HC-KAR

NC: 2026:KHC:59940
WP No. 12106 of 2022

CNR: KAHC010266912022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 12106 OF 2022 (L-RES)

BETWEEN:

SRI JAGADEESHA S
S/O K.P.SHIVANNA
AGED ABOUT 40 YEARS
R/AT NO.2003
CHIKKAMANI DEVARAJ URS LAYOUT
DAVANAGERE-577 005.

…PETITIONER

(BY SMT. MAITREYI KRISHNAN, ADVOCATE FOR
SRI. A J SRINIVASAN., ADVOCATE)

AND:

THE MANAGEMENT OF M/S AUMA INDIA PVT. LTD,
A PRIVATE LIMITED COMPANY
INCORPORATED UNDER THE COMPANIES ACT
REP. BY ITS MANAGING DIRECTOR
NO.38A AND 39 B, II PHASE
PEENYA INDUSTRIAL AREA
BENGALURU-560 058.

…RESPONDENT

(BY SRI. ANAND K R., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED: 04.10.2016 AND AWARD DATED 24.09.2021 PASSED BY THE FIRST ADDL. LABOUR COURT, BENGALURU IN I.D.NO.43/2014 A CERTIFIED COPY OF WHICH IS AT ANNEXURE-B AND D AND ETC.

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HAREKOPPA THIMMANNA GOWDA

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THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India, challenging the order dated 04.10.2016 and 24.09.2021 passed by the I Additional Labour Court, Bengaluru (for short, 'Labour Court'), in I.D. No.43/2014, whereby the domestic enquiry have been held to be fair and proper, and the dispute raised by the petitioner has been dismissed, upholding the order of dismissal, respectively.

2. The brief facts of the case are that the petitioner, while working as a Junior Engineer in the respondent-Company, was subjected to departmental proceedings. A charge memo was issued on 29.06.2013, alleging that he had unauthorisedly used a mobile phone. Another charge memo was issued on 29.11.2013, alleging that he had forged the signature of his superior officer, one Arun

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Kumar. An Enquiry Officer was appointed, an enquiry was conducted, and a report was submitted holding that the charges levelled against the petitioner were proved. Based on the report submitted by the Enquiry Officer, the respondent passed an order of dismissal on 21.11.2014. Being aggrieved by the same, the petitioner raised an industrial dispute before the Labour Court. By the impugned order, the Labour Court dismissed the dispute. Being aggrieved by the same, the petitioner is before this Court.

3. Learned counsel appearing for the petitioner submits that two distinct charges were levelled against the petitioner. The specific grievance of the petitioner is that the charges levelled against him have not been proved by the respondent before the Enquiry Officer. It is further contended that the Labour Court, without considering the evidence adduced by the parties and without assigning any reasons, has merely extracted the proceedings of the

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Enquiry Officer and the enquiry report, and proceeded to dismiss the dispute. Hence, learned counsel seeks to allow the writ petition.

4. Per contra, learned counsel appearing for the respondent contends that two serious charges were levelled against the petitioner. The Enquiry Officer, after conducting a detailed enquiry, has held that the charges were proved. Having regard to the materials available on record, the respondent has rightly passed the order dismissing the petitioner from service. Considering these aspects of the matter, the Labour Court has rightly dismissed the dispute. Hence, learned counsel seeks to dismiss the writ petition.

5. Heard the learned counsel for the parties. Perused the writ petition papers.

6. It is not in dispute that the petitioner was working as an employee in the respondent-Company. It is also not in dispute that departmental proceedings were initiated

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against the petitioner, charges were framed, and charge memos were issued on 29.06.2013 and 29.11.2013, the former relating to the unauthorised usage of a mobile phone and the latter relating to the alleged forgery of the signature of one Mr. Arun Kumar. The petitioner submitted a detailed reply denying the charges. The Enquiry Officer submitted a report holding that the charges were proved.

7. Being aggrieved by the same, the petitioner raised an industrial dispute and urged 14 grounds, contending that the charges levelled against him were false and denying all the allegations made against him. The petitioner also contended that the enquiry conducted by the Enquiry Officer was not fair and proper.

8. The Labour Court, by the impugned order, has merely extracted the proceedings of the Enquiry Officer, the enquiry report and the documents produced by the parties. However, no reasons are forthcoming in the impugned order. The Labour Court has failed to consider

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the evidence adduced by both the parties and has not recorded any findings on the contentions urged by the petitioner. The impugned order is bereft of reasons and does not constitute a speaking order. The same has been passed without proper application of mind and without appreciating the materials available on record.

9. In view of the above, the impugned order passed by the Labour Court cannot be sustained. On this short ground, the writ petition deserves to be allowed in part, and the matter requires to be remitted back to the Labour Court for fresh consideration, in accordance with law.

10. Accordingly, the following:

ORDER

(i) The writ petition is allowed in part.

(ii) The order dated 24.09.2021 passed by the I Additional Labour Court, Bengaluru, in I.D. No.43/2014 is hereby set aside.

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(iii) The Labour Court is directed to reconsider the matter afresh, taking into consideration the documents available on record and the evidence adduced by the parties, and pass appropriate orders in accordance with law, as expeditiously as possible and, in any event, within four months from the date of receipt of a certified copy of this order.

(iv) All contentions of the parties are left open.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 24