



CNR: KAHC010267272020

NC: 2026:KHC:52695
WP No. 10216 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 10216 OF 2021 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER K.S.R.T.C.
MYSURU RURAL DIVISION
MYSURU.

HEREIN REPRESENTED BY
THE CHIEF LAW OFFICER, K.S.R.T.C.
CENTRAL OFFICES. K.H. ROAD
SHANTHI NAGAR
BENGALURU- 560 027.

...PETITIONER

(BY SRI. SHANU MAHARAJ K.S., ADVOCATE FOR
SRI. SANJEEV B L., ADVOCATE)

AND:

SRI MOHAN KUMAR C V
S/O VASUDEVANAIKA.C.J
AGED ABOUT 54 YEARS
REP. BY THE VICE PRESIDENT
KSRTC STAFF AND WORKER UNION
NO.20, 2ND FLOOR, K.R. CIRCLE
MYSURU- 570 001.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL
FOR RECORDS OF THE PROCEEDINGS OF THE INDUSTRIAL
TRIBUNAL, MYSURU PERTAINING TO REF NO.127/2018 WHICH
HAS CULMINATED IN ITS AWARD DATED: 30.09.2019,

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HAREKOPPA THIMMANNA GOWDA





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PRODUCED AT ANNEXURE -C AND QUASH THE AWARD DATED 30.09.2019 PASSED BY THE INDUSTRIAL TRIBUNAL, MYSURU REF NO.127/2018 PRODUCED AT ANNEXURE -C AND ETC.

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. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner-Corporation has called in question the Award dated 30.09.2019 passed by the Industrial Tribunal, Mysuru (for short, 'the Tribunal') in Reference No.127/2018, whereby the reference has been allowed and the penalty imposed by the petitioner-Corporation against the respondent herein has been set aside.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal. The respondent herein is referred to as the First Party and the petitioner as the Second Party.

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HAREKOPPA THIMMANNA GOWDA



3. The brief facts of the case are that the First Party is working as a driver with the Second Party-Corporation. On 05.08.2006, while the First Party was performing his duty in bus bearing registration No.F-3302, plying on the Mysuru-Belgaum route, the checking officials stopped the said bus at Belgaum and found that the First Party was in possession of an excess sum of Rs.825/-. He had not accounted for the said amount and was also carrying a mobile phone, which was in violation of the General Standing Order applicable to the Corporation employees. Therefore, a departmental enquiry was initiated against the First Party. Upon conclusion of the enquiry, a penalty of reduction of basic pay by two stages with cumulative effect was imposed by order dated 31.01.2015. Being aggrieved by the same, the First Party approached the Industrial Tribunal, Mysuru. The Tribunal, by the impugned Award, allowed the reference and set aside the penalty order dated 31.01.2015. Being aggrieved by the same, the present petition has been filed by the Corporation.



4. Learned counsel appearing for the petitioner-Corporation/Second Party submitted that when the checking officials entered the bus, they found that the First Party was in possession of excess cash of Rs.825/- and had not accounted for the same. He was also found carrying a mobile phone, which was in violation of GSO No.574 applicable to the Corporation employees. A detailed departmental enquiry was conducted and the charges were proved. Without considering the findings of the Enquiry Officer and the evidence adduced by the parties, the Tribunal has erred in allowing the reference. Hence, he sought for allowing the petition.

5. Respondent is served and remains unrepresented.

6. It is not in dispute that the First Party was working as a driver with the Second Party-Corporation. On 05.08.2006, while the First Party was working as a driver in bus No.F-3302, plying between Mysuru and Belgaum, the checking officials checked the said bus and found that



the First Party was in possession of an excess sum of Rs.825/- and had not accounted for the same. Further, he was carrying a mobile phone. The Second Party conducted a departmental enquiry and imposed the penalty of reduction of the basic pay by two stages with cumulative effect. The Industrial Tribunal, after considering the evidence available on record and the contentions of the parties, held that the enquiry conducted by the Enquiry Officer was not fair and proper. Therefore, it was for the Second Party to establish its case independently before the Tribunal. To prove the charges against the First Party, the Second Party did not examine the checking officials, who were the best witnesses to speak about the charges levelled against the First Party. It is also an admitted fact that the checking was conducted at 10.10 a.m. The duty of the First Party concluded at 10.00 a.m. that day and would commence at 6.00 a.m. on the next day. Thus, from 10.00 a.m. to 6.00 a.m. on the next day, the First Party was on rest. Therefore, when the checking was conducted,



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the First Party was not on duty at that time. The Second Party also failed to establish that the First Party was found in possession of Rs.825/- unauthorisedly. Since the Second Party failed to prove the charges against the First Party, the Tribunal has rightly allowed the reference by setting aside the penalty order dated 31.01.2015.

7. In view of the above, this Court finds no error or illegality in the impugned Award passed by the Tribunal warranting interference in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. The petition is devoid of merits.

8. Accordingly, the writ petition is **dismissed**.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 41