

WA NO. 23/2024

**Connected Cases: WA NO. 53/2024, WA NO. 54/2024,
WA NO. 78/2024, WA NO. 82/2024, WA NO. 87/2024,
WA NO. 88/2024, WA NO. 90/2024, WA NO. 92/2024,
WA NO. 93/2024, WA NO. 107/2024, WA NO. 113/2024,
WA NO. 139/2024, WA NO. 141/2024, WA NO. 142/2024,
WA NO. 148/2024, WA NO. 156/2024, WA NO. 159/2024,
WA NO. 160/2024, WA NO. 161/2024, WA NO. 162/2024,
WA NO. 165/2024, WA NO. 166/2024, WA NO. 170/2024,
WA NO. 177/2024, WA NO. 216/2024, WA NO. 316/2024,
WA NO. 413/2024, WA NO. 438/2024, WA NO. 502/2024,
WA NO. 511/2024, WA NO. 533/2024, WA NO. 542/2024,
WA NO. 543/2024, WA NO. 545/2024, WA NO. 553/2024,
WA NO. 565/2024, WA NO. 567/2024, WA NO. 570/2024,
WA NO. 572/2024, WA NO. 573/2024, WA NO. 574/2024,
WA NO. 575/2024, WA NO. 576/2024, WA NO. 577/2024,
WA NO. 578/2024, WA NO. 579/2024, WA NO. 580/2024,
WA NO. 581/2024, WA NO. 583/2024, WA NO. 644/2024,
WA NO. 905/2024**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[KARNATAKA EMPLOYERS ASSOCIATION AND OTHERS VS. ALL INDIA
TRADE UNION CONGRESS (R) AND OTHERS]

