

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

WRIT PETITION NO. 751 OF 2023

M.S.R.T.C. __ Vs. __ Asha Gunwant Barai and ors

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

Court's or Judge's orders

Mr. A.R.Fule, Advocate for the petitioner.

Mr. R.S.Suryawanshi, Advocate for respondent nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 10/07/2023

1] Heard Mr. Fule, learned counsel for the petitioner.

2] Mr. Fule, learned counsel for the petitioner does not dispute the factuality of the position as emanating from para 14 of the judgment of the learned Industrial Court, dated 16.2.2022 (pg. 20). Thus, when the Depot Manager was the person to whom the communications regarding leave were addressed by the respondent and also was the authority to sanction such leave, the enquiry on account of absentism could not have been conducted by the Depot Manager, as he was the necessary witness. This has clearly prejudiced the respondent.

2] No doubt, the office memorandum dated

5.7.1999 appoints the Depot Manager for conducting an enquiry, however, in such a situation it was open for the Depot Manager to have requested the authority to appoint an independent person considering the peculiar fact situation which has arisen. In that view of the matter, I do not see any reason to interfere in the impugned judgment. The petition is dismissed. No costs.

JUDGE

Rvjalit