

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 6976 OF 2019 (L-RES)

R

BETWEEN:

MANAGEMENT OF BOSCH LTD.,
(THE COMPANY EARLIER KNOWN AS
MOTOR INDUSTRIES COMPANY LTD),
P.B NO.3000, HOSUR ROAD,
ADUGODI, BANGALORE-560030,
REPRESENTED BY MR M GOPALAKRISHNA JOSHI,
SR GENERAL MANAGER-HR.

...PETITIONER

(BY SRI K KASTURI, SENIOR COUNSEL FOR
SMT SUBHA ANANTHI K, ADVOCATE)

AND:

1. MR ANDREW C SHEKARAN K P,
EMP. NO.55533, MAJOR,
EX. EMPLOYEE OF PETITIONER.
2. MR LEO BALARAJ S,
EMP.NO.70405, MAJOR,
EX EMPLOYEE OF PETITIONER.
3. MR RAMAKRISHNA RAO R,
EMP.NO.67892, MAJOR,
EX EMPLOYEE OF PETITIONER,
4. MR GURURAJA,
EMP.NO.47831, MAJOR,
EX EMPLOYEE OF PETITIONER,
5. MR VIJAYENDRA RAO,
EMP.NO.62591, MAJOR,
EX EMPLOYEE OF PETITIONER,



6. MR BRAMHA RAJU,
EMP.NO.51294, MAJOR,
EX EMPLOYEE OF PETITIONER,
7. MR VINAYAKA MURTHY D,
EMP.NO.76044, MAJOR,
EX EMPLOYEE OF PETITIONER,
8. MR ARUL DASS R S
EMP.NO.52523, MAJOR
EX EMPLOYEE OF PETITIONER
DIED ON 25.05.2021
- 8(a) SMT JOSPHIN DASS,
W/O LATE R S ARUL DASS,
AGED ABOUT 75 YEARS,
R/AT OLD NO.09, NEW 07 SOPHS VILLA,
11TH MAIN, 4TH BLOCK, NEAR CLASSIC,
MANDRI APARTMENTS,
S.T.BED FRIENDS COLONY,
SRINIVAGILU VILLAGE, BENGALURU SOUTH,
BENGALURU - 560 047.
9. MR RAMAKRISHNA H V,
EMP.NO.62586, MAJOR,
EX.EMPLOYEE OF PETITIONER.
10. MR LAKSHMAIAH K R,
EMP.NO.58265, MAJOR,
EX.EMPLOYEE OF PETITIONER.
11. MR DHANAPALA SETTY,
EMP.NO.68611, MAJOR,
EX.EMPLOYEE OF PETITIONER,
12. MR CHELLAPPAN K K,
EMP.NO.54814, MAJOR,
EX.EMPLOYEE OF PETITIONER,
13. MR NARAYANA B
EMP.NO.53966, MAJOR,
EX.EMPLOYEE OF PETITIONER

14. MR BALASUBRAMANYAM K
EMP.NO.38991, MAJOR,
EX.EMPLOYEE OF PETITIONER
15. MRS ESWARI M A,
EMP.NO.18983, MAJOR,
EX.EMPLOYEE OF PETITIONER
DIED ON 12.02.2022.
- 15(a) MR.S SATHYANARAYANA,
S/O LATE ESWARI AND LATE R SUNDAR,
AGED ABOUT 48 YEARS,
R/AT NO.4, BOWEE LANE 'B' STREET,
ASHOK NAGAR, MUSEUM ROAD,
BENGALURU - 560 025.
16. MR AROKIASWAMY K,
EMP.NO.19450, MAJOR,
EX.EMPLOYEE OF PETITIONER,
DIED ON 11.12.2018.
- 16(a) SMT A AROKIA SEELI,
W/O LATE K AROKIASWAMY,
AGED ABOUT 75 YEARS,
R/AT NO.1089, AROKIYASEELI NILAYAM,
I CROSS, VENKATAPPA LAYOUT,
NEXT TO SRI SAGAR HOTEL, R S PALYA,
KAMMANAHALLI, M S NAGAR,
BENGALURU - 560 033.
17. MR BHUJANGASAYANA
EMP.NO.15100, MAJOR,
EX.EMPLOYEE OF PETITIONER
18. MR.SAVARIMUTHU.D
EMP.NO.14583, MAJOR,
EX.EMPLOYEE OF PETITIONER
19. MR.BALAKRISHNA.K
EMP.NO.67180 MAJOR,
EX.EMPLOYEE OF PETITIONER

