

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13717 OF 2019

SANTOSH KHANDU TORSALLE
VERSUS
MSRTC LATUR

...

Advocate for Petitioner : Shri Tribhuwan Nitin T.
Advocate for Respondent : Shri Wange Anand D.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: November 25, 2019

...

PER COURT :-

1. On 18.11.2019, I had passed the following order:-

"1 The learned advocate for the respondent/ MSRTC places on record the details of defaults committed by the petitioner. The said communication is received by him on 16.11.2019, which is taken on record and marked as "X-1" for identification.

2 The learned advocate then tenders a copy of the application made by the petitioner dated 09.11.2019 addressed to the Divisional Controller, Latur stating that he would request for considering his case as per the MSRTC Circular dated 27.01.2017 bearing No.1/2017. The copy of the said representation is taken on record and marked as "X-2" for identification.

3 The learned advocate for the petitioner submits, on instructions taken from the petitioner present in the Court,

that though this Court has passed a speaking order on 14.11.2019, the petitioner is willing to accept either of the following two punishments :-

- (a) Stoppage of two increments permanently and any further misconduct of misappropriation shall be viewed seriously attracting the order of dismissal from service.*
- (b) As per the circular dated 27.01.2017, the petitioner is willing to pay a total penalty, which is 300 times of Rs.400/- (said to be misappropriated) along with the Goods and Service Tax (GST) at the rate of 18%, which would be an amount of about Rs.1,40,000/- (One Lac Forty Thousand).*

4 The learned advocate for the respondent/ MSRTC seeks time to take instructions.

5 On his request, list this Writ Petition on 25.11.2019 for "passing orders".

6 As the petitioner is in service under the various orders of the Labour Court/ Industrial Court from 2013, such interim protection would be continued till the next date."

2. The learned Advocate for the Corporation submits, on instructions, that the second suggestion of the petitioner at Clause 3(b) reproduced above, is acceptable. However, if the petitioner is apprehended committing a similar misconduct of misappropriation,

the management would adopt a strict view and would impose a strict punishment. The learned Advocate for the petitioner / employee is agreeable and submits that if the petitioner again commits an act of misappropriation, the management would be justified in taking strict action against him.

3. Considering above, the petitioner shall deposit an amount of Rs.1,40,000/- with the respondent / Corporation, inclusive of 18% GST, on/or before 13.12.2019, failing which, the protection granted would stand vacated and the management would be at liberty to impose the punishment of dismissal from service upon the petitioner on 14.12.2019.

4. It is made clear that in the event the petitioner commits another misconduct of misappropriation, the management would be justified in awarding him the punishment of dismissal from service.

5. In view of the above, this petition is disposed off in terms of the above order. Complaint (ULP) No.35 of 2013, pending before the Labour Court, shall stand disposed off as being infructuous.

(RAVINDRA V. GHUGE, J.)

...