



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2023

PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT APPEAL NO. 501 OF 2022 (L-TER)

&

WRIT APPEAL NO. 1151 OF 2022 (L-TER)

IN W.A.NO.501 OF 2022

BETWEEN:

SRI VIJAYA GANAPATHI

...APPELLANT

(BY SRI PRASANNA, ADVOCATE FOR
MS.DEEPA.J, ADVOCATE)

AND:

M/S INTUIT TECHNOLOGY SERVICES PRIVATE LTD
CAMPUS 4A, PRITECH PARK
ECO SPACE, 7TH FLOOR
BELLANDUR VILLAGE
VARTHUR HOBLI
BENGALURU -560 103
REPRESENTED BY ITS MANAGING DIRECTOR

...RESPONDENT

(BY SRI AJESH KUMAR S, ADVOCATE)

Digitally
signed by
SHARADA
VANI B

Location:
HIGH
COURT OF
KARNATAKA



**NC: 2023:KHC:41526-DB
WA No. 501 of 2022
&
WA NO. 1151 of 2022**

IN W.A.NO.1151 OF 2022

BETWEEN:

SRI VIJAYA GANAPATHI

...APPELLANT

(BY SRI PRASANNA, ADVOCATE FOR
MS.DEEPA.J, ADVOCATE)

AND:

M/S INTUIT TECHNOLOGY SERVICES PRIVATE LTD
CAMPUS 4A, PRITECH PARK
ECO SPACE, 7TH FLOOR
BELLANDUR VILLAGE
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BENGALURU -560 103
REPRESENTED BY ITS MANAGING DIRECTOR

...RESPONDENT

(BY SRI AJESH KUMAR S, ADVOCATE)

THESE WRIT APPEALS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 12.05.2022 IN W.P.NO.874/2020 TO THE EXTENT THE APPELLANT IS AGGRIEVED AND TO ALLOW W.P.NO.874/2020 AND ACCORDINGLY DISMISS W.P.NO.10902/2020 THEREBY TO GRANT THE RELIEF OF REINSTATEMENT AND FULL BACK WAGES WITH CONTINUITY OF SERVICE AND CONSEQUENTIAL BENEFITS RECKONED AT THE 'STRONG' PERFORMANCE RATING PROVED BY THE APPELLANT ON RECORD IN THE LABOUR PROCEEDINGS TO WHICH THE APPELLANT IS JUSTLY AND RIGHTFULLY ENTITLED.

THESE APPEALS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE** DELIVERED THE FOLLOWING:



JUDGMENT

These two intra-court appeals filed by the employee seek to lay a challenge to a learned Single Judge's common order dated 12.05.2022 whereby Management's W.P.No.10902/2020 having been substantially favoured, appellant-employee's W.P.No.874/2020 has been dismissed with costs.

2. Learned counsel appearing for the appellant-workman vehemently argues that the learned Single Judge fell in a gross error in not noticing that there was no settlement between the parties and in any event the one alleged by the Management was brought about by duress and therefore, relief could not have been denied to his client. According to the counsel, this very approach of the learned Single Judge constitutes an error apparent on the face of the record warranting interference of this court for setting the same right.



3. Per contra, appearing for the Management resists the appeals contending that there is enough evidentiary material on record that demonstrates the settlement and that the contention as to the same having been brought about by duress, is absolutely untrue, if not false. He also points out that pursuant to the settlement, the employee has received a sum of Rs.4,24,335/- and parted ways. That being the position, he prays for the dismissal of appeals.

4. Having heard the learned counsel for the parties and having perused the appeal papers, we decline indulgence in these appeals broadly being in agreement with the reasoning of the learned Single Judge. The first contention of the appellant-employee that there was no any settlement, is bit difficult to countenance. He had filed a civil suit in O.S.No.5885/2012 wherein he had filed a Memo in the civil court on 08.10.2012 admitting the receipt of Rs.4,24,335/- by Demand Draft; admittedly this amount was toward earned pay, notice pay and leave



encashment. The Management's application filed under Order VII Rule 11 of CPC, 1908 came to be favoured and the plaint was rejected. That being the position, the first contention as to absence of the settlement, has to fall to the ground.

5. The second contention that the employee was coerced to accept the settlement agreement and therefore, the same is liable to be voided again is bit difficult to sustain, admittedly, he having received a sum of Rs.4,24,335/- that too by way of Bank Draft. Added, the employee in terms of Memo dated 03.10.2012 admittedly, had returned the laptop to the Management. The appellant is not an illiterate labourer or an unskilled workman. He is a qualified software engineer. His contention that he had received the amount under protest does not improve his case, especially because of the attending circumstances.



6. The learned Single Judge at para 29 of the order has observed as under:

"29. A sanctity is attached to the proceedings of the Court. The advocate is an officer of the Court. There is a statutory presumption under Section 114 of the Evidence Act that the judicial acts are regularly performed. Though the Labour Court did not frame the issue with regard to the validity of the termination under settlement recorded on 29.09.2012 by the Court, the burden of proving the fact that the settlement before the Court was forced one was on the workman."

7. Learned Single Judge, at paras 30 & 31 of the impugned order has rightly observed as under:

"30. Except his self serving testimony the workman did not adduce any evidence to show that the settlement before the Court was forced one. Further his conduct of raising such contention after receiving the amount militates against him that too when he himself is a qualified engineer and was assisted by an advocate. He did not choose to examine his advocate to substantiate such contention. Therefore it can be held without hesitation that the workman was terminated on 16.08.2012 under a settlement."



31. When there is termination by mutual settlement, which is evident from the proceedings in O.S.No.5885/2012, it is not open to the workman to question the same. He cannot be permitted to approbate and reprobate. Therefore W.P.No.874/2020 shall fail."

8. The views of the learned Single Judge as to the regularity & truthfulness of judicial proceedings, namely those which the appellant had himself taken up in his aforesaid suit, secure succor from the inner voice of Article 261(1) of the Constitution of India, which reads as under:

"261. Public acts, records and judicial proceedings.

(1) Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State."

This provision has been carefully crafted by the Makers of the Constitution, keeping in view the American Model. Article IV, Section 1 of the U.S. Constitution employing a similar clause, has the following text:

"Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the



Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."

Similarly, Section 118 of the Constitution of Australia also employs a *full faith and credit* clause in the following way:

"Full faith and credit shall be given, throughout the Commonwealth, to the laws, the public Acts and records, and the judicial proceedings of every State."

From the above discussion it can be presumed that the '*full faith and credit clause*' was introduced to provide legitimacy and conclusiveness *inter alia* to the records of judicial proceedings. To discredit the invocation of this important rule, the appellant has not shown to us any special circumstances.

In the above circumstances, these appeals being devoid of merits are liable to be and accordingly dismissed, costs having been made easy.

We make it clear that what has been observed hereinabove being confined to the adjudication of the appeals in question, and the observations in the impugned



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order of the learned Single Judge, shall not be construed as casting any aspersion on the conduct of the appellant, even in the least.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

SNB/KPS
List No.: 1 Sl No.: 10