20. MR.KRISHNA MURTHY P.V.
EMP.NO.39465, MAJOR,
EX.EMPLOYEE OF PETITIONER.
21. MR.BENNY SANTIAGO.A
EMP.NO.43306, MAJOR,
EX.EMPLOYEE OF PETITIONER.
DIED ON 23.12.2014
- 21(a) SMT J MALA,
W/O LATE BENNY SANTIAGO,
AGED ABOUT 72 YEARS,
R/AT NO.46/9, MUNIGODA ROAD,
3RD CROSS, R.S.PALYA,
KAMMANAHALLI, M.S.NAGAR,
BENGALURU - 560 033.
22. MR.SRINIVASAN.S
EMP.NO.22836, MAJOR,
EX.EMPLOYEE OF PETITIONER.
(DIED ON 14.01.2021)
- 22(a) SMT S SUSHEELA,
W/O SRINIVASAN,
NO.24, 19TH CROSS, 1ST MAIN,
LALJI NAGAR, ADUGODI, BBMP,
BENGALURU - 560 030.
23. MR.THYAGARAJAN.S
EMP.NO.19582, MAJOR,
EX.EMPLOYEE OF PETITIONER.
24. MR.RAMASWAMAPPA.S.N.
EMP.NO.51150 MAJOR,
EX.EMPLOYEE OF PETITIONER.
25. MR.MARIYAPPA.B
EMP.NO.26155, MAJOR,
EX.EMPLOYEE OF PETITIONER.
26. SMT.DHANALAKSHMI
W/O MR.RAMASWAMI,
EMP.NO.20466, MAJOR,

EX.EMPLOYEE OF PETITIONER.

27. MR CHATRAPATHY S D
EMP NO 23560 MAJOR
EX EMPLOYEE OF PETITIONER
28. MR BUDDANNA
EMP NO 38576MAJOR
EX EMPLOYEE OF PETITIONER
29. MR RATHNAGANAPATHY V
EMP NO 47416, MAJOR
EX EMPLOYEE OF PETITIONER
30. MR GOVINDASWAMY D
EMP NO 31415, MAJOR
EX EMPLOYEE OF PETITIONER
31. MR HANUMANTHA SASTRY M S,
EMP NO 48375, MAJOR,
EX EMPLOYEE OF PETITIONER,
32. MR BALAKRISHNA H R,
EMP NO 28463, MAJOR
EX EMPLOYEE OF PETITIONER
33. MR VEERESH B,
EMP NO 44596, MAJOR,
EX EMPLOYEE OF PETITIONER
34. RAMABHATA R V,
EMP NO 43630, MAJOR,
EX EMPLOYEE OF PETITIONER
35. MR KARTHIKEYAN M
EMP NO 37622, MAJOR
EX EMPLOYEE OF PETITIONER
36. MR JAYASEELAN G,
EMP NO 63604, MAJOR,
EX EMPLOYEE OF PETITIONER

37. MR ASIF UL HUQ,
EMP NO 60304, MAJOR,
EX EMPLOYEE OF PETITIONER,
38. MR GOVINDASWAMY M,
EMP NO 43285, MAJOR,
EX EMPLOYEE OF PETITIONER,
DIED ON 09.04.2021.
- 38(a) SMT LALITHA G,
W/O LATE GOVINDASWAMY M,
AGED ABOUT 71 YEARS,
R/AT NO.18, BOWEE LANE 'C' STREET,
NEAR SHOOLAY CIRCLE, ASHOK NAGAR,
BENGALURU - 560 025.
39. MR RAMALINGAPPA B,
EMP NO.56156, MAJOR
EX EMPLOYEE OF PETITIONER,
40. MR SHAMA RAO K,
EMP NO.32230, MAJOR,
EX EMPLOYEE OF PETITIONER,
41. MR PATTAR M L I,
EMP NO.52950, MAJOR,
EX EMPLOYEE OF PETITIONER,
42. MR NANJALINGAPPA,
EMP NO.65783, MAJOR,
EX EMPLOYEE OF PETITIONER,
43. MR RAVINDRANATHA TAGORE,
EMP NO 60726, MAJOR,
EX EMPLOYEE OF PETITIONER
44. MR MOHAMMED JALALUDDIN,
EMP NO 72066, MAJOR,
EX EMPLOYEE OF PETITIONER,
45. MR. PUTTSOMACHARY
EMP. NO.68234, MAJOR
EX. EMPLOYEE OF PETITIONER,

