HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2459 OF 2023 (L-RES)

BETWEEN:

M/S. SURETEX PROPHYLACTICS (INDIA)
PRIVATE LIMITED,
PLOT NO.74, KIADB INDUSTRIAL ESTATE,
JIGANI, 2ND PHASE, ANEKAL TALUK,
BENGALURU-560 105,
REPRESENTED BY ITS SENIOR MANAGER-HR,
MR. P.R.UMESH,
REGISTERED UNDER FACTORIES ACT, 1948
AND FACTORIES RULES 1969.

…PETITIONER

(BY SRI. S.N.MURTHY, SENIOR ADVOCATE FOR
SRI. SOMASHEKAR, ADVOCATE AND
SMT. ROOPASRI, ADVOCATE)

AND:

Digitally signed by THEJAS KUMAR N
Location: HIGH COURT OF KARNATAKA

1. SRI. DINESH
AGED ABOUT 44 YEARS,
S/O LATE SRI. MINKA MARAKALA,
RESIDING AT NO.2,
NO.117, BLAKUDRU VILLAGE,
HUNGARGUTTA POST,
UDUPI-576 218.

2. SMT. C. PADMA
AGED ABOUT 47 YEARS,
W/O. SRI. VENUGOPALAREDDY,
RESIDING AT NO.24,
CHAMUNDI NILAYA, 4TH CROSS,
K.E.B.ROAD, NEAR GANESH TEMPLE,
ITAMADU MAIN ROAD,

B.S.K. 3RD STAGE,
BENGALURU-560 085.

3. SMT. MAMATHA. C
AGED ABOUT 45 YEARS,
W/O. SRI. RAJAGOPALACHARI,
RESIDING AT NO.H3,
SHAMAKAMAL APARTMENT,
KEMBATHALLI MAIN ROAD,
GOLLAHALLI, BENGALURU.

4. SMT. VIMALA. K
AGED ABOUT 43 YEARS
W/O. SRI. SHIVAKUMAR,
RESIDING AT NO.180/177,
SRI CHAMPAKADHAMA NILAYA,
NATIONAL PARK ROAD,
BANNERUGHATTA,
JIGNI HOBLI, ANEKAL TALUK,
BENGALURU-560083.

5. SRI. P. ANIL KUMAR RAJA
AGED ABOUT 46 YEARS,
S/O. SRI. P. JAYARAJ,
RESIDENT OF GUNDAPPA RAO COLONY,
PAMIDI, ANANTHAPURA DISTRICT,
ANDHRA PRADESH-515 775.

6. SRI. SHIVAMADEGOWDA
AGED ABOUT 47 YEARS,
S/O. SRI. HONNEGOWDA. M,
RESIDING AT MUTHU NILAYA,
2ND CROSS, NEAR SHANTHI COLLEGE,
MYSORE MAIN ROAD, MALAVALLI,
MANDYA DISTRICT-571 430.

7. SRI. NAGARAJAPPA
AGED ABOUT 47 YEARS,
S/O. SRI. NILAGIRIYAPPA,
RESIDING AT SRIRAMAGONDANAHALLI,
DAVANAGERE DISTRICT-577 005.

8. MR. LAKSHMAN BIRADAR
AGED ABOUT 48 YEARS,
S/O. LATE SRI. GURULINGAPPA,
RESIDING AT NO.26,
RAMAKRISHNA REDDY LAYOUT,
NEARBY R.S.TOWER,
G.S.PALYA ROAD,
KONAPANNA AGRAHARA,
ELECTRONIC CITY POST,
BENGALURU-560 100.

9. SRI. V. CHANDRASEKHAR
AGED ABOUT 46 YEARS,
S/O. LATE SRI. L.VENKATARAMAIAH,
RESIDING AT NO.17, NEW NO.97,
8TH MAIN, 13TH CROSS,
MALLESHWARAM,
BENGALURU-560003.

10. SMT. SEETHALAKSHMI
AGED ABOUT 48 YEARS,
W/O. SRI. RAVIKUMAR P. PATIL,
RESIDING AT NO.237,
SRI NANDI, 1ST MAIN,
SRI DWARAKA NAGARA,
CHIKKABANAVARA POST,
HESARAGHATTA MAIN ROAD,
BENGALURU-560 090.

11. SMT. PARVATHAMMA. K. J.
AGED ABOUT 45 YEARS,
W/O. SRI. MANJUNATHA M. G.,
RESIDING AT 'SREE NILAYA',
NO.15, ANJANDRI LAYOUT,
ACHUTH NAGAR, NEW ACHARYA COLLEGE,
THAMMENAHALLI,
BENGALURU-560 107.

12. MR. A. K. RAMESH
AGED ABOUT 49 YEARS,

S/O. SRI. KOOSA MARAKALA,
RESIDENT OF GOLIBETTU,
AIRODY VILLAGE,
SASTHANA POST,
BRAHMAVARA TALUK,
UDUPI DISTRICT-576 226.

13. MR. A. K. SRINIVASA
AGED ABOUT 46 YEARS,
S/O. LATE SRI.CHINNAIAH,
RESIDING AT BEHIND
GOVT. HOSPITAL, NYAMATHI,
DAVANAGERE DISTRICT.

14. SMT. K. USHA
AGED ABOUT 43 YEARS,
W/O. SRI. S. NANDEESH,
RESIDING AT NO. 20/1,
HOUSE NO.S-9,
BNSS RESIDENCY, 2ND MAIN,
RAMAIAH ROAD, B.K. NAGARA,
YESHWANTHAPURA,
BENGALURU-560 022.

15. SMT. G.USHA
AGED ABOUT 44 YEARS,
S/O. SRI. VITTAL KRISHNA,
RESIDING AT NO.80,
3RD CROSS, GUNDAPPA LAYOUT,
GOTIGERE POST, B.G. ROAD,
BENGALURU-560083.

16. SRI. BHIMAPPA
AGED ABOUT 48 YEARS,
S/O. LATE SRI. MARIYAPPA,
RESIDING AT NO.264,
GULBARGA COLONY,
1ST BLOCK, JAYANAGARA,
BENGALURU-560 011.

17. SRI. RAMESH. K. S.
AGED ABOUT 47 YEARS,
S/O. LATE SRI. SIDDAIAH,
C/O. SRI. VENUGOPALA REDDY,
RESIDING AT NO.40,
KEMPANAYAKANAHALLI,
BANNERGHATTA,
BENGALURU-560 083.

18. SRI. SASI KUMAR. M
AGED ABOUT 45 YEARS,
S/O. SRI. MOHAN,
RESIDING AT NO.4, 7TH CROSS,
SHAMANA LAYOUT, KEMBATHALLI ROAD,
NEAR WATER TANK, GOTIGERE,
BENGALURU-560 083.

19. SRI. MOHAN. R
AGED ABOUT 46 YEARS,
S/O. SRI. C. RAMAPPA,
C/O. SRI. B. B. DODDAMANI,
BHANASHANKARI NAGARA,
BEHIND GOVERNMENT HOSPITAL,
RATTIHALLI, HAVERI DISTRICT-581116.

20. SRI. R. SURESH
AGED ABOUT 49 YEARS,
S/O. SRI. RUDRAPPA,
RESIDING AT NO.29,
BASAVESHWARA KRUPA,
DELPHI LAYOUT, 4TH CROSS,
BANDENEELASANDRA, JIGANI,
ANEKAL TALUK, BENGALURU-560 105.

21. SMT. S. SUJATHA
AGED ABOUT 45 YEARS,
W/O. SRI. ARULKUMAR,
RESIDING AT NO. 109,
3RD CROSS, KRISHNA LAYOUT,
DEVARACHIKKANAHALLI,

BANNERGHATTA ROAD,
BENGALURU-560 076.

22. SRI. ARUL KUMAR
AGED ABOUT 46 YEARS,
S/O. SRI. GUNASHEKAR,
RESIDING AT NO.109,
3RD CROSS, KRISHNA LAYOUT,
DEVARACHIKKANAHALLI,
BANNERUGHATTA ROAD,
BENGALURU-560 076.

23. SRI. S. R. KALKAPUR
AGED ABOUT 50 YEARS,
S/O. SRI. RAMAPPA,
RESIDING AT NO.792/A,
9TH CROSS, K.N.EXTENSION,
TRIVENI ROAD, ATALI PARK,
YESHWANTHPUR,
BENGALURU-560 022.

24. SRI. RAMESH BABU
AGED ABOUT 45 YEARS,
S/O. SRI. VENKATARAMAIAH,
RESIDING AT NO.30/1,
3RD MAIN ROAD, NEAR
LAKSHMI VENKATESHWARA,
MOHAN KUMAR NAGAR,
BENGALURU-560022.

