HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 10488 OF 2022 (L-RES)

BETWEEN:

M/S. WAVE MECHANIC PRIVATE LIMITED,
V-3, 1ST MAIN ROAD, 1ST STAGE,
PEENYA INDUSTRIAL AREA,
BENGALURU-560058.
REPRESENTED BY ITS
AUTHORIZED REPRESENTATIVE
MS. DEVIKA ANJANAPPA,
CORPORATE GENERAL MANAGER-LEGAL HR

...PETITIONER

(BY SRI. PRASHANTH B.K., ADVOCATE)

AND:

1. MR. CHETAN KUMAR H.B.,
   R/AT SHASHI REDDY BUILDING,
   8TH CROSS, PEENYA 1ST STATE,
   BENGALURU-560058.

2. THE ASSISTANT LABOUR COMMISSIONER
   DIVISION-01, BENGALURU,
   KARNATAKA LABOUR INSTITUTE,
   BAGALAGUNTE, MANJUNATH NAGAR,
   BENGALURU-560073.

...RESPONDENTS

(BY SRI. REDDY G.V.P., ADVOCATE FOR R1;
SRI. K.P.YOGANNA, AGA FOR R2)

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

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

THIS WRIT PETITION IS LISTED FOR FINAL HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Prashanth. B.K., counsel for the petitioner; Sri.G.V.P.Reddy, counsel for respondent No.1 and Sri.K.P.Yoganna, Additional Government Advocate for respondent No.2, have appeared in person.

2. The short facts are these:

The first respondent was working in the petitioner management. He came under disciplinary proceedings for an act of alleged misconduct. Warning letters were issued, and thereafter the Articles of Charge were issued, and an inquiry officer was appointed. However, the management took a decision to dispense with the inquiry proceedings, and thereafter, the management dismissed the first respondent from service on 20.06.2020.

As there was an industrial dispute pending before the conciliation officer, an application under Section 33(2)(b) was filed on 22.06.2020. The objections were filed by the first respondent. It is also noted that the first respondent filed an interim application seeking 90% of wages as interim relief. The second respondent proceeded in the matter and rejected the application under Section 33(2)(b) on 28.03.2022. Under these circumstances, the petitioner is before this Court.

3. Counsel for the respective parties urged several contentions.

Counsel for the petitioner, while advancing his arguments, pointed out that the conciliation officer, while rejecting the application, had gone into the merits of the case. The officer concluded that the inquiry was not conducted by the management and, on that basis, rejected the approval application. Counsel then contended that such rejection was erroneous, as the order is non-speaking and does not assign proper reasons. He therefore submitted that the matter requires remand for fresh consideration.

By way of reply, counsel for respondent No.1 sought to justify the order. He first pointed out that warning letters had been issued and that the management had rightly initiated inquiry proceedings. He then submitted that, though the inquiry was dispensed with, the management proceeded to dismiss the first respondent from service. It was further contended that the reasons assigned in the dismissal letter were not reflected in the show-cause notice. Counsel also emphasized that the application under Section 33(2)(b) was not filed on the very same day, i.e., 20.06.2020. Urging additional grounds, he maintained that the order of dismissal is just and proper and warrants no interference.

4. Heard the arguments of both sides and perused the papers with care.

5. The facts of the case have been sufficiently noticed and do not warrant reiteration. The controversy lies within a narrow compass and pertains to the rejection of the application filed under Section 33(2)(b) of the Industrial Disputes Act.

6. It is undisputed that the first respondent was dismissed from service on 20.06.2020. As there was an industrial dispute pending before the conciliation officer, the management filed an application seeking approval under Section 33(2)(b) on 22.06.2020. A perusal of the order reflects that the application came to be rejected, holding that the management has failed to conduct a domestic inquiry. This is untenable.

The Apex Court in *JOHN D'SOUZA's* case has settled the law that the scope of inquiry under Section 33(2)(b) of the I.D Act is limited and does not extend to consideration of the merits of the case. Hence, the impugned order is unsustainable in law, and the matter requires remand.

7. The writ of certiorari is ordered. The order dated:28.03.2022 passed by the second respondent is quashed. The second respondent is directed to reconsider the matter afresh and pass an order in accordance with the law. It is needless to observe that respondent No.2 is directed to dispose of the case within an outer limit of six months from the

receipt of a certified copy of this order, and parties are directed to cooperate for the speedy disposal of the case.

8. The writ petition is ***allowed and remanded.***

SD/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 62