



CNR: KAHC010664602024

NC: 2026:KHC:45287
WP No. 32735 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 32735 OF 2024 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
MYSURU URBAN DIVISION,
MYSURU
BY ITS DIVISIONAL CONTROLLER,
REPRESENTED BY ITS CHIEF LAW OFFICER.

...PETITIONER

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

AND:

B.SHEKAR,
S/O. BABUSHETTY,
AGED 62 YEARS,
DRIVER, BADGE NO.6605,
RURAL DEPOT-2,
MYSURU.

REPRESENTED BY
KARNATAKA STATE ROAD
TRANSPORT CORPORATION
EMPLOYEES UNION (INTCC),
NO.357, 14TH MAIN ROAD,
SARASWATHIPURAM,
MYSORE-570008.

...RESPONDENT

(BY SRI. SHEKAR L., ADVOCATE - ABSENT)



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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

Smt. H. R. Renuka, counsel for the petitioner, appeared in person.

No representation was made on behalf of the respondent. A perusal of the daily auto sheet shows that the petition was listed on 29.07.2026, and at the request of respondent's counsel, it was adjourned to 12.08.2026. On 12.08.2025, again, respondent's counsel sought time, and at his request, it was adjourned to 19.08.2026. When the matter was listed on 19.08.2026, there was no representation on behalf of the respondent; hence, it was ordered to be listed today, i.e., 20.08.2026. Accordingly, the registry has listed the matter today, and there is no representation on behalf of the respondent; hence, the Court proceeds to pass orders on the merits of the case.



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2. The short facts are these:

The respondent was a driver at the Corporation's establishment. On 07.01.2012, he was on duty in a bus belonging to the Corporation. After completing his duty, the bus was inspected in the workshop, and it was found that the bus's anti-roll bar had been cut off, with damage amounting to Rs.60,000/-. The respondent was issued Articles of Charge, submitted a reply, and was subjected to disciplinary enquiry proceedings. The enquiry officer conducted a detailed enquiry and submitted findings holding that the charges were proved. The enquiry officer furnished him with the findings in a show-cause notice. The respondent submitted his reply to the enquiry officer's findings. Consequently, on 22.03.2013, the disciplinary authority accepted the enquiry officer's findings and punished him by reducing his basic pay by one stage for 5 years, without cumulative effect.

After a lapse of 5 years, he raised a dispute in reference No. 146/2018. The Tribunal held that the domestic enquiry conducted by the Corporation was fair and proper. Ultimately, the Tribunal, vide award dated 07.02.2022, set aside the



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punishment order. Under these circumstances, the Corporation has filed the writ petition on several grounds as set out in the Memorandum of the writ petition.

3. Counsel for the petitioner advanced several contentions.

Counsel for the Corporation, in presenting her argument, strenuously urged that the Tribunal ought to have rejected the workers' case on the ground of delay and laches. She argued that the punishment order was passed in 2013, but a dispute was raised in 2018, amounting to an inordinate delay of almost 5 years. She placed reliance on PRABHAKAR VS. JOINT DIRECTOR, SERICULTURE DEPARTMENT AND ANOTHER, reported in (2015) 15 SCC 1.

Counsel argued that the Tribunal wrongly concluded that the Corporation failed to provide sufficient evidence that the anti-roll bar was damaged due to the workman's rash and negligent driving. She also pointed out that the workman never claimed there was a mechanical defect in the bus, nor that the anti-roll bar was damaged for that reason. Adding further



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grounds, she argued that, from any perspective, the Tribunal's decision is legally untenable and should be quashed. Additionally, she claimed the Tribunal wrongly relied on punishment orders at Ex.W5 and Ex.W6 and incorrectly stated that the punishment given to the respondent was harsh and excessive. She also noted that the workman justified his misconduct by stating there are two bus drivers, and the Corporation did not act against the other driver. She requested the petition be allowed and the Tribunal's order be set aside.

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

5. The point that requires consideration is whether the order of the Tribunal warrants interference.

6. The facts are clear and do not necessitate a repetition. This case involves misconduct by the respondent, a bus driver employed by the Corporation, who was operating the bus on 07.01.2012. The allegation is that after his shift, the bus was checked in the workshop and found to have its anti-roll bar cut off, causing a Rs.60,000/- loss to the Corporation. The



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respondent contended that poor road conditions and wear and tear caused the damage, and the Tribunal accepted this explanation and pardoned the misconduct. However, this is unreasonable because when the bus was on route, the respondent did not report any issues. The bus was inspected and found to be mechanically sound before being given for duty. Therefore, the claim that road conditions caused the damage is unjustified. As a public transport bus driver, the respondent was expected to drive carefully and responsibly. His driving damaged the anti-roll bar, resulting in a Rs.60,000/- loss.

Moreover, pardoning misconduct on the ground that the punishment would be too harsh compared to others in similar cases is not justified. Each case must be decided on its own facts, since the nature and gravity of misconduct vary from case to case. It is well settled that no uniform yardstick can be applied across all instances of misconduct, as each case depends on the seriousness of the wrongdoing and the employee's record.



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Furthermore, the punishment order was passed in 2013, and the dispute was raised in 2015. There was an inordinate delay of almost 5 years in raising the dispute. In my considered view, the Tribunal could not have entertained the reference. The reason is apparent. The Hon'ble Apex Court in Prabhakar' case (supra) held that when there is no agitation by the workman against the order of punishment, and the dispute is raised belatedly, with unexplained delay and laches, it must be presumed that he has waived his right. It is further observed that when the dispute is raised belatedly, it becomes stale and ceases to be an existing dispute. Even in the present case, when the workman raised the dispute, it had virtually become stale. The Tribunal overlooked the aspect of delay and laches. The dispute was stale at the time of adjudication. Hence, the Tribunal could not have entertained the reference.

The Tribunal's decision to set aside the minor penalty is entirely without jurisdiction. The Tribunal lacks the legal authority to interfere with a managerial decision to impose a minor penalty. Such disciplinary actions are absolute and beyond the Tribunal's power to modify, absent explicit proof of



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perversity or victimisation. In my view, the Tribunal failed to have regard to relevant considerations and disregarded material aspects.

7. For the foregoing reasons, the Tribunal's Award dated 07.02.2022, passed in Reference No.146/2018, is set aside. 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.: 18