

**IN THE COURT OF INDUSTRIAL TRIBUNAL BANGALORE**

**This the 12<sup>th</sup> day of May 2025**

**Present: Sri. Jagadeeswara. M,  
B.Com, LL.B.  
Presiding Officer**

**SERIAL APPLICATION NO. 562/2022**  
(In ID No.13/2013)

The Divisional Controller  
KKRTC, Bellari Division,  
Bellari.

**..... APPLICANT**

**(By Sri. B.L. Sanjeev, Advocate)**

**V/s**

Sri. Basappa Umachagi  
S/o Shivamurthappa,  
Chikkanaragunda Post,  
Naragunda Taluk,  
Gadag District - 582 201.

**..... OPPOSITE PARTY**

**(ABSENT)**

**ORDER**

This is the application filed under section 33(2)(b) of the Industrial Disputes Act 1947 (In short I.D. Act) seeking approval for the order dated 30.09.2022 passed in dismissing opposite party from the service.

2. Notice issued to the opposite party through RPAD returned unversed. Hence applicant has taken out notice to opposite party through paper publication in Vijayavani Kannada daily news paper. But opposite party has failed to appear before this authority to contest this application.

3. On the basis of the materials available on record, the following points would arise for my consideration:

|    |                                                                                                                                            |
|----|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Whether the applicant has made out grounds to grant approval for the order dated 30.09.2022 in dismissing opposite party from the service? |
| 2. | What order?                                                                                                                                |

4. Applicant has examined its official as AW-1. Copy of order dated 30.09.2022, copy of the cheque sent by the applicant to the opposite party towards payment of wage of one month as per proviso to sub-section 2 of section 33 of I.D. Act 1947 and original RPAD receipt are marked as Ex.A.1 to 3 as per request of learned advocate for applicant.

5. I have heard arguments of learned advocate for applicant. I have carefully gone through the materials on record.

6. My findings to the above points are as under:

Point No.1 : Affirmative.

Point No.2 : As per final order  
for the following:

### **REASONS**

7. **POINT NO.1:-** It is stated in the application that opposite party was working as driver holding B.No.12431 in Sanduru Depot of the applicant Corporation. He remained absent to the

duty unauthorisedly from 11.01.2021 to 12.11.2021 without submitting leave application and without taking prior permission from his superiors. Depot Manager submitted report dated 16.09.2021 to Disciplinary Authority relating to unauthorised absence of opposite party to the duty. Applicant/Disciplinary Authority issued Article of charge dated 04.09.2021 to opposite party along with the enclosures through RPAD. Opposite party failed to submit his reply. Subsequently, Disciplinary Authority through order dated 16.09.2021 appointed Enquiry Officer and Presenting Officer to conduct domestic enquiry against opposite party. Enquiry Officer, conducted enquiry in accordance with KSRTC Servants (C&D) Regulations 1971 and then submitted enquiry report to the Disciplinary Authority on 07.01.2022 holding that charge levelled against opposite party is proved. After receipt of the enquiry finding, Disciplinary Authority issued show cause notice dated 19.03.2022 to opposite party with enquiry finding and history sheet. Opposite party failed to submit his reply. Disciplinary Authority after verification of records, through order dated 30.09.2022 dismissed opposite party from the service. This order of dismissal was sent to opposite party with a cheque drawn for one month wage, through RPAD. Hence, this application is filed seeking approval for the said dismissal order dated 30.09.2022 passed against opposite party.

8. As noted above, applicant has examined its official as AW-1. Copy of dismissal order dated 30.09.2022 is marked as

Ex.A.1, copy of the cheque No.752490 sent by the applicant to the opposite party towards payment of wage of one month as per proviso to sub-section 2 of section 33 of I.D. Act 1947 is marked as Ex.A.2 and original RPAD receipt dated 30.09.2022 is marked as Ex.A.3.

9. As could be seen from the dismissal order dated 30.09.2022 at Ex.A.1, Enquiry Officer has conducted enquiry by giving sufficient opportunity to the opposite party by issuing notices through RPAD. Opposite party appeared and participated in the enquiry proceeding. His preliminary statement was recorded. He cross-examined witness of management and not submitted his defence statement. Enquiry officer concluded enquiry and submitted report to the Disciplinary Authority holding that charge levelled against opposite party is proved. After receipt of enquiry report, applicant/Disciplinary authority issued show cause notice to the opposite party with copy of enquiry report and history sheet. Opposite party failed to submit his reply to the show cause notice.

10. As noted above, notice issued to the opposite party of this application through RPAD returned unserved. Hence, applicant has taken out notice to opposite party through paper publication in the news paper. But, opposite party remained absent and he has failed to appear before this authority to

contest this application. Therefore, there are no reasons to disbelieve the say of the applicant that just and fair enquiry was conducted by giving sufficient opportunity to the opposite party and by following principles of natural justice and unauthorized absence of the opposite party to the duty is proved.

11. As could be seen from the dismissal order, even previously also opposite party remained absent to the duty for several days on 13 occasions for which he faced penalties. Despite such penalties faced by the opposite party due to his unauthorised absence to the duty in the previous several occasions, again he remained absent to the duty unauthorizedly from 11.01.2021 to 12.11.2021. Therefore, it is found from the materials on record that domestic enquiry has been held in accordance with law and procedure and by following Principles of Natural justice and by considering enquiry report and other antecedent circumstances of the opposite party, disciplinary authority has passed dismissal order on 30.09.2022 and forwarded copy of dismissal order along with cheque drawn in favour of opposite party towards one month wage as per the proviso to sub section (2) of Sec.33 of I.D.Act 1947.

12. Hence, it is clear that the applicant has complied with the provisions of Section 33(2)(b) of the Industrial Disputes Act. Therefore, there are grounds to grant approval to the dismissal order dated 30.09.2022. For these reasons this Point No.1 is answered in the Affirmative.

13. **Point No.2:-** For the above discussed reasons and Affirmative finding to Point No.1, I proceed to pass following order:

**ORDER**

Application filed under Section 33(2)(b) of Industrial Disputes Act is allowed and order dated 30.09.2022 passed by the applicant in dismissing opposite party from the service is approved.

(Dictated to the Stenographer on computer, edited print taken by him corrected, then pronounced by me in open court on this the **12<sup>th</sup> day of May 2025**)

**(Jagadeeswara.M)**

Presiding Officer,  
Industrial Tribunal, Bangalore.

**ANNEXURE**

**List of witness examined for the applicant:**

**AW-1:** Siddaraju Asst.Administrative Officer

**List of documents marked for applicant:**

|                |                                              |
|----------------|----------------------------------------------|
| <b>Ex.A.1:</b> | Copy of the dismissal order dated 30.09.2022 |
| <b>Ex.A.2:</b> | Copy of the cheque dated 30.09.2022          |
| <b>Ex.A.3:</b> | Original RPAD receipt dated 30.09.2022       |

**List of witness examined and documents marked for opposite party: Nil.**

**(Jagadeeswara.M)**

Presiding Officer,  
Industrial Tribunal, Bangalore.

(Orders on application is pronounced in open court (vide separate order.)

**ORDER**

Application filed under Section 33(2)(b) of Industrial Disputes Act is allowed and order dated 30-09-2022 passed by the applicant in dismissing opposite party from the service is approved.

(Speaking order is enclosed).

(Jagadeeswara.M)  
P.O.,IT.,Bengaluru.