HC-KAR

CNR: KAHC010326032022

NC: 2026:KHC:61244
WP No. 14512 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 14512 OF 2022 (L-KSRTC)

BETWEEN:

THE KARNATAKA STATE ROAD
TRANSPORT CORPORATION
BENGALURU CENTRAL DIVISION
BY ITS CHIEF LAW OFFICER
K H ROAD, SHANTHINGAR
BENGALURU-560027.

...PETITIONER

(BY SRI. ANEPPANAVAR RAMESH BASETTEPPA., ADVOCATE)

AND:

SRI. NAZEER HUSSAIN
CONDUCTOR
BADE NO 2583
KSRTC DEPOT NO 5
BANGALORE CENTRAL DIVISION
REP. BY THE GENERAL SECRETARY
KSRTC AND BMTC UNITED
EMPLOYEES UNION NO 23
4TH 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 TO QUASH THE IMPUGNED AWARD DATED: 10.03.2021 PASSED BY THE INDUSTRIAL TRIBUNAL, AT BENGALURU IN INDUSTRIAL DISPUTE NO.148/2012 VIDE ANNEXURE-B.

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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

1. This writ petition is filed by the employer challenging the award dated 10.03.2021 passed by the Industrial Tribunal, Bengaluru, in I.D. No.148/2012, whereby the dispute raised by the workman was allowed and the punishment imposed by the Disciplinary Authority was set aside.

2. For the sake of convenience, the parties shall be referred to as per their ranking before the Industrial Tribunal.

3. The brief facts of the case are that the first party, who is the workman, was employed as a Conductor in the second party Corporation. While discharging his duties as a Conductor on 28.10.2009 in a bus plying on the route from Shivamogga to Bengaluru, he allegedly failed to issue ticket to a passenger and permitted that person to travel in the bus without valid ticket. In view of the said

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misconduct, articles of charge were issued against the workman on 09.12.2009.

4. The Disciplinary Authority, upon consideration of the material available on record, without holding any enquiry in this regard, imposed a minor penalty on the workman by exercising its powers under Regulation 18-A(3) of the Karnataka State Road Transport Corporation Servants (Conduct and Discipline) Regulations, 1971. Accordingly, one annual increment of the workman was withheld for a period of two years without cumulative effect. The said order of punishment dated 13.01.2010, produced as Annexure-A, was called in question by the workman before the Industrial Tribunal.

5. The Industrial Tribunal, upon consideration of the dispute, allowed the same and set aside the order of punishment imposed by the Disciplinary Authority. The principal ground on which the Tribunal proceeded to interfere with the order of punishment was that the Disciplinary Authority, without conducting a regular

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departmental enquiry, could not have imposed the penalty merely on the basis of the documents available on record. In arriving at the said conclusion, the Tribunal placed reliance upon the judgment of this Court in the case of ***Huberto Lobo vs. The Presiding Officer, Labour Court, Mangalore,*** reported in ***1997 (4) Kar.L.J. 524.***

6. However, the cited judgment relates to withholding of increments with cumulative effect being classified as a major punishment, necessitating a departmental enquiry and, therefore, the said judgment is not applicable to the facts of the present case. The Tribunal has misplaced its reliance on the said judgment. Therefore, the impugned award passed by the Industrial Tribunal is unsustainable.

7. Since the Disciplinary Authority, after verifying the material available on record, imposed only a minor penalty by dispensing with the enquiry, as provided under Regulation 22, there is no error or illegality in the order passed by the Disciplinary Authority, produced as Annexure-A.

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8. Without considering this aspect of the matter, the Industrial Tribunal has committed an error in allowing the dispute raised by the employee. The Disciplinary Authority, having imposed only a minor penalty after considering the material available on record and by dispensing with the enquiry in terms of Regulation 22, the Industrial Tribunal was not justified in setting aside the penalty order. On this ground alone, the impugned award is liable to be set aside. Hence, the following order:

ORDER

a) The writ petition is ***allowed***.

b) The award dated 10.03.2021 passed by the Industrial Tribunal, Bengaluru, in I.D.No.148/2012 vide Annexure-B is hereby set aside.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 28