



CNR: KAHC010739012024

NC: 2026:KHC:44693
WP No. 35653 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. 35653 OF 2024 (L-KSRTC)

BETWEEN:

1. THE MANAGING DIRECTOR,
KSRTC, CENTRAL OFFICE,
K.H. ROAD, SHANTHI NAGAR,
BENGALURU-500 027.
2. DIRECTOR (P AND E)
KSRTC, CENTRAL OFFICE,
K.H.ROAD, SHANTHI NAGAR,
BENGALURU-560 027.
3. THE DEPUTY CHIEF
ACCOUNTS OFFICER,
CENTRAL OFFICE/
DISCIPLINARY AUTHORITY,
KSRTC, CENTRAL OFFICE,
K.H. ROAD, SHANTHI NAGAR,
BENGALURU-560 027.

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

PETITIONERS ARE REPRESENTED BY
THE CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICE
K.H. ROAD, SHANTHI NAGAR,
BENGALURU-560 027.

...PETITIONERS

(BY SRI. SANJEEV B.L., ADVOCATE)

AND:

SRI. K.M.MURUGESH,
S/O. K.J.MALLIKARJUNAPPA,



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AGE MAJOR,
NO.81, AASARE, 1ST MAIN,
II CROSS, GNANABHARATHI
3RD BLOCK, ULLALA MAIN ROAD,
MATHA AMRITHANANDAMAYI ROAD,
BENGALURU-560 056.

...RESPONDENT

(BY SRI. RUDRAPPA P., ADVOCATE)

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

Sri. B. L. Sanjeev, counsel for the petitioners, and Sri.
Rudrappa. P., counsel for the respondent, appeared in person.

2. The short facts are as follows:

The respondent was an Assistant Accountant in the
establishment of the Corporation. He was subjected to
disciplinary proceedings for an act of misconduct. Articles of
charge were issued. The inquiry officer was appointed and
submitted his findings. The disciplinary authority imposed a
punishment order on 05.08.2003, reducing the respondent's



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pay scale by one stage for a period of two years, without cumulative effect. The respondent preferred an appeal before the Appellate Authority, which, vide order dated 24.04.2008, rejected the appeal. The review application was filed and was rejected on 16.04.2014. A writ petition was filed in No. 55699/2014. The writ petition was disposed of on 30.01.2017, and the same reads as under:

In the event of the petitioner initiating appropriate proceedings as provided under law within a period of three weeks from today, the authority shall not raise any objections regarding the limitation.

However, the respondent raised a dispute before the Industrial Tribunal in 2019. The Tribunal, vide award dated 13.04.2023, set aside the order of punishment. Under these circumstances, the Corporation is before this Court in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties urged several contentions.



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Counsel for the Corporation, in presenting his arguments, contends that there is an inordinate delay in raising the dispute. It has been vehemently contended that the Tribunal's award is contrary to the law laid down by the Hon'ble Apex Court in Prabhakar v. Joint Director, Sericulture Department and Another, (2015) 15 SCC 1. He further submits that, although in the writ petition three weeks' time was granted to raise a dispute and the authority was not to raise any objections regarding delay, the respondent did not raise the dispute within the time stipulated by this Court. Counsel further submits that he is not urging any contentions on the merits of the case and requests the Court to give a finding only on delay and laches. Counsel therefore submits that the Tribunal ought to have rejected the claim petition on the grounds of delay and laches. Accordingly, he prayed for the writ petition to be allowed.

Conversely, counsel for the respondent justified the Tribunal's award. He submits that, in respect of an industrial dispute, there is no question of delay or laches. It is also argued on behalf of the respondent that the respondent



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challenged the punishment order in the writ petition and that this Court granted liberty; hence, the question of delay does not arise. He further urges additional grounds, submitting that the Tribunal, in extenso, referred to the material on record and rightly set aside the order of punishment.

Lastly, he submitted that the Tribunal passed the award in 2023, whereas the writ petition was filed in 2024. There is also a delay on the part of the Corporation in filing the writ petition. Counsel, therefore, submits that the petition is devoid of merit and liable to be dismissed.

4. I have heard the arguments and perused the writ papers with utmost care.

5. The point that arises for consideration is whether the award of the Tribunal warrants interference.

6. It is undisputed that the respondent was subjected to disciplinary proceedings for an act of misconduct. It is also undisputed that the punishment order was passed in 2003, an appeal was filed, the appeal was rejected, and the matter reached this Court in 2014. The order passed by this Court in



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W.P. No. 55699/2014 is furnished along with the writ petition and marked as Annexure-E. A perusal of the order reflects that this Court has observed that "In the event of the petitioner initiating appropriate proceedings as provided under law within a period of three weeks from today, the authority shall not raise any objections regarding the limitation." The respondent did not raise the dispute within the time stipulated by this Court. However, he raised the dispute in 2019.

As noted above, it is undisputed that the punishment order was passed in 2003. He could have raised the dispute before the appropriate forum in time. Instead, he approached other forums and caused delay. This aspect of the matter has been overlooked by the Tribunal, which entertained the workman's claim. In my considered view, the Tribunal could not have entertained the reference. The reason is apparent. The Hon'ble Apex Court in Prabhakar's case (supra) held that when the workman does not challenge the order of punishment and raises the dispute 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



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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.

Furthermore, 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 perversity or victimisation. In my view, the Tribunal failed to consider relevant factors and disregarded material aspects. Since the reference is rejected on the grounds of delay and laches, there is nothing to discuss on the merits of the case, as requested by the petitioner's counsel.

Regarding the plea of laches raised by the respondent, it is a settled principle that such a technical objection cannot be entertained at the far end of the proceedings. The respondent has waived their right to object to the timing of the petition by not raising it sooner.



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7. For the reasons stated above, the award passed by the Tribunal is liable to be set aside. Accordingly, it is set aside.

8. The writ of certiorari is ordered. The award of the Industrial Tribunal dated 13.04.2023 in I.D.No.207/2019 is quashed. The order of punishment is confirmed.

9. Resultantly, the writ petition is ***allowed***.

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

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

MRP
List No.: 1 Sl No.: 53