

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.320 OF 2020

THE DIVISIONAL CONTROLLER MSTRC DHULE
VERSUS
YASHWANT KASHIRAM GAVIT

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Advocate for Petitioner : Mr. Bagul D.S.

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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 10th, 2020

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PER COURT :-

1 The petitioner, Maharashtra State Road Transport Corporation (MSRTC) has issued show cause notice, asking the respondent employee to show cause why he should not be dismissed.

2 The show cause notice is issued in view of the provisions of Regulation 81 of the Maharashtra State Road Transport Corporation Employees Service Regulations and is premised on the conviction of the employee for the offences punishable under sections 409 and 477-A read with section 34 Indian Penal Code (IPC). It is not in dispute that the conviction recorded by the Judicial Magistrate First Class, by Judgment & order dated 9.10.2013 is set aside by the Additional Sessions Judge in Criminal Appeal No.25/2013.

3 The learned counsel for the petitioner states that the Judgment of the acquittal rendered by the Additional Sessions Judge is challenged by the State before this Court and notice is issued.

4 Be that as it may, both the Courts have protected the employee and I do not see any reason to interfere in writ jurisdiction since the very basis for issuance of notice is now not in existence in view of the acquittal of the employee.

5 Needless to observe, if the appeal, challenging the acquittal is allowed, the petitioner Corporation would be at liberty to initiate such action, as is permissible under the Rules and Regulations if deemed fit.

6 The petition is disposed of.

(ROHIT BABAN DEO, J)

vbd