

Karnataka High Court

The Divisional Controller vs Sri B Dhanapalaksha on 31 January, 2011

Author: H N Das

IN THE HEG'H COURT 01: KARNATAKA AT BAN'eg_ ;:x:\$12
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BEFORE

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" ASSIS'f'AE\$'\$I" STORE K.}ZEPE;R

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2. Respv<\$':1» .f\$V.eIi:~ v..e:ln}>h3yee of the petitioner

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2E,.V6';?.0G-1_fespefiderzt reported for dllijr". Since no breathing time

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Tribtmal ¥.,1I}CiE31' Section i({)(1){d) of fi18:"iii;iiCi{1S[Iifii"i

1947 (for short 'the: Act') . On tiéffi: basis 1;ati>cyiir,ii'

Court framed the foiciwing issues ad<\$itic-IlaEii:{ssué',for its

c0nsiciera.tiori:

3) While the > r tie :. ' ; : ' ic?14' ; f' {1: ifci' fEii. " ' as defined.
}iL; t"i 947?

ii) While the claimant is

K Board or Industrial

& under the Industrial

ii i

V77hei'EieriV\$ _ijg.: iainlant is entitled to get any relief

Section 19 of the Administrative Tribunal. Act

1 Article 226 of Indian Constitution?

A = ~i _v} ' \i7\i'. iE. = : é\$; i2er the r€\$p<Jr1(\$ent: FI1f1I}E}g€} "\$18E1[fig glzstified in
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{)1' (, i€; 'I' ciazesd 303 .2){}2?

'2?) Wijat créer?'

Additional Issue

1. X- 'V"\$lether the en.q2liry held agaémt the i'i:; :...paft'\$i'i: '\$

fair and proper?

3. The Labour Court vi3\$ _e" a_ rder cl' a1: é<; '.

preirrnary issue relating. to (iQ3a<: eA\$tic" '- »enqL: iz:; ,9am _: %.<«3gative.
Thereafter the respondent exa: r: i. f29q\$' ; him'sTelf 3S- -W*\7v'. } and got

marked Ex. "-71 and ;\$e: iiioi: efve:; anii: ied one witness as MW1 and ga: ': _m; : \$1; ; e\$:

4. Tie .I4E1¥1)x.(Vj'a11">'C\$J'; £; 1~3TI' CI} appreciation Of pleadings oral a □bi
{\$.AGC1£\$IiEE11ii'E%V_ 'g' ev£de: i':: e p: ased the impugned award and set Vazidé"tbé"51'riér.Qf
penaify. Hence this writ pezitien. V on recerd discioses £113: on 26.6.2001 resp'€; r1de.j11t wéis
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on x *<» _...-

3»-"" r{f;?"

21.6.2061. Imn1e&éat; e13; , thereafter as per Ex.'W3, zespeX□rgt reperteé to \$115 higher authorities
stating that he cou1\$ L...x\$; ; t, ': ha}. ' ; dVV aver the charge since :10 breathing time was
gi\; e11..tvf\$ _>"*V1?; \$.: "a.;" Thié; ' " cannot be treated as misconduct on thé._\$Jart- Qf'
ré': ~rpO: \$. Cie1it'; Vi"-TheT A' Tribunal on proper appreciation if {he e11t'1'1=e
evicle': }gcev.: Qn_1jgrii: 3rd rightly cencuded that thgyresgoyzciezjtv-.h3sLA11: 31: a; : 'omn13'. t'\$téé
any misconduct. This CO□C1uSibf1.' _fj\$; 'Fré_}; \$i'1: 1}: l in accordance with iaw and thg.» is

sppgl/s.séd .011 record. I find no }.1ESti3;f)1€\$"gI(\$j5;£1 itztérfere wriihthé sane. Accordingiy, the wri: petititr: is. héreby'isv;thout reference to respondent. /W:

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