



CNR: KAHC010561072024

NC: 2026:KHC:47526
WP No. 27237 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 27237 OF 2024 (L-TER)

BETWEEN:

THE DIVISION CONTROLLER
AND DISCIPLINARY AUTHORITY,
BMTC, SOUTH ZONE,
K.H.ROAD, SHANTHINAGAR,
BENGALURU - 560027.

NOW REPRESENTED BY ITS
CHIEF LAW OFFICER
BMTC, CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR
BENGALURU - 560027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SRI. M.S.CHANDRAIAH,
S/O. SRI. SIDDARAMAIAH,
AGED ABOUT 54 YEARS,
R/AT MATHIGATTA VILLAGE AND POST,
CHIKKANAYAKANAHALLI TALUK,
TUMAKUR DISTRICT - 572 119.

...RESPONDENT

(RESPONDENT - SERVED AND UNREPRESENTED)

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



CNR: KAHC010561072024

NC: 2026:KHC:47526
WP No. 27237 of 2024

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.

Notice to the respondent was ordered on 21.10.2024. A perusal of the office note depicts that the respondent has been served. He has neither engaged an advocate nor conducted the case in person.

2. The short facts are these:

The respondent was employed with the Corporation. He remained unauthorizedly absent from duty from 14.10.2017 onwards. The Traffic Controller informed the Depot Manager. Upon receipt of a report from the Depot Manager, the articles of charge was issued. The inquiry officer was appointed. A paper publication was issued in the daily newspaper "Samyuktha Karnataka". He did not participate in the inquiry.



CNR: KAHC010561072024

**NC: 2026:KHC:47526
WP No. 27237 of 2024**

Thereafter, the inquiry officer submitted the report holding that the charges are proved, and the disciplinary authority issued a second show-cause notice, enclosing the inquiry report. Consequently, by order dated 29.01.2019, the disciplinary authority imposed the punishment of dismissal from service.

As matters stood, the respondent raised an industrial dispute in I.D.No.55/2019. The Labor Court, while holding that the domestic inquiry conducted by the Corporation was fair and proper, set aside the punishment order. Under these circumstances, the present writ petition is filed on several grounds as set out in the memorandum of the writ petition.

3. The point that requires consideration is whether the award of the Labor Court requires interference.

4. The facts are clearly presented and do not require repetition. It is sufficient to state that the respondent underwent disciplinary proceedings and was dismissed. The main issue is unauthorized absence. The allegation is that the



CNR: KAHC010561072024

**NC: 2026:KHC:47526
WP No. 27237 of 2024**

respondent was absent without permission from 14.10.2017 onwards.

The Corporation contends that no leave application was submitted, and even if one was, it should have been accompanied by a Medical Certificate/ Prescription if the leave was sought on health grounds.

An employee must not be absent from work without a valid reason during their scheduled hours. Unauthorized absence is considered misconduct in industrial employment and can lead to disciplinary measures. Employees do not have an automatic right to leave and staying absent without permission breaches discipline. Such absence is regarded as misconduct and justifies disciplinary action against the employee. The appropriate punishment for misconduct or unauthorized absence varies depending on the specific circumstances of each case.

5. The Labor Court took note of the decisions relied upon and proceeded to interfere with the punishment in exercise of its discretionary power under Section 11-A of the



CNR: KAHC010561072024

I.D. Act. However, in doing so, the Labor Court failed to assign cogent, sufficient, or legally sustainable reasons warranting interference with the punishment imposed by the Management. It is significant to note that, despite due service of notice through a Kannada daily newspaper, the workman failed to participate in the domestic inquiry proceedings. The charges levelled against him stood duly proved in the inquiry, and the workman failed to establish his innocence or otherwise dislodge the findings recorded by the Inquiry Officer. Once the misconduct of unauthorised absenteeism stood established in the domestic inquiry, the Labor Court was required to examine whether the punishment imposed by the Management was shockingly disproportionate to the gravity of the misconduct and whether the facts and circumstances of the case warranted the exercise of discretionary jurisdiction under Section 11-A of the I.D. Act. The impugned award, however, does not disclose any compelling, cogent, or legally sustainable reason justifying such interference with the punishment imposed by the Management. The Labor Court, therefore, erred both in law and on facts in exercising its discretionary power under Section 11-



CNR: KAHC010561072024

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WP No. 27237 of 2024**

A of the I.D. Act and, consequently, in allowing the claim of the workman.

Moreover, the Labor Court placed reliance on Exs.W4 to W9 to conclude that the order of punishment is discriminatory in nature. This is erroneous. The Labor Court has failed to notice that there cannot be a similar yardstick in all cases of disciplinary matters. Each case differs as the misconduct also varies from case to case. It is worth noting that each case depends on the severity of the misconduct, coupled with the worker's history. The law is well settled that a uniform yardstick cannot be applied to all cases of misconduct. The Labor Court's finding is unsustainable due to a failure to consider all relevant facts and circumstances of the case. I may venture to say that the Labor Court failed to have regard to relevant considerations and disregarded relevant matters.

6. For the reasons stated above, the award of the Labor Court is liable to be set aside, and so, it is set aside.

7. The Writ of Certiorari is ordered. The award dated 27.03.2024 passed by the Labor Court, Bengaluru, in



CNR: KAHC010561072024

NC: 2026:KHC:47526
WP No. 27237 of 2024

I.D.No.55/2019 vide Annexure-A is quashed. The order of punishment is confirmed.

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

Because of disposal of the writ petition, the interim order granted by this court, if any, stands discharged and pending interlocutory applications and interim directions, if any, are disposed of.

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

MRP
List No.: 1 Sl. No.: 38