IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.200950 OF 2021 (L-RES)

BETWEEN:

RAJEEV GANDHI SUPER SPECIALTY HOSPITAL,
HYDERABAD ROAD,
RAICHUR- 584 102,
BY ITS SPECIAL OFFICER.

…PETITIONER

(BY SRI. SACHIN M. MAHAJAN, ADVOCATE)

AND:

1. SMT. NALINI CHARLES
W/O CHARLES SULMAN,
AGE: 50 YEARS,
OCC: SIRANG 'C' BLOCK,
QUARTER NO.16,
OPEC HOSPITAL,
RAICHUR – 584 102.

2. SRI SURESH
S/O MARILINGAPPA,
AGE: 38 YEARS,
OCC: HELPER,
R/O: LBS NAGAR,
RAICHUR – 584 102.

3. SRI VEERBHADRA
S/O EARANNA,
AGE: 45 YEARS,
OCC: GARDEN,

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

R/O: NO.35, RAMAPUR,
RAICHUR – 584 102.

4. SRI NARASIMHALU
S/O NARAYAN,
AGE: 36 YEARS,
OCC: ACCOUNT ASSISTANT,
R/O: PALARYAM DIDINNI HALL,
KUTUKUTAR,
TQ: RAICHUR - 584 102.

5. SRI T. MALLESH
S/O G. TIPPANNA KOLIMI,
AGE: 39 YEARS,
OCC.: BILL ASSISTANT,
SIDHARTHA COLONY,
RAMPUR, RAICHUR – 584 102.

6. SRI VENKATESH
S/O HANUMANTHAPPA,
AGE: 43 YEARS,
OCC: OFFICE ASSISTANT,
R/O: H.NO.39, APMC,
NEAR HAMAL QUARTERS,
OPEC HOSPITAL,
RAICHUR – 584 102.

7. SRI GURUSANGAPPA
S/O VIRUPAKSHAPPA,
AGE: 37 YEARS,
OCC: BILL ASSISTANT,
R/O H.NO.12-6-685/8,
ALLAMAPRABHU COLONY,
RAICHUR – 584 102.

8. SRI SHIVAPUTRA
S/O NAGANAGOUDA,
AGE: 34 YEARS,
OCC: OFFICE ASSISTANT,
R/O: GONAL,
YERMARUS AREA,
TQ & DIST: RAICHUR – 584 102.

9. SRI RAJASHEKHAR G.S.
AGE: 44 YEARS,
OCC: OFFICE ASSISTANT,
R/O H.NO.12-6-1237/1137,
NEAR GANESH KATTI,
LBS NAGAR, RAICHUR – 584 102.

10. MANJUNATH
S/O EARANNA,
AGE: 30 YEARS,
OCC: OFFICE ASSISTANT,
JAIBHIM NAGAR,
MANVI, DIST. RAICHUR – 584 102.

11. GOPAL KRISHNA K.
S/O SRINIVAS,
AGE: 43 YEARS,
OCC: OFFICE ASSISTANT,
R/O: NIJALINGAPPA COLONY,
RAICHUR – 584 102.

12. PARASHURAM
S/O HULIGEPPA,
AGE: 34 YEARS,
OCC: HOUSE KEEPING,
R/O: AMBEDKAR COLONY,
KALMALA VILLAGE,
TQ & DIST: RAICHUR – 584 102.

13. HANUMANTH
S/O BUDEPPA,
AGE: 32 YEARS,
OCC: HOUSE KEEPING
R/O NO.72, JAGIRAVENKATAPUR,
BLOCK NO.3,
DIST: RAICHUR – 584 102.

14. SALMAN
S/O YASHAF,
AGE: 37 YEARS,
OCC: HOUSE KEEPING,

R/O: H.NO.157/A,
STATION ROAD,
WEST RAILWAY COLONY,
RAICHUR – 584 102.

15. PAWANKUMAR ALKUR
S/O VIJAYARAJU,
AGE: 31 YEARS,
OCC: HOUSE KEEPING,
WARD NO.35, RAMPUR,
TQ & DIST: RAICHUR – 584 102.

