



CNR: KAHC010260202021

NC: 2026:KHC:47518
WP No. 13612 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 13612 OF 2021 (L-TER)

BETWEEN:

THE MANAGEMENT OF
M/S. BUILDMET FIBRES PVT. LTD.,
42, KIADB INDUSTRIES AREA,
DODDABALLAPUR-561203.

REPRESENTED BY ITS
MANAGING DIRECTOR.
MR. S. RAMAKRISHNAN.

...PETITIONER

(BY SRI. ANAND K.R., ADVOCATE)

AND:

MR. YELLAPPA,
S/O. CHIKKAMUNIYAPPA,
AGED ABOUT 56 YEARS,
(AS PER ELECTION CARD)
RESIDING AT THOGARIGHATTA,
HODADAHALLI POST,
DODDABALLAPUR-561203.

...RESPONDENT

(BY SMT. AVANI CHOKSHI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.



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THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.08.2026, THIS DAY, AN ORDER IS PRONOUNCED AS UNDER:

CAV ORDER

Sri.K.R.Anand, counsel for the petitioner, and Smt.Avani Chokshi, counsel for the respondent, appeared in person.

2. The short facts are these:

The respondent was appointed as a Loom Waiver. He was subjected to disciplinary proceedings, and hence a charge sheet cum show cause notice was issued to him. The inquiry officer commenced the domestic inquiry about the charge sheet cum show cause notice. The inquiry against the respondent stood concluded. The inquiry officer submitted his report and findings upon conclusion of the domestic inquiry regarding the charge sheet. The respondent workman submitted a reply to the second show cause notice dated 24.01.2013. Accordingly, the management dismissed him from service on 28.05.2013.

The workman filed a claim before the Labor Court in Reference No.38/2014. The petitioner management contested



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the matter and filed a counter-reply. The Labor Court passed an order on the preliminary issue, holding that the management's domestic inquiry was neither fair nor proper. The parties led evidence on the merits of the case, and the Labor Court, vide Award dated 12.10.2020, set aside the punishment order. Under these circumstances, the management has filed the present writ petition on several grounds as outlined in the memorandum of the writ petition.

3. Counsel for the respective parties advanced several contentions.

Submissions on behalf of the Management:

On the issue of the domestic inquiry, counsel appearing for the Management submits that the Labor Court erred in holding that the domestic inquiry was unfair and improper. It is submitted that the inquiry was conducted over eight hearings, during which the respondent remained absent on three occasions before the Inquiry Officer. It is further submitted that, subsequently, the respondent, along with his co-employee, participated in the proceedings and cross-examined



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the Management witness. Therefore, it is contended that the finding of the Labor Court that the domestic inquiry was unfair and improper is contrary to the material on record and settled principles of law. Accordingly, counsel seeks the setting aside of the said finding and a declaration that the domestic inquiry was fair and proper.

Next, it is submitted that the Labor Court, having initially concluded that the first party was entitled to reinstatement to his original post with 50% back wages and consequential benefits, thereafter, considered the alleged refusal of employment by the Management with effect from 21.08.2012. It is contended that the issue of alleged refusal of employment was not the subject matter of the reference before the Labor Court. According to the counsel, the Labor Court was required to adjudicate the dispute with reference to the order of dismissal and the issues arising therefrom.

It is further contended on behalf of the Management that the Labor Court failed to properly appreciate the evidence and material on record in their proper perspective. The allegation against the workman was that he had consumed alcohol and



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misbehaved with his superiors. It is submitted that the Management established the said allegations by adducing evidence; however, the Labor Court failed to appreciate the same properly.

On the above grounds and additional grounds urged, counsel for the Management submits that the findings recorded in respect of the domestic inquiry, as well as the impugned award, are liable to be set aside and, accordingly, prays that the writ petition be allowed.

