

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12619 OF 2019

Amol Shankar Mote

.. Petitioner

Versus

Maharashtra State Road Transport
Corporation thru Divisional Controller
State Transport & Anr

.. Respondents

...

Mr. Umesh Hanmantrao Pawar for the petitioners.

Mr. Amit A. Gharte for respondent nos.1 and 2.

CORAM: RAVINDRA V. GHUGE, J.

DATED : 14th FEBRUARY, 2022

P.C:-

1 This matter was heard for some time. After I expressed my disinclination, the learned Advocate for the petitioner submits that he would submit a written explanation to the second show cause notice within 7 days. The MSRTC can pass an appropriate order of punishment in 7 days thereafter. The protection that the petitioner has been enjoying against the second show cause notice from 2014 before the Labour Court, the Industrial Court and then before this Court, may be continued for a period of four weeks from today.

Tilak

2 The learned Advocate for the MSRTC opposes the said request.

3 It appears from the record that though the Labour Court did not frame the issues as regards the fairness of the enquiry and the justifiability of the findings of the Enquiry Officer, he has considered the said aspect while dealing with the interim application (Exhibit U-2) filed by the petitioner in his Complaint (ULP) No. 17/2014. The enquiry has been held to be fair and proper and the findings of the Enquiry Officer are sustained. The Industrial Court has delivered a concurrent judgment.

4 In view of the above, this Petition is disposed off.

5 The petitioner shall tender a written explanation to the second show cause notice dated 8/2/2014. on or before 21/2/2022. Thereafter, the MSRTC shall pass an order, on or before 28/2/2022. If the petitioner desires to assail the said order, if the same is adverse to his interest, he shall do so on or before 7/3/2022. The ad-interim protection granted to him earlier, from 2014, would continue to protect him till 15/3/2022.

6 Needless to state, the Labour Court would consider the matter on it's merits and would not continue the interim protection merely because it was continued in the past and shall decide the said issue on it's own merits.

7 At the request of the petitioner, Complaint (ULP) No. 17/2014 filed before the Labour Court stands disposed off so as to enable him to challenge the order of punishment, if awarded by the MSRTC, by preferring a fresh complaint.

RAVINDRA V. GHUGE, J