

**IN THE HIGH COURT OF KARNATAKA
AT BANGALORE**

Dated this the 2nd day of April, 2013

BEFORE:

THE HON'BLE MR JUSTICE D V SHYLENDRA KUMAR

Writ Petition No. 26265 of 2012 (S-KSRTC)

BETWEEN:

SRI MRUTHUNJAYA
S/O LATE SRI PUTTASWAMY
AGED ABOUT 56 YEARS,
R/A NO.4, 'A' BLOCK,
A-4 CPW QUARTERS,
VIJAYNAGAR,
BANGALORE
NOW WORKING AS CONDUCTOR
K.S.R.T.C. DEPOT – 4
BANGALORE CENTRAL DIVISION
BANGALORE

... PETITIONER

[By Sri K M Somashekar, Adv. for
M/s C R Gopalaswamy & Assts., Advs.]

AND:

1. B.M.T.C.
REP. BY ITS MANAGING DIRECTOR
KENGAL HANUMANTHAIAH ROAD,
SHANTHINAGAR,
BANGALORE – 560 027
2. THE DIVISIONAL CONTROLLER
B.M.T.C.
KENGAL HANUMANTHAIAH ROAD,
SHANTHINAGAR,
BANGALORE – 560 027

3. CHIEF TRAFFIC MANAGER
B.M.T.C.
KENGAL HANUMANTHAIAH ROAD,
SHANTHINAGAR,
BANGALORE – 560 027 ... RESPONDENTS

[By Sri B L Sanjeev, Adv.]

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 04.06.2012 ISSUED BY THE R3 VIDE ANNEXURE – C AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING, 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This writ petition is by an employee of Bangalore metropolitan transport corporation, who is working as conductor and who is aggrieved that in response to his request for according him promotion, an endorsement dated 4-6-2012 [copy at Annexure-C to the writ petition] was come to be issued by the chief traffic manager of the corporation apprising the petitioner that he is not eligible for promotion. Petitioner has approached this court praying for quashing of this endorsement and for consequential issue of a mandamus etc.

2. Appearing on behalf of the petitioner, Sri K M Somashekar, learned counsel, urges that the endorsement is in the teeth of schedule 'A' to the Karnataka State Road Transport Corporation (Cadre & Recruitment] Regulations, 1982, particularly for prescribing mode of appointment to category No 9 - traffic controller class-III - in the appointment relating to traffic department; that a conductor who has rendered service of not less than three years qualifies for promotion etc.

3. Notice had been issued to the respondents and they are represented by counsel Sri B L Sanjeev.

4. Submission on behalf of the respondents is that the petitioner had once suffered an order of dismissal and the matter had been carried to the labour court and labour court had directed reinstatement with continuity of service, but without consequential benefits and therefore the endorsement came to be issued. It is also submitted that

the award became final and therefore the petitioner cannot simply claim promotion on the basis of length of his service.

5. In a matter of this nature, it is not necessary for this court to function as a court of appeal while exercising jurisdiction under Article 227 of the Constitution of India. I do not find any such illegality warranting interference in the endorsement though some reason is sought to be assigned for issue of the endorsement. However, it is open to the petitioner to workout other remedies elsewhere, if so advised, in accordance with law. Without prejudice to this, this writ petition is dismissed.

**Sd/-
JUDGE**

*pjk