

AGK

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

WRIT PETITION NO.3933 OF 2026

Ganesh Bhaurao Mail ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.6809 OF 2026**

Bharat Nanasaheb Suryawanshi ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.6902 OF 2026**

Avinash Hanmant Gharge ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.6903 OF 2026**

Rahul Hariprakash Pal ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION NO.4841 OF 2026**

Vilas Raghu Shedge ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.6905 OF 2026**

Gulabchand Mohan Sakunde ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.6908 OF 2026**

Sanjay Mohan Bhosale	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4847 OF 2026**

Bapusaheb Doulatrao Tambe	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4849 OF 2026**

Vinod Balan Nair	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION (ST.) NO.6915 OF 2026**

Kishor Kamlakar Patil	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4839 OF 2026**

Nilesh Ramakant Mate	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4843 OF 2026**

Ramchandra Mohan Gcharge	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION (ST.) NO.7072 OF 2026**

Atish Sambhaji Mohite	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION (ST.) NO.7073 OF 2026**

Virendra Sharad Arekar	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION (ST.) NO.7074 OF 2026**

Sanjay Vasant Kadam	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION (ST.) NO.7075 OF 2026**

Deepak Ramchandra Jadhav	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4848 OF 2026**

Nilesh Chandrakant Gaikwad	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4851 OF 2026**

Dipak Dagadu Bhagwat	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

**WITH
WRIT PETITION NO.4844 OF 2026**

Rajesh Dnyanoba Bhujbal ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7227 OF 2026**

Ajinath Dajirang Ethape ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7228 OF 2026**

Pankaj Ashokji Jumle ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7229 OF 2026**

Lalchand Popat Kudale ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7230 OF 2026**

Nitin Shankar Palande ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7231 OF 2026**

Ramdas Gopala Gangarde ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION NO.4845 OF 2026**

Yogesh Shamrao Surve ... Petitioner
V/s.
GKN Sinter Metal Private Limited ... Respondent

**WITH
WRIT PETITION (ST.) NO.7404 OF 2026**

Sandesh Sampatrao Bhosale	... Petitioner
V/s.	
GKN Sinter Metal Private Limited	... Respondent

Mr. Sameer Chavan i/by Mr. Sumit V. Sonare for the petitioner in all WPs.

Mr. Kiran Bapat, Senior Advocate with Mr. Gaurav S. Gawande for the respondent-company.

CORAM : AMIT BORKAR, J.

DATED : APRIL 16, 2026

P.C.:

1. Since the present writ petitions involve common questions of law as well as arise from substantially similar facts, all the petitions are being decided and disposed of by this common judgment and order.

2. By way of the present writ petitions, the petitioner in each matter has assailed the Judgment and Order dated 10 December 2025 passed by the Industrial Tribunal, Pune, in respective Approval Application.

3. The facts giving rise to the filing of the present writ petitions, in brief, are that the respondent is a private limited company having its factory situated at 146, Mumbai-Pune Road, Pimpri, Pune-411018. The petitioner-workman is stated to be employed with the respondent-company. It is the case that by a letter of demand dated 13 November 2020, the Union raised certain demands on behalf of the workmen, which came to be referred for

adjudication by the Additional Commissioner of Labour, Pune, and the said dispute is presently pending before Industrial Tribunal No. 1, Pune, in Reference (IT) No. 09 of 2022. It further appears that another industrial dispute under Section 9A of the Industrial Disputes Act, 1947 has also been referred to Industrial Tribunal No. 1, Pune, and is pending as Reference (IT) No. 11 of 2022. A separate dispute relating to bonus is likewise pending before the same Tribunal in Reference (IT) No. 55 of 2022. In addition thereto, another dispute pertaining to the Union's demands concerning bonus has been referred to Industrial Tribunal No. 2, Pune, and is pending adjudication in Reference (IT) No. 29 of 2023. According to the respondent-company, since the petitioner-workman is concerned with the disputes involved in the aforesaid references, the respondent has sought approval of the action of dismissal taken against him.

