



CNR: KAHC010213462018

NC: 2026:KHC:49036
WP No. 48992 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 48992 OF 2018 (L-KSRTC)

BETWEEN:

SYED JAMEEL AHAMED
S/O SYED JAFFAR
AGED 61 YEARS
R/AT SHANKARAPURA LAST CROSS
CHIKKAMAGALUR.

...PETITIONER

(BY SRI. SHEKAR L., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, CHIKKAMAGALORE DIVISION
CHIKKAMAGALORE-575201.

...RESPONDENT

(BY SMT. H. R. RENUKA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD DATED 30.11.2017 PASSED BY THE HON'BLE INDUSTRIAL TRIBUNAL, MYSORE, REF.NO.130/2014 VIDE ANNEXURE-A TO THE WRIT PETITION, CONSEQUENTIALLY ALLOW THE REFERENCE AS PRAYED FOR AND ETC.

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. This writ petition is filed challenging the impugned award dated 30.11.2017 passed by the Industrial Tribunal, Mysore, in REF.No.130/2014, vide Annexure-A, whereby the reference came to be rejected.

2. The brief facts of the case are that the petitioner is working as a Driver in the establishment of the respondent-Corporation. On 20.02.2011, when he was discharging his duties in Bus bearing Registration No.KA-18-F-253 on Chikkamagalur to Madikeri route at about 07.15 hours, he dashed the said Bus against an Auto Rickshaw bearing Registration No.KA-13-A-6386 near H.N.Pura Railway Gate at Hassan, resulting in the death of the Auto Rickshaw Driver. Thereafter, the respondent-Corporation issued an Article of Charges on 12.05.2011.



The petitioner submitted his reply to the Article of Charges and denied the allegations of misconduct.

3. The respondent, after conducting an enquiry, imposed a punishment of reduction of basic pay by one incremental stage with cumulative effect by an order dated 29.02.2012, as per Annexure-F. Against the order of punishment, the petitioner filed an appeal before the Appellate Authority. The Appellate Authority rejected the appeal. Hence, the petitioner raised an Industrial Dispute by way of Reference before the Industrial Tribunal, Mysore, in REF.No.130/2014. The said reference came to be rejected by the impugned order dated 30.11.2017. Being aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner has raised the following contentions:

a) Firstly, the impugned punishment order vide Annexure-F dated 29.02.2012 is not a speaking order and is contrary to the findings given by the Enquiry Officer.



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Even though, the enquiry report specifically stated that the petitioner alone was not negligent in causing the accident and that both the driver of the Auto Rickshaw and the petitioner were negligent, the Disciplinary Authority, while imposing the penalty, recorded a finding that the petitioner alone was negligent. This finding is contrary to the material available on record.

b) Secondly, the respondent has not produced any evidence to prove that the petitioner was driving the vehicle at high speed or in a rash and negligent manner. There was no eyewitness to the incident. Under these circumstances, the finding of the Enquiry Officer that the petitioner was also negligent in causing the accident is perverse and contrary to the material available on record.

c) Thirdly, the punishment imposed is not commensurate with the charge made against the petitioner.

d) Fourthly, the Reference Court, without considering all these aspects, has erred in rejecting the



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reference. The Reference Court as well as the Enquiry Officer have not considered the sketch, spot mahazar and IMV report.

e) Lastly, the criminal case filed against the petitioner had ended in acquittal.

Therefore, he sought for allowing the writ petition.

5. Per contra, learned counsel appearing for the respondent-Corporation has raised the following contentions:

a) Firstly, the enquiry was conducted after following all the procedures prescribed by law. The petitioner has not made out any ground to show that the enquiry was conducted contrary to any provision of law.

b) Secondly, the Enquiry Officer, after providing an opportunity to the petitioner, has given a clear finding that both the petitioner and the driver of the Auto Rickshaw were negligent in causing the accident. After considering the report submitted by the Enquiry Officer, the



Disciplinary Authority imposed the penalty as per Annexure-F.

c) Thirdly, the Tribunal, after considering the evidence of both the parties and the material available on record, has rightly rejected the reference. Under these circumstances, she contended that, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot interfere with the findings given by the Authority when there is no perversity in the said findings.

d) Fourthly, on considering the sketch prepared by the Police and the mahazar, it is very clear that the petitioner was driving the bus at high speed and in a rash and negligent manner, that too in the middle of the road. Therefore, the accident occurred. Since the petitioner was negligent in causing the accident, the Disciplinary Authority has rightly imposed the penalty of reduction of basic pay by one incremental stage with cumulative effect.

Hence, she sought for dismissal of the petition.



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6. Heard the learned counsel for the parties. Perused the petition papers.

7. It is not in dispute that the petitioner is working as a Driver in the respondent-Corporation. On 20.02.2011, when he was driving the bus bearing Registration No.KA-18-F-253 from Chikkamagalur to Mysore, the accident occurred near the Railway Gate at Hassan. The bus dashed against the Auto Rickshaw bearing Registration No.KA-13-A-6386, resulting in the death of the Auto Rickshaw Driver. Thereafter, the respondent-Corporation issued an Article of Charges on 12.05.2011.

8. The petitioner contended that the driver of the Auto Rickshaw was driving the vehicle in a zigzag manner and hence, dashed against the bus. However, the driver did not lodge any complaint against the Auto Rickshaw Driver. Neither of the parties examined any eyewitnesses.

9. The Enquiry Officer, after considering the evidence of the parties and the material available on record, came to the conclusion that the driver of the bus and that of auto



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rickshaw, both were negligent in causing the accident. Even as per Ex.P.W1(a)-sketch, it is very clear that the bus was proceeding from Hassan towards Holenarasipura road. The width of the road is 24 feet. As per the tyre marks shown in the sketch, the driver of the bus was proceeding in the middle of the road.

10. As per the evidence of the petitioner, he tried to avoid the accident and took the bus to the left side of the road. From this, it is very clear that there was sufficient space available on the left side of the bus. In spite of the same, he was proceeding in the middle of the road. Even as per the sketch, it is very clear that the driver of the Auto Rickshaw was also coming from the opposite direction in the middle of the road.

11. Considering the material available on record, the Enquiry Officer has rightly given a finding that both the driver of the bus as well as the driver of the Auto Rickshaw were negligent in causing the accident.



12. On the basis of the report submitted by the Enquiry Officer as per Annexure-E, the Disciplinary Authority, after issuing notice to the petitioner and obtaining his reply, passed the punishment order as per Annexure-F. After following all the procedures prescribed by law, the Authority has rightly imposed the penalty of reduction of basic pay by one incremental stage with cumulative effect.

13. It is well settled law that the power of judicial review in a Departmental Enquiry is very limited. In this regard, the Hon'ble Apex Court in the case of **STATE OF ANDHRA PRADESH AND OTHERS vs. CHITRA VENKATA RAO** reported in **(1975) 2 SCC 557** at paragraph No.21 has held as follows:

"21. The scope of Article 226 in dealing with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in State of A.P. v. S. Sree Rama Rao [AIR 1963 SC 1723 : (1964) 3 SCR 25 : (1964) 2 LLJ 150] . First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal



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trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic tribunal of inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Second, where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by



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some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226."

14. Therefore, the Tribunal has rightly rejected the reference. There is no illegality or perversity in the order passed by the Industrial Tribunal vide Annexure-A.

15. The writ petition is devoid of merit and is accordingly dismissed.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE