



W.P.No.12888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12888 of 2023
and
W.M.P.No.12679 of 2023

Schneider Electric India Private Limited,
S.F.No.574/2A, 2B, 575/2A, 2B, 2C,
D.No.E3A, L&T Bypass Road,
(Represented by:- Authorised Signatory
and Plant Director of the Factory),
Malumichampatti, Madukkarai Taluk,
Coimbatore - 641 050.

...Petitioner

-Vs-

1.The Director of Industrial Safety and Health,
SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

2.The Joint Director of Industrial
Safety and Health - II,
S.No.575/2, 575/3,
Govt. ITI Campus, Mettupalayam Road,
Gnanambika Mills Post,
Coimbatore - 641 029.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus, calling for records of the



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2nd respondent in proceeding No.A/6410/2022 dated 12.12.2022, 30.01.2023, quash the same, direct the 2nd respondent to pass a speaking order after considering the petitioner's reply dated 02.01.2023, after providing a personal hearing to the petitioner and further not to proceed with any consequential action including prosecution.

For Petitioner	: Mr.Anand Gopalan for M/s.T.S.Gopalan and Co.
For Respondents	: Mr.P.Sathish, Additional Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein challenges the order of the second respondent, rejecting the petitioner's objections to the show cause notice dated 12.12.2022, The writ petition has predominantly been filed on the ground that the petitioner's objections to the show cause notice have not been considered and that the impugned order dated 30.01.2023 is a non-speaking order.



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3. When the second respondent herein had issued a show cause notice on 12.12.2022, alleging contravention of certain provisions of the Factories Act and calling upon for explanation, the petitioner had sought for extension of time, through his letter dated 19.12.2022, which was acknowledged by the second respondent. Thereafter, on 02.01.2023, the petitioner had given his objections to the show cause notice dated 28.06.2021, which objections were also acknowledged by the second respondent. However, without considering the objections of the petitioner dated 02.01.2023, the present impugned order seems to have been passed in a single line, stating that the objection given by the petitioner is not satisfactory.

4. The very purpose for which a show cause notice is issued is to extend an opportunity to the concerned person to put forth their objections on the proposed action sought for. This purpose has now been defeated in the present impugned order.

5. It is needless to point out that there is a duty cast on the authorities to consider all the objections put forth pursuant to a show cause notice, before taking any further course of action. In the absence of the same, the



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order itself would amount to violation of principles of natural justice and hence, this Court may be justified in invoking its powers under Article 226 of the Constitution of India. However, if the second respondent is given an opportunity to reconsider the petitioner's objections and thereafter take further course of action in accordance with law, the ends of justice could be secured.

6. In the light of the above observations, the impugned orders dated 12.12.2022 and 30.01.2023 are quashed and the matter is remitted back to the second respondent herein for reconsideration. While doing so, the second respondent herein shall consider all the objections put forth by the petitioner in his reply dated 02.01.2023 and thereafter take further course of action and in case any order is passed therein, such an order shall be a speaking order.

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

Index:Yes/No
Speaking order/Non-speaking order
hvk



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M.S.RAMESH,J.

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