

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

WRIT PETITION NO.10547 OF 2018

Shri. Ganesh Yashwant Galave Petitioner

Vs.

The Divisional Traffic Superintendent Respondent
MSRTC, Sangli Division at Sangli

Mr. Manoj A. Patil for the Petitioner.
Mr. G.S. Hegde for the Respondent

Coram : SMT. SADHANA S. JADHAV, J.
Date : 18th September 2018

P.C.:

1 Heard the respective counsel. Rule. Rule is made returnable forthwith with the consent of the parties.

2 The petitioner herein impugns the order dated 16th August 2018 passed by the Industrial Court, Sangli, thereby confirming the order passed by the Labour Court dated 31st May 2018, whereby the interim application is rejected.

3 It is the case of the petitioner that on the basis of an illegal enquiry, the petitioner is being terminated. It is submitted that show cause notice has been served upon the petitioner on 9th October 2015, wherein he has been informed that the charge levelled against him have been proved and show cause as to why his services should not be terminated. The petitioner has not filed reply to show cause notice. However, has filed a complaint in the Labour Court being Complaint (U.L.P.) No. 60 of 2015. During the pendency of the complaint, an interim application was filed seeking relief of staying any coercive action on the basis of the show cause notice. It appears that on 22nd February 2015 itself, when there was deficit of Rs.21/-, the petitioner herein had given in writing in fact the error has occurred inadvertently and that he should be given an opportunity to improve himself that he would be cautious in future.

4 Learned counsel Mr. Hegde submits that this is a premature petition. In fact it was incumbent upon the petitioner to file a reply to the show cause notice. Even if he intended to continue with the same contentions as raised on 22nd February 2015, this

Court is of the opinion that the proceedings are pre-mature. The petitioner shall reply to the show cause notice and the reply be filed on/or before 5th October 2018 without seeking any further extension of time for filing the reply. It is further clarified that all the contentions raised in the complaint are kept open. In the eventuality, the respondent decides to take any coercive action on the basis of show cause notice, it would be open for the petitioner to challenge the same by filing appropriate proceedings. With these directions, the petition stands disposed of.

5 The respondents shall consider the reply filed to the show cause notice.

6 Rule is discharged.

(SMT. SADHANA S. JADHAV, J.)