HC-KAR

NC: 2026:KHC:64175-DB
WA No. 1159 of 2025

CNR: KAHC010462372025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1159 OF 2025 (L-KSRTC)

BETWEEN:

S RAJESH
S/O LATE V. SRINIVAS
AGED ABOUT 50 YEARS
R/A 18, GROUND FLOOR, NETHAJI ROAD,
RAJU LAYOUT, BEHIND NEHRU MEMORIAL SCHOOL
NAGADEVANAHALLI, BENGALURU 560 056.

...APPELLANT

(BY SRI. THIPPESWAMY J.R,ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER
BMTC, EAST ZONE CENTRAL OFFICE
K.H. ROAD, BENGALURU - 560 027.
HEREIN REPRESENTED BY THE CHIEF LAW OFFICER
BMTC, CENTRAL OFFICE K.H.ROAD,
SHANTHINAGAR, BENGALURU -560 027.

...RESPONDENT

(BY SRI. B L SANJEEV, ADVOCATE)

Digitally signed by B VEENA KUMARI
Location: HIGH COURT OF KARNATAKA

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE PASSED IN WP No-14106/2024 DATED 25.10.2024 CONSEQUENTLY II) RESTORE THE AWARD PASSED BY THE III ADDITIONAL LABOUR COURT BANGALORE IN I.D No-345/2021 DATED 20.12.2023.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CNR: KAHC010462372025

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present Intra-Court appeal has been filed impugning the order dated 25.10.2024 passed by the learned Single Judge in Writ Petition No. 14106/2024 filed by the respondent-Corporation impugning the award dated 20.12.2023 passed by the III Additional Labour Court, Bengaluru, in Industrial Dispute No. 345/21 instituted by the appellant-workman against the order of dismissal passed by the respondent-Corporation.

2. The appellant-workman remained absent from duty unauthorizedly from 03.12.2018 to 02.04.2019 without even submitting any application for leave. He was issued call notice on 29.12.2018, 08.01.2019, 16.01.2019, 09.02.2019, 01.03.2019 and 13.03.2019 calling upon him to report to duty. However, he did not respond to any of the aforesaid notices and continued unauthorisedly absent from discharging his duties. The depot manager submitted a report regarding unauthorized absence of the appellant from duty. A disciplinary

inquiry was conducted against him for the charge of unauthorised absent from duty for a long period. Notice was issued to the appellant-workman. However, he did not respond to the notice issued to him in the disciplinary proceedings. The notice was published in Newspaper 'Sayuktha Karnataka' a Kannada Daily Newspaper, but he chose not to participate in the enquiry and therefore, he was placed exparte. The Disciplinary Authority taking note of the material on record passed the order dated 20.03.2020 dismissing the appellant-workman from service.

3. The sole contention of the appellant-workman before the Labour Court was that he was unwell and to support his contention he submitted some medical reports being out-patient records, prescriptions, receipts pertaining to the years 2020, 2021 and 2022. The Labour Court, without considering the fact that the appellant was absent from duty from 03.12.2018 till 02.04.2019 and he had not submitted any record of him being unwell during that time passed the impugned award. The Writ Court has found the award unsustainable and preposterously wrong.

We find no ground to interfere with the impugned judgment and order passed by the learned Single Judge. We therefore dismiss the Writ Appeal.

Pending I.A. stands disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BVK
List No.: 2 Sl No.: 6