

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

WRIT PETITION NO. 4998 OF 2021

PETITIONER: Trambak s/o Nivruttin Jayabhaye,
Aged about 56 years,
Occupation – Service,
R/o Vanjariphail, Yavatmal.

...V E R S U S...

RESPONDENTS :1] Maharashtra State Road Transport Corporation, through its Divisional Controller, M.S.R.T.C., Arni Road, Yavatmal.

2] Maharashtra State Road Transport Corporation, through its Divisional Traffic Superintendent, M.S.R.T.C., Arni Road, Yavatmal.

Mr C.V. Jagdale, counsel for the Petitioner.
Mr S.V. Deshmukh, counsel for the Respondents 1 and 2.

CORAM : ROHIT B. DEO, J.
DATE : 07th JANUARY, 2022

ORAL JUDGMENT :

1. The petitioner is an employee of the Maharashtra

State Road Transport Corporation, Yavatmal (Corporation), who was proceeded against departmentally for certain misconduct, the details of which need not be dealt with elaborately, considering the limited issue involved.

2. The petitioner contends that the competent authority conducted the enquiry and vide order dated 27-03-2015 imposed punishment of stoppage of two increments with permanent effect.

3. The employee contends that the said order is appealable within a period of ninety days, and even prior to the expiry of the said period, the reviewing authority, which is also the appellate authority, issued show cause notice dated 17-06-2015 proposing to impose enhanced punishment of dismissal.

4. According to the employee, the show cause notice proposing to enhance punishment of dismissal came to be challenged in U.L.P. Case 18/2015.

5. The Labour Court framed the preliminary issue whether the findings recorded in the enquiry are perverse, and answered the issue against the employee vide order dated 17-02-2021. The employee preferred Revision (U.L.P.) 01/2021 which is dismissed by the Industrial Court vide

judgment dated 15-11-2021.

6. Aggrieved, the employee is invoking the writ jurisdiction.

7. Several submissions are canvassed by the learned Counsel for the petitioner Mr. C.V. Jagdale, *inter alia* the submission that the order of stoppage of two increments with permanent effect is sought to be illegally enhanced by the reviewing/ appellate authority.

8. I do not propose to make any positive observation on the submissions canvassed since it is fairly well settled that the High Court ought not to ordinarily interfere in decisions on preliminary issue of perversity of finding and the underlying logic is that the question can always be looked into and decided if the complaint is ultimately decided against the employee.

9. Such a course is recommended in the interest of expeditious disposal of labour disputes.

10. I do not see any reason to interfere in writ jurisdiction.

11. While I dismiss the writ petition, it is made clear

that every contention raised is kept expressly open for the employee to urge at an appropriate stage.

[JUDGE]

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