

## **AWARD**

This Industrial Dispute is referred by the Government of Karnataka by an Order No.Kaa.E.671 IDM 2016 dated 13-6-2018 under Section 10(1)(d) of the Industrial Disputes Act, 1947 (for short, '**the Act**') for adjudication of the validity of the Punishment Order No.ಕರಾಸಾ/ಮೈಗ್ರಾವಿಶಿಪಾ/7945/09/7119/2011-12 dated 28-12-2011 passed by the second party against the first party.

2. After registering the case, Notices were issued to the parties. The Second Party has appeared through its counsel. The First Party has remained absent. In spite of giving opportunity, he has not appeared. Hence, he is placed ex-parte.

3. None of the parties have filed their statement. The First party has not shown any reasons regarding his claim. The Second Party has also not filed the counter statement. None of the parties have lead any evidence.

4. Hence, the Findings of this Tribunal on the above Points of Reference are as follows:

**Point-1:Affirmative**

**Point-2:See final portion of this Award**

## **REASONS**

### **POINT-1:**

5. The first party is working as Driver under the Second Party. The first party has raised this dispute challenging the Punishment

Order dated 28-12-2011. But, he has not chosen to file his Claim Statement. The first party has not placed any materials to show that the said Order of Punishment passed by the Second Party is illegal, perverse, capricious and opposed to law. The first party failed to establish that punishment imposed on him is illegal and improper. There are no reasons to hold that the Order of Punishment passed by the Second Party is illegal. The second party is justified in passing such an Order of Punishment. Keeping in view the facts and circumstances of this dispute, it is just and proper to direct both the parties to bear their own costs of this dispute. Hence, Point no.1 is answered in the Affirmative. In the result, the following Award is passed:

**AWARD**

**The Reference is rejected. Both the parties shall have to bear their own costs of this Reference.**

**Send a copy of this Award to the Government of Karnataka for publication.**

(Computerized by the Stenographer to my dictation, corrected, revised and then signed by me on this the **19<sup>th</sup> day of November 2018**)

**(LEKKADAPPA JAMBIGI)**  
Presiding Officer,  
Industrial Tribunal, Mysore