



UST/HR/DA/2024/DO

15 March 2024

Sivasankar Periyasamy (198350)  
6/138, Nedunchikadu colony,  
kannurpatti  
Namakkal  
NamakkaL-637014  
Tamilnadu  
India

FINAL ORDER

You were issued with a charge sheet dated 30 October 2023 alleging the following acts of misconduct.

“You were offered a career with US Technology International Private Limited (UST), accepting which you have joined the company on 17 June 2021. An employment agreement was also executed by you with the Company upon joining the Company. You are currently designated as Developer III - Software Engineering.

It is reported that while in employment of UST as above, you are working with Sun Security Service from 01 December 2020 and even now continuing your employment with Sun Security Service without disclosing the same to UST.

Your above willful and dishonest act of continuing employment in another Company (Sun Security Service) while remaining in the rolls of UST and drawing salary from UST is a serious breach of employment agreement signed by you with UST as well as against Company regulations and practice. The violation committed by you is also subversive of discipline and prejudicial to the interests of the Company.

In the circumstances stated above, we are giving you an opportunity to submit your explanation as to why disciplinary action shall not be taken against you for the above acts of misconduct



levelled against you as above. If your explanation will not reach us within 4 days of receipt of this Charge sheet it will be presumed that you have no explanation to offer, and the matter will be proceeded without further reference to you.”

Based on the above referred charge sheet, you were given an opportunity to file explanation to the misconducts levelled against you. You have filed a response to the charge sheet, denying the acts of misconduct and making attempt to justify your action stating some untenable excuses.

After the first charge sheet was issued to you and when the disciplinary proceedings were pending, you were issued with an additional charge sheet on 27 December 2023 alleging the following acts of misconduct.

“You were offered a career with US Technology International Private Limited (UST), accepting which you have joined the company on 01 October 2021. An employment agreement was also executed by you with the Company upon joining the Company. You are currently designated as Developer III - Software Engineering.

You were issued with a charge sheet dated 30 October 2023 for continuing your employment with Sun Security Service while in employment with UST, without disclosing the same to UST. A disciplinary action is initiated against you for the same.

While under the process of disciplinary action, it has come to the attention of the management that you are continuing your gross acts of misconduct by joining another Company by the name Movate Technologies Private Limited on 08 November 2023, and even now continuing employment with Movate Technologies Private Limited while already in the rolls of UST.

Your above willful and dishonest act of continuing employment in another Company (Movate Technologies Private Limited) while remaining in the rolls of UST and drawing salary from UST is a serious breach of employment agreement signed by you with UST as well as against Company regulations and practice. The violation committed by you is also subversive of discipline and prejudicial to the interests of the Company.

In the circumstances stated above, we are giving you an opportunity to submit your explanation as to why disciplinary action shall not be taken against you for the above acts of misconduct levelled against you as above. If your explanation will not reach us within 4 days of receipt of this

Charge sheet it will be presumed that you have no explanation to offer, and the matter will be proceeded without further reference to you.”

Based on the above referred charge sheet, you were given an opportunity to file explanation to the misconducts levelled against you. You have filed a response to the charge sheet, denying the acts of misconduct and making attempt to justify your action stating some untenable excuses.

Since the explanation submitted by you to both the charge sheets were not satisfactory, it was decided to conduct a domestic inquiry against you in respect of the acts of misconduct alleged against you in both the charge sheets by appointing Neethu Das as the Inquiry Officer and she had conducted the domestic inquiry. You had attended the hearing scheduled by the inquiry officer on 08 January 2024 in connection with the inquiry. The Inquiry Officer has asked you whether you are pleading guilty of the charges levelled against you in both the charge sheets. You stated that that you do not feel guilty Therefore, the inquiry was adjourned to a later date for evidence of the Management.

The Management filed the proof affidavit of their witness Anusree Sandeep with copy to you on 18 January 2024. The inquiry was posted to 02 February 2024 for the cross examination of the Management witness. Though you have given an opportunity to cross examine the Management witness, you informed that you do not have any questions to ask to the management witness based on the proof of affidavit produced.

