

**INQUIRY REPORT SUMMITTED BY THE INQUIRY OFFICER NEETHU DAS ON
THE CHARGE SHEET DATED 30 OCTOBER 2023 ISSUED TO SIVASANKAR
PERIYASAMY (198350)**

I was appointed as the Inquiry Officer to conduct a domestic inquiry in respect of the acts of misconduct alleged in the charge sheet dated 30 October 2023 and additional charge sheet dated 27 December 2023 issued to Sivasankar Periyasamy (hereinafter referred to as charge sheeted employee/delinquent employee) who is an employee of US Technology International Private Limited (hereinafter referred to as UST). Sivasankar Periyasamy submitted his reply to the charge sheet issued to him by the Management. The charge sheet, additional charge sheet and the replies submitted by Sivasankar Periyasamy which are marked as Exhibits X1 to X4 are reproduced below.

Charge Sheet Dated 30 October 2023

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.

Response dated 31 October 2023 to Charge sheet

Hi HR Compliance Team,

I joined UST in 1st of OCT 2021 and not in 17th of June 2021 as you mentioned. I worked in SUN SECURITY SERVICE from 01/DEC/2020 to 30/AUG/2021. I am not working for SUN

SECURITY SERVICE after 30th of AUG 2021. I contact my previous employer about this issue & they replied that they made a mistake on EPFO. My previous employer acknowledged to amend the mistake made by them in EPFO and for the same they raised a ticket to regional PF commissioner(Same attached with seal of Regional PF commissioner).

Required records attached with this mail for your knowledge.

Sudden termination on project, damages my career path & even it declines the hope, sign of excellence & dedication in project end. Kindly cancel my termination on current project ASAP.

Thanks and Regards,
Sivasankar Periyasamy
UST – Chennai
PH: +91 6379642964

Additional Charge Sheet Dated 27 December 2023

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.

Response dated 27 December 2023 to Charge sheet

Hi [@India HR Compliance](#) [@Jiju Madhavan\(UST,IN\)](#)

First of all, I strongly denied the chargesheet(Dated 31-OCT-2023) from day 1 when it was received and another thing, I was ramped down from the Nokia Project due to current Nokia assignment ended with UST.

There is no intimation or investigation done before issuing chargesheet dated 31 OCT 2023 that UST immediately terminating me from the project which destroyed my career reputation from project client end. Whether UST will reform my reputation from project client??

It's been more than 2 months, still now there is no initiation for investigation on this issue, even though I had submitted valid proof. I strongly disagree that UST not paying salary for NOV & DEC & I am not even in project from 31 OCT 2023 as I was terminated. Whether UST will reform my 2 months valuable experience & field knowledge from project which spoiled due to late response & actions of UST??

I applied resignation after the notification that UST ramped down from the Nokia Project due to current Nokia assignment ended with UST. If UST takes 1 year to investigate & close off this issue, UST extending my LWD continuously even after ramp down notification, whether I should wait until your process completion???

Can I know the status of chargesheet dated 31 OCT 2023 & is it proved that it was against me??

Whether any investigation done before issuing chargesheet??

Can you please justify why this false allegation raised against me without any proper investigation which makes this inconvenience??

Thanks and Regards,
Sivasankar Periyasamy
UST – Chennai
PH: +91 6379642964

Proceedings of the inquiry

I have intimated the charge sheeted employee that I have been appointed as the inquiry officer to conduct a domestic inquiry in respect of the acts of misconduct alleged against him in the charge sheet dated 30 October 2023 and additional charge sheet dated 27 December 2023 and directed him to appear before me through Microsoft Teams meeting on 08 January 2024 at 11.30 AM IST.

The charge sheeted employee was present for the hearing on 08 January 2024. The presenting Officer of the Management Anusree Sandeep was also present. The Charge Sheet dated 30 October 2023 and the additional charge sheet dated 27 December 2023 issued to the employee was read over to him. The Inquiry Officer has asked the delinquent employee whether he is pleading guilty of the charges in the charge sheet. He stated that that he does not feel guilty. The delinquent employee was informed that he will be given a fair hearing and full opportunity to cross examine the Management witnesses and defend the charges against him. The inquiry was adjourned to a later date.

