HC-KAR
NC: 2026:KHC:64041
WP No. 15362 of 2023
CNR: KAHC010358242023

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. 15362 OF 2023 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
KSRTC, DAVANGERE DIVISION
REP. BY LAW OFFICER
CENTRAL OFFICE, K H ROAD
BANGALORE 560 027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SRI. H. THIPPESWAMY
S/O HUTCHAPPA
AGED ABOUT 33 YEARS
DRIVER BADGE NO. 3764
DAVANGERE UNIT, R/AT KODAGANURU POST
DAVANAGERE TALUK, DAVANGERE DISTRICT 577534.

...RESPONDENT

(BY SRI.M C BASAVARAJU., ADVOCATE C/ RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD / ORDER DATED: 21.3.2022 PASSED BY THE INDUSTRIAL TRIBUNAL , HUBBALLI IN ID.NO.718/2015, VIDE ANNEXURE-A AND ETC.

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

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HAREKOPPA THIMMANNA GOWDA

CNR: KAHC010358242023

ORAL ORDER

The present writ petition is filed by the Karnataka State Road Transport Corporation (for short, 'the Corporation'), invoking Articles 226 and 227 of the Constitution of India, assailing the award dated 21.03.2022 passed by the Industrial Tribunal, Hubballi (for short, 'the Tribunal'), in I.D.No.718/2015, whereby the penalty imposed by the Corporation vide order dated 28.01.2009, produced at Annexure-B, has been set aside.

2. The brief facts of the case are that the respondent-workman was appointed as a Trainee Driver by the petitioner - Corporation. While he was discharging his duties as a driver on 04.04.2008 in a bus bearing registration No.KA-17-F-524, plying on the route from Davanagere to Kabburu, the bus met with an accident on account of his negligence. Consequently, a show-cause notice dated 13.11.2008 was issued to the respondent-workman, calling upon him to submit his explanation. The respondent submitted his explanation to the said notice.

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However, being dissatisfied with the explanation offered, the disciplinary authority imposed the penalty of recovery of one month's training allowance in 12 instalments and extension of the training period by one year vide order dated 28.01.2009. .

3. After a lapse of nearly seven years, the respondent-workman raised an industrial dispute before the Tribunal, challenging the penalty imposed by the disciplinary authority. Before the Tribunal, the respondent-workman has neither produced any documentary evidence nor adduced any oral evidence in support of his claim. On the other hand, in the explanation submitted by him pursuant to the show-cause notice, he had categorically admitted the mistake on his part.

4. In spite of the aforesaid admission, the Tribunal proceeded to set aside the penalty imposed by the disciplinary authority, without assigning proper reasons for entertaining the dispute after an inordinate delay and

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without recording any cogent reasons in support of its decision. The award passed by the Tribunal is, therefore, a non-speaking order, which does not disclose proper consideration of the material available on record.

5. When the respondent-workman himself had admitted his negligence in his explanation submitted to the disciplinary authority, the Corporation was justified in imposing the aforesaid minor penalty by its order dated 28.01.2009. The disciplinary authority, having considered the explanation offered by the respondent, imposed the penalty in accordance with law. No error or infirmity can be attributed to the order passed by the disciplinary authority.

6. The Tribunal, without properly appreciating the admission made by the respondent-workman and the material available on record, has proceeded to set aside the penalty imposed by the disciplinary authority. Such an approach is unsustainable under law. Therefore, the award

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passed by the Tribunal warrants interference by this Court in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India.

7. For the foregoing reasons, the writ petition deserves to be allowed. Accordingly, the following:

ORDER

(i) The writ petition is allowed.

(ii) The award dated 21.03.2022 passed by the Industrial Tribunal, Hubballi, in I.D.No.718/2015 is hereby set aside.

(iii) The penalty imposed by the disciplinary authority vide order dated 28.01.2009 is hereby confirmed.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 40