



Shariffullah Majeed
Employment
T: +603 6208 5881
E: sha@lh-ag.com

22 OCTOBER 2019

Falsifying Subordinate's Attendance Record Card

Norhasmi bin Talip v QSR Stores Sdn Bhd
(Industrial Court Award No 2769 of 2019)

The claimant commenced employment with the company in 1992 as Assistant Manager (Trainee) and last held a senior position of trust as Restaurant Manager at the company's KFC outlet in I-City, Shah Alam. Sometime in October 2017, it was brought to the attention of the company's management that the claimant had punched in the Attendance Record Card of another employee ("**Employee**") who is also his neighbour. Upon further investigation, the company discovered that the claimant had falsified the Attendance Record Card of the Employee for the months of July and August 2017, i.e. the working hours scribbled on the Employee's Attendance Record Cards did not reflect the actual hours worked by the Employee.

Accordingly, the company issued a Domestic Inquiry Notice for the claimant to defend himself, to which he pleaded guilty to two of the three charges levelled against him at the domestic inquiry hearing. Upon concluding that the claimant was guilty of all three charges against him, the company terminated the claimant's employment with immediate effect in January 2018.

In dismissing the claimant's claim for unfair dismissal, the Industrial Court held, *inter alia*, that:

- (a) Although the court was unable to accept the accuracy of the Domestic Inquiry notes in the absence of the signatures of the Domestic Inquiry chairman and secretary and there were irregularities in the domestic inquiry hearing, those irregularities were curable by *de novo* proceedings before the court;
- (b) It is clear from the evidence that the claimant had enriched his neighbour by falsifying the working hours of the latter despite being fully aware of the company's rules and regulations;
- (c) It is trite law that the act of falsifying the working hours of an employee is a serious misconduct that goes against the fundamental relationship of trust and confidence between employer and employee; and
- (d) Based on the claimant's disciplinary record, the court found

that he was a habitual offender and his long years of service did not immunise him from dismissal, especially when allowing him to continue in service would be detrimental to the discipline or security of the company.

The company was represented by partner Shariffullah Majeed and associate Arissa Ahrom of [Lee Hishammuddin Allen & Gledhill](#).

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

Arissa Ahrom (aa@lh-ag.com)

If you have any queries, please contact the author or her team partner, **Shariffullah Majeed** (sha@lh-ag.com).

Lee Hishammuddin Allen & Gledhill

Level 6, Menara 1 Dutamas
Solaris Dutamas
No. 1, Jalan Dutamas 1
50480 Kuala Lumpur
Malaysia

T +603 6208 5888
F +603 6201 0122/0136
E enquiry@lh-ag.com
W www.lh-ag.com

Published by the Employment Practice

© Lee Hishammuddin Allen & Gledhill. All rights reserved. The views and opinions attributable to the authors or editor of this publication are not to be imputed to the firm, Lee Hishammuddin Allen & Gledhill. The contents of this publication are intended for purposes of general information and academic discussion only. It should not be construed as legal advice or legal opinion on any fact or circumstance.

[Feedback](#)

[Unsubscribe](#)