



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3104 OF 2024

Surendrakumar Trimbakrao Patil
Age: 47 years, Occu. Service,
R/o. Nalegaon, Tq. Chakur, Dist. Latur

.....PETITIONER

VERSUS

Divisional Controller,
Maharashtra State Road Transport
Corporation, Latur,
Division Latur.

.....RESPONDENT

Mr. Ajinkya Reddy, Advocate for the Petitioner
Mr. N. T. Tribhuwan h/f Mr. A. D. Wange, Advocate for
Respondent

CORAM : ROHIT W. JOSHI, J.

DATED : 10TH JULY, 2025

ORAL JUDGMENT :-

. The petitioner was working on the post of Conductor with the respondent/M.S.R.T.C. While he was on duty, it was found that he had consumed liquor, as a consequence of which, departmental inquiry is conducted against him. The Inquiry Officer, after completing inquiry, has issued inquiry report holding that the charges against the petitioner are proved. Accordingly, a second show cause notice came to be

issued to the petitioner.

2. The petitioner challenged this second show cause notice by filing a complaint ULP No.26 of 2022. In this complaint, an application came to be filed vide Exhibit U2, seeking interim relief that pending the final disposal of the complaint, services of the petitioner should not be terminated.

3. The learned Judge, Labour Court rejected the said application vide order dated 27.07.2023. The petitioner, therefore, preferred a revision before the learned Industrial Court which also came to be dismissed vide judgment dated 28.02.2024.

4. The learned Counsel for the petitioner contends that the findings recorded by the Inquiry Officer are perverse and that the evidence on record is not even sufficient to *prima facie* demonstrate any wrong committed by the petitioner. He has argued that when the petitioner was taken for medical examination, the concerned doctor has not taken blood sample and urine sample of the petitioner, which was necessary to prove and establish that the petitioner had consumed alcohol while he was on duty. He further contends that the procedure of inquiry was also not properly followed.

5. I have perused the orders passed by both the learned Courts as also the medical certificate dated 16.07.2022. The Medical Officer, who has conducted examination of the petitioner has observed that the petitioner was smelling of alcohol during the course of medical examination and that his pupils were also dilated, indicating that he had consumed liquor. It must however, also be mentioned that the report states that the speech was normal and the petitioner was by and large stable. The Medical Officer has stated that in his assessment, the petitioner had consumed liquor. This *prima facie* material supports the contention of the employer that the petitioner had consumed liquor while on duty. It appears that in reply to the chargesheet, the petitioner had stated that his friend had expired on the previous night, as a consequence of which, he did not sleep for the whole night and therefore his eyes were reddish. In his final defence statement, he stated that he was unwell and taking treatment from Dr. Santosh Swami. In the statement recorded at the spot, he has not stated that his friend had died on the previous night and therefore, he could not sleep, as a consequence of which, the eyes had a reddish complexion. Apart from this, there is a

statement of Traffic Controller, which states that the petitioner had admitted to have consumed liquor while his statement was recorded.

6. Thus there is *prima facie* material to support the charges against the petitioner. Both the learned Courts have properly appreciated the matter. The findings recorded by the Courts cannot be termed to be perverse by any stage of imagination. Therefore, no case is made out to interfere with the orders passed by the learned Courts. Hence Writ Petition stands **dismissed**.

7. Needless to mention that findings recorded above are only for the purpose of deciding a *prima facie* case and that the Courts will not be influenced by the same while deciding the matter on merits.

(ROHIT W. JOSHI, J.)