The second sitting of the domestic inquiry was conducted on 02 February 2024. The charge sheets and replies filed by the delinquent employee were marked as Exhibits X1 to X4. The Presenting Officer of the Management submitted their list of witnesses, list of documents, and proof affidavit of the management witness before the inquiry officer and shared the copies of all the above over email to Inquiry Officer to be given to the delinquent employee and inquiry Officer forwarded the copies of the same to delinquent employee over email. The documents produced by the Management were marked as Exhibits M1 to M10. The inquiry was adjourned for cross examination of the management witness.

Thereafter on 12 February 2024 another sitting was conducted for the cross examination of the Management witness. The delinquent employee Sivasankar Periyasamy, the presenting officer and the management witness Anusree Sandeep were present. The Inquiry Officer advised the Delinquent Employee that he can cross-examine the Management Witness based on the proof of affidavit. Though the delinquent employee was given an opportunity to cross examine the Management witness, the delinquent employee informed that he is not having any questions to ask to the management witness on the proof of affidavit submitted.

The inquiry was adjourned to a later date for the delinquent employee to submit his evidence.

The inquiry was posted on 21 February 2024 for the evidence of the delinquent employee. The Delinquent Employee submitted some documents before the inquiry officer and shared the copies of the documents 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. He did not submit any proof affidavit and stated that he has no oral evidence. The documents produced by the charge sheeted employee were marked as Exhibit E1 to Exhibit E4.

On 29 February 2024, the fifth sitting of the domestic inquiry was held for hearing on the evidence submitted by the employee and the Management . The presenting officer asked questions regarding the documentary evidence produced by the delinquent employee. During this session, the inquiry officer asked the delinquent employee whether he had anything else to say or any additional proofs to provide. Then the delinquent employee stated that there is no further evidence to be submitted. Both sides were heard. Then the inquiry officer stated that the domestic inquiry was completed.

Evidence adduced at the Inquiry

The management witness filed her proof affidavit and the documents produced by the Management were marked as Exhibits M1 to M10.

The documentary evidence produced by the Management and marked are as follows.

- I. Exhibit M1 - Offer Letter
- II. Exhibit M2 - Employment agreement
- III. Exhibit M3 – Provident Fund Portal Service History
- IV. Exhibit M4 - Provident Fund combined challan for Sun Security Services for the month of April 2022
- V. Exhibit M5 - Provident Fund combined challan for Sun Security Services for the month of May 2022
- VI. Exhibit M6 - Provident Fund combined challan for Sun Security Services for the month of June 2022
- VII. Exhibit M7 - Provident Fund combined challan for Sun Security Services for the month of July 2022
- VIII. Exhibit M8 - Provident Fund combined challan for Sun Security Services for the month of August 2022
- IX. Exhibit M9 - Provident Fund combined challan for Movate Technologies Private Limited for the month of November 2023
- X. Exhibit M10 - Provident Fund combined challan for Movate Technologies Private Limited for the month of December 2023

The charge sheeted employee did not adduce any oral evidence, but the following documents were produced.

- I. Exhibit E1 – Bank Statement
- II. Exhibit E2 – EPF Passbook 2021 for Canara HSBC Life Insurance Company Limited
- III. Exhibit E3 – EPF Passbook 2022 for Canara HSBC Life Insurance Company Limited
- IV. Exhibit E4 – Resignation Letter to Canara HSBC Life Insurance Company Limited

Discussions, appreciation of evidence and Enquiry Findings

The oral and documentary evidence of the Management witness reveals the following facts. Sivasankar Periyasamy was appointed as Network Operations Associate I in US Technology International Pvt Ltd, the Company, on 01 October 2021. A true copy of the Offer Letter dated 29 September 2021 is marked as Exhibit M1. Upon joining the Company, the delinquent employee has also executed an employment agreement with the Company on 01 October 2021. The agreement lays down the terms of employment, agreed upon by the employer and the employee. The employment agreement signed by the employee is marked as Exhibit M2.

