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244. As per the IR Code 2020, within how many days should an inquiry into a worker's misconduct ordinarily be completed from the date of suspension?

As per Section 38(1) of the Industrial Relations (IR) Code, 2020, an inquiry into a worker's misconduct ordinarily should be completed within 90 days from the date of suspension. However, the term "ordinarily" allows for some flexibility in exceptional cases where an extension may be necessary.

Key Elements and Detailed Interpretation of Section 38 (1):

"Where any worker is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, such investigation or inquiry, or where there is an investigation followed by an inquiry, both the investigation and inquiry shall be completed ordinarily within a period of ninety days from the date of suspension."

1. Worker's Suspension Pending Investigation/Inquiry

- The section applies to situations where an employer has suspended a worker due to alleged **misconduct**.
- Suspension means temporarily barring the worker from duties while the case is being examined. It does not amount to termination but may affect salary and benefits as per applicable rules, company policies or employment contracts.

2. Purpose of Suspension

- Employers suspend workers to prevent any interference in the investigation or inquiry.
- It ensures a fair process by keeping the worker away from the workplace while evidence is collected.

3. Obligation to Complete the Process Within 90 Days

- The investigation (fact-finding process) and inquiry (formal proceedings) must be ordinarily completed within 90 days from the date of suspension.
- The word "ordinarily" suggests that this is a general rule, but there may be exceptions where the period may be extended due to complex cases, legal procedures, or unforeseen circumstances.

4. Dual Process: Investigation and Inquiry

- Some cases involve only an inquiry, while others may require both an investigation (to collect evidence) followed by an inquiry (to establish guilt or innocence).
- If both are required, the 90-day period applies to the combined duration of investigation and inquiry.

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