

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3981 OF 2015.

(MAH. STATE ROAD TRANSPORT CORPORATION...VS..AVINASH MUKTESHWARRAO DANI.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 27, 2015.

Heard Mr. V.H. Kedar, the learned advocate for the petitioner and Mr. C.V. Jagdale, the learned advocate for the respondent.

The petitioner-employer has filed this petition challenging the order passed by the Industrial Court allowing the complaint filed by the respondent-employee and modifying the order of the appellate authority regarding punishment. The Industrial Court has considered the pleadings and the evidence on the record and has recorded its reasons in paragraph No.12 of the impugned order, as follows:

“12... It is further argued on behalf of the complainant that along with the complainant 4 other employees were held responsible and their names are Shri P.O. Angaitkar, Shri M.P. Deshmukh, Shri R.O. Borle and Shri R.D. Raut. The Learned Counsel Shri Pande drew my attention to the order passed by second appellate authority wherein second appellate authority has observed that complainant has proved before them that the other employees were imposed with the punishment of Rs.100/- only. I am fully in agreement with the argument advanced by Learned Counsel Shri Pande that when similarly situated employees facing the same charges were imposed with the fine of

Rs.100/- only then how the respondent can impose the different punishment on the complainant by imposing the punishment of stoppage of one increment for two years without cumulative effect. Though the respondents have released two withheld increments in the year 2011 but the benefits of allowances were not granted to the complainant for two years and therefore, the complainant is entitled to receive the said benefits of allowances on the withheld amount of two increments. The punishment imposed by the second appellate authority deserves to be modified by imposing the punishment of fine of Rs.100/- on the complainant at par with the similarly situated employees involved in the said default case and therefore, order passed by the second appellate authority wherein the order passed by the competent authority and the first appellate authority were merged is hereby quashed and set aside by reducing the said punishment by imposing the fine of Rs.100/- on the complainant. The respondents are hereby directed to release the benefits of allowances on the two withheld increments within 30 days from the date of the receipt of this order by imposing the fine of Rs.100/- on the complainant.”

The Industrial Court has taken a possible view on proper appreciation of the material on the record. It cannot be said that the impugned order suffers from any perversity which necessitates interference by this Court in extraordinary writ jurisdiction.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE