



CNR: KAHC010179172022

NC: 2026:KHC:41133
WP No. 8404 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 8404 OF 2022 (L-KSRTC)

BETWEEN:

THE DIVISIONAL CONTROLLER,
DIVISIONAL OFFICE
KARNATAKA STATE ROAD
TRANSPORT CORPORATION (KSRTC),
BENGALURU CENTRAL OFFICE,
SHANTHINAGAR, K.H.ROAD,
BENGALURU-560 027.
HEREIN REPRESENTED BY
THE CHIEF LAW OFFICER,
KSRTC, CENTRAL OFFICES,
K.H.ROAD, SHANTHI NAGAR,
BENGALURU-560 027.

...PETITIONER

(BY SMT. H.R.RENUKA, ADVOCATE)

AND:

SRI. A.DASHARATHA,
S/O. SRI. ANNAYAPPA,
AGED ABOUT 43 YEARS,
REPRESENTED BY THE PRESIDENT,
KSRTC AND BMTC SAMYUKTA,
KARMIKA SANGHA,
NO.23, 4TH MAIN ROAD,
MATHIKERE EXTENSION,
BENGALURU-560054.

...RESPONDENT

(RESPONDENT-SERVED AND UNREPRESENTED)

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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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:

ORAL ORDER

Smt.H.R.Renuka., counsel on behalf of Sri.B.L.Sanjeev., for the petitioner, has appeared in person.

Emergent notice was issued to the respondent. A perusal of the office note indicates that the respondent was served and is unrepresented. The respondent, though served, has neither engaged the services of an advocate nor chosen to conduct the case as a party-in-person.

2. The short facts are as follows:

The respondent was working as a driver in the establishment of the Corporation. On 13.07.2007, he was discharging his duties as a driver in Rajahamsa bus, plying



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on the route Chennai to Bengaluru. When the bus reached at Ankanayakanahalli Gate at about 03:00 a.m., due to his rash and negligent driving, he hit the bus to a Canter Lorry moving in front of the bus and due to the impact, the rear portion of the Canter got damaged to great extent and even the bus belonged to the Corporation and besides that the driver and some passengers sustained injuries. Immediately, after the incident, the authorities concerned checked the bus and found that there were no mechanical defects and submitted a report to the Corporation. Pursuant to the receipt of the report regarding the accident, the disciplinary authority placed the respondent under suspension and issued Articles of charge. He submitted a untenable reply. He came under disciplinary inquiry proceedings. The inquiry officer conducted a detailed inquiry and submitted findings holding that the charges are proved. He was visited with an punishment on 27.08.2009.



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After lapse of almost three years, he raised conciliation proceedings and on failure, the Government referred the matter to the Industrial Tribunal, Bengaluru for adjudication in I.D.No.43/2012. The Tribunal vide award dated:18.08.2021 set aside the order of the punishment. Under these circumstances, the Corporation has filed the petition before this Court on several grounds as setout in the memorandum of writ petition.

3. Counsel for the petitioner urged several contentions. I have heard the arguments and perused the writ papers with utmost care.

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

5. The facts of the case have already been sufficiently noticed and, therefore, do not require reiteration. It is an admitted position that the respondent was driving the Corporation bus on the Bengaluru–Chennai Highway. The respondent sought to justify the accident by



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contending that a Canter lorry travelling ahead of the bus applied its brakes suddenly, resulting in the collision.

The said contention, however, does not absolve the respondent of negligence. A driver of a public transport vehicle is expected to maintain a safe distance from the vehicle ahead and to drive with due care, caution, and at a speed commensurate with the prevailing road conditions. Had the respondent exercised the requisite degree of care and driven the bus cautiously, the impact and the consequent accident could, in all probability, have been avoided.

The Tribunal failed to appreciate this material aspect of the matter and erroneously concluded that no negligence was attributable to the respondent. Consequently, it erred in exonerating the respondent and condoning the misconduct. The finding recorded by the Tribunal is, therefore, unsustainable in law. For the



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reasons stated above, the award of the Tribunal is liable to be set aside, and so, it is set aside.

6. The Writ of Certiorari is ordered. The award dated 18.08.2021 passed by the Industrial Tribunal, Bengaluru, in I.D.No.43/2012 vide Annexure-D is quashed. The order of punishment dated 27.08.2009 is confirmed.

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

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

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

MRP
List No.: 1 Sl No.: 32