IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO.648 OF 2024 (L-KSRTC)

BETWEEN:

SRI K.V. SUBBARATHNA SETTY
S/O LATE SRI VENKATASHAMAIAH
AGED ABOUT 80 YEARS
R/AT NO.22/51
8TH CROSS
3RD MAIN ROAD
TENT ROAD
SANJEEVININAGAR
NAGARBHAVI POST
BENGALURU-560 072
REP. BY GENERAL SECRETARY
K.S.R.T.C. AND B.M.T.C. UNITED EMPLOYEES UNION
NO.23, 4TH MAIN ROAD
MATHIKERE EXTENSION
BANGALORE - 560 054

...APPELLANT

(BY SRI. SOMA SUNDER RAO R., ADV.)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

AND:

1. KARNATAKA STATE ROAD
   TRANSPORT CORPORATION
   BANGALORE CENTRAL DIVISION

BANGALORE
BY ITS DIVISIONAL CONTROLLER
REP. BY ITS CHIEF LAW OFFICER

2. STATE OF KARNATAKA
DEPARTMENT OF LABOUR
PRESIDING OFFICER, NO.5
LABOUR STATE INSURANCE
SCHEME MEDIAL SERVICES
OFFICE OF THE SECRETARIAT
VIKASA SOUDHA
BANGALORE 560 001

…RESPONDENTS

(BY SMT. H. R. RENUKA, ADV FOR R1;
SRI. SPOORTHY HEGDE, HCGP FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 01.02.2024 IN WP NO.20256/2021 (L-KSRTC) PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT ALLOWING THE WRIT APPEAL AND DISMISS THE WRIT PETITION NO.20256/2021 (L-KSRTC) FILED BY THE 1ST RESPONDENT AND GRANT SUCH OTHER RELIEF OR RELIEFS AS THIS COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 02.11.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred against the order of the learned Single Judge dated 01.02.2024 in W.P. No.20256/2021.

2. Heard Sri Soma Sunder Rao R., learned counsel for the appellant and Smt. H.R. Renuka, learned counsel for respondent No.1 as well as Sri Spoorthy Hegde, learned High Court Government Pleader for respondent No.2.

3. The writ petition was filed by the respondent-KSRTC (Karnataka State Road Transport Corporation), challenging the order of the Industrial Tribunal in I.D. No.103/2011 dated 25.10.2019. By the said award, the minor penalty of reduction of basic pay by one incremental stage for a period of one year, which was imposed on 31.01.1991 was set aside. The learned Single Judge, after considering the contentions raised by the parties, came to the conclusion that the punishment was one imposed in the year 1991 and that the dispute was raised in the year 2011

and the reference made by the Government was hopelessly belated. It was found that the delinquent had questioned an order dated 07.03.1990 before the Tribunal. However, the learned Single Judge found that there was no order passed on 07.03.1990 and the punishment order was dated 31.01.1991 and the implementation order was dated 07.03.1991. Further it was found that the questioning of the order passed in a minor penalty proceedings after more than 19 years of the date of the order was completely unjustified and that the act of the Government in having referred the dispute for adjudication was bad in law and in facts.

4. The learned counsel appearing for the appellant submits that the order of punishment was passed without holding any enquiry proceedings. It is further contended that the file of the disciplinary proceedings had obviously not been destroyed and that the Industrial Tribunal was fully justified in having considered the reference on merits.

5. It is submitted that the question whether the reference was belated was specifically considered by the

Tribunal, which came to the conclusion that there was a proper reason and explanation for the delay. It is submitted that the Tribunal had also found that no inquiry was conducted before imposing the punishment, therefore, the punishment was bad in law.

6. Having considered the contentions advanced, we notice that it is an admitted case that the punishment in dispute was one imposed in the year 1991. The punishment was a minor penalty of stoppage of one increment for one year. The dispute was raised in the year 2011. The learned Single Judge had found that there was no order passed on 07.03.1990 and that the reference made on 07.02.2011 was vitiated by total want of application of mind. It was on these findings that the writ petition was allowed.

7. The learned Single Judge has considered the legality and propriety of the reference made by the Government. It was found that the reference itself was erroneous. We also notice that the proceedings in question were minor penalty proceedings and the finding of the

Tribunal that there was no enquiry conducted before passing the order of punishment was unjustified since there is no requirement for conduct of a disciplinary enquiry for passing an order imposing a minor penalty.

8. In the above circumstances, we are of the opinion that the order of the learned Single Judge does not require interference. We find no sustainable grounds raised for interfering with the exercise of jurisdiction by the learned Single Judge in this intra Court appeal. The writ appeal fails and same is accordingly ***dismissed***.

All pending interlocutory applications shall stand disposed of.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

PN