

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 117 OF 2026

SAYALI
DEEPAK
UPASANI

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2026.04.02
12:46:25 +0530

Bharat Nanasaheb Suryawanshi

Age-43 Years, Occu: Unemployed

R/at 106, Swaraj Society, Moshi Chikali

Road, Gat No.209/212, Moshi,

Pune- 412 105.

... **Petitioner**

Vs.

GKN Sinter Metal Pvt Ltd

Office at: 146, Mumbai Pune Road,

Pimpri Pune- 411 018

Through its India Operations Director

Mr. Rajesh Mirani

... **Respondent**

WITH

WRIT PETITION NO. 17651 OF 2025

Vilas Raghu Shedge

... **Petitioner**

Vs.

GKN Sinter Metal Pvt Ltd

... **Respondent**

WITH

WRIT PETITION NO. 1088 OF 2026

Sandesh Sampatrao Bhosale

... **Petitioner**

Vs.

GKN Sinter Metal Pvt Ltd

... **Respondent**

WITH

WRIT PETITION NO. 17652 OF 2025

Ramchandra Mohan Gharge

... **Petitioner**

Vs.

GKN Sinter Metal Pvt Ltd

... **Respondent**

**WITH
WRIT PETITION NO. 1083 OF 2026**

Pankaj Ashokji Jumle ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1081 OF 2026**

Sanjay Mohan Bhosale ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1092 OF 2026**

Vinod Chandrakant Nevrekar ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 17737 OF 2025**

Ramdas Gopal Gangarude ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1082 OF 2026**

Kishor Kamlakr Patil ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1084 OF 2026**

Vinod Balan Nair ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1090 OF 2026**

Sanjay Vasant Kadam ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1089 OF 2026**

Deepak Dagdu Bhagwat ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 147 OF 2026**

Yogesh Shamrao Surve ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1106 OF 2026**

Rajesh Dnyanoba Bhujbal ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1091 OF 2026**

Deepak Ramchandra Jadhav ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1095 OF 2026**

Gulabchand Mohan Sakunde ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1105 OF 2026**

Atish Sambhaji Mohite ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1104 OF 2026**

Ganesh Bhaurao Mali ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1096 OF 2026**

Nitin Shankar Palande ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1102 OF 2026**

Bapusaheb Daulatrao Tambe ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1101 OF 2026**

Rahul Hariprakash Pal ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1080 OF 2026**

Nilesh Chandrakant Gaikwad ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1103 OF 2026**

Lalchand Popat Kudale ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1100 OF 2026**

Avinash Hanumant Gharge ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1099 OF 2026**

Nilesh Ramakant Mate ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1097 OF 2026**

Vijay Dattatraya Pol ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1094 OF 2026**

Virendra Sharad Arekar ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

**WITH
WRIT PETITION NO. 1093 OF 2026**

Ajinath Dajirang Ethape ... Petitioner
Vs.
GKN Sinter Metal Pvt Ltd ... Respondent

Mr. Sumit V. Sonare, with Mr. Sameer Chavan, for
Petitioner.

Mr. Kiran Bapat, Senior Advocate with Mr. Gaurav
Gawande i/b Ms. Archana Shelar, for Respondent.

CORAM : **AMIT BORKAR, J.**

RESERVED ON : **MARCH 27, 2026.**

PRONOUNCED ON : **APRIL 2, 2026**

JUDGMENT:

1. Since identical questions of law and fact arise for consideration in the present group of writ petitions, the same are being disposed of by this common judgment and order. For the sake of convenience and clarity, the facts in Writ Petition No.117 of 2026 are treated as the lead matter.

2. By these writ petitions, filed under Articles 226 and 227 of the Constitution of India, the petitioner in each petition has assailed the impugned order dated 12 November 2025 passed by the First Labour Court in respective Reference (IDA), seeking that the said order on preliminary issues be quashed and set aside.

