

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

Writ Petition No. 471 of 2018

Divisional Traffic Officer (General)

Vs.

Ishtiyak Ahmad Abdul Razzak

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

Court's or Judge's orders

Mr. A.D. Sonak, AGP for petitioner.

CORAM : MANISH PITALE, J.

DATED : APRIL 16, 2019

By this writ petition, the petitioner has challenged the Judgment and order dated 18/3/2017, passed by the Industrial Court, Nagpur Bench, Nagpur, whereby the complaint filed by the respondent has been allowed and the order imposing penalty on the respondent has been quashed and set aside and the petitioner has been directed to release the monetary benefits in favour of the respondent after expunging the punishment order dated 30/05/2012.

2. The respondent filed the complaint before the Industrial Court under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, challenging the aforementioned order of

punishment dated 30/5/2012, whereby the basic pay of the respondent was reduced by three stages with cumulative effect. On a specific contention raised by the respondent that the enquiry conducted against him was unfair and that findings rendered by the enquiry officer were perverse, by the order dt. 21/03/2016, the Industrial Court held both these issues in favour of the respondent. As a result, the petitioner was directed to lead evidence before the Industrial Court in order to prove the alleged misconduct against the respondent.

2. It has come on record that the petitioner failed to do so, as a result of which the complaint filed by the respondent was allowed and the order dated 30/05/2012, inflicting the said punishment against the respondent was quashed and set aside.

3. As the petitioner failed to avail of the opportunity before the Industrial Court to lead evidence, there is no material on record to show that the misconduct alleged against the respondent was proved. Although the allegations were made that certain manipulated payment slips were prepared by the respondent but no material was put forth before the

Industrial Court by the petitioner to prove the said charge. As the enquiry was held to be unfair and the findings of the enquiry officer were also found to be perverse by the order dated 21/3/2016, it cannot be said that the Industrial Court committed any error in passing the impugned judgment. Accordingly, the writ petition is found to be without any merits and it is dismissed. Consequently, the petitioner is directed to release all monetary benefits in terms of order the passed by the Industrial Court within a period of 8 weeks from today.

JUDGE

MP Deshpande