

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD
28. WRIT PETITION No. 670 /2020

The Divisional Controller,
Maharashtra State Road Transport Corporation,
Dhule Division, Dhule Dist. Dhule ...Petitioner

VERSUS

Shrikant S/o Shantaram Gavande
age 46 years occupation service
R/o 41, Vishal Nagar, Malegaon road
Tal. Akkailkuwa Dist. Nandurbar ...Respondent

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

CORAM : ROHIT B. DEO, J.

DATE : 13th January, 2020

PER COURT:

1. The Maharashtra State Road Transport Corporation (for short "MSRTC") is assailing the concurrent orders passed by the Labour Court, Dhule, and the Industrial Court, Dhule, holding that the show cause notice issued by the MSRTC to the respondent-employee proposing his termination, is an unfair labour practice. Concededly, the show cause notice is predicated on the assumption that the employee is held guilty by the learned

Magistrate and convicted for offences punishable under Sections 406 & 409 of the Indian Penal Code. It is not in dispute that the conviction was challenged in appeal and the learned Sessions Judge has allowed the appeal. It is stated that the State has challenged the order of acquittal and the appeal is pending in this Court,.

2. Be that as it may, as of today, the very basis for issuance of notice is non-existent. The notice is purportedly invoking the Service Rules, which permit the MSRTC to terminate the employee, who is convicted.

3. Needless to observe, if the acquittal is set aside by this Court, the MSRTC shall be at liberty to initiate such action against the employee as is permissible under the Service Rules and if deemed fit.

4. The orders impugned do not warrant any interference in the writ jurisdiction and the petition is dismissed.

**(ROHIT B. DEO)
JUDGE.**