



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO.46632 OF 2019 (S-KSRTC)

BETWEEN:

SRI H.P.BASAVARAJU
AGED ABOUT 46 YEARS,
S/O PUTTAIAH,
TRAFFIC CONTROLLER,
KSRTC, RAMANAGARA BUS STATION,
RAMANAGARA DIVISION,
RAMANAGARA - 571 511.

...PETITIONER

(BY SRI. S.B.MUKKANAPPA., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,
KSRTC, CENTRAL OFFICES,
K.H.ROAD, SHANTHINAGARA,
BENGALURU - 560 027.
2. THE DIVISIONAL CONTROLLER,
KSRTC, RAMANAGARA DIVISION,
RAMANAGARA - 571 511.
3. THE DEPOT MANAGER,
KSRTC, RAMANAGARA DEPOT,
RAMANAGARA DIVISION,
RAMANAGARA - 571 511.

...RESPONDENTS

(BY SRI. B.L.SANJEEV., ADVOCATE)

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 PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri.S.B.Mukkannappa., learned counsel for the petitioner, and Sri.B.L.Sanjeev., learned counsel for the respondents have appeared in person.

2. The petitioner joined the respondent - Corporation as a Trainee Conductor in the year 1994 and subsequently, he was brought on probation vide order dated 23.03.2000. He came under disciplinary proceedings for an act of misconduct and the disciplinary authority vide order dated 18.09.2003 dismissed the petitioner from service. The petitioner raised a dispute before the I Addl. Labour Court, Bengaluru in Reference No.60/2006 (old No.60/2004). The Labour Court vide award dated 07.11.2009 set aside the order of dismissal with a direction to the respondent corporation to reinstate the petitioner into service with continuity of service together with 50% of back wages. Aggrieved by the Award, the Corporation and the petitioner filed Writ Petitions before this Court. This Court rejected the Writ Petition filed by the petitioner and the



Writ Petition filed by the respondent corporation was partly allowed.

The respondent - Corporation reinstated the petitioner into service on 21.04.2010. The pay of the petitioner was revised, and his basic pay came to be refixed at Rs.13,100/- (Rupees Thirteen Thousand One Hundred only) as against Rs.14,420/- (Rupees Fourteen Thousand Four Hundred and Twenty only). The petitioner submitted a representation with a request to correct the variation in his basic pay. The petitioner contends that the Corporation without considering the same, issued an endorsement on 26.06.2019. Aggrieved by the action of the Corporation, the petitioner is before this Court.

3. Learned counsel for the petitioner and respondents have urged several contentions. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

4. The principal ground on which this Court is asked to quash Annexures-F & K is that the action of the respondent-Corporation in re-fixing the basic pay and reduction of the



salary is opposed to the principles of natural justice, as the opportunity was not accorded to the petitioner.

5. I have perused Annexures F & K with utmost care. Annexure-F is the DEO order dated 03.07.2018 under which the pay of the petitioner has been revised and his basic pay has been re-fixed at Rs.13,100/- (Rupees Thirteen Thousand One Hundred only) as against Rs.14,420/- (Rupees Fourteen Thousand Four Hundred and Twenty only).

The petitioner contends that he was getting a salary of Rs.14,420/-(Rupees Fourteen Thousand Four Hundred and Twenty only). However, the respondents sought to re-fix the pay of the petitioner without notice. This action of the Corporation is untenable. The petitioner ought to have been notified before taking any action. The same has not been done. Hence it can be safely concluded that the action on the part of the Corporation is against the basic principles of natural justice and thus the DEO Order and the endorsement are liable to be quashed and accordingly they are quashed.



6. The Writ of Certiorari is ordered. The DEO order dated 03.07.2018 vide Annexure-F and the Endorsement dated 26.06.2019 vide Annexure-K are quashed.

7. The Corporation is directed to issue a show cause notice to the petitioner within four weeks from the date of receipt of the certified copy of this Order and accord him an opportunity to reply to the show cause notice. The petitioner shall reply to the show cause notice within ten days from the date of receipt of the show cause notice. The Corporation is to pass an appropriate order in accordance with the law.

8. Accordingly the Writ Petition is ***disposed of.***

**Sd/-
JUDGE**

MRP
List No.: 1 Sl No.: 8