

(2026) 08 KAR CK 2216

In the Karnataka High Court, Bengaluru Bench

Case No : Writ Petition No. 32602 of 2024 (L-KSRTC)

Karnataka State Road Transport Corporation

APPELLANT

Vs

Joseph

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India — Articles 226 and 227
Industrial Disputes Act — Section 33(2)(b)

Citation : (2026) 08 KAR CK 2216

Hon'ble Judges : Jyoti M, J

Bench : Single Bench

**Advocate : Smt. Renuka H.R., Smt. Mahalakshmi K., Sri. S.P.Ramesha,
Sri.Shekar.L.**

Final Decision : Allowed

Judgement

Smt.H.R.Renuka., counsel for the petitioner and Smt.Mahalakshmi.K., counsel on behalf of Sri.Shekar.L., for the respondent have appeared in person.

2. This petition is filed seeking following reliefs:

- i. Issue a Writ of Certiorari or any other writ or direction, quashing the order dated:28.10.2017 in Serial Application No.1783/2012 passed by the Industrial Tribunal, Bengaluru vide Annexure-A.
- ii. Issue a Writ of Certiorari or any other writ or direction, quashing the order dated:31.01.2023 in Serial Application No.1783/2012 passed by the Industrial Tribunal, Bengaluru vide Annexure-C.
- iii. Such other writ, directions or order, as this Hon'ble Court may deem just and expedient in the circumstances of the case.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. The point that arises for consideration is whether the Tribunal was justified in dismissing the application.

5. The controversy involved in the present writ petition lies within a narrow compass and pertains to the rejection of the application filed by the petitioner under Section 33(2)(b) of the Industrial Disputes Act.

Section 33(2)(b) of the Industrial Disputes Act enables an employer to dismiss or discharge a workman for misconduct unconnected with the industrial dispute pending before the adjudicatory authority, subject to compliance with the statutory requirements, namely, payment of one month's wages and making an application seeking approval of the order of dismissal or discharge before the concerned authority.

A careful perusal of the impugned order reveals that the Tribunal has categorically recorded a finding that the petitioner had complied with the mandatory requirements of Section 33(2)(b) of the Act. Having arrived at such a conclusion, the Tribunal nevertheless proceeded to reject the approval application on the ground that the workman had already challenged the order of dismissal and that the same had been modified. Such an approach is legally unsustainable.

It is well settled that once the management passes an order of dismissal or discharge, compliance with the mandatory requirements of Section 33(2)(b) of the Industrial Disputes Act is a condition precedent for seeking approval of the action taken. In the present case, the petitioner has duly complied with the statutory mandate under Section 33(2)(b) of the Act. Therefore, the Tribunal, having recorded such compliance, could not have rejected the approval application on grounds extraneous to the limited scope of proceedings under Section 33(2)(b). Accordingly, the impugned order suffers from a manifest error of law, is unsustainable, and is liable to be set aside.

6. The Writ of Certiorari is ordered. The order dated 31.01.2023 passed by the Industrial Tribunal, Bengaluru in SA No.1783/2012 vide Annexure-C is set aside. The application filed by the Corporation under Section 33(2)(b) is allowed and approval is accorded.

7. Resultantly, the Writ Petition is **allowed**.

Because of the disposal of the Writ Petition, the interim order granted if any stands discharged and the pending interlocutory applications if any are disposed of.