

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14871 OF 2023

SHIVAJI RAMCHANDRA KHOT

....PETITIONER

V/S

MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION
RATNAGIRI DIVISION & ORS.

....RESPONDENTS

...

Ms. Pavitra Manesh i/b Mr. Saurabh Mandlik for the Petitioner.

Ms. Gargi Warunjikar i/b Mr. Nitesh Bhutekar for Respondents.

...

CORAM: SANDEEP V. MARNE, J.

DATE : JANUARY 16, 2024.

P.C.:

1 I have heard Ms. Manesh, the learned Counsel appearing for the Petitioner and Ms. Warunjikar, the learned Counsel appearing for the Respondent-Corporation.

2 After arguing the Petition for sometime Ms. Manesh would submit that the Petitioner may be granted an opportunity to file Reply to the Show-cause Notice dated 11 April 2019. She would submit that this is a first misconduct alleged against the Petitioner and his service record is otherwise clean and blot-less. She would further submit that the nature of misconduct is such the penalty of dismissal from service would be shockingly disproportionate. That Petitioner is just 48 years old and still has 10 long years service balance before his retirement. She would

submit that he has rendered a long service since the year 2009. In such circumstances, his dismissal from service at this stage would be too harsh.

3 Ms. Warunjikar, on the other hand would submit that the imposition of penalty is clearly in the realm of the Disciplinary Authority who is bound to consider the representation made by the Petitioner while imposing the penalty.

4 In the light of the submissions so canvassed and without going into the merits of the matter, the present Petition is disposed of by granting liberty to the Petitioner to file Reply to the Show-cause Notice dated 11 April 2019 within a period of four weeks from today. The Respondent-Corporation shall take into consideration the Reply so filed by the Petitioner while taking final decision in the disciplinary proceedings initiated against him. In case any penalty is imposed on the Petitioner, he would be at liberty to challenge the same by filing an appropriate proceedings before the appropriate forum. All questions on merit are left open.

5 With the above directions, the Writ Petition is disposed of.

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signed by
SUDARSHAN
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KATKAM
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(SANDEEP V. MARNE, J.)