HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 4362 OF 2022 (L-RES)

BETWEEN:

1. THE SECRETARY TO GOVT.,
DEPARTMENT OF ANIMAL HUSBANDRY
AND FISHERIES, VIKASA SOUDHA,
BENGALURU - 560001.

2. DEPUTY DIRECTOR,
AMRUTH MAHAL,
BREEDS DEVELOPMENT CENTER,
C.B.S. FARM, AJJAMPURA POST,
TARIKERE, CHIKKAMAGALURU

…PETITIONERS

(BY SRI. K.P.YOGANNA, AGA)

AND:

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

SMT. M.G.SUVARNA,
W/O. H.K.YOGENDRA,
AGED ABOUT 56 YEARS,
KOTE, AJJAMPURA,
TARIKERE TALUK,
CHIKAMAGALUR DISTRICT-577228.

…RESPONDENT

(BY SRI. SANDESH M.J., ADVOCATE FOR
SMT. BRINDA A.S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.K.P.Yoganna., Additional Government Advocate for the petitioner and Sri.Sandesh.M.J., counsel on behalf of Smt.Brinda.A.S., for the respondent have appeared in person.

2. The short facts are these:

The respondent - was working as a daily wage employee under the second petitioner. On the alleged unauthorised absence, a notice was issued to the respondent on 27.09.1988. The respondent raised a dispute before the Labor Court in I.D.No.05/2015. The Labor Court vide award dated 12.09.2018 allowed the reference. Under these circumstances, this writ petition is filed on several grounds as set out in the Memorandum of Writ Petition.

3. Additional Government Advocate for the petitioners urged several contentions. It is submitted that there is an inordinate delay in raising the dispute. It has been vehemently contended that the award of the Labor Court is contrary to the

law laid down by the Hon'ble Apex Court in *Prabhakar vs. Joint Director, Sericulture Department and Another*, (2015) 15 SCC 1. Additional Government Advocate submitted that he is not urging any contentions on the merits of the case and requested the Court to give finding only on delay and laches.

Counsel for the respondent urging additional grounds prays for dismissal of the petition.

4. I have heard the arguments and perused the writ papers with utmost care.

5. The point that arises for consideration is whether the award of the Labor Court warrants interference.

6. Suffice it to note that the respondent was served with a notice for unauthorized absence in 1988. Strangely, she raised a dispute only in 2015. There is thus an inordinate delay of almost two and a half decades.

The Labor Court erroneously entertained the claim of the workman. In my considered view, the Labor Court could not have entertained the reference. The reason is apparent. The Hon'ble Apex Court in *Prabhakar* (supra) has held that when

there is no agitation by the workman against the order of punishment and the dispute is raised belatedly, with the delay and laches remaining unexplained, it must be presumed that she has waived her right. It is further observed that at the time when the dispute is raised belatedly, it becomes stale and ceases to be an existing dispute. Even in the present case, when the dispute was raised, it had virtually become stale. The Labor Court overlooked the aspect of delay and laches. The dispute was stale at the time of adjudication, having been raised after a lapse of two and a half decades. Hence, the Labor Court could not have entertained the reference. In my view, the Labor Court failed to have regard to relevant considerations and disregarded material aspects. Since the reference is rejected on the grounds of delay and laches, there is nothing to discuss on the merits of the case as requested by the Additional Government Advocate.

7. For the reasons stated above, the award of the Labor Court is liable to be set aside, and accordingly, it is set aside.

8. The Writ of Certiorari is ordered. The award dated 12.09.2018 passed by the Labor Court, Chikkamagaluru, in I.D.No.05/2015 vide Annexure-A is quashed.

9. Resultantly, the Writ Petition is ***allowed***.

Because of the disposal of the Writ Petition, the interim order granted, if any, stands discharged and pending interlocutory applications, if any, are disposed of.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 43