

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

Writ Petition No. 5629/2019

(Maharashtra State Road Transport Corporation, Nagpur vs. Ramesh S/o
Bhojraj Mate)

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

Court's or Judge's orders.

Shri R. R. Chabra, Advocate for petitioner.
Shri C. V. Jagdale, Advocate for petitioner.

CORAM : A. S. CHANDURKAR, J.
DATE : 25.09.2019.

Heard learned counsel for the parties.

2. The challenge raised in the present petition is to the judgment of the Industrial Court in the complaint filed by the respondent herein challenging the order of reversion dated 04.10.2018.

3. It is the case of the respondent that he was initially appointed as 'Conductor' with the petitioner - Corporation on 18.10.1982. After passing requisite examination, he was granted promotion on 26.02.1996 on the post of 'Traffic Controller'. Since, according to the Corporation, the respondent belonging to Scheduled Tribe category, he was called upon to submit his caste validity certificate. The Scrutiny Committee, however, did not grant such

validity certificate. The respondent therefore apprehended his reversion. He therefore filed a complaint praying that the Corporation be restrained from reverting him. According to the Corporation, since the respondent was occupying a post that was reserved by the Scheduled Tribe Category, it was necessary for him to produce validity certificate.

4. The Industrial Court has found that the Corporation did not place on record any evidence to indicate that the post of which the respondent was promoted, was reserved for candidates from the Scheduled Tribe Category. According to the respondent, the post in question was not reserved for Scheduled Tribe Category. The complaint has been accordingly allowed by granting benefits of regularisation to the respondent on the post of Traffic Controller.

5. On hearing the learned counsel for the parties and after perusing the material on record, it is found that the Industrial Court has rightly allowed the complaint. It has been found that in the order of promotion, there was no reference to the aspect that the said post was reserved for candidates from Scheduled Tribe category nor was it shown by the Corporation that the respondent was promoted on such post. Reference has also been made to the Circular dated 30.06.2004 in that regard. It is thus, found that the complaint has been rightly

allowed by the Industrial Court. There is no reason to interfere in writ jurisdiction. Writ petition is therefore, dismissed. No order as to costs.

JUDGE

Gohane