 2003 SCC Online Kar. 40 - 245 - 20. He submitted that any error in the composition of Advisory Board will not be a fatal to the impugned notifications issued pursuant to the advice of the Advisory Board. He submitted that the recommendations of the Advisory Board are not binding on the State Government. He relied upon the decision of the Apex Court in the case of Edward Mills Co. Ltd., Beawar and other -vs- State of Ajmer and another¹⁴. He submitted that a note of each and every objections received by the Board was taken. He relied upon a chart which is annexed to the written submissions. He pointed out that in the meeting dated 13th May, 2016, the objections relating to the Hospitals and Nursing Homes were considered. He relied upon the decision of the Bombay High Court in the case of Arbuda Bhuvan Tea Shop and others -vs- State of Maharashtra and others¹⁵.

21. He submitted that the State Government has an option to take recourse either to clause (a) of sub-section (1) of Section- 5 or clause (b) of sub-section (1) of Section-5 of the said Act, 1948. He submitted that as held in the case of 14 AIR 1955 SC2515 (1992) ILLJ807Bom.-. 246 - Chandrabhavan Boarding (supra), both the provisions are nothing but the procedure for collecting necessary information/data. He pointed out that in the proceedings of the meeting of the Advisory Board dated 17th April, 2015, the employers representatives accepted the revised rates of wages unanimously and as reflected from the proceedings of the Advisory Board meeting dated 2nd January, 2016, the representatives of the

employers accepted the calculation of components of minimum wages. Drawing the attention of the Court to the various proceedings of the Advisory Board, he pointed out that in many cases, voting has been taken.

22. As regards the allegation that the rates of minimum wages fixed are on the higher side and exorbitant, he submitted that the wages fixed are consistent with the notifications issued by the Central Government, revising the minimum wages. He also pointed out the recommendations made by the 7th Pay Commission regarding minimum pay fixed in the Government service. He submitted that in any case, the writ Court cannot sit in appeal over the rates of minimum wages fixed by the State Government. He urged that the - 247 - argument that the rates of minimum wages in the neighboring States are much less is not at all relevant, in the light of the law lay down by the Apex Court in the case of Unichoyi (U) (supra).

23. He submitted that the rates proposed in the draft notifications can be increased in the final notifications, as held by the Apex Court, in the case of Chandra Bhavan (Supra) and also in the decision of this Court in the case of Mangalore Ganesh Beedi (supra). His submission is that on the basis of the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 there is a statutory obligation on the persons to maintain their parents and hence, instead of taking three consumption units, five consumption units should be taken into consideration accounting for the liability to maintain the parents.

24. As regards the component of housing, he submitted that the rent of Rs.4,000/- per month taken is extremely on the lower side. He pointed out that Industrial Housing Scheme does not exist at present and therefore, Affordable Housing for the Urban Poor scheme introduced by the Ministry of Housing - 248 - and Urban Poverty Alleviation has been adopted, which prescribes an area of 300-400 square feet.

25. Lastly, he relied upon the primary object of the said Act of 1948 and also the speech delivered by Doctor B.R. Ambedkar in the Constituent Assembly on 25th November, 1948. He also relied on the principle of transformative constitutionalism and therefore, he would submit that no interference is called for with the impugned order passed by the learned Single Judge.

26. In Writ Appeal No.1520/2019 which is preferred by the Union which arises out of the writ petition filed by the said Union, the learned counsel appearing for the appellants pointed out that the revised rate of minimum wages notification issued in respect of the Textile (silk) industry, Spinning Mills Industry and Cloth Dying and Printing Industry were illegally withdrawn. Similarly, a draft notification in respect of Tailoring Industry was withdrawn and these withdrawals were subjected to a challenge by the appellant in the writ petition before the learned Single Judge. He submitted that three final notifications clearly provided that they would come into force at - 249 - once and therefore, a vested right was created in favour of the employees as per the said three notifications. He submitted that there is no provision for withdrawal of the said notifications and hence, withdrawal of notifications is illegal, inasmuch as said withdrawal is against the very scheme of the said Act of 1948. He submitted that the learned Single Judge has rightly negatived the arguments based on Section-21 of the General Clauses Act. He submitted that even if Section-21 of the General Clauses Act was applicable, even before withdrawing the final notification, an opportunity to submit objections ought to have been granted to the employees, but however, that was not done. He submitted that there was no reason to withdraw the draft notification, as necessary modification could have always been made by the State Government while issuing the final notification. He submitted that withdrawal of the notifications is arbitrary and is, therefore, violative of Article-14 of the Constitution of India.

27. The submissions made by the learned counsel appearing for the appellant in Writ Appeal No.1520/2019 were countered by the learned senior counsel representing the employer in the said writ petition. He urged that as far as the - 250 - draft notification is concerned, there is no prejudice to the employees, as the action of fixing the rate of minimum wages was not completed. He supported the findings recorded by the learned Single Judge on the issue of withdrawal of the notifications. He placed reliance on section 21 of the General Clauses Act as well as the decision of this Court in the case of L.T. Komatsu Ltd vs All India Trade Union Congress¹⁶ and urged that withdrawal can be made by taking recourse to Section 21. He urged that no interference is called for with the decision to withdraw the notifications.

28. In this behalf, we must refer to documents subsequently filed and taken on record in Writ Appeal No.1681/2019 along with memo dated 10th December, 2019. An application being IA-1/2020 was made in the said appeal seeking permission of the Court for production of the said documents by way of additional evidence. The said documents which are produced are four notifications dated 30th October, 2019, fixing the minimum wages in respect of Spinning Mills Industry, Textile (silk) Industry, Cloth Dyeing and printing Industry and Textile Manufacturing and Tailoring Industry. The learned counsel 16 ILR 2012 KAR2411-251 - appearing for the appellant in Writ Appeal No.1681/2019 made submissions on the basis of the said fresh notifications. His submission is that before issuing those fresh notifications, recourse was taken to clause (a) of sub-section (1) of Section-5 by constituting Tripartite Committees. He submitted that before issuing impugned notifications in respect of the other industries, recourse ought to have taken to clause (a) of sub-section (1) of Section-5. He submitted that four notifications show that after recourse was taken to clause (a) of sub-section (1) of Section-5, the minimum wages fixed earlier drastically came down. He would submit that the act of the State Government in taking recourse to clause (b) of sub-section (1) of Section-3 only in respect of selected few industries amounts to hostile discrimination which is violative of Article 14 of the Constitution of India.

29. The submission of the respondents in Writ Appeal No.1681/2019 is that the said four notifications are entirely relating to the different industries which are other than the industries in respect of which the notifications have been challenged by the employers. For countering the above - 252 - arguments, learned counsel appearing for the appellants in Writ Appeal No.1520/2019 submitted that four notifications issued are subject to final outcome of Writ Appeal No.1520/2019 where there is a challenge to withdrawal of the notifications and therefore, he submitted that said notifications have no relevance at all. He urged that if this Court accepts that the withdrawal of the notifications was bad in law, the new notifications will cease to exist.

30. The learned Additional Government Advocate submitted that the writ appeals preferred by the employers is a legal ploy adopted by them to delay the payment of reasonable minimum wages to millions of workers in Karnataka and their

intention is to thwart the efforts of the State Government to achieve its constitutional obligations/objects of social and economic justice. He submitted that as can be seen from the notification, the minimum wages have been enhanced in a range of Rs.8000/- to Rs.15, 000/- and the wages have been revised after four to five years. He relied on the decisions of the Apex Court in the case of Reptakos Brett (supra) and Unichoy (U) (supra). He pointed out that minimum wages in respect of - 253 - scheduled employment have been fixed separately for three zones and wage structure is arrived at on the basis of the scientific research and empirical data collected by the State agencies in April, 2015. He pointed out that for three zones, the cost of food, cost of clothing, cost of miscellaneous, cost of housing and the additional components as per the decision of the Apex Court in the case of Reptokas Brett (supra) are different and in fact, the amounts in respect of said five components are highest in zone-1, followed by zone-2 and 3.

31. He submitted that as regards 37 draft notifications, as many as 521 objections were received and those objections were considered in the meetings of the Advisory Board held on seven different dates in relation to various industries. He pointed out that wherever needed, voting was done in the meetings of the Advisory Board. He submitted that the note sheets of the Government show that the Secretary of the Government, after making verification and also after discussions, placed the files before the Honble Minister concerned, who accepted the recommendations of the Advisory Board on 23rd December, 2016. He submitted that there is nothing wrong with the constitution of the Advisory Board which has been done in strict compliance of the said Act - 254 - of 1948. He submitted that the employers are bound to pay their part of contribution towards ESI and PF which is their statutory obligation.

32. As regards challenge to the withdrawal of the notifications, he submitted that firstly, there is a direction issued to the State Government by the learned Single Judge to complete the exercise of the revision of minimum wages within a period of six months. Secondly, by virtue of Section-21 of the General Clauses Act, the State Government had the authority to withdraw the notifications, especially when the notifications were in respect of the industries which were on the verge of closure due to huge losses. He would, therefore, submit that no interference is

called for with the impugned order of the learned Single Judge. CONSIDERATION OF THE PROVISIONS OF THE SAID ACT OF 1948 33. Firstly, it is necessary to consider the objects of the said Act of 1948 which are summed up in the case of *U. Unichoi* (supra) by the Apex Court as under: What the Act purports to achieve is to prevent exploitation of labour and for that purpose authorizes the appropriate - 255 - Government to take steps to prescribe minimum rates of wages in the scheduled industries. In an underdeveloped country which faces the problem of unemployment on a very large scale it is not unlikely that labour may offer to work even on starvation wages. The policy of the Act is to prevent the employment of such sweated labour in the interest of general public and so in prescribing the minimum wage rates the capacity of the employer need not be considered. What is being prescribed is minimum wage rates which a welfare State assumes every employer must pay before he employs labour. Even in the case of *Y.A. Mamarde vs Authority*¹⁷, the Apex Court observed thus: Let us first deal with this question. The Act which was enacted in 1948 has its roots in the recommendation adopted by the International Labour Conference in 1928. The object of the Act as stated in the preamble is to provide for fixing minimum rates of wages in certain employments and this seems to us to be clearly directed against exploitation of the ignorant, less 17 (1972)2 SCC108- 256 - organised and less privileged members of the society by the capitalist class. This anxiety on the part of the society for improving the general economic condition of some of its less favoured members appears to be in supersession of the old principle of absolute freedom of contract and the doctrine of *laissez faire* and in recognition of the new principles of social welfare and common good. Prior to our Constitution this principle was advocated by the movement for liberal employment in civilised countries and the Act which is a pre-Constitution measure was the offspring of that movement. Under our present Constitution the State is now expressly directed to endeavour to secure to all workers (whether agricultural, industrial or otherwise) not only bare physical subsistence but a living wage and conditions of work ensuring a decent standard of life and full enjoyment of leisure. This Directive Principle of State Policy being conducive to the general interest of the public and, therefore, to the healthy progress of the nation as a whole, merely lays down the foundation for appropriate social structure in which the labour will find its place of dignity, legitimately due to it

in lieu - 257 - of its contribution to the progress of national economic prosperity. The Act has since its enactment been amended on several occasions apparently to make it more and more effective in achieving its object which has since secured more firm support from the Constitution. (underlines supplied) CONSIDERATION OF THE RELEVANT PROVISIONS OF THE SAID ACT OF 1948 34. Now we turn to the scheme of the said Act of 1948. Clause (b) of Section-2 of the said Act of 1948 which is very relevant reads thus:

2. Interpretation - (b) appropriate Government means - (i) in relation to any scheduled employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a mine, oil-field or major port, or any corporation established by a Central Act, the Central Government, and (ii) in relation to any other scheduled employment, the State Government; - 258 -

35. The term wages has been defined in clause (h) of Section-2 of the said Act which reads thus: (h) Wages means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes house rent allowance, but does not include- (i) the value of (a) any house accommodation, supply of light, water, medical attendance, or (b) any other amenity of any service excluded by general or special order of the appropriate Government; (ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of social insurance; (iii) any travelling allowance or the value of any travelling concession; (iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or (v) any gratuity payable on discharge; - 259 -

