

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.6464 OF 2023**

**SHIVRAJ DAGADU UDGIRE  
VERSUS  
THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION AND  
ANOTHER**

...  
Advocate for Petitioner : Mr. Nitin T. Tribhuwan  
Advocate for Respondents : Ms. Anagha V. Rotte  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 18<sup>th</sup> AUGUST, 2023**

**PER COURT :**

1. Petitioner filed Complaint (ULP) No.19/2019 challenging the show-cause notice of dismissal dated 03/05/2019, issued to him by the respondents Corporation. Labour Court by order dated 07/05/2019, granted ad-interim protection to the petitioner, thereby directing respondents Corporation not to terminate service of the petitioner pursuant to the show-cause notice. By order dated 12/05/2023, interim relief application at Exhibit-U2 filed by the petitioner, came to be rejected. At the request of petitioner the said order was directed to take effect after one month from 12/05/2023. Petitioner challenged the Labour Court's order by filing Revision (ULP) No.04/23, on 08/06/2023. By order dated 09/06/2023, the Industrial Court, Latur, has refused prayer of the petitioner for ad-interim relief and issued notice to the respondents. Orders rejecting

ad-interim relief to the petitioner are impugned in the present petition.

2. Heard learned advocate for petitioner and learned advocate for respondents. Perused the writ petition memo, annexures thereto, the impugned orders and affidavit-in-reply filed by the respondent.

3. Learned advocate for petitioner submits that when the Labour Court's order dated 12/05/2023, passed below Exhibit-U2, was in operation and the order of rejection of interim protection was to take effect after one month from the date of order, respondents Corporation has erroneously proceeded to dismiss the petitioner from service. In fact the said action is illegal as stay was operating in favour of petitioner. He further submits that since the stay was operating in favour of petitioner since year 2019, the Industrial Court has erred in rejecting the prayer of petitioner.

4. Learned advocate for respondents, on the other hand, supported the impugned orders. She submits that petitioner is dismissed from service due to his dishonest behavior. He has misappropriated amount of the Corporation, as even after collecting fare from five passengers he has failed to issue tickets to them, and the said fact is proved in the departmental inquiry. He, therefore, does not deserve any equitable relief in view of these facts.

5. Prima facie, it appears from the documents placed on record that petitioner is held guilty for misappropriation of amount of the Corporation. Though initially ad-interim relief was granted in favour of petitioner, the same is vacated by the Labour Court. The Industrial Court, by order dated 09/06/2023, has also refused to grant ad-interim relief to the petitioner. Thereafter, on 10/06/2023, dismissal order is passed against the petitioner. Interim protection and/or stay granted by the Labour Court to its interim protection order, has merged in the order passed by the Industrial Court in revision and there is no merit in the contention of petitioner that interim protection granted by the Labour Court was in operation when he was dismissed from service.

6. No illegality or perversity is found in the orders impugned in the present petition. No jurisdictional error or error of law is committed by the Labour Court and Industrial Court while passing the impugned orders. Writ petition being devoid of merit is dismissed.

7. Considering the fact that the complaint is pending since 2019, hearing of the complaint is expedited and the same shall be disposed of in any case within a period of six months from the date of receipt of writ of this order.

**(NITIN B. SURYAWANSHI, J.)**