25. SRI. BASAVARAJA. C
AGED ABOUT 48 YEARS,
S/O. SRI. CHIKKANNA,
RESIDING AT NO.4,
6TH CROSS, HOSAKERAHALLI,
NEAR DURGAPARAMESHWARI TEMPLE,
BANASHANKARI 3RD STAGE,
BENGALURU-560 011.

26. THE ASSISTANT LABOUR COMMISSIONER,
DIVISION IV, LABOUR DEPARTMENT,

BANNERGHATTA ROAD,
BENGALURU-560 029.

…RESPONDENTS

(BY SRI. S.B.MUKKANNAPPA, ADVOCATE FOR R1 TO 25;
SRI RAJENDRA K.R., AGA FOR R26)

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

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.11.2025, THIS DAY, AN ORDER IS PRONOUNCED AS UNDER:

ORAL ORDER

Sri.S.N.Murthy, Senior counsel on behalf of Sri.Somashekar, for the petitioner, Sri.S.B.Mukkannappa, counsel for respondents 1 to 25 and Sri.Rajendra. K.R., AGA for respondent No. 26, has appeared in person.

2. The petition averments are as follows.

The petitioner is engaged in the manufacture of rubber contraceptives and employs around 400 employees at its factory located in K.I.A.D.B. Industrial Estate, Jigani, 2nd Phase, Anekal Taluk, Bengaluru. Respondents 1 to 25 were the employees of the petitioner company. To reduce the surplus manpower, the company introduced a Voluntary Retirement Scheme in 2009. After several rounds of discussions with the

permanent workmen, the company decided to introduce the Voluntary Retirement Scheme and Respondents 1 to 25 opted for retirement under the VRS Scheme, apart from others. A substantial amount was paid to the respondents 1 to 25 towards voluntary retirement benefits, apart from settling other legal dues. Under the said VRS Scheme, 86 workmen submitted their applications to retire on various dates from 5th of October 2009 to 10th of October 2009.

3. The company accepted the voluntary retirement applications submitted by the workmen on various dates and relieved them from service after settling their accounts. The petitioner management settled the accounts of the workmen in full, including early bird incentive, seniority incentive, gratuity, leave encashment, bonus, etc., apart from the voluntary retirement amount. The amount was paid through individual account payee cheques to the workmen. After accepting the voluntary retirement, the individual workmen and the management signed a settlement under Section 18(1) of the I.D. Act, 1947.

4. As things stood, after a lapse of thirteen years, the workmen raised a dispute before the conciliation officer, alleging a forced resignation. The conciliation officer issued a notice on September 21, 2022. Hence, the petitioner is before this Court.

5. Counsel for the respective parties urged several contentions.

6. Sri. S.N. Murthy, senior counsel, vehemently contended that the conciliation officer could not have issued a notice since there is no industrial dispute. He argued by saying that the conciliation officer lacks jurisdiction.

7. It has been urged on behalf of the respondents that the writ petition is filed challenging the notice; hence, the petition is premature. Urging other contentions, they prayed for the dismissal of the petition.

8. Heard the arguments and perused the papers with care. The issue falls within a narrow compass and relates to the notice issued by the conciliation officer. It is not in dispute that the management settled the accounts of the workmen in full,

including early bird incentive, seniority incentive, gratuity, leave encashment, bonus, etc., apart from the voluntary retirement amount. The amount was paid through individual account payee cheques to the workmen. Strangely, after thirteen years, they approached the conciliation officer. It is noticed that the conciliation officer issued a notice calling upon the management to appear. In my view, the conciliation officer lacks jurisdiction to issue a notice for a stale or time-barred dispute. While conciliation aims to mediate and promote settlement, the officer generally cannot entertain matters that are no longer considered existing or live industrial disputes due to excessive delay.

9. As already noted above, the company accepted the voluntary retirement applications submitted by the workmen and all the dues were settled. In such circumstances, no reference is possible. Therefore, the conciliation officer ought to have refused to issue a notice.

10. The writ of certiorari is ordered. The notice dated 21.09.2022 at Annexure E is quashed.

11. Because of the disposal of the writ petition, the interim order granted by this court, if any, stands discharged, and the pending interlocutory applications and directions, if any, are disposed of.

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.:1.20