36. The power of the appropriate Government to fix the minimum rates of wages and its review or revision is provided under section-3 of the said Act of 1948 which reads thus: 3. Fixing of minimum rates of wages. -

(1) The appropriate Government shall, in the manner hereinafter provided,- (a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either

Part by notification under section 27: Provided that the appropriate Government may, in respect of employees employed in an employment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof; (b) review at such intervals, as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary: - 260 - Provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force. (1A) Notwithstanding anything contained in sub-section (1), the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees engaged in such employment, but if at any time, the appropriate Government comes to a finding after such inquiry, as it may make or cause to be made in this behalf, that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment as soon as may be after such finding.-. 261 -

37. In the present case, there is no dispute that the appropriate Government is the State Government. As per clause (b) of Sub-Section

(1) of Section-3, the minimum wages fixed in accordance with clause (a) can be revised at such intervals which can be of maximum five years. The proviso makes it clear that even if the rates of minimum wages are not revised for a period of five years, it will not prevent the State Government from revising it. If the State Government does not revise the same for unreasonably long time, it may amount to forced labour of the concerned employees thereby resulting in violation of Articles 21 and 23 of the Constitution of India. Section-4 which empowers the

Government to fix the rates of minimum wages is also relevant which reads thus:

4. Minimum rate of wages. -

(1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under section 3 may consist of - (i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to - 262 - such workers (hereinafter referred to as the cost of living allowance); or (ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorized; or (iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

38. The most relevant section for our consideration is Section-5 of the said Act of 1948 which reads thus: 5. Procedure for fixing and revising minimum wages. - (1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either- - 263 - (a) appoint as many committees and sub- committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or (b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration. (2) After considering the advice of the committee or committees appointed under clause (a) of sub-section (1), or as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled

employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue: Provided that where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1), the appropriate Government shall consult the Advisory Board also. - 264 - 39. The word either used in sub-section (1) of Section-5 clearly indicates that there are two options provided to the Appropriate Government under clause (a) and (b). The Appropriate Government has a discretion either to take recourse to clause (a) or clause (b) of sub-section (1) of Section 5. Under clause (a), the Appropriate Government has an option for appointing a Committee or sub-Committees to hold an enquiry and advise the Government in respect of fixation of minimum wages or its revision. The Appropriate Government has a choice of the aforesaid of two options. If the option under clause- (b) is opted for, the Appropriate Government has to publish its proposals of fixation of minimum wages for the information of the persons likely to be affected thereby. When clause (b) is adopted, it is mandatory for the Appropriate Government to consult the Advisory Board. When recourse is taken to clause (a) of Sub-Section (1) of Section 5, still the Advisory Board has some role to play in view of Section 7 which provides that the said Board has the responsibility of coordinating the work of Committees and Sub-Committees appointed under clause (a) of Sub-Section(1) of Section 5 of the said Act of 1948.- . 265 - The provision regarding composition of the Committees and Advisory Board is under Section-9 of the said Act of 1948 which reads thus: 9. Composition of committees, etc. - Each of the committees, sub-committees and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

40. As can be seen from clause (a) of sub-section (1) of Section-3 of the said Act of 1948, the power to fix the rates of minimum wages can be exercised in relation to the employees employed in the employments specified in Part-I or Part-II of the schedule to the said Act of 1948 and in respect of employments added to one of the two parts of the shedule by exercising the power under Section-27.

IMPORTANT DECISIONS OF THE COURTS⁴¹ Before we specifically deal with the submissions canvassed across the Bar, it will be necessary to refer to some - 266 - of the well known decisions of the Apex Court which have interpreted the provisions of the said Act of 1948. We have already quoted two decisions of the Apex Court which elaborately lay down the objects sought to be achieved by the said Act of 1948.

42. A leading judgment on what constitutes the minimum wages is in the case of Reptakos Brett (supra). In paragraph- 8, the Apex Court held that the wage structure can be divided into three categories - (i) minimum wage which provides bare subsistence, (ii) fair wage and (iii) living wage. The Apex Court quoted with the approval the five norms for fixation of minimum wages laid down by the Tripartite Committee of the Indian Labour Conference. The norms were laid down in the year 1957. Apart from five norms prescribed by the Tripartite Committee, the Apex Court added an additional norm. Paragraphs-10, 11, 12 and 13 of the said decision of the Apex Court which are relevant read thus: 10. The Tripartite Committee of the Indian Labour Conference held in New Delhi in 1957 declared the wage policy which was to be followed during the Second Five Year Plan. The Committee accepted - 267 - the following five norms for the fixation of minimum wage: (i) In calculating the minimum wage, the standard working class family should be taken to consist of 3 consumption units for one earner; the earnings of women, children and adolescents should be disregarded. (ii) Minimum food requirement should be calculated on the basis of a net intake of calories, as recommended by Dr Aykroyd for an average Indian adult of moderate activity. (iii) Clothing requirements should be estimated at per capita consumption of 18 yards per annum which would give for the average workers' family of four, a total of 72 yards. (iv) In respect of housing, the rent corresponding to the minimum area provided for under Government's Industrial Housing Scheme should be taken into consideration in fixing the minimum wage. (v) Fuel, lighting and other miscellaneous items of expenditure should constitute 20 per cent of the total minimum wage.

11. This Court in Standard Vacuum Refining Company case [(1961) 3 SCR536: AIR 1961 SC895: (1961) 2 LLJ227 has referred to the above norms with

approval.-. 268 - 12. The concept of minimum wage is no longer the same as it was in 1936. Even 1957 is way behind. A worker's wage is no longer a contract between an employer and an employee. It has the force of collective bargaining under the labour laws. Each category of the wage structure has to be tested at the anvil of social justice which is the live-fibre of our society today. Keeping in view the socio-economic aspect of the wage structure, we are of the view that it is necessary to add the following additional component as a guide for fixing the minimum wage in the industry: (vi) children's education, medical requirement minimum recreation including festivals/ceremonies and provision for old age marriages etc. should further constitute 25 per cent of the total minimum wage.

13. The wage structure which approximately answers the above six components is nothing more than a minimum wage at subsistence level. The employees are entitled to the minimum wage at all times and under all circumstances. An employer who cannot pay the minimum wage has no right to engage labour and no justification to run the industry. (underlines supplied) - 269 - As per the above dictum of the Apex Court, the wage structure which approximately answers the above mentioned six components is nothing more than a minimum wage at subsistence level. We must note that five components laid down by the Tripartite Committee were approved by the Apex Court, in its earlier Judgment in the case of Standard Vaccum Refining (supra).

43. In the case of Bijay Cotton Mills (Supra), the Apex Court considered the challenge to the constitutional validity of various provisions of the said Act of 1948 on the ground of violation of fundamental rights guaranteed under sub- clause (g) of clause (1) of Article-19 of the Constitution of India. The argument of the employer was that the provisions of the said Act of 1948 put unreasonable restrictions upon the rights of the employer to carry on business and that employer has been prevented from carrying on business or trade unless he is prepared to pay minimum wages fixed under the said Act of 1948. While rejecting the said challenge, in paragraphs-4 and 5, the Apex Court held thus: - 270 - 4. It can scarcely be disputed that securing of living wages to labourers which ensure not only bare physical subsistence but also the maintenance of health and decency, is conducive to the general interest of the public. This is one of the Directive

Principles of State Policy embodied in Article 43 of our Constitution. It is well known that in 1928 there was a Minimum Wages Fixing Machinery Convention held at Geneva and the resolutions passed in that convention were embodied in the International Labour Code. The Minimum Wages Act is said to have been passed with a view to give effect to these resolutions [Vide *SI Est etc. v. State of Madras*, (1954) 1 MLJ 518 at page 521]. . If the labourers are to be secured in the enjoyment of minimum wages and they are to be protected against exploitation by their employers, it is absolutely necessary that restraints should be imposed upon their freedom of contract and such restrictions cannot in any sense be said to be unreasonable. On the other hand, the employers cannot be heard to complain if they are compelled to pay minimum wages to their labourers even though the labourers, on account of their poverty and helplessness are willing to work on lesser wages.-. 271 - 5. We could not really appreciate the argument of Mr Seervai that the provisions of the Act are bound to affect harshly and even oppressively a particular class of employers who for purely economic reasons are unable to pay the minimum wages fixed by the authorities but have absolutely no dishonest intention of exploiting their labourers. If it is in the interest of the general public that the labourers should be secured adequate living wages, the intentions of the employers whether good or bad are really irrelevant. Individual employers might find it difficult to carry on the business on the basis of the minimum wages fixed under the Act but this must be due entirely to the economic conditions of these particular employers. That cannot be a reason for the striking down the law itself as unreasonable. (underlines supplied) 44. In the case of *Chandra Bhawan Boarding* (supra), the challenge was to clauses (a) and (b) of sub-Section (1) of Section-5 of the said Act of 1948 on the ground that the same infringe the fundamental rights guaranteed by Article-14 of the Constitution of India. It was urged that Section 5 confers unguided and uncontrolled discretion on the Government to follow one of the two procedures prescribed under clause (a) and (b) of Sub-Section (1) of Section-5 of the said Act of 1948 - 272 - to enquire into the matter of fixing the minimum rates of wages. If recourse to clause (a) is not taken, then it will amount to fixing the minimum wages arbitrarily. Further, it was contended that fixation of minimum wages is quasi judicial act and therefore, the principles of natural justice must be followed. In the said case, the power of the

appropriate Government to fix the different minimum wages for different industries and its power to fix the different rates of minimum wages for different zones was also questioned. In paragraph-9, the Apex Court negated the challenge on the ground that the decision taken by the Government under sub-section (1) of Section-5 cannot be termed as either unguided or arbitrary. Paragraph-9 of the decision of the Apex Court read thus: 9. We have earlier noticed the circumstances under which the Act came to be enacted. Its main object is to prevent sweated labour as well as exploitation of unorganised labour. It proceeds on the basis that it is the duty of the State to see that at least minimum wages are paid to the employees irrespective of the capacity of the industry or unit to pay the same. The mandate of Article 43 of the Constitution is that the State should endeavour to secure by suitable legislation or economic organization or in any other - 273 - way, to all workers, agricultural, industrial or otherwise work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. The fixing of minimum wages is just the first step in that direction. In course of time the State has to take many more steps to implement that mandate. As seen earlier that resolutions of the Geneva Convention of 1928, which had been accepted by this country called upon the covenanting States to fix minimum wages for the employees in employments where the labour is unorganised or where the wages paid are low. Minimum wages does not mean wage just sufficient for bare sustenance. At present the conception of a minimum wage is a wage which is somewhat intermediate to a wage which is just sufficient for bare sustenance and a fair wage. That concept includes not only the wage sufficient to meet the bare sustenance of an employee and his family, it also includes expenses necessary for his other primary needs such as medical expenses, expenses to meet some education for his children and in some cases transport charges etc. see *Unnicheyi v. State of Kerala*. [(1962) 1 SCR946 The concept of minimum wage is likely to undergo a change with the growth of our economy and with the change in the standard of living. It is not a static concept. Its concomitants must necessarily increase with the - 274 - progress of the society. It is likely to differ from place to place and from industry to industry. That is clear from the provisions of the Act itself and is inherent in the very concept. That being the case it is absolutely impossible for the legislature to

undertake the task of fixing minimum wages in respect of any industry much less in respect of an employment. That process must necessarily be left to the Government. Before minimum wages in any employment can be fixed it will be necessary to collect considerable data. That cannot be done by the legislature. It can be best done by the Government. The legislature has determined the legislative policy and formulated the same as a binding rule of conduct. The legislative policy is enumerated with sufficient clearness. The Government is merely charged with the duty of implementing that policy. There is no basis for saying that the legislature had abdicated any of its legislative functions. The legislature has prescribed two different procedures for collecting the necessary data, one contained in Section 5(1)(a) and the other in Section 5(1)(b). In either case it is merely a procedure for gathering the necessary information. The Government is not bound by the advice given by the committee appointed under Section 5(1)(a). Discretion to select one of the two procedures prescribed for collecting the data is advisedly left to the Government. In the case of a particular - 275 - employment, the Government may have sufficient data in its possession to enable it to formulate proposals under Section (5)(1)(b). Therefore it may not be necessary for it to constitute a committee to tender advice to it but in the case of another employment it may not be in possession of sufficient data. Therefore it might be necessary for it to constitute a committee to collect the data and tender its advice. If the Government is satisfied that it has enough material before it to enable it to proceed under Section 5(1)(b) it can very well do so. Which procedure should be adopted in any particular employment depends on the nature of the employment and the information the Government has in its possession about that employment. Hence the powers conferred on the Government cannot be considered as either unguided or arbitrary. In the instant case as seen earlier the question of fixing wages for the various categories of employees in residential hotels and eating houses was before the Government from 1960 and the Government had taken various steps in that regard. It is reasonable to assume that by the time the Government published the proposals in pursuance of which the impugned notification was issued it had before it adequate material on the basis of which it could formulate its proposals. Before publishing those proposals, the Government had consulted the advisory committee - 276 - constituted under

Section 7. Under those circumstances we are unable to accede to the contention that either the power conferred under Section 5(1) is an arbitrary power or that the same had been arbitrarily exercised. (underlines added) The Apex Court did not specifically examine the question whether the power to grant minimum wages is a quasi judicial power or not. The Apex Court dealt with the contention that after the proposals containing the rates of minimum wages are published, the State Government was not competent to enhance the rates of minimum wages. In paragraph-15, the Court held thus: 15. Taking into consideration the provisions of the Act, the objective behind the Act, the purposes intended to be achieved and the high authority on whom the power is conferred, we have no doubt that the procedure adopted was adequate and effective. We have equally no doubt that reasonable opportunity had been given to all the concerned parties to represent their case. We are unable to agree that the impugned order is vitiated because of the Government's failure to constitute a committee under Section 5(1)(a). We see no substance in the - 277 - contention that the Government is not competent to enhance the rate of wages mentioned in the proposals published. If it has power to reduce those rates, as desired by the employers, it necessarily follows that it has power to enhance them. There is no merit in the contention that the Government must go on publishing proposals after proposals until a stage is reached where no change whatsoever is necessary to be made in the last proposal made. (underlines supplied) In the above case, the Apex Court held that different zones can be fixed on rational basis.

45. Another decision which is relevant is in the case of Unichoyi (U) (supra) in which again, the Apex Court considered what are the components of minimum wages. In paragraph-13, the Apex Court has considered this aspect and ruled thus: 13. It is, therefore, necessary to consider what are the components of a minimum wage in the context of the Act. The evidence led before the Committee on Fair Wages showed that some witnesses were inclined to take the view that the minimum wage is that wage which is essential to cover the bare physical needs of a worker and his family, whereas - 278 - the overwhelming majority of witnesses agreed that a minimum wage should also provide for some other essential requirements such as a minimum of education, medical facilities and other amenities. The Committee came to the conclusion that a minimum wage must

provide not merely for the bare subsistence of life but for the preservation of the efficiency of the worker, and so it must also provide for some measure of education, medical requirements and amenities. The concept about the components of the minimum wage thus enunciated by the Committee have been generally accepted by industrial adjudication in this country. Sometimes the minimum wage is described as a bare minimum wage in order to distinguish it from the wage structure which is subsistence plus or fair wage, but too much emphasis on the adjective bare in relation to the minimum wage is apt to lead to the erroneous assumption that the maintenance wage is a wage which enables the worker to cover his bare physical needs and keep himself just above starvation. That clearly is not intended by the concept of minimum wage. On the other hand, since the capacity of the employer to pay is treated as irrelevant, it is but right that no addition should be made to the components of the minimum wage which would take the minimum wage near the lower level of the fair wage, but the contents of this concept must ensure for the - 279 - employee not only his sustenance and that of his family but must also preserve his efficiency as a worker. The Act contemplates that minimum wage rates should be fixed in the scheduled industries with the dual object of providing sustenance and maintenance of the worker and his family and preserving his efficiency as a worker. (underlines added) On the question of interference by the writ Court with the minimum wages fixed by the appropriate Government, the Apex Court, in paragraph-17 of the said decision held thus: 17. Mr Nambiar no doubt wanted to attack the merits of the notification on the ground that the wage rates fixed by it are unduly high. In that connection he relied on the fact that the minimum wage rates prescribed by the Madras Government by its notification published on February 25, 1952, as well as the wage rates prevailing in other industries in Kerala were slightly lower. He also pointed out that the wage rates awarded by industrial adjudication and even the claims made by the employees themselves would tend to show that what has been awarded by the notification is higher than the prescribed minimum wages. It is not possible for us to entertain this contention. The - 280 - determination of minimum wages must inevitably take into account several relevant factors and the decision of this question has been left by the Legislature to the Committee which has to be appointed under the Act. We

have already referred to the composition of the Committee and have reviewed very briefly its report. When a Committee consisting of the representatives of the industry and the employees considers the problem and makes its recommendations and when the said recommendations are accepted by the Government, it would ordinarily not be possible for us to examine the merits of the recommendations as well as the merits of the wage structure finally notified by the Government. The notification has accepted the recommendations of the Committee to categorise the workers and that obviously was overdue. The fact that wages paid in other industries in Kerala, or in other States in comparable concerns, are lower and would have been relevant for the Committee to consider when it made its recommendations. In appreciating the effect of the prevalence of lower rates it may also be relevant to bear in mind that in some places and in some industries, labour is still employed on wages much below the standard of minimum rates. In fact, in its report the Committee has pointed out that in Kerala the bargaining position of the workers has all along been very weak - 281 - and wages have tended to remain in a deplorably low level. Therefore, the fact that lower wages are paid in other industries or in some other places may not necessarily show that the rates prescribed by the notification are unduly high. In any event these are considerations which ordinarily cannot be entertained by us because obviously we are not sitting in appeal over the recommendations of the Committee or the notification following upon them. That is why the grievance made by Mr Nambiar on the merits of the wage structure prescribed by the notification cannot succeed. (underlines supplied) The Apex Court was of the view that when the Committee consisting of the representatives of the industry/employers and the representatives of the employees considers the problem and makes its recommendations and when the recommendations are accepted by the Government, it would ordinarily not be possible for the writ Court to examine the merits of the recommendations as well as the merits of the wage structure finally notified by the Government.

46. Another case which needs to be noted at this stage is Peoples Union for Democratic Rights and others -vs- - 282 - Union of India and others¹⁸ which is popularly known as Asian Games workers case. In the said decision, the Apex Court held that when an employer provides labour or service to another for a

remuneration which is less than the prescribed minimum wages, the labour or service provided by the employer clearly falls within the scope and ambit of the words forced labour under Article-23.

47. In its decision in the case of Association of Planters of Kerala -vs- State¹⁹, the Kerala High Court held that in view of the provisions of Section 3 (1) (b) and Article-23, it is the duty of the appropriate Government to revise the rates of minimum wages retrospectively.

48. In the case of Ministry of Labour and rehabilitation (supra), the Apex Court held that notification fixing the rates of minimum wages are not be lightly interfered with under Article- 226 of the Constitution of India on the ground of some irregularities in constitution of the Committee or in the procedure adopted by the Committee. It was held that the Committee acts only as a recommendatory body to 18 AIR 1982 SC147319 1996 (74) FLR2288- 283 - recommend the structure of minimum wages and ultimately, the decision has to be taken by the appropriate State Government. It was also held that a notification fixing minimum wages, in a country where wages are already minimal, should not be interfered with under Article 226 of the Constitution of India except on the most substantial of grounds. It was held that the minimum wages fixed pursuant to the social welfare legislation undertaken to further the Directive Principles of State Policy cannot be struck down on the ground of mere technicalities.

49. In the light of the broad legal principles laid down by the Apex Court as well as the High Court which are referred above, now we proceed to deal with the submissions canvassed by the respective counsel on merits of the controversy. CONSIDERATION OF SUBMISSIONS: LEGALITY OF WITHDRAWAL OF FOUR NOTIFICATIONS⁵⁰ Firstly, we deal with the issue involved in Writ Appeal No.1520/2019. This appeal arose out of writ petition No.18621/2018 filed by the Union. In the said writ petition, the challenge was to the order/notification dated 22nd March, 2018 - 284 - passed by the State Government, withdrawing four notifications. By the said order, the four notifications were withdrawn with immediate effect. The English translation of the said notification reads thus: Proceedings of the government of Karnataka Sub: Regarding formation of tripartite

committee to decide withdrawal of Notification issued under provisions of Minimum Wages Act 1948 Section (1) (b) and fixing of Minimum Wages as per Minimum Wages Act 1948 Section 5 (1) (b) for the four notified trades of Spinning Mill Industries, Cloth Dyeing and Printing, Tailoring Industry and Textile (Silk) Industry. Read with: Letter No.Ka.VeKa-2/Eathare- 33/Spi.Mi/2017-18 dated 01.02.2018 of Labour Commissioner: Preamble: With reference to the above, while comparing the Minimum Wages as published in the final notification dated 30.12.2017 by the Government of Karnataka with Minimum Wages of other States in respect of Spinning Mill Industries, Cloth Dyeing and Printing, Tailoring Industry and Textile (Silk) Industry is observed to be higher and this would affect adversely the trade, the Textile and Garments industry is facing competition at the international level, in this trade labour expenses being 25 to 30 percent, it was appealed by the employers that this notification be withdrawn.-. 285 - The appeal was forwarded to Labour Commissioner for information and instructed to furnish report. Hence, the Labour Commissioner has furnished the report under reference. It is explained that works in Spinning Mill Industries, Cloth Dyeing and Printing, Tailoring Industry and Textile (Silk) Industry being similar in nature, if all these specified employments notified industries are in one section, when workers receive differing wages, discrimination feeling would arise, industrial disputes may emerge. Hence, Minimum Wages revised in one stretch, chances of arising of industrial disputes is less. Considering these aspects specified employments in Spinning Mill Industries, Cloth Dyeing and Printing, Tailoring Industry and Textile (Silk) Industry and Tailoring Industries may fix common minimum wages, withdrawal of notification under Minimum Wages Act 1948 Section. 5(1)(b), to constitute a tripartite committee under Minimum Wages Act 1948 Sec. 5(1)(a). Government of Karnataka has taken action to revise minimum wages for these four (4) scheduled employments. Table-1 minimum wages notification of Government of Karnataka S
Scheduled Notification No and Remarks I employment in Date N o 1 Textiles (Silk) KaEe 22 LMW2017 Final Industry Dated 30-12-2017 Notification Issued 2 Spinning Mills KaEe 21 LMW2017 Final Industry Dated 30-12-2017 Notification Issued - 286 - 3 Cloth Dyeing and KaEe 29 LMW2017 Final Printing industry Dated 30-12-2017 Notification Issued 4 Tailoring industry KaEe 76 LMW2017 Draft Dated 22-02-2018 Notification Released The above Notifications are issued

as per Minimum Wages Act 1948 Section (1) (b). In the combined Textile industry, rates of Minimum wages finalized for some scheduled employments and for others the processes of fixing Minimum Wages are under revision. The Government is convinced that this may lead to discrimination in the workers in the combined Textile industry and create industrial relation problems. In this background, the Government in exercise of the powers conferred under Minimum Wages Act 1948 has decided to withdraw the above Notifications in Table - 1. In the same circumstance, the Government in exercise of its powers conferred by the Minimum Wages Act 1948 Sec.5 (1) (a) has decided to constitute general tripartite committee to revise common minimum wages for the combined scheduled employments indicated in Table-1, and constituted the tripartite committee vide Government Order No.KaEe21 LMW2017 Bengaluru, dated 22-03-2018. Considering the Labour Commissioners precludes and all related factors, the following order is issued. Government Order No.KaEe 21 LMW2017(1), Bengaluru Date.22-03-2018 - 287 - In the background of the above proposal, the following Notifications are withdrawn with immediate effect. It is ordered that till the Government issues further notification based on the report of the tripartite committee, for the scheduled employment applicable minimum wages as per existing minimum wages notifications would be implemented. Sl Scheduled Notification No Remarks No employment in and Date 1 Spinning Mills KaEe 21 LMW Final Industry 2017 Dated Notification 30-12-2017 withdrawn 2 Cloth Dyeing and KaEe 21 LMW Final Printing industry 2017 Dated Notification 30-12-2017 withdrawn 3 Textiles (Silk) KaEe 29 LMW Final Industry 2017 Dated Notification 30-12-2017 withdrawn 4 Tailoring industry KaEe 76 LMW Final 2017 Dated Notification 22-02-2018 withdrawn By order in the name of The Governor of Karnataka Sd/- (G.M. Siddaraju) Under Secretary to Government, Labour Department. Date:22-03-2018 (Underline added) 51. As stated therein, the first, second and third notifications withdrawn were of 30th December, 2017 issued under Sub- - 288 - Section (2) of Section 5 of the said Act of 1948, fixing the rates of minimum wages in respect of (i) Textile (silk) industry, (ii) Spinning Mills Industry and (iii) Cloth Dyeing and Printing Industry. The fourth notification which was withdrawn is of 22nd February, 2018 which is not a final notification but it is a draft notification issued by the Government, as contemplated by clause (b) of Sub-

