



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE MRS JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.22673 OF 2015 (L-KSRTC)

BETWEEN:

P. ANANDAN,

1. SMT.A.VITHYA,

2. MONISHKAR SHAKTHI A.,

... 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 ARTICLES 226 AND 227 OF 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 ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:





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:

"ನೀವು ದಿನಾಂಕ: 16.6.04 ರಂದು 2ನೇ ವಾಳಿಯಲ್ಲಿ ವಾಹನ ಸಂಖ್ಯೆ ಕೆಎ 09 ಎಫ್ 2265 ನ್ನು ಅಜಾಗರೂಕತೆಯಿಂದ ಚಾಲನೆ ಮಾಡಿ ವಾಹನ ಅಪಘಾತಕ್ಕೀಡಾದ ಪರಿಣಾಮ ವಾಹನದ ಬಲಭಾಗದ ವಿಂಡ್‌ಸ್ಟ್ರೀನ್ ಗ್ಲಾಸ್, ಚಾಲಕರ ಪಕ್ಕದ ಗ್ಲಾಸ್, ವಾಹನದ ಮುಂಭಾಗ ಬಲಗಡೆ ಆಯಿಂಗಲ್ ಜಖಂ ಆಗಲು ಕಾರಣರಾಗಿ ಸಂಸ್ಥೆಗೆ ರೂ. 1369-00 ನಷ್ಟವಾಗಲು ಕಾರಣರಾಗಿರುತ್ತೀರ."



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:

"ಈ ರೀತಿ ಅವರಿ ತಮ್ಮ ವಿವೇಚನಾ ಶಕ್ತಿಯಿಂದ ಹಾಗೂ ಘಟಕದಲ್ಲಿ ಬೇರೆ ಯಾವ ಚಾಲಕರನ್ನು ನೇಮಿಸದೇ ಇದ್ದ ಕಾರಣ ಈ ಆಪಾದಿತ ನೌಕರರಾಗಿ ಅವರಿ ಸಹಾಯಕ-ಬಿ ವರ್ಗದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾಗ್ಯೂ ಸಹ ಅವರನ್ನು ಚಾಲನೆ ಮಾಡಲು ಅವಕಾಶ ಮಾಡಿದ್ದು ಒಳ್ಳೆಯ ಉದ್ದೇಶದಿಂದ ಆಗಿರುತ್ತದೆ. ಆಪಾದಿತ ನೌಕರರು ಆರ್.ಟಿ.ಓ. ರವರಿಂದ ಪರವಾನಿಯನ್ನು ಅಂದರೆ ಈ ರೀತಿಯ ವಾಹನವನ್ನು ಚಾಲನೆ ಮಾಡಲು ಅನುಮತಿ ನೀಡಿರುವುದು ಈ ಪರವಾನಿಯು ಆಪಾದಿತ ನೌಕರನಿಗೆ ಚಾಲನೆ ಮಾಡಲು ಅನುಮತಿ ನೀಡಿದಂತಾಗಿದೆ. ಆದಕಾರಣ ಕೆ.ಎಸ್.ಆರ್.ಟಿ.ಸಿ. ಸಂಸ್ಥೆಯಿಂದ ಅವರ ವಾಹನವನ್ನು ಅವರ ಘಟಕದಲ್ಲಿ ಅಥವಾ ಬೇರೆ ಕಡೆ ಚಾಲನೆ ಮಾಡಲು ಪ್ರತ್ಯೇಕವಾದ ಪರವಾನಿ ಬೇಕಿಲ್ಲವೆಂಬುದೇ ತಿಳಿಯಬೇಕಾಗುತ್ತದೆ. ಆರ್.ಟಿ.ಓ. ನವರು ಪರವಾನಿಯನ್ನು ಯಾರಿಗಾದರೂ ನೀಡಿದ್ದಲ್ಲಿ ಅವರಿಗೆ ಯಾವ ವಿಧವಾದ ಅಡಚಣೆಯೂ ಇರುವುದಿಲ್ಲ. ಆದಕಾರಣ ಆಪಾದಿತ ನೌಕರರು ಆ ದಿನ ವಾಹನವನ್ನು ಚಾಲನೆ ಮಾಡಿದ್ದು, ಅಂದರೆ ಘಟಕದಲ್ಲಿಯೇ ಒಂದು



ಕಡೆಯಿಂದ ಮತ್ತೊಂದು ಕಡೆಯಿಂದ ಚಲಿಸಿದ್ದು, ಅಪರಾಧವೆಂದು ತಿಳಿಯಲು ಸಾಧ್ಯವಿಲ್ಲ. ಇದೂ ಅಲ್ಲದೇ ಆಪಾದಿತ ನೌಕರನಿಗೆ ಆ ದಿನ ವಾಹನವನ್ನು ರಾಂಪ್ ನಿಂದ ತೆಗೆದು ಬೇರೆ ಕಡೆಗೆ ನಿಲ್ಲಿಸಲು ಅವರ ಮೇಲಾಧಿಕಾರಿಗಳು ಅಂದರೆ ಘಟಕದ ಶ್ರೀ ಗಂಟ್ಟಪ್ಪನವರು ಅನುಮತಿ ಮಾಡಿರುವುದು ಒಳ್ಳೆಯ ಉದ್ದೇಶವೇ ಆಗಿರುತ್ತದೆ.”

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



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



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