The charges against the employee in the first charge sheet is that, he has been working with Sun Security services from 01 December 2020 till 16 February 2022. In other words, he joined UST while he was in employment with Sun Security Services and continued employment with above mentioned company even after joining UST. Screenshot of his EPF Member Service details is marked as Exhibit M3. After the first charge sheet was issued to him and when the disciplinary proceedings were pending, he has joined another Company Movate Technologies Pvt Limited on 08 November 2023 and even now continuing employment with the said company when he continues to be in the rolls of UST. This is also evident from Exhibit M3.

Copies of Provident Fund combined challan from the Provident Fund Portal remitted from the establishment named Sun Security Services for the months April 2022, May 2022, June 2022, July 2022 and August 2022 and from the establishment named Movate Technologies Private Limited November 2023 and December 2023 is marked as Exhibit M4, Exhibit M5, Exhibit M6, Exhibit M7, Exhibit M8, Exhibit M9 and Exhibit M10 respectively. The oral and documentary evidence adduced by the Management proves the acts of misconduct alleged in the first charge sheet. Though the delinquent employee was given the opportunity to cross examine the management witness, he did not avail the opportunity. Thus, the evidence adduced by the Management stands uncontroverted.

The delinquent employee has been given the opportunity to present his evidence. No oral evidence has been adduced by him. Four documents have been supplied by him as evidence. Two documents which he submitted are the screenshots of EPF portal showcasing the exit date marked from Sun Security Services “30 August 2021”. In the second screenshot from the EPF portal, which show the member service history, the screenshot was not fully captured and only two

employers were listed. Next document which he produced was the experience letter from Sun Security Services, proving his last working day with the said organization as “30 August 2021”. Another document which he produced was the copy of a letter sent to PF Commissioner from Sun Security Services to make the exit date correction in the PF portal. It is pertinent to note that his previous employer was remitting contribution up to 30 November 2022 though later they have turned round and taken a stand that it was mistakenly done. This stand of his previous employer came only on issuance of the charge sheet by the Company. It is hard to believe that a Company was paying contribution in respect of an employee who has left its service, for more than one year from his exit. It is only to be presumed that the document produced by the employee at this stage is only fabricated for the purpose of this case. The second document is not even clear and hence cannot be relied up on. The third document was also produced at the belated state and the delinquent employee did not produce the same at least along with his response to the charge sheet. The fourth document can only be taken as fabricated to buttress his stand taken in the initial three documents. Apart from this the evidence adduced by the Management stands uncontroverted. An overall consideration of the entire facts and circumstances I have come to the conclusion that the charges levelled against the employee in the charge sheet dated 31 October 2023 stands proved.

In the response filed to the second charge sheet dated 27 December 2023 the delinquent employee did not dispute the acts of misconduct alleged but tries to justify his action by stating untenable grounds. Apart from the fact that the employee did not dispute the act of misconduct alleged in the 2nd charge sheet in the response filed by him, the Management has also produced oral and documentary evidence to substantiate the charges levelled against the employee in the second charge sheet as well. The employee did not cross examine the management witness though opportunity was given to him, and the management evidence stands regarding the second charge sheet also stands uncontroverted.

On consideration of the entire evidence adduced at the inquiry and from the undisputed facts of the materials on record, it has been conclusively established that the delinquent employee has committed the acts of misconduct alleged against him in the charge sheet Dated 27 December 2023 also.

Based on the entire evidence adduced at the enquiry, I have come to the conclusion that the acts of misconduct levelled against the delinquent employee in the charge sheet dated 30 October 2023 and the charge sheet dated 27 December 2023 have been conclusively proved.

Date: 12 March 2024

Sd/-

Neethu Das

Inquiry Officer