



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

WRIT PETITION NO. 2568 OF 2024

SANJAY S/o DEVIDAS MALVIYA

VERSUS

M.S.R.T.C., THRU. ITS DIVL. CONTROLLER, AMRAVATI AND ANOTHER

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

Court's or Judge's Order

Mr. C. V. Jagdale, Advocate for the petitioner.
Mr. A. S. Mehadia, Advocate for the respondents.

CORAM : M. W. CHANDWANI, J.

DATE : JANUARY 20, 2026.

1. Heard Mr. C. V. Jagdale, learned counsel appearing for the petitioner and Mr. A. S. Mehadia, learned counsel appearing for the respondent.
2. The petition challenges the order dated 30.11.2023 passed by the Industrial Court, Amravati in Complaint ULP No. 71/2018, thereby dismissing the complaint filed by the petitioner.
3. The petitioner is an employee working as a Driver with the respondent/employer – Maharashtra State Road Transport Corporation (MSRTC) since 01.10.2000. The petitioner was charge-sheeted for allegedly carrying the leather of animal in the bus illegally. In the departmental inquiry conducted by respondent - MSRTC, the petitioner was found guilty and punishment of reducing the basic salary by three stages permanently was imposed. The petitioner challenged the order passed by the respondent - MSRTC by filing complaint before the Industrial Court.

The Industrial Court by the impugned order dismissed the complaint. Therefore, the petitioner/employee is before this Court.

4. It is a common ground that it is mandatory for the Industrial Court to consider the proportion of sentence viz-a-viz charge. However, Mr. Jagdale, learned counsel for the petitioner submitted that this aspect has not been considered by the Industrial Court, whereas on the other hand Mr. Mehadia, learned counsel for the respondents submitted that it has been duly considered by the Industrial Court.

5. I have gone through the impugned order. Though, an issue has been framed whether the order of punishment dated 28.03.2018 issued by the respondent-MSRTC is bad in law, nowhere in the impugned order the Industrial Court has considered the aspect of proportion of punishment viz-a-viz charge. Therefore, the matter is required to be remanded back to the Industrial Court, Amravati for deciding the issue afresh.

6. The writ petition is partly allowed.

7. The impugned order dated 30.11.2023 passed by the Industrial Court, Amravati in Complaint ULP No. 71/2028 is set aside.

8. The matter is remanded back to the Industrial Court, Amravati to decide the issue of proportion of punishment viz-a-viz charge.

9. The parties shall appear before the Industrial Court, Amravati on 09.02.2026.

10. The petition stands disposed of in the aforesaid terms.

(M.W.Chandwani, J.)

Diwale