

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5632 of 2015

DEVIDAS KASHINATH SONAWANE

PETITIONER

VERSUS

MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION

RESPONDENT

Mr.Shrikant S.Patil, Advocate for the petitioner.

Mr.R.N.Jain h/f Mr.D.S.Bagul, Advocate for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/01/2016

PER COURT :

1. On 23/06/2015, I had passed the following order :-

“1. The petitioner has been terminated from employment on 24/04/2007 for proved mis-conducts. He preferred Complaint (ULP) No.15/2009 before the Labour Court. By the impugned judgment and order dated 23/04/2012, the complaint has been dismissed. Findings of the Enquiry Officer and the fairness of the enquiry have been upheld by the Labour Court and the punishment awarded is held to be proportionate, commensurate to the gravity and the seriousness of the mis-conduct.

2. Further grievance of the petitioner is that despite his acquittal in Reg.Cri.Case No.244/2008 by judgment dated 24/01/2013 in relation to offences alleged to have been committed u/s 420, 468 and 471 of the Indian Penal Code, the

Industrial Court has dismissed the Revision Application No.36/2012 by judgment dated 21/07/2014.

3. The petitioner is about 56 years old today and the age of retirement is 58 years.

4. Issue notice to the respondents, returnable on 17/07/2015.”

2. Both the learned Advocates for the respective sides submit that in similar set of facts in the matter of Prakash Chaitram Shinde Vs. MSRTC, Writ Petition No.9337/2015, this Court by its judgment dated 07/12/2015 had remitted the matter to the Industrial Court for deciding the revision petition afresh.

3. Considering the joint statement made as above and the observations of this Court in paragraph No.2 of the order dated 23/06/2015, the impugned judgment of the Industrial Court dated 21/07/2014 is quashed and set aside. Revision (ULP) No.36/2012 is remitted to the Industrial Court, Dhule to be decided afresh by considering the acquittal of the petitioner by judgment dated 24/01/2013 delivered in Reg.Cri.Case No.244/2008.

4. The litigating sides agree to appear before the Industrial Court on 04/02/2016. Formal notices need not be issued by the Court.

(RAVINDRA V. GHUGE, J.)