



CNR: KAHC010484592022

NC: 2026:KHC:37628
WP No. 21179 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. 21179 OF 2022 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER,
K.S.R.T.C.,
BENGALURU CENTRAL,
REPRESENTED BY ITS
CHIEF LAW OFFICER,
CENTRAL OFFICE, K.H ROAD,
BENGALURU-560 027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

M.GANGADHAR,
C/O K.S.R.T.C., BENGALURU
CENTRAL DIVISION MAZDOOR SANGHA (R),
BMS OFFICE, 458, OTC ROAD,
COTTONPET, BENGALURU-560 053.

AND ALSO
M.GANGADHAR,
S/O. MUNIVENKATAPPA,
AGED ABOUT 45 YEARS,
R/T BETTAKOTE VILLAGE AND POST,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)



CNR: KAHC010484592022

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:

ORAL ORDER

Sri.Hareesh Bhandary.T., counsel for the petitioner, appeared in person.

Emergent notice to the respondent was ordered on 05.06.2023. A perusal of the office note depicts that the respondent has been served. He has neither engaged the service of the advocate nor has he conducted the case as a party in person.

2. The short facts are these:

The respondent was a Driver in the establishment of the Corporation. He came under a disciplinary proceedings for an act of misconduct and an Article of Charge was issued to the workman. The disciplinary authority appointed an inquiry officer. The inquiry officer conducted a detailed inquiry and



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WP No. 21179 of 2022

submitted findings holding that the charges are proved, and he was visited with an order of minor punishment on 05.06.2012.

Aggrieved by the same, he raised a dispute before the Industrial Tribunal in I.D.No.179/2016. The Tribunal held that the domestic inquiry conducted by the Corporation was fair and proper. The Tribunal vide award dated 29.03.2022 set aside the order of punishment. Under these circumstances, this writ petition is filed on several grounds as set out in the Memorandum of Writ Petition.

3. Counsel for the petitioner urged several contentions. Heard the arguments and perused the Writ papers with care.

4. The short point that requires consideration is whether the award of the Industrial Tribunal requires interference.

5. The facts are sufficiently said and they do not require reiteration.



CNR: KAHC010484592022

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WP No. 21179 of 2022

6. Suffice it to note that the respondent was visited with an order of minor punishment in 2012. Strangely, he raised a dispute in the year 2016. There has been an inordinate delay of almost four years. The Hon'ble Apex Court reported 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 and the delay and laches remained unexplained, it should be presumed that he had waived his right. It is also observed that at the time when the dispute was raised, it had become stale and was not an existing dispute. Even in the present case, when the dispute was raised by the workman, it had virtually become a stale dispute. The Tribunal has overlooked the aspect of delay and laches.

Moreover, setting aside the order of minor penalty is without jurisdiction in as much as the Tribunal has no power to set aside the minor penalty. The Tribunal could not have been pressed into service the aspect of minor penalty. The Managerial decision to impose a minor penalty is absolute, and



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WP No. 21179 of 2022

the same cannot be modified by the Tribunal unless there is a perversity and victimization. In the present case, there is no perversity and victimization. Hence, setting aside the order of minor punishment is unsustainable in law. For the reasons stated above, the award of the Tribunal is liable to be set aside, and so, it is set aside.

7. The Writ of Certiorari is ordered. The award dated 29.03.2022 passed by the Industrial Tribunal, Bengaluru, in I.D.No.179/2016 vide Annexure-A is quashed. The order of minor punishment dated 05.06.2012 is confirmed.

8. Resultantly, the Writ Petition is ***allowed***.

Because of the disposal of the Writ Petition, all pending interlocutory applications, if any, are disposed of, and the interim order, if any, granted by this Court stands discharged.

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

MRP
List No.: 1 Sl No.: 53