



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 42872 OF 2016 (L-KSRTC)

BETWEEN:

SENIOR DIVISIONAL CONTROLLER,
B.M.T.C. EAST DIVISION,
NEAR APMC MARKET, DOMMALUR,
BENGALURU-560 001.

HEREIN REPRESENTED BY
THE CHIEF LAW OFFICER,
B.M.T.C., CENTRAL OFFICES,
K.H. ROAD, SHANTHI NAGAR,
BENGALURU-560 027.

...PETITIONER

(BY SRI. SANJEEV B.L., ADVOCATE)

AND:

SRI. H.R.ANANDA REDDY,
S/O. RAMAREDDY,
AGED ABOUT 45 YEARS,
R/O. HULIMANGALA,
H.HOSAKOTE POST,
MALUR TALUK,
KOLAR DISTRICT-563130.

...RESPONDENT

(BY SRI.NAVEEN KUMAR, ADVOCATE FOR
SRI. S.B.MUKHANNAPPA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.





THIS WRIT PETITION IS LISTED FOR HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.B.L.Sanjeev, counsel for the petitioner and Sri.Naveen Kumar, counsel on behalf of Sri.S.B.Mukkannappa, for the respondent, appeared in person.

2. The petition averments are as follows:

The respondent was working as a driver in the establishment of the Corporation. He remained unauthorizedly absent from 25.01.2010 to 30.06.2010. The Articles of Charge were issued. The inquiry officer was appointed and submitted his report holding that the charges were proved. The disciplinary authority imposed the punishment order, and the respondent was dismissed from service on 01.10.2012.

Aggrieved by the punishment order, the respondent raised a dispute before the Labor Court, Bengaluru, in Reference No.21/2014. The Labor Court held that the enquiry conducted by the Corporation was fair and proper. The Labor Court vide award dated 17.02.2016 set aside the order of punishment. The Corporation has assailed the award of the



Labor Court in this writ petition on several grounds as set out in the Memorandum of writ petition.

3. Counsel for the respective parties urged 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 sufficiently said and do not require reiteration. Suffice it to note that the respondent came under disciplinary inquiry proceedings and was visited with an order of punishment, i.e., dismissed from service. The issue revolves around unauthorized absence. The charge made against the respondent was that he remained absent unauthorizedly from duty from 25.01.2010 to 30.06.2010.

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. The respondent contended that he was suffering from ill-health and furnished medical documents before the Labor Court. The Labor Court erred in placing reliance on the medical document, as the medical document has no relevance for the absent period. Moreover, the medical certificate was not accompanied by the required clinical prescription. The Labor Court placed reliance on Exs.W5 to 8 to conclude that the order of punishment is discriminatory in nature. This is erroneous. The Labor Court has failed to notice that there cannot be a similar yardstick in all cases of disciplinary matters. Each case



differs as the misconduct also varies from case to case. It is perhaps well to note that each case depends on the severity of the misconduct, coupled with the worker's history. The law is well settled that a uniform yardstick cannot be applied to all cases of misconduct. The Labor Court's finding is unsustainable due to a failure to consider all relevant facts and circumstances of the case. I may venture to say that the Labor Court failed to have regard to relevant considerations and disregarded relevant matters.

Lastly, counsel Sri.B.L.Sanjeev submits that by virtue of an interim order, the respondent was reinstated to duty. However, even after reinstatement, he remained unauthorizedly absent from duty. Counsel submits that he has filed a memo, and the same may be placed on record, and an appropriate order may be passed.

Submission is noted. The memo is placed on record. A perusal of the same reflects that after reinstatement, the respondent did not report to duty. The past and present conduct of the respondent would reveal that he is not interested in discharging his duties diligently. Such an



employee does not require any sympathy, much less a misplaced sympathy.

9. The writ of certiorari is ordered. The award dated 17.02.2016, passed by the Labor Court, Bengaluru, in Reference No.21/2014, is quashed. The punishment order dated 01.10.2012 is confirmed.

10. 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

MRP
List No.: 1 Sl No.: 46