



CNR: KAHC010062892022

NC: 2026:KHC:45289
WP No. 3022 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3022 OF 2022 (L-KSRTC)

BETWEEN:

DIVISIONAL CONTROLLER
BMTc NORTH DIVISION (ZONE)
YASHAVANTHAPURA,
BENGALURU-560 027,
REPRESENTED BY ITS
CHIEF LAW OFFICER
BMTc CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGARA,
BENGALURU-560 027

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SRI. KUPPENDRA,
S/O. CHANDRAPPA
AGED ABOUT 40 YEARS,
DRIVER CUM CONDUCTOR,
REPRESENTED BY HIS
GENERAL SECRETARY,
BENGALURU CENTRAL DIVISION
MAZDOOR SANGHA (R),
BENGALURU BHARATIYA MAZDOOR SANGHA,
SUBEDHAR CHATRAM ROAD,
BENGALURU-560 020.

...RESPONDENT

(BY SMT. PUSHPA T.S., ADVOCATE - ABSENT)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri. Hareesh Bhandary T., counsel for the petitioner, appeared in person.

No representation was made on behalf of the respondent. The petition was listed on 19.08.2026. There was no representation on behalf of the respondent. Hence, for the appearance of the respondent, it was ordered to be listed today, i.e., 20.08.2026. Accordingly, the Registry has listed the matter today. Though the matter was called twice, there is no representation on behalf of the respondent. Hence, the Court proceeds to pass orders on the merits of the case.

2. The short facts are these:

The respondent was driving cum conductor the bus belonging to the Corporation on 09.09.2009, which was



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intercepted by the checking squad on the same date. Due to the non-issue of NINC and NIAC, he was subjected to disciplinary proceedings. Articles of charge were issued. He submitted his self-defence. Dissatisfied with the same, an enquiry officer was appointed. He participated in the enquiry and ultimately submitted a finding that the charges were proved. A second show cause notice was issued, and ultimately the disciplinary authority passed a minor punishment order on 28.02.2013. He raised a dispute in 2016. The Tribunal held that the domestic enquiry conducted by the Corporation was not fair and proper. Consequently, the Tribunal passed the Award on 22.06.2021 and set aside the order of punishment. Under these circumstances, the Corporation is before this Court and has filed the writ petition on several grounds as outlined in the memorandum of writ petition.

3. Counsel for the petitioner presented several contentions. Heard the arguments and perused the papers with utmost care.

4. The point that requires consideration is whether the order of the Tribunal warrants interference.



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5. The facts have been sufficiently presented and do not need repetition. The core issue concerns the respondent's misconduct. It is uncontested that the respondent was on duty in the bus owned by the Corporation, which was intercepted. The inspecting officials observed that the respondent had not issued a ticket after collecting Rs.3/- from one passenger, and they also noticed he neither issued a ticket nor collected Fare from four other passengers. As a result, an offence memo was issued immediately, and the respondent acknowledged it on the spot. This offence memo, included in the writ petition as Annexure-B, clearly shows the respondent's acknowledgement and the passengers' statements were recorded by the checking squad. Despite these facts, the Tribunal wrongly found that the respondent had not committed any misconduct.

The respondent contended that if the postal addresses of the ticketless passengers were provided, he could have located them and led evidence. The Tribunal, considering this contention, mistakenly concluded that the checking officials did not collect the passengers' addresses. This conclusion is incorrect because collecting addresses is unrelated to the



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respondent's misconduct. As previously mentioned, the offence memo was issued immediately, and the respondent acknowledged it in front of the ticketless passengers. Therefore, the Corporation had sufficient proof of misconduct. The Tribunal overlooked relevant facts and did not consider certain pertinent matters. Additionally, it is noted that the respondent was involved in nearly 40 default cases. This was brought to the Tribunal's attention regarding the respondent's professional conduct. However, the Tribunal wrongly concluded that the respondent's conduct or history was unrelated to the current case.

6. For the reasons stated above, the Tribunal's award is liable to be set aside. Accordingly, it is set aside. The award dated 22.06.2021 passed by the Industrial Tribunal, Bengaluru, in I.D. No. 83/2016 is quashed. The punishment order is confirmed.

7. Accordingly, the writ petition is ***allowed***.



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On disposal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 13