



CNR: KAHC010293642020

NC: 2026:KHC:52688
WP No. 2255 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. 2255 OF 2021 (L-KSRTC)

BETWEEN:

K S SHYAMSUNDAR
S/O C K SIDDEGOWDA
AGED 37 YEARS
R/AT KATTEDODDI VILLAGE
B.GOWDAGERE POST
MANDYA DISTRICT - 571 401.

...PETITIONER

(BY SRI. SHEKAR L., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
K.S.R.T.C, MANDYA DIVISION
MANDYA - 571 402.

...RESPONDENT

(RESPONDENT IS SERVED AND UNREPRESENTED)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD DATED:23.9.2019 PASSED IN REF NO.133/2018 BY THE HON'BLE INDUSTRIAL TRIBUNAL MYSORE VIDE ANNEXURE-A TO THE WRIT PETITION AND DIRECT THE RESPONDENT CORPORATION TO RESTORE THE INCREMENTS BY PAYING CONSEQUENTIAL BENEFITS ARISING OUT OF SETTING ASIDE THE ORDER OF PUNISHMENT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ETC.

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HAREKOPPA THIMMANNA GOWDA



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 has called in question the Award dated 23.09.2019 passed by the Industrial Tribunal, Mysuru (for short, 'the Tribunal') in Reference No.133/2018, whereby the said reference came to be rejected.

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

3. The brief facts of the case are that the First Party is working as a driver-cum-conductor with the Second Party-Corporation. While he was working as a conductor in bus bearing No.F-317 plying from Bengaluru to Coimbatore, the checking officials inspected the bus at Sathyamangala.

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At that time, they found that the First Party had not issued tickets to a group of three passengers out of 52+01+00 passengers travelling from Mysuru to Coimbatore and had failed to collect the fare of Rs.155/- each from them. On these allegations, a departmental enquiry was initiated and an Article of Charges was issued. The enquiry was conducted and the charges were held to be proved against the First Party. Thereafter, the disciplinary authority imposed the punishment of reduction of his basic pay by two stages with cumulative effect. Being aggrieved by the same, the First Party raised a Reference before the Industrial Tribunal, Mysuru, in Reference No.133/2018. The Tribunal rejected the reference by the impugned order dated 23.09.2019. Being aggrieved by the same, the present petition has been filed before this Court.

4. Learned counsel appearing for the petitioner-First Party contended that the Enquiry Officer had not considered the contentions urged by the First Party before



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him. He contended that there were 49+00+00 passengers at the time of checking by the officials and First Party had issued ticket to the three passengers bearing ticket No.323961 but the passengers have not produced the same before the checking officials as they had lost the said ticket. However, without any supporting documents being produced by the Second Party, the Enquiry Officer disbelieved the version of the First Party and recorded a finding that the said ticket had been issued to some other passenger, even though such was not the specific case of the Second Party. It was contended that the said finding is contrary to the materials available on record. Further, it was contended that the checking officials had not properly conducted the inspection and had failed to verify the records properly. They had conducted the inspection within 24 minutes. They had boarded the bus at Sathyamangala and, from Sathyamangala to Annur, the distance is about 45-50 kilometres. The bus had travelled the said distance within 24 minutes. This, according to the



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learned counsel, clearly demonstrates that no proper inspection was conducted. Hence, it was contended that the finding of the Enquiry Officer is perverse and illegal and, accordingly, he sought for allowing the writ petition.

5. Per contra, learned counsel appearing for the respondent-Second Party submitted that the enquiry had been conducted by following due procedure of law. The Enquiry Officer, after considering the evidence of the parties and the material available on record, had rightly held the charges to have been proved. In view thereof, the Tribunal had rightly rejected the reference. Hence, he sought for dismissal of the petition.

