HC-KAR
CNR: KAHC010484562022

NC: 2026:KHC:62339
WP No. 21143 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 21143 OF 2022 (L-KSRTC)

BETWEEN:

DIVISIONAL CONTROLLER BMTC
BENGALURU CENTRAL DIVISION
BENGALURU-560022
BY ITS CHIEF LAW OFFICER
CENTRAL OFFICE
K H ROAD, BENGALURU-560027.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SRI HANUMANTHARAJU
S/O LATE VENAKTADASAPPA
AGED ABOUT 53 YEARS
NO.6790, 1ST CROSS, 1ST MAIN ROAD
BHAGAVANTH RAO LAYOUT
SHIVAJINAGARA, NELAMANGALA
BENGALURU RURAL DISTRICT
REP. BY SECRETARY
KSRTC STAFF AND WORKERS FEDERATION
SHIROOR PARK ROAD
SHESHADRIPURAM, BENGALURU-560020.

...RESPONDENT

(BY SRI. S.B MUKKANNAPPA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED: 09.03.2022, PASSED BY THE

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HAREKOPPA THIMMANNA GOWDA

INDUSTRIAL TRIBUNAL, BANGALORE IN ID.NO.144/2014, 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

ORAL ORDER

This petition is filed by the second party – Bengaluru Metropolitan Transport Corporation (for short, 'Corporation'), challenging the award dated 09.03.2022 passed by the Industrial Tribunal, Bengaluru (for short, 'Tribunal'), in I.D. No.144/2014, whereby the penalty imposed by the second party – Corporation has been set aside.

2. For the sake of convenience, the parties are referred to by their respective ranks before the Tribunal.

3. The brief facts of the case are that the first party – Workman was working as a Conductor in the second party – Corporation. On 21.06.2010, while he was on duty in vehicle bearing No.F-1742 on Route No.258 CC/5 from

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KBS to Nelamangala, the said vehicle was intercepted by the checking squad. Upon inspection, it was found that 12 passengers were travelling without tickets. Based on the report submitted by the checking officials, a charge memo was issued to the first party – Workman vide Annexure-C.

4. Pursuant to the charge memo, the first party – Workman submitted a reply denying the charges. Thereafter, the disciplinary authority being dissatisfied with the reply, proceeded to decide the matter on the basis of the materials available on record and, by order dated 09.11.2010 vide Annexure-E, imposed the penalty of reduction of basic pay by one annual increment with cumulative effect and treating the suspension period as being in suspension. Being aggrieved by the same, the first party – Workman raised an industrial dispute before the Tribunal. The Tribunal, by the impugned award, allowed the petition and set aside the penalty. Aggrieved

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by the same, the second party – Corporation has filed the present petition.

5. Learned counsel appearing for the second party – Corporation contended that the Tribunal allowed the dispute solely on the ground that the ticketless passengers statements had not been recorded and that the checking officials had failed to examine the cash bag to ascertain whether the first party – Workman was carrying excess cash. It was contended that the said finding is contrary to the judgment of this Court in the case of ***The Managing Director, North East Karnataka Road Transport Corporation v. Shivayananamath*****,** reported in ***2003 AIR – Kant. 1653.***

6. Per contra, learned counsel appearing for the first party – Workman submitted that, when charges are levelled against a workman and pursuant to which no domestic enquiry is conducted, the burden is on the second party – Corporation to prove the charges by

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adducing evidence before the Tribunal. It was further submitted that the second party – Corporation had not examined any of the checking officials to prove the charges levelled against the first party – Workman. Therefore, the Tribunal rightly allowed the dispute.

7. Heard the learned counsel for the parties and perused the writ petition papers.

8. It is not in dispute that the first party – Workman was working as a Conductor in vehicle bearing No.F-1742 on Route No.258-CC/5 from KBS to Nelamangala. It is also not in dispute that the said vehicle was intercepted by the checking squad between stage Nos. 14 and 15. Based on the report submitted by the checking squad, a charge memo was issued to the first party – Workman vide Annexure-C, whereby, the two charges were levelled against him. The same are extracted below:

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1. ಬಿನ್ನಮಂಗಲದಿಂದ ನೆಲಮಂಗಲಕ್ಕೆ ಪ್ರಯಾಣಿಸುತಿದ್ದ ಒಂದು ಗುಂಪಿನ ನಾಲಕ್ಕು (04) ಜನ ಪ್ರಯಾಣಿಕರಿಂದ ಪ್ರಯಾಣ ದರ ತಲಾ 3.00 ರಂತೆ ಒಟ್ಟು 12.00 ನ್ನು ಪಡೆದಿದ್ದರು ಅವರಿಗೆ ರೂ.3.00 ರ 4 ಅಧಿಕೃತ ಚೀಟಿಗಳನ್ನು ವಿತರಿಸಿರುವುದಿಲ್ಲ.

2. ಬಿನ್ನಮಂಗಲದಿಂದ ನೆಲಮಂಗಲಕ್ಕೆ ಪ್ರಯಾಣಿಸುತಿದ್ದ ಒಂದು ಗುಂಪಿನ ಎಂಟು (08) ಜನ ಪ್ರಯಾಣಿಕರಿಗೆ ಪ್ರಯಾಣ ದರ ತಲಾ 3.00 ರಂತೆ ಒಟ್ಟು 24.00 ರ ಮೌಲ್ಯದ ಚೀಟಿಗಳನ್ನು ನೀಡಿರುವುದಿಲ್ಲ ಹಾಗೂ ಅವರಿಂದ ಪ್ರಯಾಣ ದರವನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ.

9. It is also not in dispute that no departmental enquiry was conducted before imposing the penalty. The burden is on the employer to prove the charges levelled against the employee. In order to prove the charge that the first party – Workman had collected a sum of Rs.12/- from four passengers and had collected a sum of Rs.24/- from eight passengers, but had failed to issue tickets to them, the second party – Corporation has not examined the checking officials who had inspected the bus and submitted the report. It has also not produced any other evidence to substantiate the charges levelled against the first party – Workman.

10. On the other hand, the first party – Workman has submitted a reply denying all the charges. Therefore, the

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Tribunal has rightly set aside the penalty on the ground that the charges levelled against the first party – Workman have not been proved.

11. There is no error or illegality in the award passed by the Tribunal warranting interference by this Court. Hence, the writ petition is devoid of merit and is accordingly dismissed.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 46