

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

WRIT PETITION NO.2424 OF 2019

(MAHARASHTRA STATE ROAD TRANSPORT CORPORATION....VS.. PRAMOD GANPATRAO
POHARE.)

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

Court's or Judge's orders

Shri A.D.Sonak, Advocate for Petitioner.
Shri B.M.Dafre, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : JULY 02, 2019.

Heard.

The Maharashtra State Road Transport Corporation-employer has challenged the order passed by the subordinate Courts concurrently holding that the dismissal of the respondent-employee from service is illegal and unsustainable in law.

The facts on record show that the respondent/employee was initially appointed by order dated 5th May 2006 and his services were regularized from 23rd July 2007 and discreet enquiry was conducted against the respondent-employee alleging that while seeking appointment as Driver, the respondent-employee was required to submit certificate showing that he had three years' experience of driving vehicles and to secure employment, the respondent-employee had given false certificate. The Enquiry Officer found that the charge levelled against the respondent-employee was proved and on the basis of the enquiry report the respondent-employee was dismissed from service.

The subordinate Courts have found that there have been certain lapses on the part of the petitioner-Corporation in conducting the enquiry against the respondent-employee.

The subordinate Courts have concurrently held that the dismissal of the respondent-employee from service is unjustified and unsustainable. Except for the allegation that the respondent-employee had produced false certificate to secure appointment, nothing adverse is alleged against the respondent-employee. The subordinate Courts have concurrently held that the charge levelled against the respondent-employee regarding submission of false certificate is also not proved by the Corporation. The petitioner-Corporation has not been able to point out any illegality or perversity in the findings recorded by the subordinate Courts. Hence, I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

CIVIL APPLN.NO. 1622/2019.

By order dated 12th April 2019 this Court granted interim order in favour of the petitioner-Corporation on condition that the petitioner-Corporation shall deposit 50% amount of back-wages with the Registry of this Court within six weeks. This Civil Application is filed by the petitioner-Corporation praying that time to deposit the cheque for the amount, as directed by this Court, be extended.

The learned Advocate for the petitioner-Corporation submitted that cheque for the amount of Rs.86,982/- will be deposited within one week. The advocate representing the petitioner-Corporation shall ensure that the cheque is deposited with the Registry of this Court till 9th July 2019. On deposit of the amount the same be given to the respondent-employee.

The petitioner-Corporation shall deposit the balance amount before the Labour Court till 30th September 2019, failing which the petitioner-Corporation shall be liable to pay interest on the balance amount receivable by the respondent-employee @9% per annum, interest being chargeable from 1st November 2010 till the amount is paid / deposited.

The Civil Application is **disposed** in the above terms.

JUDGE

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