6. Heard the learned counsel for the parties and perused the writ papers.

7. It is not in dispute that the petitioner is working as a driver-cum-conductor with the Second Party. On 27.12.2016, while he was working as a conductor in bus



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bearing No.F-317 plying from Bengaluru to Coimbatore, the checking officials inspected the bus at Sathyamangala. The case of the Second Party is that there were 52+01+00 passengers travelling in the bus and that the First Party had not issued tickets to a group of three passengers and had failed to collect the fare of Rs.155/- each from them. Accordingly, an enquiry was initiated by issuing an Article of Charges vide Annexure-B dated 02.01.2017. The First Party submitted his explanation. Thereafter, the Enquiry Officer conducted the enquiry and held the charges to have been proved.

8. In respect of the contention of the First Party that there were 49+01+00 passengers in the bus at the time of checking, he has not substantiated the same by producing any documents. The three passengers did not produce the tickets before the checking officials when the bus was checked at Sathyamangala. The authority imposed a fine



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on the passengers for not producing the tickets, which fine was paid by them.

9. In order to establish that the First Party had not issued tickets to the three passengers, the Second Party examined one witness, who categorically stated that the three passengers were traveling without tickets. Even before the Tribunal, the Second party examined one Jagadish as MW-1, who also categorically stated that the three passengers were traveling without tickets.

10. Considering the evidence of the parties and the material available on record, the Tribunal has rightly held that the charges were proved. Even in his cross-examination, the First Party admitted that there was no enmity between him and the Second Party. It is also established that the enquiry was conducted in a fair and proper manner. The finding of the Enquiry Officer, as considered by the Tribunal, is not contrary to any material available on record.



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11. It is well-settled that the power of judicial review in respect of a departmental enquiry is very limited. In this regard, the Apex Court, in **STATE OF ANDHRA PRADESH AND OTHERS V. 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 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



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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 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."

12. The Apex Court, in **SBI v. Ajai Kumar Srivastava**, reported in **(2021) 2 SCC 612**, has reiterated that the power of judicial review exercised by the Courts under Article 226 is circumscribed by the limits of correcting



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errors of law or procedural errors leading to manifest injustice or violation of the principles of natural justice, and is not akin to adjudication of a case on merits as an appellate Court. The relevant paragraphs thereof are extracted below:

"22. The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice and it is not akin to adjudication of the case on merits as an appellate authority which has been earlier examined by this Court in State of T.N. v. T.V. Venugopalan [State of T.N. v. T.V. Venugopalan, (1994) 6 SCC 302 : 1994 SCC (L&S) 1385] and later in State of T.N. v. A. Rajapandian [State of T.N. v. A. Rajapandian, (1995) 1 SCC 216 : 1995 SCC (L&S) 292] and further examined by the three-Judge Bench of this Court in B.C. Chaturvedi v. Union of India [B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] wherein it has been held as under : (B.C. Chaturvedi case [B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749 : 1996 SCC (L&S) 80] , SCC pp. 759-60, para 13)

"13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary enquiry, the strict proof of legal



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evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the court/tribunal. In Union of India v. H.C. Goel [Union of India v. H.C. Goel, (1964) 4 SCR 718 : AIR 1964 SC 364] this Court held at SCR p. 728 (AIR p. 369, para 20) that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued."

23. *It has been consistently followed in the later decision of this Court in H.P. SEB v. Mahesh Dahiya [H.P. SEB v. Mahesh Dahiya, (2017) 1 SCC 768 : (2017) 1 SCC (L&S) 297] and recently by the three-Judge Bench of this Court in Pravin Kumar v. Union of India [Pravin Kumar v. Union of India, (2020) 9 SCC 471 : (2021) 1 SCC (L&S) 103] .*

24. *It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review*



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cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.

25. *When the disciplinary enquiry is conducted for the alleged misconduct against the public servant, the court is to examine and determine:*

(i) whether the enquiry was held by the competent authority;

(ii) whether rules of natural justice are complied with;

(iii) whether the findings or conclusions are based on some evidence and authority has power and jurisdiction to reach finding of fact or conclusion.

