



CNR: KAHC010427942019

NC: 2026:KHC:49066
WP No. 43656 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 43656 OF 2019 (L-KSRTC)

BETWEEN:

S SHIVAKUMAR
S/O SIDDIAIAH
AGED ABOUT 43 YEARS
R/A NO.344, NEAR GOVERNMENT SCHOOL
YARAGANAHALLI, MYSURU-571124.

...PETITIONER

(BY SRI. M C BASAVARAJU., ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, MYSURU URBAN DIVISION
BANNIMANTAP, MYSURU-570015.

...RESPONDENT

(BY SMT. H R. RENUKA, 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 INDUSTRIAL TRIBUNAL, MYSURU IN REFERENCE NO.258/2016 DATED 31.12.2018 VIDE ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the award dated 31.12.2018 passed by the Industrial Tribunal, Mysuru (for short, 'the Tribunal') in Reference No.258/2016, whereby the reference came to be rejected.

2. The case of the petitioner is that he was working as a driver-cum-conductor from 30.04.2008 and as a trainee driver from 14.06.2008 for a period of two years. Thereafter, the said period was extended, and his case was considered for probation with effect from 04.05.2011. On 20.05.2013, his services were confirmed.

3. Prior to 04.05.2011, he had worked for 180 days against a clear vacancy. However, his service rendered from 2008 to 2011 was not considered. Therefore, he approached the Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 (for short, 'the ID Act'). The question framed by the Tribunal is extracted below:



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"1. ಆಡಳಿತವರ್ಗದವರಾದ ವಿಭಾಗೀಯ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ ಕೆ.ಎಸ್.ಆರ್.ಟಿ.ಸಿ ಮೈಸೂರು ನಗರ ಸಾರಿಗೆ ವಿಭಾಗ, ಮೈಸೂರು, ಇವರು ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಮೈಸೂರು ಜಿಲ್ಲಾ ಕೈಗಾರಿಕಾ ಕಾರ್ಮಿಕ ಸಂಘ (ರಿ). ನಂ. 627, ನಾಲಾಬೀದಿ, ಕೆ ಆರ್ ಮೊಹಲ್ಲಾ, ಮೈಸೂರು, ಇವರಿಂದ ಪ್ರತಿನಿಧಿಸಲ್ಪಡುವ ಕಾರ್ಮಿಕ ಶ್ರೀ ಎಸ್. ಶಿವಕುಮಾರ್, ಚಾಲಕ, ಬಿಲ್ಲೆ ಸಂ: 6357 ಇವರಿಗೆ ದಿನಾಂಕ: 30.04.2009 ರಿಂದ ಖಾಯಂಗೊಳಿಸುವ ಬದಲು ದಿನಾಂಕ: 20.05.2013 ರಂದು ಖಾಯಂಗೊಳಿಸಿರುವುದು ನ್ಯಾಯಸಮ್ಮತವೇ?

2. ಹಾಗಲ್ಲದಿದ್ದಲ್ಲಿ ಸದರಿ ಕಾರ್ಮಿಕರು ಯಾವ ಪರಿಹಾರಕ್ಕೆ ಅರ್ಹರು?"

4. The only contention of the petitioner is that, he was working as a trainee driver from 2008 to 2011 and had continuously worked for 180 days, hence, his services ought to have been regularized from the date of commencement of his training. In support of his contention, he relied upon Clause 22(ii) of the Truce Agreement dated 17.02.1962. The same is extracted below:

" Any employee working for 180 days including weekly half and other holidays continuously will be brought on the time scale of pay."



5. The learned counsel appearing for the respondent submits that, though the petitioner was appointed on 30.04.2008, since he was irregular in attending work, his training period was extended till 04.05.2011. During the training period, he was not entitled to any service benefits. Therefore, his probation period was rightly fixed with effect from 04.05.2011.

6. Heard the learned counsel appearing for the parties and perused the writ petition papers.

7. It is not in dispute that the petitioner was initially appointed on 30.04.2008 as a driver-cum-conductor and, with effect from 14.06.2008, was appointed as a trainee driver for a period of two years, subject to the condition that, if he failed to successfully complete the training period, his name would be removed from the list and the training period would be extended. Since he was irregular during the training period, the same was extended till 04.05.2011. With effect from 04.05.2011, his case was considered for probation against a clear vacancy. The petitioner has not



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challenged his placement on probation with effect from 04.05.2011. After successful completion of the two-year probationary period, the respondent rightly regularized his services on 20.05.2013. The Tribunal answered the question framed in the affirmative and rightly rejected the reference.

8. Insofar as the contention of the petitioner regarding the applicability of Clause 22(ii) of the Truce Agreement is concerned, the said clause is not applicable to the case of the petitioner. The said clause provides that employees who have worked for 180 days are entitled to the time scale of pay. Considering this aspect of the matter, the Tribunal has rightly rejected the reference.

9. There is no error or illegality in the award passed by the Tribunal. The writ petition is devoid of merit and is, accordingly, dismissed.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 38