Section (1) of Section-5 of the said Act of 1948, by which, the State Government published its proposals for revision of minimum wages in respect of the Textile Manufacturing (Garments, Costumes and Tailoring) Industry. It is observed in the impugned notification/order of withdrawal of the four notifications that the rates of minimum wages fixed under three notifications dated 30th December, 2017, in respect of the aforesaid three industries were higher than the rates of minimum wages fixed in the other States. It is also observed therein that an appeal was made by the employers seeking withdrawal of the notification. Therefore, a report was called from the Labour Commissioner and ultimately, it was decided to withdraw the notifications and resolved to constitute Tripartite Committees, as contemplated under clause (a) of sub-section (1) of Section-5.-. 289 - 52. It must be noted here that by the said three withdrawal notifications dated 30th December, 2017, the rates of minimum wages fixed there under were made effective from the date of publication of the said notifications. Thus, in the writ petition subject matter of Writ Appeal No.1520/2019, the issue raised was regarding the existence of power vesting with the State Government to withdraw a final notification as well as a draft notification. The submission of the appellants is that a vested right was created in favour of the employees with effect from 30th December, 2017, as the employees became entitled to minimum wages fixed under the three final notifications with effect from 30th December, 2017 and said vested rights could not be taken away nearly three months thereafter by issuing the impugned notification on 22nd March, 2018.

53. The learned Single Judge negatived the challenge to the impugned notification of withdrawal for the reasons contained in paragraph-25 of the impugned judgment. Firstly, the learned Single Judge held that by exercising power under Section-21 of the General Clauses Act, 1897 or Section-21 of the Mysore General Clauses Act, 1899, the notifications could not have been withdrawn, as the same created a vested right in - 290 - the employees. However, the learned Single Judge, by referring to the power of the State Government under clause (b) of sub-section (1) of Section-3 of the said Act of 1948 which empowers the Government to review the minimum wages fixed, held that as the impugned notification/order mentioned the reasons necessitated for such review, the withdrawal of the said notifications amounts to review and it was a step in aid of revising the minimum

wages. The learned Single Judge held that the power to fix the minimum wages is not a quasi judicial power and such exercise of fixing the minimum wages is a Legislative/Quasi Legislative function. Therefore, there was no question of giving an opportunity of being heard to the employees affected by such withdrawal.

54. Firstly, we deal with the arguments based on Section-21 of the General Clauses Act, 1897 (for short the said Act of 1897). Section-21 of the said Act reads thus: 21. Power to issue, to include power to add to, amend, vary or rescind notifications, orders, rules or bye-laws. - Where, by any Central Act or Regulations a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and - 291 - subject to the like sanction and conditions if any, to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued. (underlines supplied) 55. Section-21 of the said Act has been judicially interpreted in several decisions of the Apex Court and those decisions were considered by a Division Bench of this Court, in the case of L and T Komatsu Ltd.(supra). After considering large number of the decisions of the Apex Court, in paragraph-38, the Division Bench summarized the law as under: 38. From the aforesaid discussion it is clear that Section 21 of the General Clauses Act applies only when in an enactment there is no specific provision providing for what is provided in Section 21 of the Act. In order to find out whether such a provision exists, the scheme of the Act is to be scrutinized. If there is no indication of any such power expressly or by implication then Section 21 of the General Clauses Act has to be read into the said enactment. If an order is passed under a particular statute and if it is given effect to, acted upon, consequential further steps are taken in accordance with law, and third party interests are created, then rescinding or revoking such an order, at that stage, would have - 292 - serious consequences. Then in those circumstances it cannot be said that the power to issue notification includes the power to rescind or revoke. In the absence of a specific provision providing for such recession or revocation and an express or implied bar for such recession or revocation, Section 21 of the General Clauses Act applies, and such a power is to be read into such enactment. Otherwise, the very object of enacting this piece of Legislation becomes redundant. Ultimately the applicability of Section 21 of the Act depends on the scheme of the Act, the nature of power conferred, the object sought to be

achieved and the language employed in the said provision. Broadly stated, Section 21 of the Act, applies as a rule, non application is an exception. To exclude the application of the general rule, there must be an exceptional circumstance. Section 21 is based on the principle that power to create includes the power to destroy and also the power to alter what is created. The power to rescind a notification is inherent in the power to issue the notification without any limitations or conditions. Section 21 embodies a rule of construction. The nature and extent of its application must be governed by the relevant statute which confers the power to issue the notification. When a power is conferred on an authority to do a particular act, such power can be - 293 - exercised from time to time and carries with it the power to withdraw, modify, amend or cancel the notifications earlier issued, to be exercised in the like manner and subject to like conditions, if any, attached with the exercise of the power. This legal position is in no way denuded merely because the notification issued under an enactment was the subject matter of litigation and the validity of such notification has been upheld by a Court. (underlines supplied)

56. As held by the Division Bench of this Court, Section-21 will apply only when in a statute, there is no specific provision providing for what is provided in Section 21. Section 21 provides that when there is a power to issue notifications or orders, such power includes a power to vary or rescind such notifications or orders. However, the said power to vary or rescind is exercisable in the like manner and subject to like conditions, on which, the notifications or orders are issued. The decision of the Division Bench holds that power conferred under Section 21 can be exercised only when there is no specific provision to do what can be under Section-21 of the said Act of 1897. The exception to the exercise of power under Section 21 of rescinding notifications or orders is in a case - 294 - where an order passed under a particular statute is already given effect and third party interests are created. The reason is that in such a case, the exercise of the power of rescinding the notifications or orders will have serious consequences. In such contingency, it cannot be said that the power to issue notifications includes the power to rescind or revoke the same.

57. Therefore, we will have to ascertain whether under the said Act of 1948, there is a power to do what can be done under Section-21 of the said Act of 1897. Under clause (b) of Sub-Section (1) of Section-3 of the said Act of 1948, which is

already quoted above, the appropriate Government is empowered not only to fix the rates of minimum wages but also to revise the rates of minimum wages, if necessary. As can be seen from sub-section (2) of Section-5, it confers on the appropriate Government, a power to fix the rates of minimum wages in respect of the scheduled employment and power to revise such rates of minimum wages. In the case on hand, the statute has itself conferred a power on the appropriate Government to review/revise the rates of minimum wages and such power also includes power to increase or reduce the rates - 295 - of minimum wages. Therefore, when a final notification is issued under sub-section (2) of Section-5 of the said Act of 1948 of fixing or revising the rates of minimum wages in respect of a scheduled employment, the power to revise the same either by enhancing the rates or reducing the rates vests with the Appropriate Government. There is a power to revise the rates of minimum wages even by reducing the same by exercise of power conferred under Sub-Section (2) of Section- 5, after following the procedure under Sub-Section (1) of Section-5. The power to review or revise the minimum wages fixed, however, cannot be exercised by withdrawing the final notifications. Hence, the act of withdrawal of the final notifications cannot be termed as a step in aid of revision of the rates. The revision can be made only by following the procedure prescribed in Section 5 of the said Act of 1948. Therefore, in case of a final notifications fixing the rates of minimum wages under sub-section (2) of Section-5, there is a specific power conferred on the government to review or revise the same and therefore, in case of final notifications issued fixing the rates of minimum wages, for revising or reviewing the same, recourse to Section 21 of the said Act of 1897 cannot be - 296 - taken. However, in case of a notification published under clause (b) of sub-section (1) of Section-5 of the said Act of 1948, by which, the proposals of the State Government are published, the legal position may be different which we are discussing separately.

58. Even assuming that the power under Section-21 of the said Act of 1897 can be exercised for rescinding the final notifications issued fixing the rates of minimum wages, as provided in Section-21, the procedure prescribed under Section of 5 of said Act of 1948 which is required to be adopted for revising the rates of minimum wages will have to be followed. Therefore, the action of the withdrawing the notifications could not have been taken only on the basis of the report of the

Labour Commissioner, but the State Government was required to follow the procedure prescribed by Section-5 which is applicable for fixing the rates of minimum wages either for the first time or for revising the same. Therefore, even assuming that the State Government could have invoked Section 21 of the said Act of 1897, the State Government was required to follow the procedure under Section 5 of the said Act of 1948 by - 297 - taking recourse either to clause (a) or clause (b) of sub-section (1) of Section-5 before rescinding the final notifications. In the case in hand, that was admittedly not done.

59. Even assuming that the power under Section-21 of the said Act of 1897 could be exercised for rescinding the final notifications issued for fixing the rates of minimum wages, in the facts of the case, the three notifications dated 30th December, 2017 which came into force on 30th December, 2017 vested a right in the employees of the concerned industries in respect of which notifications were issued, entitling them to get the minimum wages at the rates fixed by the said three notifications. Hence, the vested right created in the employees to get the wages as per the rates fixed under the three final notifications could not be taken away without revising the rates as provided under section 3 read with section 5 the said Act of 1948. The vested right could not have been taken away by taking recourse to Section 21 of the said Act of 1897. Therefore, as held by the Division Bench of this Court, in the case of L and T Komatsu (supra), the three notifications could not be rescinded by exercising the power under Section- - 298 - 21 of the said Act of 1897, as the right vested in employees cannot be taken away by exercise of such power. Hence, the action of withdrawal of the said three notifications is ultra virus the provisions of the said Act of 1948 as well as the said Act of 1897 and is liable to be set aside.

60. However, the situation in case of the fourth withdrawn notification being a draft notification dated 22nd February, 2018 in respect of Tailoring industry is different. The said notification did not fix the rates of minimum wages but, by the said notification, only the proposals of the State Government of fixing the rates of minimum wages were published in accordance with clause (b) of Sub-Section (1) of Section-5. Thus, it was a draft notification published proposing to revise the rates of minimum wages in case of Tailoring Industry and the proposed rates were

mentioned therein. While fixing the rates of minimum wages after consulting the Advisory Board, the State Government had a power to enhance or reduce the rates mentioned in the draft notification. The notification dated 22nd February 2018 contained only a proposal to revise the rates of minimum wages fixed earlier and therefore, while - 299 - issuing final notification, the State Government had a power to reduce the rates of minimum wages mentioned in the draft notification. As the reason for withdrawal of the said notification was that the proposed rates of minimum wages mentioned therein were on the higher side, the said rates could have been reduced while issuing the final notification. Therefore, the statute itself confers a power on the Appropriate Government to do something which could have been done in exercise of the powers under section-21 of the said Act of 1897. Hence, recourse to the power under Section-21 could not have been taken for withdrawing the draft notification. Therefore, withdrawal of the draft notification also cannot be sustained as even this action is ultra virus the provisions of the said Act of 1948 as well as under the said Act of 1897.

61. On 23rd August 2019, submissions in this group of appeals were heard and therefore, further action taken by the State government on the basis of the withdrawal of the notifications by the order dated 22nd March 2018 was always subject to final outcome of this appeal. The State Government, during the pendency of the appeal, in pursuance - 300 - of the directions issued by the learned Single Judge under the impugned Judgment and order, had published a fresh notification dated 31st October, 2019 after taking recourse to clause (b) of Sub-Section (1) of Section-3 read with clause (a) of Sub-Section (1) of Section-5, for fixing the rates of minimum wages in respect of the Spinning Mills. Another final notification was published on the same day for fixing the rates of minimum wages in respect of Garments, Costumes and Tailoring industry. The third final notification was also issued on the same date, fixing the rates of minimum wages in respect of Cloth Dyeing and Printing industry. The fourth notification was published fixing the rates of minimum wages in respect of Textiles (silk) industry. The final notifications in relation to Textiles (silk) industry, Spinning Mills Industry, Cloth Dyeing and Printing were made effective from 30th December, 2017 i.e., the date on which the earlier three final notifications were withdrawn were brought into force. The notification in respect of Tailoring industry was also brought into force

with effect from 30th December, 2017. As we have already held that those three final notifications dated 30th December, 2017 were illegally withdrawn, the corresponding three final notifications - 301 - issued during the pendency of these appeals on 31st October 2019 in respect of the same industries will be of no legal effect. We have held that the draft notification in respect of Tailoring industry was illegally withdrawn. Hence, the final notification dated 31st October 2019 in respect of the said Tailoring industry will have no effect at all. As the three final notifications dated 30th December 2017 will stand revived, the corresponding new notifications dated 31st October, 2019 will be rendered inoperative, inasmuch as, there cannot be two sets of notifications in respect of the same industries fixing the different rates from 30th December, 2017. As the preliminary notification of 22nd February 2018 in case of Tailoring industry will stand revived, the final notification dated 31st October, 2019 will be rendered inoperative. Hence, the State Government will have to take further steps on the basis of the revived draft notification in accordance with Sub-Section (2) of Section 5. In case of revived notifications dated 30th December, 2017, the State Government can always take action of revision of the rates fixed therein in accordance with the law. The said action can be taken on its own or on the application made by the - 302 - employers. To the above extent, the Writ Appeal No.1520/2019 will have to be allowed in part.

CONSIDERATIONS OF SUBMISSIONS IN THE APPEALS BY EMPLOYERS

APPROACH OF THE COURT WHILE DEALING WITH SUBMISSIONS AND THE ISSUE OF NATURE OF POWER EXERCISED BY THE APPROPRIATE GOVERNMENT⁶²

By the impugned notifications challenged by the employers, the rates of minimum wages were approximately enhanced by Rs.8000/- to Rs.15,000/- per month after the lapse of 4 to 5 years. Only in case of Doctors, the enhancement was more as it was fixed at Rs.40,908.40/- per month with effect from 30th December 2017 which cannot be per se excessive. The concept of minimum wages is not a static concept. 72 years back when the said Act of 1948 was enacted, the said concept was different. Thereafter, it has gradually changed. The world has changed very fast during the last decade. The concept of necessities of life has undergone a drastic change. The concept of what is required for subsistence has also changed. The rate of minimum wages must be such that it ensures health and decency which concepts have also

undergone a change. In the case of - 303 - workmen vs. Retakes Brett and Co (supra), in paragraph 25, it was observed as under: 25. in any case we are of the opinion that purchasing power of today's wage cannot be judged by making calculations which are solely based on 30/40 years old wage structure. The only reasonable way to determine the category of wage structure is to evaluate each component of the category concerned in the light of the prevailing prices. There has been sky-rocketing rise in the prices and the inflation chart is going up so fast that the only way to do justice to the labor is to determine the money value of various components of the minimum wage in the context of today. (Underline supplied) The aforesaid principles will have to be kept in mind, when we decide the challenge by the employers. If we peruse the submissions made by the employers, it can be said that most of the submissions are made on the footing that this Court is going to act as the Appellate Authority. We will have to examine the challenge by employers, by keeping in mind the changing world and the well settled constraints on the exercise of writ jurisdiction in the matters involving fixation of minimum wages. Looking to the scheme of the said Act of 1948, it - 304 - appears that the Legislature has left the act of determination of the rates of minimum wages to the Appropriate Government. If we look at Section 5, the exercise of the power by the Appropriate Government of fixing the rates of minimum wages is neither quasi-judicial nor administrative. The Legislature has delegated its power to the Appropriate Government to fix the rates of minimum wages. Hence, fixation of minimum wages is a legislative function. In the case of Mangalore Ganesh Beedi (supra), it was held by a Division Bench of this Court that the minimum wage fixation is a legislative act. Hence, it follows that the requirement of giving reasons and giving hearing are ruled out. THE CONTENTION THAT NOT ADOPTING OPTION UNDER CLAUSE (a) OF SUB-SECTION (1) OF SECTION 5 WAS DISCRIMINATORY:

63. Now we go to the arguments canvassed in the appeals preferred by the employers. There was one argument canvassed especially in Writ Appeal No.1681-1682/2019 that out of two options available to the State Government under clause (a) and (b) of sub-section (1) of Section-5 of the said Act of 1948, the option under clause (a) ought to have been adopted. The other argument is that in case of four industries - 305 - in respect of which the notifications issued earlier

were withdrawn, the State Government has taken recourse to clause (a) of sub-section (1) of Section-5 of the said Act of 1948 by appointing Tripartite Committees to hold enquiry and advise the Government in respect of fixation or revision of rates of minimum wages. The submission of the learned counsel appearing for the appellant in Writ Appeal No.1681/2019 was that the action of adopting option of clause (a) of Sub-section (1) Section-5 in case of selected four (04) industries and the action of the Government of adopting the option under clause (b) of Sub-Section (1) of Section-5 in respect of other industries is a hostile discrimination which is violative of Article 14 of the Constitution of India. He submitted that in case of four notifications which were withdrawn, the State Government has now fixed very reasonable rates of minimum wages after considering the advice of the Tripartite Committees.

64. We have already recorded our conclusions on the issue of the Appropriate Governments power to take recourse to either of the two options contemplated under sub-clauses (a) and (b) of Sub-Section (1) of Section-5. The procedure for - 306 - fixing the rates of minimum wages for the first time or for revising the same has been laid down therein. The word either is used in sub-section (1) of Section-5. Therefore, there are two options available to the appropriate Government under the statute. One is under clause (a) and another is under clause (b). Where recourse is taken under clause (a) of sub- section (1) of Section-5 for fixing or revising the rates of minimum wages, the State Government has to consider the advice of the Committee or Committees constituted under clause (a). Where an option under clause (b) is exercised, a notification containing the proposed rates of minimum wages is required to be published. As narrated earlier, by publishing a notification in the official gazette, the proposed rates are required to be notified and the date of its effect is required to be specified in the notification inviting representations in respect of such proposed rates. After considering the representations so received and after consulting the Advisory Board constituted under Section-7, the State Government is required to take a decision of fixing the rates of minimum wages. Ultimately, the power is vested with the Government to fix the rates of minimum wages. By appointing/constituting the Committees - 307 - under clause (a) or by following the procedure under clause (b) of sub-section (1) of Section-5, all that the Government gets is the factual details or data as well as

the views of all the stake holders. It is necessary to look at the composition of the Committee and the composition of the Advisory Board as provided in section 9. Perusal of Section 9 shows that, both in the Committee and in the Advisory Board, there is a representation given to both the employers and employees and there are independent persons as well. It can be said that both the Committee and the Advisory Board only render advice to the State Government. They collect the data for the Appropriate Government. In case of Advisory Board, the practice followed is that even the representations made on the basis of the draft notifications under clause (b) of sub-section (1) of Section-5 are placed before it. When the statute itself provides for two options, merely because the State exercises one option in case of one category of industry and the other option in case of other categories of industries, the action taken by the Government cannot be held to be discriminatory. Different yardsticks will have to be applied to different - 308 - industries. It will not amount to violation of Article 14 of the Constitution.

65. At this juncture, it is necessary to refer to the dictum of the Apex Court in the case of Chandra Bhavan (supra) wherein there was a specific challenge to the constitutional validity of the provisions of sub-section (1) of Section-5 of the said Act of 1948 on the ground that it was arbitrary and violative of Article 14 of the Constitution of India, as it confers unguided and uncontrolled discretion on the Appropriate Government to follow either of the alternative procedures prescribed in clauses (a) and (b) of sub-section (1) of Section-5 of the said Act of 1948. The challenge was rejected by the Apex Court for the reasons recorded in paragraph-9 of the judgment, which we have already quoted. As observed in the said Judgment, when two modes are provided in the statute under clauses (a) and (b) for collecting the necessary data, the Appropriate Government is empowered to opt for either of options. In either case, it is merely a procedure for gathering the necessary information/data which will be useful for the State Government in fixing the rates of minimum wages. Therefore, as observed by the Apex Court, which procedure - 309 - should be adopted in case of a particular employment depends upon the nature of the employment and the information the Government has in its possession about such employment. Thus, giving choice of the two alternatives to the Government under clause (a) and (b) of sub-section (1) of Section-5 of the said Act of 1948 is not at all arbitrary, as held by the Apex Court.

66. The contention of the learned counsel is that in case of few industries, the Government has opted for the option under clause (a) and has opted for the option under clause (b) in respect of other industries which is discriminatory. As held by the Apex Court, when the statute itself confers a choice of such options on the State Government as provided in clauses (a) and (b) of Sub-Section (1) of Section-5 of the said Act of 1948, opting for either of the options by the Government cannot be termed as violative of Article-14 of the Constitution of India and therefore, the employers cannot find fault with the action of the Government in adopting the option under clause (a) in respect of four industries and taking recourse to clause (b) in respect of other industries. Therefore, the argument canvassed by the - 310 - learned counsel for the employer, based on the discrimination, cannot be accepted. ARGUMENTS ON THE ILLEGALITY IN THE CONSTITUTION OF THE ADVISORY BOARD AND THE ILLIGALITY IN THE PROCEEDINGS OF THE BOARD

67 Another argument canvassed is in respect of improper constitution of composition of the Advisory Board. The argument, in substance is that the representatives of the employer and employees were not equal in number. The argument is that it was not clear whether one particular member is a representative of the employers or employees or that whether he is an independent member. In the case of Ministry of Labour and Rehabilitation (supra), the Apex Court held that the Committee constituted under clause (a) of sub-section (1) of Section-5 of the said Act of 1948 acts only as a recommendatory body and final decision of fixing the rates of minimum wages has to be made by the Government with reference to the facts of the case. The Apex Court held that the exercise of fixing the rates of minimum wages should not be interfered with in exercise of writ jurisdiction under Article- 226 of the Constitution of India solely on the basis of the - 311 - irregularities in constitution of the Committees or on the ground of mere technicalities, as the case may be. The same view is taken by the Apex Court in the case of Edward Mills (supra). The same law must apply to the Advisory Board. We must note here that assuming that there was no equal representation to the employers and employees on the Board, it will be a mere technicality. Moreover, while we deal with the argument of the employers, we must note that the representatives of the Federation of Karnataka Chamber of Commerce and Industry (FKCCI), Karnataka Small Scale

Industries Association (KSSIA) and Karnataka Employers Association (KEA) were, admittedly, a part of the Minimum Wages Advisory Board. The averments made in the writ petitions filed by the FKCCI show that it had membership of large number of employers of different categories. The same is the case with KSSIA and KEA. Thus, the employers had a strong representation in the form of the representatives of their Associations.

68. Another argument was that one person by name Mr. Raja Mohammad who was earlier nominated to be a representative of employees was re-designated as a - 312 - representative of capital/employers. The material on record shows that in the enquiry, it was found that he was a registered class-I contractor. Hence, he cannot be a representative of the employees or an independent person. Another argument canvassed was that the Chairman of the Board was a class-I contractor. We must note here that as observed by the learned Single Judge, in this case, constitution of the Board was put on the public domain and no one raised any objection to the constitution of the Advisory Board. Moreover, the three Associations of the employers referred above along with other representatives of the employers participated in the proceedings of the Board without raising any objection to the constitution of the Board. Moreover, assuming that there were some illegalities in the composition and constitution of the Advisory Board, it is not shown that it has resulted into a formation of an opinion which is against the employers. The appellants have not demonstrated any prejudice caused to them due to such technical error or improper composition of the Advisory Board. Therefore, it cannot be concluded that the entire proceedings of the Advisory Board were vitiated due to improper constitution or composition of the Advisory Board.-. 313 - Moreover, on that ground alone, interference with the decision of the State Government in fixing the rates of minimum wages cannot be made in exercise of jurisdiction under Article-226 of the Constitution of India, especially when three major bodies of the employers representing the large number of classes of employers were a part of the Advisory Board. Therefore, this argument of the employers deserves to be rejected.

