

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7447 OF 2014

Shri. Suresh Annasaheb Jadhav

.....Petitioner

: V/S :

M.S.R.T.C. And anr.

.....Respondents

* * * * *

Mr. Kuldeep Nikam, Advocate for the petitioner.

Mr. G.S. Hegde, Advocate for respondents no.1 and 2.

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

13th July, 2015.

P.C. :-

1). This petition is directed against the order dated 7th November, 2008 by which the Industrial Court, Satara allowed the Revision (ULP) No.9 of 2007 and set aside the order of the Labour Court dated 28th November, 2006. The petitioner was working as a Conductor with the respondent, Corporation. He was chargesheeted and suspended from service on 22nd April, 2003 for misappropriation of money, threatening, pressurizing passengers and making a false report to the respondents. After repeated warnings, the respondent proposed to dismiss him from service and issued show cause notice dated 27th June, 2003. One copy of the show cause notice was sent by R.P.A.D. to the petitioner which was received by him on 2nd July, 2003. Another copy was displayed on the notice board on 28th June, 2003. Undisputedly, the petitioner has not challenged the appropriateness of the enquiry as also

the inference of guilt drawn on the basis of the material produced in the enquiry. He had, however, complained that it was incumbent upon the respondent to give 72 hours notice to the petitioner before taking any action against him by way of punishment. The Labour Court, accepted the contention and had allowed the complaint. The Revision Court, however found that the service of show cause notice must be treated as effected on 28th June, 2003 when the notice was displayed on the notice board. The Industrial Tribunal has referred to the admission in cross-examination of display of the notice on the notice board. If the date of 28th June, 2003 is accepted as service of notice, it would mean that the notice period of 72 hours had already expired and the action of dismissal from service was taken by the respondent only thereafter. The petitioner had then unsuccessfully sought review of the order. The Industrial Tribunal rejected the application for review.

2). In my opinion, there is no infirmity whatsoever with the impugned order. The record and the deposition of the respondent in particular shows that the notice was published on the notice board on 28th June, 2003. Therefore, the condition of expiry of 72 hours since that date also stands satisfied. The impugned order is correct and proper. The petition is therefore dismissed.

(SMT. R.P. SONDURBALDOTA, J)