



CNR: KAHC010554272019

NC: 2026:KHC:45447
WP No. 2334 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 2334 OF 2020 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
K.H. ROAD, SHANTHINAGAR,
BENGALURU-560027
BY ITS DIVISIONAL CONTROLLER,
REPRESENTED BY ITS
CHIEF LAW OFFICER

...PETITIONER

(BY SMT. RENUKA H.R., ADVOCATE)

AND:

MUTHUSWAMY,
REPRESENTED BY
GENERAL SECRETARY,
KSRTC AND BMTC UNITED
EMPLOYEES UNION,
NO.23, 4TH MAIN ROAD,
MATHIKERE EXTENSION,
BENGALURU-560054.

...RESPONDENT

(BY SRI. M.C.BASAVARAJU, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Smt.H.R.Renuka, counsel for the petitioner and
Sri.M.C.Basavaraju, counsel for the respondent appeared in
person.

2. The short facts are these:

The respondent was employed as a Conductor with the Corporation. On 02.06.2008, while on duty in a bus plying from Vijayawada to Bengaluru, the vehicle was checked at Bengaluru. It was found that the respondent failed to collect fare of Rs.32/- per unit for four luggage units, amounting to Rs.128/-, and did not issue the requisite tickets.

Articles of charge were issued alleging non-issue of luggage tickets. The respondent submitted his reply. The enquiry officer conducted an enquiry and held the charges proved. A second show-cause notice, along with the enquiry findings, was served. The respondent replied thereto. On



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13.03.2009, the disciplinary authority imposed punishment of denial of two increments with cumulative effect.

In 2011, the respondent raised a dispute in I.D. No. 234/2011 before the Tribunal. The Tribunal held that the domestic enquiry was fair and proper but, by Award dated 04.07.2018, set aside the punishment order. Aggrieved, the Corporation filed the present petition.

3. Counsel for the Corporation made the following submissions.

The respondent failed to collect fare and issue tickets for four luggage units, which was confirmed by the management witness and not challenged in cross-examination. The respondent attempted to present a different case, claiming that the passenger had already been issued a ticket for 31 units and was asked to pay for four additional units, making a total of 35 units. The respondent's defence was contradictory: he first claimed to have verified luggage weight using a weighing machine at Vijayawada Bus Stand, but later denied the availability of such machines. The Tribunal ignored



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documentary and oral evidence supporting the charge and failed to appreciate contradictions in the respondent's defence. The Corporation rightly considered the respondent's past record of 31 previous cases when imposing punishment.

Counsel for the respondent justified the award of the Tribunal. The respondent contended that the passenger had been issued a ticket for 31 units and was asked to pay for four additional units, as the luggage weight was 35 units. He argued that the punishment was disproportionate and that the Tribunal was justified in setting aside the order.

4. Heard the arguments and perused the papers with care.

5. The point that arise for consideration is, whether the Tribunal was justified in setting aside the punishment order by its Award dated 04.07.2018.

6. The issue falls within a narrow compass and relates to the misconduct. The allegation against the respondent was that he did not collect Rs.128/- for 4 units of luggage. However, the workman argued that since the passenger was



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issued a ticket for 31 units, he was asked to pay an extra luggage fee for 4 units, as the luggage weight was 35 units. This is incorrect because the respondent was trying to present a completely different case. It remained a fact that one passenger did not buy the luggage ticket, paid the penalty, and the respondent duly confirmed this. Therefore, the respondent's story that the passenger was issued a ticket for 31 units and asked to pay an extra luggage fee for 4 units, as the luggage weight was 35 units, cannot be accepted.

The respondent provided conflicting statements: He first claimed to have verified the luggage weight with a weighing machine at Vijayawada Bus Stand, but later stated that weighing machines were unavailable and that the conductor had collected the charges informally. The Tribunal ignored both the documentary and oral evidence that supported the charge and failed to address the inconsistencies in the respondent's defence. Additionally, the Corporation appropriately considered the respondent's past record of 31 previous cases when deciding the punishment.



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The Tribunal's conclusion that the charge was not proved is unfounded, as the management witness clearly testified that no ticket was issued for the 4 units and that the fare was not collected. This testimony was not challenged during cross-examination. The respondent's contradictory statements further undermine his defence. The inconsistencies demonstrate a lack of diligence and credibility.

Given the respondent's past record of 31 cases, the Corporation was justified in imposing a minor penalty. Managerial discretion in disciplinary matters ought not to be interfered with unless shown to be perverse or arbitrary, which is not the case here.

The Tribunal erred in overlooking material evidence and in failing to appreciate the contradictions in the respondent's defence. The Corporation's action in imposing a minor punishment, having regard to the respondent's past record, is upheld.

7. For the reasons stated above, the award is liable to be set aside and accordingly, it is set aside. The award passed



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by the Industrial Tribunal in I.D.No.234/2011 dated 04.07.2018
is quashed. The punishment order is confirmed.

8. Resultantly, the writ petition is **allowed**.

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

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

SS
List No.: 1 Sl No.: 31