

MHIC340000312025 	Presented on	:	17.03.2025
	Registered on	:	17.03.2025
	Decided on	:	14.07.2026
	Duration	:	Y M D
			01 03 27

IN THE COURT OF MEMBER INDUSTRIAL COURT, CHANDRAPUR
(Presided Over by Ravikant T. Sakhare)

Comp. (ULP) No. 20 of 2025
Exhibit No.: O/06

Complainant : Ravi Atmaram Bramhane
Aged about- 42 years, Occu- Service.
R/o. At-Post- Lanjeda
Tah. & Dist.- Gadchiroli.

V E R S U S

Respondents : 1] Maharashtra State Road
Transport Corporation.
The Divisional Controller,
M.S.R.T.C., Gadchiroli.

2] Maharashtra State Road
Transport Corporation.
Through its Divisional Traffic Officer,
M.S.R.T.C., Gadchiroli.

Advocates Appeared

Shri D. N. Bawane
Shri U. V. Deshpande

Representative for the complainant.
Advocate for Respondents.

CLAIM: - Complaint under Section 28 read with Items-5 & 9 of
Schedule- IV of the Maharashtra Recognition of Trade
Unions and Prevention of Unfair Labour Practices Act,1971.

J U D G M E N T

(Delivered on this 14th Day of July, 2026)

1) This is a complaint under section 28 read with Items-5 & 9 of

Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971 alleging unfair labour practice against the respondents by issuing impugned punishment order dated 16.12.2024.

2) This court has framed issues vide Exh. O/04. Those issues are reproduced below along with my findings thereon and respective reasoning thereto;

No	I S S U E S	FINDING
1)	Is the procedure in conducting enquiry of the complainant legal, proper and just?	No, as already decided vide order dated 21.04.2026
1A)	Is the finding recorded by enquiry officer legal and proper and is perverse ?	No, as already decided vide order dated 21.04.2026. Findings of enquiry officer are perverse.
2)	Is the punishment imposed on the complainant just and proper or illegal and disproportionate ?	Punishment order is illegal.
3)	Is the impugned order amounts to unfair Labour practice ?	YES
4)	Is the complainant entitled for the relief sought for ?	YES
5)	What order?	Complaint is allowed as per final order

REASONING

3) AS TO ISSUES NO. 02 TO 05:-

Heard both the parties and perused the record.

4) The complainant who was working as Conductor with the respondent corporation, was served with charge-sheet dated 04.09.2023 alleging that he has committed misconduct under clauses 25, 62(1) and

62(4) of Schedule-A of Discipline and Appeal Procedure of the respondent corporation. It was alleged in charge-sheet that on 18.08.2023, while the complainant was discharging his duty as a conductor on the bus of Gadchiroli depot bearing No. MH-14/BT-0814 plying on Gadchiroli to Sawargaon route at about 15:48 his bus was checked by the checking officer of the respondent corporation at Belgaon. At the time of checking it was found that there were total 25 passengers traveling in the bus, out of those passengers, one passenger who was traveling from Dhanora to Murumgaon was found without ticket. The complainant neither collected fare amount of Rs.35/- from said passenger at place of his boarding nor issued ticket to him till spot of checking and thereby the complainant has committed misconduct. In domestic enquiry, enquiry officer found that charges leveled against the complainant under clauses 25, 62(1) and 62(4) of Schedule-A of Discipline and Appeal Procedure of the respondent corporation are proved. Punishment order dated 16.12.2024 of reducing basic pay by three stages with cumulative effect was passed against the complainant. The complainant has filed first appeal against impugned punishment order dated 16.12.2024 on 02.01.2025. It is rejected vide order dated 28.01.2025. This is under challenge through present complaint.

5) Vide judgment part-I dated 21.04.2026 two issues relating to fairness and legality of enquiry and perversity of findings recorded by the enquiry officer were tried as preliminary issues by this court. Thereafter, findings were recorded to the effect that enquiry conducted against the complainant was not legal and proper nor is just, and the findings recorded by the enquiry officer are not legal nor proper but are perverse. The respondents were given an opportunity to adduce evidence before the court to prove charges against the complainant.

6) The respondent corporation while availing opportunity granted to it has examined Pawan Basanwar RW-01 vide Exh. C-04 and opted not to lead further evidence by filing evidence closing pursis Exh. C-05. Witness Pawan Basanwar RW-01 in his affidavit filed in lieu of examination in chief reiterated allegations against the complainant to the extent that, on 18.08.2023, while the complainant was discharging his duty as a conductor on the bus of Gadchiroli depot bearing No. MH-14/BT-0814 plying on Gadchiroli to Sawargaon route at about 15:48 his bus was checked by the checking officer of the respondent corporation at Belgaon. At the time of checking it was found that there were total 25 passengers traveling in the bus, out of those passengers, one passenger who was traveling from Dhanora to Murumgaon was found without ticket. The complainant neither collected fare amount of Rs.35/- from said passenger at place of his boarding nor issued ticket to him till spot of checking and thereby the complainant has committed misconduct.

7) Witness Pawan Basanwar has deposed in cross-examination that first inspection report was drawn at 15:48:24 and ticket to alleged without ticket passengers were issued on 15:48:55, within 31 seconds. Thereafter, second inspection report was drawn at 15:49:16. To identify a without ticket passengers out of 25 passengers, after verifying every passenger, and to issue tickets to without ticket passenger, within 31 seconds, is not humanly possible task. Witness has failed to explain these circumstances. Consequently, process adopted by witness as alleged in his examination in chief is not trustworthy and reliable without corroboration.

8) There can be no dispute in respect of settled position of law that once the findings are recorded to the effect that enquiry was not legal and proper, nor was just, and the findings recorded by the enquiry officer were perverse, the respondent corporation can not be permitted

to rely upon the documentary evidence consisting of enquiry papers, which is deemed to have been quashed as a consequence of findings on preliminary issues.

9) As discussed in foregoing paragraphs, testimony of Pawan Basanwar RW-01 is not trustworthy nor is reliable one, without corroboration. The respondent Corporation has not examined any other witness to support his testimony. Thus, entire evidence adduced on record on behalf of the respondent corporation in my opinion, is not sufficient to prove alleged misconduct against the complainant. With these reasoning, I record my findings to the effect that, the respondent has failed to prove alleged misconduct against the complainant. In these circumstances, impugned punishment order is an act on behalf of the respondent corporation, without proof of misconduct on part of the complainant. Appellate authority has failed to appreciate this aspect. Order passed by the Authority, therefore, is not sustainable one. Therefore, it has to be called as unfair labour practice on part of the respondent Corporation and consequently, illegal. Accordingly, in my opinion, the complainant has proved that the impugned order of punishment dated 16.12.2024 and order dated 28.01.2025 are illegal and an unfair labour practice on the part of respondents. **With these reasoning, I answer Issue No.02 and 03 in the Affirmative.**

10) In view of my findings on issues No.02 and 03, as the complainant has proved that, impugned punishment order is an act of unfair labour practice and is illegal, in my opinion, the complainant is entitled for relief of declaration that the respondents are indulged in unfair labour practice by passing impugned punishment order and for direction to the respondents to desist from such unfair labour practices in future. The complainant is also entitled for relief of setting aside impugned punishment order. Consequently, present complaint is

entitled to be allowed. **With these reasoning, I answer Issue No.04 in the Affirmative.**

11) In view of my findings on issues No. 02, 03 and 04, as the complainant is entitled for the reliefs as sought by him, present complaint is entitled to be allowed. With these reasoning, **in an answer to issue No.05**, I pass the following order;

ORDER

01	The complaint is allowed in following terms;
i)	It is hereby declared that the respondent are engaged in unfair labour practice by issuing impugned order dated 16.12.2024 and 28.01.2025 falling in Items- 05 and 09 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971.
ii)	The respondents are hereby directed to cease and desists from committing similar acts of unfair labour practice in future.
iii)	Impugned punishment order dated 16.12.2024 and 28.01.2025 are hereby quashed and set aside.
02	Both parties do bear their costs of present complaint.

Date: 14.07.2026

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

Argued on	:	14.07.2026
Direct typed on	:	14.07.2026
Pronounced on	:	14.07.2026
Checked and signed on	:	14.07.2026
Typed by	:	Shri. K. C. Durge Stenographer

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