

Exh. No. _____

IN THE INDUSTRIAL COURT, MAHARASHTRA,
(BHANDARA BENCH), BHANDARA.

COMPLAINT (ULP) NO. 109/2019
(CNR NO. - MHIC360002382019)

Pradip Antaram Karanjekar,
Aged 47 years, Occ. : Service,
R/o Nursery Colony, Near Bus Stand,
Sakoli, Tahsil – Sakoli,
District – Bhandara.

..... **COMPLAINANT**

- V E R S U S -

01. Maharashtra State Road Transport
Corporation, through its
Divisional Controller,
Nagpur Road, Bhandara.

02. Maharashtra State Road Transport
Corporation, through its
Divisional Traffic Officer,
Nagpur Road, Bhandara.

..... **RESPONDENTS**

CORAM : **Kishore M. Jaiswal**, Member,
Industrial Court, Bhandara.

Appearance : Mr. S. E. Raghorte, Advocate for the complainant.
Mr. P. M. Nichakawade, learned Advocate for the
respondents.

JUDGMENT on Preliminary Issues
(Delivered on 6th day of December, 2025)

Present Complaint is filed by the complainant under Section 28 R/w Item No. 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971 (here-in-after referred as “the M. R. T. U. and P. U. L. P. Act”) challenging the show cause notice dtd. 13/12/2019 issued by the respondents.

FACTUAL MATRIX

02. The complainant is serving as Driver with the respondent Corporation. It is alleged that on 08/06/2019, the complainant questioned to Traffic Controller Mr. Shankar M. Parvate as to why he allotted duty vide schedule no. 78 and it is alleged that he abused him with dire consequence. At the time of alleged incident, Assistant Traffic Inspector of Sakoli Depot Mr. Vikas Sapate was present and it is alleged that the complainant has also given abuses to him. As such for indiscipline behaviour, speaking in arrogant manner and obstructing in administrative work, the charge-sheet was issued and the enquiry was conducted by the department. After holding full-fledge enquiry, three years annual increment was withhold and the same is under challenge in the present complaint.

03. It is further submitted by the complainant that the enquiry conducted against him is not fair, proper and in accordance with the principles of natural justice. The findings recorded by the enquiry officer are also perverse.

04. In the present matter, the respondents have appeared and filed their written statement vide Exh. C-4. The preliminary objection was being raised that yet punishment is not imposed. All the allegations are denied in toto. It is submitted that the enquiry was held in accordance with the procedure provided and punishment imposed is also justified.

05. Upon rival submissions of both parties, my learned predecessor has framed issues vide Exh. O-3. Considering nature of the issues and with consent of both parties, issues no. 1 & 2 are taken as preliminary issues. Those are as follows. I have recorded my findings against it for the reasons stated below :-

ISSUES

FINDINGS

01. Does complainant prove that the enquiry conducted against him was not fair, proper and in accordance with the principles of natural justice ?

..... In the negative.

02. Does complainant prove that the findings of enquiry officer are perverse ?

..... In the affirmative.

REASONS

06. Heard learned Advocate Mr. S. E. Raghorte for the complainant and learned Advocate Mr. P. M. Nichakawade for the respondents. Having regard to the submissions, I am answering aforesaid points.

AS TO ISSUE NO. 1 :-

07. At the very outset of the present case, the learned Advocate for the complainant Mr. S. E. Raghorte fairly conceded before this Court that every opportunity is being given to the complainant by the enquiry officer while holding the departmental enquiry. As such, the fact that the enquiry was fair and proper or there was no violation of principles of natural justice is not disputed. Even otherwise with assistance of both parties, I have gone through the documents filed along with list Exh. U-3. Initially, the show cause notice was issued to the complainant on 13/12/2019 and copy of charge-sheet was also served. The chance of reply was given and even the complainant has replied the same.

