

(2013) 07 KAR CK 0093
In the Karnataka High Court
Case No : Writ Appeal No. 6969 of 2012

B.T. Aryaprakash

APPELLANT

Vs

Karnataka State Road Transport Corporation

RESPONDENT

Date of Decision : 18-07-2013

Acts Referred:

Citation : (2013) 4 AKR 1

Hon'ble Judges : Ravi Malimath, J;K.L. Manjunath, J

Bench : Division Bench

Advocate : Subramanya Bhat and Subba Rao, for the Appellant;

Judgement

1. Aggrieved by the order dated 28.09.2011, passed by the learned Single Judge in W.P. No. 592/2011, dismissing the writ petition, the petitioner has filed the present appeal. The case of the petitioner is that he was working as a conductor in the respondent-corporation. When the bus was checked on 21.06.1995, it was found that a group of 18 passengers were travelling without tickets. For this misconduct, an article of charge was issued and an enquiry was held and the petitioner was dismissed from the service.

2. Aggrieved by the same, he raised a dispute before the Labour Court. The Labour Court rejected the reference. Hence, the instant writ petition was filed. The learned Single Judge vide the impugned order dismissed the writ petition. Hence, the present appeal.

3. The learned counsel for the appellant contends that the impugned order is bad in law and liable to be set aside.

4. The learned Single Judge while considering the plea of the petitioner noticed the fact that he was involved in a history of misconducts and not only that, even after the alleged incident, he was involved in 8 subsequent acts of misconducts. On considering the material and the evidence on record, the learned Single Judge declined to interfere with the impugned order therein. Considering the same, we are of the view that there is no error committed by the learned Single

Judge or by the Labour Court that calls for interference.

5. The material on record would show that the appellant has habitually committed acts of misconduct. Even after the alleged incident, 8 acts of misconduct have been conducted by him. All the misconducts relates to pilferage in revenue. Despite warning, minor penalty, recoveries, etc., the petitioner has failed to correct himself and to be a loyal worker of the Corporation. We do not see any ground for entertaining this appeal. Accordingly, the appeal being devoid of merits is dismissed. Consequently, the application for condonation of delay would not arise for consideration.