26. *It is well settled that where the enquiry officer is not the disciplinary authority, on receiving the report of enquiry, the disciplinary authority may or may not agree with the findings recorded by the former, in case of disagreement, the disciplinary authority has to record the reasons for disagreement and after affording an opportunity of hearing to the delinquent may record his own findings if the evidence available on record be sufficient for such exercise or else to remit the case to the enquiry officer for further enquiry.*

27. *It is true that strict rules of evidence are not applicable to departmental enquiry proceedings. However, the only requirement of law is that the allegation against the delinquent must be established by such evidence acting upon which a reasonable person acting reasonably and with objectivity may arrive at a finding upholding the gravity of the charge against the delinquent employee. It is true that mere conjecture or surmises cannot sustain the finding of guilt even in the departmental enquiry proceedings.*

28. *The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere*



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with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained."

13. Furthermore, the Apex Court in ***Indian Overseas Bank v. I.O.B. Staff Canteen Workers' Union***, reported in ***(2000) 4 SCC 245***, has held that the High Court does not exercise appellate jurisdiction under Article 226 and that mere insufficiency of evidence or the possibility of taking another view is not a ground for interference with the findings of the Industrial Tribunal. It has further held that the Writ Court is only required to examine whether the legally established criteria for granting relief are satisfied or not. The relevant paragraphs are extracted below:

"17. The learned Single Judge seems to have undertaken an exercise, impermissible for him in exercising writ jurisdiction, by liberally reappreciating the evidence and drawing conclusions of his own on pure questions of fact, unmindful, though aware



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fully, that he is not exercising any appellate jurisdiction over the awards passed by a tribunal, presided over by a judicial officer. The findings of fact recorded by a fact-finding authority duly constituted for the purpose and which ordinarily should be considered to have become final, cannot be disturbed for the mere reason of having been based on materials or evidence not sufficient or credible in the opinion of the writ court to warrant those findings, at any rate, as long as they are based upon some material which are relevant for the purpose or even on the ground that there is yet another view which can reasonably and possibly be taken. The Division Bench was not only justified but well merited in its criticism of the order of the learned Single Judge and in ordering restoration of the award of the Tribunal. On being taken through the findings of the Industrial Tribunal as well as the order of the learned Single Judge and the judgment of the Division Bench, we are of the view that the Industrial Tribunal had overwhelming materials which constituted ample and sufficient basis for recording its findings, as it did, and the manner of consideration undertaken, the objectivity of approach adopted and reasonableness of findings recorded seem to be unexceptionable. The only course, therefore, open to the writ Judge was to find out the satisfaction or otherwise of the relevant criteria laid down by this Court, before sustaining the claim of the canteen workmen, on the facts found and recorded by the fact-finding authority and not embark upon an exercise of reassessing the evidence and arriving at findings of one's own, altogether giving a complete go-by even to the facts specifically found by the Tribunal below.

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21. *The learned Single Judge seems to have not only overlooked certain relevant material but by adopting*



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a negative approach had belittled the relevance and importance of several vital and important factual aspects brought on record. If on the facts proved, the findings recorded by the Tribunal are justified and could not be considered to be based upon "no evidence", there is no justification for the High Court in exercising writ jurisdiction to interfere with the same. The promoters of the canteen being permanent employees in the service of the Bank, were permitted to run the canteen, by merely being in control of the day-to-day affairs of the canteen, the Bank cannot be absolved of its liabilities when it was really using the canteen management as its instrumentality and agent. The cloak apart, the "voice definitely is that of Jacobs". Consequently, we could neither find any error of law or other vitiating circumstances in the judgment of the Division Bench nor any infirmities in the process of reasoning or gross unreasonableness and absurdities in the conclusions arrived at to restore the award, so as to justify and warrant our interference in the matter."

14. In the present case, the Tribunal has considered the material on record and has rightly held that the charges against the petitioner were proved. The petitioner has not been able to show any procedural irregularity, violation of principles of natural justice or perversity in the findings recorded by the Tribunal. The contentions raised by the petitioner relate mainly to appreciation of evidence, which



cannot be re-examined by this Court in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India. Therefore, this Court finds no reason to interfere with the impugned Award passed by the Tribunal.

15. In view of the above, there is no error or illegality in the impugned Award passed by the Tribunal. The petition is devoid of merits.

16. Accordingly, writ petition is **dismissed**.

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(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 37