

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2940 OF 2016

Shri Narayan Khadaksigh Vishukarma	...Petitioner
vs.	
Maharashtra State Road Transport Corporation	Respondent

Mr.Manoj G. Patil for Petitioner.
Mr.G.S. Hegde with Mr.C.M. Lokesh for Respondent.

CORAM : S.C. GUPTE, J.

13 APRIL 2016

P.C. :

Heard learned Counsel for the parties.

2 The petition challenges an order passed by the Industrial Court No.1 at Kolhapur dismissing the Petitioner's revision application. The subject matter of disputes is a show cause notice issued by the authority, namely, Maharashtra State Road Transport Corporation, the Respondent herein, on 6 July 2015. The show cause notice alleges that in a spot inspection carried out by a Checking Squad, the Petitioner, who is a conductor working with the Respondent, was found to be indulging in malpractices whilst on duty which are actionable under the relevant Discipline and Appeal Procedure of the Respondent Corporation. The Petitioner's challenge to this show cause notice before the Labour Court at Kolhapur was unsuccessful. The order of the Labour Court was carried in revision by the Petitioner before the Industrial Court at Kolhapur. By impugned order dated 26 February 2016, the Industrial Court dismissed the revision application and directed the Petitioner to submit his explanation to the show cause notice to the competent authority within seven days. It appears that in the Petitioner's challenge to this order in the present writ petition, an ad-interim protection was granted by this court. That protection was to continue till 4 April 2016. It appears that meanwhile, by its letter dated 4 March

2016 the Petitioner's services were terminated for want of reply to the show cause notice.

3 Learned Counsel for the Respondent Corporation has now tendered a communication addressed by the Corporation by which the termination order of 4 March 2016 has been cancelled with effect from 6 April 2016. In the premises, the Petitioner will be able to submit his reply to the show cause notice if a suitable time is allowed to him to do so. As far as the show cause notice itself is concerned, there is no cause to interfere with the same at this stage.

4 Accordingly, the petition is disposed of by permitting the Petitioner to submit his reply to the show cause notice to the competent authority latest by 27 April 2016. All rights and contentions of both sides on merits of the show cause notice and the Petitioner's response thereto are kept open.

(S.C. Gupte, J.)