

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 740 OF 2015
IN
WRIT PETITION NO. 8976 OF 2003

Shri. Jagannath Bandu Padavale
: V/S :
The Maharashtra State Road
Transport Corporation

.....Petitioner

.....Respondent

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Ms. Namrata Bobade h/f. Mr. Manoj Bhatt, Advocate for the applicant.

Mr. G.S. Hegde, Advocate for the respondent.

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Coram :- Smt. R.P. SondurBaldota, J.

29th July, 2015.

P.C. :-

1). The applicant is the original respondent who was working as Conductor with the original petitioner, the State Road Transport Corporation. His services were terminated after holding due enquiry for the misconduct under Clause 17(a) and 129 BO of Discipline and Appeal Procedure. The applicant challenged his termination by filing complaint alleging unfair labour practice under Items-I(b), (d), (e), (f) and (g) of Schedule-IV of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act ("MRTU & PULP Act" for

short). The orders impugned in the petition, holds that the punishment of termination of service awarded to the applicant is disproportionate to the misconduct established.

2). Pursuant to the interim orders passed by the Labour Court in the complaint of the applicant, he was reinstated in service in the year 1990. Thereafter, in due course he retired from service on attaining the age of superannuation. Thereupon, the Corporation has paid him all the retirement benefits, except the gratuity and leave allowance. The present Civil Application is for directions to the Corporation to make that payment. In addition, it seeks dismissal of the petition on the ground that, the same has become infructuous and in the alternative, for expeditious hearing.

3). Mr. Hegde, the learned Advocate appearing for the Corporation, seeks to justify withholding of the amounts submitting that since the charge against the applicant involved moral turpitude, the Corporation can withhold the amount of gratuity. As regards the leave allowance, he submits that the order impugned in the petition, orders reinstatement in service of the applicant on the ground of punishment of removal from service being disproportionate to the charges established against him. In the event of the order being upheld, the Corporation would be entitled to impose some punishment upon the

applicant and for that purpose, the amount of leave allowance has been withheld.

4). There is substance in the submission of Mr. Hegde. Besides, the petitioner has already received all other dues, except for the gratuity and leave allowance. As regards the prayer for expeditious hearing, considering the fact that, the petition is of the year 2003, the same is likely to appear on the board for final hearing within a short time. Hence, the Civil Application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)