

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1140/2019

(Atul T. Jagtap vs. MSRTC & anr.)

AND

WRIT PETITION NO. 1142/2019

(Atul T. Jagtap vs. MSRTC & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.V. Jagdale, Advocate for the petitioner in both petitions
Shri R.R. Chhabra, Advocate for the respondents in both petitions

CORAM : Z.A.HAQ, J.

DATED : 02/07/2019

Heard.

These two petitions are disposed by common order as the parties are same and the subject matter of these petitions is similar.

In Writ Petition No. 1140/2019, the orders passed by the subordinate Courts dismissing the complaint filed by the petitioner – employee under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, are challenged. In this case, the flying squad found that 1 passenger was travelling without ticket. Enquiry was conducted against the petitioner and it was found that the petitioner had not given ticket to the passenger. Considering the past conduct of the petitioner and the fact that earlier he was punished on 14 occasions, the employer directed reduction of pay of the petitioner – employee by two stages.

A feeble attempt is made on behalf of the petitioner – employee to contend that the enquiry conducted against the petitioner – employee was not legal, fair and proper, the main contention being that the officer who had lodged report against the petitioner was not called for evidence because of which the petitioner is deprived of the opportunity of cross-examining him. By the order passed on preliminary issue, it is held that the enquiry conducted against the petitioner was legal, fair and proper. It is recorded that the petitioner – employee had expressed his unwillingness to cross-examine the person who had lodged report against the petitioner. All these aspects are properly examined by the Industrial Court.

The issue of disproportionate punishment is also examined by the Industrial Court.

In Writ Petition No. 1142/2019, the allegations against the petitioner – employee are that one passenger was found travelling in the bus without ticket. Similar challenges were raised by the petitioner – employee. The Industrial Court has negated the contentions of the petitioner – employee recording same reasons as in the first case.

After hearing the learned advocates for the respective parties and examining the material placed on record of the petition, I find that the view taken by the Industrial Court is based on proper appreciation of evidence and it cannot be said to be perverse or illegal necessitating interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petitions are **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari