



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 14899 OF 2021 (L-KSRTC)

BETWEEN:

SRI. CHANDRASHEKAR,
S/O LATE MADIAH,
AGED ABOUT 53 YEARS,
B NO.3278 KSRTC,
4TH DEPOT REP BY GENERAL SECRETARY,
KSRTC AND BMTC UNITED EMPLOYEES,
UNION NO.23 4TH MAIN ROAD MATHIKERE
R/AT NO.531 13TH MAIN 10TH CROSS
PADMANABHANAGAR BANGALORE-560070.

...PETITIONER

(BY SRI SOMA SUNDER RAO R,ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER, KSRTC
BANGALORE CENTRAL DIVISION KH ROAD,
SHANTHINAGAR BANGALORE-560027.

...RESPONDENT

(BY SMT LALITA P MANIHAL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD PASSED BY THE TRIBUNAL IN ID NO.83/2011 DATED 14.9.2012 VIDE ANNEXURE-ADIRECT THE RESPONDENT CORPORATION TO SET ASIDE THE IMPUGNED PUNISHMENT OF 3 ANNUAL INCREMENT WITH CUMULATIVE EFFECT BY TREATING THE SUSPENSION PERIOD AS ON DUTY AND THEREBY RESTORE THE INCREMENTS OF THE PETITIONER WITH ALL MONETARY AND OTHER SERVICE BENEFITS.

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



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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the Award dated 14.09.2012 passed by the Industrial Tribunal in I.D. No.83/2011. In terms of the said Award, the penalty imposed by the employer is confirmed. The employer had imposed a penalty of withholding 3 annual increments with cumulative effect and also treated the period in suspension as the period not on duty.

2. The petitioner is working as Conductor in the respondent-KSRTC. A domestic enquiry was held on the allegation that the petitioner has not issued a ticket for Rs.145/-. The passenger was travelling from Nellore to Vijayawada, and according to employer, petitioner had collected the money from the passenger.

3. The petitioner-workman disputed the charges. Hence, domestic enquiry was held. The petitioner



participated in the enquiry. The Enquiry Officer submitted a report holding that the charge is proved and Disciplinary Authority imposed penalty by withholding 3 annual increments with cumulative effect.

4. Assailing the said order, the petitioner raised a dispute and the Tribunal held that enquiry is fair and proper. Parties were permitted to lead evidence on the alleged plea of victimisation. The Tribunal also found that the charges are proved and confirmed the penalty imposed by the employer.

5. Learned counsel appearing for the petitioner would submit that, the vital document in this case namely the 'status report' which was furnished to the Traffic Controller at the bus stand is not furnished to establish the fact that the petitioner has not issued tickets to 15 passengers who boarded bus at Nellore and who were travelling to Vijayawada. Thus, he would urge that the Tribunal ignored this vital aspect which is supported by the statement in the cross-examination of the witnesses examined on behalf of the Corporation. Thus would urge



that, his defence that one of the passengers lost the ticket is established and thus would urge that the petitioner is entitled to the relief and the penalty imposed has to be set aside.

6. In addition, it is also urged that the Tribunal is not justified in dismissing the claim on the premise that the dispute is raised 5 years after the penalty is imposed. It is the submission that appeal is filed before the Appellate Authority. However, due to inadvertence the appeal memo was not produced before the Tribunal and thus, would urge that delay stands condoned.

7. Learned counsel appearing for the respondent would urge that the petitioner has taken a defence that he has issued a ticket and the passenger has lost the ticket. Thus, the passenger was without a ticket is established and it is for the petitioner to establish that he has issued the ticket when the passenger boarded the bus.

8. In addition to that, learned counsel for the respondent would also urge that, the claim made in the claim



statement that the petitioner had filed an appeal before the Appellate Authority is disputed by the Corporation in the statement of objection and the petitioner has not produced the copy of the appeal memo to show that the appeal is preferred, as such, there is a delay of 5 years in raising the dispute and the Tribunal is justified in dismissing the claim on the ground of delay as well.

9. The Court has considered the contentions raised at the Bar end perused the records.

10. It is submitted that, the way bill maintained by the Traffic Controller reveals the number of the passengers who boarded the bus at starting point or at a bus station and those details are filled as per the information furnished by the Conductor. Learned counsel for the petitioner has invited the attention of the Court to the admission in the statement of the witness in the cross-examination where he has stated that as per the status report 15 passengers boarded at Nellore and they were on the way to Vijayawada and tickets have been issued to them.



11. It is the case of the respondent-Corporation that one passenger who had boarded at Nellore and who was on the way to Vijayawada, was found without a ticket when the bus was intercepted. However, it is not the case of the Corporation that more than 15 passengers boarded at Nellore and one among them was not issued a ticket and was found without ticket when the bus was intercepted.

12. Out of 15 passengers, who boarded at Nellore and bound to Vijayawada 14 passengers were having the ticket and one passenger was not having the ticket. That being the position, it is evident that the defence raised by the petitioner that the passenger might have lost the ticket appears probable. The person who travelled without the ticket when the interception took place paid the fine.

13. The question is; whether the petitioner has collected the money and not issued the ticket?

14. The petitioner is able to establish that he has furnished the details relating to the tickets issued to 15 passengers when the bus was at Nellore and 15 passengers



boarded the bus at Nellore on the way to Vijayawada. It is admitted in the cross examination of the witness examined on behalf of the Corporation. The way bill is not produced by the Corporation. However, the witness examined on behalf of the Corporation has admitted that the 'status report' would indicate that the 15 passengers were issued tickets from Nellore to Vijayawada. It is not the case of the Corporation that there were more than 15 passengers from Nellore to Vijayawada when the bus left Nellore. The evidence on record would indicate that the petitioner reported 15 passengers boarded bus at Nellore and they were issued tickets to Vijayawada. Thus, the contention that the petitioner has not issued ticket to one of the passengers on the way from Nellore to Vijayawada, cannot be accepted.

15. That being the position, the Court is of the view that the charge is not established. However, it is to be noticed that the dispute is not raised within a reasonable time. The penalty was imposed in the year 2005. The dispute is raised in the year 2010. Though the learned counsel for the petitioner would urge that the petitioner had filed an



appeal, the document is not placed to show that the appeal is filed before the Appellate Authority.

16. Under the circumstances, the Court is of the view that the delay is not properly explained.

17. However, the question is; "whether the claim has to be rejected when it is found that the petitioner is not guilty of misconduct?"

18. In the facts of this case, the Court is of the view that the petitioner has to pay the cost for not raising the dispute within a reasonable time. Since there is a delay of 5 years, the Court is of the view that the petitioner has to forgo the benefit to the extent of Rs.25,000/-. Hence, the following:-

ORDER

- (i) Petition is ***allowed.***
- (ii) The impugned Award dated 14.09.2012 passed by the Industrial Tribunal, Bengaluru in I.D. No.83 of 2011 is set aside.



- (iii) The penalty is set aside.
- (iv) The petitioner is entitled to the financial benefit after deducting Rs.25,000/- payable towards the cost.
- (v) The financial benefits payable pursuant to this order shall be paid within 45 days from the date of receipt of the copy of this order.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 Sl No.: 17