



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3760 OF 2025**

Anandgir S/o. Chandangir Gosawi,
Age: Years, Occ: At Present Nil,
R/o. Saneguruji Colony, Jamner,
Tq. Jamner and Dist. Jalgaon.

..Petitioner

Versus

1. Maharashtra State Road Transport Corporation
Jalgaon, Tq. & Dist. Jalgaon,
Through Divisional Controller.
 2. Maharashtra State Road Transport Corporation
Jamner Depot Tq. Jamner, Dist. Jalgaon. ..Respondents
- ...
- Mr. M. P. Gude, Advocate for Petitioner.
- ...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th JUNE, 2025.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of the parties, matter is taken up for final hearing at admission stage.
2. The petitioner impugns judgment and order dated 12.09.2024 passed by Member, Industrial Court, Jalgaon in Revision Application (ULP) No.19 of 2023, thereby rejecting prayer of petitioner to set aside his termination and grant reinstatement with continuity of service and back-wages.
3. Since 19.06.2013 petitioner was employed as Conductor with respondent-Corporation. On 04.05.2019 while he was on duty on Jamner to Kapsuwadi route, the bus was intercepted at Wadikilla

by checking squad for surprise checking. On inspection of bus, it was found that three lady passengers were transported without tickets. The statements of petitioner and lady passengers were recorded by squad, wherein it is revealed that although fare was collected from them, petitioner had failed to issue tickets. Accordingly, report was made by squad and departmental action was initiated against petitioner. He was held guilty of misconduct, eventually, dismissal order dated 14.07.2022 is passed.

4. The petitioner approached Labour Court assailing decision of employer by filing complaint under provisions of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short "MRTU and PULP Act, 1971") contending that respondent-Corporation indulged in unfair labour practices. However, Labour Court on appreciation of material on record concluded that enquiry conducted against petitioner was fair, he has been rightly held guilty of serious misconduct and punishment imposed upon him is proportionate to prove misconduct, particularly, considering past conduct of petitioner. The petitioner assailed order of Labour Court before Industrial Tribunal by filing Revision under Section 44 of the MRTU and PULP Act, 1971. However, Industrial Court dismissed Revision Application upholding judgment and order passed by Labour Court.

5. Mr. Gude, learned Advocate appearing for petitioner submits that respondent-Corporation has indulged in unfair labour practices. The enquiry conducted against petitioner was not proper. The statements of passengers, who found without tickets were not recorded. He would further submit that when checking squad intercepted vehicle, petitioner was in the process of issuing tickets to passengers. Last such ticket was issued just two minutes prior to entry of checking squad. According to Mr. Gude, assuming that alleged misconduct is proved against petitioner, punishment of dismissal from service is disproportionate. He would urge that for similar misconduct, lesser punishments are imposed by Corporation. However, petitioner is being singled out.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that while petitioner was on duty as Conductor, checking squad intercepted vehicle and conducted surprise checking. The petitioner had collected fare from three lady passengers, but had not issued tickets to them. The petitioner in his reply never denied fact that lady passengers were not issued tickets, although he had received fare charges from them.

7. It is true that, before inspection of vehicle, last ticket was issued by petitioner hardly two or three minutes before entry of

squad. However, as rightly observed by Enquiry Officer, lady passengers, who were found without tickets had entered bus two stops before place of interception by checking squad. As such, they were in the bus without tickets for much longer period. Still tickets were not issued to them after receiving fare. The petitioner could not explain aforesaid circumstances. The Enquiry Officer has further observed that bus was not overloaded and it was carrying merely 25 passengers. As such, there was no difficulty for petitioner to issue tickets to each of passengers after receiving fare charges.

8. The Enquiry Officer as well as both Courts below have considered past conduct of petitioner. It appears that as many as 8 charge-sheets have been served upon petitioner during span of his service from 2017 onwards and he has been fined atleast for four times for similar misconduct. The enquiry conducted against petitioner was in accordance of principles of natural justice. The statements of lady passengers recorded on spot and attending circumstances clearly establish misconduct against petitioner.

9. Looking to the nature of misconduct and past record of petitioner, it is clear that there are no chance of his reformation. The conduct of petitioner during his service appears to be dishonest as against post of trust held by him under Corporation. His misconduct is definitely embezzlement or corruption and great jolt

on faith of Corporation. The punishment of dismissal is, therefore, appropriate in facts of present case.

10. In that view of the matter, there is no merit in Writ Petition. Hence, Writ Petition stands dismissed.

11. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025