

**IN THE COURT OF INDUSTRIAL TRIBUNAL
BANGALORE**

This the 9th day of July 2026

**Present: Sri. Jagadeeswara.M.
B.Com, LLB.
Presiding Officer**

SERIAL APPLICATION NO.487/2023

The Management of
M/s. EIGEN – Unit of KDDL Ltd.,
No.55-A, Hitech Defence & Aerospace Park,
Unachur Village, Jala Hobli,
Bangalore North, Yalahanka Taluk,
Bangalore Urban-562149.
Rep. by its Business Head- Mr. V. Srinivasan.

..... APPLICANT

(By Sri. J. Kanikraj Advocate)

V/s

Mr. Manjunath R,
Employee No.4081,
No.13, 7th Cross,
Kanteerva Studio Main Road,
parimala Nagara, Nandhini Layout,
Bangalore-560096.

..... OPPOSITE PARTY

(By Sri. G.V.P. Reddy Advocate)

ORDER ON ISSUE NO.1.

This is the application filed u/S. 33(2)(b) of ID Act
seeking permission to the order dated 01.09.2023

passed by the applicant in dismissing opposite party from the service.

2. Opposite party has appeared and filed his objection statement requesting to dismiss the application of the applicant.

3. After completion of pleadings of parties, this authority has framed following issues on 05.01.2024:

- 1.** Whether applicant has conducted a fair and proper domestic enquiry preceding the dismissal order?
- 2.** Whether applicant proves compliance of Sec. 33(2)(b) of I.D Act?
- 3.** Whether applicant made out sufficient ground to allow the application (approve the dismissal order)?
- 4.** What order?

4. The above noted issue No.1 was treated as preliminary issue for hearing. Applicant has examined enquiry officer as AW.1 and marked records at Ex.A.1 to 11 on issue No.1. Opposite party has been examined as OW.1 on issue No.1.

5. I have heard arguments of learned advocates for both sides and I have carefully gone through the materials on record.

6. My finding to the Issue No.1 is in the Affirmative for the following;

REASONS

7. It is stated by the applicant in its application that opposite party was worker in the applicant establishment. Since opposite party committed acts of serious misconducts, charge sheet cum show cause notice dated 26.06.2020 was issued to him with the allegations that on 03.06.2020 between 2.00 p.m to 10.00 p.m while officials of the applicant establishment told to the employees to stay back in the factory to give advise of the Government Authorities for health screening due to some employees reported Covid-19 positive, and on 04.06.2020 at 1.30 p.m when Sr. Manager of applicant establishment was addressing the employees about the future course of action, opposite

party led a group of workmen into the business cabin at 2.30 p.m and he abused and threatened the business head by gheraoing him. Being not satisfied with his reply submitted to Articles of charge, applicant/Disciplinary Authority appointed Mr. Manjunath, an independent person, as an enquiry officer to conduct enquiry in respect of charge sheet issued against opposite party.

8. Further it is stated in the application that enquiry officer conducted fair and proper enquiry against opposite party as per law and procedure and by following principles of natural justice. Enquiry officer explained the charge and procedure of enquiry to the opposite party. Opposite party denied charge and claimed continuation of enquiry. Evidence of 4 witnesses of management was recorded. Opposite party cross-examined those witnesses through his co-worker and then opposite party placed his defence evidence by examining himself and also he examined 5

more defence witnesses and filed his defence statement and requested to close enquiry proceeding. Accordingly it is stated by the applicant that enquiry was conducted as per law and procedure and by following principles of natural justice.

9. It is stated by the opposite party in his objection statement that enquiry held was in contravention of the law and procedure and by following principles of natural justice. Enquiry officer has not conducted a fair and proper enquiry. No sufficient opportunity was provided to him in the enquiry. No opportunity was given to the workman to examine all the defence witnesses cited in the list filed in the enquiry proceeding. There is no sufficient opportunity provided to the workman to defend him in the enquiry.

