

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5206 OF 2021

Maharashtra State Road Transport Corporation through its Divisional Traffic Officer,
Wardha and another

Vs.

Avinash Omkar Pariyal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. S. C. Mehadia, Advocate for petitioners.

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/12/2021

Heard Mr. Mehadia, learned counsel for the petitioners.

The petition challenges the order dated 13.12.2011 on the preliminary issue, which holds that the inquiry against the complainant was not fair and proper and the findings of the Enquiry Officer were perverse. The petition also challenges the order dated 04.06.2013, by which the complaint was allowed and the show cause notice of the proposed punishment of dismissal dated 11.11.2010, has been quashed and set aside by the learned Labour Court as well as the judgment dated 11.03.2020 passed by the learned Industrial Court, Nagpur in revision made by the revisioners whereby the revision has been dismissed.

Mr. Mehadia, learned counsel for the petitioners, squarely points out, that after the preliminary finding by the learned Labour Court, that the preliminary issue holding that the inquiry was not fair and proper no

evidence whatsoever has been laid by the petitioners as was required in law. This being the case, the order passed by the learned Labour Court as well as by the learned Industrial Court in revision, cannot be faulted, as there was no material on record, either by way of documentary evidence to enable the Courts below to arrive at a different finding. That being the position, I do not see any merit in the petition and the same is dismissed.

Insofar as, the plea regarding grant of permission to the petitioners to prove the misconduct now, by providing an opportunity, in my considered opinion, it is now too late in the day, to permit the entire matter to be reopened considering that the complaint filed by the respondent was regarding the notice dated 11.11.2010 and ten years has already been elapsed, the request is also declined.

JUDGE

Sarkate