(DIED ON 24.09.2020)

- 45(a) BY L.R. SMT. VIJAYAMBA,
PRESENTLY RESIDING AT DOOR NO.9,
9TH B CROSS, B STREET,
KAMAKYA LAYOUT,
BANASHANKARI 3RD STAGE,
BENGALURU - 560 085.
46. MR. RAMESH K N,
EMP. NO.64733, MAJOR,
EX. EMPLOYEE OF PETITIONER.
47. MR. NARYANAPPA M,
EMP. NO.63525, MAJOR,
EX. EMPLOYEE OF PETITIONER,
DIED ON 26.11.2017,
- 47(a) SMT SARASAMMA,
W/O LATE M NARYANAPPA,
AGED ABOUT 71 YEARS,
R/AT NO.2-E, BSA ROAD CROSS,
BENGALURU - 560065.
48. MR. ANKAIHAH H M,
EMP. NO.45022, MAJOR,
EX. EMPLOYEE OF PETITIONER,
REPRESENTED BY 64,MICO RETIRED EMPLOYEES
ASSOCIATION, B "4" 98, BDA FLATS,KALLAHALLY,
BANGALORE-560042,
REPRESENTED BY ITS PRESIDENT.
49. STATE BANK OF INDIA,
SPECIALIED PERSONNEL BANK BRANCH,
ST. MARK S ROAD,
BANGALORE 560 001,
REPRESENTED BY CHIEF MANAGER.
50. CANARA BANK,
NO.35-2-3, OPP. MICO REAR GATE,
BANNERGHATTA ROAD, ADUGODI,
BANGALORE - 560 029,
REPRESNETED BY CHIEF MANAGER.

51. DEPUTY LABOUR COMMISSIONER,
BANGALORE DIVISION II,
(AUTHORITY UNDER S.33C(1) OF
THE I.D. ACT, 1947),
BANNERGHATTA ROAD, KARMIKA,
BHAVANA, BANGALORE 560 030.
52. SRI M JAVED AHMED,
C.R NO.66/2013-14,
EX-EMPLOYEE OF PETITIONER,
REPRESENTED BY MICO RETIRED
EMPLOYEES ASSOCIATION,
REP. BY ITS PRESIDENT,
DOOR NO.3, 1ST FLOOR, 5TH MAIN ROAD,
DEVANATHACHAR STREET, CHAMRAJAPET,
BANGALORE - 560 018,
(DIED ON 03.11.2015)
REP. BY HIS LEGAL HEIRS

- 52(a) SMT.SYEDA MUBEENA AKTHAR,
W/O M JAVEED AHMED (LATE),
AGED ABOUT 65 YEARS,
(E.NO.47776), PRESENTLY RESIDING AT
NO.22/1, GROUND FLOOR, 10TH A CROSS,
KANAKANAGAR, BENGALURU - 560 032.

(CAUSE TITLE HAS BEEN AMENDED AS
PER ORDER OF THE HON'BLE COURT
DATED 27.02.2023)

...RESPONDENTS

(BY SRI SURESH S LOKRE, SENIOR COUNSEL FOR
SRI SHRAVAN S LOKRE A/W SRI INDRADHANUSH CHAVAN,
ADVOCATE FOR R1 to R5, R7, R8(A), R9, R14, R15(A), R16(A),
R17 TO R19, R21(A), R24, R-27, R28, R32, R33, R36, R37,
R38(A), R39 TO R42, R46 AND R47(A),
SRI N DHANASEGARAN, ADVOCATE FOR R6, R10 TO R13, R20,
R23, R25, R26, R29, TO R31, R34, R35, R43, R44, R48, R45(A)
AND R52(A),
SRI K S BHEEMAIHAH, ADVOCATE FOR R49,
SRI JAI M PATIL, ADVOCATE FOR R50,
SRI M RAJAKUMAR, AGA FOR R51,
R22(A) SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS OF THE DLC IN CR 17-68/2012-13 AND CR 3-13/2014-15 PASSED BY DEPUTY LABOUR COMMISSIONER, B'LORE DIVISION; QUASH THE ORDER DTD 3.12.2018 AT ANNEXURE-Z, PASSED BY R-51 AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17TH MARCH 2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER

The petitioner-Company has assailed the order dated 03.12.2018 passed by Deputy Labour Commissioner of Bangalore, Region No.II.

2. In terms of the said Order, the Authority under the Industrial Disputes Act, 1947 ('Act of 1947') has condoned the delay in filing the application under Section 33C(1) of the Act of 1947.

3. Respondents No.1 to 48 the former employees of the petitioner made a claim under Section 33C(1) of the Act of 1947 for payment of pension, in terms of the settlement between the petitioner and the workers' Union of the petitioner.

4. The petitioner raised a preliminary objection that the application under Section 33C(1) of the Act of 1947, is time

barred. The authority after recording the evidence of the parties on the issue relating to the limitation, has condoned the delay. Said order is under challenge.

5. Learned Senior Counsel for the petitioner does not dispute that, the contesting respondents were former employees of petitioner - Company. It is urged that, a claim under Section 33C(1) of the Act of 1947, has to be within one year from the date when the money is due. In case, the application under Section 33C(1) of the Act of 1947 is filed beyond one year from the due date, then there has to be an application for condoning the delay and application must disclose sufficient cause for not making the claim within a year from the due date.

6. Learned Senior Counsel submits that, no application is filed to condone the delay and that being the position, would urge that the order has to be set aside *in limine*.

7. Learned Senior Counsel for the petitioner would urge that, there is a sound logic in fixing time limit of 1 year to file an application under Section 33C(1) of the Act of 1947, as the employer is not expected to retain the records of the workmen beyond a certain period. And if a belated claim is

made after an unreasonably long period, the employer will not be in a position to furnish the records relating to the defence raised.

8. Learned Senior Counsel would also invite attention of the Court to the Order dated 31.10.2014 passed in W.P.No.49396/2014 and W.P.No.50535-50596/2014. Said Writ Petitions are filed to quash the proceedings before the Deputy Labour Commissioner.

9. In terms of the said order dated 31.10.2014, Writ Petition filed by the petitioner is disposed of. The relevant paragraphs of the order in the aforementioned Writ Petitions emphasised by the learned Senior counsel are as under:

"3. If regard is had to the said provision of law, it is needless to state that the 67th respondent was required to examine whether the applications filed by respondents 1 to 66 were in accordance with law and within the time prescribed by the statute and if not whether applications were filed for condonation of delay and if not pass orders in accordance with law.

4. This is more so because petitioner arraigned as party respondent in the applications having entered appearance, filed statement of objections, and at paragraph-6, advanced a plea that the applications were time barred and suffered from delay and laches.

5. This plea should have been considered by the 67th respondent before proceeding further in the matter since it touches upon the root of the proceedings, either permitting or not permitting the entertainment of the applications.

6. Although the relief in the petitions is to quash the proceeding, it is appropriate to direct the 67th respondent to consider the applications in the light of section 33C[1] of the 'Act' and the proviso thereto and pass orders in accordance with law".

10. Learned Senior Counsel would also invite attention of the Court to paragraph No.5 of the Writ Petition to bring to the notice of the Court the date of retirement of contesting respondents and the number of years of delay in making claim. Referring to the said table, it is urged that the oldest claim is 26 years old and latest claim is 6 years old. It is urged that, such a belated claim is wholly untenable under Section 33C(1) of the Act of 1947, moreso in a situation where there is no application for condonation of delay.

11. Learned Senior Counsel for the contesting respondents would urge that the order dated 31.10.2014 is passed without notice to the contesting respondents and said order cannot be cited against the contesting respondents.

12. It is further urged that Section 33C(1) of the Act of 1947 does not contemplate separate application similar to one under Section 5 of the Limitation Act, 1963 (for short 'Act, 1963'). If sufficient reasons are assigned for delay in application under Section 33C(1) of the Act of 1947, that would meet the requirement.

13. In addition, it is also urged that, the contesting respondents' claims are in respect of the pension payable and the cause of action for such claim would be recurring and this claim based on undisputed settlement between employer and Union, and the petitioner cannot urge that such claim is belated or time-barred.

14. It is urged that, only defence available to the petitioner - Company is discharge of the liability, and that has to be considered based on evidence placed before the authority under the Act of 1947.

15. The Court has considered the contentions raised at the Bar and perused the records.

16. The following questions arise for consideration:

- (a) *Whether separate application for condonation of delay is necessary to prosecute the claim on Section 33C(1) of Industrial Disputes Act, 1947, in case, the claim for recovery of money is made beyond one year from the due date?*
- (b) *Whether the applicants before the Deputy Labour Commissioner have made out a case for condoning the delay in making a claim under Section 33C(1) of Industrial Disputes Act, 1947?*

17. Section 33C(1) of the Industrial Disputes Act of 1947 reads as under:

"Recovery of money due from an employer-
(1)"Where any money is due to a workman from an employer under a settlement or an award or under the provisions of [Chapter V-A or Chapter V-B] the workman himself or any other person authorised by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, and if the appropriate Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer:

Provided further that any such application may be entertained after the expiry of the said period of one year, if the appropriate Government is satisfied that the applicant had sufficient cause for not making the application within the said period”.

18. A plain reading of the above provision makes it clear that the authority under the Act of 1947 is empowered to entertain an application under Section 33C(1) of the Act, 1947, filed beyond one year from the date on which the money became due, provided sufficient cause is shown.

19. In the present case, the contesting respondents have assigned reasons for the delay in their application/petition under Section 33C(1) of the Act, 1947 and have also led evidence in support of their claims.

20. In these circumstances, merely because a separate application for condonation of delay-which is not mandated under the Act of 1947 is not filed, cannot be a ground to reject the claims on the ground of delay. Such an objection pertains to form rather than substance. It is well settled that, in case of conflict between form and substance, substance must prevail, unless the law expressly mandates strict adherence to the form

as well. However, it is equally necessary that a claimant seeking to invoke the proviso to Section 33C(1) of the Act, 1947 must assign valid and sufficient reasons for the delay.

21. Though the learned Senior Counsel for the petitioner seriously urged that, in view of the order passed in W.P.No.49396/2014 and W.P.Nos. 50535-50596/2014, the respondents were required to file application for condonation of delay in which event the petitioner-Company would have filed objection to the said application, the Court is of the view that Section 33C(1) of the Act of 1947 does not specifically mandate a separate application under Section 5 of Act of 1963. It is also relevant to note that, in the earlier Writ Petitions referred to above, the present respondents were not parties, and the order therein was passed without hearing them. Moreover, the said order also does not mandate a separate application to condone the delay.

22. Contesting respondents are former employees of the petitioner. There is no dispute that on 08.10.1983, settlement was entered into between the petitioner and the Union wherein the petitioner launched a saving-cum-pension scheme. In terms of the said scheme, both the petitioner and

employees were required to make certain contribution to the pension fund. The employees' contribution was through the deduction of a certain amount, from the employee's salary by the employer.

23. The settlement provided for minimum 10 years' tenure. It is not in dispute that later, there was one more settlement on 14.08.1989 which has taken note of earlier pension scheme and provided continuity.

24. It is admitted that, the scheme was later modified and linked to the scheme of Life Insurance Corporation of India.

25. The contesting respondents claim that the pension as payable under the scheme is not yet settled.

26. It is relevant to notice that, before the authority under the Act of 1947, the parties have led evidence. The parties have also produced records. The authority has referred to Exhibits P1 to P(a)81-the letters and the applications by the workmen. Those documents are from 1995-2011. There is no dispute that these applications/letters relate to the pension amount which the respondents claim.

27. The authority has taken into account the aforementioned letters while condoning the delay and has come to the conclusion that the ground is made out to condone the delay in filing the application.

28. This being the position, the Court is of the view that the respondents were pursuing their claim before the petitioner. The authority has also taken a view that, the claim for pension, pursuant to a settlement which is not in dispute, if denied on the technical plea and limitation, would result in injustice to the workmen and accordingly, condones the delay.

29. The scheme provides for contribution by both the employer and employee for the pension fund, and the contribution by the employee is also at the hands of the employer by way of deduction of certain amount from the salary/wages payable. The contribution is required to be made to a bank account in State Bank of India, and payment of pension is also to the account of the pensioners, and in such situation, if there is a dispute as to the payment, the Court is of the view that, the matter requires consideration on merits by condoning the delay if valid reasons are assigned. The Court is

of the view valid reasons are assigned and evidence is also led in this behalf.

30. Upon consideration of the materials on record and the impugned order, this Court is of the view that the decision of the authority to condone the delay cannot be termed perverse so as to warrant interference under Article 227 of the Constitution of India.

31. Hence, the following:

ORDER

- (i) The Writ Petition is ***dismissed***.
- (ii) The authority under the Industrial Disputes Act, 1947 shall proceed to consider the claim on its merits.
- (iii) It is clarified that this Court has not expressed any opinion on the merits of the case, except on the issue of delay.
- (iv) All other contentions are kept open.
- (v) Registry to send the records back to the jurisdictional Deputy Labour Commissioner, forthwith.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

GVP