

(2026) 08 KAR CK 2240

In the Karnataka High Court, Bengaluru Bench

Case No : Writ Petition No. 8383 of 2022 (L-KSRTC)

The Karnataka State Road Transport Corporation

APPELLANT

Vs

Sri. N.Nagaraj

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India — Articles 226 and 227

Citation : (2026) 08 KAR CK 2240

Hon'ble Judges : Jyoti M, J

Bench : Single Bench

Advocate : Smt. H.R.Renuka

Final Decision : Allowed

Judgement

Smt.H.R.Renuka., counsel for the petitioner, has appeared in person and undertakes to file a power on behalf of the petitioner.

Submission is noted. The office is directed to accept the vakalath that counsel Smt.H.R.Renuka., would file.

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 cum conductor in the establishment of the Corporation. During the course of his service in a bus of route from Madikere to Bagepalli, the bus was checked by the Checking Inspector at Yediyur Stage and found that there were 28+00+05 passengers in the bus. The respondent failed to issue tickets to two passengers travelling from Hirisavi to Bengaluru and also failed to collect fare charge of Rs.80/- from each passengers. Based on the report of the checking inspector, an Articles of Charge was issued and the reply

was not satisfactory. Preliminary enquiry was conducted and he admits the guilt. Hence, minor punishment under Section 18-A(iii) was imposed by postponing two ensuing annual increments with cumulative effect, by an order dated:02.06.2009.

Aggrieved by the punishment order, the respondent raised dispute after lapse of three years before the Industrial Tribunal, Bengaluru in I.D.No.341/2012. The Tribunal vide award dated:07.08.2021 set aside the order of punishment. Under these circumstances, the Corporation is before this Court and has filed the writ petition on several grounds as setout in the memorandum of writ petition.

3. Counsel for the petitioner urged several contentions.

Counsel for the petitioner, while advancing her submissions, vehemently contended that the respondent had unequivocally admitted his misconduct as well as the non issuance of tickets during the course of his service. She invited the attention of this Court to Ex.M9 and Ex.M10, submitting that the respondent had not only admitted the misconduct but had also addressed a letter expressly acknowledging the same. It was, therefore, argued that, in the face of such unequivocal admissions, the Tribunal could not have condoned the misconduct. On these grounds, counsel prayed that the writ petition be allowed.

4. I have heard the counsel for the petitioner and carefully perused the writ papers and the material placed on record.

5. The point that arises for consideration is whether the award passed by the Tribunal warrants interference by this Court.

6. The facts of the case have already been sufficiently noticed and, therefore, need not be reiterated. On a careful examination of the record, it is evident that the findings recorded by the Tribunal are contrary to the evidence available on record, particularly Ex.M9 and Ex.M10, which contain the respondent's admission of the misconduct. Despite such material evidence and the respondent's own admissions, the Tribunal failed to properly appreciate the evidence on record and proceeded to pass the impugned award, setting aside the minor punishment imposed on the respondent. In the circumstances, the award passed by the Tribunal, insofar as it sets aside the minor punishment, is unsustainable in law and is liable to be interfered with.

Moreover, setting aside the order of minor penalty is without jurisdiction in as much as the Tribunal has no power to set aside the minor penalty. The Tribunal could not have been pressed into service the aspect of minor penalty. The Managerial decision to impose a minor penalty is absolute, and the same cannot be modified by the Tribunal unless there is a perversity and victimization. In the present case, there is no perversity and victimization. Hence, setting aside the order of minor punishment is unsustainable in law. For the reasons stated above, the award of the Tribunal is liable to be set aside, and so, it is set aside.

7. The Writ of Certiorari is ordered. The award dated 07.08.2021 passed by the

Industrial Tribunal, Bengaluru, in I.D.No.341/2012 vide Annexure-E is quashed. The order of punishment dated 02.06.2009 is confirmed.

8. 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.