



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 14336 OF 2022 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, BANGALORE CENTRAL DIVISION
K H ROAD
BANGALORE - 560027

...PETITIONER

(BY SMT. RENUKA H R., ADVOCATE)

AND:

SRI S SHIVANNA
CONDUCTOR TOKEN NO. 3707
REP. BY GENERAL SECRETARY
KSRTC AND BMTC UNITED EMPLOYEES
UNION NO.23, 4TH MAIN ROAD
MATHIKERE EXTENSION
BANGALORE - 560054

...RESPONDENT

(RESPONDENT SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL
FOR THE ENTIRE RECORDS ON THE FILE OF THE PRESIDING
OFFICER, INDUSTRIAL TRIBUNAL, BANGALORE IN
I.D.NO.165/2013 VIDE ANNEX-A. QUASH THE IMPUGNED

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



AWARD DTD 02.03.2021 PASSED BY THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, BANGALORE IN I.D.NO.165/2013 VIDE
ANNX-A.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This Writ Petition is filed assailing the award dated
02.03.2021 passed by the Industrial Tribunal, Bangalore.

2. In terms of the said Award, the claim made by
the respondent-workman, who was the first party before the
Tribunal, was allowed and the penalty imposed by the
second party-Corporation before the Tribunal, who is the
petitioner before this Court, is set aside.

3. In terms of the order of penalty dated
30.06.2012, the present basic pay of the respondent-
workman, was reduced by two stages with cumulative effect
and the period of suspension was treated as *not on duty*.

4. Learned counsel for the petitioner-Corporation
referring to the facts of the case would urge that, on



26.03.2010, the respondent-workman was on duty as a Conductor on route from Bengaluru to Kallakurchi. The bus was intercepted at Attibele and according to the petitioner, there were 27 passengers. Out of 27 passengers, 23 passengers were supposed to purchase the ticket and only 22 passengers had purchased the ticket and three passengers had booked the ticket in advance and one passenger was a child.

5. The petitioner-Corporation alleges that the respondent-workman had not issued a ticket to one of the passengers, who was required to purchase a ticket for ₹82/-. On this ground, a domestic enquiry was held and the respondent-workman participated in the enquiry and he disputed the charges.

6. After considering the evidence on record, the enquiry officer found that the charge is proved and the disciplinary authority issued a second show-cause notice. The respondent-workman denied the finding of the enquiry officer. Then the respondent-Corporation imposed the



penalty of withholding basic pay by two stages with cumulative effect.

7. Aggrieved by the aforementioned penalty, the respondent-workman raised an industrial dispute and the Court has come to the conclusion that the charges are not proved and no loss is established to the respondent-Corporation and accordingly, the penalty was set aside.

8. Learned counsel appearing for the petitioner-Corporation would submit that, in the cross-examination addressed to the witness of the petitioner, a suggestion was put to the witness of the petitioner stating that there were 22 passengers who have been issued tickets and one person had lost the ticket.

9. Referring to the said suggestion, it is urged that the fact that one passenger was not found to have the ticket is very much established and it is for the respondent-workman to establish that the ticket was indeed issued to him.



10. The learned counsel for the petitioner-Corporation would also urge that the Tribunal has over-looked an important document, namely, the penalty memo issued to the passenger wherein he was asked to pay the penalty for having travelled without ticket and the said memo is signed by the respondent-workman.

11. Referring to the said penalty memo, it is contended that the fact that one of the passengers was travelling without ticket was established and on the premise that there was no loss to the Corporation in view of penalty being imposed, the Tribunal could not have set aside the penalty imposed on the respondent-workman.

12. It is the contention of the petitioner-Corporation that if the ticket was really issued and the requisite amount was collected by the conductor from the passenger, the said amount should have been there with the conductor, however, there was a shortfall.

13. The respondent-workman, though served with a notice, has remained absent.



14. This Court has considered the contentions raised at the Bar and perused the records.

15. From the tenor of the cross-examination advanced to the witness examined on behalf of the petitioner-Corporation, it is evident that the respondent-workman has admitted that there were 22 passengers in the bus who were required to purchase the ticket after boarding the bus, in addition to one child passenger and three other passengers who had already booked the ticket in advance. Thus, it was required to be established that all the 22 passengers had been issued tickets and the respondent-workman had collected the requisite fare from them.

16. The respondent-workman tried to raise a contention that one of the passengers, to whom the ticket was issued, had misplaced the ticket.

17. It is pertinent to note that, if that is the case, there could not have been a deficit collection. Since, the collection was deficit, this Court is of the view that one



passenger was not issued ticket and the fare was also not collected from him.

18. This fact is also supported by the fact that the passenger, who was found travelling without ticket, had paid the penalty for being a ticket-less passenger.

19. This being the position, this Court is of the view that the charge is very much established.

20. However, the Tribunal has proceeded on a wrong footing to hold that there is no loss caused to the Corporation and as such, the penalty imposed has to be set aside.

21. The misconduct is not just dependent on the loss caused to the Corporation, but the misconduct gets established in case the ticket is not issued and the requisite fare is not collected or if the fare is collected and the ticket is not issued.

22. Since this is a case where the ticket is not issued and the fare is also not collected, merely because there is a



subsequent penalty being collected from the ticketless passenger, it cannot be a ground to hold that there is no misconduct on the part of the workman.

23. Further, it is also to be stated here that in the show cause notice issued to the respondent-workman, 27 past misconducts were noted.

24. Hence the following:

ORDER

(i) The Writ Petition is ***allowed***.

(ii) The impugned award dated 02.03.2021 passed in Industrial Dispute No.165 of 2013 by the learned Industrial Tribunal Bangalore, is hereby ***set aside***.

(iii) The order of penalty dated 30.06.2012 passed by the disciplinary authority of respondent-Corporation stands restored.

Sd/-

**(ANANT RAMANATH HEGDE)
JUDGE**

RK
CT:KHV
List No.: 1 Sl No.: 27