08. The rojnama of the enquiry proceeding reflects that all opportunity is been given to the complainant. Even the respondent has filed docket-sheet and the record transpires that the four charges were framed on the basis of complaint filed by Mr. Shankar Parvate. The statement of witnesses were also recorded and even the complainant has cross-examined those witnesses. Whenever the complainant asked for time, even the time was granted and as such when it is not disputed that the enquiry is fair and proper and in accordance with the principles of natural justice, in fact issue no. 1 does not survive. In view of the same, I answer issue no. 1 in the negative.

AS TO ISSUE NO. 2 :-

09. The whole crux of the matter lies on the aspect of incident dtd. 08/06/2019 wherein it is alleged that the complainant has given abuses and threat to his superiors i.e. Traffic Controller Mr. Shankar M.

Parvate and Assistant Traffic Inspector Mr. Vikas Sapate. Again with assistance of both parties, I have gone through case papers of the departmental enquiry and the findings given by the enquiry officer.

10. Here, two aspects need to be considered, firstly that the punishment imposed was withholding of three annual increments. As per the Corporation those officers has lodged report with the police authority, but the police authority has given non-cognizable case report. It is matter of record that after receipt of non-cognizable case report, neither Mr. Shankar Parvate nor Mr. Vikas Sapate or anyone on behalf of Corporation has filed private complaint case before the concerned jurisdictional Magistrate about the alleged incident. Thus, only on the basis of these statements / report given to the authorities, the findings was given by the enquiry officer.

11. Be that, as it may, I have gone through the statement of Mr. Parvate, who has stated that the complainant has stated to him, “ एक फोन करदुंगा तो तेरे तुकडे तुकडे करदुंगा व जिवे मारण्याची धमकी देवून तेरी क्या औकात है ! ” On careful perusal of this statement, there are no specific words uttered by the complainant, which may mean that abuses are being given. As far as alleged threatenings of life or to kill are concerned, the statement reveals that the complainant has stated “ तेरी क्या औकात है! ” So, if this statement is read, it reflects that no threat to kill is given by the complainant. The enquiry officer, ought to have considered that in order to make out prima facie case for the threats to kill, it should have been meant by the complainant and felt by the witness Mr. Parvate. There is nothing to indicate that after the alleged incident, Mr. Shankar

Parvate could not continue his official work and as such there was no iota of evidence before the enquiry officer to hold that the complainant has obstructed in the official function of Mr. Parvate. In absence of specific details, it cannot be said that complainant has intended to kill his superiors.

12. On perusal of statement of Mr. Vikas Sapate, he has not stated about any specific abuses or words uttered by the complainant to Mr. Shankar Parvate. The witness Mr. Sanjay Khekare has not stated anything against the complainant. So, only the interested witnesses were examined by the enquiry officer and there is no corroboration to their oral testimonies from independent witness. This fact ought to have been appreciated by the enquiry officer while giving findings to the charges leveled against the complainant. Thus, in absence of details of any specific abuses being uttered by the complainant or intention of giving threats to kill was not before the enquiry officer. The enquiry officer only believed the statement of two witnesses Mr. Shankar Parvate and Mr. Vikas Sapate, who were also not cross-examined. In such eventuality, the findings given by the enquiry officer about the charges leveled is not in accordance with the law and is perverse, which certainly requires interference. Therefore, I answer issue no. 2 in the affirmative and proceed to pass the following order.

ORDER

01. It is hereby declared that the enquiry conducted against the complainant is fair, proper and in accordance with the principles of natural justice.

02. It is also declared that the findings recorded by the enquiry officer are perverse.
03. The matter being old one, both the parties to cooperate for early disposal of main complaint.

BHANDARA.

Date :- 06/12/2025.

(Kishore M. Jaiswal)
Member,
Industrial Court, Bhandara.

Argued on : 06/12/2025
Dictated on : 06/12/2025
Typed on : 09/12/2025
Checked & Signed on : 09/12/2025.
MSH/-