



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

WRIT PETITION NO.2875 OF 2025

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION (MSRTC),
THR. DIVISIONAL CONTROLLER, NAGPUR

VERSUS

CHINTAMAN S/O RAISINGH CHAVHAN

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. R.S. Giripunje, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 27th FEBRUARY 2026

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the interim order dated 28.02.2023, passed by Industrial Court No.4, Nagpur, on an application at Exhibit U/2, in Comp. (ULP) No.232 of 2022.
3. By the impugned order, the Industrial Court has allowed the application for interim relief and the Corporation i.e. petitioner herein, was restrained from effecting recovery of amount of Rs.6,26,811/-, against the complainant (respondent herein).
4. A perusal of the impugned order reveals that by considering the position of law as laid down by the Hon'ble Supreme

Court in the case of *State of Punjab and Others Vs. Rafiq Masih (White Washer)*, Decided on 18th December 2014 in Civil Appeal No. 11527 of 2014, the Court has observed that recovery cannot be made on account of alleged wrong fixation of pay prior to 10 years, particularly when the alleged wrong fixation cannot be attributed to the petitioner.

5. After considering the position of law and the factual and legal aspects involved in the complaint before it, the Industrial Court has allowed the interim application. The reasons recorded by the Industrial Court appears to be plausible, requiring no interference. In view of this, no indulgence under Article 227 of the Constitution of India is warranted with the impugned order. Therefore, the writ petition deserves to be dismissed. Hence, the writ petition is dismissed with no order as to costs.

6. However, considering the controversy involved, the Industrial Court is directed to expeditiously decide the complaint.

(PRAFULLA S. KHUBALKAR, J.)

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