4. According to the respondent-company, the order of dismissal has been passed simultaneously with the presentation of the approval application before the Tribunal, in respect of misconduct alleged against the petitioner, which according to the respondent is wholly unconnected with the industrial disputes pending adjudication. It is the respondent's case that the petitioner was served with a charge-sheet dated 7 September 2023 alleging serious misconduct, particulars whereof were set out therein. Thereafter, the respondent conducted a full-fledged domestic enquiry into the charges levelled against the petitioner. During the enquiry proceedings, the petitioner was afforded full opportunity to defend himself and, according to the respondent, the principles

of natural justice were duly complied with. Upon conclusion of the enquiry, the Enquiry Officer submitted his findings. It is further stated that before taking disciplinary action, the respondent-company considered the petitioner's past service record and found no mitigating circumstances warranting a lenient approach, particularly having regard to the seriousness of the misconduct alleged. According to the respondent, considering the gravity of the misconduct, the petitioner's length of service, the nature of duties performed by the petitioner, and the nature of the respondent-company's establishment, it had become impossible to continue the petitioner in employment. Accordingly, the petitioner was dismissed from service with effect from 5 December 2023 by order of even date. It is further stated that one month's wages were paid to the petitioner by deposit in his bank account in accordance with the normal practice of the establishment and in purported compliance with Section 33(2)(b) of the Industrial Disputes Act, 1947.

5. The respondent contends that the domestic enquiry conducted against the petitioner was legal, fair, and proper, and that the findings recorded by the Enquiry Officer are duly supported by the evidence adduced during the enquiry proceedings. The respondent, therefore, seeks a declaration that the enquiry was conducted in accordance with the principles of natural justice and that the order of dismissal is founded upon legal and admissible evidence placed before the Enquiry Officer. The respondent-company further contends that the punishment of dismissal imposed upon the petitioner is proportionate to the

misconduct proved and that the entire action has been undertaken in due compliance with Section 33(2)(b) of the Industrial Disputes Act, 1947. On these grounds, the respondent has prayed for allowing the approval application.

6. The petitioner resisted the said approval application by filing a reply below Exhibit U-5. According to the petitioner, he has rendered service with the respondent-company for more than seven years and has maintained a clean and unblemished service record throughout his tenure. It is further the petitioner's case that the respondent-company is an engineering establishment engaged in the manufacture of parts, electric spare parts, various types of gear pistons, and bushes required for two-wheelers and four-wheelers for the last 55 years, and that there exists substantial and increasing market demand for the products manufactured by the company. The petitioner states that more than 400 persons, including permanent employees, contract labourers, trainees, and staff members, are employed in the respondent-company. It is further alleged that the respondent-company had earlier sought permission for lay-off of 125 workers, which application came to be rejected, and thereafter the company created an unjustified and artificial situation by subjecting workmen to harassment and initiating steps to remove them from employment.

7. It is the further case of the petitioner that the respondent-company had issued a notice of change dated 12 November 2020, which according to the petitioner was unjustified and was accordingly opposed by the Union. The dispute arising therefrom is stated to be pending adjudication before the competent Court.

Despite pendency of the dispute, the petitioner alleges that the respondent-company illegally implemented the said notice of change. It is further alleged that although the company re-employed certain other workers, the petitioner was not reinstated. The petitioner further states that the respondent-company had again applied for approval of lay-off on 18 April 2022, which application was rejected. It is alleged that the company thereafter introduced a Voluntary Retirement Scheme, which did not evoke adequate response. According to the petitioner, the respondent then resorted to issuing fabricated and concocted charge-sheets, conducted sham enquiries, and proceeded to terminate workmen. It is also alleged that the company attempted closure of the establishment by making an application to the Government on 9 November 2022, but the same came to be rejected. The petitioner contends that while in the year 2019–2020 there were 318 permanent workers, the respondent has deliberately reduced the workforce and presently retained only 87 workmen with the intention of bringing the number below 100. It is further alleged that though permanent work continues to be available, the same is being executed through contract labour after terminating permanent employees. According to the petitioner, conciliation proceedings failed due to non-cooperation on the part of the respondent-company, and consequently the Union issued a strike notice on 26 June 2023 proposing to commence strike from 13 July 2023. However, prior thereto, the petitioner was suspended on 5 July 2023. It is further alleged that the respondent-company filed Complaint (ULP) No. 76 of 2023 before the Industrial Court

seeking a declaration that the strike was illegal on the basis of false documents. According to the petitioner, even before any adjudication on the said complaint, the respondent issued charge-sheets to 30 workers out of 191 workers who had participated in the strike and terminated them by orders dated 5 December 2023 after concluding the enquiry in undue haste. The petitioner further states that the Union has challenged the said action by filing a writ petition, which remains pending.

