

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

WRIT PETITION NO.3016 OF 2017

Vishnu Jayram Chavan .. Petitioner.

Vs.

Divisional Controller,
Maharashtra State Road Transport
Corporation, Sindhudurg & Anr. .. Respondents.

Mr. Mohan D. Naik for the petitioner.

Mr. A. Mishra i/b M.V. Kini & Co. for respondent no.1.

CORAM : A.K. MENON, J.

DATED : 12TH DECEMBER, 2017

P.C. :

1. By this petition, the petitioner has challenged the order dated 18th February, 2017 passed by the Industrial Court No.1, in Revision Application (ULP) No.74 of 2012 whereby the application was allowed and the impugned judgment and order in Complaint (ULP) No.49/2010 was set aside. It appears that by the impugned order the Enquiry Officer concluded that the charges against the complainant had been proved and the complainant was issued final show cause notice dated 8th December, 2010 proposing punishment of dismissal. It is this order that the present writ petition has been filed.

2. Perusal of the impugned order reveals that the petitioner has still to file a reply to the show cause notice. In the circumstances there is no case for interference at this stage. It would be always open for the petitioner to take up all contentions in the reply that is proposed to be filed and upon said reply being filed the authorities below shall pass an order after giving an opportunity to the petitioner in accordance with law. In the impugned order dated 18th February, 2017 clause (4) of the order read thus :

“4. This order shall take effect after one month.”

3. Mr.Naik submits that the said protection granted by the impugned order has been continued by this Court by virtue of the order dated 24th March, 2017, 31st March 2017 and 9th June 2017 all of which continue the interim protection granted earlier. In the circumstances the impugned order shall not be implemented till the show cause notice is finally decided after hearing the petitioner and for a period of four weeks thereafter. The petition stands disposed of in the above terms.

(A.K. MENONJ.)