



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 19212 OF 2023 (L-KSRTC)**

**BETWEEN:**

THE DIVISIONAL CONTROLLER,  
K.S.R.T.C., KOLAR DIVISION, KOLAR,  
HEREIN REPRESENTED BY  
THE CHIEF LAW OFFICER,  
K.S.R.T.C., CENTRAL OFFICES,  
K.H.ROAD, SHANTHI NAGAR,  
BENGALURU-560 027.

...PETITIONER

(BY SRI. SANJEEV B L.,ADVOCATE)

**AND:**

SRI. MUNISWAMAPPA,  
S/O MUNIYAPPA,  
AGED ABOUT 57 YEARS,  
REPRESENTED BY THE  
GENERAL SECRETARY,  
KSRTC STAFF AND WORKERS UNION,  
AFFILIATED TO AITUC,  
CHIKKABALLAPUR DIVISION,  
CHIKKABALLAPURA-562 101.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

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**

Sri.B.L.Sanjeev, counsel for the petitioner, appeared in person.

Notice to the respondent was ordered on 23.09.2023. A perusal of the office note depicts that the respondent has been served. He has neither engaged the service of the advocate nor has he conducted the case as a party in person.

2. The award dated 30.01.2023 passed by the Industrial Tribunal, Bengaluru, in I.D.No.150/2015 is called into question in this writ petition on several grounds as set out in the Memorandum of writ petition.

3. The short facts are as follows:

The respondent was working as a driver in the establishment of the Corporation. It is stated that on 21.11.2008, he along with other drivers and conductors instigated the other employees of the Depot against the Depot Manager and the Corporation, gathered in front of the main



gate of the Depot and protested against the Depot Manager and stopped the vehicles from 14.00 hours to 15.00 hours to go on its scheduled routes; which resulted in financial loss to the Corporation and inconvenience to the public. The Security and Vigilance Officer, Chikkaballapura Division, submitted a detailed report regarding the said incident to the disciplinary authority, and on receipt of the said report, the disciplinary authority issued Articles of Charge to the respondent, for which he submitted a vague and untenable reply.

In view of the seriousness of the charges and the explanation offered by the respondent, which was not satisfactory and convincing, the disciplinary authority decided to conduct an enquiry to find out the truth in the charges levelled against the respondent and appointed an inquiry officer. The inquiry officer followed the principles of natural justice, conducted a detailed inquiry and submitted the report holding that the charges were proved. The disciplinary authority issued a second show cause notice along with a copy of the inquiry report to the respondent, for which he submitted a reply. Being not satisfied with the reply, the disciplinary



authority passed the punishment order on 13.10.2012, reducing two annual increments with cumulative effect.

Aggrieved by the order of the punishment, the respondent raised a dispute before the Industrial Tribunal, Bengaluru in I.D.No.150/2015. The Tribunal held that the domestic inquiry conducted by the Corporation was fair and proper. The Tribunal vide award dated 30.01.2023 set aside the punishment order. Under these circumstances, the Corporation is before this Court.

4. Counsel for the petitioner urged several contentions.

5. Sri.B.L.Sanjeev, counsel for the Corporation submits that the Tribunal has exceeded its jurisdiction to set aside the order of minor punishment. He argued that the punishment order was imposed on 13.10.2012, whereas the dispute was raised after a lapse of three years; hence, he vehemently contended that the Tribunal ought to have rejected the reference on the ground of delay and laches. It is also contended on behalf of the Corporation that when the domestic enquiry is held to be fair and proper, the Tribunal has no



jurisdiction to interfere with the order of minor punishment. Urging other contentions, he submits that viewed from any angle, the award of the Tribunal is unsustainable in law. Hence, the same is liable to be set aside.

6. Heard the arguments and perused the papers with care.

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

8. The respondent, employed as a driver by the Corporation, was issued a charge sheet alleging misconduct on November 21, 2008. The charge stated that he and other transit staff blocked the main gate, preventing scheduled vehicles from leaving their routes between 14:00 and 15:00 hours. The Inquiry Officer's report confirms that, following a detailed and fair inquiry, the respondent was found guilty of the charges

9. Upon reviewing the preliminary issue, the Tribunal upheld the domestic enquiry as proper. It is undisputed that the Corporation issued a minor punishment despite the gravity



of the charges. According to settled law, once a charge is established and misconduct is confirmed, the central factor requiring review is victimization. Absent any demonstration of victimization in this case, the Tribunal exceeded its jurisdiction by attempting to modify the minor penalty.

Furthermore, the Tribunal's decision to set aside the minor penalty is entirely without jurisdiction. The Tribunal lacks the legal authority to interfere with a managerial decision to impose a minor punishment. Such disciplinary actions are absolute and beyond the Tribunal's modification, absent explicit proof of perversity or victimization. I may venture to say that the Tribunal has failed to have regard to relevant considerations and disregarded relevant matters. For the reasons stated above, the award passed by the Tribunal is liable to be set aside. Accordingly, it is set aside.

10. The writ of certiorari is ordered. The award of the Tribunal dated 30.01.2023 in I.D.No.150 of 2015 is quashed. The order of punishment dated 13.10.2012 is confirmed.

11. Resultantly, the writ petition is ***allowed***.



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

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

SS  
List No.: 1 Sl No.: 34