



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4098 OF 2024

Maharashtra State Road Transport Corporation, Gadchiroli and Another
Vs.

Balaji S/o. Laxman Soyam

WITH

WRIT PETITION NO.4099 OF 2024

Maharashtra State Road Transport Corporation, Gadchiroli and Another
Vs.

Balaji S/o. Laxman Soyam

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

Court's or Judge's orders

Mr. P.R. Gawai, Advocate for the Petitioner in both these petitions.
Mr. J.S. Chilotra, Advocate for the Respondent in both these petitions.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 09th OCTOBER, 2025

1. Heard Mr. P.R. Gawai, learned counsel for the petitioners and Mr. J.S. Chilotra, learned counsel for the respondent.
2. The petitioner Corporation assailed the Orders dated 26.10.2023 and passed by the Learned Industrial Court, Chandrapur in ULP No.4/2020 and 5/2020, whereby the learned Industrial Court allowed the complaints filed by the Employee and set-aside the punishment vide Order dated 16.03.2018.
3. The learned counsel for the petitioner would submit that though the petitioner has proved negligence on the part of the employee, the learned Industrial Court allowed the complaints and set-aside the punishment Order dated 16.03.2018.

4. The learned counsel for the respondent supports the Order and submits that learned Industrial Court has considered all the aspects of the matter. After considering the enquiry as well as the evidence led by the petitioner, it has rightly allowed the complaints.

5. I have gone through the petitions and the documents placed on record by both the parties and after going to the order dated 26.10.2023 passed in ULP No.04/2020 and 5/2020 by the learned Industrial Court, it has recorded observations in para Nos.8 to 10 which are as follows:-

“8. Witness Pradeep Salodkar RW-01 is Assistant Traffic Superintendent, who has alleged that alleged incident has occurred due to negligent driving of the complainant. This witness has not conducted enquiry against the complainant nor has recorded the findings. He has no personal knowledge about alleged incident nor has taken part in the enquiry. He is not acquainted with the fact of the case, so as to establish that alleged incident occurred on account of negligence on part of the complainant. Alike Pradeep Salodkar RW-1, Nilesh Belsare RW-2 is also not an eye witness of the alleged incident. Testimony of both these witnesses are based upon the chargesheet, enquiry conducted against the complainant and findings recorded by the enquiry officer, which are already held to be perverse by predecessor of this court. Reiterating the same thing before the court through witness box will not make allegations against the complainant admissible in evidence, going against the findings recorded by the court. In these circumstances, in my opinion, evidence of these witnesses will avail no assistance to the respondent corporation to establish the allegations of negligence against the complainant.

9. As discussed in foregoing paras, testimony of Pradeep Salodkar RW-1 and Nilesh Belsare RW-2 are not sufficient to prove allegations of negligence against the complainant. Pedestrian who sustained head injury in the alleged incident is not recorded by the respondent corporation before the court. There is no independent admissible evidence against the complainant to prove the allegations of negligence against the complainant. In these circumstances, I record my findings to the effect

that the respondent corporation has failed to prove the alleged misconduct committed by the complainant. As there is no evidence to support the alleged misconduct against the complainant, in my opinion, the impugned punishment order passed by the respondent corporation without supporting evidence amounts to unfair labour practice and has to be branded as illegal. Accordingly, I answer issues No.03 and 04 in the affirmative.

10. As impugned punishment order is illegal and the respondents have engaged in unfair labour practice, in my opinion, the present complaint is entitled to be allowed by granting relief to the complainant, as sought for. Consequently, I answer issue No.05 in the affirmative.”

7. Therefore, considering these observations made by the learning Industrial Court, I do not find any reason to interfere with the orders passed by Learned Industrial Court. Accordingly, the writ petitions are dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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