

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

WRIT PETITION NO. 8154 OF 2015

Shri Ashok Siddrayya Patil

.. Petitioner

vs

Divisional Commissioner, M.S.R.T.C.

.. Respondent

Mr. I.M. Khairdi for the petitioner.

None for the respondent.

CORAM: N.M. JAMDAR, J.

DATE : 16TH SEPTEMBER, 2015.

P.C. :

By this Petition the petitioner challenges the order passed by the Industrial Court, Solapur, dismissing the complaint filed by the petitioner.

2 The petitioner was working with the respondent's State Transport Corporation as a driver. On 9 February 2010, when he was on duty and driving a bus, an accident took place whereby one person who was crossing the road, was killed as she was dashed by the bus. A chargesheet was issued to the petitioner and petitioner was dismissed from service on 18 December 2010. Thereafter, he filed a

departmental appeal which was rejected on 10 May 2011. Thereafter, he filed second departmental appeal as provided under the service regulations, which was partly allowed. Petitioner was reappointed. Not satisfied with the order of reappointment, which the petitioner accepted, he filed complaint (ULP) No.34 of 2013 for reinstatement and for continuity of service which has been rejected by the Industrial Court by the impugned order dated 13 March 2015.

3 The learned counsel for the petitioner submitted that there was no past incident of similar nature during his service career and if continuity of service is not granted, petitioner will be at great financial loss. These arguments cannot be accepted. Considering the incident where one person died, even the order of reappointment itself is an indulgence shown to the petitioner. The petitioner accepted the order of reappointment and thereafter filed a complaint with an application for condonation of delay. Industrial Court has considered the manner in which the accident took place and came to the conclusion that the petitioner was driving the bus rashly and negligently and found that there was no error in the decision taken by the Appellate Authority of the respondent-Corporation. As stated earlier, the order of

reappointment itself was indulgence, no further indulgence can be shown in writ jurisdiction. Hence, the no merit in the Petition, which is accordingly rejected.

(N.M. JAMDAR, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / order.