The fourth sitting was scheduled on 21 February 2024 for submission of evidence from your side. You submitted four documents before the inquiry officer and shared the copies of all evidence over email to Inquiry Officer to be given to the Presenting Officer and Inquiry Officer forwarded the copies of the same to Presenting Officer over email. You did not submit any proof affidavit and stated that you have no oral evidence.

On 29 February 2024, the fifth sitting of the domestic inquiry was held for hearing on the evidence submitted by the you and the Management. The presenting officer asked questions regarding the documentary evidence produced by you. Then the inquiry officer advised both the parties that any additional submissions or oral testimony could be submitted at the following hearing. However, both parties confirmed that they have nothing more to say or produce. The domestic inquiry was consequently concluded.

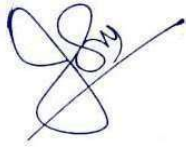
The inquiry officer filed his report finding that the charges levelled against you in both the charge sheets are proved. A copy of the inquiry report was forwarded to you on 12 March 2024, asking you to file your reply/representation against the findings of the inquiry officer. You claimed in your response to the Inquiry Report dated 13 March 2024 that you oppose the conclusion on your charge sheets. In your statement, you claimed that Sun Security Services is based in Salem, and you have been assigned to the UST Office in Chennai, and that there is a 412 km distance between the two locations, which you presented as proof that you were unable to work for both organizations simultaneously. Also, you have provided your IT Form 26AS as evidence and you asserted that the evidence you provided were not fabricated. However, in your response to the inquiry report, you haven't mentioned anything with regard to the inquiry findings from additional charge sheet. Thus, the findings with regard to the additional charge sheet remain uncontroverted as found by the enquiry officer also in her report.

I have considered the evidence adduced at the inquiry, the materials on record and the finding of the inquiry officer. I find that the Inquiry was conducted by complying with the principles of natural justice and sufficient opportunity was given to you to defend your side in the inquiry. The Inquiry Officer has relied on the materials on record and uncontroverted evidence, to find you guilty of the acts of misconduct alleged in both the charge sheets issued to you. There is no contra evidence or dispute to the relevant evidence adduced by the Management. Even though you have provided the PF portal documents showing your previous company's exit date as 30 August 2021, it is pertinent to note that your previous employer continued to make contributions until 30 November 2022, even though they later overturned and stated that it was done mistakenly. On appreciation of the entire evidence adduced in the enquiry and the uncontroverted evidence of the management, it is only to be presumed that the document produced by you are only fabricated for the purpose of this case. Further, you did not dispute the act of misconduct alleged in the 2<sup>nd</sup> charge sheet in the response filed by you and also at the enquiry, and the Management has also produced oral and documentary evidence to substantiate the charges levelled against you in the second charge sheet as well. Also, in your reply to the inquiry you haven't provided any comments/clarifications with regard to the findings from the additional charge sheet virtually admitting the same as done during the enquiry though you have tried to justify the same raising untenable grounds like you could not wait till the outcome of the enquiry etc. to join another employment. In fact, you continued to be an employee of even during the enquiry proceedings and your act of joining another employment is a grave misconduct as stated in the 2<sup>nd</sup> charge sheet. The evidence adduced by the Management stands uncontroverted regarding the 2<sup>nd</sup> charge

sheet as well. On consideration of the entire materials on record, I concur with the findings of the inquiry officer.

The misconducts proved in both the charge sheets are grave in nature. The gravity of the proved acts of misconduct in both the cases, jointly and severally warrants dismissal of service. In otherwards the proved misconducts in both charges sheet separately also are grave enough for imposing punishment of dismissal on you. In view of the gravity of misconduct committed by you, you are dismissed from the service of the Company with immediate effect.

For US Technology International Pvt. Ltd.



Jiju Sethu Madhavan  
Director I – Human Resources