

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**BENCH AT AURANGABAD****7. WRIT PETITION No. 292 /2020**

1. The Divisional Controller,
M.S.R.T.C., Aurangabad Dist. Aurangabad.
2. The Divisional Traffic Superintendent
(Default) Maharashtra State Road Transport Corporation,
Aurangabad ...Petitioners

VERSUS

1. Kailash S/o Uttamrao Deokar
age 54 years occupation nil
R/o Wankhede Nagar, N-13,
HUDCO Corner, T.V. Centre, Aurangabad
2. The Divisional Traffic Superintendent
(Default) Maharashtra State Road Transport Corporation,
Aurangabad ...Respondents

Mr. Anand D. Wange, Advocate for petitioners

Mr. V.P. Golewar, Adv., h/f. Mr. A.R. Joshi, Adv. for Respt.No.1

CORAM : ROHIT B. DEO, J.

DATE : 13th January, 2020

J U D G M E N T :

1. Rule. Rule made returnable forthwith. Heard finally by consent.
2. The petitioner-Maharashtra State Road Transport Corporation (for short "MSRTC.") is assailing the order dated 3rd

April 2019 rendered by the Labour Court, Aurangabad, in Complaint ULP No. 53/2013 holding the enquiry conducted against respondent No.1-employee unfair and the order dated 11th October 2019 passed by the Industrial Court, Aurangabad, in Revision (ULP) No. 47/2019 preferred by the MSRTC, whereby the revision is dismissed.

3. With the assistance of the learned Counsel, I have scrutinized the reasons recorded by the Labour Court, Aurangabad, and the Industrial Court, Aurangabad, and I am satisfied that no interference in the Writ Jurisdiction is warranted.

4. The respondent-employee was issued chargesheet dated 30th May 2012, the substratum of which was the accusation that the employee got compassionate appointment on the basis of false documents. It is pertinent to note that the chargesheet was issued 26 years after the event.

5. The employee filed reply to the chargesheet on 18th June 2012 denying the charges. The MSRTC was not satisfied with the reply to the chargesheet and notice of enquiry was issued on 25th June 2012. It appears that the employee requested that he be permitted to be represented by an Advocate, which request was denied. Be that as it may, the Enquiry Officer put some preliminary questions to the employee and then the reporter, who is an officer

of the MSRTC was examined and cross-examined.

6. The final notice of hearing was issued on 7th November 2012, which was received by the employee on 8th November 2012 at 10.30 am. The Enquiry Officer proceeded with the enquiry on 8th November 2012. One Sunil Ohal was examined behind the back of the employee. The Labour Court observed that the Enquiry Officer put leading questions to the said witness. The Enquiry Officer not only proceeded exparte, the enquiry was closed on the same day and indubitably, the employee was not accorded any opportunity to lead evidence in defence. These facts, which are borne from the record, are duly considered by the Labour Court in paragraph No. 12 of the judgment impugned.

7. I do not see any error in the concurrent orders holding the enquiry conducted unfair.

8. The writ petition is without substance and is dismissed.

9. Rule is discharged.

(ROHIT B. DEO)
JUDGE.