



CNR: KAHC010349972020

NC: 2026:KHC:47792
WP No. 14897 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 14897 OF 2021 (L-KSRTC)

BETWEEN:

SUBBE GOWDA,
S/O. C.H.MUNISWAMY,
AGE 50 YEARS,
R/AT KYALANUR VILLAGE,
KOLAR TALUK AND DISTRICT.

...PETITIONER

(BY SRI. SHEKAR L.,ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
B.M.T.C., EAST DIVISION,
CENTRAL OFFICERS,
K.H.ROAD,
BENGALURU - 560027.

...RESPONDENT

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

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:



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ORAL ORDER

Sri.L.Shekar., counsel for the petitioner, and Smt.H.R.Renuka., counsel for the respondent, appeared in person.

2. The petitioner joined the services of the Corporation as a Conductor in 1992. He remained unauthorizedly absent. Articles of Charge were issued, alleging that he had been unauthorizedly absent from 01.09.2014 to 27.12.2014. The petitioner did not submit his reply to the Articles of Charge. The petitioner was placed ex-parte. The inquiry officer found the charges proved. The disciplinary authority dismissed him from the service on 06.05.2015.

As matters stood, he raised a dispute in 2018 in I.D.No.12/2018. The Labor Court concluded that the inquiry conducted by the Corporation was not fair and proper. Ultimately, the Labor Court passed the final award on 22.12.2018 and rejected the claim. Under these circumstances, the petitioner is before this Court and has filed the writ petition



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on several grounds as outlined in the memorandum of the writ petition.

3. Counsel for the respective parties urged several contentions.

4. Heard the arguments and perused the papers with care.

5. The point for consideration is whether the rejection of the petitioner's claim is just and proper.

6. The facts are clearly presented and need not be repeated. The matter is narrow, focusing on unauthorized absence. It is sufficient to state that the petitioner underwent disciplinary action and was dismissed. The core issue is unauthorized absence, with the charge being that he was absent without leave from 01.09.2014 to 27.12.2014.

7. The Corporation specifically claims that no leave application was submitted. Even if one was, it should have been accompanied by a Medical Certificate/Prescription if the leave was requested for health reasons.



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8. An employee must not be absent from work without valid reasons during designated working hours. Unauthorized absence is considered misconduct in industrial employment and can lead to disciplinary measures. Employees do not have an absolute right to leave of absence, and remaining absent without approval breaches discipline. Such absence without leave is misconduct that warrants disciplinary action. The severity of the punishment for misconduct or unauthorized absence depends on the specific circumstances of each case.

9. It is an established fact that the petitioner was absent on 17 previous occasions, and during his current unauthorized absence, he admitted in cross-examination that he had been absent since 01.09.2014. He also failed to respond to the charge to demonstrate his innocence. Considering the key evidence, the Labor Court correctly determined that the petitioner does not deserve sympathy and dismissed the claim. In my opinion, the Labor Court's conclusions are fair and appropriate.

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



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Because of the dismissal of the Writ Petition, any pending interlocutory applications, if any, are disposed of, and any interim relief, if any, stands discharged.

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

SS
List No.: 1 Sl No.: 22