



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO.55874 OF 2018 (L-KSRTC)

BETWEEN:

THE MANAGEMENT OF
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
PUTTUR DIVISION, PUTTUR,
BY ITS DIVISIONAL CONTROLLER,
REP. BY ITS CHIEF LAW OFFICER.

...PETITIONER

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

AND:

SHEKARAPPA CHALAVADI
S/O BHEEMAPPA CHALAVADI,
SINCE DECEASED BY HIS LR'S

1. LAXMI BAI SHEKARAPPA CHALAVADI
W/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 39 YEARS,
2. KUM. AMBIKA CHALAVADI
D/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 21 YEARS,
3. KUM. VIJAYALAXMI CHALAVADI
D/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 17 YEARS,





4. KUM. KEERTHANA CHALAVADI
D/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 13 YEARS,
5. KUM. AKSHATHA CHALAVADI
D/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 14 YEARS,
6. KUM. TANJUJA CHALAVADI
D/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 10 YEARS,
7. MASTER MANJUNATH CHALAVADI
S/O LATE SHEKARAPPA YAMANAPPA,
AGED ABOUT 7 YEARS,

RESPONDENTS No.3 TO 7 ARE MINORS
REPRESENTED BY THEIR MOTHER
AND NATURAL GUARDIAN RESP NO.1.

ALL R/O K.KALLAPUR,
BASARIKATTE, KADIWAL KALLAPUR,
HUNUGUNDA TALUK,
BAGALKOT DISTRICT,
KARNATAKA - 587 118.

...RESPONDENTS

(BY SRI. SURESH.M.LATUR., ADVOCATE FOR R1 & R2;
R3 TO R7 ARE MINORS REPRESENTED BY R1)

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

Smt.H.R.Renuka., learned counsel for the petitioner and Sri.Suresh M.Latur., learned counsel for respondents 1 & 2 have appeared through video conferencing.

2. The brief facts are these:

The workman - Shekarappa Chalavadi was a Driver in the establishment of the Corporation. He was on duty on 09.11.2010 in the bus bearing No.KA 19 F 2291 plying on the route Bagalkote to Udupi. The bus hit against another ST bus bearing No.KA 25 F 2488, as a result of which the bus driven by the workman was stopped to enable the passengers to alight the bus. The accident occurred near Karvi Village at about 16:30 hours. The workman hit against the right hind portion of the bus ahead of him, then ran over a bike, resulting in the death of both rider and pillion rider and then hit again to a road side shop, as a result of which three passengers in the bus, sustained injuries. Hence, he was issued with Articles of charge alleging rash and negligent driving. He replied to the Articles of charge denying the charges. He was subjected to disciplinary



inquiry and the inquiry officer submitted his findings holding that the charges are proved. The workman was furnished with the findings of the inquiry officer along with the show cause notice and the workman did not submit his reply to the findings of the inquiry officer. He was dismissed from the service on the charge of proved misconduct on 24.11.2012. The workman filed a claim petition before the Labour Court, Mangaluru in I.D.A No.4/2015. The Labour Court held that the domestic inquiry conducted by the Corporation as not fair and proper. During the pendency of the dispute, the workman died and his legal representatives were brought on record. The Labour Court vide Award dated:25.01.2018 modified the order of dismissal to one of order of compulsory retirement with 40% of backwages without any consequential benefits to the legal representatives of the deceased applicant. It was also ordered that the legal representatives of the deceased workman are entitled for death benefits. 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 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 point that requires consideration is whether the Award of the Labour Court requires interference by this Court.

5. The principal ground on which this Court is asked to quash the award is that the Labour Court has erred in exercising power under Section 11A of the I.D Act.

The facts have been sufficiently stated and do not require reiteration. Suffice it to note that the workman came under a disciplinary proceedings. He was visited with an order of punishment i.e., he was dismissed from service on the charge of proved misconduct. The Labour Court held the domestic inquiry conducted by the Corporation as not fair and proper. Hence, the parties led evidence on the merits of the case. The Labour Court extenso referred to the material on record and concluded that the charges made against the workman are



proved and held that the order of dismissal does not warrant any interference.

6. The Labour Court interfered with the quantum of punishment on two grounds; that the workman is no more and the legal representatives of the deceased workman would be put to greater hardship. This is erroneous. The reason is simple. The Labour Court records a finding that the order of dismissal warrants no interference, hence it could not have proceeded further in the matter. Therefore, the interference with the order of dismissal and the relief granted is not tenable. It is relevant to note that the powers under Section 11A of the I.D Act would enable the Labour Court to interfere with the order of punishment provided that the punishment imposed is harsh. In the present case, no such finding is recorded. On the contrary, the Labour Court holds that the order of dismissal warrants no interference, hence the interference with the order of punishment and the relief granted is unsustainable in law. In any view of the matter, the award of the Labour Court cannot be sustained. The Award of the Labour Court is otherwise



erroneous and unjust. For the reasons stated above, the Award of the Labour Court is liable to be set-aside.

7. The Writ of Certiorari is ordered. The Award dated:25.01.2018 passed by the Labour Court, Dakshina Kannada, Mangaluru In I.D.A No.4/2015 vide Annexure-E is quashed. The order of dismissal dated:24.11.2012 is confirmed.

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

**Sd/-
JUDGE**

TKN/MRP
List No.: 1 Sl No.: 12