



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT APPEAL NO. 466 OF 2025 (L-KSRTC)

BETWEEN:

SRI ANANDA PAWAR
AGED ABOUT 37 YEARS,
S/O LATE MANOHAR,
R/O THAMADADDI THANDA,
THAMADADDI POST,
MUDDEBIHALA TALUK,
VIJAYAPURA DIST - 586 214.

...APPELLANT

(BY SRI. SIDDESWARASWAMY S B., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, MANGALORE DIVISION,
MANGALORE,
REPRESENTED BY ITS
THE CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICES,
KH ROAD, SHANTHINAGARA,
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. RENUKA H.R., ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
04.04.2024 PASSED BY THE LEARNED SINGLE JUDGE IN WP

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by
ANNAPURNA G
Location: HIGH
COURT OF
KARNATAKA



No-42757/2018 AND CONSEQUENTLY DISMISS THE WP No-42757/2018 FILED BY THE RESPONDENT CORPORATION AND CONFIRM THE AWARD DATED 28.03.2018 PASSED BY THE LABOUR COURT AT MANGALORE IN IDR No-4/2017 IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ appeal has been filed impugning the judgment and order dated 04th April 2024 passed by the learned Single Judge in writ petition No.42757/2018, instituted by the respondent-corporation, a State-owned Road Transport Corporation against the award dated 28.03.2018.

2. The appellant-workman was found selling "ganja" on 21.02.2014. The police arrested him and recovered 1.20 kg ganja. The case was registered against him. However, the appellant-workman got acquitted in the criminal case on technical grounds. The Labour Court has noted that the



appellant-workman acquittal was not an honorable acquittal. The prosecution could not produce enough evidence, though the recovery was not doubted. Despite such finding, the Labour Court, in paragraph No.9 of the award, recorded the following findings, which read as under:

"9. However, regarding the punishment, there is no reference as to the past-history in Ex.M20. Moreover, the nature of offence and the fact narrated in the criminal case, though it cannot be held that it is a honourable acquittal, holding that he has not committed any offence, rather his acquittal is based on the failure of the prosecution to prove the guilt of the accused beyond all reasonable doubts, as per para 29, page 19 of Ex.W1, it cannot be held that it is honourable acquittal, but it is an acquittal, as the allegations are not proved beyond reasonable doubt. The honourable acquittal is only under the circumstance where the allegation against the first party are disproved with positive evidence. There is no such finding in Ex.W.1 that the allegation against the first party are disproved. 'Disproved' is different from 'not proved beyond reasonable doubt'. Therefore, this Court reject the argument of the learned counsel for the first party that the first party is honourably acquitted as per Ex.W.1.

9.1 Further, on perusal of Ex.M.16, there is no such serious history that the first party having involved in



*number of misconducts, except the present one. Next, even the nature of allegation is not that he was carrying the contraband in the second party vehicle or while discharging duty, but he was found possessing the contraband when he was not on duty. Therefore, the very grievance of the second party is that the reputation of the second party Corporation is affected, warranting serious punishment as could be seen from Ex.M.20. To this extent, this Court accepts the argument of the first party that nature of punishment imposed is too harsh, having regard to the nature of misconduct proved. Therefore, this Court holds that it is a fit case to exercise discretionary power under Section 11A of ID Act, to modify the nature of punishment, having regard to the nature of misconduct and also to the past-history at Ex.M.16. Hence, I find merit in the contention of the first party in particular with regard to the quantum of punishment imposed only. Accordingly, I answer the above point of reference **partly in affirmative** holding that the second party is justified in holding the first party is guilty of the charges proved and partly in negative in respect of quantum of punishment imposed, as not justified."*

3. Despite such findings, the punishment order imposed on the workman of dismissal from service was



modified for withholding of two increments with cumulative effect and his reinstatement was directed.

4. The learned Single Judge in the impugned judgment has held that the continuation of employment is not a matter of right, but it depends on the work, conduct and discipline in the service of an employee and the trust and confidence of the employer in the employee. If the employer loses the trust and confidence on the employee, the employer may dispense with the services of such an employee, subject to following the procedure as contemplated under the relevant service rules.

5. The Tribunal had held that the charge against the appellant-workman stood proved, and there was no infraction of the principle of natural justice in conducting the disciplinary proceedings.

6. Despite the said findings, the Tribunal modified the punishment as mentioned above. The employee was found indulging in immoral and criminal activity by selling ganja. Such an employee would certainly lose the confidence of the employer to be retained in service and therefore, the employer after instituting the disciplinary proceedings has inflicted the punishment of dismissal from service. The learned Single



Judge, therefore, set aside the impugned award inasmuch as misconduct of a serious nature was proved against the appellant-workman in the domestic enquiry.

7. The learned Single Judge has been of the view that for such a serious misconduct, the exercise of discretion under Section 11A of the Industrial Dispute Act 1947 should not have been invoked and the punishment could not have been modified.

8. We totally concur with the view taken by the learned Single Judge that does not require any interference by this Court. Therefore, the writ appeal stands dismissed.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(UMESH M ADIGA)
JUDGE**