

**IN THE LABOUR COURT AT ALIBAG, DIST – RAIGAD**  
**COMPLAINT (ULP) NO. 08/2025**  
**(CNR No. MHLC060000622025)**

**Rahul Namdev Bhoite.**

Age- 33 Yrs Occ. Service(Conductor).

R/O- Kaudgaon, Tal – Ahilyanagar,

Dist- Ahilyanagar.

**Complainant.**

**V/S.**

**1. Divisional Traffic Superintendent,  
MSRTC Raigad Division-Ramwadi  
Ramwadi, Pen, Dist. Raigad.**

**2. Maharashtra State Road Transportation  
Raigad Division**

Through, Its Depot Manager,  
Respondents Shrivardhan Depot,  
Tal- Shrivardhan, Dist- Raigad.

**Respondent(s).**

**CORAM : G. S. Hange, Judge**

**Appearances :**

1] Mr. V.R. Mehata, Adv. for the complainant.

2] Mrs. S.M. Mokal, Adv. for the Respondents.

**Order below Exh. U-2**  
**(Passed on 21/11/2025)**

The complainant presented this application for restraining the respondents from giving effect to show cause notice of dismissal dtd. 08/09/2025 till the conclusion of the matter under section 30(2) of the MRTU and PULP Act, 1971. (Hereinafter

referred as to “the Act”)

**Facts in brief**

2. The complainant has been in the employment of the respondents as a Conductor. He submits that on 25/04/2025 the respondents issued a chargesheet against him alleging that he has indulged into misconducts. As per the chargesheet on 16/04/2025 the complainant was on Shrivardhan Mumbai duty. The checking squad checked his bus during Vadkhal Bridge to Ramwadi and three passengers were found traveling on unauthorized ticket for Indapur to Panvel.

3. As per the chargesheet it was alleged against the complainant that those passengers had paid him the ticket fare of Rs. 515/- for Indapur to Panvel and the complainant issued them hand written ticket on inspection report as Indapur to Panvel, 20566, 206 x2=412 and 103x1=103=515. It is alleged therein that after seeing the checking inspector the complainant issued ticket no. 20568 for Indapur to Panvel. After checking ticket no. 20566 with inspection report it was found that the said ticket was for Amrut Senior Citizen concessional ticket. The complainant with the intention of misappropriation issued the said ticket to passengers after accepting fare from them.

4. The complainant submits that he had issued proper ticket to all passengers in the bus. He had accepted proper fare from the

alleged passengers but while issuing ticket to them the ETI machine got hanged as it was not working properly. When the complainant entered the entry in the ETI machine for drawing tickets for the alleged passengers the blank ticket roll came out. Therefore, he wrote the correct fare and correct number of passengers traveling from Indapur to Panvel on the same. Though he issued handwritten tickets he wrote the proper amount which he had accepted towards fare from the alleged passengers. Therefore, there was no misappropriation committed by him as the personal cash and corporation cash found to be correct.

5. According to complainant he had pressed the button to draw the ticket for Indapur to Panvel route but due to faulty machine a Amrut Senior Citizen ticket came out of the ETI machine, therefore, he wrote on that ticket the fare which he accepted and number of persons for whom he issued the said ticket. He explained this fact to the checking inspector and in his statement at the spot. At Vadkhal he had issued ticket no. 20568 of Rs.515/- from his ETI machine to the alleged passengers. It shows his innocence. The passengers in their statement stated also that the complainant issued them handwritten ticket of Rs.515/- because the machine was hanged. This fact was also explained to the checking inspector, in spite of that the reporter prepared a false report against the complainant and falsely implicated him in the case.

6. According to the complainant the enquiry officer ignored

the relevant facts and conducted the enquiry partially in violation of principles of natural justice. The enquiry was completed hurriedly and only in one seating. The proper procedure was not followed. Therefore, the complainant has a prima facie case in his favour. The balance of convenience also lies in his favour. He shall suffer irreparable loss if the relief is not granted to him. Therefore, he prayed for allowing this application by directing respondents not to take any action of dismissal against him pursuant to show cause notice dated 18/08/2025.

7. Respondents filed their reply at Exh. C-4. According to them on 16/04/2025 the complainant was on Shrivardhan Mumbai duty. When his bus was checked during Vadkhal bridge to Ramwadi three passengers were found traveling on an unauthorized ticket for Indapur to Panvel. When it was enquired the checking inspector came to know that those three passengers boarded on the bus at Indapur for Panvel and had paid Rs.515/- towards fare and the complainant after receiving the said amount issued a blank ticket in which description of ticket number 20566, 206x2=412, 103x1=103=515 was written by hand. Thereafter, when the checking inspector started checking the bus the complainant issued ticket no. 20568 for Indapur to Panvel to those passengers. The ticket no. 20566 was of Amrut Senior Citizen and when the bus was checked there was no senior citizen traveling in the bus which shows complainant's intention to misappropriate the corporation funds. When the collection report was verified the said ticket of senior

citizen came to be valued as Rs.0. If the bus was not checked the respondents would have suffered the loss of Rs.515/-. The Act of the complainant was of gross misconduct therefore, the chargesheet was issued against him for the clauses 10, 11, 22 , 7A , 7C , 7D, 7I and 12B of Discipline and Appeal procedure.

