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**Where Delayed Obedience Can Amount to Gross Insubordination**

*Ismail bin Noordin v Southern Pipe Industry (M) Sdn Bhd*  
(Industrial Court Award No 2341 of 2018)

| by Sebastian Tay Hanxin |

The employee was a senior member of staff who had served the company for 24 years.

Three sets of written instructions were given to the employee on three separate occasions by his superior to provide his feedback on several issues relating to the company's production and the business initiatives that it planned to embark on. The employee did not respond to any of his superior's instructions until the company issued him a show cause letter on his failure to do so.

In his reply, the employee offered a list of his shortcomings and provided a lengthy account of what he felt were his contributions to the company. In court, he argued that he had not been insubordinate, but had merely delayed in responding to his superior and that his delay had not prejudiced the company.

Considering that the employee had not provided his superior with any explanation for his delay, the Industrial Court held that his failure to provide the feedback amounted to gross insubordination as no employee should be allowed to disobey lawful instructions, especially where, in this case, his superior had expressly invited him to ask for support if he faced any difficulties with the instructions.

The company was represented by partner Dato' Thavalingam C Thavarajah and associate Sebastian Tay Hanxin of [Lee Hishammuddin Allen & Gledhill](#).

The Industrial Court award may be viewed [here](#).

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