


MHIC340000292024 	Comp. (ULP) No. 21 of 2024 Order below Exhibit No.: U/02 Gangadhar S/o. Sukhdev Lad. Vs. Maharashtra State Road Transport Corporation. Gadchiroli. Through its Divisional Traffic Officer + 02.
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ORDER BELOW EXH. U-02

(Passed on this 23rd Day of January, 2026)

1. This is an application under section 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971 seeking stay to impugned show cause notice dated 12.03.2024 till decision of main complaint.
2. At outset, case of the complainant is that, he is a workman, whereas the respondent corporation is the employer. Respondent No.01 is the authority issuing punishment order. Respondent No.02 has conducted enquiry and respondent No.03 is the divisional head of the respondent corporation. The complainant was appointed as a conductor and is attached to Aheri depot. His service record is clean and unblemished. The respondent corporation issued a charge sheet to the complainant on 28.04.2017, alleging that when the complainant was discharging his duty as a conductor on bus plying from Gondia to Aheri, which was checked by the checking squad at Subhash Nagar, and found one luggage of 45 Kg without owner. The complainant recovered fare charges of Rs. 150/-, but issued ticket of Rs. 45/- only. The complainant ought to have issued ticket of Rs. 87/- for said luggage. On these set of allegations charges under clauses 7(a) and 7(c) of the Discipline and Appeal Procedure of the respondent corporation were leveled against the complainant by issuing charge sheet dated 28.04.2017. The complainant submitted his reply to charge sheet on 15.05.2017. An

enquiry was initiated. Impugned show cause notice dated 12.03.2024 was issued to the complainant deciding to stop future increment of the complainant for a period of 03 years with cumulative effect. It was received by the complainant on 15.03.2024. Enquiry officer has not applied his mind. Reporter has over looked monthly pass of alleged luggage owner and it was also not considered by the enquiry officer. There was no misconduct on part of the complainant. He was booked with mala-fide intention in a false case. Cash with the complainant has tallied. There was no ill intention of the complainant. The complainant will face financial loss on implementation of impugned order, which is illegal and shockingly disproportionate. On these grounds, the complainant has prayed for stay to impugned show cause notice dated 12.03.2024 till decision of main complaint.

3. Application is resisted on behalf of the respondent corporation through composite reply/ written statement to interim relief application Exh. C-04 and has admitted that the complainant is their employee, the respondents are employer, the complainant was appointed as a conductor attached to Aheri depot. He was served with a charge sheet date 28.04.2017. Impugned show cause notice dated 12.03.2024 was issued to the complainant. The respondent corporation has denied adverse allegations made against it and is coming with the case that, the complainant, while acting as a conductor has made willful default, which resulted into misconduct as to misappropriation of the amount. His dishonest, untrustworthy act caused loss to the respondent corporation from its legitimate revenue. Each and every charge was separately framed and considered. The complainant has received amount of Rs. 150/- from the owner of luggage as a fare charges. The ticket of luggage ought to have been Rs, 87/-, but, the complainant drawn ticket of less fare of Rs. 45/-. Pass of luggage was not shown to

checking squad. The complainant is responsible for the same. He is previously been punished for the similar misconducts. Impugned punishment is proportionate and proper. On these grounds, the respondents have prayed for rejection of the application.

4. The points for determination, which arose before me for consideration are reproduced below, along with my findings thereon and respective reasoning thereto;

No	Points for determination	Findings
1)	Does the complainant make out a prima facie case?	YES
2)	Does the balance of convenience lie in favour of the complainant?	YES
3)	Would the complainant suffer irreparable loss or injury, if the interim relief, as prayed, is not granted?	YES
4)	Is the applicant entitled for the relief sought for?	YES
5)	What order?	Application is allowed, as per final order.

REASONING

5. **AS TO POINTS NO. 01 TO 05: -**

Heard advocates for both the parties and perused the record.

