



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO. 39885 OF 2014 (L-TER)

BETWEEN:

CANARA BANK,
A BODY CORPORATE CONSTITUTED
UNDER THE BANKING COMPANIES
(ACQUISITION & TRANSFER OF UNDERTAKINGS)
ACT V OF 1970, HAVING ITS HEAD OFFICE AT
NO.112, J C ROAD, BANGALORE - 560 002,
REPRESENTED BY ITS
ASSISTANT GENERAL MANAGER,
SRI R GIREES KUMAR.

...PETITIONER

(BY SRI RAMESH UPADHYAYA, ADVOCATE)

AND:

SRI. B. G. PADMANABHA RAO,
S/O SRI B S GUNDU RAO,
AGED ABOUT 51 YEARS,
EX-SHANBOGUE, JAGALUR TALUK,
BILICHODU - 577 553,
DAVANAGERE DISTRICT,
KARNATAKA STATE.

...RESPONDENT

(BY SRI NARASIMHA SWAMY N S, ADVOCATE FOR
C/RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL
FOR RECORDS IN C.R.NO.55/1998 FROM THE CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
"SHARAM SADAN" 3RD MAIN, 3RD CROSS, 2ND PHASE, TUMKUR
ROAD, YESHWANTHPUR, BANGALORE - 560 022. QUASH THE





AWARD AS IN ANNEX-A DTD.1.1.2014 AND ORDER DTD.9.5.2002 OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE IN CR.NO.55/1998, VIDE ANNEX-N.REJECT THE REFERENCE IN C.R.NO.55/1998 ON THE FILE OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed assailing the award dated 01.01.2014 passed by the Central Government Industrial Tribunal cum Labour Court (Tribunal) in C.R.No.55/1998.

2. In terms of the said award, the reference sought by the respondent of this petition is allowed and the action of the petitioner-Management in removing respondent from the panel of daily wagers with effect from 20.11.1995 is set aside.

3. The Tribunal also directed the petitioner bank to pay compensation equivalent to 10% of the wages payable to the daily wagers with effect from 20.11.1995 at the rate prescribed by the Government from time to time till his name is restored in the panel of daily wagers and award also directed continuation of daily wage work. Award further directed payment of interest at the rate of



12% per annum, in the event of default to pay the amount after the publication of the award.

4. Aggrieved by the said award, the petitioner management is before this Court.

5. It is an admitted fact that the respondent was a daily wager under the petitioner-Management and his name was included in the panel of daily wager.

6. Disciplinary Enquiry was initiated against the respondent on the charges that the respondent has withdrawn ₹16,000/- pertaining to a customer who was not issued any cheque as the said customer was illiterate. The alleged incident is said to have taken place on 07.12.1992.

7. The respondent has disputed the charges and domestic enquiry was held. The Enquiry Officer found that the charges are proved. Thereafter, a second show cause notice was issued to the respondent calling for his explanation. The Disciplinary Authority came to the conclusion that charges are proved and ordered to remove the respondent from the panel of daily wagers. Aggrieved by the said decision, the respondent raised an industrial dispute



before the Tribunal.

8. The respondent raised a contention that the enquiry was not fair and proper. The Tribunal concluded that the enquiry was not fair and proper and thereafter, both parties led evidence on the merits of the matter after considering the evidence placed before it. The Tribunal held that the charges are not proved and directed the employer to re-empanel the respondent in the panel of daily wagers.

9. The learned counsel appearing for the petitioner - Management would urge before the Enquiry Officer that the evidence was led to show that the respondent has withdrawn ₹16,000/- by misappropriating a cheque which was belonging to the customer. It is the contention that taking undue advantage of the fact that the customer was illiterate, the respondent has misappropriated the amount by withdrawing ₹16,000/- from the account belonging to the customer who was illiterate.

10. It is further contention that the charges are established by leading evidence before the Disciplinary Authority and before the Enquiry Officer and the Tribunal. Thus, urged that the Tribunal could not have set aside the penalty imposed by the employer.



11. Learned counsel appearing for the respondent would urge that the Tribunal has come to the conclusion that the enquiry was not fair and proper and that being the position, any evidence that is led before the Enquiry Officer cannot be taken into consideration while considering the contentions of the merits of the misconduct.

