



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

WRIT PETITION NO. 55 OF 2024

MAHARASHTRA STATE ROAD TRANSPORT CORPN., WARDHA

VERSUS

VASANT S/o SHAMRAOJI RAUT

with

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Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. P. S. Gawai, Advocate for the petitioner.
Mr. C. V. Jagdale, Advocate for the respondent.

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 11, 2026.

1. Heard Mr. P.S. Gawai, learned counsel appearing for the petitioner and Mr. C. V. Jagdale, learned counsel appearing for the respondent.

2. Since, the issues involved in both petitions are same and the parties in both the petitions are same, both the writ petitions are considered and disposed of together by this common order.

2. The petitioner – Maharashtra State Road Transport Corporation (MSRTC) has assailed the orders dated 17.08.2023 and 08.04.2022 below Exh. O-4 passed by the learned Industrial Court, Nagpur in Complaint ULP Nos. 173/2017 and 172/2017, whereby the learned Industrial

Court allowed the complaints filed by the respondent-Employee and set aside the punishment imposed upon him by the petitioner vide orders dated 30.06.2014.

3. Learned counsel for the petitioner submits that though the petitioner has proved negligence on the part of the respondent, the learned Industrial Court allowed the complaints and set-aside the orders of punishment dated 30.06.2014.

4. Learned counsel for the respondent supports the impugned orders. He submits that, the Industrial Court has considered all the aspects of the matter and 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 record and the documents placed on record by both the parties including the impugned orders. In both the impugned orders, the Industrial Court has recorded similar observations in para Nos.7 and 8, which are reproduced as under :-

“7. The respondent examined a sole witness namely Sandeep Bhagwantrao Pise vide Exh. C-12. He deposed that he was serving as Divisional Traffic Superintendent, Wardha and is conversant with the facts of the case on the basis of the record. This makes it very clear that this witness does not have any personal knowledge of the facts of the case. He has referred to the police papers including report / statement of the injured motorcyclist and other

witnesses including the conductor of the bus and the panchanama of the spot drawn by police. He also referred to the report submitted by the official of the respondent about the incident. According to this witness, the accident was caused due to rash or negligent driving of the complainant. In substance, he expressed his perspective of the situation that emerged only through the record before him. He also referred to the documents produced below Exh. C-13(A).

8. All the documents produced below Exh. C-13(A) pertain to the enquiry. The witness for the respondent did not refer to any other document which was not available before the enquiry officer. The enquiry officer has also considered all those documents and the entire material before him and had come to a conclusion that the complainant was responsible for the accident. However, his conduct of the enquiry was found to be unfair and violative of the principles of natural justice as well his findings to be perverse. The respondent if at all wanted this Court to consider the proof of the charges afresh, it should have tendered some additional evidence that was not available for consideration before the enquiry officer. However, no additional evidence is produced during trial to prove the charge. Thus, it is clear that the respondent wants this Court to appreciate the material available before the enquiry officer afresh and come to the same conclusion as was recorded by the enquiry officer. At the cost of repetition, it is to be stated that the conclusion of the enquiry officer is already overturned by this Court and that order has become final. Therefore, it is simply impermissible to appreciate again the very material that was considered while deciding the preliminary

issues. To do so would certainly amount to reviewing the order of my learned Predecessor. This being the position, this Court can neither review the said order nor sit in appeal against it to record ascertain its correctness or otherwise. Thus, the situation that prevailed when the preliminary issues were decide is still very much the same. Therefore, for want of any change in that situation and also for want of additional evidence, the evidence adduced before the enquiry officer cannot be reconsidered. The respondent thus has failed to prove the charge against the complainant.”

6. Considering these observations made by the learned Industrial Court, Nagpur, I do not find any perversity in the orders impugned. There is no reason to interfere with the impugned orders passed by learned Industrial Court.

7. Accordingly, the writ petitions are dismissed. No order as to costs.

(M.W.Chandwani, J.)

Diwale