



CNR: KAHC010043022021

NC: 2026:KHC:45387-DB
WP No. 2027 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 2027 OF 2021 (L-TER)

BETWEEN:

1. SMT DEVAKUMARI
AGED ABOUT 53 YEARS,
W/O SRI LALU
R/A NO.80, N C COLONY
BORE BAN BANK
3RD CROSS, BENSON TOWN POST
BENGALURU - 560 056

...PETITIONER

(BY SRI. V.S.NAIK., ADVOCATE)

AND:

1. THE MANAGEMENT OF CENTRAL
SILK BOARD
B T M LAYOUT, MADIWALA
BENGALURU - 560 068
REP BY ITS DIRECTOR

...RESPONDENT

(BY SRI. NARASIMHA SWAMY N S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR ENTIRE RECORDS FROM THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, BENGALURU IN C.R. NO.145/2007 AND GRANT THE PETITIONER THE FOLLOWING RELIEFS, ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



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THE IMPUGNED AWARDS DATED 14.05.2020 PASSED BY THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, BENGALURU IN C.R. NO. 145/2007 THE CERTIFIED COPY OF WHICH IS PRODUCED AND MARKED AS ANNEXURE - J SINCE THE SAME IS ARBITRARY AND ILLEGAL, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH

and

HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

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

Heard Mr.V.S. Naik, learned counsel appearing for the petitioner and Sri. Narasimha Swamy, learned counsel appearing for the respondent.

2. The present petition has been filed impugning the award dated 14.05.2020 passed by the Central Government Industrial Tribunal-cum-Labour Court in CR No.145/2007. The CGIT has rejected the reference and upheld the order of punishment inflicted on the petitioner, i.e., removal from service by the disciplinary authority.

3. The petitioner was appointed as Lower Division Clerk in the respondent on 19.12.1991. She remained unauthorizedly



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absent from duty from 17.04.2001. Despite notice issued to her to report to the duty, she defied the notice and did not join the duty. To test her veracity about her not being keeping well, she was asked to report to the Medical Board. However she refused to undergo the medical test and therefore, disciplinary proceedings were initiated against her by holding a departmental inquiry. The inquiry officer, after conducting the domestic departmental inquiry held the charge of unauthorized absence for considerably long period proved.

4. The disciplinary authority passed the order of penalty i.e., "Removal from service which shall not be a disqualification for future employment in the Government". The appellate authority rejected the appeal, holding that she was habitual in remaining unauthorisedly absent from duty.

5. The Tribunal vide impugned Award dated 14.05.2020 did not interfere with the order of punishment and upheld the order of punishment and rejected the reference.

6. The Central Government vide Order No.L-42011/114/2007-IR(DU) dated 19.10.2007 in exercise of the



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powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (for short '**the Act**'), referred the following dispute for adjudication before the CGIT.

"Whether the action of the management of Central Sericulture Research and Training Institute in terminating the service of Smt. Devakumari w.e.f. 25.11.2003 is legal and justified? If not, to what relief the workman is entitled to?"

7. Mr. Naik, learned counsel appearing for the petitioner has raised two fold submission viz., (a) the Tribunal ought to have exercised the powers under Section 11A of the Act and (b) the Director who passed the order inflicting punishment of removal from service on the petitioner was not the competent authority.

8. On the other hand, the counsel for the respondent has submitted that Section 11A of the Act empowers the Tribunal/Labour Court to modify the punishment from dismissal to removal. In this case, the order of punishment inflicted on the petitioner is removal only and there is no question of exercising the power under Section 11A of the Act.



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9. In respect of the second submission that the Director was not the competent authority to inflict the punishment inasmuch as he was not the disciplinary authority, it has been submitted that the Board in its 79th meeting has authorized the Director to be the disciplinary authority in respect of the petitioner and similarly placed employees.

10. We have gone through the impugned award. The minutes of meeting are not in dispute. The minutes of the Board meeting dated 07.09.1995 would disclose that the Director was authorized to impose punishment on the petitioner. We are also in agreement with the counsel for the respondent that Section 11A of the Act empowers the Tribunal to modify the order of dismissal to order of removal and in the present case, the punishment inflicted on the petitioner is order of removal only, there is no question of any exercise of power under Section 11A of the Act, by the Tribunal. That being the case, we are of the opinion this Court exercises limited jurisdiction under Article 227 of the Constitution of India. When the charge stand proved which is long unauthorised absent from duty and the competent authority and appellate



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authority have inflicted the punishment of removal from service, we cannot modify the punishment, which we do not find shockingly disproportionate to the misconduct committed by the petitioner.

11. We therefore, ***dismiss*** this petition. However if the terminal benefits have not been paid to the petitioner, the same shall be paid with interest at the rate of 10% p.a. from the date of dismissal till date of payment.

12. The respondent should pay the terminal benefit if not paid, as directed above within period of 4 weeks.

13. Pending interlocutory applications, if any stand disposed of.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

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CT: SN
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