

KAMS060001212023



BEFORE THE INDUSTRIAL TRIBUNAL AT MYSURU

DATED THIS THE 1st DAY OF SEPTEMBER 2025

Present:- Smt. Sandhya Rao P, B.Sc.,LL.B.,
Presiding Officer,

Ref.80/2023

First Party: **Sri.M.T.Ravi**,
Driver-cum-Conductor,
KSRTC.,
Malavalli Depot.
(By Sri.N.Channabasavanna, Advocate)

-Vs-

Second Party: **The Divisional Controller**,
KSRTC, Mandya Division,
Mandya.
(By Sri.Mohankumar S.V, Advocate)

ORDERS ON PRELIMINARY ISSUE

This is a Reference made by the Government of Karnataka with regard to the punishment order passed by the second party against the first party vide order dated 28.09.2022, by reducing basic pay of the first party by two incremental stages permanently and to treat the period of suspension as 'suspension' and further that he is disentitled for the gratuity for the suspended period.

2. The first party in his claim statement has contended that the enquiry conducted by the enquiry officer is contrary to the principles of natural justice and further that, the enquiry officer while conducting the enquiry has not followed the KSRTC C & D regulations. That apart, it is also contended that, prior to imposing punishment, the inquiry officer had not provided any opportunity to the first party, to submit his say in the matter. Accordingly, it is submitted by the first party that, the domestic enquiry was not fair, proper and valid.

3. Per contra, the second party has submitted that the domestic enquiry was conducted by appointing an enquiry officer who had conducted the enquiry as per the C and D regulations of the corporation and also by following all the rules of natural justice. It is only thereafter that the enquiry officer submitted the report of enquiry to the higher authorities. On receipt of the said report, the second party management had before passing the punishment order issued the show cause notice to the first party and by following the principles of natural justice and after

looking into the history sheet of the first party, had issued the punishment order against the first party workmen. Thus the enquiry conducted and the punishment order passed by the second party management is fair and proper.

4. In view of the aforementioned rival contentions of the parties raised in respect of the domestic enquiry, the following preliminary issue came to be framed :

“Whether the Domestic Enquiry conducted against the First Party was fair, proper and valid ?”

5. When the matter was posted for evidence of second party on preliminary issue, the second party examined the enquiry officer, Sri.Nagendraswamy.B, Establishment Supervisor, as MW-1 and got marked Ex.M-1 to M-25 on its side. The first party thereafter submitted that he has no evidence to lead on preliminary issue.

6. Heard arguments of both parties and perused the materials on record.

7. This Tribunal answer's the above preliminary issue in the **Affirmative** for the following:

REASONS

8. The Karnataka State Road Transport Workers Union ® had called out an indefinite strike from 7.04.2021, calling upon the second party Corporation to fulfill their demands. Such being the case, the second party alleges that, the first party being the member of the aforesaid Union had instigated sincere employees of the second party to participate in the strike by issuing pamphlets, and publicizing the same in the social media, i.e., Whatsapp and facebook. Accordingly, the second party conducted a domestic enquiry against the first party to ascertain the aforesaid misconduct. The enquiry officer returned the finding of misconduct proved. Upon receipt of the enquiry report the second party had passed the punishment order as stated supra as against the first party.

9. In order to prove that the aforesaid domestic enquiry conducted by it was fair and proper, the second party before

this Tribunal has gotten examined the enquiry officer, Sri.Nagendraswamy.B, Establishment Supervisor as MW-1 and got marked Ex.M-1 to M-25.

10. A perusal of evidence of MW-1 and the documents brought on record indicate that as per Ex.M-1, the second party had issued chargesheet to the first party. On receipt of the said chargesheet, the first party had vide Ex.M-3, submitted his reply to the charges against him. As the second party was not satisfied with the reply of the first party, the second party had vide Ex.M-4, appointed MW-1 as the enquiry officer. Notice regarding enquiry was issued to the first party. The Preliminary enquiry was conducted by the enquiry officer as per Ex.M-6 and during the said preliminary inquiry, the first party admitted receiving of notice of enquiry and replying to the same and further pleaded not guilty to the charges alleged against him. The first party sought permission to obtain the assistance of his colleague during the enquiry as per Ex.M-7 and the same was permitted. Thereafter, as per Ex.M-8, the evidence of the reporter Sri. S Shankar, was recorded on behalf of the

Corporation and opportunity was given to the first party to cross-examine the said witness. The first party submitted his statement as per Ex.M-14. Thereafter, the first party examined his brother Sri. M.T.Anand, in his defence. the first party submitted his detailed defence statement as per Ex.M-18. Thereafter, upon completion of enquiry MW-1 submitted his enquiry report to the disciplinary authority as per Ex.M-20.

11. During the course of cross-examination of MW-1, by the first party, except for vaguely suggesting, that the enquiry was not conducted in a fair and proper manner by providing all necessary opportunities to the first party and in the manner prescribed under the C & D Regulations, the first party was unable to point out the specific lapses in conducting of the enquiry by MW-1 which had resulted in lack of fairness and opportunity to the first party workman to defend his case.

12. After the completion of the evidence of the second party the first party has chosen not to lead any evidence in support of his contention that he was not provided with a fair and proper

opportunity to put forth his defence during the course of enquiry.

13. From the evidence of MW-1 and the documents brought on record during the evidence, it is apparent that the enquiry officer had conducted the enquiry in accordance with the provisions of C & D Regulations and the principles of natural justice by providing all necessary documents and opportunities to the first party to putforth his case. The first party was not able to elicit anything to the contrary during the course of cross-examination of MW-1.

14. Under these circumstances, this Tribunal holds that the second party has proved that the domestic enquiry conducted by the enquiry officer was fair and proper. Accordingly, this Tribunal answers the Preliminary Issue in the **Affirmative** and proceeds to pass the following-

ORDER

The Domestic Enquiry conducted against the first party is fair, proper and valid.

The allegations regarding perversity in findings of enquiry officer will be adjudicated while deciding the case on merits.

(Dictated to the Stenographer and typed by her over the computer directly, corrected, print out taken, signed and pronounced by me in the open court on this the 1st day of September, 2025)

sd/-
(SANDHYA RAO P)
Presiding Officer,
Industrial Tribunal, Mysuru