

General Manager vs the Labour Officer (Gadag) and Controlling Authority Under

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Court : Karnataka

Decided On : Sep-19-2025

Judge : Suraj Govindaraj

Appeal No. : WP/106199/2025

Appellant : General Manager

Respondent : The Labour Officer (Gadag) and Controlling Authority Under

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA,AT DHARWAD DATED THIS THE 19TH DAY OF SEPTEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ WRIT PETITION NO. 106199 OF 2025 (L-PG) BETWEEN: GENERAL MANAGER HARIHAR POLY FIBRES, HARIHAR, KUMARAPATTANAM-581123, TALUK: RANEBENNUR, DIST. HAVERI, REPRESENTED BY ITS DEPUTY GENERAL MANAGER- LEGAL, MR. VIJAYKUMAR ANGADI. PETITIONER (BY SRI. Z.N. HANSI, ADVOCATE) AND:

1. THE LABOUR OFFICER

Digitally signed (GADAG) AND CONTROLLING AUTHORITY by SAROJA HANGARAKI UNDER THE PAYMENT OF GRATUITY ACT, Location: High 1972, SITTING ON DEPUTATION AT DC OFFICE, Court of Karnataka, HAVERI, HAVERI ROAD, DEVAGIRI, Dharwad Bench, DIST. HAVERI-581110. Dharwad

2. SHRI SHIVAMURTHAYYA PANCAHAYYA SHANKARIMATH AGE.MAJOR, OCC.NIL, T/O KODIYAL HOSAPETH, TQ.RANEBENNUR, DIST.HAVERI-581123.

3. M/S. SURESH MALPANI AND CO.

INDUSTRY HOUSE, NO.45, RACE COURSE ROAD, BENGALURU-560001. -2- REPRESENTED BY ITS MANAGING DIRECTOR, MR.ANIL MALPAN. RESPONDENTS (BY SRI. P.N. HATTI, HCGP FOR R1; NOTICE TO R2 AND R3 IS DISPENSED WITH) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN

THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER

QUASHING THE IMPUGNED ORDER DATED 07-01-2025 PASSED BY THE RESPONDENT NO. 1 LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972 AT HAVERI, IN KA AA HA/UPAAKA/CR/-15/ 2016-17 PRODUCED AT ANNEXURE -F TO THIS WRIT PETITION, THEREBY DISMISSING THE CLAIM OR ANY OTHER RELIEF ORDERED AND AWARDABLE TO THE RESPONDENT NO. 2 CLAIMANT. B) ISSUE A

WRIT IN THE NATURE OF MANDAMUS OF THE IMPUGNED ORDER

DATED. 07-01-2025 PASSED BY THE RESPONDENT NO. 1 LABOUR OFFICER AND CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, AT HAVERI, IN KAA HA/UPAAKA/CR/-15/2016-17.PRODUCED AT ANNEXURE - F TO THIS WRIT PETITION, THEREBY ASCERTAINING THE PRESENCE OF THE RESPONDENT NO.3 CONTRACTORS IN THE PROCEEDINGS MAKING

THEM ACCOUNTABLE REMANDING THE MATTER WITH APPROPRIATE DIRECTIONS IN ACCORDANCE WITH LAW THEREBY ALLOWING THE PETITIONER FARE AND PROPER OPPORTUNITY OF BEING HEARD.AND/OR(C) PASS ANY OTHER ORDER THIS HON BLE COURT DEEMS FIT TO PASS IN -3- THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY. THIS PETITION, COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Learned counsel for the petitioner submits that

respondent No.2 is a contractor who has been arraigned as party. Since it is a contractor who had engaged a workman, the workman had not arraigned the contractor as party before the authority. Accepting the submission, the office objection is overruled.

2. Learned AGA accepts notice for respondent No.1.

3. Notice to respondent Nos.2 and 3 is dispensed with in view of the proposed order to be passed.

4. The present petition challenges only the interlocutory

order condoning the delay in filing the claim by the

concerned workmen. It is noted that the petitioner has -4- an alternative and efficacious remedy under Subsection (7) of Section 7 of the Payment of Gratuity Act, 1972, which permits an aggrieved person to approach the appropriate Government against any such order.

5. Reserving liberty to the petitioner to approach the appropriate Government by filing an appropriate application, the petition stands disposed of.

6. The petitioner is granted a period of three weeks to make such an application.

7. The appropriate Government is directed to consider

and pass necessary orders on the said application within 8 weeks from the date of receipt of the application. While doing so, the appropriate Government shall also take into consideration the petitioners grievance that the contractors, who allegedly possess the relevant documents, have not -5- been made parties to the proceedings, and shall take appropriate steps in that regard.

8. It is further clarified that, as the challenge in the

present petition is only to the interlocutory order

condoning the delay, and since no final liability has been determined or crystallized, there is no requirement at this stage for the petitioner to deposit any amount. Sd/- (SURAJ GOVINDARAJ) JUDGE SH CT:PA List No.: 2 Sl No.: 14

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