CJ & KVAJ :
02.08.2024

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR JUSTICE K V ARAVIND

ORAL ORDER

on I.A No. I.A.No.2 of 2024 in Writ Appeal No.23 of 2024

I.A.No.2 of 2024 in Writ Appeal No.53 of 2024

I.A.No.2 of 2024 in Writ Appeal No.54 of 2024

I.A.No.1 of 2024 in Writ Appeal No.82 of 2024

I.A.No.1 of 2024 in Writ Appeal No.90 of 2024

I.A.No.1 of 2024 in Writ Appeal No.92 of 2024

I.A.No.1 of 2024 in Writ Appeal No.93 of 2024

I.A.No.2 of 2024 in Writ Appeal No.107 of 2024

I.A.No.2 of 2024 in Writ Appeal No.113 of 2024

I.A.No.1 of 2024 in Writ Appeal No.139 of 2024

I.A.No.1 of 2024 in Writ Appeal No.141 of 2024
I.A.No.1 of 2024 in Writ Appeal No.142 of 2024
I.A.No.1 of 2024 in Writ Appeal No.148 of 2024
I.A.No.3 of 2024 in Writ Appeal No.156 of 2024
I.A.No.3 of 2024 in Writ Appeal No.159 of 2024
I.A.No.3 of 2024 in Writ Appeal No.160 of 2024
I.A.No.1 of 2024 in Writ Appeal No.161 of 2024
I.A.No.3 of 2024 in Writ Appeal No.162 of 2024
I.A.No.4 of 2024 in Writ Appeal No.165 of 2024
I.A.No.3 of 2024 in Writ Appeal No.166 of 2024
I.A.No.3 of 2024 in Writ Appeal No.170 of 2024
I.A.No.4 of 2024 in Writ Appeal No.177 of 2024
I.A.No.1 of 2024 in Writ Appeal No.216 of 2024
I.A.No.1 of 2024 in Writ Appeal No.316 of 2024
I.A.No.4 of 2024 in Writ Appeal No.413 of 2024
I.A.No.4 of 2024 in Writ Appeal No.438 of 2024
I.A.No.3 of 2024 in Writ Appeal No.502 of 2024
I.A.No.3 of 2024 in Writ Appeal No.511 of 2024
I.A.No.2 of 2024 in Writ Appeal No.533 of 2024
I.A.No.2 of 2024 in Writ Appeal No.542 of 2024
I.A.No.2 of 2024 in Writ Appeal No.543 of 2024
I.A.No.2 of 2024 in Writ Appeal No.545 of 2024
I.A.No.2 of 2024 in Writ Appeal No.553 of 2024
I.A.No.2 of 2024 in Writ Appeal No.565 of 2024
I.A.No.1 of 2024 in Writ Appeal No.567 of 2024
I.A.No.1 of 2024 in Writ Appeal No.570 of 2024
I.A.No.4 of 2024 in Writ Appeal No.572 of 2024
I.A.No.3 of 2024 in Writ Appeal No.573 of 2024
I.A.No.3 of 2024 in Writ Appeal No.574 of 2024
I.A.No.3 of 2024 in Writ Appeal No.575 of 2024
I.A.No.4 of 2024 in Writ Appeal No.576 of 2024
I.A.No.3 of 2024 in Writ Appeal No.577 of 2024
I.A.No.3 of 2024 in Writ Appeal No.578 of 2024
I.A.No.3 of 2024 in Writ Appeal No.579 of 2024
I.A.No.3 of 2024 in Writ Appeal No.580 of 2024
I.A.No.3 of 2024 in Writ Appeal No.581 of 2024
I.A.No.1 of 2024 in Writ Appeal No.583 of 2024
I.A.No.3 of 2024 in Writ Appeal No.644 of 2024 and
I.A.No.1 of 2024 in Writ Appeal No.905 of 2024

(PER: HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N. V. ANJARIA)

Heard learned Senior Advocate Mr. S.S. Naganand for learned advocate Mr. B.C. Prabhakar, learned Senior Advocate Mr. K. Kasturi for learned advocate Smt. Subha Ananathi, learned advocate Mr. G.S. Subba Rao and learned advocate Mr. Hiremath Praveen Kumar Appayya for the applicants in the respective interim applications.

2. All these are batch of applications where the respective applicants prayed for leave to appeal. The applicants are either individual employers or association of employers.

3. Leave to appeal is prayed for against the judgment and order of learned Single Judge dated 26.09.2023 in Writ Petition No.3632 of 2023. In the said order, learned Single Judge, while allowing the petition of All India Trade Union Congress, held and provided as under,

“The Writ of Certiorari is ordered. The Notification issued by the Government on the 28th day of July 2022 vide Annexure-A is quashed.

The respondent shall redo the Notification impugned in the Writ Petition following strictly the procedure the norms fixed by the Hon'ble Apex Court in the case of **REPTAKOS BRETT**

in determining the rates of wages. The redone Notification will be given effect from 28.07.2022. The Government is directed to complete the entire process within an outer limit of two months from the date of receipt of the certified copy of this order.”

3.1 The said writ petition was filed seeking the following prayers,

“To set aside the Notification No.Ka E 16 LWA 2022 dt. 28.07.2022, issued by the Respondent as at Annexure-A, fixing the rates of minimum wages for workers employed in Foundry (with or without Machine Shop) as unjust, arbitrary and illegal and to further direct the Respondent to determine the rates of wages in accordance with the guidelines prescribed by the Hon’ble Supreme Court in the case of Reptokos Brett.”

3.2 Learned Single Judge held that the decision of the Hon’ble Supreme Court in **Workmen, represented by Secretary Vs. Reptakos Brett. & Co. Ltd. and another [(1992) 1 SCC 290]** would have to be applied. Taking such view, the Notification dated 28.07.2022 was quashed and the aforesaid directions were issued.

4. It is the case of the applicants-employers that the notification impugned before learned Single Judge seeks to determine minimum wages, for which proceedings had taken

place before the Advisory Board. The applicants-employers had made submissions and put forth their case before the Advisory Board. However, before learned Single Judge, they were not made parties.

