HC-KAR

NC: 2026:KHC:59919
WP No. 2978 of 2022

CNR: KAHC010062302022

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. 2978 OF 2022 (L-KSRTC)

BETWEEN:

K SRINIVASA
S/O M KRISNNAMURTHY
AGED 42 YEARS
R/AT NO 8, SANNY LAYOUT
MARGONDANAHALLI VILLAGE
BENGAURU EAST TALUK- 560030.

...PETITIONER

(BY SRI. SHEKAR L., ADVOCATE)

AND:

DIVISIONAL CONTROLLER KSRTC
KSRTC, BENGALURU CENTRAL DIVISION
K H ROAD, BENGALURU-560027.

...RESPONDENT

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD DATED: 05.04.2021 PASSED BY THE HONBLE LEARNED PRESIDING OFFICER, II ADDL.LABOUR COURT,BENGALURU,IN I.D.NO.34/2019 IN SO FAR AS IT RELATES TO DENIAL OF BACK WAGES, CONSEQUENTIAL BENEFITS AND CONTINUITY OF SERVICE ARE CONCERNED. VIDE ANNEXURE-A TO THE WRIT PETITION AND ETC.

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HAREKOPPA THIMMANNA GOWDA

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

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

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the award dated 05.04.2021 passed by the II Additional Labour Court, Bengaluru (for short, 'Labour Court'), in I.D. No.34/2019, vide Annexure-A, whereby the order of dismissal dated 31.08.2017 passed by the respondent - second party against first party – petitioner was set aside, while denying back wages and continuity of service. Being aggrieved by the denial of back wages and continuity of service, the petitioner is before this Court.

2. Learned counsel appearing for the petitioner – first party submits that the Labour Court has rightly held that the punishment imposed by the second party is disproportionate to the charges levelled against the petitioner and, accordingly, set aside the order of

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dismissal. However, the Labour Court has denied back wages and, in the operative portion of the award, has also denied continuity of service. Therefore, the award passed by the Labour Court requires to be modified.

3. Learned counsel appearing for the respondent – second party contends that the charge of unauthorised absence levelled against the petitioner has been proved. The Labour Court, having found that the punishment of dismissal is disproportionate to the charges, has set aside the order of dismissal. It is further contended that the Labour Court has rightly denied back wages and continuity of service. Hence, learned counsel seeks dismissal of the writ petition.

4. Heard the learned counsel for the parties. Perused the writ petition papers.

5. The petitioner – first party was working as a driver since the year 2005. On the allegation of unauthorised absence from 21.07.2016 to 14.09.2016, a departmental

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enquiry was initiated against him. Upon completion of the enquiry, the petitioner was dismissed from service by order dated 31.08.2017.

6. Being aggrieved by the order of dismissal and upon failure of conciliation, the petitioner raised an industrial dispute in I.D. No.34/2019 before the Labour Court. The Labour Court, after considering the evidence adduced by the parties, has rightly come to the conclusion that the second party had established the charge of unauthorised absence against the first party. Accordingly, the Labour Court held that the charge had been proved.

7. However, having regard to the charges levelled against the petitioner, the Labour Court found that the punishment of dismissal from service was disproportionate to the misconduct alleged and, accordingly, set aside the order of dismissal dated 31.08.2017. On consideration of the material available on record, I am of the opinion that the Labour Court was justified in setting aside the order of

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dismissal and modifying the punishment by denying back wages and continuity of service.

8. However, the award requires modification to the limited extent that the petitioner shall be entitled to continuity of service for the purpose of terminal benefits alone. He shall not be entitled to claim continuity of service for any other purpose or consequential service benefits.

9. Accordingly, the award passed by the Labour Court is modified to the above extent.

10. With the above modification, the writ petition stands disposed of.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 21