



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

**WRIT PETITION NO.39273 OF 2025 (L-KSRTC)**

**BETWEEN:**

MANAGING DIRECTOR AND REVISION AUTHORITY,  
B.M.T.C., CENTRAL OFFICE, K.H. ROAD,  
BANGALORE-560027,  
REP. BY ITS CHIEF LAW OFFICER.

...PETITIONER

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

**AND:**

ANNAIAH,  
DRIVER BADGE NO.6990,  
BMTC, 19<sup>TH</sup> DEPOT,  
KSRTC AND BMTC UNITED EMPLOYEES  
UNION NO.23, 4<sup>TH</sup> MAIN ROAD,  
MATHIKERE EXTENSION, BENGALURU-560054.

...RESPONDENT

(BY SRI. SHEKAR L., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING ALLOW THIS WRIT PETITION AND ISSUE THE FOLLOWING I) A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT ORDER OR DIRECTION TO QUASH THE AWARD IN I.D NO.50/2016 DATED 06.02.2024 PASSED BY THE INDUSTRIAL TRIBUNAL, BENGALURU (ANNEXURE-D) AND ETC.,.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



**ORAL ORDER**

This petition is filed assailing the award dated 06.02.2024 in I.D.No.50/2016 passed by the Industrial Tribunal, Bengaluru. In terms of the said award, the penalty imposed by the Appellate Authority is set aside. The award directs the petition corporation to pay consequential monetary benefit from 13.06.2006 till the date of filing of claim petition. Consequently, the order dated 18.07.2011 passed by the Appellate Authority is modified in terms of the award which is impugned before this Court now.

2. Certain facts are admitted.

2.1. The respondent who is the driver of the petitioner/ Corporation on 05.01.1988 had submitted an application seeking appointment for the post of driver. The respondent claim that is studied up to 7<sup>th</sup> Standard and produced a transfer certificate issued by Govt. Higher Primary Boys School, Muthusandra.

2.2. On 11.12.2003, the said transfer certificate allegedly produced by the respondent was sent for verification



and the authority reported that the admission No.10/1967-68 reflected in the transfer certificate does not pertain to the respondent and it pertains to one Munireddy. Thus, alleging production of fake certificate and misconduct on that count, the petitioner/ Corporation initiated domestic enquiry.

2.3 The respondent denied the charges and participated in the domestic enquiry. Before the enquiry officer, it is urged on behalf of the respondent that, he has not produced the said certificate. The inquiry officer found that the charges are established and forwarded the enquiry report to the disciplinary authority. Disciplinary authority after issuing second show cause notice and after considering the reply by the respondent imposed the penalty of dismissal.

3. Aggrieved by the order dated 13.06.2006 passed by the disciplinary authority, respondent filed an appeal before the appellate authority. Before the appellate authority he has produced one more certificate contending that he studied in Navanchetana Hiriya Prathameka Shale, Bhuvaneshwari Nagara, Magadi Road.



4. The appellate authority after securing report from the concerned department has accepted the said document produced as additional document. The report indicated that the respondent had studied in the school and did possess necessary qualification to apply for the post.

5. The appellate authority allowed the said appeal after accepting the additional evidence and modified the penalty of dismissal. The appellate authority directed reinstatement. The appellate authority withheld five annual increments with cumulative effect. The appellate authority denied the back wages and held that from the date of dismissal to the date of reporting the respondent is not entitled to any financial benefits.

6. Aggrieved by the said order passed by the appellate authority, the respondent raised an industrial dispute.

7. The Tribunal found that the enquiry was fair and proper. The parties were permitted to lead evidence on the alleged plea of victimisation. Both parties led evidence. The respondent/ workman led only the oral evidence. The petitioner/Corporation led documentary evidence as well.



8. The Tribunal has allowed the claim petition and condoned the delay of 3 year and 10 months in raising the dispute and held that the respondent is entitled to consequential monetary benefit from 13.06.2006 till the date of filing the claim statement.

9. As can be noticed from the award passed by the Tribunal, the Tribunal does not record any finding as to the fake certificate which was the subject matter of domestic enquiry. Admittedly, the certificate produced along with the application for appointment is not the certificate pertaining to the respondent.

10. The question is, whether the applicant has produced the certificate or someone else has produced?

11. There are no materials to hold that, the certificate submitted along with the application is not the certificate produced by the respondent. This being the position, the finding in the domestic enquiry that, the certificate produced along with the application for appointment is fake cannot be said to be an erroneous finding.

