



CNR: KAHC010724332024

NC: 2026:KHC:44692
WP No. 34853 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 34853 OF 2024 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION
TUMAKURU DIVISION
TUMAKUR, BY ITS
DIVISIONAL CONTROLLER
REPRESENTED BY ITS
CHIEF LAW OFFICER - 572 137

...PETITIONER

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

AND:

SHRIRANGAPPA
S/O NARASAPPA
AGED ABOUT 61 YEARS
R/O ANUPANAHALLI VILLAGE,
HONNAGONDANAHALLI POST
SIRA TALUK, TUMAKURU
DISTRICT - 572 137

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

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 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.

An emergent notice was issued to the respondent. A perusal of the office note indicates that the respondent was served and is unrepresented. He has neither engaged an advocate nor chosen to conduct the case in person.

2. The order dated 08.02.2023 passed by the Industrial Tribunal, Bengaluru, in Serial Application No. 295/2015, is challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the petitioner urged several contentions. The arguments were heard, and the papers were perused with care.

4. The question for consideration is whether the Tribunal was justified in dismissing the application.



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5. The controversy involved in the present writ petition lies within a narrow compass and pertains to 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, in paragraph No. 18, has categorically recorded a finding that the petitioner had complied with the mandatory requirements of Section 33(2)(b) of the Act. Having arrived at such a conclusion, the Tribunal nevertheless rejected the approval application solely on the ground that the respondent was not accorded an opportunity to prove the explanation/reasons tendered for unauthorized absence. Such an approach is legally unsustainable.



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The inquiry proceedings show that the delinquent willingly admitted the charges and submitted a letter on 01.12.2012. Therefore, the Tribunal was not justified in providing reasons for rejecting the approval application.

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.

6. The Writ of Certiorari is ordered. The order dated 08.02.2023 passed by the Industrial Tribunal, Bengaluru in S.A.No.295/2015 is set aside. The application filed by the



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Corporation under Section 33(2)(b) is allowed, and approval is accorded.

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

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

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

MRP
List No.: 1 Sl No.: 52