HC-KAR
NC: 2026:KHC:64119
WP No. 23594 of 2023
CNR: KAHC010543702023

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. 23594 OF 2023 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER
DIVISIONAL OFFICE
NORTH DIVISION B M T C
K H ROAD, SHANTHINAGAR
BENGALURU.
HEREIN REPRESENTED BY
THE CHIEF LAW OFFICER B M T C
CENTRAL OFFICES K H ROAD
SHANTHI NAGAR, BENGALURU - 560 027.

...PETITIONER

(BY SRI. SANJEEV B L., ADVOCATE)

AND:

SRI. G P KUMARASWAMY
S/O PUTTEGOWDAIAH
AGE MAJOR
REP. BY THE PRESIDENT
KSRTC BANGALORE CENTRAL
DIVISION MAZDOOR SANGHA®
BMS OFFICE, NO. 458
OTC ROAD, COTTON PET
BENGALURU - 560 053.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

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HAREKOPPA THIMMANNA GOWDA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ORDER OR DIRECT TO QUASH THE AWARD DATED: 27/03/2023 PASSED BY THE INDUSTRIAL TRIBUNAL, BENGALURU IN ID NO. 300/2014, PRODUCED AT ANNEXURE-D 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

The present writ petition is filed by the Bangalore Metropolitan Transport Corporation (for short, 'BMTC'), calling in question the award dated 27.03.2023 passed by the Industrial Tribunal, Bengaluru (for short, 'the Tribunal'), in I.D. No.300/2014 vide Annexure-D, whereby the reference has been allowed and the order of punishment passed by the disciplinary authority dated 21.03.2013 has been set aside.

2. The brief facts of the case are that the respondent-workman was working as a Conductor in the petitioner-Corporation. While he was discharging his duties on 10.07.2010 in Bus Route No.248G/7, the checking

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officials, upon inspection, noticed that the respondent-workman was in possession of ten tickets of the denomination of Rs.10/- each, which had been issued in the Depot about two months prior thereto. On the basis of the said allegations, it was alleged that the respondent-workman was in possession of the used tickets with an intention to reissue the same.

3. In this regard, disciplinary proceedings were initiated against the respondent-workman. A charge was issued, an enquiry was conducted and the enquiry report was submitted. Based on the findings recorded in the enquiry report, the disciplinary authority, by order dated 21.03.2013, imposed the punishment of reduction of basic pay by one annual incremental stage with cumulative effect.

4. Aggrieved by the said order of punishment, the respondent-workman raised a dispute before the Tribunal, which came to be registered as I.D.No.300/2014. The

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Tribunal, by the impugned award dated 27.03.2023, allowed the reference and set aside the order of punishment.

5. A perusal of the impugned award would indicate that the Tribunal has neither considered the respective contentions and defence put forth by the parties, nor has it assigned cogent reasons for arriving at its conclusion. The award, as passed by the Tribunal, is bereft of proper discussion and reasoning and does not disclose the basis on which the reference has been allowed. In the absence of consideration of the rival contentions and recording of reasons in support of its conclusion, the impugned award cannot be sustained.

6. In view of the aforesaid, this Court is of the considered opinion that the matter requires reconsideration by the Tribunal, after affording an opportunity of being heard to both the parties and by

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passing a reasoned and speaking award in accordance with law.

7. Accordingly, the following:

ORDER

(i) The writ petition is allowed.

(ii) The award dated 27.03.2023 passed by the Industrial Tribunal, Bengaluru, in I.D. No.300/2014 vide Annexure-D is hereby set aside.

(iii) The matter is remitted to the Tribunal for fresh consideration, in accordance with law, after affording an opportunity of being heard to both the parties.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 57