



CNR: KAHC010076422020

NC: 2026:KHC:52694
WP No. 10498 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 10498 OF 2021 (L-KSRTC)

BETWEEN:

DIVISIONAL CONTROLLER KSRTC
BENGALURU CENTRAL DIVISION
K.H.ROAD, BENGALURU-560 027
HEREIN REP BY THE CHIEF LAW OFFICER KSRTC
CENTRAL OFFICES, K.H.ROAD
SHANTHI NAGAR
BENGALURU-560 027.

...PETITIONER

(BY SRI. SHANU MAHARAJ K.S., ADVOCATE FOR
SRI. SANJEEV B L., ADVOCATE)

AND:

SRI K H PREMKUMAR
S/O LATE HANUMANTHRAYAPPA
AGED ABOUT 43 YEARS
REP. BY THE GENERAL SECRETARY
KSRTC AND BMTC UNITED EMPLOYEES UNION
NO.23, 4TH MAIN ROAD
MATHIKERE EXTENSION
BENGALURU-560 034.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL
FOR RECORDS OF THE PROCEEDINGS OF THE INDUSTRIAL
TRIBUNAL, BENGALURU PERTAINING TO ID NO.188/2010,
WHICH HAS CULMINATED IN ITS AWARD DATED: 27.08.2019
PRODUCED AT ANNEXURE-C AND QUASH THE AWARD DATED:

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





**NC: 2026:KHC:52694
WP No. 10498 of 2021**

27.08.2019 PASSED BY THE INDUSTRIAL TRIBUNAL,
BENGALURU IN ID NO.188/2010 PRODUCED AT ANNEXURE-C
AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner-Corporation has called in question the Award dated 27.08.2019 passed by the Industrial Tribunal, Bengaluru (for short, 'the Tribunal') in I.D.No.188/2010 (Annexure-C), whereby the dispute has been allowed and the penalty imposed by the petitioner-Corporation against the respondent herein has been set aside.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal. The respondent herein is referred to as the First Party and the petitioner as the Second Party.



3. The brief facts of the case are that the First Party is working as a conductor with the Second Party-Corporation. On 03.04.2008, while the First Party was working as a conductor in bus bearing registration No.F-8069, plying on the Kolhapur-Bengaluru route, the checking officials checked the said bus at Nippani Stage at about 19-18 hours and found that the First Party had neither collected the fare of Rs.110/- from one passenger travelling from State Border to Belgaum nor issued a ticket. Hence, a departmental enquiry was initiated and charges were framed. The First Party submitted an explanation denying the charges. The Second Party, not being satisfied with the explanation, proceeded to conduct a departmental enquiry by appointing an Enquiry Officer. It was alleged by the First Party that the Enquiry Officer, without conducting a proper enquiry, submitted his findings holding that the charges levelled against the First Party were proved. Based on the said report, the Second Party imposed a penalty on the First Party by order dated 26.10.2009.



Being aggrieved by the same, the First Party approached the Tribunal by raising a dispute. The Tribunal, by the impugned Award dated 27.08.2019 at Annexure-C, allowed the dispute and set aside the penalty order. Being aggrieved by the same, the Second Party-Corporation has filed the present writ petition.

4. Learned counsel appearing for the petitioner-Second Party contended that when the checking officials checked the bus, one passenger was found travelling without a ticket. The First Party had neither issued a ticket to the said passenger nor collected the fare. This fact was not disputed by the First Party; on the contrary, he had admitted the same. Therefore, the authority had rightly imposed the penalty of reduction of basic pay by two stages to the minimum scale with cumulative effect. The Tribunal, without considering this aspect, has erred in allowing the dispute. Hence, he sought for allowing the writ petition.



5. The respondent is served and remains unrepresented.

6. Heard the learned counsel for the petitioner and perused the writ papers.

7. The First Party was working as a conductor with the Second Party. While he was working as a conductor on 03.04.2008 in bus bearing No.F-8069, plying on the Kolhapur-Bengaluru route, the checking officials checked the bus at Nippani Stage at about 19-18 hours and found that the First Party had neither collected the fare of Rs.110/- from the passenger travelling from State Border to Belgaum nor issued a ticket. The specific defence of the First Party was that the passenger was wearing a uniform and that he presumed that the passenger was an employee of KSRTC. Therefore, he neither collected the fare nor issued the ticket. To prove the charges against the First Party, the Second Party conducted an enquiry by appointing an Enquiry Officer. The Tribunal, after



considering the material available on record, held that the enquiry conducted by the Enquiry Officer was not fair and proper. Therefore, it was for the Second Party to prove the charges independently without relying upon the enquiry report. However, to prove the charges, the Second Party has not examined the checking officials, who were the best witnesses to speak about the incident. Further, the Second Party had not collected the address of the passenger who was travelling in uniform, nor was the said passenger examined as a witness either before the Enquiry Officer or before the Tribunal. The First Party had stated that he believed the said passenger, who was travelling in uniform, to be an employee of KSRTC and, therefore, had not issued the ticket. In order to establish that the First Party, despite knowing that the passenger was not a KSRTC employee, had deliberately not issued the ticket, the Second Party neither examined the necessary witnesses nor produced any supporting documents.



**NC: 2026:KHC:52694
WP No. 10498 of 2021**

Therefore, the Tribunal has rightly allowed the dispute and set aside the penalty order imposed by the Second Party.

8. In view of the above, this Court finds no error or illegality in the impugned Award passed by the Tribunal warranting interference in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. The petition is devoid of merits.

9. Accordingly, the writ petition is **dismissed**.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

**(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 42