



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1830 of 2025

[Maharashtra State Road Transport Corporation, through its Divisional
Controller, Yavatmal Division, Yavatmal ..vs.. Abdul Khalil Mohamed Isaq
since deceased through legal heir, Sayrabano Abdul Khalil Md. Isaq and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. C. Mehadia, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 03-04-2025

Heard.

2. The challenge is to order dated 31-7-2023 passed by the Industrial Court, Yavatmal, by which the complaint filed by the respondent has been allowed.

3. It appears that the petitioner has deducted the so called excess payment made towards salary to the respondent. The Industrial Court has assigned following reasons.

“16] It was obligatory on the part of the respondent to issue notice to the complainant, and to give an opportunity of hearing before deducting the amount. The respondent has not denied specifically the deduction of Rs. 90,160/-. The respondent has not followed the principles of natural justice before deducting the amount. Thus, the act of the respondent not giving an opportunity of hearing, calling explanation and deducting the amount without making pay fixation as per pay scale as on 31/03/2008 amounts to unfair labour practice. Therefore, complainant is entitled to get the amount deducted along with interest.”

4. As could be seen, the Industrial Court has observed and rightly so that the least that could have been done by the petitioner – employer is to issue notice to the respondent and afford opportunity of hearing before deducting the amount.

Having not done so, the Industrial Court allowed the complaint on the ground that principles of natural justice have not followed. The reasons so assigned appear to be just and proper. No interference, therefore, is called for in writ jurisdiction. Writ petition is dismissed *in limini* with no order as to costs.

(Anil L. Pansare, J.)

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