



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO.58780 OF 2014 (L-KSRTC)

BETWEEN:

BENGALURU METROPOLITAN
TRANSPORT CORPORATION,
BENGALURU CENTRAL OFFICE,
K.H.ROAD, SHANTHINAGAR,
BENGALURU – 560 027.
CHIEF TRAFFIC MANAGER,
REP. BY ITS CHIEF LAW OFFICER.

...PETITIONER

(BY SMT. H.R.RENUKA., ADVOCATE)

AND:

H.B.SIDDARAJIAH

...RESPONDENT

(BY SRI. KANTHARAJA.V., ADVOCATE [ABSENT])

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

THIS WRIT PETITION IS COMING ON FOR FINAL
HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

Smt. H.R. Renuka., learned counsel for the petitioner has appeared in person.

The case was called in the first round. There was no representation on behalf of the respondent either personally or through video conferencing. Hence, the matter was passed over. The case is called in the second round. There is no representation on behalf of the respondent, either personally or through video conferencing.

As could be seen from the daily order sheet, the petition was listed on 29.09.2023. On that day, there was no representation on behalf of the respondent. Hence, the petition was ordered to be listed on 05.10.2023. Accordingly, the petition is listed today. As already noted above, though the matter was called twice, there is no representation on behalf of the respondent either personally or through video conferencing.

Heard, Smt.H.R. Renuka., learned counsel appearing on behalf of the petitioner - Corporation.

2. The respondent is the Conductor in the establishment of the Corporation. He was on duty on



11.06.2006 in the bus bearing No.305 N/1, it was informed by the passengers that the respondent had consumed alcohol and was misbehaving with the passengers in the bus. He was subjected to a medical examination, and it was found that he had consumed alcohol. The Depot Manager submitted a report in this regard. Based on the report, he was issued with Articles of charge. He did not chose to reply to the Articles of Charge. The disciplinary authority however appointed an inquiry officer to conduct an inquiry in respect of the charges leveled against the workman. The inquiry officer after conducting a detailed inquiry, submitted his findings holding that the charges are proved. The disciplinary authority accepted the findings of the inquiry officer and imposed an order of punishment on 30.02/04.2008, thereby reducing his basic pay to the minimum.

The respondent questioned the order of punishment by raising a dispute, which came to be referred to the Industrial Tribunal, Bengaluru in I.D.No.101/2009. The Industrial Tribunal held that the domestic enquiry conducted by the Corporation was fair and proper. The Tribunal vide Award dated 03.01.2014 modified the order of punishment. It is this Award that is called



into question in this Writ Petition on several grounds as set out in the Memorandum of Writ Petition.

3. Learned counsel for the petitioner has urged several contentions. Heard, the contentions urged on behalf of the petitioner and perused the Writ Papers with utmost care.

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

5. The facts have been sufficiently stated and do not require reiteration.

A Bus Conductor is a public transport employee who is responsible for ensuring the safe and efficient operation of a bus service. He is responsible for collecting fares and issuing tickets, ensuring all passengers have valid tickets, dealing with customer queries, and helping passengers on and off the bus. Some of the duties listed on the Bus Conductor are – checking tickets, providing information to passengers, assisting passengers in boarding and alighting, maintaining order and discipline on the bus, counting fares and issuing tickets, and reporting any irregularities to the supervisor.



Overall, a good bus conductor should be dependable, friendly, helpful, and safety conscious. They should possess excellent communication skills, be trustworthy, and be physically fit enough to manage the demands of the job. The drivers and conductors must behave courteously with passengers.

But this is an interesting case of Topsy Man who made travel a nightmarish experience for passengers. The charge was serious; while on duty, he was drunk and misbehaved with the passengers. He came under a disciplinary enquiry for misconduct, and it was established in the enquiry. He was visited with a minor penalty of reduction of pay to the minimum. The Tribunal affirmed the misconduct. However, in an exercise under Section 11A of the I.D Act, it chose to modify the penalty.

6. The Tribunal erred in modifying the imposition of a minor penalty. This modification is without jurisdiction in as much as the Tribunal has no power to modify the minor penalty. It should have been seen that under Section 11A of the Industrial Disputes Act, it could not have been pressed into



service in respect of the minor penalty. The Tribunal erred in modifying the minor penalty despite affirming the misconduct. The managerial decision imposing a minor penalty is absolute and the same cannot be modified in the exercise of power under Section 11A of the Industrial Disputes Act. For the reasons stated above, the Award passed by the Industrial Tribunal is liable to be set aside. Accordingly, it is set aside.

7. The Writ of Certiorari is ordered. The Award dated 03.01.2014 passed by the Industrial Tribunal, Bangalore in I.D.No.101/2009 vide Annexure-C is set aside. The order of punishment dated 30.02/04.2008 is confirmed.

8. Resultantly, the Writ Petition is ***allowed.***

**Sd/-
JUDGE**

MRP
List No.: 2 Sl No.: 10