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W.P.No.38001 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 10/8/2026

Pronounced on: 31/8/2026

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.38001 of 2025

a n d

W.M.P.Nos.42433 of 2025 and 10417 of 2026

The Management
Midrange Components
Unit of Brakes India (P) Limited
42 Banavaram Road
Melvenkatapuram Village
Sholinghur 631 102
Walaja Taluk
Vellore District.

...

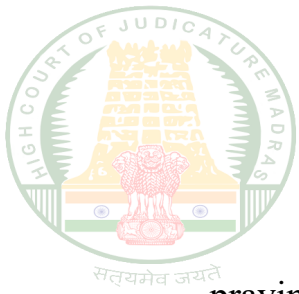
Petitioner

Vs

T. Venkatesan
S/o.M. Dhanapal
No.36 Bajanai Koil Street
Eachangadu Village
Chery Post 632 508
Nemili Taluk, Vellore District.

...

Respondent



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Prayer : Petition filed under Article 226 of the Constitution of India

praying for the issuance of writ of certiorari to call for the records of the Principal Labour Court, Vellore in I.D.No.14 of 2018 and quash its Award dated 28/8/2025.

For petitioner ... Mr.G.Ananda Gopalan
for M/s.Advit Law Chambers

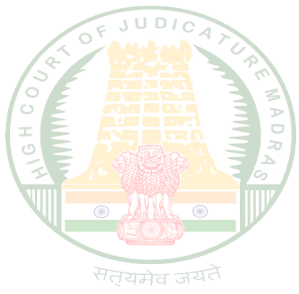
For respondent ... Mr.S.Sathiya Chandran

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ORDER

The Management is questioning the preliminary order passed by the Principal Labour Court, Vellore, holding the domestic enquiry proceedings as violative of principles of natural justice. Labour Court found that the request of the respondent workman for filing written arguments was not considered as such the petitioner was not given a fair chance.

2. . The respondent was appointed in the Company, viz., Brakes India Company in the year 1991 and thereafter, the petitioner Company had taken over the Company in the year 2010, however, without continuity of service of employees working in the factory.

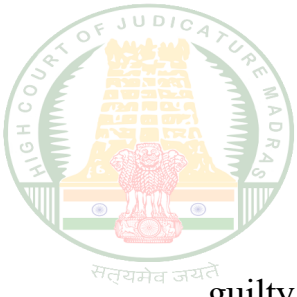


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3. The respondent was engaged as a Contractor in the petitioner Company from 1/9/2010. On 22/8/2015, during the second shift, respondent was allegedly found misusing the Process Control Charts, a vital document in Schedule II, which is not his designated work. He was questioned by one J.Jeevanantham, Deputy Engineer, but he argued with him and his Supervisor, viz., Mr.Saravanan.

4. Since the conduct of the respondent was found to be prejudicial to the Company, he was placed under suspension on 28/8/2015 and a charge memo was issued on 10/9/2015. The respondent submitted an explanation to the charge memo which was not found to be satisfactory, as such an enquiry was ordered. During the course of enquiry, witnesses were produced both by the petitioner Management and respondent workman. After evidence was adduced on both sides, respondent sought time for filing written arguments. The Enquiry Officer refused permission for filing written arguments mainly on the ground that there was no procedure contemplated and further, the respondent should have stated everything in his written statement which was already filed.



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5. The Enquiry Officer submitted his report that the respondent was guilty, on the basis of which, the respondent was dismissed from service.

Aggrieved by the dismissal, the respondent approached the Labour Court and filed I.A.

6. The Presiding Officer, Principal Labour Court, Vellore having framed a preliminary issue as to whether the Departmental enquiry was fair and proper, found that denying the respondent to file a written argument was violative of principles of natural justice and accordingly, held that domestic enquiry proceedings were not conducted in a fair and proper manner by the Enquiry Officer.

7. Questioning the said finding of the Labour Court vide preliminary award dated 28/8.2025, as a preliminary issue, the present writ petition is filed.

8. The learned counsel appearing on behalf of the petitioner Management would submit that during the course of the domestic enquiry, a fair opportunity was given by the Enquiry Officer for adducing evidence, and accordingly, witnesses were examined and documents were also placed on record. In fact, an opportunity of filing a defense statement was also given



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which is Ex.W.12. Since a fair opportunity was given for producing evidence and cross examining the witnesses, it cannot be said that not permitting to file written arguments would amount to violation of principles of natural justice.

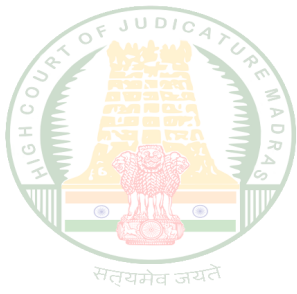
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9. On the other hand, the learned counsel appearing on behalf of the respondent workman would submit that the labour Court has dealt with the manner in which the departmental enquiry proceeded and has rightly found that not permitting the petitioner to file written arguments amounted to not providing a fair and proper opportunity to defend himself. The denial of such an opportunity to file written arguments amounted to violation of principles of natural justice.

10. The labour Court found that after the respondent concluded the cross-examination, though time was sought for filing written arguments, same was denied.

11. It is apposite to rely on the judgment of the Hon'ble Supreme Court in ***STATE BANK OF PATIALA AND OTHERS Vs. S.K.SHARMA (1996) 3 SCC – 364***, wherein at para 33, the Hon'ble Supreme Court held as follows:-

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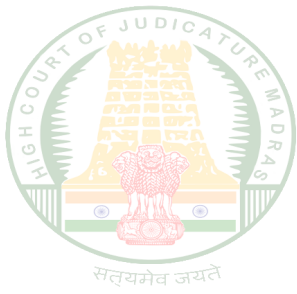
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“We may summarise the principles emerging from the above discussion. [These are by no means intended to be exhaustive and are evolved keeping in view the context of disciplinary enquiries and orders of punishment imposed by an employer upon the employee]:

(1) An order passed imposing a punishment on an employee consequent upon a disciplinary/departmental enquiry in violation of the rules/regulations/statutory provisions governing such enquiries should not be set aside automatically. The Court or the Tribunal should enquire whether (a) the provision violated is of a substantive nature or (b) whether it is procedural in character.

(2) A substantive provision has normally to be complied with as explained hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.

(3) In the case of violation of a procedural provision, the position is this: procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer/employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot

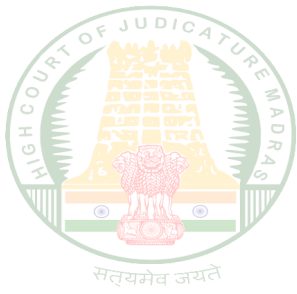


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be said to automatically vitiate the enquiry held or order passed. Except cases falling under 'no notice', 'no opportunity' and 'no hearing' categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer/employee in defending himself properly and effectively. If it is found that he has been so prejudiced, appropriate orders have to be made to repair and remedy the prejudice, including setting aside the enquiry and/or the order of punishment. If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for. In this connection, it may be remembered that there may be certain procedural provisions which are of a fundamental character, whose violation is by itself proof of The Court may not insist on proof of prejudice in such cases. As explained in the body of the judgment, take a case where there is a provision g expressly providing that after the evidence of the employer/government is over, the employee shall be given an opportunity to lead defence in his evidence, and in a given case, the enquiry officer does not give that opportunity inspite of the delinquent officer/employee asking for it. The prejudice is self-evident. No proof of prejudice as such need be called for in such a case. To repeat, the test is one of prejudice, i.e., whether the person has received a fair



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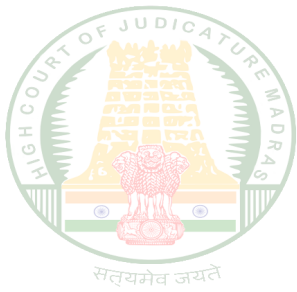


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hearing considering all things. Now, this very aspect can also be looked at from the point of view of directory and mandatory provisions, if one is so inclined. The principle stated under (4) hereinbelow is only another way of looking at the same aspect as is dealt with herein and not a different or distinct principle.

(4)(a) In the case of a procedural provision which is not of a mandatory characters the complaint of violation has to be examined from the standpoint of substantial compliance. Be that as it may the order passed in violation of such a provision can be set aside only where such violation has occasioned prejudice to the delinquent employee.

(b) In the case of violation of a procedural provisional which is of a mandatory character, it has to be ascertained whether the provision is conceived in the interest of the person proceeded against or in public interest. If it is found to be the former, then it must be seen whether the delinquent officer has waived the said requirements either expressly or by his conduct. If he is found to have waived its then the order of punishment cannot be set aside on the ground of said violation. If, on the other hand, it is found that the delinquent officer/employee has not it or that the provision could not be waived by him, then the Court or Tribunal should make appropriate directions [include the setting aside of



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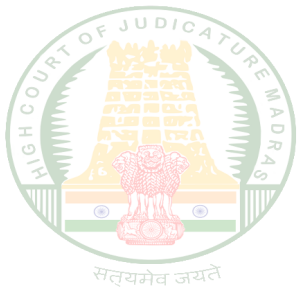


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the order of punishment], keeping in mind the approach adopted by the Constitution Bench in B.Karunkar. The ultimate test is always the same viz., test of prejudice or the test of fair hearing, as it may be called.

(5) Where the enquiry is not governed by any rules/regulations/statutory provisions and the only obligation is to observe the principles of natural justice - or, for that matter, wherever such principles are held to be implied by the very nature and impact of the order/action the Court or the Tribunal should make a distinction between a total violation of natural justice [rule of audi alteram] and violation of a facet of the said rule, as explained in the body of the judgment. In other words, a distinction must be made between "no opportunity" and "adequate opportunity", i.e., between "no notice"/"no hearing" "no fair hearing".

