



CNR: KAHC010408422025

NC: 2026:KHC:37068-DB
WA No. 992 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 992 OF 2025 (L-KSRTC)

BETWEEN:

CHANDRASHEKAR M.S.,
S/O SANNATHIMMAIAH,
AGED ABOUT 46 YEARS,
R/O MARALA VILLAGE
AND POST, AMBLE HOBLI,
CHIKKAMAGALURU TALUK
AND DISTRICT - 577 101.

...APPELLANT

(BY SRI. SHEKAR L., ADVOCATE)

AND:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
CHAMARAJANAGARA DIVISION,
CHAMARAJANAGARA,
BY ITS DIVISIONAL CONTROLLER,
REP BY ITS CHIEF LAW OFFICER,

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED:16.04.2025 PASSED BY THE HON'BLE LEARNED SINGLE JUDGE IN WP NO.6535/2022, TO THE EXTENT OF DENIAL OF BACK WAGES IS CONCERNED AND CONSEQUENTLY DISMISSED THE WRIT PETITION BY ALLOWING THIS WRIT APPEAL AND ETC.,



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THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed by the appellant/respondent-workman being aggrieved by the impugned judgment and order dated 16.04.2025 passed by the learned Single Judge in W.P.No.16535/2022, to the extent of denial of back wages to him for the period from 04.12.2018 to 14.12.2022.

2. The appellant/respondent-workman has faced the domestic inquiry in respect of he being an accused for an alleged offence committed under the Indian Penal Code, 1860, and the Protection of Children from Sexual Offences (POCSO) Act, 2012. The appellant/respondent-workman was acquitted after trial in Special Case No.256/2018 by the judgment dated 15.03.2019.



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However, in the domestic inquiry, he was found guilty, inasmuch as the Enquiry Officer found the charge proved against him.

3. The respondent-Corporation filed an application under Section 33(2)(b) of the Industrial Disputes Act, 1947¹ seeking approval for inflicting the punishment of dismissal from service on the appellant/respondent-workman. However, the said application was rejected by the Industrial Tribunal. Aggrieved by the said order dated 16.09.2021, the respondent-Corporation filed the writ petition.

4. The learned Single Judge having noticed the facts and circumstances of the case, particularly the fact of acquittal of the appellant-respondent/workman in the criminal charge had dismissed the writ petition filed by the Corporation. However, as the appellant/respondent-workman did not plead that he was employed during this

¹ "the ID Act" for short



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period, the back wages for the said period have been denied.

5. For claiming back wages for the period when the workman was and if employment for being dismissed/removed from service and the order of dismissal/removal being set aside by the Tribunal/Court, the workman must plead and prove that he was employed from the date of dismissal/removal from service till the award/order is passed. No such pleading has been made by the appellant/respondent-workman in his statement of objections filed in the writ petition. When the necessary facts have not been pleaded and proved, this Court cannot allow the back wages for the period, when he was out of the employment.

6. We therefore find no error in the impugned judgment and order passed by the Writ Court. Accordingly, we ***dismiss*** the appeal.



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7. If the order passed by the learned Single Judge is not implemented till date, the same should be implemented within a period of one month from today on production of the copy of the judgment and order before the Corporation by the appellant/respondent-workman.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

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