Counsel for the management placed reliance on the following decisions:

- 1. STATE BANK OF PATIALA AND OTHERS V. S.K.SHARMA, 1997 LLR 268.*
- 2. KENDRIYA VIDYALAYA SANGHATHAN AND ANOTHER V. S.C.SHARMA, 2005 LLR 275.*
- 3. BHARTI AIRTEL LIMITED V. A.S.RAGHAVENDRA, (2024) 6 SCC 418.*

Submissions on behalf of the Workman:

Counsel appearing for the respondent-workman seeks to justify the award passed by the Labor Court. On the issue of



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the domestic inquiry, it is submitted that the workman is illiterate and that the procedure to be followed in the inquiry was not explained to him. It is further submitted that the inquiry was conducted on eight dates, out of which the respondent was present on four occasions. On the remaining dates, the workman did not receive the notices intimating the subsequent dates of inquiry. It is also submitted that the additional list of documents relied upon by the Management was not furnished to the workman.

Counsel further submits that the respondent was not afforded an adequate opportunity to cross-examine the Management witness. It is contended that, owing to the Inquiry Officer's biased conduct, the respondent was constrained to submit a letter dated 24.11.2012 to the Management seeking a change of the Inquiry Officer; however, the said request was rejected. It is vehemently contended that the Inquiry Officer recorded the evidence of one of the witnesses in the absence of the workman, thereby denying him a reasonable opportunity to defend himself.



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On the merits, it is submitted that the allegation that the respondent entered the factory premises under the influence of alcohol is wholly incorrect. It is contended that the Management failed to produce any cogent or corroborative evidence, such as a medical report, to establish that the workman was under the influence of alcohol. Counsel further submits that, if the alleged incident had in fact occurred within the factory premises on the date in question, the Management could have examined the security guards, co-workers, or any other independent witnesses who were allegedly present at the relevant time. Instead, the Management examined only its own managerial personnel, whose evidence, according to counsel, is self-serving.

It is further submitted that the alleged apology letter was not voluntarily written by the workman but was prepared by the Management staff. Counsel, therefore, contends that the termination of the respondent was a clear case of victimisation.

Regarding back wages, counsel submits that, where the dismissal is found to be illegal, payment of full back wages is the general rule. In the present case, the Management has



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failed to establish that the respondent was gainfully employed during the relevant period. On these grounds, and on additional grounds, counsel seeks dismissal of the writ petition.

Counsel for the workman placed reliance on the following:

1. *K.V.S. RAM V. BANGALORE METROPOLITAN TRANSPORT CORPN, (2015) 12 SCC 39.*
2. *SUR ENAMEL AND STAMPING WORKS (P) LTD. V. THEIR WORKMEN, AIR 1963 SC 1914.*
3. *G.V. ASWANTHANARAYANA V. CENTRAL BANK OF INDIA AND ORS., ILR 2003 KAR 3066.*
4. *RAMA KANT MISRA V. THE STATE OF UTTAR PRADESH AND ORS., AIR 1982 SC 1552.*
5. *VED PRAKASH GUPTA V. DELTON CABLE INDIA (P) LTD., AIR 1984 SC 914.*
6. *NARAYAN MAHAPATRA V. GENERAL MANAGER, S.E. RLY., 35 CUT L T 391 - 1969 LAB. I.C. 896.*
7. *KUMAR RAM NANDAN V. FLUID POWER (PRIVATE), LTD., (1987) 2 CLR 269.*
8. *COLOUR - CHEM LIMITED V. A.L.ALASPURKAR AND ORS., AIR 1998 SC 948.*
9. *DEEPALI GUNDU SURWASE V. KRANTI JUNIOR ADHYAPAK MAHAVIDYALAYA (D. Ed.) and Ors., (2013) 10 SCC 324.*



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4. The Court heard the arguments and carefully reviewed the records.

5. The following points arise for consideration.

1. Whether the Labor Court was justified in holding that the domestic inquiry conducted by the management was unfair and improper.
2. Whether the Labor Court is justified in setting aside the punishment order.