4.1 It is the further case of all the applicants that they are affected by the order passed by learned Single Judge since the same was passed without their knowledge and without opportunity being given to them to put forth their case which prejudiced them.

4.2 Therefore, they seek leave to appeal.

5. Admittedly, the applicants were not parties before learned Single Judge. All the applicants are interested in the subject matter and since the subject matter affects their right, they are entitled to be granted leave to appeal.

6. Accordingly, the respective applicants are granted leave to challenge the judgment and order dated 26.09.2023 of learned Single Judge in Writ Petition No.3632 of 2023.

7. All the applications are allowed.

ORDER ON

I.A.No.2 of 2024 in Writ Appeal No.161 of 2024
I.A.No.2 of 2024 in Writ Appeal No.165 of 2024
I.A.No.2 of 2024 in Writ Appeal No.177 of 2024
I.A.No.2 of 2024 in Writ Appeal No.216 of 2024
I.A.No.2 of 2024 in Writ Appeal No.413 of 2024
I.A.No.2 of 2024 in Writ Appeal No.438 of 2024
I.A.No.2 of 2024 in Writ Appeal No.502 of 2024
I.A.No.2 of 2024 in Writ Appeal No.511 of 2024
I.A.No.1 of 2024 in Writ Appeal No.533 of 2024
I.A.No.1 of 2024 in Writ Appeal No.542 of 2024
I.A.No.1 of 2024 in Writ Appeal No.543 of 2024
I.A.No.1 of 2024 in Writ Appeal No.545 of 2024
I.A.No.1 of 2024 in Writ Appeal No.553 of 2024
I.A.No.1 of 2024 in Writ Appeal No.565 of 2024
I.A.No.2 of 2024 in Writ Appeal No.567 of 2024
I.A.No.2 of 2024 in Writ Appeal No.570 of 2024
I.A.No.1 of 2024 in Writ Appeal No.572 of 2024
I.A.No.2 of 2024 in Writ Appeal No.573 of 2024
I.A.No.2 of 2024 in Writ Appeal No.574 of 2024
I.A.No.2 of 2024 in Writ Appeal No.575 of 2024
I.A.No.1 of 2024 in Writ Appeal No.576 of 2024
I.A.No.2 of 2024 in Writ Appeal No.577 of 2024
I.A.No.2 of 2024 in Writ Appeal No.578 of 2024
I.A.No.2 of 2024 in Writ Appeal No.579 of 2024
I.A.No.2 of 2024 in Writ Appeal No.580 of 2024
I.A.No.2 of 2024 in Writ Appeal No.581 of 2024
I.A.No.2 of 2024 in Writ Appeal No.583 of 2024
I.A.No.2 of 2024 in Writ Appeal No.905 of 2024

Learned advocate Mr. V. Datar accepts notice for respondent No.2 in Writ Appeal No.644 of 2024 and learned advocate Mr. K.B. Narayana Swamy accepts notice for respondent Nos.1 and 2 in Writ Appeal No.905 of 2024.

2. Heard learned Senior Advocate Mr. S.S. Naganand for learned advocate Mr. B.C. Prabhakar, learned Senior Advocate

Mr. K. Kasturi for learned advocate Smt. Subha Ananathi, learned advocate Mr. G.S. Subba Rao and learned advocate Mr. Hiremath Praveen Kumar Appayya for the applicants in the respective interim applications, learned Senior Advocate Mr. V. Prakash for learned advocate Mr. K.B. Narayana Swamy and learned advocate Mr. V.R. Datar for the respondents-Union and learned Additional Government Advocate Ms. Niloufer Akbar for the State and its authorities.

3. In preferring the writ appeals by the respective applicants who are granted leave to appeal as above, there has been delay. The delay in different cases are tabularized as under,

<u>Case Numbers</u>	<u>Interim Application Nos.</u>	<u>Number of days' delay</u>
W.A.No.161/2024	I.A.No.2/2024	75
W.A.No.165/2024	I.A.No.2/2024	87
W.A.No.177/2024	I.A.No.2/2024	71
W.A.No.216/2024	I.A.No.2/2024	91
W.A.No.413/2024	I.A.No.2/2024	115
W.A.No.438/2024	I.A.No.2/2024	128
W.A.No.502/2024	I.A.No.2/2024	143
W.A.No.511/2024	I.A.No.2/2024	143
W.A.No.533/2024	I.A.No.1/2024	149
W.A.No.542/2024	I.A.No.1/2024	150
W.A.No.543/2024	I.A.No.1/2024	150
W.A.No.545/2024	I.A.No.1/2024	150
W.A.No.553/2024	I.A.No.1/2024	150

**WA NO. 23/2024 and
connected matters**

W.A.No.565/2024	I.A.No.1/2024	153
W.A.No.567/2024	I.A.No.2/2024	153
W.A.No.570/2024	I.A.No.2/2024	153
W.A.No.572/2024	I.A.No.1/2024	156
W.A.No.573/2024	I.A.No.2/2024	153
W.A.No.574/2024	I.A.No.2/2024	140
W.A.No.575/2024	I.A.No.2/2024	156
W.A.No.576/2024	I.A.No.1/2024	151
W.A.No.577/2024	I.A.No.2/2024	144
W.A.No.578/2024	I.A.No.2/2024	156
W.A.No.579/2024	I.A.No.2/2024	142
W.A.No.580/2024	I.A.No.2/2024	142
W.A.No.581/2024	I.A.No.2/2024	142
W.A.No.583/2024	I.A.No.2/2024	153
W.A.No.905/2024	I.A.No.2/2024	230

4. The Court has gone through the averments made in the supporting affidavits to the respective interim applications. In each case, it could be noticed that the delay has occurred for *bona fide* reasons and there is no element of culpability.

5. Therefore, the applications are allowed as under,

Delay of 75 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.161 of 2024 is allowed.

Delay of 87 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.165 of 2024 is allowed.

Delay of 71 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.177 of 2024 is allowed.

Delay of 91 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.216 of 2024 is allowed.

Delay of 115 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.413 of 2024 is allowed.

Delay of 128 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.438 of 2024 is allowed.

Delay of 143 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.502 of 2024 is allowed.

Delay of 143 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.511 of 2024 is allowed.

Delay of 149 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.533 of 2024 is allowed.

Delay of 150 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.542 of 2024 is allowed.

Delay of 150 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.543 of 2024 is allowed.

Delay of 150 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.545 of 2024 is allowed.

Delay of 150 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.553 of 2024 is allowed.

Delay of 153 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.565 of 2024 is allowed.

Delay of 153 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.567 of 2024 is allowed.

Delay of 153 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.570 of 2024 is allowed.

Delay of 156 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.572 of 2024 is allowed.

Delay of 153 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.573 of 2024 is allowed.

Delay of 140 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.574 of 2024 is allowed.

Delay of 156 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.575 of 2024 is allowed.

Delay of 151 days is condoned. I.A.No.1 of 2024 in Writ Appeal No.576 of 2024 is allowed.

Delay of 144 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.577 of 2024 is allowed.

Delay of 156 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.578 of 2024 is allowed.

Delay of 142 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.579 of 2024 is allowed.

Delay of 142 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.580 of 2024 is allowed.

Delay of 142 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.581 of 2024 is allowed.

Delay of 153 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.583 of 2024 is allowed.

Delay of 230 days is condoned. I.A.No.2 of 2024 in Writ Appeal No.905 of 2024 is allowed.

ORDER IN THE MAIN APPEALS

To be listed next on 07.08.2024.

In the matters where interim orders are granted, they shall continue to operate till the next date.

**Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(K V ARAVIND)
JUDGE**