



For daily HR, IR, Legal, and Safety updates,
join Shekhar Ganagaluru's **Be Great Learning Hub** WhatsApp Group.

<https://chat.whatsapp.com/Djpl7Fz5ZjwJJSxm5vexlo>



251. Is a delay in concluding a domestic inquiry fatal to the fairness of the process?

A delay in concluding a domestic inquiry is not necessarily fatal to the fairness of the process, but it can raise concerns about the integrity and credibility of the proceedings.

Factors Affecting the Fairness of Delayed Domestic Inquiries

1. Reason for the Delay:

The justification for the delay plays a crucial role in determining its impact on fairness. Delays caused by procedural requirements, gathering of substantial evidence, or unavoidable circumstances (such as witness unavailability) may be justifiable. However, undue administrative lethargy or deliberate stalling tactics can compromise the inquiry's fairness.

2. Length of the Delay:

The duration of the delay is another significant factor. While no fixed legal timeline exists for concluding domestic inquiries, courts assess whether the delay was excessive relative to the complexity of the case. Prolonged inquiries without valid justification can adversely affect both the employer and employee, leading to unnecessary stress and potential prejudice.

3. Prejudice to the Parties:

Any delay that materially affects the ability of the accused employee to defend themselves can render the inquiry unfair. Key concerns include:

- Loss of crucial evidence over time.
- Witness memory fading, leading to unreliable testimony.
- Psychological and financial distress for the accused, particularly if suspended pending inquiry.

4. Legal and Procedural Requirements:

Domestic inquiries must adhere to the **Principles of Natural Justice**, ensuring:

Disclaimer: This document is for educational purposes only and does not constitute legal advice.

Shekhar Ganagaluru, MSW, LLB, Dip. T&D

HR & IR Specialist | Published Author | Storyteller | Mentor | Trainer | Community Outreach Coordinator | Workplace Safety & Motivation Strategist
begreatseries@gmail.com or follow on LinkedIn | Mobile: 96327 11228

- **Audi alteram partem** (right to be heard)
- **Nemo judex in causa sua** (impartiality of the inquiry officer) Failure to comply with these principles, even within a reasonable timeframe, can invalidate an inquiry.

5. Perception of Fairness:

The perception of fairness is critical in maintaining trust in the disciplinary process. If an inquiry is perceived as unreasonably prolonged, it may appear biased or punitive, undermining confidence in the employer's disciplinary mechanisms.

Legal Precedents and Case Study

Case: Vasant P. Patil vs I.I.T. and Ors. (Bombay High Court, 2006)

Facts of the Case:

- The petitioner, Vasant P. Patil, was accused of misappropriation of stock.
- The inquiry, initiated in 1983, concluded in 1990, spanning over seven years.
- The disciplinary authority ordered his removal from service with financial recovery.
- Patil challenged the decision, arguing the excessive delay prejudiced his defense.

Court's Findings:

1. **Delay Not Fatal:** The court ruled that the delay was not unreasonable, given the complexity of financial misappropriation.
2. **Documentary Evidence Sufficiency:** Oral testimony was deemed unnecessary since strong documentary evidence existed.
3. **Employer's Right to Disciplinary Action:** The court upheld the disciplinary authority's findings and did not interfere with the quantum of punishment.
4. **Principles of Natural Justice Upheld:** Patil had ample opportunity to present his defense, and procedural fairness was maintained.

Key Takeaways:

- Courts assess delays based on case-specific circumstances rather than rigid timelines.
- Documentary evidence can suffice if it provides a clear basis for disciplinary action.

Disclaimer: This document is for educational purposes only and does not constitute legal advice.

Shekhar Ganagaluru, MSW, LLB, Dip. T&D

HR & IR Specialist | Published Author | Storyteller | Mentor | Trainer | Community Outreach Coordinator | Workplace Safety & Motivation Strategist
begreatseries@gmail.com or [Follow on LinkedIn](#) | Mobile: 96327 11228

- Delays, when justified, do not automatically vitiate an inquiry.
- Employers must ensure inquiries are neither rushed nor unduly prolonged.

