



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

Writ Petition (WP) No. 2506 of 2022

Rajaram S/o Namdeo Dudhe

Versus

Maharashtra State Road Transport Corporation, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Ashish Kadukar, Advocate for the petitioner.
Shri R.S.Charpe, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 26th OCTOBER, 2023.

Heard.

2. The petitioner was working as a Conductor in the respondent-State Road Transport Corporation and on the ground of misappropriation of funds and after holding the inquiry in relation to said charge, the petitioner was terminated from the service on 13th November, 2000.

3. Thereupon, he approached to the learned Labour Court who held in his favour and the complaint was allowed.

4. Thereupon, the respondent-Corporation filed revision before the learned Industrial Court which was dismissed and in writ petition filed before this Court by the Corporation, this Court held that, the inquiry was fair and

the findings recorded by the Inquiry Officer were not perverse.

5. Thereupon, this Court remanded the matter back to the Labour Court to decide the issue in respect of proportionality of punishment vide judgment and order dated 25th September, 2019 passed in Writ Petition No. 4334 of 2018.

6. The learned Labour Court decided the issue of proportionality of punishment as directed by this Court vide judgment and order dated 25th September, 2019.

7. The learned Industrial Court, vide judgment and order dated 13th August, 2021 dismissed the revision, which is subject matter of challenge in this writ petition.

8. In the inquiry conducted against the petitioner on the charge against the petitioner says that on 7th December, 1998 when the petitioner was discharging his duty as conductor on bus bearing no. 8724 plying from Dabha to Hudkeshwar, the bus was checked by checking staff. There were 24 passengers traveling in the bus, out of which 10 passengers were found traveling on re-issued tickets. It is also noticed that the petitioner did not take noting of the same in way sheet and thereby misappropriated Rs.22/-.

9. As the inquiry was held to be fair and the observations of the inquiry officer were not perverse, the learned Labour Court while examining the proportionality of the punishment has taken into consideration the past

record of the petitioner which disclose that on 37 different occasions the petitioner was punished and even though for about 15 occasions he was punished for misappropriation.

10. Thus, the learned Labour Court relying upon the judgment of the Hon'ble Supreme Court of India in the case of Janatha Bazar (Sought Kanara Central Co-operative Wholesale Stores Ltd) Vs. Secretary, Sahakari Naukarara Sangha 2000(7) SCC 517 has held that the punishment of dismissal is just and proper.

11. The learned Industrial Court has upheld and confirmed the said judgment and order after taking into consideration various authorities in this regard.

12. In the above referred backdrop, considering the past record of the petitioner and the fact that once the employer has lost its confidence in the petitioner, the dismissal in such matter is just and proper.

13. In that view of the matter, I do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]