

The Superintendent Engineer vs Sri Shivappa

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Court : Karnataka Orders

Decided On : Apr-28-2025

Judge : K Natarajan,Vijaykumar a. Patil

Appeal No. : WA/200095/2025

Appellant : The Superintendent Engineer

Respondent : Sri Shivappa

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA KALABURAGI BENCH DATED THIS THE 28TH DAY OF APRIL, 2025 PRESENT THE HON'BLE MR JUSTICE K NATARAJAN AND THE HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL CIVIL CONTEMPT PETITION NO.200028 OF 2025 C/W WRIT APPEAL NO.200095 OF 2025 IN CCC NO.200028/2025: BETWEEN: SHIVAPPA S/O AYYAPPA, AGE: 48 YEARS, OCC: GAZE READER, TUNGABADRA LEFT BANK CANAL NO.1, CANAL, SUB-DIVISION, KALLURU VILLAGE, Digitally signed TQ. MANVI, DIST. RAICHUR-584118. by NIJAMUDDIN JAMKHANDI Location: HIGH COMPLAINANT COURT OF (BY SRI. MAHANTESH PATIL, ADVOCATE) KARNATAKA AND:

1. SHRI. SATHYANARAYAN SHETTY(I/C), THE SUPERINTENDENT ENGINEER, IRRIGATION DEPARTMENT, TUNGABHADRA CANAL, CONSTRUCTION CIRCLE, YARAMARAS (CAMP)-584135.

2. SHRI. S. BASAVANA GOUDA (I/C), THE EXECUTIVE ENGINEER, - 2- IRRIGATION DEPARTMENT, NO.5, CANAL DIVISION, YARAMARAS (CAMP)-584135.

3. SHRI. G.H.SUNDAR BABU, THE ASSISTANT EXECUTIVE ENGINEER, NO. 1, CANAL DIVISION, KALLURU VILLAGE, TQ. MANVI, DIST. RAICHUR-584118. ACCUSED

4. THE STATE OF KARNATAKA

REPRESENTED BY CHIEF ENGINEER, WRD, ANANDA RAO CIRCLE, BENGALURU-560009. PROFARMA PARTY (BY SRI. NAVEEN R. NATH, SR. ADVOCATE A/W SRI. SUDARSHAN M, ADVOCATES FOR R/A-1 TO 3; SRI. MALLIKARJUN C. BASAREDDY, GA FOR R/A-4) THIS CIVIL CONTEMPT PETITION IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT READ WITH ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE RESPONDENT/PETITIONERS FOR HAVING DELIBERATELY AND INTENTIONALLY DISOBEYED, DISRESPECTED AND FOR NOT HAVING COMPLIED WITH THE INTERIM ORDER DATED 27-09-2024 PASSED BY THIS HONBLE COURT IN WP NO. RESPONDENTS/PETITIONERS IN ACCORDANCE WITH LAW. IN WRIT APPEAL NO. 200095 OF 2025: BETWEEN:

1. THE SUPERINTENDING ENGINEER, IRRIGATION DEPARTMENT, TUNGABHADRA CANAL, CONSTRUCTION CIRCLE, YARAMARAS (CAMP)-584135, DIST. RAICHUR.

2. THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, -3- NO. 5, CANAL DIVISION, YARAMARAS (CAMP)-58413, DIST. RAICHUR

3. THE ASSISTANT EXECUTIVE ENGINEER, NO. 1, CANAL SUB DIVISION, KALLUR-581118, TQ. MANVI DIST. RAICHUR APPELLANTS (BY SRI. NAVEEN R. NATH, SR. ADVOCATE A/W SRI. SUDARSHAN M, ADVOCATES) AND: SRI. SHIVAPPA S/O AYYAPPA, OCC: GUAGE REPORTER, TUNGABHADRA LEFT BANK CANAL, NO.1, CANAL SUB-DIVISION, KALLUR-581118, MANVI TALUK, RAICHUR DISTRICT. RESPONDENT (BY SRI. MAHANTESH PATIL, ADVOCATE) THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE

KARNATAKA HIGH COURT ACT, PRAYING TO CALL FOR THE RECORDS IN WP NO. 202677/2024 DATED 27.09.2024 ON FILE OF THE LEARNED SINGLE JUDGE. B) MODIFY THE ORDER OF THE LEARNED SINGLE JUDGE PASSED IN WP NO. 202677/2024 DATED 27.09.2024. THIS PETITION AND APPEAL, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE K NATARAJAN AND HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL -4-

ORAL ORDER

(PER: HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL) This intra-court appeal is filed challenging the interim

order dated 27.09.2024 passed in WP No.202677/2024 by

the learned Single Judge of this Court.

2. After arguing this matter for quite sometime,

Sri. Naveen R Nath, learned Senior counsel appearing for the appellants fairly submits that the appellant-corporation would comply with the requirement of Section 17B of the Industrial Disputes Act, 1947 (herein after referred to as the ID Act).

3. It is submitted that the respondent-employee

has already completed 60 years of age and hence, the question of his reinstatement into service, would not arise at all. He further submits that he would make a submission on merits before the learned Single Judge, in the pending writ petition. -5-

4. It is submitted that if learned Single Judge is requested to dispose off the matter at the earliest, the ends of justice would be met.

5. Per contra, Sri. Mahantesh Patil, learned

counsel for respondent-employee submits that this matter may be disposed off by directing the appellant to comply with the Section 17B of the ID Act within a time bond manner and therefore, a request may be made to learned Single Judge to dispose off the pending writ petition at the earliest.

6. We have heard the arguments on both sides and perused the material available on record.

7. This intra-court appeal is filed challenging the interim order passed by the learned Single Judge of this Court, which reads as under:

There shall be an interim stay of the impugned award subject to the petitioner reinstating the respondent-workmen within a period of two weeks from today -6-

8. Sri. Naveen R Nath, learned Senior Counsel

appearing for the appellant at the outset made a statement that the appellant-corporation would comply Section 17B of the ID Act by paying wages to the respondent-workman. In view of the said submission, the

order of the learned Single Judge, directing to reinstate

the respondent-employee is set aside. Learned Single Judge is requested to consider the request of the appellant and respondent for earliest disposal of the writ petition.

9. It is made clear that we have not expressed any

opinion on the merits of the case. In view of the above said submission, the appellant is directed to comply Section 17B of the ID Act and make payment of wages within a period of 3 weeks from the date of receipt of certified copy of this order.

10. With the above observations and directions, the writ appeal in WA No.200095/2025 is disposed off. In view of the disposal of the writ appeal, the contempt proceedings in CCC No.200028/2025 are dropped. -7-

11. Pending I.A.s, if any, do not survive for consideration. Sd/- (K NATARAJAN) JUDGE Sd/- (VIJAYKUMAR A. PATIL) JUDGE NJ List No.: 1 SI No.: 14 CT:SI

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