8. According to the petitioner, the approval application filed by the respondent-company under Section 33(2)(b) of the Industrial Disputes Act, 1947 is false, fabricated, and liable to be rejected. It is contended that the termination of the petitioner is in fact directly connected with the disputes pending adjudication and that the respondent-company is determined to terminate 32 workers and ultimately close down the establishment.

9. The petitioner thereafter filed a paragraph-wise reply denying the averments made in the application. It is reiterated that the respondent-company had introduced an illegal change, in respect of which a dispute is pending before the Tribunal in Reference (IT) No. 11 of 2022. It is further pointed out that bonus-related disputes are pending in Reference (IT) No. 55 of 2022 and that Reference (IT) No. 29 of 2023 concerning contract employees and apprentice employees is also pending before the Industrial Tribunal. According to the petitioner, all the aforesaid disputes have a direct nexus with the issuance of the charge-sheet and the disciplinary action taken against the petitioner-workman. It is further contended that prior to imposing the punishment of

dismissal, the respondent failed to consider the petitioner's clean and unblemished past record and that the petitioner had not committed any misconduct as alleged in the charge-sheet. In paragraph 6.7 of the reply, the petitioner has stated that though the enquiry proceedings may be procedurally proper, the findings recorded by the Enquiry Officer are one-sided, perverse, and unsupported by evidence. According to the petitioner, the charges levelled against him have not been proved and, therefore, the consequent order of dismissal is illegal. On this basis, the petitioner has prayed for rejection of the approval application and for reinstatement in service with continuity and back wages. In paragraph 7 of the reply, the petitioner has undertaken a detailed analysis of the charge-sheet, the evidence adduced in the enquiry, and the Enquiry Officer's report, and has contended that the respondent has levelled false allegations with a view to victimise the petitioner and exert pressure upon the Union. It is further contended that the charge-sheet as well as the dismissal order have both been issued by one Rajesh Mirani and, therefore, the same individual has acted in dual capacities, which according to the petitioner is impermissible in law. The petitioner further alleges that the charge-sheet was deliberately issued one day prior to commencement of the strike in order to frustrate the industrial action. It is also contended that the charges, including the alleged 164 instances of misconduct, were not proved in the enquiry proceedings.

10. The petitioner further contends that the witness examined on behalf of the respondent failed to substantiate the charges

levelled against him. Upon detailed analysis of the material on record, the petitioner submits that the enquiry conducted against him was merely a sham and a device adopted to exploit and victimise the workers. It is further contended that the respondent-company selectively proceeded only against 30 workers out of 191 workmen who had participated in the strike and, therefore, the action is discriminatory and mala fide. On these grounds, it is contended that no approval under Section 33(2)(b) of the Industrial Disputes Act, 1947 can lawfully be granted and the application filed by the respondent-company deserves to be rejected.

11. Mr. Chavan, learned Advocate appearing on behalf of the petitioner, submitted that the charge-sheet came to be issued to the petitioner in his individual capacity and not in his capacity as an office bearer of the Union. It is submitted that although the charge-sheet refers to the alleged strike, the allegations levelled therein are wholly false, baseless, and unsupported by material evidence. According to the petitioner, no witness has stated to have personally seen the petitioner instigating any workman to participate in the strike and, therefore, the charge of instigation remains wholly unproved. It is further contended that though approximately 190 workers had allegedly participated in the strike, only 32 employees have been selectively proceeded against and held responsible, thereby demonstrating arbitrariness and discrimination in the action of the respondent. Inviting attention to the judgment delivered by the learned predecessor in Complaint (ULP) No. 76 of 2023, it is submitted that within 48 hours of the

strike being declared illegal, the same stood withdrawn and, therefore, the alleged illegality attached to the strike did not survive thereafter. According to the petitioner, the evidence adduced in the enquiry proceedings bears no nexus to the charges levelled and no preliminary enquiry was conducted before issuance of the charge-sheet. It is further contended that though the approval application states that the misconduct alleged is unconnected with the pending industrial disputes, no material has been placed on record to establish whether the petitioner is or is not connected with such disputes. It is submitted that the findings recorded by the Enquiry Officer disclose complete non-application of mind and that the petitioner has been made a scapegoat for the larger industrial unrest. Learned counsel submitted that only a solitary witness was examined by the management in support of the charges, who was himself unable to substantiate the allegations levelled against the petitioner. On the aforesaid grounds, it is submitted that no approval under Section 33(2)(b) of the Industrial Disputes Act, 1947 deserves to be granted.

