

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******WRIT PETITION NO.12825 OF 2018***

Kiran Shamrao Kamble ..Petitioner.

V/s.

The Divisional Controller,
M.S.R.T. C., Kolhapur ..Respondent.***WRIT PETITION NO.12824 OF 2018***

Dadaso Bhausp Patil ..Petitioner.

V/s.

The Divisional Controller,
M.S.R.T. C., Kolhapur ..Respondent.***WRIT PETITION NO.12997 OF 2018***

Rajesh Sadashiv Dhavare ..Petitioner.

V/s.

The Divisional Controller,
M.S.R.T. C., Kolhapur ..Respondent.Ms.Prabha U.Badadare for the petitioner in WP/12825/18 &
WP/12824/18.Mr.Anand Patil i/b. Anand Patil & Associates for the petitioner
in WP/12997/18.

Mr.Y.P.Deshmukh for respondent in all petitions.

CORAM : NITIN W.SAMBRE, J.***DATE : AUGUST 7, 2019***

P.C. :-

Heard respective counsel.

2. In all these three petitions, the issue raised by the petitioners, who are employees of the respondent-Corporation, is in regard to their entitlement to protection apprehending termination. The case against the petitioners is, they are working as drivers with the respondent-Corporation and on June 12, 2017, they have entered into the Bus Depot, abused senior officers of the Corporation, which has resulted into the entire work atmosphere being disturbed. The act on the part of the petitioners has resulted in the passengers being put to inconvenience as availability of buses was delayed because of the violent act of the petitioners.

3. The submissions are, since there was a status quo operating during the pendency of the proceedings before the Labour Court and the Industrial Court and the petitioners have come with a plea of complete denial of charge, the petitioners should be granted ad-interim relief so that they can discharge their duty with the respondent-Corporation. A further plea is, based on evidence on record it can be *prima facie* inferred that the petitioners are not involved in the alleged incident.

4. Learned counsel for the respondent supported the

impugned orders.

5. Considered rival submissions.

6. Both the Courts below have held against the petitioner on the basis of available material and evidence.

7. There is *prima facie* involvement of the petitioners in the incident as alleged.

8. A plea of the petitioners that they were not present when the incident occurred cannot be gone into at this stage, particularly when the petitioners have every right to establish their case through oral and documentary evidence.

9. Apart from above, the operation of ad-interim order in the nature of protection in favour of the petitioners during the pendency of the proceedings before the Court below will be of hardly any assistance, particularly when both the Courts have recorded reasoned order for denying interim relief.

10. No case is made out to warrant any interference. All the petitions are dismissed.

(NITIN W.SAMBRE, J.)