



CNR: KAHC010080372026

NC: 2026:KHC:39696
WP No. 3777 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3777 OF 2026 (S-KSRTC)

BETWEEN:

1. THE DIVISIONAL CONTROLLER,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
DAVANAGERE DIVISION,
DAVANAGERE,
2. THE DIVISIONAL CONTROLLER,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
CHIKKABALLAPURA DIVISION,
CHIKKABALLAPURA

PETITIONERS ARE REPRESENTED BY
THE CHIEF LAW OFFICER,
K.S.R.T.C., CENTRAL OFFICES,
K.H.ROAD, SHANTHI NAGAR,
BENGALURU-560 027.

...PETITIONERS

(BY SRI. B.L.SANJEEV, ADVOCATE)

AND:

SRI. SIDDAPPA INGALESHWARA,
S/O. SIVASANGAPPA INGALESHWARA,
AGED ABOUT 56 YEARS,
R/AT NO.389/2-67, SANKRANTHI NILAYA,
RAJENDRA BADAVANE, BESIDE DCM COMPOUND,
DAVANAGERE-577 005.

...RESPONDENT

(RESPONDENT-SERVED AND UNREPRESENTED)



CNR: KAHC010080372026

NC: 2026:KHC:39696
WP No. 3777 of 2026

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

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.B.L.Sanjeev., counsel for the petitioners appeared in person.

Notice to respondent was issued. A perusal of the office notice depicts that the respondent is served and unrepresented. He has neither engaged the services of an advocate nor conducted the case as a party in person.

2. The short facts are as follows:

The respondent was working as driver and he remained unauthorizedly absent from duty. Based on the report of the depot manager, the disciplinary authority issued Articles of Charge. He came under disciplinary proceedings. The inquiry officer was appointed and submitted findings holding that the



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WP No. 3777 of 2026

charges are proved and he was visited with an order of punishment on 07.07.2018 i.e., dismissed from service.

Aggrieved by the order of dismissal, the respondent raised a dispute before the Labor Court in KID 10 4A/2/2018. The Labor Court held that the domestic inquiry conducted by the Corporation was fair and proper. The Labor court vide award dated 14.03.2025 passed the award as under:

The claim petition filed by the claimant under Section 2-A(1) of the Industrial Disputes (Central Amendment) Act, 2010 is allowed in part.

The order of dismissal dated 07.07.2018 passed by the respondent No.1 and 2 - Corporation is hereby set-aside. However, as the claimant because of his inability could not join the service, the respondent - management is hereby directed to discharge the claimant from service by granting 50% of his salary from the date of his dismissal i.e., 07.07.2018, to the date of his retirement from service, with all consequential service benefits.

Under these circumstances, the present petition is filed by the Corporation on several grounds as set out in the memorandum of writ petition.



CNR: KAHC010080372026

**NC: 2026:KHC:39696
WP No. 3777 of 2026**

3. Counsel for the petitioners urged several contentions. Heard the arguments and perused the papers with care.

4. The point that requires consideration is whether the award of the Labor Court requires interference.

5. The facts are sufficiently said and do not require reiteration. Suffice it to note that the respondent came under disciplinary inquiry proceedings and was visited with an order of punishment. The issue revolves around unauthorized absence. The charge made against the respondent was that he remained absent unauthorizedly from duty from 31.01.2016 onwards.

6. It is the specific contention of the Corporation that no leave application was submitted, even if it is submitted, that should be accompanied by a Medical Certificate if the leave is sought on health grounds.

7. An employee is under an obligation not to absent himself from work without good cause during the time at which he is required to be at work. Absence without leave is



CNR: KAHC010080372026

misconduct in industrial employment, warranting disciplinary punishment. No employee can claim leave of absence as a matter of right, and remaining absent without leave will constitute a violation of discipline. The absence without leave constitutes misconduct justifying disciplinary action against the delinquent workman. The quantum of punishment in cases of misconduct or absence from duty without leave would depend upon the facts of each case.

8. The respondent remained unauthorizedly absent from duty from 31.01.2016 to 21.05.2016. On 21.05.2016, he approached the office of the Corporation seeking permission to resume duty and furnished photocopies of certain medical records. He contended that he had been suffering from back pain and, therefore, was unable to attend work during the said period.

The Inquiry Officer examined the medical records produced by the respondent and found that they indicated treatment for hypertension (blood pressure). However, none of the documents disclosed that the respondent was suffering from back pain or that he was medically incapacitated from



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NC: 2026:KHC:39696
WP No. 3777 of 2026

attending duty on that account. In the absence of any medical evidence substantiating the respondent's explanation, the Labor Court was not justified in placing reliance upon the said medical records to excuse the misconduct.

It is also pertinent to note that the respondent had a history of repeated unauthorised absence, with nearly fifteen earlier instances for which he had been subjected to minor punishments. The Labor Court failed to take this material circumstance into consideration and erroneously condoned the misconduct. The finding, therefore, cannot be sustained. It is evident that the Labor Court failed to take into account relevant and material considerations while overlooking significant facts having a direct bearing on the issue. For the foregoing reasons the award of the Labor Court is liable to be set aside.

9. The writ of certiorari is ordered. The award dated 14.03.2025, passed by the Labor Court, Bengaluru, in KID 10 4A/2/2018, is quashed. The punishment order dated:07.07.2018 is upheld.

10. Resultantly, the Writ Petition is ***allowed***.



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WP No. 3777 of 2026**

CNR: KAHC010080372026

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

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

SS
List No.: 1 Sl No.: 14