HC-KAR

CNR: KAHC010687082023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO. 1596 OF 2023 (L-KSRTC)

BETWEEN:

1. KARNATAKA STATE ROAD TRANSPORT
CORPORATION
REPRESENTED BY THE DIVISIONAL CONTROLLER,
MYSURU URBAN DIVISION,
MYSURU,
REPRESENTED BY
THE CHIEF LAW OFFICER,
K.S.R.T.C.,
CENTRAL OFFICES, K H ROAD,
SHANTHINAGAR,
BENGALURU - 560027.

...APPELLANT

(BY SRI. RENUKA H.R., ADVOCATE)

AND:

Digitally signed by RAKSHA
Location: high court of karnataka

1. M N RAMESH
   S/O NINGAPPA
   AGED ABOUT 58 YEARS,
   REPRESENTED BY THE PRESIDENT,
   KSRTC STAFF AND WORKERS UNION,
   191/18, POST OFFICE ROAD,
   BANNIMANTAP EXTENSION,
   MYSURU - 570015.

…RESPONDENT

(BY SRI. NAIK V.S., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE ORDER DATED 06.06.2023 PASSED IN W.P NO.6276/2018, CONSEQUENTLY ALLOW THE WRIT PETITION IN THE INETEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CNR: KAHC010687082023

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

1. This appeal is preferred by the KSRTC against judgment dated 06.06.2023 passed by the learned Single Judge in WP No.6276/2018.

2. Heard Smt.Renuka H.R, learned counsel appearing for the appellant and Sri.Naik V.S, learned counsel appearing for the respondent.

3. Learned Single Judge considering the challenge against an Award dated 02.05.2017 in Reference No.100/2015 on the file of the Industrial Tribunal, Mysuru, had rejected the writ petition filed by the appellant herein. The Court found that there was a delay of four years in raising the dispute. However, it was found that the Tribunal has held that the domestic inquiry was not just and proper and that the punishment order dated 30.09.2010 was liable to be set aside. The award also

specifically held that the workman is entitled for all monetary benefits in respect of the order of punishment.

4. Learned counsel appearing for the appellant submits that the finding of the learned Single Judge that the Tribunal was justified in passing the award was not proper. It is stated that the Industrial Tribunal committed an error in entertaining the dispute after a delay of four years. It is further stated that there was evidence to suggest that the accident occurred on the wrong side of the bus and that the driver was responsible for the accident. It is therefore contended that the appreciation of evidence by the Tribunal is perverse and that the finding of the learned Single Judge is therefore, not justified.

5. Learned counsel appearing for the respondent on the other hand contends that the order of punishment was one rendered on 30.09.2010 and that the reference was made on 01.04.2015. It is submitted that there is no inordinate delay in approaching the Government, raising a dispute

and that in the absence of any period prescribed for raising the dispute, the delay had been properly explained before the Tribunal. It is further submitted that the workman has attained the age of superannuation and has retired from service on 31.07.2026. It is therefore submitted that the only dispute now remaining is with regard to the benefits which were withheld on account of the order of punishment. It is submitted that the workman is entitled to all the benefits including pay fixation and interest. However, it is submitted that the workman will be satisfied if the monetary benefits are given from the date of reference. However, it is submitted that the pay fixation will have to be effected from the date of punishment itself, as if the punishment had not been imposed. The benefits will be confined from the date on which the reference was made by the Government.

6. Having considered the contentions advanced, we are of the opinion that the appeal can be disposed of in the following terms:-

(i) The dismissal of the writ petition No.6276/2018 dated 06.06.2023 passed by the learned Single Judge is *affirmed*.

(ii) However, it is made clear that the monetary benefits will be restricted from the date of reference made by the Government to the Industrial Tribunal.

(iii) The pay fixation will be effected as if the punishment had not been imposed.

(iv) The monetary benefits from the date of reference shall be released to the workman within a period of three months from the date of receipt of a copy of this judgment.

(v) The award shall stand modified to that effect.

With the above observations, the writ appeal shall stand ***disposed of***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

GH/List No.: 1 Sl No.: 8