

Orders on Memo dated.13.01.2026

This memo is filed by the Learned advocate of the 1st party along with suspension order dated.10.01.2026 issued by the 2nd party with a prayer to direct the 2nd party to desist from taking such a drastic step at this stage.

2. On the other hand the 2nd party has file objections to the said memo saying that the memo is wholly misconceived and unattainable. Suspension pending enquiry is only a temporary measure taken to facilitate a fair and proper domestic enquiry. The disciplinary authority is well within its managerial and disciplinary powers to place a workman under suspension pending enquiry in accordance with certified standing orders of the 2nd party. The suspension order neither interferes nor prejudices the adjudication of the dispute pending before this court. Directing the 2nd party to desist from giving effect to the suspension order amounts to seeking an indirect restraint on the disciplinary powers of the employer. Hence prays to reject the memo.

3. Heard and perused.

4. During the course of arguments the 1st party has filed written arguments cum wherein it is stated that the 1st party workman was illegally terminated by the 2nd party, which led to the present industrial dispute seeking reinstatement etc. Immediately after reinstatement the management initiated multiple domestic enquiries against the workman and now placed him under suspension pending enquiry. However, the 2nd party management has not sought any approval from this court as mandated by law.

Hence, the 1st party has brought the matter of his suspension order to the notice of this court as a clear violation of industrial dispute. These actions are taken during the pendency of present industrial dispute. Hence, prays to allow the memo.

5. On the other hand the learned counsel appearing on behalf of the 2nd party would submit that the suspension order issued by the 2nd party neither interferes with nor prejudices the adjudication of the dispute pendency before this court.

6. The relief sought in the memo clearly shows that it amounts an indirect restraint on the disciplinary powers of the employer, which is impermissible under law. Further submitted that suspension is not a punishment and it does not put an end to the employment or it does not deny the rights and obligations of the workman and mere suspension pending enquiry by itself does not constitute an industrial dispute. As suspension is not punishment, the question of referring the non-existent dispute does not arise. In support of his arguments the learned counsel places reliance on the judgments of Hon'ble High Court of Karnataka in the matters of **Management of Bosch Ltd Vs State of Karnataka, represented by the Secretary cum presiding officer and another in WP No.26198/2011(L-RES) and Mico Employees Association Vs Management of Bosch Ltd reported in 2013 SCC online KAR 7803.**

7. Therefore, on going through the judgments relied on behalf of the 2nd party it has been clearly held that suspension is not a punishment, it neither amounts to punishment nor it would be industrial dispute. It is pertinent to note that admittedly the 2nd

party management has reinstated the 1st party/workman into the service after commencement of evidence in the above case. The production of suspension order dated.10.01.2026 along with the memo dated.13.01.2026 would clearly shows that the 1st party is presently working in the 2nd party institution. It is the contention of the 1st party that immediately after reinstatement the management has initiated multiple domestic enquiries and now placed him under suspension pending enquiry. However, the management has not sought any approval from this court as mandated under law.

8. But as has been held by the Hon'ble High court of Karnataka in the aforementioned case laws suspension is not a punishment nor it would constitute an industrial dispute under the provisions of Industrial Disputes Act. Thus, in view of the clear proposition of law laid down by the Hon'ble High Court of Karnataka the order suspension pending enquiry is not a punishment. Hence, there is no obligation on the 2nd party management to obtain any prior approval from this court as contended by the 1st party. If any such direction as sought for in the memo is issued it amounts imposing of restraint on the disciplinary powers of the employer. Hence, the memo is not maintainable under law. If any such relief is granted it causes interference with the internal administration and disciplinary activities of the establishment. Hence, no grounds are made out to grant the relief as prayed for in the memo. In the light of the said reasons, I proceed to pass the following:

ORDER

Consequently, the memo dated.13.01.2026 filed by the 1st party is hereby rejected.

**Presiding Office
Labour Court, Mysuru**

ORDER ON NOTICE U/O 12 RULE 8 CPC

The first party No.1 has taken notice for production of documents mentioned at Sl.No.1 to 3, which are said to be in possession and custody of second party.

2. On the other hand the second party has filed objections to the said notice contending that the proceedings before this court are exclusively governed by the provisions of Industrial Disputes Act. Order 12 rule 8 of CPC does not fall within the purview of Sec.11 of Industrial Disputes Act. The first party cannot invoke the provisions of CPC beyond the limited extent expressly conferred U/s 11 of the Act. The documents sought for by the first party are wholly unnecessary and irrelevant for the adjudication of the claim. The first party has sought production of the aforesaid documents with sole intention of dragging the proceedings of the case. Hence, prays to reject the notice.

The following point arises for consideration.

1. Whether first party has made out reasons to cause production of the documents sought for in the notice U/O 12 Rule 8 of CPC?

REASONS

3. During the course of arguments the first party has filed written arguments contending that immediately after reinstatement the management has initiated multiple domestic enquiries against the workman and placed him under suspension pending enquiry. The timing and frequency of the enquiries leave no doubt that the workman is being targeted for having raised the Industrial Dispute. The documents sought to be produced are in the exclusive custody of the management. Despite notice, the management has failed to produce them. The first party was reinstated to work on 08.02.2025. However on 12.06.2025 he was refused work by locking his punch by the second party management. This court has got ample powers U/S 11(3) of ID Act to call for the documents. Hence, prays to allow the notice.

4. On the other hand, the learned counsel for the second party submits that during the course of the cross examination the first party has categorically admitted that he is presently working with the second party management and receiving the wages. The

admissions made by the first party would clearly demolish the claim of refusal of employment from 12.06.2025. When the first party has admittedly continued his employment with the second party, the dispute as contemplated U/S 2-A r/w Sec.10(4-A) of ID Act does not survive for adjudication. Hence, prays to reject the notice as not maintainable under law.

5. At the outset, from the written arguments filed on behalf of the first party it can be gathered that in spite of having knowledge that the appropriate provision for calling the records or documents is section 11(3) of ID Act, he has come up with the notice invoking the provisions of Civil Procedure Code. It is well settled that, provisions of Civil Procedure Code does not strictly apply in cases of Industrial Disputes. The provisions of Civil Procedure Code cannot be invoked in substitute of the provisions of the Industrial Disputes Act beyond the limited extent as expressly provided U/sec.11 of Act.

6. Further the case of the first party is that, he has been illegally terminated from service by the second party. However, he himself has clearly admitted that he has been reinstated into the work on 08.02.2025 as per the orders passed in Ref.No.15/2021. Further it is his case that, again he was refused employment by

the second party on 12.06.2025. However, he deposed in his cross-examination that, he has worked in the second party establishment on 12.06.2025 in the first shift. Therefore in the oral evidence of WW-1 it is forthcoming that though it is alleged that his employment was refused on 12.06.2025, but he himself deposed that he has worked in the institution on the said date. Therefore the first party/WW-1 himself has given contradictory versions before the court, that too, on oath.

7. As regards the document cited at Sl.No.1 is concerned, it is to be noted that, in the cross-examination of MW-1 it has been specifically suggested that the first party was deputed to work in BU-1 Banburry department, but MW-1 deposed that he deputed to work in various departments of the establishment. It is not the case of the first party that, his termination was taken place while he was working in BU-1 Banburry section of the second party.

8. As regards the document cited at Sl.No.2 is concerned, the MW-1 has specifically denied a suggestion that the punch card of the first party was locked on 12.06.2025. Further the first party has asked a question to MW-1 saying whether he had given any letter for unlocking the punch lock. In the entire cross-examination of MW-1 the first party has not elicited anything to the effect that

his employment was refused by disabling his punch card. When such being the case, how far this document is relevant for adjudication of the issues involved in the case, has not been made out by the first party.

9. As regards the document cited at Sl.No.3, the MW-1 has deposed that, they would send the Badli attendance card to the record room and he do not know when it will be consigned/destroyed. However, it is the specific statement of the first party that during the pendency of this proceeding and after commencement of evidence, the second party management reinstated the first party/workman. When such being his statement/admission before the court why all these documents are necessary and relevant for adjudication of the issues involved in the dispute, has not been explained at all by the first party either in the notice or in the written arguments submitted by himself.

10. In the light of the said reasons the first party has not made out banafide grounds to call for the records cited at Sl.No.1 to 3 in the notice filed by him before the court. Hence the first party has not made out any justifiable reasons to summon the documents from the second party as prayed for in the notice dated.03.01.2026. In view of the above, I answer the **Point No.1**

in the **Negative**. Accordingly, I proceed to pass the following:

ORDER

*Notice U/O 12 Rure 8 of CPC
to produce documents at
Sl.No.1 to 3 filed by the first
party herein, is hereby
rejected.*

No order as to cost.

*Call on for arguments by
18.02.2026.*

(Dictated to the stenographer on computer, revised, corrected and then pronounced by me in the open court on this the **16th** day of **February, 2026**)

(B.K. RAVIKANTHA)

District Judge and Presiding Officer,
Labour Court, Mysuru.