16. T. MAJUNATH
S/O TIPPANNA,
AGE: 31 YEARS,
OCC: HOUSE KEEPING,
SIDHARTHA COLONY, RAMPUR,
TQ & DIST: RAICHUR – 584 102.

17. S. NARASIMHALU
S/O THIPPAYYA
AGE: 37 YEARS,
OCC: HOUSE KEEPING
R/O WARD NO.35, RAMPUR,
TQ & DIST: RAICHUR -584102.

18. N. NARASIMHALU
S/O ADIVEPPA,
AGE: 31 YEARS,
OCC: HOUSE KEEPING,
R/O: SIDHARTHA COLONY, RAMPUR,
TQ & DIST: RAICHUR -584 102.

19. TAYAPPA A
S/O ANJINEYA,
AGE: 36 YEARS,
OCC: HOUSE KEEPING
R/O: SIDHARTHA COLONY, RAMPUR,
TQ. & DIST: RAICHUR – 584 102.

20. ANANTNAG
S/O LAXMAN,

AGE: 33 YEARS,
OCC: HOUSE KEEPING,
R/O: 1-2 BLOCK,
NEAR KURDI AGASI COLONY,
MANVI ROAD,
TQ & DIST: RAICHUR – 584 102.

21. MUNIYAPPA
S/O GAGGAMAREPPA,
AGE: 33 YEARS,
OCC: HOUSE KEEPING,
R/O: POTAGAL AMARAVATI,
YERMARUS CAMP,
RAICHUR - 584 102.

22. SMT. GOURAMMA
W/O BHIMARAYA,
AGE: 37 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.12-6-1237/104,
CHANDRABANDA,
KALIDAS NAGAR,
RAICHUR – 584 102.

23. NAGRAJ
S/O TIPPANNA,
AGE: 33 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.12-7-78,
GUNJ ROAD, SIYATALAB,
RAICHUR – 584 102.

24. B. AMARESH
S/O FAKIRAYYA,
AGE: 40 YEARS,
OCC: HOUSE KEEPING,
R/O: AROLI, TQ: MANVI,
DIST: RAICHUR – 584 102.

25. MAHESH S/O MALLAPPA,
AGE: 32 YEARS,
OCC: HOUSE KEEPING,

R/O. H.NO.12-9-33/3,
NEAR SUDDIMOOL PRESS OFFICE,
SIYATALAB, RAICHUR – 584 102.

26. M. KRISHNA
S/O TAYAPPA MANCHALAPUR,
AGE: 31 YEARS,
OCC: HOUSE KEEPING,
TQ. & DIST. RAICHUR – 584 102.

27. SUGARAPPA S/O RANGAPPA,
AGE: 37 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.2/69, HARIJANWADA,
HEGGASANAHALLI,
TQ. & DIST. RAICHUR – 584 102.

28. BHASKAR S/O KRISHNAPPA,
AGE: 34 YEARS,
OCC: HOUSE KEEPING,
R/O. MANCHALAPUR,
TQ. & DIST. RAICHUR – 584 102.

29. GOPAL KRISHNA K.
S/O RAMAKRISHNA,
AGE: 38 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.12-4-72/480,
SCIENCE PRIMARY SCHOOL,
NEAR CHANDRABANDA,
TQ. & DIST. RAICHUR – 584 102.

30. MOJESH S/O YOUSUF,
AGE: 33 YEARS,
OCC: HOUSE KEEPING,
R/O: GATTIBICHCHALLI,
TQ. & DIST. RAICHUR – 584 102.

31. SHASHIKALA
W/O BOLABANDI,
AGE: 40 YEARS,
OCC: HOUSE KEEPING,

R/O: H.NO.12-4-27, BLOCK NO.4,
WARD NO.12, GUNJ AREA,
RAICHUR – 584 102.

32. HAMPAMMA W/O ANJINAYYA,
AGE: 33 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.12-4-27,
BLOCK NO.4, WARD NO.12,
GUNJ AREA,
RAICHUR – 584 102.

33. CHINNAMMA
D/O TIMMAPPA,
AGE: 36 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.9-19-32, GADWAL ROAD,
MAKTALPETE, RAICHUR – 584 102.

34. SRINIVAS K.
S/O VENKATARAMAN,
AGE: 37 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.1-11-1128/105,
SATION AREA, RAMANJANEYA COLONY,
RAICHUR - 584 102.

35. T. NARASAMMA
AGE: 45 YEARS,
OCC: HOUSE KEEPING,
R/O: SIDHARTHA COLONY,
RAMPUR, RAICHUR – 584 102.

36. TAYAMMA
W/O. MAHANTAPPA,
AGE: 48 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.9-19-109,
GADWAL ROAD,
MAKTALPETE,
RAICHUR – 584 102.

