

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.11204 OF 2022

ASHOK PRALHADRAO JAWAKE
VERSUS
DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION

Advocate for Petitioner : Mr Bhagwan Vijaykumar Gawali

CORAM : SANDEEP V. MARNE, J.
DATE : 10th NOVEMBER, 2022

PER COURT :

1. By this petition, the petitioner challenges Judgment and order dated 13th October, 2022 passed by the Industrial Court in Revision (ULP) No. 28/2022 thereby confirming order dated 22nd September, 2022 passed by the Labour Court, Latur in Complaint (ULP) No. 31/2015.

2. Complaint (ULP) No. 31/2015 has been filed by the petitioner challenging show cause notice dated 17th March, 2015 proposing to impose the penalty of dismissal from service. The said show cause notice was issued in pursuance of domestic enquiry conducted against the petitioner after issuance of memorandum of chargesheet. *Prima facie*, it is incomprehensible as to how the Labour Court could have entertained the complaint of the petitioner against a mere show cause notice and prevented the employer from taking the disciplinary proceedings to its logical end. However, without expressing any final opinion on this aspect, I otherwise find that no error is committed either by the Labour Court or by the Industrial Tribunal in refusing to grant any interim relief to the petitioner during the pendency of the Complaint (ULP) No. 31/2015. The petitioner

has been found guilty in the domestic enquiry and the same is required to be taken to its logical end by imposing appropriate penalty. It would be open to the petitioner to file the reply to the show cause notice dated 17th March, 2015 within two weeks after consideration of which, the respondent Corporation would be at liberty to pass final order of penalty, if any, in the matter.

3. There is no error committed by the Labour Court or Industrial Court in passing the impugned order. The petition is devoid of merit and the same is dismissed without any order as to costs.

[SANDEEP V. MARNE, J.]

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