

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.3407 OF 2015**

Kailas Narayan Bhoir  
101 Harshavardha Apt.  
Near Vasudev Park Kongaon  
Tal. Bhiwandi Dist. Thane

.. Petitioner.

V/s

1. Divisional Traffic Superintendent  
M.S.R.T. Corporation Thane Division  
Vandana talkies Thane
2. M.S.R.T. Corporation  
Vahatuk Bhavan Mumbai central  
Mumbai-400 008.  
Respondent.

..

Mr. Yogendra Pendse, for Petitioner.  
Mr. G.S. Hegde, for Respondent.

**Coram : Smt. R.P. SondurBaldota, J.**  
**Date : 06<sup>th</sup> April, 2015**

**P.C.**

1. This writ petition is directed against the order dated 12th September, 2014 passed by the Labour Court, Thane, dismissing the application filed by the petitioner at Exhibit U-2 in the Complaint (ULP) No.65 of 2012. The notice dated 04th

May, 2012 was issued to the petitioner calling upon him to show cause as to why his services should not be terminated by way of an action for the misconduct that had been proved in the departmental enquiry. The complaint was filed under Section 28 read with item 1(a), (b), (f) and (g) of Maharashtra Recognition of Trade Unions And Prevention Of Unfair Labour Practices Act 1971 ('MRTU & PULP Act' in short). The petitioner had preferred revision against the order of the Labour Court. The Industrial Court dismissed the revision by its order dated 12th March, 2015.

2. The order impugned in the petition is an interim order. Further the prima facie findings of fact contained therein are concurrent. Therefore the same cannot be interfered with in the extraordinary jurisdiction of this Court. Mr Pendse, the learned advocate for the petitioner submits that the petitioner did not get complete opportunity of hearing and of leading evidence in the complaint. It appears that during the course of

domestic enquiry, the defence witness was unable to remain present on account of a marriage. But the record shows that specific adjournment had been given to the petitioner to enable him to examine his witness. When the petitioner failed to examine his witness the enquiry proceeded further. This would mean that there was no denial of opportunity to the petitioner. The Labour Court noted that no adjournment application had been moved by the petitioner to adjourn the enquiry proceedings to examine his witness.

3. Second grievance of the petitioner was that his spot statement had been recorded by pressurising him. The Labour Court rejected the allegation with observation that the same was made for the first time before the Court and no such contention was raised during the enquiry proceeding. There is no infirmity in the view taken. Hence, the petition is dismissed.

**(Smt. R.P. SondurBaldota, J.)**