

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2021

BEFORE

THE HON'BLE MR.JUSTICE P.B. BAJANTHRI

WRIT PETITION NO.4930/2020 (L-KSRTC)

BETWEEN:

SHAILA E.B.
W/O N. SIDDARAJ
AGED ABOUT 40 YEARS,
R/A SML TAILOR
CHECK POST, BELOW
CORPORATION BANK
KADUR TOWN
CHIKKAMAGALURU
DISTRICT - 577 148

... PETITIONER

(BY SRI. M.C. BASAVARAJU, ADVOCATE)

AND:

THE DIVISIONAL CONTROLLER,
AND DISCIPLINARY AUTHORITY
KSRTC, CHIKKAMAGALURU DIVISION,
CHIKKAMAGALURU - 577 101

... RESPONDENT

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

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED AWARD PASSED BY THE LABOUR COURT CHIKKMAGALURU IN IDA NO. 16/2017 DTD.30.10.2018 VIDE ANNEXURE-A TO THE W.P. AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING - B GROUP PHYSICAL HEARING/VIDEO CONFERENCING HEARING (OPTIONAL), THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

In the instant petition petitioner has assailed the award dated 30.10.2018 passed in I.D.A No.16/2017 on the file of Labour Court, Chikkamagaluru at Annexure-A.

2. Learned counsel for the petitioner submitted that due to non appearance and failed to contest the matter impugned award is passed. On this score, matter be remanded to the labour Court, Chikkamagaluru. It is also submitted that petitioner was dismissed from service, therefore, matter requires to be decided on merits after due opportunity to the petitioner/petitioner's counsel.

3. Per contra, learned counsel for the respondent-Corporation resisted the aforesaid contention of the petitioner in respect of remanding the matter to the labour Court, Chikkamagaluru with reference to para No.11 of the pleadings in the writ petition. It is also submitted that specific averment has not been made as to why petitioner could not contest the matter before the labour Court and very vaguely averments have been made in the writ petition.

4. Heard learned counsel for the respective parties.

5. No doubt, petitioner has not made out a case so as to interfere with the award dated 30.10.2018 passed in I.D.A. No.16/2017. At the same time, it is to be noted that it is a case of dismissal from service. Therefore, I am of the view that ample opportunity is required to be provided to the petitioner/petitioner's counsel in respect of deciding I.D.A. No.16/2017. Having regard to the fact that petitioner is punished with major penalty of dismissal of service her livelihood is at stake, therefore, I am of the view that matter requires to be remanded to the labour Court, Chikkamagaluru. Accordingly, following order is passed:

(i) Award passed in I.D.A. No.16/2017 dated 30.10.2018 on the file of Presiding Officer, Labour Court, Chikkamagaluru is set aside.

(ii) I.D.A. No.16/2017 is restored on the file of Presiding Officer, Labour Court at Chikkamagaluru.

(iii) Parties are hereby directed to co-operate in deciding I.D.A.No.16/2017 on the file of Labour court, Chikkamagaluru. Labour Court is directed to decide the aforesaid I.D.A. within a period of six months from the date of receipt of this order.

- (iv) Petitioner is hereby directed to pay litigation cost to the respondent-Corporation and it has been quantified at Rs.10,000/- (Rupees ten thousand only) and cost shall be paid to the respondent-Corporation within a period of eight weeks from the date of receipt of this order.
- (v) Parties are hereby directed to appear before the Labour Court, Chikkamagaluru on 28.06.2021 without awaiting any notice.

Sd/-
JUDGE

BS