CNR: KAHC010017702022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 682 OF 2022 (L-KSRTC)

BETWEEN:

BANGALORE METROPOLITAN
TRANSPORT CORPORATION
CENTRAL OFFICE, K.H. ROAD
BANGALORE.
BY ITS CHIEF MECHANICAL ENGINEER
REP. BY ITS CHIEF LAW OFFICER. …PETITIONER

(BY SMT. RENUKA H R., ADVOCATE)

AND:

K.H.KRISHNA
DRIVER
AGED ABOUT 55 YEARS
REP. BY ITS GENERAL SECRETARY
KSRTC AND BMTC
SAMYUKTHA KARMIKARA SANGHA
NO.23, 4TH MAIN ROAD
MATHIKERE EXTENSION
BANGALORE-560056. …RESPONDENT

(BY SRI. SHEKAR L., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE AWARD DATED: 12.11.2019 IN ID NO.121/2012 PASSED BY THE INDUSTRIAL TRIBUNAL, BANGALORE VIDE ANNEXURE-H AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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HAREKOPPA THIMMANNA GOWDA

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CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by the Bangalore Metropolitan Transport Corporation (for short, the 'Corporation') under Articles 226 and 227 of the Constitution of India, challenging the award dated 12.11.2019 passed by the Industrial Tribunal, Bengaluru (for short, the 'Tribunal') in I.D. No. 121/2012, whereby the punishment imposed by the Corporation on the respondent-workman has been set aside.

2. The brief facts of the case are that the respondent was working as a driver in the petitioner-Corporation. He was charge-sheeted in connection with an accident that occurred on 06.05.2006, and a departmental enquiry was initiated against him. An Enquiry Officer was appointed to conduct the enquiry. The Enquiry Officer submitted a report holding that the charges levelled against the respondent were not proved. However, the disciplinary authority, upon considering the materials available on

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record, passed an order dated 19.10.2010 imposing the penalty of reduction of basic pay by four annual increments with cumulative effect.

3. Being aggrieved by the said order, the respondent-workman raised an industrial dispute in I.D. No. 121/2012. By the impugned award, the Tribunal set aside the punishment imposed by the petitioner-Corporation. Aggrieved by the said award, the Corporation has approached this Court.

4. Learned counsel appearing for the petitioner-Corporation raised the following contentions:

(i) Firstly, the main allegation against the respondent is that he was driving the bus bearing registration No. KA-01/F-194 without maintaining the safe distance required under the applicable regulations and dashed it against the Scorpio car bearing registration No. KA-25/N-2519, which was moving ahead of the bus. It is further alleged that the

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respondent was driving the bus at a high speed and hence, it collided with the Scorpio car.

(ii) Secondly, a criminal case was registered against the respondent-workman, and the police registered an FIR in connection with the accident. This, according to the learned counsel, clearly establishes that the respondent was negligent in causing the accident.

(iii) Thirdly, the respondent did not lodge any complaint against the driver of the Scorpio car. Had the respondent not been negligent in causing the accident, he would have lodged a complaint against the driver of the Scorpio car.

(iv) Fourthly, the Corporation examined its witnesses, who categorically deposed that the accident occurred due to the negligence of the respondent, as he had failed to maintain a safe distance between the two vehicles. Without properly appreciating this aspect, the Enquiry Officer erroneously held that the charges were not

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proved. The disciplinary authority, after considering the relevant aspects of the matter, rightly imposed the penalty of reduction of basic pay by four annual increments with cumulative effect.

(v) Fifthly, the Tribunal, without properly appreciating the evidence of the witnesses examined on behalf of the Corporation and the FIR registered against the respondent, allowed the industrial dispute merely by relying upon the report submitted by the Enquiry Officer, which had not been accepted by the disciplinary authority. Hence, the learned counsel sought for allowing the writ petition.

5. Per contra, learned counsel appearing for the respondent-workman raised the following contentions:

(i) Firstly, pursuant to the charge memo issued to him, the respondent submitted a detailed reply denying the allegation of negligence and contending that the accident occurred due to the negligence of the driver of

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the Scorpio car. The Corporation failed to examine any witness to establish that the respondent was negligent in causing the accident. Therefore, the Enquiry Officer rightly held that the charges were not proved and submitted a report accordingly.

(ii) Secondly, while disagreeing with the findings recorded by the Enquiry Officer, the disciplinary authority imposed the penalty solely on the ground that the respondent had not lodged any complaint against the driver of the Scorpio car. Except for this circumstance, there was no other evidence to establish the charges levelled against the respondent. Therefore, the Tribunal rightly allowed the industrial dispute. Hence, the learned counsel sought for dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the writ petition papers.

7. It is not in dispute that the respondent-workman was working as a driver in the petitioner-Corporation. It is

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also not in dispute that, on 06.05.2006, while the respondent was working as a contract driver and driving the bus bearing registration No. KA-01/F-194 from Depot No. 8 towards Talakadu, the bus collided with a Scorpio car near Channapatna. It is further not in dispute that the driver of the Scorpio car lodged FIR against the respondent.

8. Based on the said FIR, the Corporation initiated departmental proceedings against the respondent by issuing a charge memo. The respondent submitted his reply denying the allegations levelled against him. An Enquiry Officer was appointed to conduct the enquiry, and the Enquiry Officer submitted a report holding that the charges levelled against the respondent were not proved. Disagreeing with the findings recorded in the enquiry report, the disciplinary authority, vide order dated 19.10.2010, produced as Annexure-E, imposed the penalty

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of reduction of basic pay by four annual increments with cumulative effect.

9. I have perused the penalty order produced as Annexure-E. The said order does not disclose any discussion or appreciation of the evidence adduced during the departmental enquiry. When the disciplinary authority disagrees with the findings recorded by the Enquiry Officer, it is required to consider the evidence available on record, record its reasons for disagreeing with the findings of the Enquiry Officer, and arrive at its own conclusion based on the material available on record.

10. In the present case, the disciplinary authority concluded that the respondent was negligent in causing the accident solely on the grounds that the bus had sustained damage in the accident and that the respondent had not lodged any complaint against the driver of the Scorpio car. No other evidence has been referred to in

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support of the conclusion that the respondent was negligent in causing the accident.

11. In the absence of sufficient evidence to substantiate the charges levelled against the respondent, the Tribunal rightly held that the petitioner-Corporation had failed to prove the charges and allowed the industrial dispute raised by the respondent-workman.

12. In view of the foregoing discussion, this Court finds no error or illegality in the award passed by the Tribunal warranting interference in the exercise of its writ jurisdiction.

Accordingly, the writ petition is dismissed.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 18