3. The facts giving rise to the present petitions are stated thus. The petitioner was employed with the respondent and claims to have been in continuous and permanent service until the date of alleged illegal termination, namely, 5 December 2023. The workmen were represented by a Union known as Mahindra Sintered Kamgar Sanghatna. The Union had raised a charter of demands, which the respondent declined to accept. This led to a

series of developments. Firstly, a Notice of Change came to be issued under Section 9A of the Industrial Disputes Act, to which the Union responded, resulting in the matter being treated as an industrial dispute and taken up for adjudication. Secondly, an application for lay-off under Section 25-M was submitted by the respondent, which came to be rejected. Thirdly, an application seeking permission for retrenchment under Section 25-N was also rejected. Thereafter, the respondent introduced a Voluntary Separation Scheme on the ground that the establishment was facing financial difficulties. Finally, the respondent sought permission for closure of its operations under Section 25-O, which application was likewise rejected.

4. On 15 June 2023, the Union submitted its representation of demands to the respondent. As no action was taken thereon, the Union convened a general body meeting on 26 June 2023, wherein it was unanimously resolved to agitate for the fulfillment of its demands, and accordingly, a strike notice was issued. Pursuant thereto, the parties were called for conciliation before the office of the Assistant Labour Commissioner. It is the case of the petitioner that until 12 July 2023, the conciliation proceedings were not formally admitted. On 13 July 2023, the Union commenced the strike. The record indicates that on 14 July 2023, the Assistant Labour Commissioner admitted the dispute for conciliation; however, according to the petitioner, such admission was not communicated to the Union. It is further material that by a communication dated 19 July 2023, the respondent requested the

Assistant Labour Commissioner to admit the dispute and refer the same for adjudication. In addition, the respondent instituted proceedings under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 before the Industrial Court at Pune, being Complaint (ULP) No. 76 of 2023, seeking a declaration that the strike resorted to by the Union, comprising 192 workmen and forming subject-matter of the reference, was illegal.

5. The learned Industrial Court, Pune, partly allowed the said complaint and recorded a finding that the Union and its members had engaged in unfair labour practices under Item I of Schedule III of the Act. The Court further declared that the strike commenced on 13 July 2023 was illegal. The Union challenged the said order by filing Writ Petition No. 14781 of 2023 before this Court. However, owing to a change in the Union's managing committee, the newly constituted body withdrew the said petition by filing consent terms. Thereafter, the petitioner was served with a charge sheet, to which a reply was submitted. A finding report dated 18 November 2023 was forwarded to the petitioner under cover of letter dated 1 December 2023 and was received by the petitioner through speed post on 5 December 2023. By the said communication, the petitioner was called upon to submit a reply to the findings within a period of two days. It is the petitioner's case that on the very same day, i.e., 5 December 2023, the respondent issued an order of termination without affording the petitioner any effective opportunity to respond to the findings or to be heard.

Consequent upon the termination, the appropriate Government, upon considering the failure report submitted by the Labour Officer, referred the industrial dispute to the Labour Court on 05 March 2024. The petitioner thereupon filed a statement of claim under Section 2-A(2) of the Industrial Disputes Act, 1947, seeking reinstatement with effect from 5 December 2023, along with continuity of service and consequential benefits. By order dated 12 November 2025, the learned Labour Court decided the preliminary issues and held that the domestic enquiry conducted against the petitioner was legal, fair and proper, and in consonance with the principles of natural justice. The findings recorded by the Enquiry Officer were also held to be legal and proper. Being aggrieved thereby, the present writ petitions have been instituted.

6. Mr. Sonare, learned Advocate appearing for the petitioner, submitted that the petitioner received the finding report dated 1 December 2023 on 4 December 2023 and, without affording any reasonable opportunity to submit a reply or to be heard, the respondent proceeded to issue the order of termination on 05 December 2023. Inviting attention to paragraph 26 of the judgment of the Hon'ble Supreme Court in *Managing Director, ECIL, Hyderabad & Others vs. B. Karunakar & Others*, (1993) 4 SCC 727, he submitted that the Constitution Bench has clearly held that the principles of natural justice mandate that an employee must be given a fair opportunity to meet, explain and controvert the findings of the enquiry report before any adverse action is taken. He further submitted that, out of 192 members of

the Union, only 30 workmen, including the present petitioner, have been selectively proceeded against without any cogent justification. It was also urged that the strike commenced on 13 July 2023, whereas the conciliation proceedings were admitted only on 14 July 2023, and the individual workmen had no knowledge regarding the initiation of such conciliation proceedings.

