IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 38624 OF 2018 (L-KSRTC)

BETWEEN:

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

…PETITIONER

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

AND:

VENKATACHALAPATHY
S/O MADDHURAPPA,
AGED ABOUT 50 YEARS
REPRESENTED BY GENERAL SECRETARY,
KSRTC STAFF AND WORKERS FEDERATION,
NO.6, SIRUR PARK ROAD,
SESHADRIPURAM,
BENGALURU-560020.

…RESPONDENT

(BY SRI. G.S.NAVEEN KUMAR, ADVOCATE FOR
SRI. S.B.MUKKANNAPPA, ADVOCATE)

Digitally signed by THEJAS KUMAR N
Location: HIGH COURT OF KARNATAKA

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

THIS WRIT PETITION IS LISTED FOR HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Smt.H.R.Renuka, counsel for the petitioner and Sri.Naveen Kumar, counsel on behalf of Sri.S.B.Mukkannappa, for the respondent, appeared in person.

2. The short facts are as follows:

The name of the workman, Venkatachalapathy, was included in the list of badli conductors. In 1990, the duty was stopped by the issuance of an offence memo, was taken to duty subsequently. The duty was stopped by the issuance of an offence memo again in 1991, and was taken to duty subsequently. In 1991, he was removed from service on the charge of misconduct on 30.11.1991.

3. As matters stood thus, the respondent raised a dispute before the Labour Court in I.D.No.3/1992 as against the order of the removal. The respondent was directed to be taken as badli, and he was imposed a fine of Rs.310/-. The respondent was reinstated into service w.e.f. 13.08.1993. In 1994, the duty assigned to the respondent was stopped on issuance of an offence memo. However, he was permitted to report to duty. He was removed from service on the charge of

proven misconduct on 29.09.1999. The order of removal was questioned in I.D.No.138/1999. The Labour Court vide award dated 04.11.2000 directed the Corporation to reinstate the respondent as a badli conductor without back wages with continuity of service and consequential benefits. The respondent reported to duty pursuant to the award of the Labour Court. The respondent was brought on probation for a period of two years from 22.03.2001.

4. After a lapse of 25 years, the respondent raised a dispute seeking promotion, re-fixation of salary, annual increments and the same was referred for adjudication to the Industrial Tribunal, Bengaluru. The Tribunal vide order dated 16.11.2017 allowed the application in part by directing the Corporation to extend the benefit of time scale to the respondent on completion of 180 days of service from the date of initial appointment. Under these circumstances, the Corporation is before this court.

5. Counsel for the respective parties urged several contentions.

6. Smt.H.R.Renuka, counsel for the Corporation in presenting her arguments strenuously urged that there is an inordinate delay of 25 years in raising the dispute. She argued by saying that the Tribunal erred in entertaining a highly belated dispute, and the same is contrary to the law laid down by the Apex Court. Hence, she submitted that the writ petition may be allowed.

7. Sri.Naveen Kumar, counsel submitted that there is no provision restricting the period for raising the dispute under the Industrial Disputes Act. He submitted that the respondent had given several representations to consider his request; however, the same was not acted upon by the Corporation. He justified the award of the Labour Court and submitted that the writ petition may be dismissed.

8. Heard the arguments and perused the papers with care.

9. The facts are sufficiently said and do not require repetition. The core issue has a narrow compass and is confined to the admissibility of a dispute raised fully 25 years

after the relevant events took place. In other words, this specific issue falls within a narrow compass, as the key question is whether a claim can be legitimately brought 25 years later.

10. It is not in dispute that the duty of the respondent was stopped at intervals and was removed from service on two occasions. Hence, he is not entitled to claim the benefit of fixation of increment or promotion. Furthermore, he was directed to be taken as a badli conductor; thereafter, he was brought on probation in 2001. The dispute was raised in 2015, which goes to show that he has slept on the matter for many years. The respondent failed to exercise due diligence over the matter for many years. The Court's finding that the delay's significance should be weighed against the case's merits is incorrect; this improperly mixes procedure with substance, bypassing the crucial first step of examining the cause of delay.

11. The Apex Court in ***PRABHAKAR V/S. JOINT DIRECTOR, SERICULTURE DEPARTMENT AND ANOTHER*** reported in ***(2015) 15 SCC 1*** has held that when there is no agitation by the workman for a long time, and the dispute is

raised belatedly, and the delay and laches remain unexplained, it should be presumed that he had waived his right. It is also observed that at the time when the dispute was raised, it had become stale and was not an existing dispute. Even in the present case, when the dispute was raised by the first party, it had virtually become a stale dispute. In the present circumstances, the award passed by the Labour Court is unsustainable in law and on the facts.

12. The petition for certiorari is ordered. The award dated 16.11.2017 passed by the Industrial Tribunal, Bengaluru, in I.D.No.83 of 2015 vide Annexure G is quashed.

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

The interim order granted by this court, if any, stands discharged and pending interlocutory applications and interim directions, if any, are disposed of.

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 31