



CNR: KAHC010323162022

NC: 2026:KHC:37697
WP No. 14415 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 14415 OF 2022 (L-KSRTC)

BETWEEN:

SRI. S.N.UDAYA KUMAR,
AGED ABOUT 58 YEARS,
S/O. NARASIMHAIAH K.S.,
RESIDING AT NO.239,
BDA LAYOUT, ALAHALLI,
J.P. NAGAR, 9TH PHASE,
BENGALURU-560108.

...PETITIONER

(BY SRI. RAJESH, ADVOCATE FOR
SRI. MUKKANNAPPA S.B., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,
B.M.T.C., CENTRAL OFFICES,
K.H. ROAD, SHANTHINAGAR,
BENGALURU-560027.
2. THE CHIEF PERSONNEL MANAGER,
B.M.T.C., CENTRAL OFFICES,
K.H. ROAD, SHANTHINAGAR,
BENGALURU-560027.

...RESPONDENTS

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

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



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

ORAL ORDER

Sri.Rajesh., counsel on behalf of Sri.S.B.Mukkannappa., for the petitioner, and Smt.H.R.Renuka., counsel for the respondents, appeared in person.

2. The short facts are these:

The petitioner was employed as a driver in the establishment of the Corporation. Alleging a delay of two years and nine months in his placement on probation, the petitioner filed an Industrial Dispute before the jurisdictional conciliation officer. After the proceedings failed to result in a resolution, the State Government, through an order dated 02.08.2013, referred the dispute to the Industrial Tribunal for adjudication on the points of reference. The petitioner submitted a claim statement in I.D.No.106/2013. The Tribunal, in its award dated 28.01.2022, rejected the claim statement. Under these circumstances, the present writ is filed on several grounds as set out in the memorandum of writ petition.



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3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

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

5. Since the factual matrix is adequately presented, reiteration is unnecessary. The dispute is limited to the question of non-regularisation of services from 05.05.1993. The first party's claim was for regularisation effective from that date. It is important to note that the industrial dispute was only raised after nearly twenty years. Therefore, the delay is clearly unreasonable.

The Hon'ble Apex Court in ***PRABHAKAR VS. JOINT DIRECTOR, SERICULTURE DEPARTMENT AND ANOTHER*** reported in ***(2015) 15 SCC 1*** 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 when the dispute is



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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 dispute was stale at the time of adjudication, having been raised after a lapse of twenty years. The Tribunal, after extensively referring to the material on record, rightly rejected the reference. I find no infirmity in the award. Accordingly, the writ petition is ***dismissed.***

Because of the dismissal 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**

MRP
List No.: 1 Sl No.: 48