6. Principal allegations against the complainant are that, on 04.11.2016 when the complainant was discharging his duty on bus plying from Gondia to Aheri, he recovered fare of Rs.150/- from owner of luggage but issued ticket of Rs. 87/- only for luggage and has misappropriated rest of amount. Record prima facie reveals that, a charge sheet was served upon the complainant on 28.04.2017. Statement of the complainant dated 04.11.2016 reveals that he has accepted allegations against him but is claiming that he was not having

any ill intention. It is case of the complainant that owner of luggage owner was having valid pass, a copy of which is filed on record. However, at this juncture there is nothing on record to establish nexus in between copy of pass filed on record and luggage which was found in checking of bus.

7. Record further reveals that the complainant was put to enquiry and he participated in the enquiry with his representative. However, record further reveals that enquiry officer has not recorded statement of any witness in enquiry except the complainant himself. This is not acceptable. Record further reveals that, no presenting officer was appointed nor any independent witness was examined by the enquiry officer. Thus, basic principles of natural justice are violated by the enquiry officer. Findings recorded by enquiry officer to effect that, charges leveled against the complainant are proved are without evidence to support such a conclusion. There appears non application of judicial mind by enquiry officer before relying upon statement of the complainant recorded while checking bus and by shifting burden of proof upon the complainant. In these circumstances, the complainant has prima facie established that there is violations of principles of natural justice by enquiry officer and non application of judicial mind by him.

8. As discussed in foregoing paras, there are violations of principles of natural justice and non application of judicial mind by enquiry officer, so also, findings recorded by enquiry officer to effect that, charges leveled against the complainant are proved are without evidence to support such a conclusion. In these circumstances, in my opinion, the prima facie case lies in favour of the complainant. **With these reasoning, I answer point No.01 in the Affirmative.**

9. As discussed in foregoing paras, the findings recorded by the enquiry officer are not substantiated by evidence on record. The principles of natural justice are overlooked by the enquiry officer, while conducting the enquiry. Despite all these discrepancies and irregularities, the complainant is forced to suffer punishment in form of stoppage of annual increments with cumulative effect. Asking an employee to suffer punishment without any evidence on record to support charges levelled against him, in my opinion, infringes statutory rights of an employee. It also violates the right of an employee for equal pay for equal work. There is no means to quantify actual damage sustained by an employee, who is forced to suffer punishment, by adopting procedure referred above. Therefore, these violations of statutory rights, in my opinion, cannot be compensated in terms of money and have to be treated as irreparable loss.
10. As discussed in foregoing paras, asking the complainant to undergo punishment, without having evidence to substantiate allegations made against the complainant amounts to an irreparable loss and it does not dilute the situation merely on the ground that punishment curtails only some monetary benefits of the complainant. In these circumstances, in my opinion, balance of convenience lies in favour of the complainant and he will suffer irreparable loss in event of non grant of relief of temporary injunction as prayed. **With these reasoning, I answer point No.02 and 03 in the Affirmative.**
11. In view of my findings on points No.01 to 03, as there is prima facie case and balance of convenience in favour of the complainant and he will have to suffer irreparable loss in event of non grant of interim relief as sought by him. No loss can be foreseen to the respondents, in event of such grant of relief. Considering all these circumstances, in my

opinion, the complainant is entitled for interim relief. **With these reasoning, I answer point No.04 in the Affirmative.**

12. In view of my findings on point No.04, as the complainant is entitled for interim relief sought by him, present application is entitled to be allowed. With these reasoning, **in an answer to point No.05**, I pass following order;

ORDER

1	The application for interim relief Exh. U-2 is allowed in following terms. The respondents are hereby restrained from prospective implementation and giving effect to impugned punishment order dated 12.03.2024 till final disposal of the complaint or until further order.
2	Cost in cause.

Date: 23.01.2026

(Ravikant T. Sakhare)
Member,
Industrial Court, Chandrapur.

Argued on	19.01.2026
Dictated on	19.01.2026
Pronounced on	23.01.2026
Transcribed on	21.01.2026
Checked and signed on	23.01.2026
Typed by	Shri. A.B. Panpate Stenographer

(Ravikant T. Sakhare)
Member, Industrial Court, Chandrapur.