7. Inviting attention to the communication addressed by the respondent to the Assistant Labour Commissioner dated 19 July 2023, learned counsel submitted that paragraph 3 thereof indicates that even the respondent was unaware of the admission of conciliation proceedings, as the said fact was not disclosed in the communication. He further invited attention to the judgment and order dated 31 October 2023, whereby the strike commencing from 13 July 2023 was declared illegal, and submitted that a perusal of paragraph 47 of the said judgment demonstrates that the findings regarding illegality of the strike were recorded against the Union as a collective body. According to him, there is no finding to the effect that individual members had instigated or incited the strike. It was thus contended that there is no material on record to establish that the present petitioner had instigated or participated in any act of incitement of the strike.

8. Inviting attention to the testimony of the management witnesses recorded in the domestic enquiry, learned counsel submitted that the said witnesses have admitted before the Enquiry Officer that the management had failed to produce any

material to demonstrate that the petitioner had instigated or incited the strike. On the basis of such admission, it was contended that the finding of the Labour Court upholding the enquiry as legal and proper is unsustainable and deserves to be quashed and set aside.

9. Per contra, Mr. Bapat, learned Senior Advocate appearing on behalf of the respondent, submitted that the impugned order passed by the Labour Court is in the nature of a Part I Award, and that the final adjudication on merits, namely Part II Award, is yet to be rendered. Inviting attention to the charge-sheet, he submitted that the charges against the petitioner are framed under Clause 24(b) and Clause 24(l) of the Model Standing Orders, which pertain respectively to participation in an illegal strike or abetment thereof, and commission of acts subversive of discipline or good behaviour within the establishment.

10. He submitted that participation in an illegal strike forms a specific and substantive part of the charge against the petitioner. Inviting attention to the replies submitted by each of the petitioners to the charge-sheet dated 7 September 2023, he submitted that, at least from that date onwards, the petitioners were fully aware of the nature of the allegations, including the illegality of the strike. He further submitted that the judgment in Complaint (ULP) No. 76 of 2023, declaring the strike illegal, was delivered on 30 October 2023, wherein it was expressly held that the strike commenced and continued from 13 July 2023 by the Union and its members was illegal. It was contended that, even

thereafter, the petitioners had an opportunity to withdraw from the strike within a reasonable time, but failed to do so, thereby attracting the consequences under the provisions of the MRTU & PULP Act.

11. Inviting attention to the order dated 14 July 2023 admitting the conciliation proceedings, learned Senior Counsel submitted that copies thereof were duly forwarded to the President and Secretary of the Union. He further invited attention to the findings recorded by the Enquiry Officer, submitting that the Enquiry Officer has considered the entire material on record and has, upon due appreciation thereof, held the petitioners, who were active members of the Union, guilty of misconduct. Inviting attention to the impugned order, he submitted that the Labour Court has recorded a clear satisfaction that adequate opportunity was granted to the petitioners, including the right to cross-examine the management witnesses, to lead evidence in defence, and to submit their written statements.

12. Inviting attention to paragraph 16 of the impugned order, learned Senior Counsel submitted that the Labour Court has dealt in detail with the allegations of discrimination and victimisation and has rightly held that no such defence was raised by the petitioners during the course of the enquiry. It was further held that such issues, if any, may be considered at the stage of determining the proportionality of punishment. He submitted that the Labour Court has also recorded a finding that the illegal strike resulted in financial loss to the respondent-Company, and that the

strike was continued even after the demands raised by the Union through communications dated 9 June 2023, 13 June 2023 and 15 June 2023 were admitted in conciliation proceedings on 14 July 2023. It was therefore contended that the petitioners have clearly committed misconduct within the meaning of Clauses 24(b) and 24(l) of the Model Standing Orders.

