NC: 2025:KHC-K:3226
WP No. 202733 of 2022

HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 19TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.202733 OF 2022 (L-KSRTC)

BETWEEN:

VIJAYKUMAR S/O BANDEPPA,
AGE: 36 YEARS,
OCC: EX DRIVER CUM
CONDUCTOR 1200 N.E.K.R.T.C. BIDAR,
R/O TEGUMPUR POST: MANDAPUR,
TQ. AURAD AND DIST. BIDAR-585401.

...PETITIONER

(BY SRI. JAIRAJ K. BUKKA, ADVOCATE)

AND:

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

1. THE MANAGING DIRECTOR,
   N.E.K.R.T.C. CENTRAL OFFICE,
   SARGIE SADANA,
   KALABURAGI-585104.

2. THE DIVISIONAL CONTROLLER,
   N.E.K.R.T.C. BIDAR DIVISION OFFICE,
   AT OLD BUS STAND BIDAR,
   TQ. DIST. BIDAR-585401.

...RESPONDENTS

(BY SRI. DEEPAK V. BARAD, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A)

CALL FOR THE RECORDS. B) ISSUE A WRIT IN NATURE OF CERTIORARI QUASHING THE IMPUGNED JUDGMENT PASSED BY THE HON'BLE PRINCIPAL DISTRICT AND SESSION JUDGE AND PRESIDING OFFICER, LABOUR COURT AT BIDAR IN KID NO. 10(4)(A)/2/2019 (OLD KID NO.20/2019) DATED 16.09.2021 VIDE ANNEXURE-D C) ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED BY THE 2ND RESPONDENT VIDE ಸಂಖ್ಯೆ:ಕರಸಾ/ಬೀವಿ/ಸಿಬ್ಬಂದಿ/ಗೈಹಾ/44/2018/3656/2018–19 ದಿನಾಂಕ:23.02.2019 VIDE ANNEXURE-C, D) ISSUE A WRIT IN NATURE MANDAMUS OR ANY DIRECTION TO RESPONDENTS NO.1 AND 2 TO THE REINSTATE THE PETITIONER ON DUTY AT WITH CONTINUITY OF SERVICE WITH ALL CONSEQUENTIAL BENEFITS WITH FULL BACK WAGES.

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

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The petitioner was appointed as trainee Driver- cum-Conductor by the respondent-Corporation. He was dismissed from service. He raised an Industrial Dispute by way of KID No.10(4)(A)/2/2019. The same came to be dismissed on the ground that he was not a workman. Aggrieved by the same, the present writ petition is filed.

2. The case of the petitioner is that this Court in WP No.201468/2022 has held that trainee Driver- cum-Conductor of respondent department is a workman for the purpose of Industrial Disputes Act and the Labour Court erred in holding it otherwise.

3. The learned counsel for respondent is unable to rebut the contention of the petitioner as aforementioned.

4. Under the said circumstances, there is no reason why the benefit of the ratio laid down in W.P.No.201468/2022 should not be granted to the petitioner herein, who is similarly placed to the petitioner in the aforementioned writ petition.

5. Hence the following:

ORDER

The impugned judgment passed in KID No.10(4)(A)/2/2019, dated 16.09.2021 vide Annexure-D to the writ petition is hereby set aside and the matter is remanded back to the

Labour Court to decide the dispute in accordance with law.

Sd/-
(M.I.ARUN)
JUDGE

SMP
List No.: 1 Sl No.: 38