

(2016) 03 KAR CK 0225

In the Karnataka High Court

Case No : Writ Appeal No. 3502 of 2014 (L-KSRTC).

H.M. Munireddy

APPELLANT

Vs

Divisional Controller, KSRTC.

RESPONDENT

Date of Decision : 15-03-2016

Acts Referred:

Citation : (2016) 2 AirKarR 647 : (2016) 3 KCCR 308 : (2016) LIC 3878

Hon'ble Judges : Subhro Kamal Mukherjee, C.J.;Ravi Malimath, J.

Bench : Division Bench

Advocate : L. Shekar, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Subhro Kamalmukherjee, C.J. - The appeal is barred by time. At the request of Mr. L. Shekar, learned advocate for the appellant, the matter is taken up for preliminary hearing.

2. This is an appeal against the judgment and order dated December 13, 2013, passed by a Hon'ble Single Judge, dismissing the writ petition.

3. The appellant-writ petitioner challenged the award of the Presiding Officer, First Additional Labour Court, Bengaluru, dated March 14, 2008. By the said award, the learned Judge of the Labour Court, dismissed, inter alia, the challenge raised by the appellant-writ petitioner against the order of dismissal from service passed by the respondent-Karnataka State Road Transport Corporation.

4. The Presiding Officer, Labour Court, considered the materials and came to a finding of fact that the inquiry conducted against the appellant-writ petitioner was proper and, consequently, the findings of the inquiring officer were correct.

5. Mr. L. Shekar, learned advocate for the appellant-writ petitioner, submits that the allegation was not proved. He submits that the allegation against the appellant-writ petitioner was that while he was working as conductor in a bus plying between Bengaluru and Mumbai, he did not collect the fare from five

passengers.

6. When there was a checking, the checking inspector found the lapse. The checking inspector, also, collected the cost of the ticket and fine from those five passengers.

7. A stand was taken that the passengers were at fault in not preserving the tickets. Such stand was not, rightly, accepted by the Labour Court, holding that it was impossible to believe that the passengers paid the cost and fine by taking the risk of non-production of tickets.

8. It was stated before the Labour Court that the inquiring officer and the checking inspector were not examined. It is the case of the respondent that the inquiring officer and the checking inspector, who conducted the checking, all have retired and, consequently, they could not be examined.

9. It is argued by the learned advocate for the appellant-writ petitioner that even if those two officers have retired from service, it was the duty of the respondent-corporation to examine them.

10. We are concerned as to whether the appellant-writ petitioner was given a proper opportunity in the domestic enquiry. We are convinced, having regard to the stand taken by the appellant-writ petitioner, that there was a proper inquiry, leading to the order of dismissal.

11. We do not find any merit in the appeal, warranting interference.

12. The application for condonation of delay is, therefore, dismissed. Consequently, the appeal is dismissed.

13. There will be no order as to costs.