



CNR: KAHC010731252025

NC: 2026:KHC:42877
WP No. 34126 of 2025

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. 34126 OF 2025 (L-KSRTC)

BETWEEN:

ARUN KUMAR B.N,
S/O. NAGEGOWDA,
AGED ABOUT 41 YEARS,
EX-DRIVER, BADGE NO.3915,
K.R. PETE DEPOT, KSRTC,
MANDYA DIVISION,
R/A. C/O G. VENKATESH,
YENNEHOLEKOPPALU POST OFFICE,
PANDAVAPURA TALUK,
MANDYA DISTRICT - 571 427

...PETITIONER

(BY SRI. L. SHEKAR, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
K.S.R.T.C., MANDYA DIVISION,
BUS STAND BUILDING,
MANDYA TOWN AND
DISTRICT - 571 401

...RESPONDENT

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

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



CNR: KAHC010731252025

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.L.Shekar., counsel for the petitioner and Smt.H.R.Renuka., counsel for the respondent appeared in person.

2. This petition is filed seeking following reliefs:

- (a) Issue a writ in the nature of certiorari quashing the impugned order dated 21.02.2025 passed by the Hon'ble Learned I Additional District and Session Judge, Mandya in I.I.D.No.07/2015 vide Annexure-A to the writ petition.
- (b) Issue a writ in the nature of mandamus directing the respondent Corporation to pay the interim relief as sought for by the petitioner in his application under Annexure-F dated 28.04.2024 under the facts and circumstances of the case;
- (c) Issue any other appropriate writ, order or direction as this Hon'ble Court may deem fit to grant such further relief, under the facts and circumstances of the case and an order as to costs to meet the ends of justice.

3. Counsel for the respective parties urged several contentions.



CNR: KAHC010731252025

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WP No. 34126 of 2025**

Counsel for the petitioner submits that the impugned order passed by the Labor Court is unsustainable in law. When once the domestic enquiry is set aside, the status of the workman is that of a suspended employee and during the domestic enquiry, he is entitled for payment of subsistence amounts in accordance with the provisions of Section 10A of the I.D. Act.

He submits that the Court has misdirected itself to conclude that there is no delay on the part of the respondent - Corporation. It has been vehemently contended that application was made to direct the Corporation to pay the interim relief till the disposal of the dispute in accordance with the provisions of the I.D. Act and the reasons were sufficiently stated in the affidavit.

It is vehemently contended that the petitioner has been without employment for the past nine years and has no source of income. He has been sustaining his family by borrowing money from friends and relatives and is presently unable to meet the day-to-day needs and expenses of his family. In these circumstances, he was constrained to file an application seeking



CNR: KAHC010731252025

NC: 2026:KHC:42877
WP No. 34126 of 2025

interim relief. The Court has not considered the case of the petitioner from the right perspective and erroneously rejected the application. Urging additional grounds, he submits that the order on the interim application No.3 is liable to be set aside and the petition may be allowed. He placed reliance on the following decisions:

1. *'MANAGEMENT OF KSRTC VS. K.KEMPAIAH', ILR 2000 KAR 4987.*
2. *'THE MANAGEMENT OF KANORIA INDUSTRIES LIMITED VS. BAGALKOT CEMENT COMPANY WORKERS UNION AND ANOTHER', ILR 2001 KAR 890.*
3. *'TT LTD., VS. R.SUBRAMANIAM', 1990 SCC ONLINE KAR 628.*
4. *'THE DIVISIONAL CONTROLLER KSRTC, KOLAR, VS. V.SRINIVASA NAIDU', W.P.NO.28411/2009 DATED 13.10.2009.*
5. *'THE DIVISIONAL CONTROLLER KSRTC, KOLAR VS. G.R.NAGARAJU', W.P.NO.7716/2008 DATED 26.06.2008.*



CNR: KAHC010731252025

NC: 2026:KHC:42877
WP No. 34126 of 2025

*6. 'THE DIVISIONAL CONTORLLER, NEKRTC, YADGIRI
DIVISION', VS. RAMACHANDRA W.A.NO.10260/2011
DISPOSED OF ON 18.07.2012.*

Conversely, counsel for the Corporation justified the impugned order passed on the interim application. She submits that the Court rejected the I.D. on 06.03.2017. However, after a lapse of almost two years, a writ was filed challenging the award. There was a delay on the part of the petitioner and in the earlier proceedings, it is also submitted that till the filing of the application on 24.08.2024, the petitioner did not make any application seeking interim relief. Lastly, she submits that the Court remanded the matter on 22.11.2022 and the Court passed the order on the preliminary issue on 27.06.2024. There is no delay on the part of the Corporation as contended by the petitioner. Counsel therefore, submits that the allegations made in the affidavit accompanying the applications are incorrect and the petition may be dismissed.