69. Now we deal with the submissions about the manner in which the meetings of the Advisory Board were conducted. As pointed out by the State Government, in

case of thirty seven draft notifications, 521 objections/representations from various affected parties were received by the Labour Department. The Advisory Board conducted meetings on different dates and discussed about the draft notifications and objections regarding the rates proposed regarding various categories of employments. The tabular statement giving the details reads thus:

SI	Scheduled Employment	Date of Meeting
1	Public Motor Transport	13.05.2016
2	Manufacture of Ayurveda and Allopathy Medicine	25.04.2016
3	Food Processing	13.05.2015
4	Foundry	17.04.2015
5	Automobile Engineering	17.04.2015
6	Printing Press	17.04.2015
7	Hospital and Nursing Homes	13.05.2016
8	Hostels	17.04.2015
9	Laundry	13.05.2016
10	Electronics	25.04.2016
11	Steel Almirahas, tables, chairs, and other steel furniture industry	25.04.2016
12	Plastic, Polly Plastic, rubber and PVC pipes manufacturing industry	25.04.2016
13	Film Industry	13.05.2016
14	Tobacco Industry	06.12.2017
15	Tobacco Processing	06.12.2017
16	Wood work including Carpentry industry and saw mill Industry	06.12.2017
17	Employment not covered under any Scheduled Employments	06.12.2017
18	Petrol and diesel oil pumps Industry	06.12.2017
19	Brass copper and Aluminum utensils manufacturing Industry	06.12.2017
20	Spinning Mills	06.12.2017
21	Rubber, products (including foam and coir rubberized products) Industry	06.12.2017
22	Plantation Labour: Cinchona rubber tea or coffee plantations (Non-staff)	06.12.2017
23	Shops and commercial establishments	06.12.2017
24	Wood work including Plywood Industry	06.12.2017
25	Engineering Industry	06.12.2017
26	Pulp papers, paper, card board, straw board including news print	06.12.2017
27	Objections pertaining to all the Scheduled Employments	06.12.2017

70. For the sake of illustration, we are referring to minutes of some of the meetings of the Advisory Board. Firstly, we are - 315 - referring to the meeting dated 17th April 2015. There is a discussion about calculation of rates of minimum wages and the discussion relating to how many units should be consumed, how many calories were required for an employee for his daily livelihood, how much cloth is required for the family of one employee. It discusses the house rent payable as fixed by the Government under the Government Housing Project. It discusses about the fuel, electricity and other miscellaneous expenses and records that under the calculation of minimum wage, 25% should be allocated towards childrens education, medical, social security and marriage. The

rates for food and cloth were arrived at after calculating the price fixed by the the State run Janatha Bazar at various centers in the State. Then, the calculations were made of the actual amount required for food grains, clothes, house rent and other miscellaneous expenses etc. The minutes record the figures in respect of Zone-1, 2 and 3. Paragraph-3 of the minutes of the meeting shows that the discussion was about the draft notifications in respect of the revision of rates of minimum wages relating to the following industries: i) Automobile Engineering Industry - 316 - ii) Foundry Industry iii) Veneer Industry iv) Hostel Industry v) Printing Press vi) Oil Mills vii) Ceramic Industry viii) Ice factory industry. The discussion which took place has been reproduced in the minutes and a detailed tabular statement has been incorporated of the proposed rates of minimum wages of various categories of employees. It is noted specifically in the minutes that there was a consensus amongst all the members present in the meeting. There was discussion on other topics such as suggestions for certain amendments to the said Act of 1948.

71. In the meeting held on 2nd January, 2016 again there was a detailed discussion about the draft notifications issued in respect of the security agencies. There is a reference to the objections raised to the draft notification. The proposal for rates of minimum wages has been incorporated in the minutes in which it has been recorded that out of the eleven members - 317 - present in the meeting, seven members have agreed for the proposals made by the Chairman.

72. In the meeting held on 25th April 2016, there was a discussion on various categories of industries such as electronic and electroplating industries, plastic, poly plastic, rubber, PVC pipe manufacturing and some other industries. Here again, the minutes show that there was an in-depth discussion and thereafter, the recommendations were made on the rates of minimum wages for different categories of employees. The decision taken includes the decision in respect of the employees of steel almiraha, tables, chairs and steel furniture industry and there is a reference to the several suggestions received which are reproduced in the minutes.

73. We have carefully perused the minutes of the meeting held on 13th May, 2016 wherein there was a discussion regarding the draft notification issued by the State Government in relation to sixteen industries. It refers to the suggestions made in respect of the draft notifications dated 14th January 2016 pertaining to various industries. The minutes deals with the draft notifications regarding various employers viz., - 318 - Hospital and Nursing Home, Hotels, Construction, Cinema, Club, Distilleries, food processing as well as packing food items including packing of coffee and sambar items, glass and glassware, laundry, electronic and electro plating, timber depot, aerated water, public motor transport etc. The names of the participants, the gist of their suggestions and objections received from various parties are also incorporated in the minutes. The minutes, in detail, record the reactions and statements of various persons who were present. It records that out of sixteen members, fifteen members were present and after discussion, ten members have raised their hands favouring the draft notifications dated 14th January 2016 for revision of minimum wages for sixteen notified industries and for raise in the dearness allowance from four paise to five paise in case of all 16 draft notifications. The names of the representatives who voted accordingly have also been incorporated and the proposed rates of revised minimum wages in respect of various categories of employees of said sixteen industries have been set out. The minutes indicate that that the voting had indeed taken place. The minutes further provide that calculation of dearness allowance will be made - 319 - once in a year on the basis of the Consumer Price Index (CPI). The minutes record that the average CPI will be taken into consideration to determine the revision in the payment of dearness allowance. It is stated that the calculation on the basis of the CPI from January to December 2015 will be effective from first day of April, 2016.

74. On 15th December 2016, another meeting of the Advisory Board was held in which, four independent members, five representatives of the employees and six representatives of the employers participated. There was a debate in the meeting on the issue of fixing the rates of minimum wages in respect of the industries such as Private Hospitals and Nursing Homes, Road construction and management and maintenance of buildings. It is noted in the minutes that the representatives of the employees who were present in the meeting, with one voice, welcomed the action of fixing minimum wages of Rs.40,000/- to the Doctors, on par with the wages paid

by the Employees State Insurance Scheme (ESI). It is specifically recorded that more number of members present in the meeting have expressed their opinion that minimum wages for Doctors - 320 - and other personnel of private hospital and nursing home should be on par with the wages paid to the Doctors and other staff in ESI and the representatives of the owners who were present expressed their opposition. Though in the minutes it is recorded that as there was no consensus, the Board recommended to the Government to take suitable decision and issue final notification, the majority view is reflected from the minutes.

75. Similarly, after detailed discussion, the majority of the members expressed their opinion to fix the minimum wages of the Engineers working in the Roads Construction or Management and Maintenance of Buildings on the lines of the pay-scales of the Engineers of the Public Works Department. The representatives of the owners opposed the same. In this meeting, there was also a discussion as regards the decision taken in the earlier meeting of taking the average consumer price index as 5780 points effective from first April 2016. Even on the said decision, there was a discussion in the meeting dated 15th December, 2016. It is noted that the representatives of the employers have stated that CPI has - 321 - been merged with 5780 points but in reality, it must be merged with 6205 points. As can be seen from the minutes, the majority was with the representatives of the employees. There was a decision taken regarding formation of the Committees and sub-Committees which has been disapproved by the learned Single Judge.

76. On 6th December 2017, there was a meeting of the Advisory Board attended by thirty three members. The representatives of KCCI, KSCI, Karnataka Employers Association and representatives of some other organizations of Industries were present. The minutes of the meeting record that the objections and suggestions were received in respect of the scheduled 37 industries. It is noted that copies of draft notifications and suggestions and objections received by the Government to the draft notifications were already served to the members of the Board. The list of draft notifications has been incorporated in the minutes. views expressed by each and every member who actively participated in the meeting have also been recorded. The issue of retrospectively revising the minimum wages was also discussed. There was a - 322 - discussion based on the

provisions of the Guardians and Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and in the context it was suggested that the family should be in the domain of more than three units. The English translation of ultimate resolution passed by the Board records that the draft notifications fixing the rates of minimum wages for thirty seven (37) industries were discussed in the meeting from all angles and in the background of experts opinion and suggestions, it was unanimously decided that the Karnataka State Government will take suitable and fair decision.

77. An argument was canvassed that there were no recommendations made in the meeting held on 6th December 2017. A perusal of the minutes will show that the views expressed by each and every member who participated in the deliberations in the meeting have been recorded and a recommendation was made to the State Government to take a decision after considering the views expressed in the meeting. Thus, the views of the members who attended the meeting of 6th December 2017 were before the Government. Apart from that, the Advisory Board was not expected to record reasons - 323 - and pass an order containing its recommendations like quasi judicial or judicial authority. The views expressed by the members of the Advisory Board and other factual details recorded in the proceedings were before the State Government. It is true that Rules 16 and 17 of the Karnataka Minimum Wages Rules, 1958 provide that the decisions of the Advisory Board shall be taken by majority of the votes of the members present and voting and that the voting shall be ordinarily by show of hands unless the Chairman decides to have it by a secret ballot. Both Rules 16 and 17 are procedural Rules. The non-compliance with the same will not vitiate the process especially when there was an elaborate consideration of the issues in the meetings of the Advisory Board and the views expressed were recorded in the minutes. The fact that the last meeting continued for only three hours is not a relevant consideration. There were elaborate deliberations in the earlier meetings as well. The object of setting up Advisory Board is to collect the data to enable the State Government to fix the rates of minimum wages. The elaborate discussions on the proposed rates were recorded in the minutes. Hence, it cannot be said that the action of the Government of fixing rates of - 324 - minimum wages is vitiated because there was no specific recommendation made by the Advisory Board.

Consultation does not mean meeting between the members of the Advisory Board and Government officials. The material in the proceedings of various meetings of the Board was placed before the decision making authority of the State. Assuming that there was any flaw in the consultation contemplated by Section 5 or in the procedure adopted by the Advisory Board, we will be guided by what is held by this Court in the case of Mangalore Ganesh Beedi(supra). This Court held that 26. A notification fixing minimum wages, in a country like ours where wages are already minimal should not be interfered with under Article 226 except on the most substantial of grounds. The Act is a social welfare legislation undertaken to further the directive principles of State policy and action taken pursuant to it cannot be struck down on mere technicalities such as some irregularities in constitution of, or in procedure followed by the committee appointed under Sections 5(1)(a) and 9. In Sree Kalyanarama Company Mine v. Government of India [(1980) 56 FJR79(AP)(DB).], the minimum wages notification was impugned, inter alia, on the ground that the increase in the minimum wages fixed by - 325 - that notification as compared to the earlier one was disproportionate and highly unreasonable. Rejecting that plea, a Division Bench of Andhra Pradesh High Court observed: . It is not competent for this Court to go into and say as to what is the minimum wages vis-a-vis a particular industry or for that matter, vis-a-vis a particular category of employees. It is well-settled that it is perfectly competent for the concerned authorities to fix the minimum wage if it is in compliance with statutory requirements.

27. The fixation of minimum rates of wages in respect of any scheduled employment by the appropriate Government is an administrative act which is final and not subject to judicial review on the question of the quantum of wages fixed on humanitarian ground. The notification fixing the minimum wages can be interfered by the Court only where the fixation of minimum wages by the appropriate Government is ultra vires the Act. (underline supplied) Hence, following the aforesaid principles, it is not possible to interfere on the ground of procedural illegalities in the functioning of the Advisory Board or its constitution.