12. Per contra, Mr. Bapat, learned Senior Advocate appearing on behalf of the respondent-company, submitted that the petitioner was duly served with a charge-sheet dated 7 September 2023 and was afforded adequate opportunity to submit his explanation thereto. According to the respondent, even the reply submitted by the petitioner to the charge-sheet itself sufficiently demonstrates and substantiates the charges levelled against him. It is submitted that thereafter a domestic enquiry was conducted against the petitioner in which full and fair opportunity was granted to him at

every stage, and therefore the enquiry proceedings satisfy the requirements of fairness and propriety. Learned Senior Counsel submitted that the findings recorded by the Enquiry Officer are based upon the evidence led during the course of enquiry and upon the documentary material collectively produced at Exhibit 8 in the enquiry proceedings. It is submitted that ample oral as well as documentary evidence was available before the Enquiry Officer to establish the misconduct alleged against the petitioner and, therefore, the findings recorded cannot be termed as either illegal or perverse. Reliance is placed upon the decision of the Supreme Court in *John D'Souza v. Karnataka State Road Transport Corporation Ltd.* 2019 SCC Online SC 1347 to contend that while considering an application under Section 33(2)(b) of the Industrial Disputes Act, the Tribunal is only required to examine prima facie whether the enquiry is legal and proper and whether the findings are perverse, and is not expected to undertake a detailed re-appreciation of evidence. Mr. Bapat further invited attention to a group of petitions filed by 29 similarly situated workmen and submitted that this Court, by a reasoned judgment, has already dismissed the petitions filed by such similarly placed employees, wherein challenge had been raised to the finding on Part-I issue regarding fairness and propriety of the domestic enquiry arising from references under Section 10 of the Industrial Disputes Act. It is submitted that when such similarly situated employees have failed in establishing before this Court that the Part-I enquiry concerning the very same charges and the very same strike was unfair or improper, then in proceedings under Section 33(2)(b),

where the scope of scrutiny is narrower and confined only to prima facie satisfaction, the findings already recorded by this Court deserve due weight and consideration.

REASONS AND CONSIDERATION:

13. I have heard learned counsel for the parties at length and I have gone through the material placed on record. The present group of writ petitions arise out of one and same set of facts and from the same approval application decided by the Industrial Tribunal, Pune. The controversy is also common. The petitioners are workmen of the respondent company. The respondent has passed order of dismissal and has sought approval under Section 33(2)(b) of the Industrial Disputes Act, 1947. The petitioners challenge the approval granted by the Tribunal. Therefore, all these petitions are being dealt with by this common judgment.

14. The first question which falls for consideration before this Court is regarding the true scope and extent of scrutiny permissible in proceedings arising under Section 33(2)(b) of the Industrial Disputes Act, 1947. It is required to be kept in mind that proceedings under the said provision stand on an altogether different footing than a full-fledged industrial adjudication undertaken upon a substantive reference. In such proceedings, the Tribunal is not expected to enter into a complete trial of the industrial dispute as if it is finally adjudicating all rights and liabilities between employer and workman. The legislative object behind Section 33(2)(b) is limited. At such stage, what is required to be seen by the Tribunal is whether the employer has, while

passing the order of dismissal during pendency of industrial dispute, complied with legal requirements, namely payment of one month wages and filing of approval application, and further whether the disciplinary action appears prima facie fair, bona fide, and legally sustainable. The Tribunal at that stage is not expected to re-appreciate every piece of evidence as if exercising appellate powers over the findings of the domestic enquiry. The Tribunal is also not expected to substitute its own opinion merely because another view may be possible on the same material. The settled legal position is that the Court has only to examine whether the domestic enquiry appears to have been conducted in accordance with principles of natural justice, whether reasonable opportunity was afforded to the delinquent employee, and whether there exists some legal evidence before the Enquiry Officer on the basis of which the findings could reasonably have been arrived at. So long as the findings are supported by some material and the procedure adopted does not disclose patent unfairness or perversity of grave nature, the Court is expected to exercise restraint and should not lightly interfere. If such limited jurisdiction is converted into a full appellate scrutiny, then the object of Section 33(2)(b) would stand frustrated. Therefore, the controversy must be viewed keeping in mind the limited nature of jurisdiction available to this Court and the Tribunal in such proceedings.

