



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 11599 OF 2022 (L-KSRTC)

BETWEEN:

A S RAMU,
S/O A MUDDEGOWDA,
AGED ABOUT 66 YEARS,
C/O GENERAL SECRETARY,
AKANDA KARNATAKA RAJYA
RASTHE SARIGE KARMIKA MAHAMANDALI (R)
NO 261, 11TH CROSS 2ND MAIN ROAD,
VYALIKALVAL, BENGALURU 560003.

...PETITIONER

(BY SRI SRINIVASA K, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
K S R T C, BENGALURU CENTRAL DIVISION,
K H ROAD, SHANTHINAGAR,
BENGALURU - 560027.

...RESPONDENT

(BY SMT H R RENUKA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED AWARD PASSED BY THE INDUSTRIAL TRIBUNAL, BENGALURU IN ID.NO.159/2010 DATED 16.04.2018 VIDE ANNEXURE-N AND CONSEQUENTLY ALLOW THE ENTIRE CLAIM PETITION FILED BY THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



ORAL ORDER

This petition is filed assailing the award dated 16.04.2018 passed by the Industrial Tribunal, Bengaluru (for short, 'the Tribunal') rejecting the petitioner's claim.

2. The petitioner, who was working as Helper-A in the respondent-Corporation, raised an industrial dispute challenging the penalty imposed by the respondent-Corporation as well as the order passed by the Appellate Authority upholding the penalty.

3. Certain facts are admitted. A complaint was lodged against the petitioner by a person alleging that the petitioner assured to sell the property and received advance consideration amount of ₹10,000/- and later, declined to sell the same. The said complaint is dated 16.06.1998. Admittedly, the complainant is not the employee of the respondent-Corporation.

4. Acting on the complaint said to have been filed against the petitioner on 16.06.1998, the disciplinary enquiry was also initiated against the petitioner by the respondent-Corporation. The petitioner denied the charges. The Inquiry



Officer recorded a finding that a criminal case is pending against the petitioner in respect of the complaint dated 16.06.1998. The Inquiry Officer has held that the appropriate action will be taken against the petitioner after the disposal of the pending criminal case and he submitted a report to the Disciplinary Authority.

5. The Disciplinary Authority, without awaiting for the result of pending criminal case and without issuing any second show cause notice as to why it is differing with the view of the Inquiry Officer, has imposed a penalty of withholding two annual increments with cumulative effect. The said penalty was imposed in the year 2001. The petitioner filed statutory appeal in time. The Appellate Authority rejected the appeal in the year 2004. The petitioner contends that he came to know about disposal of the appeal in the year 2008 and thereafter, he immediately raised industrial dispute before the Tribunal.

6. The issue is framed relating to 08 years delay in raising the dispute. The Tribunal also framed a point for consideration as to whether the penalty imposed is just and proper.



7. Learned counsel for the petitioner would submit that the impugned award is passed only on the ground of delay. It is his further submission that the facts are not properly appreciated by the Tribunal. It is urged that the Disciplinary Authority passed the order in the year 2001 and the appeal is filed before the Appellate Authority in time and though the appeal is said to have been rejected on 28.02.2004, the order of rejection is not communicated to the petitioner.

8. Learned counsel would also urge that the witness examined on behalf of the respondent-Corporation has admitted that the order was communicated to the Depot Manager of the respondent-Corporation with a direction to communicate the same to the petitioner-employee. However, the same was not communicated till 2008. This being the position, it is urged that rejection of the claim petition in terms of the impugned award on the premise that the claim is time barred, has to be set aside.

9. Learned counsel for the petitioner would also urge that apart from holding that the claim petition is hit by delay



and laches, the Tribunal has also considered the validity of the punishment imposed.

10. Learned counsel for petitioner would submit that the fact that the petitioner is acquitted in criminal proceedings is not in dispute and the same is not taken into consideration by the Tribunal. In this behalf it is urged that the finding of the Disciplinary Authority that the petitioner is guilty of misconduct, is untenable.

11. Learned counsel for the petitioner also would point out that under the Karnataka State Road Transport Corporation Servants (Conduct and Discipline) Regulations, 1971, the respondent-Disciplinary Authority was required to issue a second show cause notice to the petitioner in case he is disagreed with the finding of the Inquiry Officer and the procedure is not followed.

12. Learned counsel appearing for the petitioner explaining the delay of four years in raising the dispute before the Tribunal would submit that after the communication of the order passed by the Appellate Authority, the petitioner had approached the officials of the respondent/ Corporation on



many occasions with an oral request to review the order. And thereafter, since his request was not considered, petitioner approached the Conciliation Officer raising the dispute. The matter was pending before the Conciliation Officer for 2 years and the conciliation failure report was sent to the Appropriate Government. The Appropriate Government referred the dispute for adjudication and the delay and latches on the part of petitioner if any has to be condoned.

13. It is further submitted that earliest act of entering into an agreement to sell the property and thereafter not selling the property after receiving the part of sale consideration amount, does not amount to misconduct under the Regulations, 1971. The Court finds that the said contention has to be accepted as this is not an act or omission of the petitioner being an employee of the respondent-Corporation and more than anything else, such conduct is not defined as a misconduct. It would be a misconduct provided the Criminal Court finds that the petitioner is guilty of any offence. Since the petitioner is acquitted of all the charges in the criminal case, the alleged misconduct cannot be termed as a misconduct in the eye of law.



14. Learned counsel appearing for the respondent/ Corporation would submit that the petition has to be dismissed on the ground of delay and laches. It is the contention that the order dated 15.06.2010 which is said to be the order of reference is doubtful as the reference number made in the said order would relate to some other proceeding concerning an employee/workman by name Srinivas and as such there is a delay of more than 6 years in approaching the Court challenging the order.

15. In addition, it is also urged that the petitioner is guilty of misconduct and having agreed to sell the property to a third party has not sold the property and a criminal complaint is lodged by the third party and police have filed a charge sheet and the petitioner faced criminal trial and under the applicable Rules, 1971 the respondent/Corporation is competent to initiate disciplinary action against the employee who is facing a criminal trial.

16. It is also urged that the penalty imposed is proportionate to the misconduct and urged to dismiss the petition.



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

18. It is not in dispute that the petitioner's appeal was dismissed in 2004 and copy is communicated to him on 08.03.2004. The order dated 15.06.2010 which is referred to in the impugned award would indicate that the dispute is referred to for adjudication by the Appropriate Government which would also indicate that the petitioner had approached the Conciliation Officer as this is a dispute which has reached the tribunal through the Appropriate Government.

19. Learned counsel for the petitioner has submitted that the petitioner has been requesting the Officers of the Corporation to review the order, no materials are placed to hold that such a request was made. However, that alone cannot be the ground to reject the petition on the ground of delay and latches. More so, in a situation where it is noticed that a domestic enquiry is held in respect of a private transaction between the petitioner and a third person wherein, the petitioner allegedly agreed to sell the property to the third person is treated as a misconduct. The property in question is



not the property of the respondent/Corporation. It is the petitioner's property.

20. The final outcome of criminal proceeding is not placed before the Court. The petitioner submits that he is acquitted. The respondent submits that the petitioner has not produced the judgment in the criminal proceeding.

21. It is also required to be noticed that the enquiry officer has recorded a finding that in case the petitioner is found guilty of charges in Crime No.390/1998 then the proceeding has to be initiated under the Rules, 1971. However, the disciplinary authority has imposed the penalty of withholding two increments for two years.

22. Learned counsel for petitioner would submit that the fact that the petitioner is acquitted in criminal proceedings is not in dispute and the same is not taken into consideration by the Tribunal.

23. Though it is urged that the petitioner is acquitted in the criminal proceeding, the judgment is not produced. At the same time, the respondent/Corporation is also not in a position



to produce any judgment wherein the Court can take a view that the petitioner is convicted.

24. Considering the fact that the charge is relating to not selling the property belonging to the petitioner to a third party in terms of an agreement for sale said to have been executed by the petitioner to a third party, the Court is of the view that initiation of disciplinary enquiry against the petitioner itself was unwarranted. More over, the enquiry officer has recorded a finding that action can be taken against the petitioner based on the outcome of the criminal proceeding relating to agreement for sale pending before the Court.

25. This being the position, the Court is of the view that the delay of four years or even if it is six years in raising the dispute before the Tribunal cannot be said to be unreasonable. The delay if any has not caused any prejudice to the respondent.

26. Though the learned counsel for the respondent/Corporation would urge that the merit of the case is not a ground to condone the delay of four years, the Court is of the view that said principle cannot be applied in each and every



case. Considering the charge for which the domestic enquiry is initiated against the petitioner, the Court is of the view that the delay in raising the dispute can be condoned by imposing some conditions on the petitioner.

27. Under these circumstances the petition has to be allowed. However, considering the fact that there is a delay of around 4 years in approaching the conciliation officer, the court is of the view that out of the amount payable to the petitioner, Rs.40,000/- is to be deducted.

28. Hence the following:

<u>ORDER</u>	
(i)	Writ Petition is <i>allowed-in-part.</i>
(ii)	The impugned order dated 16.04.2018 passed by the Industrial Tribunal, Bengaluru in I.D.No.159/2010 is set aside.
(iii)	The financial benefits payable to the petitioner shall be paid to the petitioner within 2 months from the date of the receipt of the copy of the order after deducting Rs.40,000/- out of the amount payable.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

brn/List No.: 2 Sl No.: 26