



CNR: KAHC010713132024

NC: 2026:KHC:42695
WP No. 34287 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 34287 OF 2024 (L-KSRTC)

BETWEEN:

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

...PETITIONER

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

AND:

MUJEER AHEMD,
S/O. MOHAMMED PASHAK,
AGED ABOUT 69 YEARS,
R/O. WAJI UDA, 3RD MAIN,
BYPASS ROAD,
SHIVAMOGGA-577201.

...RESPONDENT

(RESPONDENT - SERVED AND UNREPRESENTED)

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



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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.

Notice was issued to the respondent. The office note shows that the respondent has been served and is unrepresented. The respondent has not retained an advocate nor is participating in the case personally.

2. This petition is filed seeking the following reliefs:

- i. Issue a Writ of Certiorari or any other writ or direction, quashing the order dated:07.12.2023 in Serial Application No.186/2013 passed by the Industrial Tribunal, Bengaluru vide Annexure-F.
- ii. Such other writ, directions or order, as this Hon'ble Court may deem just and expedient in the circumstances of the case.



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

4. The point that arises for consideration is whether the Tribunal was justified in dismissing the application.

5. The controversy in the present writ petition is confined to a narrow compass and concerns the rejection of the application filed by the petitioner under Section 33(2)(b) of the Industrial Disputes Act.

Section 33(2)(b) of the Industrial Disputes Act enables an employer to dismiss or discharge a workman for misconduct unconnected with the industrial dispute pending before the adjudicatory authority, subject to compliance with the statutory requirements, namely, payment of one month's wages and making an application seeking approval of the order of dismissal or discharge before the concerned authority.

A careful perusal of the impugned order reveals that the Tribunal has categorically recorded a finding that the petitioner had complied with the mandatory requirements of Section



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33(2)(b) of the Act. Having arrived at such a conclusion, the Tribunal nevertheless proceeded to reject the approval application solely on the ground that the applicant failed to specify the age of the opposite party at the time of filing. This reason is untenable. The discussion and finding arrived at are in the nature of an order passed under Section 10 of the Industrial Disputes Act, in proceedings under Section 33(2)(b), and are therefore legally unsustainable.

It is well settled that once the management passes an order of dismissal or discharge, compliance with the mandatory requirements of Section 33(2)(b) of the Industrial Disputes Act is a condition precedent for seeking approval of the action taken. In the present case, the petitioner has duly complied with the statutory mandate under Section 33(2)(b) of the Act. Therefore, the Tribunal, having recorded such compliance, could not have rejected the approval application on grounds extraneous to the limited scope of proceedings under Section 33(2)(b). Accordingly, the impugned order suffers from a manifest error of law, is unsustainable, and is liable to be set aside.



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6. The Writ of Certiorari is ordered. The order dated 07.12.2023 passed by the Industrial Tribunal, Bengaluru in SA No.186/2013 vide Annexure-F is quashed. The application filed by the Corporation under Section 33(2)(b) is allowed and approval is accorded.

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

Since the Writ Petition has been disposed of, the interim order, if any, is discharged, and any pending interlocutory applications are also disposed of.

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

MRP
List No.: 1 Sl No.: 47