15. In the present case, the respondent-management has pleaded that the petitioner was served with a charge-sheet dated 7 September 2023 setting out allegations of misconduct against him. It is further not in dispute that the petitioner was granted

opportunity to submit his explanation and reply to the said charge-sheet. Subsequent thereto, the respondent initiated domestic enquiry proceedings. The record further reflects that the petitioner did in fact participate in the enquiry proceedings and contested the matter. It is not even the case of the petitioners that they were denied service of charge-sheet or that they were excluded from participation in the enquiry proceedings altogether. The principal argument advanced is not regarding denial of opportunity, but rather that the allegations themselves were false and the enquiry was motivated by ulterior considerations. However a mere allegation that the employer acted with motive cannot invalidate disciplinary proceedings unless such allegation is supported by material. Mere assertion of mala fides, without proof, is not sufficient. It must be demonstrated that either the procedure adopted was unfair, or that the enquiry stood vitiated by violation of natural justice, or that the conclusions reached by the Enquiry Officer were unsupported by any evidence whatsoever. In absence of such infirmities being established, the Court cannot invalidate the enquiry merely because the employee disputes the allegations. Upon examination of the record and consideration of rival submissions, this Court does not find any such defect or procedural failure as would justify holding that the enquiry process stood vitiated in law. The petitioners have failed to point out any prejudice caused in conduct of enquiry which may render the same illegal.

16. The petitioners have made submission that the charge-sheet came to be issued to the petitioner in his personal capacity and not

in his status as an office bearer of the Union. However such circumstance does not advance the case of the petitioners. Merely because a workman happens to hold office in a trade union does not create immunity against disciplinary proceedings if allegations of misconduct are levelled against him. If according to management the misconduct committed is attributable to the concerned employee, the employer is legally entitled to initiate action against such person in his individual capacity. The mere fact that the employee also happens to be associated with union activities cannot invalidate the charge-sheet unless it is established that the disciplinary action is solely because of union office and not because of misconduct. What remains relevant for the Court is not the designation in which the employee is proceeded against, but whether the allegations levelled against him have some evidentiary basis and whether the enquiry into those allegations was fairly conducted. In the present case, the respondent's case is that the petitioner was involved in misconduct arising in context of the strike. The Tribunal has examined the enquiry record and accepted the management's case while granting approval. At this stage, unless it is shown that the findings are so irrational, so unreasonable, or so unsupported by evidence that no prudent person could have arrived at such conclusion, this Court cannot interfere merely because the petitioner seeks a different appreciation of facts. The jurisdiction under writ is not to substitute this Court's opinion for that of the fact-finding authority where the conclusion drawn is reasonably possible from the available material.

17. Much argument was advanced on behalf of the petitioners that though around 190 workers allegedly participated in the strike, disciplinary action was initiated only against 32 employees, including the petitioners and therefore the action is selective and discriminatory. However, this submission also is not sufficient to invalidate the action of the employer. It is true that selective targeting, if established without basis, may in certain cases indicate arbitrariness. However merely because not every employee participating in an incident is proceeded against does not make the disciplinary action illegal. To sustain such contention, the petitioners were required to show that the selection of persons proceeded against was arbitrary, capricious, or without any basis whatsoever. No such material has been brought on record. The respondent's stand is that only those employees against whom material existed were charge-sheeted. In industrial disturbances, every workman may not necessarily stand on identical footing. Different employees may have different degree of participation, different role, different level of involvement, and different evidence available against them. It is therefore not necessary in law that all persons present in a common incident must invariably be proceeded against identically. If management has material against some persons showing greater involvement, it may proceed against them without proceeding against every other workman. The petitioners have not shown that there existed no basis whatsoever for proceeding against them. In absence of such proof, the argument of discrimination cannot be accepted merely on comparison.

