

**P Anandan Vs. The Divisional Controller**

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**SooperKanoon Citation :** [sooperkanoon.com/1235290](http://sooperkanoon.com/1235290)

**Court :** Karnataka

**Decided On :** Apr-08-2024

**Judge :** K S Hemalekha

**Appeal No. :** WP 22673/2015

**Appellant :** P Anandan

**Respondent :** The Divisional Controller

**Judgement :**

- 1 - NC:

2024. KHC:14413 WP No.22673 of 2015 R IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE8H DAY OF APRIL, 2024 BEFORE THE HON'BLE MRS JUSTICE K.S. HEMALEKHA WRIT PETITION NO.22673 OF2015(L-KSRTC) BETWEEN: P. ANANDAN, S/O A POONGAN, AGED ABOUT49YEARS, SINCE DEAD BY HIS LRS1 SMT.A.VITHYA, W/O. ANANDAN P., AGED ABOUT51YEARS, 2. MONISHKAR SHAKTHI A., S/O ANANDAN P., AGED ABOUT23YEARS, BOTH ARE RESIDING AT NO.1281, NEAR LMC, ASHOK NAGAR, OORGAMPET POST, K.G.F., KOLAR DISTRICT - 563 121. ... PETITIONERS (BY SRI. L. SHEKAR., ADVOCATE) AND: THE DIVISIONAL CONTROLLER, K.S.R.T.C., KOLAR DIVISION, KOLAR - 563 101. ... RESPONDENT (BY SMT. H.R.RENUKA., ADVOCATE) THIS W.P. IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING

TO QUASH THE IMPUGNED AWARD DATED 22.4.2014 PASSED BY THE LEARNED PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, BENGALURU IN I.D.NO.223/2011, VIDE ANNEX-A AND CONSEQUENTLY ALLOW THE REFERENCE AS PRAYED FOR BY ALLOWING THIS W.P. THIS WRIT PETITION, COMING ON FOR DICTATING

ORDER

S, THIS DAY, THE COURT MADE THE FOLLOWING: - 2 - NC:

2024. KHC:14413 WP No.22673 of 2015

ORDER

The workman is before this Court assailing the impugned award passed by the Industrial Tribunal, whereby, the dispute raised for adjudication was rejected.

2. Heard Sri L Shekar, learned counsel for the petitioner and Smt. H R Renuka, learned counsel for the respondent and perused the writ petition papers.

3. The order of the Industrial Tribunal rejecting the claim of the petitioner is unsustainable and liable to be set aside for the following reasons :- (1) Workman is charged with articles of charges of driving the vehicle in a rash and negligent manner, the charges leveled against the workman is as under:

16.6.04 2 AP: gAz Ai AS 09 2265 PJ Js CeUgPvAz Z ir CWvQqz ju z sUz Aq U, ZPg Pz U, z AsU Uq CAU d RA DU PgtgV AU g. 1369-00 . U PgtgVgwg - 3 - NC:

2024. KHC:14413 WP No.22673 of 2015 The Industrial Tribunal found that the workman has unauthorizedly/without permission driven the vehicle and committed misconduct, contrary to the articles of charges leveled against the workman. (2) The Enquiry Officer held that the charges leveled against the workman are not proved and at page No.7 of the findings of the Enquiry Officer reads as under:

"F jw Cj v Z QAz U WIPz g Aii ZPg z Ez Pgt F Dv PggV Cj AiP- Uz P iqwzU Cg Z iq CP irz MAi GzAz DVgvzs. Dv Pgg Dg.n.N. gjAz gAi CAzg F jwAi Z iq Cw rgz F gAi Dv PgU Z iq Cw rzAvVz. DzPgt P.J.Dg.n.. AAz Cg Cg WIPz Cx g Pq Z iq vPz g QAz wAiPUvz. Dg.n.N. g gAi AiiUzg rz CjU Aii zsz CqZuAi Eg. DzPgt Dv Pgg D

Z irz, CAzg WIPzAi MAz - 4 - NC:

2024. KHC:14413 WP No.22673 of 2015 PqAz vAz PqAz Zz, CgzsAz wAi zs. Ez Cz Dv PgU D gA Az vUz g PqU Cg PjU CAzg WIPz UAlg Cw irgz MAi Gz DVgvz. The Industrial Tribunal goes on a footing that the Enquiry Officer has held the misconduct is proved, contrary to the findings recorded by the Enquiry Officer. (3) No reasons have been assigned by the Industrial Tribunal for rejecting the claim statement on the ground of delay. (4) The Tribunal, while rejecting the claim statement, must assign proper and cogent reasons, giving reasons introduces clarity and excludes or, at any rate, minimizes arbitrariness; it gives satisfaction to the party against whom the order is made, and it also enables the Appellate or the Supervisory Courts to keep the Tribunal within bounds. A reasoned order is a desirable condition of judicial disposal. If - 5 - NC:

2024. KHC:14413 WP No.22673 of 2015 Tribunals give reasons for an order, it will be an effective restraint on the abuse of power, as the order, if it discloses extraneous or irrelevant consideration, will be subject to judicial scrutiny and correction. So it is essential that the Tribunal shall give proper and cogent reasons for their orders. (5) The reasoning and the conclusion arrived by the Industrial Tribunal warrants interference for non- application of mind and for not properly considering the material on record and the matter needs to be relegated back to the Industrial Tribunal for fresh consideration in accordance with law. Accordingly, this Court pass the following :-

#### ORDER

(i) The writ petition is allowed in part. (ii) The impugned order passed by the Industrial Tribunal is hereby set aside, the matter is remitted back to the - 6 - NC:

2024. KHC:14413 WP No.22673 of 2015 Tribunal for fresh consideration in accordance with law. (iii) The matter to be reconsidered and re- appreciated on the material available before the Industrial Tribunal. (iv) Parties to appear before the Industrial Tribunal on 25.04.2024 without waiting for further notice. (v) All contentions of the parties are kept open to be adjudicated before the Industrial Tribunal. (vi) The Industrial Tribunal is requested to dispose of the matter as expeditiously as possible, within an outer limit of two months from the date of

appearance. Sd/- JUDGE YKL List No.:

1. SI No.:

4.

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