



CNR: KAHC010322802024

NC: 2026:KHC:36192
WP No. 15756 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 15756 OF 2024 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
CHIKKABALLAPUR DIVISION,
CHIKKABALLAPUR,
BY ITS DIVISIONAL CONTROLLER,
REPRESENTED BY ITS
CHIEF LAW OFFICER.

...PETITIONER

(BY SMT. RENUKA H.R., ADVOCATE)

AND:

C.D.RAMIAH,
SINCE DECEASED BY HIS LRS,

1. LAKSHMAMMA,
W/O. LATE C.D.RAMIAH,
AGED ABOUT 62 YEARS,
2. HARIPRASAD,
S/O. LATE C.D.RAMIAH,
AGED ABOUT 40 YEARS,
3. RAMYA,
D/O. LATE C.D.RAMIAH,
AGED ABOUT 37 YEARS,

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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ALL ARE RESIDENT OF
NO.A 1127, VIDYANAGAR,
CHIKKANAYAKANAHALLI,
TUMKUR-572214.

...RESPONDENTS

(R1 TO R3 - SERVED BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Smt.H.R.Renuka., counsel for the petitioner appeared in
person.

Notice to the respondent was ordered. A perusal of the
office notice depicts that the respondents are served and
unrepresented. The respondents have neither engaged the
services of an advocate nor conducted the case as a
party-in-person.

2. The brief facts are these:

The workman Sri.C.D.Ramaiah - since deceased was
employed as a Driver in the establishment of the Corporation.



He came under disciplinary inquiry proceedings. He was issued with Articles of Charge, and he submitted his reply. The disciplinary authority appointed an inquiry officer. The inquiry officer conducted a detailed inquiry and submitted his findings holding that the charges are proved. He was imposed with an order of punishment on 12.09.2000 by reducing the basic pay by one stage permanently.

After a lapse of almost ten years, he raised a dispute in I.D.No.193/2011. The Tribunal vide order dated 28.04.2022 set aside the order of punishment. This Award is now called into question in the present Writ Petition on several grounds set out in the Memorandum of Writ Petition.

3. Counsel for the petitioner urged several contentions. It is submitted that there is an inordinate delay in raising the dispute. It has been vehemently contended that the award of the Tribunal is contrary to the law laid down by the Hon'ble Apex Court in *Prabhakar v. Joint Director, Sericulture Department and Another*, (2015) 15 SCC 1. Counsel submitted that she is not urging any contentions on the merits of the case



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and requested the Court to give finding only on delay and laches.

4. I have heard the arguments and perused the writ papers with utmost care.

5. The point that arises for consideration is whether the award of the Tribunal warrants interference.

6. Suffice it to note that the respondent was visited with an order of punishment in 2000. Strangely, he raised a dispute only in 2011. There is thus an inordinate delay of almost ten years.

The Tribunal erroneously entertained the claim of the workman. In my considered view, the Tribunal could not have entertained the reference. The reason is apparent. The Hon'ble Apex Court in *Prabhakar* (supra) has held that when there is no agitation by the workman against the order of punishment and the dispute is raised belatedly, with the delay and laches remaining unexplained, it must be presumed that he has waived his right. It is further observed that at the time when the dispute is raised belatedly, it becomes stale and ceases to



be an existing dispute. Even in the present case, when the dispute was raised by the workman, it had virtually become stale. The Tribunal overlooked the aspect of delay and laches. The dispute was stale at the time of adjudication, having been raised after a lapse of ten years. Hence, the Tribunal could not have entertained the reference. In my view, the Tribunal failed to have regard to relevant considerations and disregarded material aspects. Since the reference is rejected on the grounds of delay and laches, there is nothing to discuss on the merits of the case as requested by the counsel for the petitioner.

7. For the reasons stated above, the award of the Tribunal is liable to be set aside, and accordingly, it is set aside.

8. The Writ of Certiorari is ordered. The award dated 28.04.2022 passed by the Industrial Tribunal, Bengaluru, in I.D.No.193/2011 is set aside. The punishment order is confirmed.

9. Resultantly, the Writ Petition is ***allowed***.



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Because of the disposal of the Writ Petition, the interim order granted, if any, stands discharged and pending interlocutory applications, if any, are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 52