10. It is submission of learned advocate for applicant that enquiry officer conducted fair and proper enquiry against opposite party as per law and procedure and as per provisions of standing order of the company and

also by following principles of natural justice. Whereas it is submission of learned advocate for opposite party that opposite party filed list of 56 witnesses in all in the enquiry proceeding. But enquiry officer permitted opposite party to lead his defence evidence by examining himself as witness and to examine 5 defence witnesses only. Enquiry officer failed to give opportunity to the opposite party to examine rest of defence witnesses cited in the list and this has caused prejudice to the workman.

11. After having heard both sides and I have carefully gone through the materials on record.

12. As noted above, applicant has examined enquiry officer as AW.1 and marked records at Exs.A.1 to 11. It is evidence of AW.1 that he conducted enquiry as per law and procedure by issuing notices to the delinquent workman. Delinquent workman appeared and participated in the enquiry. He explained the charge and procedure of enquiry. Delinquent workman denied

the charge and claimed continuation of enquiry. Delinquent workman engaged co-worker to defend him in the enquiry. Subsequently evidence of witnesses of management was recorded. Delinquent workman cross-examined those witnesses in the enquiry through his co-worker and then delinquent workman placed evidence of 6 defence witnesses including examining himself and requested to close enquiry proceeding. In the cross-examination this AW.1 has denied the suggestion that he failed to conduct fair and proper enquiry against opposite party by following principles of natural justice.

13. Among the records produced by the applicant, Ex.A.2 is copy of charge sheet cum show cause notice issued the opposite party. Ex.A.4 and 5 are copies of orders of Disciplinary Authority appointing enquiry officer and presenting officer to conducted domestic enquiry against opposite party. Ex.A.9 is enquiry file.

Ex.A.10 is enquiry report submitted by the enquiry officer to the Disciplinary Authority.

14. Opposite party has been examined as OW.1 on issue No.1. It is evidence deposed by OW.1 in his cross-examination recorded on 30.05.2025 as under;

“It is true that applicant had issued charge sheet cum show cause notice dated 26.06.2020 to me as per Ex.A.2. It is true that applicant appointed enquiry officer and presenting officer to conduct enquiry against me. It is true that enquiry officer conducted enquiry by issuing notices to me. I appeared and participated in the enquiry. It is true that enquiry officer explained me the charges and procedure of enquiry. I denied charge and claimed continuation of enquiry.

2. It is true that enquiry officer provided me opportunity to engage my co-worker to defend me in the enquiry. I appointed one Mr. Eerappa Ballari as my co-worker in the enquiry. It is true that 4 witnesses were examined by the management in my presence in the enquiry proceeding. It is true that I cross-examined those 4 witnesses through my co-worker. It is true that after closure of evidence of management, I placed my defence evidence by examining myself as witness in the enquiry and further I examined 5 more defence witnesses. Witness volunteers he submitted list of 56 defence witnesses in all, but enquiry officer did not permit him to examine all those defence witnesses. It is true that I had produced records during the course of my defence evidence. It is not true to suggest that enquiry officer supplied each date of proceeding to me. It is true to suggest that I used to sign enquiry proceeding of each date.

4. It is not true to suggest that enquiry officer conducted enquiry as per law and procedure and by providing sufficient opportunity to me.

Further it is stated by this OW.1 in his cross-examination recorded on 21.06.2025 as under;

“5. My grievance against enquiry proceeding is enquiry officer not provided opportunity to me to examine all the 56 defence witnesses shown in the list of witness filed by me in the enquiry and except this, I have no other grievance against fairness of domestic enquiry.

6. It is true that after I filed list of 56 defence witness, enquiry officer gave a ruling to examine any 5 important witnesses of my choice and then permission would be granted to examine rest of defence witnesses if necessary. It is true that after such ruling recorded by the enquiry officer, I placed my defence evidence by examining myself as defence witness and further I examined 5 more important defence witnesses of my choice. Subsequently I did not submit requisition in writing to the enquiry officer seeking permission to examine remaining defence witnesses shown in the list.

