

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**LETTERS PATENT APPEAL ST. NO. 4610 OF 2011
IN
WRIT PETITION NO. 8181 OF 2010**

Padmakar s/o Madhavrao Sirsath

.. APPELLANT

VERSUS

The Maharashtra State Road
Transport Corporation
& another

.. RESPONDENTS

Mr. G.G. Suryawanshi, advocate for appellant.
Mr. D.S. Bagul, advocate for respondent no. 1.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 6th JULY, 2015**

PER COURT :

1. Appellant is objecting the order passed by the learned Single Judge of this Court in Writ Petition No. 8181/2010 decided on 21.12.2010 dismissing the writ petition presented by appellant and confirming the order passed by the Industrial Court, Dhule. Complaint presented by appellant under section 28 and item (5) and (9) of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 came to be rejected by the Industrial Court, Dhule. The complaint relates to filing of charge-sheet by the employer on account of absentism of the employee for 84 days during the period from April 2003 to June 2003. Initially, during the in-house enquiry conducted by the employer, penalty of dismissal was passed against the employee, however, on consideration of the appeal presented by the employee with the first appellate authority, said order was

set aside and the appellant was directed to be absorbed in service as fresh candidate. According to petitioner, the order passed by the first appellate authority, amounts to unfair labour practice. So far as illegality and correctness of the order is concerned, reasons recorded by the Industrial Court as well as learned Single Judge appear to be reasonable and do not call for any interference. Apart from this, if the past service record of petitioner is taken into consideration, it does appear that petitioner appears to have committed some minor and major lapses on 49 occasions. It is alleged that he was absent on 26 occasions, committed mis-appropriation on 10 occasions, was found negligent during employment on 10 occasions, was found behaving in improper manner on 3 occasions and, on account of these lapses he was dismissed from service once, punished with stoppage of increment with permanent effect once, punished with stoppage of increment for temporary period on six occasions, directed to pay fine on 32 occasions and was issued warning on one occasion. Considering past record of the appellant, it appears that the employer has taken quite liberal view in the matter. So far as instant appeal is concerned, no interference is called for as such, appeal stands dismissed.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE