

KAMS060001662022



Ref./52/2022

ORDERS ON DOMESTIC ENQUIRY

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 16.06.2020 by reducing two annual increments of the first party with cumulative effect and to treat the period of suspension as 'not on duty' and not entitled for gratuity.

2. In the claim statement, the first party has contended that the domestic enquiry conducted by the enquiry officer is in utter violation of principles of natural justice and C & D Regulations of KSRTC. The enquiry officer has not afforded reasonable opportunity to first party to defend himself. Accordingly, the first party submits that the domestic enquiry was not fair, proper and valid. Per contra, the second party has submitted that the domestic enquiry was conducted after complying with C & D Regulations of KSRTC and principles of natural justice and sufficient opportunity was given to the first party. The enquiry officer has considered all the aspects arrived in charges and

recorded the findings. Hence, the allegations of the first party are baseless.

3. In view of the rival contentions of the parties in respect of domestic enquiry, a preliminary issue was framed as under:

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

4. In order to substantiate the contentions, the second party has examined its enquiry officer-Thukaram as M.W.1 and got marked 26 documents as per Ex.M.1 to M.26. The first party has not adduced and produced any evidence on preliminary issue.

5. I have heard the arguments on both sides.

6. My answer to the above preliminary issue is in the **Affirmative** for the following:

REASONS

7. In this case, the first party has made series of allegations against the enquiry officer about manner of conducting the domestic enquiry, but the documents marked through the MW.1 reveal that the said allegations are baseless. It is noticed that after the reply to the articles of charge, enquiry officer was appointed vide Ex.M.12, who in turn, issued notices of enquiry vide Exs.M.13, 16 to 18 and held preliminary

enquiry vide Ex.M.20 and given opportunity to the first party to cross-examine the reporting officer as forthcoming within Ex.M.21. Thereafter, he was enquired under rule 23(18) of KSRTC C & D Regulations, 1971 as reflected in Ex.M.22. He was allowed to submit defence statement as per Ex.M.23.

8. Herein, the contents of the above documents clearly indicate that by following the principles of natural justice, the enquiry officer has conducted the domestic enquiry against the first party and strictly followed the KSRTC Servants (C & D) Regulations, 1971 and recorded findings vide Ex.M.26. Further, nothing was elicited from the mouth of MW.1 to show that the domestic enquiry was defective as alleged by the first party. Under these circumstances, I hold that the second party has proved the preliminary issue in respect of the domestic enquiry of first party. Therefore, I record my answer to the Preliminary Issue in the **Affirmative** and proceed to pass the following-

ORDER

The Domestic Enquiry conducted against the first party is fair, proper and valid. Consequently, the case is posted for evidence of first party on merits.

sd/-
**Presiding Officer,
Industrial Tribunal, Mysuru.**

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