13. He further submitted that the Enquiry Officer has taken into account the fact that, in their examination-in-chief, the petitioners themselves admitted that they were active members of the Union. It was submitted that the Labour Court has rightly observed that the Enquiry Officer noted that, in reply to the charge-sheet, the petitioners had stated that they would abide by the outcome of the proceedings before the Industrial Court and were aware of the admission of the demands for conciliation on 14 July 2023. Despite such knowledge, the petitioners raised a defence of lack of awareness, which, according to the respondent, is demonstrably false.

14. Insofar as the contention regarding lack of opportunity to respond to the findings of the Enquiry Officer is concerned, learned Senior Counsel submitted that the petitioners have failed to demonstrate any prejudice caused to them on account of such alleged deficiency. It was further submitted that this contention was not raised before the Labour Court and, therefore, cannot be permitted to be urged for the first time in writ jurisdiction. On these grounds, it was contended that the writ petitions are devoid of merit and are liable to be dismissed.

REASONS AND ANALYSIS:

15. I have carefully gone through what both sides have argued. The main issue is whether the enquiry conducted by the employer can be said to be unfair or illegal only because the finding report was given to the petitioners and, within a very short time, the termination order followed. Along with this, there is one more connected issue. That is, whether the Labour Court committed any error in deciding the preliminary issue by holding that the enquiry was legal, proper and in line with the principles of natural justice. Therefore, the court is not at this stage examining the full merits of dismissal. It is only seeing whether the process adopted was fair enough in law.

16. Mr. Sonare, learned Advocate for the petitioner contends that the petitioner was not given any real or meaningful chance to submit his reply to the findings, nor was he given an opportunity of personal hearing before such serious action was taken. The record shows that before this stage the petitioner was already served with a charge-sheet. He had submitted his reply. He had participated in the enquiry proceedings. He had opportunity to cross-examine the witnesses and to defend himself. This means that the petitioner was not taken by surprise at the final stage. He was already aware of the allegations and had already contested them during the enquiry.

17. Therefore, the question becomes more specific. Whether the short time between service of finding report and passing of

termination order has actually caused any real prejudice to the petitioner. It is not enough to say that time was short. The petitioner must show what he could have said in reply to the findings and how that would have made a difference. In the present case, such material is not clearly shown. There is no indication that any important defence remained to be taken or that any new point could have been raised if more time was granted. In this situation though the action of issuing termination order soon after the report may not appear ideal it does not make the enquiry illegal. The court has to see substance and not only form. If overall opportunity was given during the enquiry and the petitioner has not shown actual prejudice then this ground alone may not be sufficient to set aside the entire process.

18. The learned Advocate for the petitioner has also raised a point regarding selective action by the respondent. He submits that there were about 192 workmen who were part of the Union, but action has been taken only against 30 persons, including the present petitioner. In the present case the respondent has taken a stand that the petitioners were active members of the Union and were involved in the events which led to the misconduct. If that is so then the action against them cannot be termed as arbitrary only because others were not proceeded against. The court cannot assume that all 192 workmen stood on the same footing without examining their individual roles. It is quite possible that some were passive or less involved while some were more active. In such situation the employer is entitled to proceed against those against

whom it finds material. Further for a plea of discrimination to succeed the petitioner must show some clear basis. It must be shown that similarly placed persons were treated differently without any reason or that the action was taken with some ill motive. In the present case except pointing out the number of persons, no strong material is placed to establish that the petitioner was singled out for unfair reasons. There is no clear evidence of hostility or victimisation. Therefore, this submission though it creates some doubt at first glance, does not go far enough to invalidate the enquiry. Without clear proof of unequal treatment in identical circumstances, the court cannot hold that the action is discriminatory merely on the basis of numbers.

