



CNR: KAHC010241952020

NC: 2026:KHC:50346
WP No. 9267 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO. 9267 OF 2021 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD TRANSPORT CORPORATION
CHIKKABALLAPURA DIVISION,
CHIKKABALLAPURA,
BY ITS DIVISIONAL CONTROLLER,
REP BY ITS CHIEF LAW OFFICER

...PETITIONER

(BY SMT.RENUKA H R.,ADVOCATE)

AND:

B. BRAMHACHARI
S/O. LATE. NANJUNDACHARI,
AGED ABOUT 61 YEARS
C/O. GENERAL SECRETARY,
KSRTC STAFF AND WORKERS FEDERATION,
NO. 6, SIRUR PARK ROAD,
SESHADRIPURAM,
BENGALURU - 560 020

...RESPONDENT

(BY SRI. SRINIVASA K.,ADVOCATE)


Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DATED 3.12.2019 IN I.D.NO.100/2013 PASSED BY THE INDUSTRIAL TRIBUNAL, BANGALORE (ANNEXURE-G).

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This petition is filed by the Karnataka State Road Transport Corporation, Chikkaballapur Division (for short '**the Corporation**') to quash the award dated 3.12.2019 in I.D. No.100/2013 passed by the Industrial Tribunal, Bengaluru. The respondent is the workman employed under the Corporation as a conductor.

2. The parties shall be referred to as the '**Corporation**' and the '**workman**' for better understanding.



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3. The Government of Karnataka by an Order No. LD 141 IDF 2013 dated 02.08.2013 referred the industrial dispute existing between the workman and the Corporation to the Industrial Tribunal under Section 10(1)(d) of the Industrial Disputes Act for adjudication of following points of dispute:

- i) Whether second party Divisional Controller, KSRTC, Chikkaballapur Division, Chikkaballapur is justified in imposing the punishment on its workman Sri N. Brahmachari, conductor, who is represented by General Secretary, KSRTC Staff & Workers Federation, NO.6, Sirur Park road, Sheshadripuram, Bangalore, reducing the basic pay by two annual incremental stages with cumulative effect vide its order No.KST/CBD/ DIS/ 2688/10/376/11 dated 09.02.2011 ?
- ii) If not, to what reliefs said workman is entitled ?



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4. The Tribunal got issued notice to both the workman and the Corporation. After service of notice, the workman filed the claim statement and the Corporation filed the counter-statement.

5. The summary of the claim statement is as under:

5.1 The workman joined the services of the Corporation on 29.04.1985 as a Conductor. He had worked diligently and his services were appreciated and he has rendered excellent and unblemished record of service for more than 26 years.

5.2 The Corporation had got issued Articles of Charge on 12.06.2010 alleging that the workman failed to issue tickets to two passengers out of 44 passengers, who were travelling from Bengaluru to Chennai and thereby failed to collect the requisite ticket fare of Rs.298/- from each of them. Upon receiving the articles of charge, the workman submitted his explanation denying the charges. Thereafter, the Corporation initiated departmental enquiry



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by appointing an Enquiry Officer and the enquiry was conducted. It was a case of the workman that he was not permitted to cross-examine the Management Witness and put forth his defence statement. Based on the assumptions and presumptions, without looking into the materials placed before him, the findings were given to the Disciplinary Authority. Based on the Enquiry Officer's report, Corporation imposed punishment by an order dated 09.02.2011, thereby reducing basic pay by two annual incremental stages with cumulative effect.

5.3 The workman was aggrieved by the imposition of the punishment for no fault of him as he had not committed any misconduct and a mechanical order came to be passed imposing extreme punishment without considering his previous unblemished record of service. The workman pleaded that he had not committed any misconduct and that the case made out for imposing punishment in the guise of not issuing tickets to two



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passengers out of 44 passengers, is not sustainable. The punishment imposed was major, severe and harsh and that the order of punishment was passed without application of mind, without providing suitable opportunity to the workman, besides putting the workman into financial loss affecting his service conditions including seniority, promotion and terminal benefits.

5.4 On these grounds, the workman sought to set aside the order of punishment imposed by the Corporation vide order dated 9.2.2011.