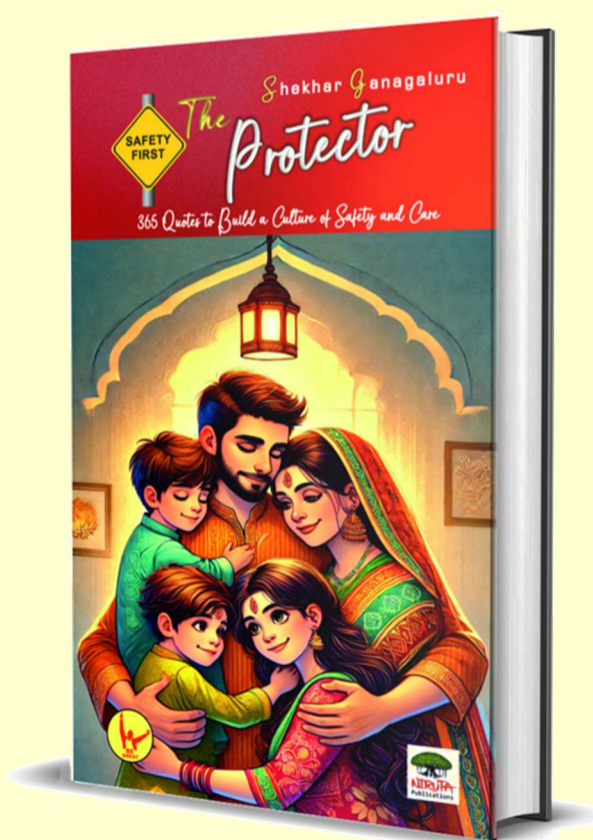
Best Practices for Timely Domestic Inquiries

Ideal Time Frames:

- **Issue of Charge Sheet:** Within 1-2 weeks of misconduct.
- **Worker Reply:** 7-15 days.
- **Appointment of Inquiry Officer:** Within 7 days post-reply.
- **Inquiry Hearings:** 30-60 days (depending on evidence complexity).
- **Submission of Report:** 15-30 days post-hearing.
- **Final Decision:** Within 15-20 days of report submission.

Conclusion

A delay in concluding a domestic inquiry should be examined carefully in light of **natural justice principles** and case-specific circumstances. While delays are not inherently fatal, they must be reasonable, justified, and free from malice. Courts tend to uphold disciplinary actions when procedural fairness is maintained, even in prolonged inquiries. Employers must balance efficiency with fairness to ensure justice is served without undue hardship on employees.



Why *The Protector – 365 Quotes to Build a Culture of Safety and Care* is Useful for Workers

1. **Daily Safety Inspiration:** Each quote serves as a daily reminder to prioritize safety, reinforcing positive habits and awareness in the workplace.
2. **Encourages a Safety-First Mindset:** Workers develop a proactive approach to identifying and mitigating risks, reducing accidents and incidents.
3. **Boosts Workplace Morale:** Motivational quotes create a culture of care, showing that safety is not just a rule but a shared responsibility for well-being.
4. **Simple Yet Impactful Learning:** Short, easy-to-digest messages make safety education continuous and engaging without requiring extensive training.
5. **Supports Long-Term Behavioural Change:** Repeated exposure to safety-focused thoughts helps instil a strong safety culture, making cautious actions second nature.

The book is ready to gift your employees on upcoming National Safety Day 2025. To buy copies, please scan QR Code and register.

Disclaimer: This document is for educational purposes only and does not constitute legal advice.

Shekhar Ganagaluru, MSW, LLB, Dip. T&D

HR & IR Specialist | Published Author | Storyteller | Mentor | Trainer | Community Outreach Coordinator | Workplace Safety & Motivation Strategist
begreatseries@gmail.com or [Follow on LinkedIn](#)