



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO. 36199 OF 2014 (L-RES)

BETWEEN:

SRI. G.RAMESH
S/O. SRI.GINIYAPPA,
AGED ABOUT 48 YEARS,
MESSENGER,
(UNDER ORDER OF DISMISSAL),
KARNATAKA STATE SEEDS CORPORATION LTD.,
R/AT NO.72/1, I CROSS,
THIMMAIAH GARDEN,
R.T.NAGAR, I BLOCK,
BANGALORE-560 032.

...PETITIONER

(BY SRI. KARTHIKEYAN., ADVOCATE FOR
SRI. SATYANARAYANA.P.HOGADE., ADVOCATE)

AND:

THE KARNATAKA STATE SEEDS CORPORATION LTD.,
"BEEJA BHAVAN", BELLARY ROAD,
HEBBAL, BANGALORE-560 024,
REPRESENTED BY ITS MANAGING DIRECTOR.

...RESPONDENT

(BY SRI. SUBRAHMANYA., ADVOCATE FOR
SRI. B.C.PRABHAKAR., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS COMING ON FOR FINAL
HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

Sri.Karthikeyan., learned counsel on behalf of Sri.Sathyanarayana P.Hogade., for the petitioner has appeared in person.

Sri.Subrahmanya., learned counsel on behalf of Sri.B.C.Prabhakar., for the respondent has appeared through video conferencing.

2. The brief facts are these:

The petitioner was appointed as a Messenger during the year 1985. It is said that ever since his appointment, he was discharging his duties sincerely, and honestly to the satisfaction of his superior officers. He came under disciplinary proceedings and was inflicted with an order of punishment i.e., dismissed from service. The petitioner filed an appeal and the same was rejected. He filed a Writ Petition before this Court in W.P.No.13104/2008 and this Court vide order dated 22.05.2012 disposed of the Writ Petition with a liberty to the petitioner to work out his remedy by raising a dispute before the Labour Court.



The petitioner raised a dispute under Section 10(4-A) of the Industrial Disputes Act, 1947 before the Labour Court, Bengaluru in I.D.No.22/2012. The Labour Court held that the domestic inquiry conducted by the Corporation is just and proper. The Labour Court vide award dated 07.11.2013 partly allowed the petition and directed the Corporation to pay the gratuity, provident fund and leave encashment benefit provided the petitioner had any earned leave in his credit if the same are not paid by the Corporation. It is this award that is called into question in this Writ Petition on several grounds as set out in the Memorandum of Writ Petition.

3. Learned counsel for the respective parties have urged several contentions. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

4. The point that requires consideration is whether the award of the Labour Court requires interference.

5. The facts are sufficiently stated and do not require reiteration. Suffice it to note that the petitioner came under disciplinary inquiry proceedings for an act of misconduct i.e.,



unauthorized absence from duty, and was visited with an order of punishment i.e., dismissed from service. The issue revolves around unauthorized absence. The charge made against the petitioner was that he remained absent unauthorizedly from duty for a total period of 541 days between 07.12.1986 and 15.09.1999 and a period of 381 days between 02.09.2000 and 15.05.2003.

The petitioner attempted to contend that he was suffering from Tuberculosis. However, the petitioner neither furnished any documents/ medical certificates nor examined the doctors who examined him.

It is the specific contention of the Corporation that, no leave application was submitted, even if it is submitted, that should be accompanied by Medical Certificate if the leave is sought on the health grounds.

An employee is under an obligation not to absent himself from work without worthy cause during the time at which he is required to be at work. Absence without leave is misconduct in industrial employment warranting disciplinary punishment. No employee can claim leave of absence as a matter of right and



remaining absent without leave will constitute a violation of discipline. The absence without leave constitutes a misconduct justified disciplinary action against the delinquent workman. The quantum of punishment in cases of misconduct or absence from duty without leave would depend upon the facts of each case. In the present case, the petitioner remained absent unauthorizedly from the duty without submitting a leave application or without prior permission from the higher authority for a total period of 922 days from 07.12.1986 to 15.05.2003.

The Labour Court extenso referred to the material on record and passed the award. In my view, the award of the Labour Court is just and proper. I find no reason to interfere with the findings of the Labour Court. For the reasons stated above, the Writ Petition is devoid of merits, and it is liable to be dismissed.

6. Resultantly, the Writ Petition is ***dismissed***.

**Sd/-
JUDGE**

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List No.: 1 Sl No.: 26