

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5615 of 1995

Anandrao S/o. Vithoba Chinte
Age 43 years, Occupation Nil
R/o Navandar Galli, Latur,
District Latur.

... Petitioner

Versus

The Divisional Controller,
Maharashtra State Road Transport
Corporation, Osmanabad.

... Respondent

...

Mr. V.G.Sakolkar, Advocate for Petitioner;

Mr. Manoj Shinde, Advocate h/f Mr. M.K.Goyanka,
Advocate for Respondent

...

**CORAM: P.R.BORA, J.
DATE : 29th June, 2016.**

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JUDGMENT :

1) Present petition is filed against the Judgment and Order passed by the Industrial Court, Solapur in Revision ULP No.58/1987 on 25.11.1994, whereby it has dismissed the Revision Application filed by the Petitioner against the Order passed by Labour Court, Latur on 31.08.1987 in Complaint ULP No.13/1984. In the present Petition, the petitioner has sought quashment of both the aforesaid orders and has further sought the quashment

of the dismissal order dated 08.11.1995 passed by the Respondent.

2) Petitioner was serving as a Conductor with the Respondent Corporation. In the year 1984, on the charges of misappropriation, he was suspended and the Departmental Enquiry was initiated against him. In the Departmental Enquiry, petitioner was held guilty and having regard to the huge amount of misappropriation committed by the petitioner, punishment of dismissal was imposed on him. The dismissal order was challenged by the petitioner by filing a ULP Complaint before Labour Court, Latur. After having assessed the evidence brought before it, the learned Labour Court dismissed the Complaint filed by the petitioner. The decision of the Labour Court was challenged by the petitioner by filing the Revision Application before the Industrial Court at Solapur, but the same was also dismissed. The petitioner has therefore filed the present petition as stated hereinabove challenging all the aforesaid orders.

3) Heard Mr.V.G. Sakolkar, learned Counsel appearing for the petitioner and Mr. Manoj Shinde,

learned Counsel h/f Mr. M.K.Goyanka appearing for the Respondent Corporation. Perused the material on record and more particularly the impugned Judgments. On perusal of the impugned Judgments, it is revealed that, the petitioner had indulged in misappropriating the Corporation amount for quite a long period and huge amount was misappropriated by him in the said period. The material on record revealed that, several instances were noticed of such misappropriation and in the Departmental Enquiry conducted against the petitioner, all such instances have been duly proved. The misappropriation is admittedly of a huge amount. The material on record further revealed that, the petitioner has admitted to have committed the said misappropriation. It was the contention of the petitioner that, since his mother was ill and for her treatment, huge amount was required, he was constrained to misappropriate the amount of S.T. Corporation. From the material on record, it is further revealed that, both the Courts below have held that, the enquiry conducted against the petitioner was fair and proper. No material is brought on record by the Petitioner so as to differ with

the findings so recorded by the Courts below. Though, it was sought to be canvased that, when the petitioner himself has admitted his guilt and has also deposited the amounts alleged to have been misappropriated by him, the leniency should have been shown by the respondent and the extreme penalty of dismissal should not have been imposed upon him.

4) Having regard to the nature of misconduct alleged against the petitioner, which has been duly proved in an enquiry conducted against him, the contentions so raised by the petitioner as above, must be rejected. The petition is devoid of any substance and deserves to be dismissed and is accordingly dismissed. However, in the circumstances of the case, no order as to the costs. Rule Discharged.

(P.R.Bora)
Judge

SPR