



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

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. 6359 OF 2020 (L-KSRTC)

BETWEEN:

SRI. T LOHITH
AGED ABOUT 39 YEARS
S/O THIMMA NAIK
R/A HASTHINAPURA HALEHATTI THANDYA
SAKREPATNA POST, KADUR TALUK
DISTRICT CHIKMAGALUR - 577135.

...PETITIONER

(BY SRI. M C BASAVARAJU., ADVOCATE)

AND:

THE KARNATAKA STATE ROAD
TRANSPORT CORPORATION LIMITED
CHIKMAGALUR DIVISION
CHIKMAGALUR - 577101
REPRESENTED BY ITS
DIVISIONAL CONTROLLER.

...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 AWARD DATED:15.2.2019 PASSED BY THE PRESIDING OFFICER, LABOUR COURT, CHIKKAMAGALURU IN I.D.A NO.15/2016 THE CERTIFIED COPY OF WHICH IS PRODUCED AND MARKED AS ANNEXURE-F AS THE SAME IS ARBITRARY ILLEGAL AND UNSUSTAINABLE IN LAW AND ETC.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

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

ORAL ORDER

This petition is filed under Articles 226 and 227 of the Constitution of India, challenging the award dated 15.02.2019 passed by the Presiding Officer, Labour Court, Chikkamagaluru (for short, 'the Labour Court'), whereby the dispute raised by the petitioner came to be dismissed.

2. The facts of the case are that the petitioner was an employee of the respondent-Corporation and was appointed as a Trainee Driver-cum-Conductor. Thereafter, his services were regularized. On 13.07.2015, while he was discharging his duties as a Conductor in the vehicle bearing registration No. KA-18/F-490, plying from Chikkamagaluru to Tiruguna on Route No.114, the checking officials inspected the bus and alleged that there were three passengers travelling therein, out of whom, the petitioner had not issued a ticket to one of the



CNR: KAHC010541382019

passengers. The checking officials submitted a report to the disciplinary authority. Thereafter, disciplinary proceedings were initiated against the petitioner and articles of charge were issued.

3. The Enquiry Officer, after conducting the enquiry, submitted a report holding that the charges levelled against the petitioner were proved. The disciplinary authority, after considering the reply submitted by the petitioner, dismissed him from service by order dated 09.03.2016. Being aggrieved by the same, the petitioner raised a dispute before the Labour Court in I.D.A. No.15/2016. By the impugned award, the Labour Court dismissed the dispute.

4. Learned counsel appearing for the petitioner has raised the following contentions:

(i) Firstly, the petitioner had worked as a Conductor for more than nine years and there was no enquiry



initiated on any previous occasions against him for misappropriation of any amount.

(ii) Secondly, the petitioner had issued tickets to two passengers. In respect of the third passenger, when he was about to issue the ticket, the checking officials inspected the bus and reported that the petitioner had not collected the ticket fare.

(iii) Thirdly, the said passenger was examined during the enquiry wherein he has clearly stated that he possessed a free pass as he was disabled and hence, ticket was not required to be issued to him. Further, he stated that, when the petitioner was about to issue the ticket, the checking officials entered the bus and seized the E.T.M.

(iv) Lastly, the punishment imposed on the petitioner is disproportionate to the charges levelled against him.



Hence, learned counsel for the petitioner sought to allow the writ petition.

5. Per contra, learned counsel appearing for the respondent-Corporation raised the following contentions:

(i) Firstly, during the nine years of service, 62 cases had been registered against the petitioner for non-issuance of tickets.

(ii) Secondly, there were only three passengers travelling in the bus, and the petitioner had not issued a ticket to one passenger, namely, Santhosh. Therefore, the disciplinary authority had rightly initiated the departmental enquiry, whereby it was proved that the petitioner had collected the fare of Rs.15/- from the said passenger but had not issued a ticket.

