



CNR: KAHC010280742018

NC: 2026:KHC:41018  
WP No. 52347 of 2018

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 52347 OF 2018 (L-KSRTC)**

**BETWEEN:**

HAFIZUR REHAMAN,  
S/O. ABDUL MUHEED,  
AGED ABOUT 51 YEARS,  
DRIVER, BADGE NO.404,  
K.S.R.T.C.,  
SATHAGALLI DEPOT NO.3,  
URBAN DIVISION, MYSORE.

...PETITIONER

(BY SRI. SHEKAR L., ADVOCATE)

**AND:**

THE DIVISIONAL CONTROLLER  
K.S.R.T.C.,  
MYSORE URBAN DIVISION,  
MYSORE.

...RESPONDENT

(BY SRI. B.L.SANJEEV, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN  
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY  
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS  
UNDER:



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### **ORAL ORDER**

Sri.L.Shekar, counsel for the petitioner and Sri.B.L.Sanjeev., counsel for the respondent appeared in person.

2. The short facts are as follows:

The petitioner was employed as a driver in the Corporation. He had unblemished service record. On 22.09.2004, while operating a bus on the Chikkamagaluru - Bengaluru route, an accident occurred near Dasanapura NH4 at about 5:20 a.m. A private lorry bearing No.HR38 F 7966 overtook the bus from the left side and abruptly turned right to make a U-turn without signaling, causing a collision. The accident was attributable to the lorry driver's negligence. However, as the bus driver and conductor were injured and unable to lodge a complaint, the police obtained a complaint from the lorry driver and registered a case against the petitioner.

The Corporation deputed a traffic controller to conduct a spot inspection. On 23.09.2004 at about 03:00 p.m. he noted



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that the lorry driver was responsible corroborated by eye-witnesses. Despite this, the reporting officer concluded that both the drivers were at fault. The petitioner submitted a detailed explanation denying responsibility and sought to have charges dropped. The respondent, unsatisfied, initiated a disciplinary proceedings. The inquiry officer held charges are proved. The petitioner contested the findings as perverse, but respondent mechanically accepted the report and imposed the punishment, reducing his basic pay by two increments with cumulative effect and treating the suspension period as such. The Union raised a dispute. Conciliation failed and the matter was referred to the Tribunal in Reference No.107 of 2015. The Tribunal held that the domestic inquiry conducted by the Corporation was fair and proper. The Tribunal vide award dated 10.07.2017 dismissed the reference. Under these circumstances, the petitioner has filed the petition on several grounds as set out in the memorandum of the petition.

3. Counsel for the petitioner submits that the rejection of the reference by the Tribunal is contrary to the evidence on record. It is urged that the petitioner drove the bus in



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accordance with the Motor Vehicles Act, while the lorry driver, who overtook from the left and abruptly attempted a U-turn, was at fault. The reporting officer's spot inspection also attributed the accident to the lorry driver. However, the police, in collusion with the lorry driver registered a case against the petitioner.

It is further submitted that the reporting officer, having inspected the site and recorded eye-witness statements, should have reported that the petitioner was not responsible. Since the driver and the conductor were hospitalized, the police took advantage of their absence and booked the petitioner. Thus, the initial report contradicts the investigation, rendering the punishment order invalid and the award untenable.

The petitioner further contends that the Tribunal erred in rejecting his claim, noting that the Court dismissed his version as unsustainable. The mere existence of a U-turn near the accident site does not establish that the lorry driver intended to take U-turn. The Tribunal relied solely on the petitioner's statement and the fact that a case had been registered against him disregarding the reporting officer's findings. Hence, his



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version is unsustainable. Urging other grounds, he prayed that the award of the Tribunal is unsustainable in law and the writ petition may be allowed.

Counsel for the respondent supports the award, submitting that the Tribunal rightly considered the material and dismissed the reference. Urging additional grounds, counsel prayed that the petition is devoid of merits and accordingly it may be dismissed.

4. Heard the arguments and perused the records with a utmost care.

5. The following points would arise for my consideration:

- (i) Whether the punishment order against the petitioner is valid and sustainable in law?
- (ii) Whether Tribunal's award rejecting the petitioner's reference suffers from perversity or error apparent on the face of the record?

6. The facts are sufficiently stated and do not require reiteration. The issue involved in the case is very simple. It was alleged that the bus was damaged due to rash and negligent



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driving. The petitioner was subjected to disciplinary proceedings and was imposed a penalty. The petitioner contended that he is not responsible for the damage. Exhibit M12, the accident spot sketch, shows that the accident occurred on a one-way street with a divider, with both vehicles moving in the same direction. The petitioner's claim that the lorry driver overtook from the left and attempted a U-turn is unsupported by independent evidence. Furthermore, the records disclose that the petitioner engaged in rash and negligent driving. The Tribunal considered the material evidence on record and rejected the petitioner's version which was based solely on his self-serving statement.

7. It is noted that the petitioner's contention rests on reporting officer's observation and his own statement. However, the Tribunal rightly noted that mere existence of a U-turn near the accident site does not establish that the lorry driver intended to turn. No corroborative evidence was produced to substantiate the petitioner's plea. As already noted above, the records indicated negligence on the part of the petitioner. The Tribunal's conclusion is based on the material



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evidence and cannot be termed perverse. The allegation of police in collusion with the lorry driver is unsubstantiated. The absence of a complaint against the lorry driver further weakens the petitioner's case.

8. In conclusion, I can say that the Tribunal after carefully examining the records, rightly rejected the reference.

9. In view of the above findings and reasoning, I hold that there are no grounds to interfere with the award of the Tribunal. Resultantly, the writ petition is ***rejected***.

**Sd/-  
(JYOTI M)  
JUDGE**

SS  
List No.: 1 Sl No.: 22