

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 3543 OF 1995

Sandu S/o Dhondiba Narwade,
Age-40 Years, Occu: Nil,
(At present) R/o. Kailas-nagar,
Smashan Maroti Road, Jafargate,
Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
(Through Govt. Pleader, of
High Court of Bombay, Bench
at Aurangabad.)
2. The Divisional Controller,
M.S.R.T.C., Aurangabad,
Division, Aurangabad.

... **RESPONDENT**

...

None for Petitioner.

Mr. P. G. Borade, AGP for Respondent No.1.

Smt. R. D. Reddy, Advocate for Respondent No.2.

...

CORAM : **P. R. BORA, J.**

DATE : 23rd June, 2016.

ORAL JUDGMENT:

. None has appeared for the Petitioner even on second call.

On the previous date i.e. on 9th June, 2016 also none had appeared for the Petitioner. However, so as to give one more opportunity to the

Petitioner, the matter was adjourned till today. Today also, none has appeared for the Petitioner. Learned counsel for Respondent No.2 is present before the Court.

2 With the assistance of the learned counsel appearing for Respondent No.2, I have perused the impugned judgment and the grounds of objection raised by the Petitioner in this petition in exception to the impugned order. Apparently, there appears no reason for causing any interference in the impugned judgment and award.

3 The aforesaid reference was forwarded for adjudication to the Labour Court at Jalna on a dispute raised by the present Petitioner in respect of his termination by the Respondent / Corporation. The Petitioner was working as a conductor with Respondent No.2 – Corporation and his services were terminated after conducting a domestic enquiry against him. In the enquiry so conducted, the Petitioner was charged with an allegation that he had misappropriated the public amount. It was specifically alleged against the Petitioner that he was continuously indulging in making short payment with the cashier and was thus misappropriating the amount. In the enquiry conducted against him, as per the report of enquiry

submitted by the Enquiry Officer, the charges leveled against the Petitioner were proved and having regard to the seriousness of charges leveled against the Petitioner, punishment of dismissal from service was imposed on him. The Petitioner had availed remedy of approaching his superior officers, however, the appeals so filed by him before said authorities were also dismissed. The Petitioner, therefore, raised the dispute before the Deputy Commissioner of Labour, Aurangabad whereupon the reference was made and forwarded for adjudication to the Labour Court at Aurangabad.

4 It was the contention of the Petitioner before the Labour Court that in spite of there being any cogent and sufficient evidence against him, he was held guilty in the departmental proceedings. It was his further contention that for embezzlement of amount, the Cashier of the Respondent / Corporation was responsible, but illegally he was held guilty for the same. The Tribunal while delivering the impugned judgment, however, has rejected the objections so raised by the Petitioner. On going through the reasons assigned by the learned Tribunal, it does not appear to me that any error has been committed by the learned Labour Court in dismissing the reference application. The domestic enquiry held against the Petitioner was

held proper and fair by the Labour Court and the said issue was decided as a preliminary issue. The Labour Court has further with reasons recorded a finding that the conclusion recorded by the Enquiry Officer, who conducted the enquiry against the Petitioner, cannot be said to be perverse. Considering the fact that charge of financial irregularity and more particularly misappropriation of the amount of S.T. Corporation was proved in the departmental enquiry held against the Petitioner, the Labour Court has refused to grant any relief to the Petitioner and has consequently dismissed the reference application.

5 After having gone through the impugned judgment, it does not appear to me that any interference is required in the impugned judgment. The reasons recorded are sound. The petition so filed is devoid of any substance and deserves to be dismissed. It is accordingly dismissed. Rule discharged.

[P. R. BORA, J.]