12. It is the further submission that, 5 witnesses were examined before the Tribunal and none of the witnesses supported a case of the petitioner-Management. It is also urged that the police complaint lodged against the respondent and the police have filed a 'B' report and that report has been accepted by the petitioner and that being the position, the Tribunal is justified in holding that the charges are not proved.

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

14. As can be seen from the award passed by the Tribunal, the finding is recorded holding that the inquiry conducted by the Disciplinary Authority was not fair and proper. Accordingly, the parties were permitted to lead evidence before the Tribunal. Before the Tribunal, no evidence is led by the management to show that



amount of ₹16,000/- is withdrawn by the respondent.

15. It is not established that the handwriting on the cheque in question is that of the respondent. The police have also filed a 'B' report stating that the allegations against the respondent is not established. The said 'B' report is not questioned.

16. On appreciation of the evidence, the Tribunal has come to the conclusion that the charges are not established. This Court does not find any error in the award passed by the Tribunal which has held that the charges are not proved. The Court is of the view that the finding of the Tribunal is based on the evidence available on record. That being the position, the Tribunal is justified in holding that the order passed by the petitioner-Management to remove the respondent from the list of empanelled daily wagers has to be set aside.

17. It is submitted at the Bar that the respondent has attained the age of superannuation. Under the circumstances, the part of the Award directing the petitioner's name to be restored in the panel of daily wagers does not survive for consideration.

18. It is noticed that the Court has stayed the operation of



the Award on a petition filed by the petitioner and thereafter, the respondent has filed an application seeking Section 17B wages and the application was allowed.

19. Learned counsel for the respondent would submit that Section 17B wages payable are not paid and that is required to be paid.

20. Learned counsel for the petitioner would refer to the memo dated 02.06.2025 to support the contention that nothing is due under Section 17B wages payable to the respondent. The Memo discloses the bank statement dated 17.02.2024, which would indicate that ₹51,438.64/- is credited to the account of the respondent and same was later debited. This would indicate that Section 17B wages ordered by this Court is paid by the petitioner.

21. Now the question is, whether the Court has to mould the relief directing additional compensation in addition to 10% compensation ordered to be paid by the Tribunal as urged by the learned counsel for the respondent?

22. It is urged on behalf of the respondent that since the stay order is granted by this Court, the respondent could not be re-



empanelled in the panel of daily wagers, as such, he lost the opportunity to work and as such, he should be awarded a higher compensation.

23. The learned counsel for the petitioner would submit there is no fault on the part of the petitioner and the operation of the award was stayed by the Court and that being the position, there cannot be any higher compensation to the respondent, is the submission. In addition, it is also urged that the respondent has not filed any petition challenging the award which has restricted the compensation to 10%.

24. The Court has considered the contentions in this behalf. It is to be noticed that the respondent was a daily wager and the Tribunal has awarded 10% of the daily wage as the compensation to be paid. The Tribunal has also held that the compensation has to be ascertained based on the revision of daily wages which takes place from time to time.

25. Though the operation of the Award is stayed in terms of the order passed by this Court, the Court is of the view that, the Award is confirmed. It logically flows that the amount payable to the respondent should have been paid from the date of the Award



itself and the said amount is with the petitioner bank.

26. Considering the fact that the petitioner could not reap the benefit of the Award directing re-empanelment and also considering the fact that the petitioner was a daily wager and charges are not proved, and also considering the fact that the petitioner was entitled to higher compensation which he did not claim by questioning the Award, probably on account of poverty, the Court is of the view that it is appropriate to award 10% interest on the amount payable in terms of the order passed by the Tribunal.

27. Hence, the following:

ORDER

- (i) Writ Petition is ***allowed in part.***
- (ii) The Award directing empanelment of petitioner as daily wager is set-aside.
- (iii) The amount due as per the Award (which shall also include the revision of daily wages as notified by the Government) shall be paid to the respondent-workman with interest at the rate of 10% per annum from the date of the Award till payment.



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- (iv) The amount shall be paid within 60 days from today.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 1 SI No.: 22