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



5. The issue falls within a narrow compass and relates to the rejection of the application for grant of interim relief. Suffice it to note that the petitioner came under a disciplinary proceedings for an act of misconduct and he was visited with an order of punishment i.e., dismissal. He was dismissed from service on 07.04.2015. He raised a dispute in I.I.D.No.7/2015 before the Court at Mandya. It is noted from the records that the Court rejected the reference on the merits of the case without deciding the preliminary issue regarding the fairness of the domestic inquiry. Hence, the petitioner was compelled to approach this Court in writ petition No.46521/2019.

It is pivotal to note here itself that the Court rejected the reference on 06.03.2017. However, the writ petition was filed after a lapse of almost two years. There was a delay on the part of the petitioner to approach this Court. This Court disposed of the petition in 2022 and remanded the matter. After remand, the Court passed the order on preliminary issue on 27.06.2024.

As the matter stood thus, the petitioner moved an application under Section 11 of the I.D. Act directing the



CNR: KAHC010731252025

**NC: 2026:KHC:42877
WP No. 34126 of 2025**

Corporation to pay the last drawn wages of the first party to maintain himself during the pendency of the dispute. The petitioner also sworn to a declaration of facts in the form of an affidavit. The application and the affidavit are furnished along with the writ petition and the same are marked as Annexure-F. This Court perused the affidavit and the reasons sworn to therein for the interim relief. Sri.B.N.Arun Kumar, the petitioner has stated in the affidavit that he was dismissed from the service of KSRTC and he raised the dispute in 2015. He has stated that the second party Corporation has went on taking adjournments on each and every stage of the proceedings and hence, caused delay of more than 9 years. It is also stated that the petitioner has been without employment for the past nine years and has no source of income. He has been sustaining his family by borrowing money from friends and relatives and is presently unable to meet the day-to-day needs and expenses of his family. It is also stated that due to non co-operation of the Corporation there is a delay in conducting the proceedings.

In the memorandum of writ petition, it has been stated that the Presiding Officer of the concerned Court has taken time



CNR: KAHC010731252025

to decide Issue No.1. Hence, the workman suffered nine years without employment and without any other income. It has also been stated in the memorandum of writ petition that the Presiding Officer has taken 9 adjournments to pass orders on I.A.No.3 and finally, the Court passed the order on 21.02.2025.

6. The Court has secured the original records and it is noted from the records that the original I.D. was disposed of in 2017 and the petitioner approached this Court only after two years. There is a delay on the part of the petitioner to approach this Court. The writ was pending before this Court for two years and ultimately, it came to be disposed of in 2022. Hence, the allegation and the contention that Corporation is responsible for the delay cannot be accepted. Furthermore, the petitioner has ventured to blame the Court that it has taken almost nine adjournments to pass the order on I.A.No.3. The petitioner has not produced substantive material to justify interim relief. The pleadings disclose that the petitioner has confined himself to imputations against the Corporation and, impermissibly, against the Court for delay in passing order on I.A.No.3.



CNR: KAHC010731252025

The Court cannot be faulted for the time taken in adjudication, as judicial delay does not absolve a litigant of the obligation to establish a prima facie case. Mere allegations or blame, without supporting evidence, cannot constitute grounds for interim relief. The petitioner's approach reflects an attempt to shift to responsibility rather than substantiate entitlement to relief.

As already noted above, a careful perusal of the records reveal that there is no delay on the part of the Corporation. Hence, contending that there is a delay on the part of the Corporation and is entitled for the interim relief cannot be justified.

7. In the present case, the petitioner seeks interim relief solely on the ground that the delay has occurred due to the alleged non-co-operation of the Corporation. Therefore, the decisions relied upon by counsel for the petitioner are distinguishable on facts and have no application to the facts and circumstances of the present case.



CNR: KAHC010731252025

NC: 2026:KHC:42877
WP No. 34126 of 2025

8. For the reasons stated above, the petition is devoid of merits and I find no grounds to interfere with the order passed by the Court on I.A.No.3. Accordingly, the writ petition is ***dismissed***.

The Registry is thereby directed to send back the records forthwith. A gentle request is made to the Trial Court to dispose of the dispute as expeditiously as possible within an outer limit of four months.

Because of dismissal 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.: 52