



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3662 OF 2023 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER,
BMTC, WEST DIVISION,
TTMC BUS STATION,
Kengeri Bengaluru-560060.
REPRESENTED BY
CHIEF LAW OFFICER,
BMTC, CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR,
BENGALURU-560027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SRI. Y.LAKSHMIKANTHA,
S/O. YALLAPPA,
AGED ABOUT 60 YEARS,
DRIVER, BADGE NO.8652,
BMTC 12 DEPOT,
REPRESENTED BY GENERAL SECRETARY,
KSRTC AND BMTC UNITED
EMPLOYEES UNION NO.23,
4TH MAIN ROAD, MATHIKERE EXTENSION,
BENGALURU-560054.

...RESPONDENT

(BY SRI. ARUN R., ADVOCATE FOR
SRI. RAJAGOPALA NAIDU, ADVOCATE)



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

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

ORAL ORDER

Sri.Hareesh Bhandary T., counsel for the petitioner and Sri.Arun.R., counsel on behalf of Sri. Rajagopala Naidu, for the respondent have appeared in person.

2. The short facts are these:

The respondent was employed as a driver in the establishment of the Corporation. Disciplinary proceedings were initiated against him for an act of misconduct. The Corporation issued Articles of Charge alleging that he was working as a driver in an SRS private bus, thereby violating the Rules and Regulations of the KSRTC.

The disciplinary authority appointed an Inquiry Officer, who, upon completion of the inquiry, submitted findings holding that the charges were proved. Based on the said findings, the



disciplinary authority, by order dated 25.11.2013, imposed a minor punishment by reducing one annual increment permanently from the respondent's basic pay.

Aggrieved by the order of punishment, the respondent raised a dispute before the Tribunal in I.D.No.248/2014. The Tribunal, by its order dated 28.04.2022, modified the punishment imposed by the disciplinary authority.

The Corporation, being dissatisfied with the award of the Tribunal, has assailed the same on several grounds as set out in the memorandum of writ petition.

3. Heard the arguments and perused the papers with care.

4. The issue pertains to gross misconduct, wherein the respondent, despite being a serving government servant, was found to be operating a private bus, thereby violating the relevant service conduct rules and regulations.



It is undisputed that the respondent is an employee of the Corporation. Despite being a serving government servant, he was found to be operating a private bus.

It is relevant to note that, before the inquiry proceedings, the respondent candidly admitted that he had been compelled to operate a private bus owing to family financial constraints. He further assured that he would refrain from driving any private bus in future and would strictly adhere to the Regulations of the Corporation. Taking note of the said admission, the disciplinary authority imposed a minor penalty by reducing one annual increment permanently from the respondent's basic pay. However, the Tribunal, while modifying the punishment, virtually pardoned the misconduct solely on the ground that the salaries of drivers and conductors are comparatively lower, and therefore the respondent was compelled to drive a private bus. Such reasoning is legally untenable, as financial hardship cannot constitute a valid justification to condone proven misconduct in violation of the Corporation's Regulations.



It is a settled principle that a government servant is not permitted to drive a private bus. In the present case, the respondent himself has candidly admitted the misconduct. Once the guilt stands admitted, the disciplinary authority was justified in imposing a minor penalty. In such circumstances, the Tribunal could not have interfered with the punishment order.

Furthermore, the Tribunal's decision to modify the minor penalty is entirely without jurisdiction. The Tribunal lacks the legal authority to interfere with a managerial decision to impose a minor punishment. Such disciplinary actions are absolute and beyond the Tribunal's modification, absent explicit proof of perversity or victimization. I may venture to say that the Tribunal has failed to have regard to relevant considerations and disregarded relevant matters. For the reasons stated above, the award passed by the Tribunal is liable to be set aside. Accordingly, it is set aside.

5. The writ of certiorari is ordered. The award of the Tribunal dated 28.04.2022 in I.D.No.248/2014 is quashed. The order of punishment dated 25.11.2013 is confirmed.



6. Resultantly, the writ petition is ***allowed***.

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**

MRP
List No.: 1 Sl No.: 85