

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

Writ Petition No.944 of 2021

Maharashtra State Road Transport Corporation
vs. Arunsingh Amarsingh Bais

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

Court's or Judge's Orders

Mr. R.S. Charpe, Advocate for the Petitioner.

CORAM : MANISH PITALE, J.
DATE : 17th MARCH, 2022.

By this writ petition, the petitioner-Maharashtra Road Transport Corporation has challenged orders passed by the Industrial Court, Nagpur, whereby it was held that while the enquiry conducted against the respondent was in consonance with the principles of natural justice, but the findings of the Enquiry Officer were perverse and, therefore, after giving an opportunity to the petitioner-Corporation for leading evidence and justifying its action, the complaint filed by the respondent has been allowed. It has been held that the petitioner indulged in unfair labour practices under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as "MRTU & PULP Act" for short). The punishment imposed on the respondent of reducing his basic wages by three stages has been set aside and consequential benefits have been granted to the respondent.

02] The respondent was then working as an Electrician with the petitioner-Corporation. As per the charges levelled against the respondent, on behalf of the

petitioner-Corporation, it was alleged that he had indulged in gross negligence in his duties thereby causing serious losses to the petitioner-Corporation. It was alleged that because of negligence of the respondent, the bus of the petitioner-Corporation caught fire, thereby causing loss to the extent of Rs.5,62,000/- to the petitioner-Corporation.

03] An enquiry was conducted against the respondent and upon finding the respondent guilty for the charges levelled against him, the petitioner-Corporation imposed the punishment of reduction of basic wages of the respondent by three stages.

04] Aggrieved by the same, the respondent filed the aforesaid complaint before the Industrial Court under the provisions of the MRTU & PULP Act. By order dated 31/07/2019, on preliminary issues, the Industrial Court held that although the enquiry was conducted by the petitioner-Corporation in consonance with the principles of natural justice, the findings rendered by the Enquiry Officer were perverse. On this basis, the petitioner-Corporation was granted an opportunity to justify its action before the Industrial Court by adducing evidence.

05] Thereafter, on 11/12/2019, the Industrial Court passed the impugned judgment and order allowing the complaint and setting aside the punishment imposed upon the respondent, further granting consequential benefits.

06] Mr. Charpe, learned Counsel for the petitioner-

Corporation submitted that the Industrial Court committed an error in exercising its jurisdiction by interfering with the findings of the Enquiry Officer in holding that such findings were perverse. According to the learned Counsel for the petitioner-Corporation, the Industrial Court could not have replaced its own opinion with regard to the report of the expert on record and the findings rendered in that context by the Enquiry Officer. On this basis, it was submitted that the order on preliminary issues dated 31/07/2019 itself was erroneous and deserves to be set aside. It is further submitted that even if the petitioner-Corporation had thereafter failed to lead evidence before the Industrial Court to prove its case, it was immaterial and that therefore even the subsequent judgment and order dated 11/10/2019 passed by the Industrial Court deserves to be set aside.

07] This Court has perused the impugned order passed by the Industrial Court. By the order dated 31/07/2019 passed on preliminary issues, the Industrial Court found that the enquiry was indeed conducted in consonance with the principles of natural justice, but the findings rendered by the Enquiry Officer were found to be perverse. A perusal of the order passed by the Industrial Court shows that the material available on record before the Enquiry Officer, including the expert report and cross-examination of the expert, was appreciated by the Industrial Court while rendering its findings. It is found in paragraphs 8 to 10 of the impugned order dated 31/07/2019. A perusal of the same does show that the Industrial Court applied its mind and came to a considered conclusion that

the findings rendered by the Enquiry Officer on the basis of the material available on record were perverse. The said conclusion rendered by the Industrial Court is found to be reasonable and on the basis of appreciation of the material available on record. Therefore, the contention raised on behalf of the petitioner-Corporation that the Industrial Court exceeded its jurisdiction, cannot be accepted.

08] As a result, it becomes clear that the petitioner-Corporation was expected to lead evidence before the Industrial Court to justify its stand. A perusal of the impugned judgment and order dated 11/10/2019 shows that despite repeated opportunities granted to the petitioner-Corporation, it failed to place any evidence on record before the Industrial Court to justify its action. The Industrial Court has recorded that despite repeated opportunities being granted, no evidence was led on behalf of the petitioner-Corporation. In such a situation, no fault can be found with the Industrial Court for having allowed the complaint and in granting consequential benefits to the respondent. It is also an admitted position that as on today, the respondent has already retired from service.

09] In view of the above, this Court is of the opinion that no case is made out by the petitioner-Corporation for interference in the impugned order. Consequently, the writ petition is dismissed. No costs.

JUDGE