

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1656 OF 2014

Maharashtra State Road Transport
Corporation

.....Petitioner

: V/S :

Shri. Ravindra Yashwant Sawant

.....Respondent

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

Mr. M.S. Topkar, Advocate for the respondent.

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

20th April, 2015.

P.C. :-

1). This petition challenges the orders dated 6th March, 2012 passed by the Labour Court, Ratnagiri on Complaint (ULP) No. 37 of 2011 and the order dated 29th August, 2013 passed by the Industrial Court, Kolhapur in Revision (ULP) No. 17 of 2013 holding that the punishment of misconduct awarded to the respondent is disproportionate and directed the petitioner, Corporation to issue show cause notice inflicting punishment, other than dismissal from service.

2). Perusal of the record shows that the accident in question was the first incident of accident that had taken place in the service of the

respondent of 27 years with the petitioner as a Driver. The record indicates that the respondent was not wholly responsible for the accident that had taken place. The Courts below have opined that the motorcyclist who died in the accident was also equally responsible for the accident.

3). Mr. Hegde, the learned Advocate appearing for the petitioner submits that, severity of the accident can be seen from the fact that after the accident the bus stopped at a distance of 68 feet from the place of the accident and the motorcyclist was thrown at a distance of 15 ft from the place of the accident. This according to him, would indicate that the bus was being driven at a high speed. He also points that the place of the accident was a curve where any driver is expected to be cautious while driving.

4). The defence of the respondent was that, the accident had happened due to negligence on the part of the motorcyclist who was talking on the mobile phone. He lost control of the motorcycle and dashed against the bus driven by the respondent. The Courts below have noted that, the unblemished service record of 27 years of the respondent was not considered for showing leniency to the respondent in awarding the punishment. Mr. Hegde, then points out that the respondent has already been punished for misconduct on two occasions. The incidents inviting the warnings, however, are seen to be small incidents and not

relevant for present purposes. The first warning was for unauthorised absence from duty. The second warning was for damage to a small part of the bus driven by the respondent. The part was found broken. In these facts of the case, in my opinion, there is no infirmity whatsoever in the concurrent findings of the Courts below and the orders passed by them. Hence, the Writ Petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)