



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

WRIT PETITION NO. 895 OF 2024

Firoz Khan Umarkhan Pathan

Vs.

Maharashtra State Road Transport Corporation, Brahmapuri and anr.

WRIT PETITION NO. 584 OF 2024

Maharashtra State Road Transport Corporation, Brahmapuri, Dist. Gadchiroli and anr.

Vs.

Firozkhan Umarkhan Pathan

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. C.V. Jagdale, Advocate for petitioner in WP
No.895/2024 and for respondent in WP No.584/2024.
Mr. Ashish Mehadia, Advocate for respondent in WP
No.895/2024 and for petitioner in WP No.584/2024.

CORAM : N.R. BORKAR, J.

DATE : 08.10.2024.

Both these petitions are filed against one and the same judgment and order dated 31.03.2023 passed by the Labour Court, Chandrapur in Application (IDA) No.6/2019. Both these petitions are, therefore, being disposed of by this common order.

2. The petitioner in Writ Petition No.895/2024 (hereinafter referred to as 'employee')

was working as Cleaner with Maharashtra State Board Transport Corporation (for short 'M.S.R.T.C.'). By order dated 23.01.2012, his services were terminated. By the impugned judgment and order, the learned Labour Court has partly allowed the application filed by him against the order of termination in the following terms :

"1. The application is hereby partly allowed as under.

2. The impugned termination order dated 23.01.2012 is hereby quashed and set-aside.

3. Non-applicants are directed to reinstate the applicant on his usual post with continuity of service and 50% backwages from the date of his termination i.e. 23.01.2012 till he is reinstated in service.

4. No order as to costs."

3. The M.S.R.T.C. has filed the Writ Petition No.584/2024 against the order of reinstatement, whereas the employee has filed the Writ Petition No.895/2024 against non-grant of full back wages.

4. I have heard the learned counsel for the parties.

5. By order dated 29.07.2022, the learned Labour Court has held that the departmental inquiry

conducted against the employee was not fair and proper. The opportunity was then granted to the employer – M.S.R.T.C. to prove the misconduct before the Court.

6. The learned counsel for M.S.R.T.C. submits that the learned Labour Court erred in holding that the inquiry conducted against the employee was not fair and proper. It is submitted that during the course of inquiry repeated notices were sent to him and therefore, he cannot make grievance that inquiry was not fair and proper.

7. I have perused the order dated 29.07.2022. The learned Labour Court has recorded a finding that notice of inquiry was not served upon the employee. The said finding is not shown to be perverse. Therefore, no fault can be found with the order dated 29.07.2022.

8. The M.S.R.T.C. to prove the misconduct before the Court has examined two witnesses. The learned Labour Court on the basis of the evidence has recorded the finding that the M.S.R.T.C. has failed to prove misconduct. No perversity is pointed out in the said finding. I am therefore not inclined to interfere with the order of reinstatement.

9. As regards non-grant of full backwages, the learned counsel for the employee submits that the learned Labour Court has denied the full backwages for no valid reasons.

10. I have perused the finding of the learned Labour Court to that effect. The learned Labour Court has denied to grant full backwages, in view of the overall conduct of the petitioner. I am not inclined to interfere in the said finding in writ jurisdiction.

11. Both the petitions are dismissed.

(N.R. BORKAR, J.)