6. The summary of the counter statement made by the Corporation is as under:

6.1 In the counter-statement, the respondent stated that the reply given by the workman to the articles of charge was not satisfactory and accordingly a departmental enquiry was conducted to find out the truth. Upon enquiry being conducted, it was found that on 09.05.2010 while the workman was discharging his duty



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in the bus bearing No.F-223 as conductor and the checking officials checked the bus at 11.06 p.m. near Hosakote, there were 44 adult passengers in the bus and out of them, the Conductor/workman had not collected requisite ticket fare of Rs.298/- each from two of the passengers travelling from Bengaluru to Chennai and not issued tickets to them. Therefore, the Checking Inspector issued offence memo at the spot, imposed penalty to the ticketless passengers, obtained passengers statement and submitted a report. It was further stated that the Enquiry Officer has conducted a detailed enquiry and submitted the findings to the Disciplinary Authority. Thereafter, the Corporation accepted the findings of the Enquiry Officer on independent application of mind and passed the punishment order dated 9.2.2011. The appeal preferred by the workman challenging the punishment order came to be dismissed by the appellate authority.



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6.2 On these grounds, the Corporation sought to reject the claim petition.

7. On the basis of the pleadings before the Tribunal, additional issue was framed on 21.10.2015 regarding domestic enquiry. Consequently, the Management examined one Mr. S. Naveen Kumar, Establishment Supervisor as MW.1 and got marked Ex.M1 to Ex.M17. The workman examined himself as a WW.1 and no documents were marked on his behalf. The Tribunal came to the conclusion that the domestic enquiry conducted against the workman preceding the order of punishment dated 9.2.2011 was fair and proper. Subsequent thereto, the workman examined himself as WW.1 and got marked Ex.W1 to Ex.W6. The Corporation further examined MW1 and got marked Ex.M17.

8. The Tribunal in the impugned order observed that the charge levelled against the workman was that on 9.5.20210 when the workman was discharging his duties



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as a Conductor in the bus bearing No.F-223 plying on the route from Bengaluru to Chennai, at Hosakote the checking officials checked the bus and found that in the bus, the Conductor failed to issue tickets of Rs.298/- each to two passengers. Thereafter, the Corporation had issued articles of charge to the workman and the workman submitted the reply. Thereafter, the Corporation initiated departmental enquiry by appointing an Enquiry Officer and the enquiry was conducted and report was submitted. Based on the Enquiry Officer's report, the Corporation imposed the punishment by an order dated 9.2.2011. The appeal preferred by the workman challenging the punishment order also came to be dismissed. Finally, the Government of Karnataka referred the industrial dispute existing between the workman and the Corporation under section 10(1)(d) of the Industrial Disputes Act for adjudication.



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9. Upon consideration of the entire materials, the Tribunal came to a conclusion that the Corporation did not make out a valid case to show that the workman had committed misconduct by not issuing tickets to two passengers who were travelling from Bengaluru to Chennai, thereby causing revenue loss to the Corporation. The Tribunal observed that the checking officials had collected penalty of Rs.1,000/- as per Ex.M2 and took the statements of the ticketless passengers as per Ex.M3, thereby came to the conclusion that there was no loss caused to the Corporation.

10. The Tribunal also came to the conclusion that there was no misconduct committed by the workman as there was no revenue loss to the Corporation for the reason that the checking officials had in fact collected penalty of Rs.1,000/- as per Ex.M2 from the two ticketless passengers. Therefore when there is no revenue loss, the question of issuing a memo or articles of charge



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against the workman was not justified, so also the punishment imposed against him. Accordingly, the Tribunal by an order dated 3.12.2019 allowed the claim in favour of the workman and consequently set aside the punishment order dated 9.2.2011 passed by the Corporation. Being aggrieved, the petitioner/Corporation is before this Court in the present writ petition.

11. I have heard learned counsel for the petitioner/Corporation as well as learned counsel for the respondent/workman.

12. It is the vehement contention of learned counsel - Smt. Renuka appearing for the Corporation, that the award passed by the Tribunal is erroneous, illegal, arbitrary, replete with several mis-directions on the face of the record. It is further contended by the counsel that once the domestic enquiry came to be held to be fair and proper, it was required for the Tribunal to discuss the evidence laid before the Enquiry Officer to come to a



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conclusion as to whether the findings of the Enquiry Officer were perverse or not. It is further contended that the Tribunal has discussed the case at a tangent and has considered the evidence adduced by the Corporation in support of the issue on domestic inquiry and arrived at the conclusion that the charges are not proved. The Tribunal failed to take into consideration that the evidence led by the Corporation was confined to the issue regarding fairness of the domestic enquiry.

12.1 Learned counsel further contends that the workman had failed to issue tickets to two passengers who were travelling from Bengaluru to Chennai. The Corporation had produced documents in support of the charge such as offence memo, penalty receipt, statement of ticketless passengers, way bill, beyond status report of ETM and these documents were infact attested by the workman.



