

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.264 OF 2020

THE DIVISIONAL CONTROLLER MSRTC DHULE
VERSUS
MANGESH JEMJYA VASAVE

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Mr. D.S. Bagul, Advocate for the petitioner.

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CORAM : **Rohit B. Deo, J.**

DATE : 9th January 2020.

PER COURT :-

. The petitioner Maharashtra State Road Transport Corporation is aggrieved by the concurrent orders of the Labour and Industrial Courts, whereby and whereunder show-cause notice issued to the respondent-employee calling upon the employee to show cause as to why he should not be dismissed, is held unfair labour practice.

2. The admitted facts are that the show-cause notice dated 29.10.2013 was issued to the employee purportedly in accordance with the Service Rules 81 and Sub Rule 61 of the Maharashtra State Road Transport Corporation Employees Service (Regulations). The show-cause notice was predicated on the conviction of the employee in Regular Criminal Case No.153/2003 for offences punishable under Sections 409 and

477-A of the Indian Penal Code. The employee preferred Criminal Appeal No.26/2013 against the conviction and sentence. It is not in dispute that the conviction and sentence was stayed by the appellate Court and ultimately conviction recorded by the learned Magistrate was set aside. It is stated at bar that the judgment of acquittal is challenged by the State and this Court has issued notice to the employee.

3. By that as it may, it is not in dispute that as on today there is no conviction operating against the employee. Therefore it would be waste of judicial time to keep the litigation pending. If ultimately the appeal preferred by the State is allowed, it would be open for the petitioner Corporation to proceed against the employee in accordance with the Rules, if deemed fit.

4. The petition is without substance and is dismissed.

(ROHIT B. DEO, J.)