6. The facts are sufficiently stated and do not require repetition.

Regarding the domestic inquiry: It is undisputed that the respondent was an employee of the petitioner's establishment. The allegation is that on 16.08.2012, while on leave, he entered the factory premises around 2:45 p.m. while under the influence of alcohol. He reportedly used abusive language against his superior and behaved improperly.

The management conducted a thorough inquiry and dismissed him from service. However, the Tribunal found that the domestic inquiry conducted by the management was



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neither fair nor proper. The order regarding the domestic inquiry, included as Annexure-A in the writ petition, shows that the Court deemed the inquiry unfair mainly because the inquiry officer recorded the witness's statement without the workman present. This reasoning is flawed. A review of the full inquiry records shows that the workman did not respond to the charge sheet, although he claimed he had, referencing a letter dated 03.09.2012. His claim is unfounded because that letter pertains to rescheduling the inquiry date, not replying to the charge sheet. The Court incorrectly concluded that the inquiry was unfair. This order cannot stand because the workman was allowed to reply but chose not to. He argued that he was prevented from participating because he did not receive the rescheduling notices in time, but the records show the notices were sent and received; he did not act accordingly. Even if he had not received the notices promptly, he could have raised this during cross-examination. Furthermore, the inquiry records show that the inquiry was held in accordance with the principles of natural justice; therefore, the Court could not have concluded that the domestic inquiry was unfair and improper.



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Therefore, the respondent's contentions regarding the domestic inquiry cannot be accepted, and the order on the domestic inquiry is liable to be quashed. This Court holds that the domestic inquiry was fair and proper.

7. **On the merits:** Since the Labor Court's decision on the domestic inquiry has been overturned, the focus shifts to whether any perversity or victimisation is involved.

The allegation is that on 16.08.2012, the respondent entered the factory premises around 2:45 p.m. while under the influence of alcohol. He reportedly used abusive language against his superior and behaved improperly. He did not reply to the charge sheet to prove his innocence. However, he alleged that the inquiry officer was biased, and he was compelled to seek a change of inquiry officer. A perusal of the inquiry records reveals that the rescheduling dates were duly notified to him. The proceedings were conducted in accordance with the principles of natural justice.

During the inquiry, the charges were proved. However, the Labor Court notes that, although the incident occurred on



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the premises, management neither questioned the security supervisor or guard nor filed any complaint. This view is untenable because the allegations were so serious that the respondent had to respond properly to demonstrate his innocence. Without this formal reply, any other evidence would be ineffective. In essence, due to the gravity of the charges, the respondent needed to submit an adequate defence; without such a response, external evidence alone could not absolve him.

The Labor Court also noted that, aside from management's oral testimony, there was no persuasive or supporting evidence, such as a medical examination of the respondent, to prove he was intoxicated on that day. Therefore, the second party failed in proving this claim. This finding is untenable. It is undisputed that the inquiry officer extensively referred to the record, particularly MW2's evidence, which indicated that the respondent had previously consumed alcohol, demonstrated indiscipline, and misbehaved by abusing superiors and staff using foul language. Since the respondent



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did not challenge this testimony, the management witness's account stands uncontested.

Considering the record, it is clear that the allegation against the employee was serious, affecting discipline and integrity in service. The enquiry followed the proper procedure, and the misconduct was convincingly proven with strong evidence. Once established, the disciplinary authority was justified in imposing a suitable punishment based on the severity of the misconduct. The penalty imposed is neither disproportionate nor arbitrary but appears appropriate given the circumstances. The proceedings show no signs of perversity in evaluating evidence, nor any indication of mala fides or victimisation. The punishment order needs confirmation, and therefore, there is no need to consider back wages.

8. For these reasons, the order dated 31.07.2017 passed on the domestic inquiry vide Annexure-A and the award dated 12.10.2020 passed by the Labor Court in Reference No.38/2014 vide Annexure-B are quashed.



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Counsel for the respective parties placed reliance on the decisions referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decisions.

9. Resultantly, the writ petition is ***allowed***.

Because of disposal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

MRP
List No.: 1 Sl No.: 1