7. It is true that I submitted letter dated 14.04.2023, which is ink page No.311 of part of Ex.A.9. This letter dated 14.04.2023 is marked as Ex.A.9(a). It is true that after I submitted letter dated 14.04.2023 at Ex.A.9(a), enquiry officer provided me opportunity to submit my written argument. It is true that I submitted my written argument in the enquiry. It is true that enquiry officer concluded enquiry as per my say in the letter at Ex.A.9(a).

8. Enquiry proceedings of 1st and 2nd sittings were recorded in English language. Subsequently I submitted letter to enquiry officer requesting to record enquiry proceeding in Kannada language. It is true that as per my request, enquiry officer recorded enquiry proceeding in Kannada language from 3rd sitting onwards.

Question: Enquiry officer provided sufficient opportunity to you in the enquiry and you effectively participated in the enquiry proceeding, what do you say?

Answer: Yes I participated in the enquiry.”

It is clearly found from the above noted enquiry records produced by the applicant and also from the above noted oral evidence deposed by OW.1 in his cross-examination that enquiry officer conducted enquiry by issuing notices to delinquent workman. Delinquent workman appeared and participated in the enquiry proceeding. Enquiry officer explained him the charge and procedure of enquiry. He denied charge and claimed continuation of enquiry. Enquiry officer provided him opportunity to the opposite party to engage his co-worker to defend him in the enquiry and accordingly he engaged his co-worker to defend him. Subsequently evidence of 4 witnesses of management was recorded in the presence of opposite party. Opposite party cross-examined those 4 witnesses through his co-worker in the enquiry proceeding and filed his defence statement and also list with names of 56 witnesses. By considering the fact that management examined 4 witnesses only and also by considering the

nature of charge levelled against opposite party, enquiry officer gave a ruling to examine any 5 important witness of the choice of the opposite party and then permission would be granted to examine rest of defence witnesses if necessary. Accordingly opposite party examined himself as defence witness and then he examined 5 more defence witnesses and then he filed written argument with his letter as per Ex.A.9(a) requesting to close enquiry proceeding. It is well established principal of law that it is the quality of the evidence which is required to prove fact not the quantity of evidence. Therefore, it is not understandable why opposite party filed such list with names of 56 defence witnesses in the enquiry proceeding. Such list was filed to drag on enquiry proceedings only and nothing else. In the cross-examination question was put to OW.1 stating that enquiry officer provided sufficient opportunity to him in the enquiry and he effectively participated in the

enquiry proceeding. It is answer given by OW.1 to this question as **"Yes I participated in the enquiry"**. Thus it is clearly found from the materials on record that fair and proper enquiry conducted against opposite party. For these reasons issue No.1 is answered in the Affirmative and I proceed to pass the following;

ORDER

Fair and proper domestic enquiry is conducted against opposite party.

(Dictated to the typist, computerized by him, edited print taken, then pronounced by me in open court on this the **9th day of July 2026**).

(Jagadeeswara.M)

Presiding Officer,
Industrial Tribunal,
Bangalore.

ANNEXURE

List of witness examined for applicant:

AW.1 – Dr. G.P Naik.

List of documents marked for applicant:

Ex.A.1	Notice of enquiry of 20.07.2020
Ex.A.2	Charge sheet cum show cause notice of 26.6.2020

Ex.A.3	Letter of 26.6.2020 by the opposite party
Ex.A.4	Appointment of enquiry officer of 4.8.2020
Ex.A.5	Appointment of of Presenting Officer
Ex.A.6	Letter dated 7.8.2020 to Enquiry officer
Ex.A.7	Letter dated 18.8.2022 of Enquiry officer
Ex.A.8	Letter dated 17.9.2020 Appointment of enquiry officer
Ex.A.9	Recorded proceedings of the enquiry
Ex.A.9(a)	Letter dated 14.04.2023
Ex.A.10	Report and findings of the enquiry officer dated 18.5.2023
Ex.A.11	Kannada version of the report and findings

List of witness examined for opposite party:

OW.1 – Mr. Manjunath R.

List of documents marked for opposite party:

NIL

(Jagadeeswara. M)

Presiding Officer,
Industrial Tribunal,
Bangalore.