(a) In the case of former, the order passed would undoubtedly be invalid [one may call it "void" or a nullity if one chooses to]. In such cases, normally, liberty will be reserved for the Authority to take proceedings afresh according to law, i.e., in accordance with the said rule [audi alteram partem]. (b) But in the latter case, the effect of violation [of a facet of the rule of audi alteram] has to be examined from the standpoint of prejudice; in other word in other words, what the Court or Tribunal has to see is whether in the totality of the circumstances,



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the delinquent officer/employee did or did not have a fair hearing and the orders to be made shall depend upon the answer to the said query. [It is made clear that this principle [No.5] does not apply in the case of rule against bias, the test in which behalf are laid down elsewhere.]

(6) While applying the rule of audi alteram partem [the primary principle of natural justice] the Court/Tribunal/Authority must always bear in mind the ultimate and over-riding objective underlying the said rule, viz., to ensure a fair hearing and to ensure that there is no failure of justice. It is this objective which should guide them in applying the rule to varying situations that arise before them.

(7) There may be situations where the interests of state or public interest may call for a curtailing of the rule of audi alteram partem. . In such situations, the Court may have to balance public/State interest with the requirement of natural justice and arrive at an appropriate decision.”

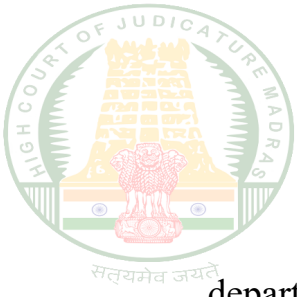
12. The test whether the principles of natural justice were violated can be ascertained from the manner in which the departmental enquiry was conducted. It has to be seen whether the respondent workman was put on notice and opportunity given to cross examine the witnesses. It is not the case



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of the respondent that either documents were not supplied to him or that anything related to the enquiry which formed part of the enquiry was not known to him. The documents relied on by the Management were provided to the respondent and also an opportunity was given to cross-examine the witnesses. His defense statement Ex.W.12 was also placed on record. In the said circumstances, it has to be looked into whether the denial of opportunity to file written arguments would amount to violation of principles of natural justice.

13. The object of principles of natural justice is to provide reasonable opportunity of participation without violating any procedures prescribed for the conduct of enquiry. Though there is no separate code to follow when a departmental enquiry is conducted, however, providing documents, opportunity to cross examine the witnesses and giving adequate time for preparation of his defense would all show that the principles of natural justice were followed in the domestic enquiry. In specific terms, whenever any objection is raised regarding improper conduct of departmental enquiry, prejudice in whatever form has to be shown and proved.



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14. It has to be shown as to what prejudice was caused in the departmental proceedings, by alleged action/ inaction. In the present case, not giving an opportunity of filing the written argument is claimed to be a violation of principles of natural justice. Admittedly, the defense statement was filed and marked as Ex.W.12. The petitioner had an opportunity of cross examining the witnesses, as such, it can be fairly stated that a reasonable opportunity was given to the respondent to defend himself in the departmental proceedings, and not granting an opportunity to file written arguments is not violative of any provision of law. In the present circumstances, this Court does not find that any prejudice was caused to the respondent for not giving an opportunity of filing written arguments. The Hon'ble Supreme Court in the above cited decision held that when the delinquent Officer was put on notice, opportunity was given and his defense was heard, he has received a fair hearing and if there is any grievance, prejudice has to be shown.

15. As already stated, the respondent did not make out any case of prejudice, and as such, the finding of the labour Court on the preliminary issue has to be set aside. Accordingly, the impugned order, to the extent where it holds that the domestic enquiry proceedings were not conducted in a fair and proper manner, as such violative of the principles of natural justice, is hereby

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set aside. It is needless to state that the respondent is at liberty to adduce evidence regarding any kind of prejudice that was caused during the course of domestic enquiry when the Management witnesses are produced.

Accordingly, this **writ petition is allowed**. No costs.

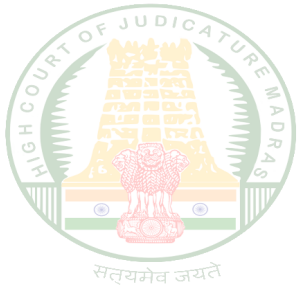
(K.SURENDER,J)
31/8/2026

mvs.

Neutral Citation: Yes

To:

1. The Principal Labour Court, Vellore
2. T. Venkatesan
S/o.M. Dhanapal
No.36 Bajanai Koil Street
Eachangadu Village
Chery Post 632 508
Nemili Taluk, Vellore District.



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mvs.

Pre-delivery order made in
Writ Petition No.38001 of 2025

31/8/2026