78. The note sheets produced by the State Government along with the memo dated 20th August 2019 show that on the - 326 - basis of the minutes of the

meetings of the Advisory Board, the Deputy Secretary to the State Government in Labour Department prepared a note on 16th December 2017. The Secretary has signed it on the same day. Thereafter, there is a noting by the Deputy Secretary made on 20th December 2017 that there was a discussion with the Secretary. Thereafter, there is a note by the Deputy Secretary stating that records in respect of all the notifications be placed before the Honble Minister for approval. There is a note dated 23rd December 2017 which records that after discussion with the Secretary, Labour Department, steps have been taken to submit all the notifications for the approval of the Honble Minister. It further records that separate 37 files were maintained in respect of 37 employments. It also records that a separate proposed notification in respect of Cotton Ginning and pressing industry is prepared after a report was submitted by the Labour Commissioner. Thus, in all 37 files were before the Honble Minister on 23rd December 2017. After considering the material, Honble Minister approved the same.-. 327 - The minutes of the proceedings of the Advisory Board along with the proposals for fixation of final rates of minimum wages were placed before the State Government and from the note sheet it appears that there were due deliberations at the level of Secretary of the State Government and necessary verification was made. Thereafter, the Honble Minister approved the proposals on 23rd December 2016.

79. The State Government had the benefit of the views expressed by the members of the Advisory Board which were recorded in the minutes of meetings and the minutes were placed before the State Government. The noting made in the note sheets clearly indicates that at various levels, the issue was considered and ultimately, the Honble Minister of the concerned department granted approval and thereafter, the impugned final notifications were issued.

80. The recommendations or the opinion of the Advisory Board, as can be seen from the Scheme of the said Act of 1948, always remain in the realm of opinion or advice and there is no statutory obligation on the part of the Appropriate Government to act upon the recommendations made by the - 328 - Board, for fixing or revising the rates of minimum wages. All that the proviso to Sub-Section (2) of Section-5 of the said Act of 1948 requires is that the State Government must consult the Advisory Board. The ultimate decision is with the State Government.

Even prior to 6th December 2017, there were effective discussions in the meetings of the Advisory Board which we have discussed earlier. In the facts and circumstances, it is not possible for this Court to accept the argument canvassed that there was no effective consultation with the Advisory Board. ISSUE OF CONSUMER PRICE INDEX:

81. There are arguments canvassed regarding the figure of the Consumer Price Index (CPI) which should be considered and that the action of the Government in merging CPI with 5780 points is erroneous. We must note here that as per the dictum of the Apex Court, when the rates of the minimum wages are fixed by the Appropriate Government, a writ Court cannot sit over in appeal, make a detailed factual scrutiny and examine the merits of the recommendations as well as the merits of the wage structure finally notified by the Government.-. 329 - This Court does not have expertise to decide in what manner CPI should be computed for the fixation of the minimum wages and what should be the quantum of the minimum wages. But it is for the persons having expertise in the matter to take a call on that. A writ Court cannot act like an expert in the field and adjudicate on the said issues which should be normally left to the decision making authority which has the benefit of the opinion expressed by the members of the Advisory Board. COST OF HOUSING⁸² As regards the cost of housing (rent), the same has been taken as per the relevant housing scheme for the poor prevailing at that particular point of time. The rent is taken at the rate of Rs.4000/-, Rs.2750/- and Rs.2500/- per month in respect of Zone-1, 2 and 3 respectively. It is not in dispute that the Industrial Housing Scheme which was prevalent earlier is no longer in existence. The Apex Court in its decision has referred to the housing scheme which was in existence at that time. As pointed out by the State Government in its statement of objections, the said scheme is no longer in existence and therefore, scheme of Affordable Housing for the Urban Poor - 330 - introduced by the Ministry of Housing and Urban Poverty Alleviation has been rightly adopted, which prescribes an area of house of 300-400 square feet. Thus, the State Government has considered the concept of housing as per the existing scheme of Affordable Housing for the Urban Poor introduced by the Ministry of Housing and Urban Poverty Alleviation and has fixed the rates of rent. In any case, as of December 2017, the aforesaid rates of rent cannot be termed as unreasonable. Ultimately,

what this Court is required to see is whether the rate of rent fixed by the Government is unreasonable and arbitrary. If we look at the rates fixed as quoted above, by no stretch of imagination, the rates can be termed as unreasonable which will amount to violation of Article 14 of the Constitution. DIRECTION IN CLAUSE(3) OF THE NOTIFICATION REGARDING DEARNESS ALLOWANCE⁸³

Now we deal with the argument regarding direction to pay the dearness allowance in clause (3) of the impugned Notification. The dearness allowance has always a nexus with the Consumer Price Index (CPI). The argument is that the reasons given by the learned Single Judge for setting aside one percent (1%) addition by way of service seniority - 331 - allowance of the minimum wages are applicable even to the component of dearness allowance. The said argument is erroneous. The learned Single Judge has dealt with this argument stating that such allowances (1%) are paid for preserving the efficiency of an employee. The learned Single Judge took a view that including such an incentive in the concept of minimum wages is erroneous. He held that the appropriate Government was not competent to include 1% in the minimum wages. However, as far as the dearness allowance is concerned, it stands on a different footing, inasmuch as, it has direct nexus with the Consumer Price Index. The ultimate object of fixing or revising the minimum wages is that the employees must survive and therefore, the dearness allowance cannot be equated with the one percent (1%) incentives.

84. In the impugned final notifications, there is a direction in Clause (3) that in the event the rate of wage paid now is higher, the payment at the said rate shall be continued and increase in dearness allowance from time to time also shall be remitted. The first part of the said direction has been already set aside - 332 - by the learned Single Judge by the impugned judgment and order. The second part of clause (3) is a direction which is applicable only to the payment of higher wages in terms of the first part of clause (3). As the first part is set aside, the second part must go. To that extent, the appeals by the employers will have to be allowed. However, the direction regarding payment of 4 paise per day for every point increase in the State average CPI over 5780 points cannot be disturbed. Perusal of the impugned notifications show that dearness allowance payable as per CPI prevailing is already taken into consideration while fixing the rates of minimum wages as it is mentioned that the rates published by the notifications are merged

to the State average CPI (1960-100) 5780 points. In fact a direction has been issued that for every one point increase in future in State average CPI over 5780 points, the workers of all categories shall be paid dearness allowance at the rate of 4 paise per day. The basic rate of minimum wages includes dearness allowance. As on the date of the impugned notification, a separate amount is not made payable on account of dearness allowance. It is specifically observed that rates published by the notification - 333 - have been merged to the State average consumer price index (1960-100) 5780 points. Reliance is placed by the employers on the decision of the Apex Court in the case of Airfreight Limited (supra). As it is clear from the facts of the case before the Apex Court, in the final notification fixing rates of minimum wages, additional component of dearness allowance was added. The Apex Court observed thus: But while deciding the question of payment of minimum wages, the Competent Authority is not required to bifurcate each component of the costs of each item taken into consideration for fixing minimum wages, as lump sum amount is determined for providing adequate remuneration to the workman so that he can sustain and maintain himself and his family and also preserve his efficiency as a worker. Dearness allowance is part and parcel of cost of necessities. In cases where the minimum rates of wages is linked up with VDA, it would not mean that it is a separate component which is required to be paid separately where the employer pays a total pay package which is more than the prescribed minimum rate of wages. (underline supplied) The said decision will not help the employers as in the notified rates dearness allowance is already included and there is no - 334 - separate component of the dearness allowance. The direction to pay 4 paise per day on every one point increase in State average CPI over 5780 points will apply if there is such increase in CPI after the date of notification. Hence, there is nothing wrong in the said direction and consequently, there is nothing wrong in the direction contained in paragraph (11) of the notifications. INDUSTRIES NOT SPECIFICALLY COVERED UNDER ANY SPECIFIC ITEMS OF THE SCHEDULE⁸⁵ Some argument is made regarding the act of fixing rates in respect of some industries though the same are not covered by both the parts of the Schedule to the said Act. In the case of Airfreight Ltd (supra), in paragraph 14, the Apex Court observed thus: 14. For considering this contention, we would first refer to the notifications issued by the State

Government. By notification dated 27-1-1971/28-1-1971, the Karnataka State Government in exercise of powers conferred by Section 27 of the Minimum Wages Act directed that in Part I of the Schedule to the said Act, after Item 27, the following item shall be added, namely: 28. Employment in shops and commercial establishments. - 335 - Thereafter, in exercise of the powers conferred by sub-section (1) of Section 3 and sub-section (1) of Section 5 of the Act, the State Government has fixed the rates of minimum wages payable to the categories of employees who are employed in any kind of work throughout the State of Karnataka in any of the shops and commercial establishments as specified in the Schedule. (underline supplied) In the same decision, the Apex Court gave a very wide meaning to the term commercial establishment. In paragraph 6, the Apex Court held thus: 6. In our view the contention that the appellant Company is not covered by the expression shops and commercial establishments has no merit. It is admitted by the appellant Company before the Competent Authority (Labour Officer) that the appellant Company is engaged in import and export clearance and forwarding of cargo, travel and tourism, import, consolidate and courier services and is having several offices situated at various places including New Delhi, Bombay, Calcutta, Madras, Ahmedabad, Bengaluru etc. It is also admitted that it is registered as a commercial establishment which is engaged in courier, cargo, travel and related services. In the petition filed before the High Court, it was submitted by the appellant that the main activity of cargo division is handling incoming and outgoing shipment by - 336 - air concerning clearing and forwarding; the type of services rendered are processing of custom clearance and export formalities; booking of space of air shipment; consolidation of inward air cargo, international/domestic door to door express delivery of documents, parcels and packages; clearing and forwarding of goods entrusted to it for safe delivery by way of personal services and such other activities. For this purpose, the High Court has appreciated the evidence that was placed before the Labour Officer and we do not find any error that would call for interference. The High Court has also rightly referred to the common parlance meaning of the expression shops and commercial establishment on the ground that Item 28 is added in the Central Act where the said expression is not defined. In our view, the activities which are carried out by the appellant leave no doubt that they would be covered by the

expression shops and/or commercial establishment as understood in the ordinary common parlance. What the appellant establishment is doing is purely a commercial activity with profit motive, hence, commercial establishment. It can also be termed as a shop where services are sold on a retail basis. For this purpose, it is not necessary to refer to various decisions of this Court in detail which deal with the meaning of the expression shops and/or commercial establishment. In *Hindu Jea Band v. Regional Director, ESI Corpn.* [(1987) 2 SCC101:

1987. SCC (L&S) 88]. a shop was held to be a - 337 - place where services are sold on retail basis and, therefore, making available on payment of a stipulated price the services of musicians employed by the petitioner on wages made the petitioner's establishment a shop. In *International Ore and Fertilizers (India) (P) Ltd. v. ESI Corpn.* [(1987) 4 SCC203:

1987. SCC (L&S) 391]. the petitioner carried on activities facilitating the sale of goods by its foreign principals to the State Trading Corporation or the Minerals and Metals Corporation; it arranged for the unloading of such goods and their survey; upon delivery it collected the price payable and remitted to its foreign principals. These were considered to be trading activities, although the goods imported were not actually brought to the petitioner's premises but were delivered to the purchaser there and the premises was held to be a shop. In the case of *Cochin Shipping Co. v. ESI Corpn.* [(1992) 4 SCC245:

1992. SCC (L&S) 85]. wherein the Company was engaged in the business of clearing and forwarding at the Port of Cochin situated in Willingdon Island the question was whether the establishment with the Company is a shop within the meaning of the expression as used in the notification under the ESI Act. The Court held that the Company was rendering service to cater to the needs of exporters and importers and others who want to carry the goods further. Therefore, it is a shop carrying on systematic, economic or commercial activity. Further, in the case of *ESI - 338 - Corpn. v. R.K. Swamy* [(1994) 1 SCC445:

1994. SCC (L&S) 586]. the Court held that the word shop has acquired an expanded meaning and means a place where services are sold on retail basis.