18. The petitioners have further argued that the strike in question was withdrawn within 48 hours after declaration of illegality in Complaint (ULP) No. 76 of 2023 and therefore the strike no longer remained illegal, and consequently the charge-sheet founded thereupon loses its basis. However, this submission also does not persuade the Court. The legality or otherwise of the strike, and the duration for which such declaration remained operative, does not conclude the present controversy. The charge-sheet issued to the petitioners is not confined to a technical allegation that they participated in an illegal strike. Rather, the allegations concern conduct attributed to the petitioners in relation to the industrial agitation and surrounding circumstances. The disciplinary action appears to be based not merely upon character of the strike but upon the conduct alleged to have been committed during that period. Therefore even assuming that the strike was later withdrawn or that its status changed after subsequent developments, that does not nullify the allegations already levelled regarding misconduct. What is material for present purposes is whether there existed some evidence before the Enquiry Officer in support of the charges and whether fair opportunity was granted during enquiry. The withdrawal of strike cannot wipe out the disciplinary allegations if misconduct is otherwise alleged. Hence, the petitioners cannot derive benefit merely from the fact that the strike was withdrawn within short time.

19. Another important plank of the petitioners' challenge is that no preliminary enquiry was conducted before issuance of the charge-sheet and therefore the disciplinary proceedings stand

vitiated. This submission also cannot be accepted in law. It is well settled that conducting of preliminary enquiry is not mandatory in every disciplinary matter unless specifically required under service rules or standing orders. A preliminary enquiry is merely a fact-finding exercise undertaken by employer in some cases to ascertain whether prima facie material exists before issuing charge-sheet. However, absence of such preliminary exercise does not invalidate the disciplinary proceedings. What is required is that once the employer decides to proceed departmentally, a domestic enquiry should be conducted in which the delinquent employee is informed of the charges, supplied with particulars, and granted reasonable opportunity to defend. If such enquiry is held in fair manner, the absence of preliminary enquiry loses significance and does not become fatal defect. In the present matter, the respondent has demonstrated that after issuance of charge-sheet, a full domestic enquiry was held wherein the petitioner participated. The petitioner had opportunity to submit reply, participate in proceedings, cross-examine management witness, and contest the allegations. Therefore, merely because no preliminary enquiry preceded the charge-sheet cannot be treated as a ground sufficient to invalidate the disciplinary proceedings. The petitioners have not shown how prejudice of serious nature has been caused solely because no preliminary enquiry was held. In absence of prejudice, the Court cannot interfere on such plea. Accordingly, the challenge raised on this count also deserves rejection.

20. The petitioners have contended that the charge-sheet issued against them as also the findings recorded in the enquiry report

are founded merely on surmises and conjectures and that the evidence relied upon by the management had no connection with the allegations levelled. However this Court is unable to accept such submission. It is required to be kept in mind that a domestic enquiry is not expected to be conducted with the same strictness as a regular civil or criminal trial. Likewise, the Enquiry Officer is not required to write an elaborate judicial judgment in the manner expected from a civil court after full-fledged trial. The function of an Enquiry Officer is comparatively limited. He is required to examine the material placed before him and determine whether the misconduct alleged appears to be established. The standard of proof applicable in domestic enquiries is not proof beyond all possible doubt as required in criminal law. Rather the conclusion is to be drawn on the principle of preponderance of probabilities, namely whether the version of the employer appears more probable and believable on available material. Therefore unless the findings are shown to be unsupported by evidence or irrational, they cannot be discarded merely because another person may arrive at different conclusion. In the present case, the respondent has specifically relied upon documentary material exhibited during enquiry proceedings and has also examined a witness in support of the charges. The petitioners have argued that examination of only one witness is insufficient. However there exists no rule of law that a finding cannot rest upon testimony of a single witness. Even one witness, if his testimony is found credible and supported by documentary or surrounding circumstances, may constitute basis for disciplinary finding. What matters is not the quantity of

evidence but its quality, reliability, and probative value. The petitioners have not demonstrated before this Court that the evidence considered by the Enquiry Officer was non-existent, impossible, or of such nature that no prudent person could have acted upon it. Therefore, the submission that the entire enquiry is based only on conjectures does not merit acceptance.

21. The petitioners have further sought to contend that no witness has specifically stated to have personally seen the petitioner instigating the strike and therefore the allegation against him remains unproved. If the charge against the petitioner was confined to a single allegation of direct oral instigation and if no supporting material whatsoever existed, then perhaps the argument could have assumed significance. The case of the management is not merely that the petitioner uttered words of instigation, but that his conduct formed part of misconduct in the course of industrial unrest and strike-related events. Therefore the findings are not to be judged only on the basis of direct evidence of one act. Conduct may often be inferred from surrounding acts, circumstances and cumulative evidence. The Tribunal has not accepted the petitioners' submission that the evidence was insufficient. Once the competent fact-finding authority has examined the evidence, appreciated the material, and recorded reasons for accepting one version over another, this Court exercising writ jurisdiction cannot substitute its factual assessment merely because another possible view may arise.