(iii) Thirdly, the passenger travelling in the bus was one Santhosh, S/o. Halappa. The petitioner had examined one Sheshegowda, claiming that he was the passenger



travelling in the bus. Even during the enquiry, the petitioner had attempted to produce an impersonator as the passenger. Considering all these aspects, the respondent-Corporation had rightly dismissed the petitioner from service.

Hence, learned counsel for the respondent-Corporation sought dismissal of the writ petition.

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

7. It is not in dispute that the petitioner was working as a Conductor in the respondent-Corporation. It is also not in dispute that he had worked for nine years in the respondent-Corporation and was involved in 62 cases of misconduct.

8. On 13.07.2015, when the petitioner was on duty in the vehicle bearing registration No. KA-18/F-490, plying from Chikkamagaluru to Tiruguna, there were only three



passengers travelling in the said bus. The petitioner had issued tickets to only two passengers. The third passenger, namely, Santhosh, S/o. Halappa, was not issued a ticket. The checking officials inspected the bus and noticed that one passenger had not been issued a ticket. Based on the report submitted by the checking squad, the disciplinary authority rightly initiated departmental enquiry against the petitioner.

9. As regards the departmental enquiry, the same was conducted by following due procedure and in accordance with law. During the course of the enquiry, the petitioner, in order to substantiate his defence, examined one Sheshgowda and sought to establish that he was the passenger travelling in the said bus. However, in fact, the passenger travelling in the bus was one Santhosh, S/o. Halappa. Thus, even during the departmental enquiry, the petitioner attempted to misrepresent the facts before the respondent-Corporation.



CNR: KAHC010541382019

10. The Enquiry Officer, after considering the documents and evidence produced by the parties and also taking into consideration the past misconduct of the petitioner, rightly held that the charges levelled against him were proved. The disciplinary authority, after providing an opportunity to the petitioner and considering his reply, rightly dismissed him from service.

11. The petitioner has failed to establish that he was victimized or that the penalty imposed upon him was on account of any such victimization. Considering all these aspects of the matter, the Labour Court has rightly dismissed the dispute.

12. Furthermore, in view of the judgment of the Apex Court in ***State of A.P. v. Chitra Venkata Rao, (1975) 2 SCC 557***, the High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

servant. The relevant paragraphs of the aforesaid judgment are extracted below:

"21. The scope of Article 226 in dealing with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in State of A.P. v. S. Sree Rama Rao [AIR 1963 SC 1723 : (1964) 3 SCR 25 : (1964) 2 LLJ 150] . First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic tribunal of inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Second, where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226.

22. Again, this Court in Railway Board, representing the Union of India, New Delhi v. Niranjan Singh [(1969) 1 SCC 502 : (1969) 3 SCR 548] said that the High Court does not interfere with the conclusion of the disciplinary authority unless the finding is not supported by any



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

evidence or it can be said that no reasonable person could have reached such a finding. In Niranjan Singh case this Court held that the High Court exceeded its powers in interfering with the findings of the disciplinary authority on the charge that the respondent was instrumental in compelling the shut-down of an air compressor at about 8.15 a.m. on May 31, 1956. This Court said that the Enquiry Committee felt that the evidence of two persons that the respondent led a group of strikers and compelled them to close down their compressor could not be accepted at its face value. The General Manager did not agree with the Enquiry Committee on that point. The General Manager accepted the evidence. This Court said that it was open to the General Manager to do so and he was not bound by the conclusion reached by the committee. This Court held that the conclusion reached by the disciplinary authority should prevail and the High Court should not have interfered with the conclusion.

23. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The Court exercises it not as an appellate court. The findings of fact reached by an inferior court or tribunal as a result of the appreciation of evidence are not reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not



CNR: KAHC010541382019

NC: 2026:KHC:49114
WP No. 6359 of 2020

an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by a tribunal, a writ can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Again if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal. See Syed Yakoob v. K.S. Radhakrishnan [AIR 1964 SC 477 : (1964) 5 SCR 64]."

13. Hence, in view of the above, this Court is of the opinion that there is no error or perversity in the award passed by the Labour Court. Accordingly, the writ petition is dismissed.

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

CM/-