



CNR: KAHC010314792021

NC: 2026:KHC:52693
WP No. 17876 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. 17876 OF 2021 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
K S R T C
BANGALORE CENTRAL DIVISION
K H ROAD, BENGALURU - 27
HEREIN REP. BY THE CHIEF LAW OFFICER
K S R T C, CENTRAL OFFICES, K H ROAD
SHANTHINAGAR, BENGALURU - 560027

...PETITIONER

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

AND:

SRI MOHAMMED IMTIYAAZ
AGED ABOUT 44 YEARS
C/O GENERAL SECRETARY
KSRTC STAFF AND WORKERS FEDERATION
C/O LEGAL CELL, NO.83 5TH CROSS
MALLESHWARAM, BANGALORE - 560003.

...RESPONDENT

(NOTICE TO RESPONDENT IS HELD SUFFICIENT
V/O DATED: 18.09.2024)

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, BENGALURU PERTAINING TO ID NO.175/2012
WHICH HAS CULMINATED IN ITS AWARD DATED: 01.02.2021
VIDE ANNEXURE-C AND QUASH THE AWARD DATED:
01.02.2021 PASSED BY THE INDUSTRIAL TRIBUNAL,
BENGALURU IN ID NO.175/2012 VIDE ANNEXURE-C AND ETC.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





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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. 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 01.02.2021 passed by the Industrial Tribunal, Bengaluru (for short, 'the Tribunal') in I.D.No.175/2012 (Annexure-C), whereby the dispute 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.

3. The brief facts of the case are that the First Party-Union is a registered Trade Union and the First Party-



Workman is an active member of the said Union. The First Party-Workman is working as a driver with the Second Party-Corporation. On 05.12.2009, when the checking squad checked the personal amount of the First Party-Workman at Kolhapur, he was found to be in possession of excess cash of Rs.210/-. Therefore, the Second Party issued an Article of Charges. The Workman submitted his reply denying the charges levelled against him. Being dissatisfied with the reply, a domestic enquiry was ordered and an enquiry was conducted. The Enquiry Officer submitted a report holding that the charges were proved. Thereafter, the Disciplinary Authority imposed the penalty of reduction of the basic pay of the Workman by one stage with cumulative effect and treated the period of suspension as not on duty, vide punishment order dated 01.06.2011. Being aggrieved by the same, the Union raised the dispute. The Tribunal, by the impugned Award dated 01.02.2021 (Annexure-C), allowed the dispute and



set aside the punishment order. Being aggrieved by the same, the Second Party-Corporation is before this Court.

4. Learned counsel appearing for the petitioner-Second Party submits that admittedly, the First Party-Workman was in possession of excess cash of Rs.210/- on 05.12.2009 and that there was also a shortage of Rs.244/- in the cash collected by the conductor. This fact has been admitted. Therefore, it is clear that the First Party-Workman had committed misconduct. The Disciplinary Authority had rightly imposed the penalty. In spite of the admitted facts, the Tribunal has erred in allowing the dispute. Hence, he sought for allowing the petition.

5. The respondent is served and remains unrepresented.

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



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7. It is not in dispute that the First Party is a registered Trade Union and the First Party-Workman is a driver. The Workman was found to be in possession of excess cash of Rs.210/- on 05.12.2009. The specific case of the Workman is that the conductor had given the said amount to the driver for purchasing a headlight bulb. He had taken the said amount from the amount collected by the conductor and had also produced the receipt for purchase of the bulb for the bus. The conductor had also admitted that there was a shortage of Rs.244/- and that he had given the said amount to the driver for purchasing the bulb. This aspect is not in dispute. The Second Party has not proved that the First Party-Workman intended to cause any revenue loss to the Corporation or that he had retained the said amount for his personal gain. On the other hand, it is clear that the possession of excess cash of Rs.210/- by the First Party-Workman was not on account of any intentional or deliberate act amounting to misconduct of pilferage. Under these circumstances, the Second Party was not justified in



imposing the penalty against the First Party-Workman. The Tribunal, having considered all these aspects, has rightly set aside the penalty order imposed by the Second Party by allowing the dispute.

8. 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.

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

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 47