

(2026) 08 KAR CK 2246

In the Karnataka High Court, Bengaluru Bench

Case No : Writ Petition No. 21090 of 2021 (L-KSRTC)

P.N.Umesh

APPELLANT

Vs

The Divisional Controller B.M.T.C., North Division

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India — Articles 226 and 227

Citation : (2026) 08 KAR CK 2246

Hon'ble Judges : Jyoti M, J

Bench : Single Bench

Advocate : Sri. M.C.Basavaraju, Sri. B.L.Sanjeev

Final Decision : Dismissed

Judgement

Sri.M.C.Basavaraju., counsel for the petitioner and Sri.B.L.Sanjeev., counsel for the respondent have appeared in person.

2. The short facts are as follows:

The petitioner was working as a Conductor in the establishment of the Corporation. On account of unauthorised absence, he came under disciplinary proceedings and the inquiry was conducted and he was dismissed from service. He raised the dispute in I.D.No.30/2018. The Labor Court concluded that the domestic enquiry conducted by the Corporation was fair and proper. The Labor Court vide order dated:22.02.2019 dismissed the claim petition. Under these circumstances, the petitioner is before this Court.

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

4. The point that requires consideration is whether the award of the Labor Court requires interference.

5. The facts are adequately stated and do not need repetition. It is enough to note that the petitioner faced disciplinary proceedings and was punished with

dismissal from service. The main issue concerns unauthorized absence. The charge against the petitioner was that he was absent without permission from duty.

6. It is the specific contention of the Corporation that no leave application was submitted, even if it is submitted, that should be accompanied by a Medical Certificate if the leave is sought on health grounds.

7. An employee is under an obligation not to absent himself from work without good cause during the time at which he is required to be at work. Absence without leave is misconduct in industrial employment, warranting disciplinary punishment. No employee can claim leave of absence as a matter of right, and remaining absent without leave will constitute a violation of discipline. The absence without leave constitutes misconduct justifying disciplinary action against the delinquent workman. The quantum of punishment in cases of misconduct or absence from duty without leave would depend upon the facts of each case.

8. It is pertinent to note that the petitioner, who was the first party before the Labor Court, did not adduce any evidence with respect to the preliminary issue and victimisation or discrimination. The Labor Court, after extensively considering the pleadings and contentions, rightly held that the mere filing of a claim statement is insufficient to warrant an award in favor of the first party. Having failed to enter the witness box or lead evidence in support of his allegations, the first party failed to discharge the burden of proving his case. Consequently, upon a proper appreciation of the material available on record, the Labor Court rightly rejected the claim. In my considered view, the findings recorded by the Labor Court are just, proper, and do not warrant interference.

9. Accordingly, the writ petition is ***dismissed***.

Because of dismissal of the Writ Petition, pending interlocutory applications, if any, are disposed of, and interim relief, if any, stands discharged.