



CNR: KAHC010128512015

NC: 2026:KHC:36217
WP No. 5291 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 5291 OF 2015 (L-KSRTC)

BETWEEN:

MAHALINGE GOWDA,
S/O. DYAVEGOWDA,
AGED ABOUT 64 YEARS,
RETD. TRAFFIC CONTROLLER,
R/AT NO.116, BEHIND BOYS JUNIOR COLLEGE,
YANTAGERE ROAD, WARD NO.14,
ARAKLAGUDU, HASSAN DISTRICT.

...PETITIONER

(BY SRI. L.SHEKAR, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
K.S.R.T.C.,
HASSAN DIVISION,
HASSAN.

...RESPONDENT

(BY SMT. H.R.RENUKA, 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:

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010128512015

**NC: 2026:KHC:36217
WP No. 5291 of 2015**

ORAL ORDER

Sri.L.Shekar., counsel for the petitioner and Smt.H.R.Renuka., counsel for the respondent have appeared in person.

2. The short facts are these:

The petitioner was working as a Traffic Controller in the establishment of the Corporation. On an allegation of less dispatch, he came under disciplinary proceedings. After holding an inquiry, he was visited with an order of punishment.

Aggrieved by the same, he raised the dispute before the Industrial Tribunal, Mysuru in Ref.No.96/2006. The Tribunal vide award dated:18.06.2013 rejected the reference. Under these circumstances, the petitioner is before this Court on several grounds as set out in the memorandum of writ petition.

3. Counsel for the respective parties urged several contentions.

Counsel for the petitioner in presenting his arguments vehemently contended that the Traffic Controller has discharged his duty diligently and at the time of the dispatch,



CNR: KAHC010128512015

there were 22+01 passengers. It is also submitted that the bus had left the bus stand. Thereafter, the checking staff has checked the bus. Hence, it is contented that it is beyond his control, when the bus had travelled beyond the bus stand, it was not under his control to say something about the passengers. Counsel therefore, argued that the Tribunal has failed to look into the matter. It is also vehemently contented that the Corporation alleged that the Traffic Controller colluded with the conductor, however, no action is taken against the conductor and the punishment is highly disproportionate. Counsel, therefore, submits that the award of the Tribunal is liable to be set aside.

Counsel for the respondent in presenting her arguments drew the Court's attention to paragraph No.18 of the award of the Tribunal, that comes to the conclusion that the charge is proved. Once the charge is proved, question of interference does not arise and there is no victimisation. Hence, the punishment order is just and proper and no interference is required. As far as the contention of non taking action against the conductor, such a contention was not put forth either



CNR: KAHC010128512015

before the inquiry proceedings or before the Tribunal. Hence, for the first time, the petitioner is not permitted to take the said contention in the writ petition. Urging other grounds, she prayed for dismissal of the writ petition.

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

5. The following points would arise for consideration:

(i) Whether the petitioner discharged his duty diligently as required of a Traffic Controller.

(ii) Whether the petitioner's contention regarding non-action against the conductor can be entertained at this stage.

(iii) Whether the award of the Tribunal rejecting the reference suffers from any infirmity warranting interference.

6. The facts are sufficiently stated and they do not require repetition. It is undisputed that the petitioner was functioning as a Traffic Controller. The charge against him pertains to less dispatch. On 16.09.2004, he recorded in the waybill that there were 22+01 passengers, whereas upon verification, 40+01 passengers were found. The petitioner



CNR: KAHC010128512015

contended that at the time of making the entry, there were 22+01 passengers, and that additional passengers might have boarded after the bus left the bus stand. However, as a Traffic Controller, it was his duty to verify and record the correct passenger count diligently. Taking note of the material on record, the charge was proved before the Inquiry Officer so also before the Tribunal.

The charge further alleges collusion with the conductor. In such circumstances, mere denial of the allegation cannot absolve the petitioner. By recording less dispatch, he caused financial loss to the Corporation, for which he is accountable.

The contention that no action was taken against the conductor must fail, as such a plea was not raised either before the Inquiry Officer or before the Tribunal. Hence, a new contention cannot be urged or be permitted to take up for the first time before this Court.

7. The Tribunal, after extensively referring to the material on record, rightly rejected the reference. I find no



**NC: 2026:KHC:36217
WP No. 5291 of 2015**

CNR: KAHC010128512015

infirmity in the award. Accordingly, the writ petition is
dismissed.

Because of the dismissal of the Writ Petition, the interim order granted, if any, stands discharged and pending interlocutory applications, if any, are disposed of.

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

SS
List No.: 1 Sl No.: 83