

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2819 OF 2019

BHARAT GOPINATH KHANDADE
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH
DIVISIONAL CONTROLLER

Mr.M.L.Dharashive, Advocate for the petitioner.
Mr.M.K.Goyanka, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : FEBRUARY 23, 2021

PER COURT :

1. The petitioner is aggrieved by the judgment and order dated 29/09/2017 delivered by the Industrial Court, Latur vide which his Complaint (ULP) No.196/2014, challenging the punishment of reduction of basic salary by one stage, has been dismissed.
2. The learned Advocate for the petitioner has strenuously criticized the impugned judgment dated 29/09/2017. He draws my attention to the 12 grounds formulated in the memo of the petition.
3. Having considered the submissions of the learned Advocate, I have perused the petition paper book with his assistance.

4. There is no dispute that the petitioner was served with a charge sheet-cum-show cause notice in view of the report of the Security Officer dated 18/09/2012. He was caught red handed, with 6 other employees on 24/08/2012, playing cards, on duty, inside an MSRTC bus No.MH-20-D-5361, which was under repairs. A panchnama was also made with the help of two panch witnesses and the cards were confiscated. It also appears that the petitioner, as like the other 6 employees, participated in the enquiry and was given the opportunity of defending himself and leading evidence. After the Enquiry Officer submitted his report, the petitioner was given a second show cause notice. After considering his explanation, the Management decided to take a lenient view and imposed the punishment of reducing the basic pay by one stage. All other 6 employees have also suffered the same punishment. By the Part-I order dated 04/08/2016, the enquiry was held to be fair and proper and the findings of the Enquiry Officer were sustained by the Industrial Court. This order is not under challenge in this petition.

5. Mr.Goyanka, the learned Advocate for the respondent/Corporation rightly submits that once the DE is sustained and the findings of the E.O. are upheld, the Court can only consider whether the punishment is shockingly disproportionate to the gravity of the mis-conduct. The past service record is to be considered. The petitioner is an electrician.

6. I find, in the light of the law laid down by the Hon'ble Apex Court in Kumaon Mandal Vikas Nigam Ltd. vs Girja Shankar Pant & Ors [(2001) 1 SCC 182 = AIR 2001 SC 24] that unless the punishment awarded appears to be shockingly disproportionate, no Court can interfere with the quantum of the punishment. Reduction of the basic pay by one stage can never be said to be a punishment which is shockingly disproportionate to the gravity of the misconduct.

7. In view of the above, this petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)