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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2155 of 2026

and

C.M.P.No.12740 of 2026

Unipres India Pvt.Ltd
RNS-6, Sipcot Industrial Growth Centre,
Oragadam,
Vadakkupattu (Post),
Sriperumbathur Taluk,
Kanchipuram District 603 204

..Appellant(s)

Vs

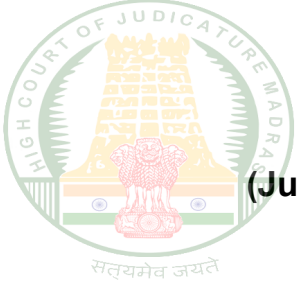
L.Suresh
S/o. M. Loganathan,
No. 36, Rajiv Gandhi Street,
Aayakulathur Village,
Thodukadu Post,
Sriperumbathur Taluk,
Kanchipuram District 602 105

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the Judgment passed on 21.11.2025 in WP No.5713 of 2021 on the file of this
Honourable Court and pass such further or other orders that this Honourable
Court.

For Appellant(s): Mr.U.Venkatesh

For Respondent(s): No Appearance



JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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The present writ appeal has been instituted challenging the writ order dated 21.11.2025 passed in W.P.No.5713 of 2021.

2. The Management is the appellant. The respondent filed a writ petition challenging the order passed by the authority, granting approval under Section 33(2)(b) of the Industrial Disputes Act.

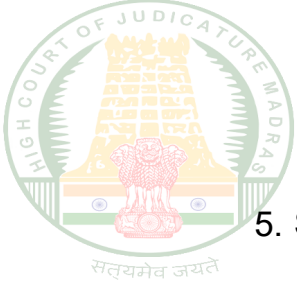
3. The respondent was appointed as Spot Welder Trainee on 07.06.2010. His services was confirmed with effect from 01.10.2012. He was the General Secretary of Unipres India Thozhilalar Sangam. He raised a dispute regarding wage revision. The dispute is pending before the Labour Court, Chennai in I.D.No.9 of 2016. The petitioner and members of Canteen Committee found that the food served to the employees on 29.06.2015 was inedible and requested for alternate food. In view of the said reason, the Management issued a charge memo to the petitioner on 29.06.2015. An enquiry was conducted and the respondent was dismissed from service on 20.05.2016. The Management filed approval petition in A.P.No.41/2016 before the Industrial Tribunal, Chennai, for approval of dismissal order. The Tribunal, allowed the approval petition. Thus, the respondent filed the writ petition.

4. The Writ Court has elaborately considered the factual scenario as



well as the documents filed between the parties. The findings of the writ Court is clear that the relevant documents relied on by the Management were not produced to the workman which resulted in deprival of defending his case. Non-furnishing of the material evidences is vital and on that ground, the writ Court formed an opinion that the enquiry was not conducted in a fair manner. The findings of the writ Court in paragraph No.13 are relevant and the same is extracted hereunder:

13. It is further to be noticed that the complaint forming the substratum of the charges, was not annexed to the Charge Memo, thereby depriving the petitioner of an opportunity to effectively refute the allegations. MW1, the author of the complaint dated 30.06.2015, in his cross examination held on 27.11.2015, categorically accepted that the complaint was given only on 30.06.2015 and that it was not annexed to the Charge Memo. It was the specific contention of the petitioner that Exs.M4, M5 and M6 were submitted subsequent to the issuance of the Charge Memo and that they were created for the purpose of the case and hence, they were not annexed with the Charge Memo. These aspects were not at all considered by the Industrial Tribunal. The petitioner also contended that Exs.M3, M4 and M5 were not produced by the respondent in enquiry and that non-furnishing of the basic materials relied upon, strikes at the root of the enquiry. The following judgments clearly spell out that non-furnishing of documents deprives the employee an opportunity to defend himself and further vitiates the enquiry,



rendering it void.

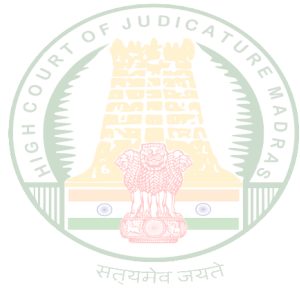
5. Since the enquiry was not conducted in a fair manner, the Writ Court has set aside the order of the Industrial Tribunal, granting approval. This Court, does not find any infirmity in respect of the order passed by the writ Court. Consequently, the Writ Appeal stands dismissed. No costs. The connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
23-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vsi

To
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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