

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

WRIT PETITION NO. 5846/2019

Vaishali P. Belkhode

..VS..

MSRTC

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
Shri V.G. Wankhede, Advocate for the respondent

CORAM : Z.A.HAQ, J.

DATED : 21/08/2019

Heard.

The petitioner was earlier dismissed from service. As per the policy of the respondent – Corporation, the petitioner was given fresh appointment as Conductor in 2016. Again, the petitioner was found to be indulged in certain illegalities while performing her duties, and therefore charge-sheet came to be served on her. It is stated that departmental enquiry against the petitioner for misconduct is going on. In the meantime, the petitioner filed complaint before the Industrial Court under Section 28 read with Item 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971, contending that the respondent – Corporation indulged in unfair labour practice by not giving benefit of Circular No. 1/2017 to her.

According to the petitioner, misconduct for which charge-sheet is issued and departmental enquiry is being

conducted against her, can be compounded as per Circular No. 1/2017 and the petitioner is willing to pay penalty of Rs. 10,000/- as per Circular No. 1/2017. This complaint is dismissed by the Industrial Court recording that refusal of the respondent – Corporation to settle the matter as per Circular No. 1/2017 will not amount to unfair labour practice as contemplated under Item 9 of Schedule IV of the Act of 1971, and therefore the complaint filed by the petitioner under Section 28 of the Act of 1971 is not maintainable.

I am of the view that the conclusions of the Industrial Court that the dispute will not fall under Item 9 of Schedule IV of the Act of 1971 are perfectly right. It cannot be said that the Industrial Court has committed any illegality or error of jurisdiction by dismissing the complaint filed by the petitioner as untenable.

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

JUDGE

Ansari