

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 1<sup>ST</sup> DAY OF FEBRUARY 2006

BEFORE

THE HON'BLE MR.JUSTICE H.G.RAMESH

**W.P. No.28588/2001 (GM-RES)**

**BETWEEN :**

Manipal Media Network Ltd.,  
(Formerly known as Manipal  
Printers & Publishers Ltd.,)  
Udayavani Building,  
Manipal 576 119  
Rep. by its Assistant Secretary  
Sri.B.K.Narayan.

**PETITIONER**

(Sri. Udaya Holla, Sr.Adv.)

**AND :**

1. Union of India,  
Rep. by its Secretary,  
Ministry of Labour  
Shram Shakti Bhavan,  
New Delhi - 110 001.
2. Manisana Wage Board for  
Working Journalists,  
The Ministry of Labour  
Government of India  
Shram Shakti Bhavan,  
Rafi Marg, New Delhi - 110 001

3. Manipal Printers & Publishers,  
Employers Organisation,  
Gita Mandir, Manipal.

Amended as  
Per C.O.dated  
21.8.2001

4. Labour Officer,  
Udupi District,  
Near Sindhu Palace  
Udupi - 576 101,  
Udupi District.

Impleaded V/o  
dt.22.03.2005

**RESPONDENTS**

(Sri. Y.Hariprasad, ACGSC for R1-R2  
Sri. V.S.Naik, Adv. for R3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the final recommendation dated 5.12.2000 passed by the Wage Board (the R2 herein) at Annexure - G.

This Writ Petition coming on for hearing, this day, the Court made the following:

**ORDER**

In this writ petition, the petitioner has challenged the recommendations made by respondent No.2-Wage Board U/S 10 of the Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 ("the Act" for short) which is produced as Annexure "G" on the ground that the recommendations made by the Wage Board are not in conformity with the legislative guidelines enumerated



in Section 10 of the Act. The petitioner has also challenged the orders dated 5.12.2000 and 15.12.2000 passed by the Central Government under Section 12 of the Act effecting material alterations to the recommendations made by the Wage Board. The said orders are produced as Annexures "J" and "K" respectively.

2. I have heard the learned counsel appearing for the parties and perused the aforesaid recommendations and the orders-Annexures G, J & K and also the other documents produced.


3. Sri. Udaya Holla, learned Senior Counsel appearing for the petitioner submits that the recommendations of the Wage Board are vitiated, as it had failed to consider the legislative guidelines enumerated in Section 10 of the Act. He also submits that the orders passed by the Central Government under Section 12 of the Act are in violation of Section 12(2) of the Act. According to the learned Senior



counsel, no notice was issued to the petitioner prior to effecting modifications to the recommendations of the Wage Board by the Central Government. He refers to Annexure "L" to demonstrate the kind of modifications effected by the Central Government. According to the senior counsel, the alterations made are material and would increase the liability of the petitioner in the payment of wages to the journalists.

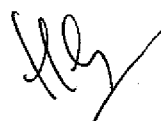
4. Sri. Y.Hariprasad, learned Central Government Standing Counsel for respondent Nos.1 and 2 fairly submits that no notice was issued to the petitioner prior to passing of the orders -Annexures "J" and "K" under Section 12 of the Act and that the alterations made by the Central Government would result in increasing the liability of the petitioner in the payment of wages to the journalists.

5. In my opinion, the Central Government ought to have issued notices to the petitioner prior to passing of the orders -Annexures "J" and "K", as the modifications



made by the Central Government would increase the liability of the petitioner in the payment of wages to the journalists. In the absence of issuance of notice to the petitioner, the material modifications made by the Central Government are vitiated. Accordingly, the orders passed by the Central Government dated 5.12.2000 and 15.12.2000 produced as Annexures "J" and "K" respectively are quashed in so far as they relate to the petitioner herein and the matter is remitted to the Central Government- respondent No.1 for reconsideration in accordance with law after issuing notice to the petitioner.

6. Learned Senior Counsel also submits that the recommendations of the Wage Board -Annexure "G" is not in conformity with the legislative guidelines enumerated in Section 10 of the Act. If it be so, it is open to the petitioner to make a representation to the Central Government seeking for appropriate alterations. If such a representation is made, the Central



Government shall consider the same in accordance with law. All the contentions of the parties are kept open.

The writ petition accordingly stands disposed of in the above terms. No costs.

hkh/ck

Sd/-  
Judge