



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 2ND DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100230 OF 2022 (S-RES)

BETWEEN:

KARNATAKA STATE ROAD TRANSPORT
CORPORATION,
R/BY THE MANAGING DIRECTOR,
CENTRAL OFFICE, KH ROAD, SHANTI NAGAR,
BENGALURU-560027.

...APPELLANT

(BY SRI PRASHANT S. HOSMANI, ADVOCATE)

AND:

NARAYAN S/O. RAMANNA MAROOR
AGE. 55 YEARS, OCC. SERVICE,
R/O. H.NO.1703, RAMDEVE GALLI,
BELAGAVI-590001.

...RESPONDENT

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, PRAYING TO, SET ASIDE THE ORDER DATED 20/12/2021 IN WP NO.77022/2013 (S-RES) PASSED BY THE LEARNED SINGLE JUDGE AND DISMISS WP NO.77022/2013 (S-RES) IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

This appeal filed under Section 4 of the Karnataka High Court Act, 1961 is directed against order passed in WP No.77022/2013 dated 20.12.2021, whereunder the appellants' writ petition was allowed, quashing the order passed by the respondent as per Annexure-N dated 23.02.2013; and directing respondent to reinstate the petitioner into service to the post of Assistant Traffic Manager with full back wages, continuity of service and consequential benefits, was allowed.

2. Parties would be referred with their ranks as they were before the learned single judge.

3. The case of petitioner in nutshell is that he was appointed as Assistant Traffic Manager as in-service candidate in pursuance of the Advertisement dated 08.05.2003. When things stood thus, the respondent-



Corporation issued Articles of Charge alleging that he has suppressed the minor punishment imposed upon him at the time of giving his declaration for the appointment of said post. He has suitably replied to the showcase notice. But, they found that reply was unsatisfactory and conducted disciplinary enquiry and demoted him to the post of Junior Assistant against which he has filed an appeal before the appropriate Appellate authority and the Appellate authority concurred with the order of demotion. Aggrieved by the same, the petitioner has approached this Court in WP No.77022/2013.

4. After verifying the records, the learned single judge has allowed the petition in part by quashing the Notification as per Annexure-N dated 23.02.2003 and further passed the order as follows, on the ground that there is no suppression of fact by the petitioner.

"ORDER

The impugned order dated 23.02.2003 passed by respondent-corporation at Annexure-N is hereby quashed.



The respondent-corporation is directed to reinstate the petitioner into service to the post of Assistant Traffic Manager as in-service candidate with continuity of service and consequential benefits.

However, the petitioner is entitled for 50% of the arrears of back wages having regard to the fact that the petitioner has not discharged his duties as Assistant Traffic Manager from the date of demotion till today.

The said exercise shall be concluded within a period of eight weeks from the date of receipt of certified copy of this order.

In view of disposal of the case, pending interlocutory applications, if any, do not survive for consideration and are dismissed accordingly."

5. Aggrieved by the order of learned single Judge, the appellant is before this court.

6. Heard learned counsel Sri.Prashant S. Hosamani. Perused the entire writ appeal papers.

7. Learned counsel for appellant Sri.Prashant S. Hosamani would submit that as per the Advertisement No. 2/2003, the petitioner ought to have given details of minor penalty imposed on him in his Declaration. However, he



omits to give details in his declaration form. Hence, considering these aspects, rightly the appellant has demoted the petitioner from service that too, after conducting disciplinary enquiry as per procedure. Thus, it is prayed for allowing the appeal and consequently to dismiss the writ petition.

8. Having heard the learned counsel for the appellants, we are of the considered view that no ground is made out to interfere with the impugned order passed by the learned Single Judge for the reasons recorded below:

The grant of promotion to appellant on 05.11.2003 by virtue of Notification dated 08.05.2003 to petitioner is not in dispute. Subsequently, he was demoted as per order dated 23.02.2013 i.e. about 10 years after giving promotion. The only reason assigned for demotion of the petitioner is that he has not given proper declaration and suppressed the case initiated against him and that he was bound to furnish the details of earlier punishment imposed against him.



9. On perusal of the Advertisement No.2/2003 dated 08.05.2003, as per Annexure-C, it indicates that in-service candidates are not eligible for appointment as Assistant Traffic Manager if they suffer the following:-

- i) In case of withholding of increment or wages
- ii) Withholding of promotion.
- iii) Any subordination or unauthorised absenteeism causing monetary loss to the Corporation.
- iv) Reduction to lower pay-scale.
- v) If a candidate has been suspended for a period of 60 days in last years.

10. On perusal of the declaration form issued to the petitioner to fill and submit for the appointment of Assistant Traffic Manager as in-service cadre, the column No.5 prescribes that if any case is pending, then he has to give its details. Admittedly as on the date of filling such application, no case was pending against the petitioner.



Hence, he has given his answer to said point as 'No'. Without considering it, the appellant has demoted the petitioner to a lower cadre which is not in accordance with law. There is no column in the application requiring the candidates to indicate that punishment suffered. In the absence of such column in the application, charge that the petitioner has not disclosed punishment suffered is unsustainable.

11. Learned counsel for appellant would submit that for these years, the appellant has not worked as Assistant Traffic Manager and hence granting 50% of arrears of damages by the learned single judge is erroneous and it is to be modified.

12. On perusal of all these facts, we are of the opinion that there is no fault on the side of petitioner while giving his declaration form for the post of Assistant Traffic Manager. Hence, it cannot be a ground to demote him to the post of Junior Assistant. Hence, there is no fault on his



side. Under those circumstances, granting 50% of arrears of back wages to the petitioner by the learned Single Judge was in accordance with law, which needs no interference. Thus, writ appeal stands dismissed.

13. Pending applications if any, do not survive for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

HMB
Ct-cmu
LIST NO.: 1 SL NO.: 23