



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 19820 OF 2017 (L-KSRTC)

BETWEEN:

KARNATAKA STATE ROAD
TRANSPORT CORPORATION
CHIKKAMAGALUR DIVISION
CHIKKAMAGALUR
BY ITS DIVISIONAL CONTROLLER
REP. BY ITS CHIEF LAW OFFICER

...PETITIONER

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

AND:

RAMANNA BIRUNAGI
ADULT, DRIVER
REPRESENTED BY THE
GENERAL SECRETARY
KSRTC STAFF AND WORKERS UNION
CHIKKAMAGALUR DIVISION
CHIKKAMAGALUR

...RESPONDENT

(BY SRI. L. SHEKAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
AWARD DTD. 5.12.2015 IN REF NO. 172/2012 PASSED BY THE
INDUSTRIAL TRIBUNAL, MYSORE (ANNX-J).





THIS PETITION, COMING ON FOR DICTATING ORDERS,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioner and
learned counsel for respondent.

2. This petition is filed assailing the award dated
05.12.2015 passed in Reference No.172/2012 before the
Industrial Tribunal, Mysuru and in terms of the said award,
reference was allowed and the penalty/punishment vide
order dated 31.07.2007 imposed by the petitioner-
Corporation on the respondent-employee is set aside.
Further, the petitioner - Corporation was directed to confer
all the benefits which was withheld by the petitioner -
Corporation in terms of the order dated 31.07.2007.

3. In terms of the order dated 31.07.2007, the
petitioner-Corporation had imposed the punishment by
reducing the pay scale to that of minimum pay scale of the
driver for 10 years and also to deduct one month's salary



towards repair. It is relevant to note that the respondent was appointed as driver-cum-conductor.

4. Learned counsel appearing for the petitioner taking through the facts of the case, would urge that, accident occurred when the respondent was driving the bus on 14.10.2004. The bus fell to a trench and as a result, 27 passengers were injured and the bus was extensively damaged.

5. The Disciplinary Enquiry was initiated against the respondent. The respondent did not plead guilty and he took a defence that, a vehicle was coming from opposite direction, and to give way to the said vehicle, he took the vehicle to the left side, thereafter while trying to turn the vehicle to the right, the steering jammed and the brakes failed. As a result, the bus fell to the trench.

6. Before the Disciplinary Enquiry, his defence was that, when he tried to take the vehicle to the left, the steering jammed, the brake failed and vehicle fell to the



trench and it is his further statement that, at the time of accident, the vehicle was moving in a down gradient and when he applied the brakes, on account of brake failure, the bus fell into a trench.

7. Referring to three inconsistent defences raised by the respondent, learned counsel for the petitioner would urge that the Tribunal committed an error in setting aside the order of punishment imposed by the Employer, wherein it is very much evident that the accident took place on account of rash and negligent driving of the respondent.

8. It is also urged that, there was no other vehicle involved in the accident and accident occurred solely on account of negligent act on the part of the driver who drove the bus in a rash and negligent manner.

9. In support of the contention that the defence raised by the respondent is unsustainable, attention of the Court is invited to the Motor Vehicles Accident Report,



dated 16.10.2004 at Annexure-C, which clearly indicated that there were no mechanical defects in the bus which was involved in the accident.

10. Elaborating the submission, learned counsel for the petitioner would also urge that, the Tribunal referred to the judgment of the JMFC, wherein the accused is acquitted of the charges as the witnesses turned hostile. It is the contention that the said judgment cannot be relied on to hold that the penalty imposed by the petitioner-Corporation after Disciplinary Enquiry is untenable.

11. Learned counsel for the respondent would urge that, before the Motor Accident Claims Tribunal (MACT), the Corporation has taken a stand that, the accident took place on account of mechanical defects and having taken that stand, it is not open for the Corporation to take a stand that the driver was negligent in driving the vehicle.

12. In support of the said contention, learned counsel also places reliance on the judgment of the Co-



Ordinate Bench of this Court in ***Karnataka State Road Transport Corporation V. Sri Ganganna¹***, wherein the Co-Ordinate Bench of this Court has held that inconsistency by the Corporation is not tenable.

13. This Court has considered the contentions raised at the Bar and perused the records.

14. In ***Karnataka State Road Transport Corporation (supra)***, the Co-Ordinate Bench of this Court was dealing with the question where the accident has taken place on the account of two vehicles and one vehicle belonged to the KSRTC.

15. It is noticed from the facts of the said case that, KSRTC has taken a stand before the MACT that, the driver was not negligent while driving the vehicle. However, KSRTC has also initiated Disciplinary Enquiry against the said driver alleging that he was driving the vehicle in a rash and negligent manner. In the aforementioned

¹ ***W.P.No.24370/2019***



circumstances, the Court has come to the conclusion that two inconsistent pleas by the Corporation are not tenable and Corporation is estopped from raising a contention that the driver was negligent.

16. This Court has perused the said judgment. It is noticed in the said judgment that a finding of the effect of the Motor Vehicle Accident Tribunal while awarding compensation is not discussed and it is not brought to the notice of the Court.

17. However, in the instant case, a finding of the Motor Vehicle Accident Tribunal in MVC.No.540/2005 is produced. In terms of the judgment and award dated 01.10.2007, the Motor Vehicle Accident Tribunal has held that the defence of mechanical defects raised by the driver/respondent of this petition as well as the Corporation is not established and Tribunal also held that accident occurred on account of rash and negligent act of the driver of the Bus.



18. The said finding in the aforementioned judgment in MVC.No.540/2005 on the file of MACT at Chikmagalur has attained finality. This being the position, the Court is of the view that, though the stand of KSRTC is inconsistent before the Tribunal and the Disciplinary Authority, what is required to be noticed is, the stand taken before the Tribunal is over-ruled and the Tribunal has come to the conclusion that the accident has not occurred on account of mechanical defects. In any case, this Court is not considering the question as to whether said finding operates as res judicata against the petitioner as well as the driver and said question is kept open to be decided in appropriate cases.

19. It is be noticed that, the Tribunal has set aside the penalty solely relying on the judgement by JMFC in the criminal proceeding which was initiated against the driver of the bus.

20. In the aforementioned criminal case, there is no finding relating to, the Motor Vehicles Accident Report,



which was marked in the said case. The Tribunal has proceeded only on the evidence of other witnesses namely passengers and panchas who have turned hostile. Thus, the said judgment in criminal case cannot be taken as a binding judgment relating to the question of negligence as the evidence led before two forums are different and the yardsticks applied to prove the aspect of negligence are also different. In criminal case, the proof beyond reasonable doubt is required and domestic enquiry or before the Tribunal the test is based on preponderance of probability.

21. The Motor Vehicles Accident Report would indicate that the accident has not occurred on account of mechanical defects. The only vehicle involved in the accident is the bus which was admittedly driven by the respondent. In a situation like this, the burden or the onus is on the respondent as to why and how he is not responsible for the accident. Valid explanation is not found in the evidence of the driver.



22. It is also noticed that the respondent himself has taken three contradictory stands wherein, in the first occasion he would say that he made an attempt to turn the vehicle to the right and that juncture the steering jammed and brake failed and on the second occasion, he would say that he made an attempt to turn the vehicle to the left and steering jammed and brake failed and on third occasion he would say that he was driving the vehicle in the down gradient and at this juncture, on account of failure of the brake, the accident occurred.

23. As already noticed, the defence of mechanical defects is not established. However, the explanations offered are inconsistent. Thus, there is no difficulty in holding that accident has taken place on account of negligent act on the part of the driver of the bus as his defence relating to mechanical defects is not established.

24. Learned counsel for the respondent would urge in the alternative that assuming that the respondent was negligent in driving the vehicle, the penalty imposed by



the petitioner-Corporation, wherein the pay scale of the respondent, driver-cum-conductor is reduced to the minimum scale for 10 years is disproportionate to the misconduct alleged.

25. Learned counsel for the petitioner would urge that, since 27 passengers were injured and the vehicle is damaged, the penalty is certainly proportionate.

26. Considering the nature of allegation levelled against the respondent, i.e.. negligence in driving the bus, the Court is of the view that penalty imposed by the petitioner-Corporation reducing the pay scale of the respondent, driver-cum-conductor to minimum pay scale of the conductor for 10 years is certainly disproportionate and not justified.

27. The Court is of the view that the lesser penalty should have been imposed on the respondent.

28. Since the matter is pretty old, instead of remitting the matter to the disciplinary authority for



considering appropriate lesser penalty, the Court is of the view that, it would be appropriate to impose a penalty of withholding three increments with cumulative effect. While imposing said penalty the Court has taken into account the financial implications under the penalty under scrutiny imposed earlier by the petitioner, and the penalty of reducing three increments with cumulative effect.

29. Hence the following:

ORDER

- (i) Writ Petition is ***allowed-in-part.***
- (ii) The impugned award dated 05.12.2015 on the file of the Industrial Tribunal, Mysuru in Ref.No.172/2012 is modified.
- (iii) The respondent's pay scale is reduced by three increments with cumulative effect.
- (iv) The financial benefits payable to the respondent in view of lesser penalty imposed shall be paid



**NC: 2026:KHC:11861
WP No. 19820 of 2017**

within 90 days from the date of the receipt of
the copy of this order.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

BRN
List No.: 1 Sl No.: 6