

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5666 OF 2025

Maharashtra State Road Transport Corporation
Throu. The Divisional Controller and Anr. .. Petitioners
Versus
Kashinath Keda Gaikwad .. Respondent

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- Mr. Nitesh V Bhutekar, Advocate for Petitioners.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 03, 2025

P. C.:

- 1.** Heard Mr. Bhutekar, learned Advocate for Petitioners.
- 2.** Order impugned in the present Writ Petition is order passed below Exhibit C-6 by the learned Industrial Court rejecting said Application filed by the Petitioner who is Respondent / Opponent in the proceedings before the Industrial Court. Application below Exhibit C-6 is appended at page No.26 to the Petition.
- 3.** According to Petitioner in paragraph Nos.7 and 8 of his written statement Petitioner has referred to and relied upon the enquiry proceedings, orders passed therein and reports made therein and has made submission that same cannot be disregarded. In that view of the matter, Petitioner desires a issue to be framed in the trial as to whether the enquiry conducted was fair and proper.

4. According to Petitioner by virtue of impugned order and more specifically the reasons stated in paragraph No.4 thereof that Petitioner had failed to urge in written statement that it had reserved its right to lead evidence, the said Application below Exhibit C-6 has been rejected.

5. After going through the impugned order as also the Application and written statement filed by Petitioner it is *prima facie* seen that the Court has given cogent reasons for rejecting the said Application, primarily on the ground that testimonies recorded below Exhibits U-6, U-10 and U-11 *prima facie* cover the grievance made by the Petitioner with respect to the enquiry proceedings. That apart it is seen that documentary evidence pertaining to the enquiry proceedings is already been placed on record by the Petitioner – Company and the effect of these documents can always be argued and relied upon by the Petitioner – Company at the time of final arguments.

6. The Industrial Court has categorically held that in the absence of specific pleadings it is not permissible to frame the desired issue to determine as to whether the enquiry was fair and proper. I agree with the conclusion arrived at by the learned Industrial Court in the above facts.

7. Needless to state that Petitioner who is the original Respondent / opponent shall be entitled to refer to and rely upon the documentary evidence filed by the Petitioner with respect to the enquiry conducted by the Petitioner in respect of the Applicant - employee strictly in accordance with law.

8. Keeping all contentions of the Petitioner open in respect of the enquiry, a direction is given to the Industrial Court to decide the dispute between the parties in the pending proceedings without being influenced by any of the observations and findings made in the impugned order as also this order and strictly in accordance with law.

9. With above directions, Writ Petition is dismissed.