19. A substantial part of the case of the petitioners is built around the timing of events. According to them the strike began on 13 July 2023 whereas the conciliation proceedings were admitted only on 14 July 2023. From this they try to say that at the time when the strike started the workmen had no knowledge that the dispute had formally entered conciliation. On first look, this argument appears to have some basis. If a strike begins before any formal step in law, it may be said that the workers could not have knowingly violated something which had not yet come into existence. But the matter does not stop there. The court must look not only at the starting point but also what happened after. The respondent has pointed out that the strike did not end on 13 July 2023. It continued even after 14 July 2023 when conciliation was admitted. Therefore, even if the beginning of the strike was

without knowledge the continuation of the strike becomes important. Once the dispute is admitted and enters the legal process, the Union and its office bearers are expected to be aware of it. If the Union leadership had knowledge it is not easy to accept that all the members remained completely unaware. The material placed shows that the Union was involved in the proceedings and its President and Secretary were informed. In such a situation, a general statement that none of the workmen knew anything cannot be readily accepted. The real question is not only how the strike started but whether it was continued despite knowledge of the legal position. On this aspect, the petitioners' case cannot be accepted.

20. The petitioners then rely on a communication dated 19 July 2023 sent by the respondent to the Assistant Labour Commissioner. They argue that in this letter the respondent did not refer to the admission of conciliation proceedings and from this they try to suggest that even the respondent was not aware of such admission. This argument does not carry much weight. A single communication may not always contain every detail. It may be incomplete or may not record every development. From that alone it cannot be safely concluded that the management had no knowledge or that the workmen had no notice of the legal proceedings. The court cannot isolate one letter and treat it as final proof of the entire situation. The court must see the full record. Here it is already shown that the Union had raised demands the matter had gone to the stage of conciliation and

thereafter charge-sheets were issued to the petitioners to which they responded. When such sequence is seen together the argument based only on that one communication loses strength. It becomes difficult to accept that there was complete lack of knowledge or absence of responsibility on the part of the petitioners.

21. The petitioners also argue that the judgment in Complaint (ULP) No. 76 of 2023 declared the strike illegal only as against the Union and not against individual workmen. They further say that there is no material to show that they personally instigated the strike. This submission requires careful reading of the charges framed against them. The charge-sheet is not limited to instigation alone. It clearly includes participation in an illegal strike as well as abetment incitement and acts done in furtherance of such strike under Clause 24(b). It also includes acts affecting discipline under Clause 24(l). Therefore, the focus is wider. Even if it is accepted that there is no separate finding that each petitioner individually gave a call for strike that by itself does not end the matter. If the charge includes participation then taking part in a strike which is found to be illegal may itself amount to misconduct. The court cannot read the earlier judgment in a narrow manner and say that unless each individual is separately named no action can follow. What is required is to see the nature of the charge the evidence produced, and the findings recorded in the enquiry. The petitioners' argument does not fully answer the case against them.

22. The petitioners have also relied on the evidence of management witnesses stating that such witnesses admitted before the Enquiry Officer that there was no direct proof of instigation by the petitioners. Even if this statement is accepted as it is the matter does not conclude in favour of the petitioners. The respondent's case is that the petitioners were active members of the Union they were aware of the demands raised, they were part of the continued strike and their conduct forms part of the collective action which was later declared illegal. In such circumstances, the evidence cannot be examined in an isolated manner. The enquiry officer is expected to consider the entire record together. Membership of the Union participation in events, replies given to the charge-sheet, and surrounding facts all become relevant. It is not always necessary that there must be direct proof of each act in the form of a specific statement. If the overall material shows involvement that may be sufficient for a finding in a domestic enquiry. The court in writ jurisdiction does not re-appreciate such evidence as if it is sitting in appeal. The court only sees whether there was some material to support the finding and whether the conclusion is so unreasonable that no sensible person could have reached it. In the present case, such perversity is not shown. Therefore, this line of argument also does not help the petitioners in setting aside the finding on the legality of the enquiry.

