HC-KAR

NC: 2026:KHC:16825
WP No. 53278 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 53278 OF 2017 (L-RES)

BETWEEN:

SYED RASOOL,
S/O SYED ISMAIL,
AGED ABOUT 51 YEARS,
R/AT NO.205/1, 10TH CROSS,
K.E.B. COLONY, UDAYAGIRI,
MYSURU-570 019.

...PETITIONER

(BY SRI L SHEKAR, ADVOCATE)

AND:

1. THE DIVISIONAL CONTROLLER,
   K.S.R.T.C.,
   MYSURU CITY TRANSPORT DIVISION,
   RURAL DIVISION, BANNIMANTAP,
   MYSURU-570 015.

2. THE MANAGING DIRECTOR,
   KSRTC, CENTRAL OFFICE,
   SHANTHINAGAR, K.H.ROAD,
   BENGALURU-560 027.

...RESPONDENTS

(BY SRI B.L SANJEEV, ADVOCATE FOR R-2;
R-1 SERVED AND UNREPRESENTED)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE AWARD VIDE ANNEXURE 'A' PASSED BY THE LEARNED LABOUR COURT AT, MYSORE IN IID 11 OF 2015 DATED 03-04-2017.

Digitally signed by C HONNUR SAB
Location: HIGH COURT OF KARNATAKA

THIS PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the award dated 03.04.2017 in I.I.D. No.11/2015 on the file of Labour Court Mysuru.

2. In terms of the said award, the claim made by the I party workman under Section 10(4-A) of the Industrial Disputes Act, 1947 (for short 'Act of 1947') is rejected. Thus, the workman is before this Court.

3. The petitioner was appointed as Conductor in the year 2000. On 10.06.2007, the bus was plying from Mysuru to Nanjanagudu where the petitioner was on duty as Conductor. The respondent - Corporation claimed that though petitioner had collected money from the passengers, he had not issued tickets and only when checking squad intercepted, he issued the tickets. Thereafter, when the petitioner was asked to furnish the records, he ran away from the bus and threatened the officers by holding a knife.

4. Domestic enquiry was conducted after issuing show cause notice. Petitioner denied the charges. Evidence was led. Enquiry officer found that the petitioner is guilty of the misconduct. The disciplinary authority dismissed the petitioner from services on 03.01.2015.

5. Aggrieved by the said penalty of dismissal, the petitioner raised an industrial dispute.

6. The Labour Court found that the enquiry was fair and proper and parties were permitted to lead evidence on the alleged plea of victimization. After considering the material on record placed before it, the Labour Court held that the petitioner is guilty of misconduct and also held that the petitioner is not entitled to any lenient view. The Labour Court has also taken note of past misconduct relating to the petitioner which is marked at Ex.M30-the history sheet. Accordingly, the claim was rejected. Aggrieved by the said award, the workman is before this Court.

7. Learned counsel for the petitioner would urge that, the evidence on record do not indicate that the petitioner is guilty of misconduct and the penalty of dismissal is wholly

unsustainable. It is submitted that the evidence led on behalf of the parties were not appreciated in proper perspective and same has resulted in miscarriage of justice.

8. In the alternative, learned counsel for the respondent - Corporation would submit that, assuming that the petitioner is guilty of misconduct, the penalty of dismissal is wholly disproportionate to the alleged misconduct said to have been proved and the Labour Court should have exercised jurisdiction under Section 11A of the Act of 1947.

9. Learned counsel for the respondent - Corporation would urge that the evidence on record clearly established that the petitioner having collected the money, has not issued the tickets and tickets were issued only when the checking officers boarded the bus to inspect.

10. It is further submitted that when officials asked the petitioner - Conductor to produce ETM machine, the petitioner did not hand over the same and threatened the officers on duty with knife and ran away.

11. The Court has considered the contentions raised at the Bar and perused the records.

12. As already noticed, the Labour Court held that the enquiry was fair and proper. The Enquiry officer has come to the conclusion that the petitioner-Conductor had failed to issue tickets to one group of passengers and it was issued later to those passengers after the checking officials boarded the bus.

13. It is also the finding of the enquiry officer that the Conductor misbehaved with the checking squad. The finding that the petitioner - Conductor ran away when the ETM machine was demanded, is forthcoming from the evidence placed on record. Thus, the Disciplinary Authority has come to the conclusion that it is a case of grave misconduct and accordingly imposed penalty of dismissal.

14. The Labour Court on evidence placed on record has come to the conclusion that the charges are proved. Apart from that, while answering the contention by the petitioner under Section 11A of Act of 1947, the Labour Court has come to the conclusion that the petitioner is not entitled for relief under Section 11A of the Act of 1947 as it referred to Ex.M.30 which

reveals 182 past misconduct against the petitioner. Though the learned counsel for the petitioner would urge that those records relating to past misconduct are not placed before the Labour Court pursuant to the direction issued the learned counsel appearing for the respondent - Corporation has produced few records relating to the past misconduct vide memo dated 06.03.2026.

15. By considering the said records, the Court is of the view that there are enough materials to hold that the petitioner is guilty of several past misconducts.

16. Under these circumstances, this Court does not find any reason to interfere with the concurrent findings recorded by the Disciplinary Authority as well as the Labour Court.

17. Accordingly, the Writ Petition is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 1 Sl No.: 10