



**IN THE HIGH COURT OF KARNATAKA,**

**DHARWAD BENCH**

**DATED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2025**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI MULIMANI**

**WRIT PETITION NO. 100643 OF 2025 (L-KSRTC)**

**BETWEEN:**

THE MANAGEMENT OF NEKRTC DIVISION,  
REPRESENTED BY ITS DIVISIONAL CONTROLLER,  
NEKRTC, BHIDAR DIVISION, BIDAR-585 401.

THROUGH CHIEF LAW OFFICER,  
K.K.R.T.C. SARIGE SADANA,  
KALBURGI-585 101.

... PETITIONER

(BY SRI. MADANMOHAN M. KHANNUR, ADVOCATE)

**AND:**

BHARAT S/O BABANNA KATTIMANI,  
AGE: 67 YEARS, OCC: TRAFFIC CONTROLLER,  
R/O: H.NO.7/46, LALSAB CHILLANGAR GADI,  
HUMNABAD-585 330.

... RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

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

THIS WRIT PETITION IS LISTED FOR PRELIMINARY  
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS  
UNDER:





**ORAL ORDER**

Sri.Madanmohan M.Khannur., counsel for the petitioner has appeared in person.

An emergent notice was issued to the respondent. A perusal of the office note depicts that the respondent is served and unrepresented. The respondent has neither engaged the services of an advocate nor conducted the case as a party in person.

2. The brief facts are these:

The respondent, Bharat was working as a Traffic Controller in the establishment of the Corporation. He was issued with an Article of Charge. After considering the true facts and documents on record, the Disciplinary Authority imposed an order of minor punishment on 03.07.1990. The workman raised a dispute before the Industrial Tribunal, Hubballi, in I.D.No.373/2016. The Tribunal held that the domestic enquiry conducted by the Corporation was not fair and proper. The Tribunal, vide the order dated 07.02.2023, set aside the order of punishment. This Award is called into question in this Writ



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

3. Counsel for the petitioner has urged several contentions and perused the Writ papers with utmost care.

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

5. Suffice it to note that the respondent was visited with an order of minor punishment in 1990. Strangely, he raised a dispute in the year 2016. There is an inordinate delay of almost twenty six years. The Tribunal erroneously condoned the delay. In my view, the Tribunal could not have condoned the delay of twenty six years and entertained the reference. The reason is apparent. The Hon'ble Apex Court reported in ***PRABHAKAR VS. JOINT DIRECTOR, SERICULTURE DEPARTMENT AND ANOTHER*** reported in ***(2015) 15 SCC 1*** has held that when there is no agitation by the workman against the order of punishment and the dispute is raised belatedly and the delay and laches remained unexplained, it should be presumed that he had waived his right. It is also observed that at the time when the dispute was raised, it had



become stale and was not an existing dispute. Even in the present case, when the dispute was raised by the workman, it had virtually become a stale dispute. The Tribunal has overlooked the aspect of delay and laches.

Moreover, setting aside the order of minor penalty is without jurisdiction in as much as the Tribunal has no power to set aside the minor penalty. The Tribunal could not have been pressed into service the aspect of minor penalty. The Managerial decision to impose a minor penalty is absolute, and the same cannot be modified by the Tribunal unless there is a perversity and victimization. In the present case, there is no perversity and victimization. Hence, setting aside the order of minor punishment is unsustainable in law. For the reasons stated above, the award of the Tribunal is liable to be set aside, and so, it is set aside.

6. The Writ of Certiorari is ordered. The Order dated 07.02.2023 passed by the Industrial Tribunal, Hubballi, in I.D.No.373/2016 vide Annexure-C is quashed. The order of minor punishment dated 03.07.1990 is confirmed.

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



Because of disposal of the Writ Petition, all pending interlocutory applications, if any, are disposed of, and the interim order, if any, granted by this Court stands discharged.

**Sd/-  
(JYOTI MULIMANI)  
JUDGE**

MRP,RH  
LIST NO.: 1 SL NO.: 47