HC-KAR
CNR: KAHC010350512023

NC: 2026:KHC:64042
WP No. 14802 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 14802 OF 2023 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, CHIKKABALLAPURA DIVISION
CHIKKABALLAPURA
REP. BY ITS CHIEF LAW OFFICER
CENTRAL OFFICE, K.H.ROAD
BANGALORE - 560 027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

P. MANJUNATH
S/O PUTTAIAH
AGED ABOUT 42 YEARS
R/AT THONDEBAVI VILLAGE
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT – 561208

...RESPONDENT

(RESPONDENT IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DATED: 30/10/2021 PASSED BY THE PRL. DIST., AND SESSIONS JUDGE, CHICKBALLAPURA IN I.D.NO. 1/2018 VIDE ANNEXURE-A CALL FOR THE RECORDS ON THE FILE OF THE PRL. DIST AND SESSIONS JUDGE AT CHICKBALLAPURA IN I.D.NO. 01/2018.

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

CNR: KAHC010350512023

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

ORAL ORDER

The petitioner – Karnataka State Road Transport Corporation (for short, 'Corporation') has filed this writ petition under Articles 226 and 227 of the Constitution of India, calling in question the award dated 30.10.2021 passed by the Principal District and Sessions Judge, Chikkaballapura (for short, 'Labour Court'), in I.D.No.1/2018, whereby the order of dismissal imposed by the disciplinary authority against the respondent – Workman has been modified.

2. For the sake of convenience, the parties are referred to as per their ranking before the Labour Court.

3. The brief facts of the case are that, the first party – Workman was appointed as a Driver-cum-Conductor in the second party – Corporation in the year 2009. While discharging his duties, he remained unauthorisedly absent from duty from 12.04.2016 to 06.10.2016, without

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obtaining prior permission or sanction of leave from the competent authority. Consequently, the second party – Corporation initiated disciplinary proceedings against the first party – Workman by appointing an Enquiry Officer. The Enquiry Officer, after conducting a domestic enquiry, submitted a report holding that the charges levelled against the first party – Workman were proved. Based on the findings recorded by the Enquiry Officer, the disciplinary authority passed an order imposing the penalty of dismissal from service. Being aggrieved by the said order, the first party – Workman raised an industrial dispute in I.D.No.1/2018 before the Labour Court.

4. The Labour Court, upon consideration of the pleadings and evidence available on record, recorded a finding that the charges levelled against the first party – Workman stood proved, and he had remained unauthorisedy absent from duty without obtaining permission from the competent authority, constituted

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misconduct. However, having regard to the nature of the misconduct and the circumstances of the case, the Labour Court was of the view that the punishment of dismissal from service was disproportionate to the gravity of the misconduct proved against the first party – Workman. Accordingly, the Labour Court, in exercise of its powers under Section 11-A of the Industrial Disputes Act, 1947, modified the punishment imposed by the disciplinary authority and directed reinstatement of the first party – Workman with continuity of service and other consequential directions. Being aggrieved by the said award, the second party – Corporation is before this Court.

5. Heard the learned counsel appearing for the parties and perused the material available on record.

6. It is not in dispute that the first party – Workman had remained unauthorisedly absent from duty from 12.04.2016 to 06.10.2016, for a period of nearly 5 months 24 days. It is also not in dispute that the disciplinary

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authority, on the basis of the enquiry report, imposed the punishment of dismissal from service. The Labour Court, while affirming the findings of misconduct recorded in the domestic enquiry, has interfered with the quantum of punishment on the ground that the punishment of dismissal was disproportionate to the misconduct proved against the first party – Workman.

7. It is well settled that, in exercise of the powers conferred under Section 11-A of the Industrial Disputes Act, 1947, the Labour Court is empowered to interfere with the quantum of punishment imposed by the disciplinary authority, if it is satisfied that the punishment is disproportionate to the gravity of the misconduct. However, such discretion is required to be exercised judiciously, having regard to the nature of misconduct, the circumstances of the case and the material available on record.

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8. In the present case, though the charge of unauthorised absence has been proved, the Labour Court, having considered the nature of the misconduct and the circumstances of the case, has exercised its discretion and modified the punishment of dismissal. The said exercise of discretion by the Labour Court does not warrant interference by this Court in exercise of its supervisory jurisdiction under Articles 226 and 227 of the Constitution of India.

9. However, insofar as the direction relating to continuity of service is concerned, this Court is of the considered opinion that the same requires interference. When the misconduct of unauthorised absence for a substantial period has been established, the grant of continuity of service, without adequate justification, would amount to conferring an additional benefit upon the first party – Workman notwithstanding the misconduct proved against him. Therefore, while sustaining the award of the

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Labour Court insofar as it relates to reinstatement and the other penalties imposed, the direction relating to continuity of service alone deserves to be modified.

10. In view of the foregoing discussion, this Court is of the considered opinion that the impugned award calls for interference only to the limited extent of denying continuity of service to the first party – Workman. Accordingly, the following:

ORDER

(i) The writ petition is disposed of.

(ii) The award dated 30.10.2021 passed by the Labour Court in I.D.No.1/2018 is hereby modified only to the extent that relief of continuity of service is denied.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 38