12. However, what is required to be noticed is, after the dismissal order dated 13.06.2006, the Corporation has



addressed the letter on 01.08.2006 to the officers in the education department, even before the appeal filed by the respondent on 30.04.2011 challenging the order of dismissal from service. In the said letter dated 01.08.2006, the Corporation sought information from the Department of Public Instructions, Government of Karnataka on the genuineness of the transfer certificate dated 26.03.1987 having TC No. 96/86-87. To the said letter on 07.07.2008, the Director of Public Instructions has submitted a reply, wherein the correctness of the first certificate is found to be fake and second certificate is found to be valid.

13. Learned counsel for the petitioner submitted that, the Tribunal could not have condoned the delay of 3 year and 10 months in raising the dispute and could not have granted consequential monetary benefits from the date of dismissal till the date of filing of the claim statement.

14. It is urged on behalf of the petitioner corporation that the mistake is on the part of the employee who initially produced fake certificate and tried to defend the said certificate as genuine during the enquiry and produced the genuine



certificate only at the appellate stage. This being the position, the Tribunal could not have modified the penalty.

15. Learned counsel for respondent would submit that, the respondent submitted a certificate under mistaken notion despite he possessing the genuine certificate for having studied in Navachetana School and the appellate authority has found that he did possess the genuine certificate and education qualification as of the date of filing the application for appointment and that being the position, the charge relating to fake certificate does not survive and the appellate authority having reinstated the respondent could not have deducted 5 increments with cumulative effect.

16. It is further submitted that the respondent/employee has now attained the age of superannuation and interfering with the award passed by the Labour Court will cause injustice to the respondent.

17. It is also urged that, the Tribunal has taken into consideration all the relevant factors and rightly set aside the penalty imposed by the Appellate Authority and thus, he would urge for dismissal of the petition.



18. The Court has considered the contentions raised at the Bar and perused the records.

19. The appellate authority after considering the genuine certificate produced before it has held that the penalty of dismissal is to be set aside. It directed reinstatement. However, it has denied back wages from the date of dismissal till the date of joining.

20. The charges against the respondent that he did not possess the necessary qualification is not proved. However, the document the document which respondent produced along with the application seeking appointment is found to be fake. At the same time it is also the fact that respondent did possess necessary qualification while he applied for the post and the certificate disclosing the qualification was produced before the appellate authority for the first time by the respondent. It was not produced in the domestic enquiry. Thus, in a way the respondent is responsible for the order of dismissal which was later set aside by the appellate authority. Hence, respondent is ordered to be reinstated.

21. The appellate authority denied the backwages from the date of dismissal till the date of reporting. Here the



principle of no work no pay would apply as respondent himself is responsible for the situation. The employer cannot be faulted for the initial decision of dismissal.

22. The appellate authority has denied five annual increments. The Court is of the view that said penalty of denial of five increments with cumulative effect is harsh and not justified as the respondent did possess necessary qualification and the certificate which he produced along with the application though appeared to be belonging to someone else. The production of wrong certificate appears to be a bonafide mistake. There cannot be any reason to produce a fake certificate when the respondent did possess the requisite qualification. Under these circumstances the reinstatement without backwages in a way serves as a penalty for the respondent who can be said to be negligent.

23. Since, the penalty of withholding 5 increments with cumulative effect is set aside by the Tribunal, the Court is of the view that there is no need to interfere with the said part of the award. However, the award conferring full monetary benefit is to be set aside.



24. Though it is urged that there is a delay of 3 years and 10 months in raising the dispute before the Tribunal , in the facts of the case the Court is of the view that the delay can be condoned by imposing a cost of Rs.30,000=00 on the respondent and same shall be deducted from the monitory benefits payable to the respondent.

25. Hence, the following

**ORDER**

- i. Writ Petition is ***allowed in part.***
- ii. The part of the award dated 06.02.2024 passed by Industrial Tribunal, Bengaluru in I.D. No. 50/2016, granting monitory benefits from the date of dismissal till the date of joining to duty is set aside.
- iii. The respondent is *not* entitled to backwages from the date of dismissal to the date of joining to duty.
- iv. The respondent is entitled to continuity of service for the purpose of computing terminal benefits.
- v. In the monitory benefits payable to the respondents Rs. 30,000=00 shall be deducted.

**Sd/-  
(ANANT RAMANATH HEGDE)  
JUDGE**