The Court further observed that the Employees' State Insurance Act, 1948 was a beneficial legislation and, therefore, it was reasonably possible so to construe the word shop as to include the activity of an advertising agency within it. (underlines supplied) None of the appellants who are falling in the category of commercial establishments have come out with the case that they are not carrying on commercial activities with the intention to make profit. Hence, there is no merit in this grievance. ARGUMENT OF DISCRIMINATION BETWEEN DIFFERENT CATEGORIES OF EMPLOYMENTS AND THE ARGUMENT THAT THE RATES FIXED ARE HIGHER THAN THE RATES FIXED IN OTHER STATES⁸⁶ In some of the appeals, a grievance has been made that different yardsticks have been applied while dealing with different employments. There is a common argument that rates of minimum wages fixed in the State are higher than the rates - 339 - fixed in other States. In the case of Bhikusa Yamas Khatriya (supra), the Apex Court in paragraph 4 and 5 has held thus:

4. The plea that fixation of minimum rates by notification under Section 3 violates the fundamental freedom under Article 19(1)(f) is in view of the decisions of this Court not open to be canvassed by the appellants. But it is urged that in enacting Section 3(3)(iv) which conferred upon the State authority to fix varying minimum rates of wages for different localities, the legislature gave no indication of the matters to be taken into account for that purpose, and entrusted the State with arbitrary and uncontrolled power, exercise whereof was likely to result in discriminatory treatment between different employers carrying on the same business in contiguous localities. The Act undoubtedly confers authority upon the appropriate Government to issue notifications fixing and revising rates of minimum wages in respect of diverse industries for the whole or part of the State. Having regard to the diversity of conditions prevailing and the number of industries covered by the Act the legislature could obviously not fix uniform minimum rates of wages for all scheduled industries, or for all localities in respect of individual industries. Working out of detailed provisions relating to the minimum rates, the advisability of fixing rates for different industries, ascertainment of localities in which they were to be applied, and the time when they were to be effective, and - 340 - fixation of time rate, piece rate, or guaranteed time rate had from the very nature of the legislation to be delegated to some authority. In considering the

minimum rates of wages for a locality diverse factors such as, basic rates of wage, special allowance, economic climate of the locality, necessity to prevent exploitation having regard to the absence of organisation amongst the workers, general economic condition of the industrial development in the area, adequacy of wages paid, and earnings in other comparable employments and similar other matters would have to be taken into account. Manifestly the legislature could not ascertain whether it was expedient to fix minimum wages in respect of each scheduled industry for the entire territory or for a part thereof and whether uniform or varying rates should be fixed having regard to the conditions prevailing in different localities. Again of necessity, different rates had to be fixed in respect of the work performed by adults, adolescents, children and apprentices.

5. The object and policy of the legislature appear on the face of the Act. The object of the Act is to prevent exploitation of the workers, and for that purpose it aims at fixation of minimum wages which the employers must pay. The legislature undoubtedly intended to apply the Act to those industries or localities in which by reason of causes such as unorganised labour or absence of machinery for regulation of wages, the wages paid to workers were, in the light of the general level of wages, and subsistence - 341 - level, inadequate. Conditions of labour vary in different industries and from locality to locality, and the expediency of fixing minimum wages, and the rates thereof depends largely upon diverse factors which in their very nature are variable and can properly be ascertained by the Government which is in charge of the administration of the State. It is to carry out effectively the purpose of this enactment that power has been given to the appropriate Government to decide, with reference to local conditions, whether it is desirable that minimum wages should be fixed in regard to any scheduled trade or industry, in any locality, and if it be deemed expedient to do so, the rates at which the wages should be fixed in respect of that industry in the locality. By entrusting authority to the appropriate Government to determine the minimum wages for any industry in any locality or generally, the legislature has not divested itself of its authority, nor has it conferred uncontrolled power upon the State Government. The power conferred is subordinate and accessory, for carrying out the purpose and the policy of the Act. By entrusting to the State Government power to fixing minimum wages for any particular locality or localities the legislature has not

stripped itself of its essential legislative power but has entrusted what is an incidental function of making a distinction having regard to the special circumstances prevailing in different localities in the matter of fixation of rates of minimum wages. Power to fix minimum rates of wages does not by itself invest the appropriate Government with authority to make unlawful discrimination between employers in different industries. Selective - 342 - application of a law according to the exigencies where it is sanctioned, ordinarily results in permissible classification. Article 14 forbids class legislation but does not prohibit reasonable classification for the purpose of legislation. If the basis of classification is indicated expressly or by implication, by delegating the function of working out the details of a scheme, according to the objects of the statute and principles inherent therein, to a body which has the means to do so at its command, the legislation will not be exposed to the attack of unconstitutionality. In other words, even if the statute itself does not make a classification for the purpose of applying its provisions, and leaves it to a responsible body to select and classify persons, objects, transactions, localities or things for special treatment, and sets out the policy or principles for its guidance in the exercise of its authority in the matter of selection, the statute will not be struck down as infringing Article 14 of the Constitution. This principle is well recognized: see *Kathi Raning Rawat v. State of Saurashtra* [(1952) SCR435 (underlines supplied)] Even in the case of *Chandra Bhawan Boarding* (supra), this issue has been dealt with. In paragraph 16, it is held thus: 16. The contention that the Government has no power to fix different minimum wages for different industries or in different localities is no more available in - 343 - view of the decision of this Court in *Bhaikusa Yamasa Kahatriya v. Sangamner Akola Taluka Bidi Kamgar Union*. [(1963) Supp 1 SCR524 The fixation of minimum wages depend on the prevailing economic conditions, the cost of living in a place, the nature of the work to be performed and the conditions in which the work is performed. The contention that it was impermissible for the Government to divide the State into several zones is opposed to Section 3(3) as well as to the scheme of the Act. (underlines supplied)] Thus, in view of the law laid down by the Apex Court, the contentions raised by the employers deserve to be rejected. THE CONTENTION THAT ZONES HAVE BEEN FIXED ARBITRARILY⁸⁷ Another contention of the employers is that the three zones adopted by the State are

arbitrary. The grievance is that inclusion of Tumakuru in Zone I along with Bengaluru is irrational. The proximity in terms of distance of Tumakuru from Bengaluru, its accessibility from Bengaluru, the all around development in the outskirts of Bengaluru, etc may be the relevant factors. Even the fact that the area of Tumakuru falls in Municipal Corporation constituted under the Karnataka Municipal Corporations Act, 1976 is also one of the several - 344 - relevant considerations. In the case of Chandra Bhavan Boarding, the Apex Court has considered a similar argument in paragraph 17 which reads thus: 17. On the basis of the material before us we are unable to say that the various zones had not been made on any rational basis. The Government has given good reasons in support of the steps taken by it. Bengaluru is the capital of the State and Mangalore is a major port. Therefore they may stand on a different footing. In matter like the preparation of zones we have to trust the State Government unless it is shown that collateral considerations have influenced its decision. No such plea was taken. The argument based on cost of living index showing that cost of living index was higher in several other towns in the State than Bengaluru or Mangalore is not a well founded argument. The cost of living is one thing, cost of living index is another. What is relevant is the former and not the latter. The latter depends on the base year, which is not the same in all the towns and the prices of certain selected goods in each of the towns concerned in the base year and thereafter which again is likely to differ from town to town. (underline supplied) It is pointed out that in subsequent notifications, Tumakuru is placed in Zone 2. The considerations for placing a - 345 - particular area in a particular zone keep on changing with the passage of time. The Government is the best judge to decide which area should be included in which zone. It is not for the writ Court to decide which area should fall in which zone. Therefore, we cannot find fault with inclusion of the town Tumakuru in zone 1. OTHER SUBMISSIONS⁸⁸ There was an argument canvassed that the State Government has constituted a Committee to reconsider the recommendations made by Shanthappa Committee and without waiting for the recommendations of the said Committee, the rates of minimum wages have been fixed. We may note here that the rates of minimum wages have been fixed after considering several factors. One of the factors taken into consideration while fixing the rates may be recommendations of the Shanthappa

Committee. Merely because a Committee has been constituted for reconsideration of recommendations of Shanthappa Committee, the process of determination of rates of minimum wages is not vitiated even - 346 - assuming that the recommendations of Shanthappa committee have been considered.

89. Some criticism has been made that the minimum wage of doctors has been fixed at the rate of Rs.40,908.40/- per month. This rate is applicable from 30th December 2017. The deliberations in the Advisory Board to which a reference has already been made shows that the members were of the view that for determining the minimum wages of doctors, the wages fixed under the Employees Insurance Scheme Establishments be taken into consideration. It is true that the minimum wages for doctors have been substantially increased. But, it cannot be said that as of 30th December 2017, the rate of minimum wages of doctors fixed as above is arbitrary or unreasonable or capricious.

90. Another criticism is made about the direction of the learned Single Judge to pay interest at the rate of 6% per annum on the minimum wages fixed from 30th December 2017. The learned Single Judge has given the reasons for the said direction. The impugned minimum wages notifications were not implemented on account of interim relief granted in the - 347 - petitions filed by the employers. After finding that there was no illegality in the rates of minimum wages fixed under the impugned notifications, for compensating the employees, this reasonable direction of payment of interest at the rate of 6% has been issued. The employees became entitled to wages at the revised rates from 30th December 2017. Hence, they are entitled to interest at the reasonable rate of 6% per annum.

91. In the case of Mangalore Ganesh Beedi (supra), this Court summarized the law on the limitations on interference with fixation of rates of minimum wages in writ jurisdiction under Article 226 of the Constitution of India. This Court held thus: 31. Thus, it is well-settled that the notification fixing the minimum wages cannot lightly be interfered with by the High Court under Article 226 and that the High Court can interfere with such notification only where it finds the concerned appropriate Government has exceeded its jurisdiction and/or acted ultra vires the provisions of the Act. (underline supplied) To conclude, except the issue regarding

withdrawal of the notifications where the action of the State Government is - 348 - found to be ultra vires the said Act of 1948, we do not find any error in the view taken by the learned Single Judge as far as the challenge to the fixation of rates of minimum wages is concerned. The view taken by the learned Single Judge is within the four corners of the law as far as the rates are concerned. It cannot be said that while fixing the rates of minimum wages, the State Government has exceeded the jurisdiction vested in it or the action is ultra vires the provisions of the said Act of 1948. However, it is always open for the State Government to revise the rates of minimum wages after following the procedure under the said Act of 1948. The State Government can do so on its own or on the representation made by the employers. Hence, we pass the following:

ORDER

(i) The impugned judgment and order insofar as it relates to W.A.No.1520/2019 is hereby set aside and W.P.No.18621/2018 is allowed. The impugned notification dated 22nd March 2018 is hereby set aside and three final notifications dated 30th December 2017 as well as the preliminary notification dated 22nd February 2018 which were - 349 - the subject matter of the said order dated 22nd March 2018 stand revived. Hence, the notifications dated 31st October 2019 in relation to the employments covered by the four notifications subject matter of the order dated 22nd March 2018, are rendered inoperative; (ii) The State Government shall take further steps on the basis of the draft notification dated 22nd February 2018 in accordance with Section 5 of the said Act of 1948 as expeditiously as possible; (iii) This order will not prevent the aggrieved parties from challenging the three revived final notifications dated 30th December 2017 in accordance with law. Moreover, it will be always open for the State Government to undertake the revision of the rates of minimum wages fixed under the said three notifications dated 30th December 2017 in accordance with the provisions of the said Act 1948; (iv) So far as writ appeals preferred by employers are concerned, the impugned judgment and order passed on the writ petitions filed by the employers stands confirmed with the modification that the entire Clause (3) of the impugned - 350 - notifications shall stand set aside subject to the observations and clarification made in paragraph 84 . Only to that extent, the appeals preferred by the employers are partly allowed; (v) Considering the present situation, to enable the aggrieved

parties to approach the higher Court, this Judgment will not be implemented for twelve weeks from today; (vi) No orders as to costs. Sd/- CHIEF JUSTICE Sd/- JUDGE VR

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