23. On the other side, the respondent has taken a clear stand that what is decided by the Labour Court is only a Part-I enquiry. It is not the final award on the entire dispute. At this stage the court

is not required to examine whether the punishment is correct or whether reinstatement should be granted. The only question is limited. It is whether the domestic enquiry suffers from any serious defect so that it becomes illegal or unfair. If the enquiry is found to be proper then the matter will go ahead before the Labour Court on other aspects. The respondent has pointed out from the record that the petitioners were given opportunity during the enquiry. They were allowed to cross-examine the witnesses of the management. They were also given chance to lead their own evidence. They filed their defence statements. The charge-sheet was served on them in advance. When such steps are available on record it becomes difficult to say that the enquiry was done behind their back or that it was only a formality. An enquiry cannot be set aside lightly when participation of the workman is clearly seen. The court has to be slow in interfering unless something very serious is shown. In the present case, such serious defect is not clearly made out.

24. The respondent has also placed reliance on the replies submitted by the petitioners to the charge-sheet dated 7 September 2023. From this it is argued that the petitioners were fully aware of the allegations against them at least from that date. Once a charge-sheet is given and the workman replies to it it shows that he understood what is alleged. It also shows that he had opportunity to put forward his side. After that stage if he participates in the enquiry then it becomes difficult for him to later say that he had no chance at all. The law does not expect empty

formality of giving repeated chances. It only requires that a fair and reasonable opportunity is given. If that is already done then merely saying that a little more time should have been given at the last stage may not be enough. The petitioners have not shown that because of short time they were prevented from placing some important defence. There is no clear material to show what they would have said differently if more time was granted. In absence of such showing the court cannot presume prejudice only because events happened in quick succession.

25. Another important aspect pointed out by the respondent is that the strike did not stop even after it was declared illegal in the complaint under unfair labour practice. Once a competent court declares a strike as illegal the situation changes. The workmen cannot continue to take part in such strike without facing consequences. If the petitioners were active members of the Union, as is brought on record they were expected to be aware of this position. It is not possible to accept that they remained completely unaware when the Union itself was involved in the proceedings. The continuation of strike even after such declaration shows conduct which the employer may treat as misconduct under the applicable standing orders. The respondent has also pointed out that due to the continued strike, the company suffered financial loss. This connects the conduct of the workmen with the discipline and functioning of the establishment. Therefore, the Labour Court was justified in looking into these aspects while deciding whether the enquiry disclosed misconduct and whether the procedure

adopted was fair.

26. The petitioners have also tried to raise the issue of victimisation and discrimination. According to them, they were targeted. The Labour Court has considered this argument and has observed that such a defence was not properly raised during the enquiry. This reasoning appears correct in the present facts. A plea of victimisation requires some clear material to show that action was taken with bad intention or for some unfair reason. If such plea is not taken at the proper stage and no supporting evidence is placed the court cannot accept it only on general statements. The preliminary stage is meant to see whether the enquiry is fair, not to go into all disputed questions of motive in detail. Such issues may arise later while considering punishment or relief. But by themselves they do not make the enquiry illegal. Therefore, the finding of the Labour Court on this aspect cannot be said to be incorrect.

27. On overall consideration, it appears that the petitioners have not been able to establish that the domestic enquiry is vitiated due to breach of principles of natural justice in such a serious manner that this Court should interfere in writ jurisdiction. The record clearly shows that the charge-sheet was served upon the petitioners. They submitted their replies. They participated in the enquiry proceedings. They were given opportunity to cross-examine the witnesses of the management. The Enquiry Officer has also considered the material placed on record before arriving at the findings. It is true that the finding report was followed by

the termination order within a short time, and this circumstance may create some doubt in mind. However, mere doubt is not sufficient to invalidate the entire enquiry. The petitioners have not been able to show what real prejudice was caused to them due to such timing. It is also not demonstrated that the Labour Court has ignored any important material or that it has taken a view which is wholly unreasonable. In such circumstances, the impugned order does not require interference.

28. Accordingly, all the writ petitions stand dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)