

KAUP010000772021



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
LABOUR COURT, BEFORE INDUSTRIAL TRIBUNAL,  
UDUPI DISTRICT, UDUPI

Present: **Sri Shantaveer Shivappa,**  
**B.A.,LL.B.,(Spl.)**

**Principal District Judge, Udupi.**

**Dated 19<sup>th</sup> day of April, 2023**

**I.D.No.3/2021**

**Petitioner/ First Party :**

Mr. Dinesh B. Amin

(By Sri K.B.A.. Advocate)

**Versus**

**Respondent/ Second Party :**

M/s. Raj Fish Meal and Oil Company

(By Sri A.K.B., Advocate)

**PARTIES TO I.A.No.II**

**Applicant :**

M/s. Raj Fish Meal and Oil Company

**Versus**

**Opponent:**

Mr. Dinesh B. Amin

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**ORDERS ON I.A.No.II**

I.A.No.II is filed by the Respondent Company U/Sec.151 of C.P.C. to club I.D.A. Nos.5/2021, 6/2021, 7/2021, 8/2021, 9/2021, 10/2021, 12/2021 and 14/2021 with this proceedings and dispose of by a common order.

2. In the memo of facts filed in support of I.A.No.II it is contended that now the case is posted for evidence of the Second Party i.e. the Respondent on Domestic Enquiry. As common Enquiry was initiated and conducted against the workmen, it is necessary to club all the nine cases, as the evidence that will be lead is common. No hardship or injury would be caused to the First Party if the application is allowed and prays to club the cases by allowing the I.A.No.II.

3. To this application First Party filed objections contending that the application is not maintainable either in law or on facts. The application is filed without submitting any affidavit to club the cases I.D.A.No.5/2021

to 10/2021, 12/2021 and 14/2021 with I.D.A.No.3/2021. But, the Second Party had issued individual Show-Cause Notices to all the First Party in I.D.A.No.3/2021, 5/2021 to 10/2021, 12/2021 and 14/2021 i.e. the first Show-Cause Notice dated 14.01.2020 and second Show-Cause Notice dated 15.10.2020, the Termination Orders are dated 21.10.2020 and 01.02.2020. The Charge-Sheet cum Notice of Enquiry and the Domestic Enquiry was conducted jointly after sending notices to the nine workermen. The Enquiry Officer had furnished Joint Enquiry Report to the Management. As Second Party has not issued Joint Show-Cause Notice they cannot lead common evidence with regard to the same. If a Joint Show-Cause Notice and Joint Enquiry was conducted and Enquiry report was submitted then all the nine workmen jointly would have filed the dispute before this Court. Only to harass these workmen individual Show-Cause Notices were issued and also individual Termination Orders are issued. The intention of the Second Party is only to delay the disposal of the case and sought for rejection of the same with costs.

4. Heard both the sides and perused the records.
5. The following points that arise for consideration of the Court are as under:

(1) Whether I.D.A.Nos.5/2021 to 10/2021, 12/2021 and 14/2021 can be clubbed together to lead evidence and also to dispose of by a common order with IDA No.3/2021 as prayed by the Second Party / Respondent?

(2) What order?

6. The findings of the Court on the above points are as under:

Point No.1: In the Affirmative

Point No.2: As per reasons discussed as under:

### **REASONS**

7. **Point No.1:-** The learned Advocate for the Second Party and First Party argued as per their application and objection.
8. A perusal of the records go to show that after issuing separate Show-Cause Notices a Joint Domestic Enquiry was conducted and a Joint Enquiry Report was filed. Based on the same the services of nine workmen came to be terminated by separate Termination Orders. Being aggrieved by the same

the workmen had approached this Court with these nine petitions in I.D.A.No.3/2021, 5/2021 to 10/2021, 12/2021 and 14/2021.

9. No doubt the First Party had strongly objected for clubbing the cases for leading evidence as to whether proper Domestic Enquiry was held or not. But, this Court is of the opinion that as Joint Domestic Enquiry was conducted and Joint Report was submitted by the Enquiry Officer the evidence that will be lead regarding conducting of the Domestic Enquiry would be common in all the nine cases.

10. No doubt, separate Show-Cause Notices and individual Termination Orders are issued by the Second Party to the workmen. But, in view of common Domestic Enquiry and Common Report submitted by the Enquiry Officer, the evidence that would be lead by the Second Party will be common. Hence, in order to avoid multiplicity of proceedings and save the time of the Court it is a fit case to club I.D.A.Nos.5/2021 to 10/2021, 12/2021 and 14/2021 with I.D.A.No.3/2021 for leading common evidence and common disposal. No hardship or injuries will be caused to the First

Party if the Application is allowed as the workmen will not be compelled to cross-examine the very same witnesses in nine cases. On the other hand, if the application is rejected the Second Party would be put to much hardship as it will have to lead evidence in all the nine cases separately. For the reasons discussed as above, the cases can be clubbed together for recording common evidence and also for disposal by common order. For the reasons discussed as above, point No.1 is answered in the Affirmative.

11. **Point No.2:-** For the reasons discussed as above, the following:

### **ORDER**

I.A.No.II filed U/Sec.151 of C.P.C is hereby allowed.

I.D.A.Nos.5/2021 to 10/2021, 12/2021 and 14/2021 are clubbed with I.D.A.No.3/2021 for recording common evidence by the Second Party.

Further the parties are directed to lead their common evidence in I.D.A.No.3/2021 on Domestic Enquiry.

No order as to costs.

(Dictated to the Stenographer, who transcribed & computerized, then corrected by me, print taken, pronounced in the open court on the 19<sup>th</sup> day of April, 2023.)

**(Shantaveer Shivappa)**  
**PRINCIPAL DISTRICT JUDGE,**  
**UDUPI.**