37. RANGAMMA W/O. RAMESH,
AGE: 50 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.9-19-155, MADDIPETE,
RAICHUR – 584 102.

38. SHABANABEGUM
W/O. MOHAMMED RASOOL,
AGE: 38 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.12-6-331,
NEAR ESHWAR TEMPLE,
LBS NAGAR, RAICHUR – 584 102.

39. VENKATALAXMI W/O. BABU,
AGE: 35 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.9-19-147,
GADWAL ROAD, MADDIPETE,
RAICHUR – 584 102.

40. MUNEMMA
W/O. RAMAKANT,
AGE: 50 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.9-19-100,
GADWAL ROAD, MADDIPETE,
RAICHUR – 584 102.

41. GANDHI
S/O MAHADEVAPPA,
AGE: 32 YEARS,
OCC: HOUSE KEEPING,
WARD NO.35, SIDHARTHA COLONY,
RAMPUR, RAICHUR – 584 102.

42. SHIVAPPA
S/O MAREPPA,
AGE. 37 YEARS,
OCC. HOUSE KEEPING,
R/O. H.NO.13-7-279,
HYDERABAD ROAD,

HANUMAN NAGAR, YERMARUS,
RAICHUR – 584 102.

43. T. MAHESH
S/O G. TIPPANNA KOLIMI,
AGE: 29 YEARS,
OCC: HOUSE KEEPING,
SIDHARTHA COLONY, RAMPUR,
TQ. & DIST. RAICHUR – 584 102.

44. KRISHNA K
S/O KALLAPPA,
AGE: 44 YEARS,
OCC: HOUSE KEEPING,
R/O: PURTIPLI VILLAGE,
TQ. & DIST. RAICHUR – 584 102.

45. C. SHEKHAR
S/O C. SWAMY
AGE: 34 YEARS,
OCC: HOUSE KEEPING,
R/O. H.NO.8-8-5, HARIJANWADA,
AMBEDKAR NAGAR,
RAICHUR – 584 102.

46. SRINIVASALU K
S/O K. VENKATASWAMY,
AGE: 34 YEARS,
OCC: HOUSE KEEPING,
R/O.: H.NO. 150/D,
WEST RAMANJINEYA COLONY,
STATION AREA, RAICHUR – 584 102.

47. BIBI W/O BABU RASOOL,
AGE: 44 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.351,
ASHRAYA COLONY,
RAICHUR – 584 102.

48. ANAND KUMAR N
S/O. N. NAGESHWAR RAO,

AGE: 34 YEARS,
OCC: HOUSE KEEPING,
SAIBABA COLONY, RAMPUR,
TQ. & DIST. RAICHUR – 584 102.

49. DURUGAMMA
W/O. TIMMAPPA,
AGE: 49 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.12-6-229/1,
MAILAR NAGAR,
RAICHUR – 584 102.

50. VIJAY KUMAR
S/O SUBHASH SURYAVAMSHI,
AGE: 37 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.3-8-51, GANGANIVAS,
NEAR WATER TANK, BEROON QUILLA,
RAICHUR – 584 102.

51. NARASAPPA
S/O TIMMAPPA,
AGE: 32 YEARS,
OCC: HOUSE KEEPING,
R/O: H.NO.14-1-310,
NEAR BUS STAND,
EKLASPUR, ASKIHAL,
RAICHUR – 584 102.

52. K. YALLAPPA
S/O ESHAPPA,
AGE: 31 YEARS,
OCC: HOUSE KEEPING,
R/O: MADIVAL STREET,
KALMALA,
TQ & DIST. RAICHUR – 584 102.

53. BHEEMESH S
S/O SIDDAPPA,
AGE: 34 YEARS,
OCC: HOUSE KEEPING,

R/O. WARD NO.35,
SIDHARTHA COLONY, RAMPUR,
TQ & DIST. RAICHUR – 584 102.

54. MANJUNATH
S/O. KUMARSWAMY,
AGE: 32 YEARS,
OCC: HOUSE KEEPING,
POST: PURTIPLI,
TQ & DIST. RAICHUR – 584 102.

55. RANGANATH
S/O KRISHNADAS,
AGE: 39 YEARS,
OCC: HOUSE KEEPING,
R/O: NEAR MARUTESHWAR TEMPLE,
CHALUVADI STREET, KALLUR,
TQ: MANVI, DIST: RAICHUR – 584 102.

56. COMMISSIONER,
HEALTH & FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
M.S. BUILDING,
BENGALURU – 560 009.

57. SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
(MEDICAL EDUCATION),
1ST BUILDING, VIKASA SOUDHA,
BENGALURU – 560 009.

58. M/S APOLLO HOSPITAL ENTERPRISES LTD.,
A COMPANY REGISTERED UNDER COMPANIES ACT,
ALI TOWERS, III FLOOR, NO.22,
GREAMS ROAD, CHENNAI – 600 006,
REP BY ITS DIRECTOR.

RESPONDENTS

(BY SRI P. VILAS KUMAR, SENIOR COUNSEL
FOR SRI NITESH PADIYAL, ADVOCATE FOR R-3, R-8, R-13
TO R-39, R-41 TO R-49, R-50 TO R-53 & R-55;

SRI. MAQBOOL AHMED, AGA FOR R-56 & R-57;
SRI. YADAVENDRA KATTI, ADVOCATE FOR R58;
R-1, R-2, R-4, R-7, R-9, R-10 TO R-12 & R-54
ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI AND QUASH/SET ASIDE THE ORDER DATED 26.06.2020 PASSED BY THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE AT RAICHUR IN REFERENCE NO.12/2016, WHICH IS PRODUCED AS ANNEXURE A IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

With a prayer to quash the order dated 26.06.2020 which was passed by the Court of Principal District and Sessions Judge, Raichur in Reference No.12/2016, this writ petition is filed.

2. Sri Sachin M.Mahajan, learned counsel for the petitioner submits that the petitioner challenged the order of this Court dated 25.09.2024, by filing a writ appeal and the said writ appeal was dismissed. Learned counsel states

that the petitioner now intends to prefer SLP before the Hon'ble Supreme Court. By stating thus, learned counsel seeks time.

3. Raising a serious objection, Sri Vilaskumar, learned Senior counsel who represents the respondents submits that the petitioner was directed to comply the requirement under Section 17B of the Industrial Dispute Act through order dated 25.09.2024. But, till now the said order is not complied. Learned counsel further submits that on 12.03.2025, learned counsel for the petitioner sought time to seek necessary instructions from the petitioner regarding the wages to be paid.

4. Learned counsel also states that again on 20.03.2025, this Court directed the petitioner to deposit the wages under Section 17B of the Industrial Disputes Act within seven days. However till now such deposit is not made. Learned counsel also states that though this Court through order dated 01.04.2025 imposed costs upon the petitioner and also passed a conditional order that in case

the wages payable under Section 17B of the Industrial Disputes Act were not paid, the writ petition will be dismissed, yet such deposit is not made and therefore, the writ petition is liable to be dismissed.

5. Contending that the wages to be paid under Section 17B of the Industrial Disputes Act to the workmen are analogous to payment of subsistence allowance, learned counsel representing the respondents relied upon the decision of the Hon'ble Supreme Court in the case between *Dena Bank* vs. *Kiritikumar T.Patel* (Civil Appeal No.7785/1997 dtd. 19.11.1997). Also submitting that non-compliance of a conditional order should have serious repercussions, placed reliance upon the decision of this Court in the case between *M/s H.M.P. Cements Limited and another* vs. *Karnataka Electricity Board now Karnataka Power Transmission Corporation Limited and others* reported in ILR 2007 KAR 1928.

6. No doubt, parties to the proceedings have every right and liberty to approach appropriate forums

challenging various orders of the Court as provided under law. However, an obligation vests upon the parties to the proceedings to oblige the orders of the Court and give due value to those orders. In the case on hand, no material is produced to show that the order which mandated the petitioner to deposit wages payable under Section 17B of the Industrial Disputes Act was stayed by the Court which dealt with the writ appeal. Therefore, the petitioner is under obligation to comply the order of this Court dated 25.09.2024.

7. As rightly pointed out by the learned Senior counsel appearing for the respondents, even though this Court passed a conditional order directing the petitioner to deposit the wages and also cautioned that in case such deposit is not made, the writ petition will be dismissed, the petitioner did not care.

8. All these facts and circumstances clearly reveals that the petitioner is not entitled for seeking any further adjournment. Also this Court is of the view that there is no

other option left except to dismiss the writ petition due to non-compliance of the conditional order dated 01.04.2025.

Therefore, the writ petition stands dismissed.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

SN
List No.: 1 Sl No.: 4
CT:NI