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. 53126 OF 2014 (L-RES)

BETWEEN:

1. THE PRINCIPAL,
   P.E.S. ENGINEERING COLLEGE CAMPUS,
   JANATHA SHIKSHANA,
   MANDYA-571401.

2. WARDEN,
   P.E.S. ENGINEERING COLLEGE,
   GIRLS HOSTEL,
   MANDYA-571401.

3. JANATHA SHIKSHANA TRUST,
   P.E.S. ENGINEERING COLLEGE CAMPUS,
   MANDYA-571401.
   REPRESENTED BY ITS SECRETARY.

4. THE PRESIDENT,
   JANATHA SHIKSHANA TRUST,
   P.E.S. ENGINEERING COLLEGE CAMPUS,
   MANDYA-571401.

…PETITIONERS

(BY SRI. VISHNU G.K., ADVOCATE FOR
SRI. H.B.CHANDRASHEKAR, ADVOCATE)

AND:

SMT VARALAKSHMI @
VARALAKSHMAMMA,
AGED ABOUT 41 YEARS,

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

W/O LATE B.S.RAVINDRA KUMAR
3RD CROSS,
VISVESHWARAIAH NAGARA
KALLAHALLY,
MANDYA CITY-571401

…RESPONDENT

(BY SRI. HARIPRASAD M.B., 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 FINAL HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Vishnu.G.K., counsel on behalf of Sri.H.B.Chandrashekar., for the petitioners and Sri.Hariprasad M.B., counsel for the respondent appeared in person.

2. For convenience's sake, the parties shall be referred to as per their status and ranking before the Labor Court.

3. The first party was working as a Garden Assistant. She came under disciplinary proceedings, and an inquiry was conducted following the principles of natural justice and visited with an order of punishment. She raised a dispute before the Labor Court, and the Labor Court vide award dated 15th day of

February 2014 partly allowed the reference and directed the second party to pay an amount of Rs.1,00,000/- instead of reinstatement. The second party has challenged the award in this petition on several grounds as set out in the memorandum of writ petition.

4. Counsel appearing for the respective parties advanced several contentions.

Counsel for the petitioners, in presenting his arguments, strenuously urged that the first party had remained absent without authorization. Despite repeated warnings, the first party failed to improve her conduct, and minor punishments were consequently imposed. Having regard to these circumstances, it was contended that the Labor Court, while declining the prayer for reinstatement, erred in awarding compensation. Urging additional grounds, counsel submitted that the award, insofar as it directs payment of compensation, is unsustainable and liable to be set aside.

Counsel for the respondent justified the award, contending that there was a violation of Section 25(F) of the Act. Urging additional grounds, he submitted that the writ

petition is devoid of merit and, therefore, liable to be dismissed.

5. Heard the arguments and perused the papers with care.

6. The point that arises for consideration is whether the award passed by the Labor Court warrants interference. The facts have already been sufficiently stated and do not require reiteration. The issue lies within a narrow compass, confined to the question of payment of compensation.

The Labor Court, having concluded that the domestic inquiry conducted by the management was fair and proper, considered the dispute over whether there was victimization. The first party was a temporary employee. The alleged misconduct was unauthorized absenteeism.

Upon careful consideration of the material on record, the Labor Court concluded that the absenteeism of the first party was not intentional. The severity of the misconduct was mitigated. While reinstatement may not be an appropriate relief, considering the lapse of time and attendant

circumstances, the Labor Court is vested with discretion under Section 11A of the Industrial Disputes Act to shape the relief suitably. Awarding compensation instead of reinstatement is a fair and equitable decision, balancing the interests of both parties. Therefore, the award directing payment of compensation cannot be said to have any infirmity warranting interference. The petition is devoid of merit. Accordingly, it is ***rejected***.

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

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 67