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12.2 Learned counsel further contends that as per the checking official, there were 44 passengers in the bus, which included 29 ground booking tickets as per the way bill. As per the Trip sheet, there were 32 ground booking tickets, of which 3 passengers relating to Seat Nos.26, 30 and 33 did not travel on the said day. Therefore, 44 passengers actually travelling in the bus at the time of checking (29 ground booking passengers + 13 passengers, who were issued with tickets and 2 ticketless passengers).

12.3 Learned counsel draws the attention of the Court to the defence of the workman that there were 32 ground booking passengers, of which 3 passengers did not travel on the said day and hence 29 passengers were ground booking passengers travelling in the bus and that the workman had issued tickets to 13 passengers and totally, there were 42 passengers in the bus when the bus was checked. It is further contended that out of the 42 passengers. two passengers had lost the tickets. In the



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defence, the workman had also taken a plea that one seat was damaged and the seating capacity of the bus was only 42.

12.4 Learned counsel contends that a remark was made in the way bill that one seat was damaged and the same has been made only with an intent to conceal the misconduct, thereby the workman was improving the case stage by stage.

12.5 Learned counsel for the Corporation further contends that the Tribunal failed to notice that the workman did not dispute his signature on the penalty memo, statement of the tickletless passengers. It is hard to believe that two passengers have lost a ticket and the same is liable to be rejected. It is further contended that out of 44 passengers, 42 passengers were found to be in possession of the tickets and two passengers were not issued tickets, due to which penalty was levied against the workman. Learned counsel further contended that the



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Tribunal failed to take into consideration that the order of punishment imposed on the workman was minor punishment and according to her, the workman was liable for major punishment for the reason that he was also involved in 51 other cases in the past, which has not been taken into consideration and the Tribunal mechanically set aside the order of punishment, which is illegal and arbitrary.

12.6 On these grounds, learned counsel seeks to allow the petition and consequently set aside the impugned award passed by the Tribunal.

13. Per contra, learned counsel appearing for the respondent/workman vehemently contends that there is no illegality or perversity in the impugned award passed by the Tribunal. On the contrary, he contends there was no history of any mischief or misconduct on the part of the workman for the last 26 years in his service. It is also contended that there were 42 passengers and ticket was



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issued to each one of them and the question of there being any misconduct and non-issuance of ticket is far-fetched. It is also contended that the workman has not committed any misconduct, muchless there being any loss of revenue to the Corporation. It is further contended that the capacity of the bus was 43 passengers and Seat No.35 was broken and therefore only 42 passengers travelled. It is also contended that there were 43 passengers as per the trip sheet and there were 42 passengers (29 + 13) as per the reply given by the workman. It is also contended by the counsel that it was also not possible for the checking staff to check all the passengers within a time span of 11.03.00 to 11.09.00. It is contended by the counsel that the workman associated himself with the Union of the Corporation employees and he was one of the office bearers of the Union. Hence, the workman was deliberately penalized as he worked for the welfare of the workmen. Therefore it is contended that there is absolutely no illegality, perversity or arbitrariness



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in the award passed by the Tribunal. Consequently, he seeks dismissal of the petition.

14. Having heard learned counsel for the petitioner and learned counsel for the respondent, the point that arises for consideration in this petition is:

"Whether the award passed by the Tribunal calls for interference ?

15. Apparently, it is seen that there is no dispute to the fact of relationship of the workman with the employer as being a Conductor in a bus belonging to the petitioner - Corporation. The domestic enquiry conducted was said to be fair and proper. Therefore the Tribunal was not to consider the case on merits, but to consider whether the respondent/workman was victimized or for that matter, the findings given by the Enquiry Officer are perverse. The Tribunal was required to consider these aspects in the backdrop of the evidence and the documents produced by



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both parties. Evidence has been adduced by the workman as well as the Management.

16. It is also not in dispute that the respondent/workman was a member of the Union and he made several efforts to fight against the unfair labour practices adopted by the employer. In this backdrop, the Court will have to see whether the workman was victimized, which the Tribunal has taken into consideration while passing the impugned order. The Tribunal has come to a conclusion that this could be one of the reason for foisting a case against the respondent/ workman as he was actively involved in the Union activities. The Tribunal has also come to a conclusion that the workman has not committed any mis-conduct for non-issuing of ticket to two passengers, thereby causing any loss to the Corporation and held that the Corporation was not justified in imposing punishment on the workman and accordingly allowed the dispute in favour of the workman. I do not find



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any illegality or perversity in the impugned order passed by the Tribunal calling for interference by this Court.

17. Accordingly, I pass the following:

ORDER

The petition is **dismissed**.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

GSS
List No.: 1 Sl No.: 49