

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10520 OF 2023

Maharashtra State Road Transport
Corporation, Parbhani Division,
Through its Divisional Controller
and others

.... Petitioners

Versus

Vinayak S/o Sudamrao Gore

.... Respondent

.....
Mr. Anand D. Wange, Advocate for the Petitioners

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th AUGUST, 2023

ORDER :

1. The petitioner, in this petition filed under Article 227 of the Constitution of India, has challenged the order passed by the learned Member, Industrial Court, Jalgaon in Revision (ULP) No.14 of 2012. The main ground of challenge is that the Labour Court has decided preliminary issues in the year 2011, thereby holding that enquiry conducted against the respondent was fair and legal, and the findings recorded by the Enquiry Officer are proper and legal. Thereafter, the complaint was dismissed by the Labour Court, and the said dismissal was impugned before the Industrial Court in Revision (ULP) No.14 of 2012.

2. By the impugned decision, the Industrial Court has quashed and set aside the order passed in Complaint (ULP) NO.15 of 2010 dated 29/03/2011 and 04/01/2012 and restored it to the file of the Labour Court and permitted the petitioners/original respondents to lead evidence to prove the misconduct against the respondent/original applicant.

3. Heard the learned advocate for the petitioner. Perused the writ petition memo, annexures thereto, and the impugned order.

4. Perusal of the impugned order shows that the Industrial Court has recorded a finding that the Labour Court has not properly considered the material on record, while deciding the preliminary issues and has not come to the proper conclusion. In the order of the Labour Court, there is no whisper that it has considered the statements and material on record. No reasons are given in the judgment as to why the Labour Court arrived at the conclusion that the findings delivered by the Enquiry Officer are proper that too considering the same in the background of the judgment in the case of A.A. Siddiqui, which was based on the same material. The respondent/original applicant has challenged the

credibility of some of the witnesses, and the Labour Court also held in the judgment that some of the witnesses has grudge against A.A. Siddiqui, but none of such witnesses were examined, and only their hearsay evidence was considered and no weightage was given to the witnesses, who stated in favour of the respondent/original applicant. On this basis the Industrial Court has recorded a finding that the Enquiry conducted against the respondent/original applicant was biased.

5. On going through the record and the impugned order, this Court does not find any illegality or perversity in the order impugned in the petition. The petitioner is already granted liberty to adduce evidence in support of the charges. No jurisdictional error or error of law committed by the Industrial Court, while passing the impugned order. The writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane