

1. WRIT PETITION NO. 15028 OF 2019

2. The misconduct alleged against the respondent was that

he refused to type a letter on 8th November 2013. The Industrial Court held the enquiry fair. However, the findings were held perverse and, therefore, the MSRTC attempted to prove the misconduct by adducing evidence before the Industrial Court.

3. The Industrial Court has, on appreciation of evidence, held that the misconduct is not proved. I do not see any reason to take a different view in writ jurisdiction.

4. The Industrial Court has noted that other than the complainant, no other employee who was then present, is examined. It is further noted that the report submitted by the complainant was not produced on record. The Industrial Court noted that since the employee was physically disabled inasmuch as he had impaired speech, it was necessary to prove the refusal to type a letter by adducing a cogent evidence on record. I do not find the view taken by the industrial Court is perverse or patently erroneous as would impel me to exercise writ jurisdiction.

5. The petition is dismissed.

(ROHIT B. DEO)
JUDGE