



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 7318 OF 2024

Maharashtra State Road Transport Corporation

VERSUS

Ravi Janardhan Jadhao

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Advocate for the Petitioner : Mr. Aashish R. Fule

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CORAM : SACHIN S. DESHMUKH, J.

Date : 25th August, 2025

ORDER :-

1. The petitioner Maharashtra State Road Transport Corporation (hereinafter "Corporation" for short) has presented this petition raising challenge to the judgment and order rendered by the Industrial Court, Chandrapur holding to the findings in Inquiry to be improper and perverse as well as the order dated 30.07.2019 allowing the complaint presented by the respondent, under Section 28 read with Item 9 of Schedule (IV) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter "the Act of 1971" for short).

2. The petitioner Corporation appointed the respondent as a Conductor in the year 2016. In relation to the incident dated 23.04.2019, a report was lodged to the Police Station after three

days i.e. on 26.04.2019, by the complainant with assertions that the respondent has not attended each and every passenger and also failed to collect fare from passenger nor issued tickets. The further assertion was that the respondent had asked the passenger to send the fare charges and collect tickets through another passengers.

3. In the backdrop of the aforesaid complaint, the respondent was served with the chargesheet on 03.07.2019 for the infraction of Rule 10, 13 and 28 of the Schedule-A of the Discipline and Appeal Rules of the Corporation which includes misconduct and misbehaviour with the passenger. The respondent, while refuting the charges and submitted that the false complaint is filed. During the course of the inquiry, no independent witness was examined, although the bus was carrying 40 passengers on the day of incident, however, except the statement of the complainant who lodged the complaint after three days without any explanation for such delay. The Inquiry Officer vis-a-vis the Disciplinary Authority, recommended imposing punishment of withholding increments. The appeal presented by the respondent was also rejected by confirming the punishment awarded by the Disciplinary Authority.

4. The respondent while raising challenge to the initiation

of inquiry and imposing penalty, presented the Complaint (ULP) No. 14 of 2020 before the learned Industrial Court. Considering the contentions from the litigating sides, the Industrial Court, by its order dated 04.03.2024 has rendered a finding with regard to the fairness in inquiry and perversity in the finding. Resultantly, the inquiry was held to be illegal, improper and eventually was regarded as perverse. The Court, vide Clause (02) of the order, granted liberty to prove the charges against the respondent before the Court by adducing evidence, if they desire to do so.

5. The Industrial Court, while further considering the complaint under Section 28 read with Item-9 of Schedule (IV) of the Act of 1971, has allowed the complaint by its order dated 04.10.2024, and quashed and set aside the impugned orders declaring that the petitioner / Corporation is engaged in unfair labour practice by issuing orders under challenge, falling in Item-9 of Schedule (IV) of the Act of 1971, with further direction to cease and desist from committing similar acts of unfair labour practice in future.

6. I have heard learned counsel for petitioner / Corporation. Perused documents placed on record.

7. It is the contention of the learned counsel for the

petitioner in the wake of the complaint by the passenger was travelling in the bus. For the negligence on the part of the respondent herein, while not issuing the tickets and insisting the passenger to collect the tickets from the place of respondent itself which is contrary to the Discipline and Appeal Rules of the Corporation, has lodged the complaint with the Police Station with an assertion of assault. As such, the misconduct on the part of the respondent herein is apparent. On the basis of misconduct in relation to which the complaint was presented with the Police Station, the respondent was served with the charge-sheet and explanation was offered in that regard by the respondent.

8. The Inquiry Officer considering the same, recommended the punishment to be awarded on account of infraction with the Discipline and Appeal Rules. It was further submitted that there is no embargo to act of the Disciplinary Authority as a Inquiry Officer and eventually recommend the punishment. As such, the Industrial Court has committed error in holding that the Inquiry is illegal, improper and perverse. It is further contention of the learned counsel for the petitioner that the further error is committed by the Industrial Court while allowing the complaint presented under Section 28 read with Item-9 of

Schedule (IV) of the Act of 1971.

9. Having heard the learned counsel for the petitioner at length and perused the record, it is a matter of record that the alleged incident is dated 23.04.2019, in relation to which the complaint was lodged after three days to the Police Station i.e. on 26.04.2019. Apparently, there appears no reason much less justifiable one for the complainant to lodge the complaint after three days. Except recording the statement of the complainant, although there were other co-passengers travelling in the bus on the day of alleged incident, still, the statement of the independent witness in relation to occurrence of the alleged incident is not at all recorded during the course of the inquiry. The commencement and conclusion of inquiry is primarily based on the solitary statement of the complainant who lodged the complaint after unexplained delay of three days is rightly taken into account by the Industrial Court while regarding the inquiry as illegal, improper and perverse.

10. Pertinently, the order which is rendered on 04.03.2024, was not subjected to challenge till the complaint which eventually came to be allowed by the Industrial Court under Section 28 of the Act on 04.10.2024. While allowing the complaint, presented by the respondent, the Industrial Court has taken into account in detail

the fact with regard to the unexplained delay of three days on the part of the complainant while lodging the report. Further improving the statement regarding the delay, when the complainant was referred to the medical examination, the history of assault was not narrated and it is on the next day, the implication is levelled against the respondent.

11. Apart from such improvisation in the version from the complainant, not corroborated by any independent witness since no statement of other co-passenger was ever recorded by the Inquiry Officer in the inquiry and thus, the credibility of the complainant was considered by the Industrial Court and is seriously doubted. Resultantly, there was no sufficient material to draw any inference of misconduct or misbehaviour against the present respondent. As such, the complaint under Section 28 of the Act of 1971 is allowed. Thus, in exercise of extraordinary jurisdiction under Article 227 of the Constitution of India, this Court is not expected to carry out such exercise once again since the Industrial Court has considered the issue in detail by appreciating the evidence on record in its proper perspective.

12. Considering the overall conspectus of the matter, I am

of the considered view that the petitioner is unable to point out any patent error in the findings of the fact rendered by the Industrial Court for this Court to interfere in the same in exercise of jurisdiction under Article 227 of the Constitution of India. I am, therefore, not inclined to interfere in the impugned order rendered by the Industrial Court. The writ petition is devoid of merit. It is accordingly **dismissed**. However, no order as to costs.

(SACHIN S. DESHMUKH, J.)

MP Deshpande