

Sri.K.S. Chandrashekar vs the Divisional Controller and Appointing Authority

Sri.K.S. Chandrashekar vs the Divisional Controller and Appointing Authority

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Court : Karnataka

Decided On : Dec-19-2025

Judge : D K Singh,Tara Vitasta Ganju

Appeal No. : WA/1403/2024

Appellant : Sri.K.S. Chandrashekar

Respondent : The Divisional Controller and Appointing Authority

Judgement :

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025 PRESENT THE HON'BLE MR. JUSTICE D K SINGH AND THE HON'BLE MS. JUSTICE TARA VITASTA GANJU WRIT APPEAL NO. 1403 OF 2024 (S-KSRTC) BETWEEN: SRI. K.S.CHANDRASHEKAR S/O A.S.SHANKARAPPA, AGED ABOUT 39 YEARS, R/O KAMBINAYAKANAHALLI VILLAGE, M.GOLLAHALLI POST, CHINTAMANI TALUK, CHIKKABALLAPURA DISTRICT-517 247. &APPELLANT (BY SRI. MUKKANNAPPA S B,

ADVOCATE) AND:

1. THE DIVISIONAL CONTROLLER AND APPOINTING AUTHORITY,
K.S.R.T.C., CHIKKABALLAPUR DIVISION, CHIKKABALLAPUR,
REPRESENTED BY ITS CHIEF LAW OFFICER.

2. THE APPELLATE AUTHORITY,

K.S.R.T.C., CENTRAL OFFICE, SHANTINAGAR, BANGALORE, -2-
NOW REPRESENTED BY ITS CHIEF LAW OFFICER.
&RESPONDENTS (BY SMT. H.R.RENUKA., ADVOCATE) THIS WRIT
APPEAL FILED U/S 4 OF THE KARNATAKA

HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER

DATED 01/07/2024 PASSED BY THE LEARNED SINGLE JUDGE IN WP
NO.14993/2023 AND CONSEQUENTLY DISMISS THE WRIT PETITION
NO.14993/2023 FILED BY THE RESPONDENTS CORPORATION AND
CONFIRM THE AWARD PASSED BY THE PRELIMINARY DISTRICT AND
SESSIONS JUDGE AT CHIKKABALLAPUR, PASSED IN I.D.REF.NO.8/2020
THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR.
JUSTICE D K SINGH and

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH) The present writ appeal has been
filed impugning the

judgment and order dated 01.07.2024 passed by the learned

Single Judge in W.P.No.14993/2023 preferred by the Karnataka State Road
Transport Corporation (hereinafter referred to as KSRTC) against the award of
Labour Court dated 14.07.2022 passed in ID No.08/2020. -3-

2. The parties are referred to as per their ranking in the writ petition for the sake of convenience.

3. Briefly the facts are stated as the respondent was selected in the KSRTC for the post of 'Driver - cum - Conductor' and he was placed on probation on 07.05.2015. On completion

of the probation, his services came to be confirmed. On 26.08.2017, the respondent was on duty in the bus having registration No.F-880, plying on the route - Bangalore to Mudigubba. The bus was checked by the flying squad of the KSRTC, and it was found that there were 21 + 01 + 09 passengers and 5 passengers holding daily pass in the bus.

The Checking Officer submitted the report about the misconduct committed by the respondent. Thereafter he was issued articles of charge on 01.09.2017 to which he did not submit any reply.

4. On conclusion of the domestic enquiry, a show

cause notice was issued to the respondent proposing the punishment of dismissal from service, and after, considering the reply, disciplinary authority inflicted the punishment of -4- dismissal from service on the respondent with effect from 20.06.2018. The appellate authority dismissed his appeal vide

order dated 10.09.2018.

5. The respondent raised an industrial dispute under Section 10(1)(c) of the Industrial Disputes Act, 1947 in ID

No.08/2018. The Labour Court vide award dated 14.07.2022 allowed the claim of the respondent in part and directed his reinstatement into service without backwages, however, with continuity of service with the last pay drawn by withholding three increments with cumulative effect.

6. This award of the Labour Court dated 14.07.2022

came to be challenged by the KSRTC, the petitioner. The learned Single Judge having considered the past misconducts as well as the misconduct in the present case in a short span of time i.e., from 2015 to 2017, went on to hold that the Labour Court was not justified in setting aside the order of punishment. The Tribunal had failed to take into consideration the relevant facts, and therefore, allowed the writ petition and set aside the award.

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7. The learned counsel for the appellant has submitted

that the Labour Court has held that there was no financial implication to the petitioner - Corporation in the alleged misconduct committed by the respondent - workman. She has also submitted that under Section 11-A of the Industrial Disputes Act, the Industrial Tribunal/Labour Court has power to interfere with the order of punishment of dismissal and removal from service considering the nature of accusations and the material brought on record, if the Labour Court can find that the punishment of dismissal from service is harsh and excessive.

8. As we have noted that in a very short span of time

the respondent had committed as many as 19 misconduct of similar nature, the fact would reveal that the respondent's integrity is highly doubtful, and such a person is not entitled to retain in the service. We therefore, of the view that the learned Single Judge has correctly taken the view and interfered with the impugned award passed by the Labour Court. We have gone through the judgment and also the award passed by the Labour Court, we are of the opinion that the learned Single -6- Judge has rightly set aside the award passed by the Labour Court which does not require an interference by this Court. Therefore, we dismiss the appeal. All pending applications are also rejected. Digitally signed by DINESH KUMAR SINGH Location: HIGH COURT OF KARNATAKA (D K SINGH) JUDGE Digitally signed by TARA VITASTA GANJU Location: HIGH COURT OF KARNATAKA (TARA VITASTA GANJU) JUDGE YKL List No.: 1 Sl No.: 7