

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

ON THE 31st DAY OF JULY 2015

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION No.60328/2009 (L-KSRTC)

BETWEEN:

1. NORTH WEST KARNATAKA
ROAD TRANSPORT CORPORATION,
BAGALKOT DIVISION,
BAGALKOT,
BY ITS DIVISIONAL CONTROLLER.
2. THE MANAGING DIRECTOR
NWKRTC, CENTRAL OFFICE,
GOKUL ROAD, HUBLI.

PETITIONER NOS.1 AND 2
ARE REPRESENTED BY ITS
CHIEF LAW OFFICER
SMT.PREMA BANAVI.

.. PETITIONERS

(BY SRI.J.S.SHETTY, ADVOCATE)

AND:

SADASHIV LOBANNA KALOOTI,
AGE: 53 YEARS,
R/O CHANDRAGIRI PETH,
JAMAKHANDI,
DIST:BAGALKOT.

.. RESPONDENT

(BY SRI.RAVI HEGDE FOR
SRI M.H.BHAT, ADVOCATE)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER DATED:29/02/2008 AND ALSO THE ORDER DATED 07.07.2007 PASSED BY THE PRESIDING OFFICER OF THE LABOUR COURT, BIJAPUR, PASSED IN KID 12/2006 THE COPY OF WHICH HAS BEEN PRODUCED HEREWITH AND MARKED AS ANNEXURE-A AND B ETC.,

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

ORDER

The case of the workman is that he joined the services of the petitioner in the year 1988 as a driver. He has received various certificates of merit and a silver medal also. For an act of misconduct, on the ground that he was in possession of excess cash, an article of charge was issued. The charges were held proved. He was dismissed from service. He filed a claim petition under Section 10 of the Industrial Disputes Act, 1947. By the impugned order, the order of dismissal was set aside. The management was directed to reinstate claimant without back wages but with continuity of service and consequential benefits. Aggrieved by the same, the corporation has filed this petition.

2. Learned counsel for the petitioner contends that the impugned order is bad in law and liable to be set aside; that he has

been found in possession of excess cash that itself is a grave irregularity. Hence no interference is called for.

3. On the other hand, learned counsel for the respondent submits that there is no acceptable evidence to prove the charges. Even if that is so, the punishment imposed is disproportionate to the charges.

4. On hearing learned counsels, I am of the view that there is no merit in this petition.

5. The charge is of holding excess cash of Rs.600/-. He has explained the same by stating that one of his colleague had given him money to procure rice which is available at a cheaper rate in the other destination. The same was not accepted. Hence, he was dismissed from service. He does not have any past history. He has received various certificates of merit and recognition as well as a silver medal. Therefore, the labour Court was of the view that denial of back wages would be a sufficient

punishment. Accordingly, the order of dismissal was set aside and the management was directed to reinstate the workman without back wages but with continuity of services and consequential benefits. The reasons assigned by the labour Court is just and appropriate. Hence, I find no good ground to interfere with the impugned order.

Consequently, the petition being devoid of merit is dismissed.

**SD/-
JUDGE**

kmv