

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.14363 OF 2023**

1. The Divisional Controller,
M.S.R.T.C., Budhwar Peth,
Solapur.

2. The Divisional Traffic Officer,
M.S.R.T.C., Budhwar Peth,
Solapur.

..Petitioners

Versus

Shri. Mahboob Hussain Nadaf
Age: Major, Occ: Retired,
R/o.: Near D.C.C. Bank, Station Road,
Akkalkot Road, Solapur.

..Respondent/Complainant

...

Mr. Yashodeep Deshmukh, Advocate for Petitioners.

Mr. Mohansinh Umeshsinh Rajput, Advocate for Respondent
(appointed).

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th SEPTEMBER, 2025.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.

2. The petitioners-Corporation impugns order dated 08.03.2021 passed by learned Industrial Court, Solapur in Complaint (ULP) No.91/2015, thereby setting aside punishment inflicted upon respondent/complainant in prospective manner by order dated 04.02.2013.

3. The respondent was employed as driver with petitioners-Corporation. While he was on duty on Solapur-Gulbarga route, bus

driven by him met with an accident causing damage to bus and injuries to some of passengers. It is alleged that Corporation suffered loss worth Rs.50,000/-.

4. The respondent was served with charge-sheet dated 19.01.2010. He was subjected to Departmental Enquiry, ultimately punishment of stoppage of one annual increment w.e.f. 07.02.2013 came to be inflicted upon him. The Appellate Authority confirmed order passed by Disciplinary Authority.

5. The respondent filed Complaint (ULP) No.91/2015 under Section 28 Schedule-IV Items 9 and 10 of MRTU & PULP Act, 1971 alleging unfair practices against Corporation. The Industrial Court observed that enquiry conducted was fair, proper and legal. However, punishment inflicted upon respondent is interfered branding it to be disproportionate, hence, directions are issued to compute pension by calculating his additional annual increment w.e.f. 08.03.2021.

6. Mr. Yashodeep Deshmukh, learned Advocate appearing for petitioners submits that once enquiry conducted against respondent was found to be fair, proper and legal, learned Industrial Court could not have interfered in punishment imposed. He would submit that respondent-employee was held to be negligent and responsible for causing loss to Corporation and injuries to passengers. In this

background, findings recorded by learned Industrial Court that punishment is disproportionate and excessive is erroneous.

7. Per contra, Mr. Mohansinh Rajput, learned Advocate appearing for respondent-employee supports impugned order.

8. Having considered submissions advanced by learned Advocates appearing for respective parties and upon perusal of reasoning adopted by learned Industrial Court, it can be observed that accident in question occurred on 31.01.2007. The respondent was subjected to Departmental Enquiry for charges of causing physical damage of Rs.50,000/- to bus. The learned Industrial Court upon appreciation of material on record observed that infact there is no material to establish exact amount of physical loss suffered by Corporation. There is contradiction in charge-sheet and order passed by First Appellate Court on this aspect. It is also observed that no material is placed on record to prove that injury was suffered by passengers in bus. The witness, who was examined during enquiry has not witnessed accident nor statement of any passenger was placed into service. The past record indicating 30 incidents in service tenure is made basis for imposing punishment. However, witness admitted that only one punishment was imposed upon respondent. It has been recorded that although respondent is guilty, it would be improper to maintain punishment. The learned Industrial Court observed that punishment given in March-2013 has caused sufficient monetary loss to respondent and, therefore,

set aside punishment inflicted upon him with prospective effect from date of judgment.

9. It can be observed that respondent took voluntary retirement. His pension was fixed on the basis of reduced pay scale in deference to punishment of stoppage of one annual permanent increment imposed upon him. In that view of matter, respondent would be entitled for fixation of pension as per his last pay from date of impugned order i.e. 08.03.2021. Looking to nature of allegation and evidence on record, interference by Tribunal in quantum of punishment appears to be justified. This Court do not find any jurisdictional error on part of learned Industrial Court. Hence, there is no merit in Writ Petition. Writ Petition stands dismissed.

10. Since Mr. Mohansinh Rajput, learned Advocate is appointed through legal aid to represent respondent, the Secretary, High Court Legal Services Sub-Committee, Circuit Bench at Kolhapur do pay fees of appointed counsel for respondent as per schedule.

11. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE