

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 605 OF 2022

Sunil Pandurang Akotkar,
Aged about 36 years, Occupation – Service,
R/o Panaj, Tahsil – Akot, District – Akola.

.... **PETITIONER**

VERSUS

1) Maharashtra State Road Transport
Corporation, Amravati, through its
Divisional Controller, Amravati
Division, Amravati.

2) Maharashtra State Road Transport
Corporation, Amravati, through its
Divisional Traffic Superintendent
(Apradh), Amravati.

.... **RESPONDENTS**

Mr. N.R. Saboo, Counsel for the petitioner,
Mr. P.S. Gawai, Counsel for the respondents.

CORAM : ROHIT B. DEO, J.

DATED : 8th APRIL, 2022

ORAL JUDGMENT :

Heard. **Rule.** Rule is made returnable forthwith. With consent,
the petition is heard finally.

2. This petition arises from proceedings instituted under Section 28
of the Maharashtra Recognition of Trade Unions and Prevention of

Unfair Labour Practices Act, 1971 (Act) assailing the show cause notice dated 21-9-2021 whereby the petitioner-employee is asked to show cause why for proved alleged misconduct he should not be dismissed.

3. Several contentions are raised, *inter alia*, that the show cause notice is a nullity, that the entire disciplinary proceedings are conducted by an officer who was not empowered to do so, and that the enquiry is vitiated.

4. The learned Counsel for the MSRTC Mr. P.S. Gawai would emphatically refute every submission urged by the learned Counsel for the employee.

5. I do not consider it appropriate to delve deeper at this stage.

6. In my considered view, this petition can be disposed of by directing the petitioner-employee to file reply to the show cause notice within the next seven days. The employer-MSRTC is directed to take an appropriate decision within the next fifteen days. If the decision is adverse to the employee and he is terminated, the order of termination may not be given effect to for a period of fifteen days from its communication.

7. The learned Counsel for the employee Mr. N.R. Saboo assures the Court that the pending proceedings shall be withdrawn and fresh complaint shall be filed challenging the punitive order, if the contingency arises.
8. Needless to record, every contention is left expressly open.
9. The petition is disposed of in the afore-stated terms.

JUDGE

adgokar