22. Learned Senior Advocate appearing for the respondent has rightly placed reliance upon the judgment of the Supreme Court in

John D'Souza, wherein the principles governing proceedings under Section 33(2)(b) have been clearly explained. The ratio flowing from the said judgment is that while considering approval under Section 33(2)(b), the Court is required only to examine prima facie whether the domestic enquiry appears fair and whether the findings recorded are so perverse as to shock judicial conscience. The Court is not expected to undertake re-evaluation of evidence in the same manner as in an appellate proceeding. The limited supervisory jurisdiction under Article 226 does not permit this Court to function as appellate authority over domestic enquiries or over findings of the Industrial Tribunal in approval matters. So long as the Tribunal has acted within jurisdiction and the conclusions are plausible on material before it, this Court ought not to interfere merely because another view is conceivable.

23. The respondent has also placed considerable reliance upon earlier judgment rendered by this Court in Writ Petition No. 117 Of 2026 in relation to similarly situated workmen arising from the same industrial incident and factual matrix. The observations relied upon by learned Senior Advocate disclose that in those proceedings also this Court had occasion to consider challenge to fairness of the domestic enquiry and had concluded that the workmen therein failed to establish any breach of natural justice of such serious and grave nature as would warrant interference. This Court had specifically noted therein that charge-sheets had been duly served, replies were filed by workmen, adequate opportunity of cross-examination was granted, and the Enquiry Officer had considered the material available on record before recording

findings. It was further observed that although termination orders followed the enquiry report within a short duration, that circumstance alone could not vitiate the enquiry in absence of demonstrated prejudice. In the opinion of this Court, the said earlier observations carry persuasive and significant value in present proceedings for the reason that the factual foundation remains substantially same, the industrial incident is common, the allegations arise from the same strike-related episode, and the procedure followed appears similar. Judicial consistency requires that where facts are materially identical, the Court ought not take contradictory views unless distinguishing features are shown. If on same set of facts one group of workmen has failed to establish infirmity in the enquiry, another group similarly situated cannot seek contrary conclusion unless fresh, separate, or distinguishing circumstances are shown. No such fresh or distinguishing material has been brought before this Court by the petitioners so as to justify departure from earlier view already taken.

24. Lastly, the petitioners have sought to contend that the respondent-company has employed contract labour, reduced workforce, and has attempted to diminish number of workmen in the establishment, and therefore the present disciplinary action must be viewed in that background. It may be that such grievances may have relevance in industrial adjudications concerning labour practices, permanency, staffing patterns, or union demands. However, such industrial background cannot invalidate the present dismissal or the approval granted under Section 33(2)(b). The existence of industrial dispute in establishment does not establish

that every disciplinary action mala fide. Each proceeding must be examined within its own boundaries. The present proceedings concern only disciplinary action taken against employees and the employer's prayer for approval thereof under Section 33(2)(b). The Tribunal in such proceedings is not expected to adjudicate the entire labour-management conflict or pronounce upon all grievances between the parties. It is confined to examining legality and fairness of the disciplinary action impugned before it. Therefore while the broader allegations regarding employment practices may form part of background circumstances, they do not establish that the charges levelled against the petitioners are fabricated or that the dismissal stands vitiated in law. Hence, such submission also cannot assist the petitioners in the present proceedings.

25. After careful perusal of the material available on record, this Court is satisfied that the petitioners have failed to demonstrate existence of any patent illegality, perversity, or jurisdictional infirmity in the domestic enquiry so as to warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

26. For all the aforesaid reasons, this Court finds no justifiable ground to interfere with the impugned Judgment and Order dated 10 December 2025 passed by the Industrial Tribunal, Pune in respective Approval Application.

27. In view thereof, all the writ petitions, being devoid of merit, fail and deserve dismissal.

28. Hence, all the writ petitions stand dismissed. Rule stands discharged. There shall be no order as to costs.

(AMIT BORKAR, J.)