



WP No. 47550 of 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 47550 OF 2017 (L-TER)**

**BETWEEN:**

1.

...PETITIONER

(BY SRI PRABHAKAR SHETTY S K.,ADVOCATE)

**AND:**

1. WIPRO LIMITED REPRESENTED  
BY AUTHORISED OFFICER  
DODDAKANNELLI  
SARJPUR ROAD,  
BANGALROE-560035
2. THE STATE OF KARNATAKA  
REP. BY CHIEF SECRETARY  
THE DEPARTMENT OF LABOUR AND  
INDUSTRIES  
VIKASA SOUDHA,  
BANGALORE-560001





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3. LABOUR COMMISSIONER  
KARMIKA BHAVAN  
BANNERGHATTA ROAD,  
BENGALURU  
KARNATAKA-560029
4. DEPUTY LABOUR COMMISSIONER REGION-2  
KARMIKABHAVAN,  
BANNERGHATTA ROAD,  
BENGALURU  
KARNATAKA-560029

...RESPONDENTS

(BY SMT. AISHWARYA, ADVOCATE FOR SRI RAJESWARA P. N., ADVOCATE FOR R1; SRI BOJEGOWDA T., AGA FOR R2-R4.)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER OF TERMINATION ISSUED BY R-1 DTD 19.05.2017 VIDE ANNEX-E OR IF IN THE OPINION OF THIS HON'BLE COURT IT CANNOT BE DONE, DIRECT THE RESPONDENTS TO PAY A COMPENSATION OF RS.45 LAKHS TO THE PETITIONER FOR THE WRONGFUL TERMINATION OF PETITIONER AND ETC.,

THIS PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:



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**ORDER**

1. The petitioner is before this Court seeking for the following reliefs:

a) *Quash the order of termination issued by Respondent No.1 dated 19.05.2017 vide Annexure - E or if in the opinion of this Hon'ble Court it cannot be done, direct the respondents to pay a compensation of Rs.45 lakhs to the petitioner for the wrongful termination of petitioner.*

b) *Direct Respondent No.2 and 3 to ensure that 1st respondent forms a grievances redressal Committee as per the direction in Annexure - G and place before the committee so constituted the matter termination of petitioner for fresh disposal according to law.*

c) *Grant any SUCH other AND FURTHER relief/s as deemed fit by this Hon'ble Court in the facts and circumstances of the case, in the interest of justice and equity.*

2. The petitioner, who was employed by the first respondent as a Senior Project Manager in the year 2012, subsequently, on 02.05.2017, the first respondent served a charge sheet on the petitioner as regards misconduct, dishonesty and violation of the code of ethics and after enquiry, terminated him from the service.



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3. The contention of Sri S.K. Prabhakar Shetty, learned counsel appearing for the petitioner is that in terms of notification dated 25.01.2014 issued by the Government of Karnataka bearing No.LD 53 LET 2013, an employer in IT/ITES/Startups/Animation/Gaming/Computer Graphics/Telecom/BPO/KPO and other knowledge based industries ought to have constituted a Grievance Redressal Committee consisting of an equal number of persons representing the employer and employees. Not having done so, the order of termination which has been issued is bad in law.
4. He submits that the enquiry, if any, would require to be conducted by the Grievance Redressal Committee. Instead of that happening, the ombudsman of the first respondent, acting as an Enquiry Officer, has conducted enquiry in an improper manner. As such, the enquiry is also bad.



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5. He further submits that the petitioner's service has been terminated. The termination order has been issued stating that the petitioner has been dishonest, which affects his future prospects and as such, it is only that portion that he is aggrieved by and if the stigma attached to the petitioner is deleted, the petitioner has no other grievance.
  
6. Smt. Aishwarya, learned counsel appearing for respondent No.1 would however submit that respondent No.1 has carried out all the necessary formalities and appointed an Enquiry Officer, who conducted the enquiry and after providing necessary opportunity to the petitioner, passed the order. This order having been challenged before the III Additional Labour Court, Bengaluru in reference No.12/2018. The said reference also came to be dismissed vide award dated 24.11.2018, which has not been challenged and as such, she submits that the termination order being proper and correct having been upheld. The question of



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now the petitioner contending that he is affected by the stigmatic word 'dishonesty' in the termination letter is not sustainable. On this ground, she submits that the above petition is required to be dismissed.

7. Heard Sri S.K. Prabhakar Shetty, learned counsel appearing for the petitioner and Smt. Aishwarya, learned counsel appearing for respondent No.1 and perused the papers.
8. The entire basis of the contention of Sri Prabhakar Shetty, learned counsel is the notification dated 25.01.2014, more particularly in paragraph -II thereof, which is reproduced hereunder for easy reference.

*"II. Each IT/ITES/Startups/Animation/Gaming/Computer graphics/Telecom/BPO/KPO/other knowledge based industries establishment shall constitute a Grievance Redressal Committee (GRC) consisting of equal number of persons representing employer and employees, to address any complaint/grievances of any of the employee. The GRC shall be empowered to handle all types of complaints/grievances of employee within a reasonable timeframe."*



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9. A reading of the said paragraph would indicate that a Grievance Redressal Committee would have to be constituted to address any complaints or grievances of any employees. In the present case, though there may be grievance as regards the dismissal of the petitioner, the same, in my considered opinion, would not come within the ambit of para-II of the notification inasmuch as the same relates to any particular grievance of an existing employee. The termination of the employment and otherwise would not come within the purview of the words "complaints" or "grievance" under the notification dated 25.01.2014. In fact, it is paragraph-III of the said notification which applies to the same. The said paragraph-III is reproduced hereunder for easy reference.

*"III. Each IT/ITES/Startups/Animation/Gaming/Computer graphics/Telecom/BPO/KPO/other knowledge based industries establishment shall intimate information about the cases of disciplinary action like suspension, discharge, termination, demotion, dismissal etc., of its employees to the Jurisdictional Deputy Labour Commissioner and Commissioner of Labour in Karnataka."*



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10. A perusal of paragraph-III would indicate that if any, disciplinary action is taken, the same is required to be informed to the Jurisdictional Deputy Labour Commissioner and the Commissioner of Labour in Karnataka. In terms of paragraph-IV which is reproduced hereunder:

*"IV. Any information regarding service conditions of the employees of any IT/ITES/Startups/Animation/Gaming/Computergraphics/Telecom/BPO/KPO/other knowledge based industries establishment sought by the Jurisdictional Deputy Labour Commissioner or Commissioner of Labour in Karnataka shall be promptly and fully submitted by every employer within the reasonable time frame fixed by the authority."*

11. A perusal of paragraph-IV would indicate that any information which is sought for by the Jurisdictional Deputy Labour Commissioner or the Commissioner of Labour is required to be made available by such employer.
12. Paragraphs III and IV being applicable to the present case where disciplinary proceedings have been initiated, the petitioner having been dismissed from service and





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thereafter, a reference made by him also having been dismissed. Hence, I am of the considered opinion that the mode of filing this present writ petition is not permissible, more so, when the reference has attained finality and the award has been published, there being no grounds made out. As such, the present writ petition stands dismissed.

**Sd/-  
JUDGE**

KTY  
List No.: 1 Sl No.: 25