

The Divisional Controller and Appointing Authority vs Sri. C. G. Ramesh

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Court : Karnataka

Decided On : Jan-29-2025

Judge : Anant Ramanath Hegde

Appeal No. : WP/7219/2021

Appellant : The Divisional Controller and Appointing Authority

Respondent : Sri. C. G. Ramesh

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2025 BEFORE THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE WRIT PETITION NO. 7219 OF 2021 (L-KSRTC) BETWEEN: THE DIVISIONAL CONTROLLER AND APPOINTING AUTHORITY, KARNATAKA STATE ROAD TRANSPORT CORPORATION (KSRTC), TUMAKURU DIVISION, TUMAKURU - 572 101 HEREIN REPRESENTED BY THE CHIEF LAW OFFICER KSRTC, CENTRAL OFFICES K H ROAD, SHANTHI NAGAR BANGALORE - 560 027 PETITIONER (BY SRI. SANJEEV B L, ADVOCATE) AND: Digitally signed by REKHA R SRI. C. G. RAMESH S/O SRI GANGADHARAI AH, Location: High Court AGED

ABOUT 42 YEARS, of Karnataka R/O CHOLAPURA VILLAGE, KEMBALALU POST, HEBBUR HOBLI, TALUK AND DIST TUMAKURU RESPONDENT (BY SRI. M C BASAVARAJU, ADVOCATE) THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE AWARD DTD 11.02.2020 PASSED BY THE COURT OF PRINCIPAL DISTRICT JUDGE, TUMAKURU IN ID NO.26/2018 PRODUCED AT ANNEX-C. -2- THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the

2. Learned counsel for the petitioner/Corporation

and the learned counsel for the respondent jointly submit that the dispute is amicably settled between the parties and the parties have voluntarily entered into settlement and the terms of the settlement are recorded in the joint memo filed today.

3. The petitioner has questioned the award passed by the Labour Court. The particulars of the Labour Court, date of award and reference number are mentioned in the joint memo which is filed today.

4. Learned counsel for the petitioner and the

respondent submit that they have necessary instructions to sign the joint memo on behalf of the parties in the -3- proceedings. The same is signed by the learned counsel for the petitioner and the learned counsel for the

5. The joint memo filed today is placed on record and the same reads as follows:

"The WP filed against the award in ID.No.26/2018 dated 11.02.2020 on the file of the Principal District and Sessions Judge, Tumkuru has been settled between the parties on the following terms and the award may kindly be modified as under:

1. The Corporation has agreed to take the Respondent into service as a fresh trainee from the date of reporting/working pursuant to the interim order passed in the above writ petition, training will for 1 year.

2. The Respondent to be placed on probation for a period of 2 years on completion of 1 year of training.

3. The period of service rendered by the employee/trainee prior to the order of removal would not be considered for any purpose.

4. The Respondent is not entitled for difference of

wages from the date of probation till the date of settlement, however they are entitled to get notional pay fixation from the date on which they are brought on probation.

5. The settlement is arrived without prejudice to the contentions taken by the corporation that the trainee is -4- not a workman under the provisions of I D Act and the said issue is kept open to be decided in appropriate cases. The parties to the proceedings have agreed for the above terms."

6. This Court has gone through the terms and conditions of the joint memo. This Court does not find any impediment to accept the terms and conditions. Accordingly, the joint memo is accepted.

7. Accordingly, the impugned order is modified in terms of the joint memo.

8. The writ petition is disposed of in terms of the joint memo. Sd/- (ANANT RAMANATH HEGDE) JUDGE ASN List No.: 2 SI No.: 0