



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 9950 OF 2022 (S-KSRTC)

BETWEEN:

SRI VENKATESH P
S/O LATE R D PUTTAPPA
AGED 62 YEARS
RETIRED ACCOUNTS SUPERINTENDENT
BENGALURU METROPOLITAN TRANSPORT
CORPORATION RESIDENT OF
NO.109, POOJAPPA COMPOUND
ASHWATHNAGAR, RMV 2ND STAGE
BANGALORE - 560 094

...PETITIONER

(BY SRI. GIRISH M. K. ADVOCATE)

AND:

THE MANAGING DIRECTOR
AND DISCIPLINARY AUTHORITY
BENGALURU METROPOLITAN TRANSPORT
CORPORATION
CENTRAL OFFICE, K H ROAD
SHANTHI NAGAR
BENGALURU - 560 027

...RESPONDENT

(BY SMT. H R RENUKA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO: (i)
QUASH THE ORDER BEARING No.Be Ma SA/Ke

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



Ka/Shisthu/Sa/72/220 DATED 29.05.2020 PASSED BY THE RESPONDENT VIDE ANNEXURE-F AS DISCIPLINARY AUTHORITY AND ALSO THE ORDER BEARING No.Ka.Raa.Sa/Ke.Ka/Shistu/AP-1931/867/2021-22 DATED 05/07/-01-2022 VIDE ANNEXURE-L; (ii) DIRECT THE RESPONDENT TO RELEASE AND PAY THE FULL SALARY OF THE PETITIONER FOR THE MONTH OF MAY 2020 & etc.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the order dated 29.05.2020 passed by the respondent and also the order dated 05/07.01.2022.

2. In terms of the order dated 29.05.2020, one month's salary of the petitioner is deducted in exercise of power under Rule 18(A)(v) of Karnataka State Road Transport Corporation (Conduct and Discipline Rules), 1971 (for short 'Regulations, 1971'). Against the said order, an appeal was filed before the Appellate Authority and same came to be dismissed in terms of order dated 05/07.01.2022 confirming the order passed by the Disciplinary Authority.



3. The petitioner-employee is before this Court on the premise that the order is passed without holding any enquiry. It is also stated that the charge memo was issued alleging that Jalajakshi and Vijayalakshmi Hiremath have paid excess salary to one Sadiq, the former employee of KSRTC and said excess payment made by Jalajakshi and Vijayalakshmi Hiremath have not been verified by the petitioner.

4. It is urged that no domestic enquiry is held against said Jalajakshi and Vijayalakshmi Hiremath against whom there was charge of negligence. Without there being any enquiry against them, penalty could not have been imposed against the petitioner is the submission.

5. Learned counsel for the petitioner would refer to the judgment of the Co-ordinate Bench of this Court in **Ankappa vs Management of K.S.R.T.C., Bangalore¹**, and also the judgment in **G.RaviKumar vs. Managing Director of KSRTC and Another²**.

¹ **ILR 1996 KAR 3050**

² **W.P.No.12207/2023 disposed of on 29.05.2024**



6. Learned counsel for the petitioner would submit that, assuming that the penalty imposed is a minor penalty and same is imposed without holding enquiry under the Regulations 1971, the Disciplinary Authority is required to assign reasons as to why the enquiry was not held before imposing the penalty and he further submits that no such reasons are assigned in the order to dispense with the enquiry.

7. Learned counsel for the respondent would defend the impugned order and submits that impugned orders are rightly passed by the Authority as well as the Appellate Authority after considering all the materials on record.

8. It is also urged that, the respondent was required to verify the bills submitted for payment and without such verification, the bills have been passed and payment is made to the Driver who was unauthorisedly absent for considerable period. Thus, would urge to dismiss the petition.

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



10. The petitioner has raised the contention that no disciplinary enquiry is held against Jalajakshi and Vijayalakshmi Hiremath.

11. It is submitted by the learned counsel for the respondent-Corporation that, the misconduct committed by the petitioner is apparent from the record, as such, there is no need to hold any enquiry.

12. It is noticed that there is no ground taken in the present Writ Petition to say that disciplinary enquiry is not initiated against Jalajakshi. However, what is required to be noticed is that there are no records to show that the enquiry was held against the Petitioner. The order does not reveal that reasons are assigned to dispense with the enquiry.

13. In view of the law laid down by the Co-ordinate Benches of this Court in **Ankappa** (*supra*) and **G.Ravikumar** (*supra*), in a case of this nature, where the penalty is imposed on the workman on the premise that he is guilty of misconduct, there has to be a domestic enquiry. Since the domestic enquiry is not held, the impugned order of penalty imposed on the petitioner is liable to be set aside.



14. It is stated in the present Writ Petition that no action is taken against Vijayalakshmi Hiremath, the Accounts Officer.

15. Under these circumstances, the ratio laid down in the aforementioned judgments would apply to the facts of the case.

16. Hence, the following:

ORDER

- (i) The Writ Petition is ***allowed***;
- (ii) The impugned orders dated 29.05.2020 and 05/07.01.2022 passed by respondent-Corporation are ***set aside***;
- (iii) The respondent-Corporation is at liberty to initiate an enquiry against the petitioner, as provided under the Regulations and pass an appropriate order.
- (iv) If such an enquiry is initiated, the same shall be concluded within 3 months from the date of initiation;



- (iv) It is made clear that this Court has not expressed anything on the merits of the matter.
- (v) All contentions are kept open.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

GVP/RK
List No.: 1 Sl No.: 6