8. According to respondents the complainant has made out false story as the departmental enquiry was conducted by following the principles of natural justice and as per D and A Procedure of the Corporation. According to them the charges leveled against the complainant are duly proved and the findings drawn by the enquiry officer are proper and not perverse. According to respondents in departmental enquiry the complainant was allowed to represent him by the Union Representative to defend the case. He was allowed to secure the presence of witnesses to defend his case. He was given full opportunity to cross examine the witnesses. The enquiry officer has considered oral as well as documentary evidence brought before him. The respondents have reiterated the alleged facts of misconduct in their written statement and have contended that the complainant has committed misconduct by giving a blank ticket of Amrut Senior Citizen to the passengers after receiving Rs. 515/- towards fare from them. There is no prima facie case in his favour and no loss will be caused to him if the application is rejected. Therefore, they prayed for rejection of the application.

9. Considering rival pleadings of both the parties following

points arose for my consideration. I have recorded my findings thereon for the reasons recorded.

<u>ISSUES</u>	<u>FINDINGS</u>
1. Whether the complainant proves that there is a prima facie case in his favor ?	"No"
2. Whether the complainant proves that the balance of convenience lies in his favor ?	"No"
3. Whether the complainant proves that he will suffer irreparable loss if the application is rejected ?	"No"
4. What Order ?	As per final order

### REASONS

10. Learned advocates of both the sides advanced their arguments. Both the parties relied upon the documents regarding the enquiry of the complainant which will be referred at the proper stage during the discussion.

### ISSUE NOS. 1 TO 3 (Collectively)

11. All these issues are related to each other, therefore, for the sake of brevity and convenience they are discussed together. It is a case of the complainant that when he was on Shriwardhan Mumbai duty as a Conductor three passengers boarded on the bus at Indapur. While issuing ticket the ETI machine got hanged and a

blank ticket roll came out of it. He accepted Rs.515/- towards fare from them and issued handwritten ticket and wrote on it the proper amount and ticket no. 20566 for Indapur to Panvel. According to him he also issued ticket no. 20568 to them at Vadkhal which shows his innocence. On the other side the respondents contend that the complainant issued Amrut Senior Citizen ticket of Rs.0 value to the three passengers who boarded at Indapur for Panvel after receiving Rs.515/- from them towards fare. He had intention of misappropriation of the respondent corporation fund as there was no senior citizen present in the bus when it was checked. Therefore, the enquiry was conducted against him in which he was found guilty of misconduct mentioned above and accordingly the chargesheet was issued against him for clauses 10, 11, 22, 7A, 7C, 7D, 7I and 12B. of D and A Procedure.

12. I have carefully gone through the proceedings of the matter. On careful perusal of enquiry proceedings it appears that the complainant had issued ticket no. 20566 to three passengers after accepting Rs.515/- towards fare from them. There is no dispute about this fact. It has also come on record that the complainant issued the said ticket on blank inspection report in spite of issuing proper ticket mentioning the amount of fare etc. It appears that the said ticket no. 20566 was of Amrut Senior Citizen valued Rs.0 and it was issued by the complainant after accepting Rs.515/- from the passengers. However, it was also found in the enquiry that there was no single senior citizen traveling in the bus when it was checked at

Vadkhal by the checking squad.

13. I have perused a statement given by the three passengers to whom the ticket no. 20566 was issued and they have stated specifically that it was told to them that their ticket was locked in the machine and therefore, the handwritten ticket of Rs.515/- was issued to them. The passengers nowhere admit in their statement that they himself found the ETI machine not working at the time of issuing ticket to them. It is also pertinent to note here that when the ticket no. 20566 was issued the inspection report shows the timing 18:13:50 and when the ticket no. 20568 was issued at the time the checking the bus the issuing timing was reported as 19:23:22. In brief it can be gathered that when the bus was about to be inspected the ticket no. 20568 seems to had been issued to avoid the misappropriation. The question arises why it took complainant to issue ticket no. 20568 at Vadkhal when the passengers were boarded at Indapur. If the ETI machine was not working at that time he would have issued manual tickets to the passengers. He has not given any explanation why he did not issue manual tickets when the ETI machine got hanged.

14. It appears from the record that when the checking inspector checked the bus he found the ETI machine properly working. He also found that if the ticket no. 20568 had not been issued when the bus was checked there would have been misappropriation of Rs.515/- and loss of same amount to the

corporation. Further, the question arises if the complainant had issued ticket no. 20566 to the passengers on blank roll describing the route and fare amount on the same then why did he issue the ticket no. 20568 again to the same passengers at Vadkhal minutes before the bus was checked. Further, the complainant himself had admitted in his enquiry in answer to question no. 38 that the ticket of Amrut Senior Citizen was issued by him falsely. He also admitted in his enquiry that he gave handwritten ticket on inspection report to three passengers after receiving Rs.515/- from them. He also admitted that there was no senior citizen traveling in the bus at the time of its inspection. All these facts lead to conclusion that the complainant had an opportunity to issue manual ticket when the ETI machine was hanged. He used Amrut Senior Citizen ticket valued Rs.0 and gave it to three passengers after receiving Rs.515/- from them. This shows his mala fide intention to misappropriate the respondent corporation funds. It appears that he again issued ticket no. 20568 when the bus was about to be checked. It also shows his attempt to avoid his malpractice of issuing blank tickets to the passengers.

15. According to the complainant if he had intention to misappropriate the respondent corporation amount then his personal cash and respondent's cash would have been different. It is true that when the bus was checked there was no increase in his personal cash but it was found that the said misconduct was averted by him by issuing ticket no. 20568 again to those passengers when

he anticipated the checking of the bus at Vadkhal. Therefore, the material on record justifies the action of respondents issuing show cause notice of dismissal. The prima facie material on record shows misconduct on the part of the complainant. The statement of the passengers does not help him to show that the ETI machine was hanged. There is no material on record except the complainant's words to show that due to faulty machine he was forced to issue ticket on blank roll paper. If the relief is granted to the complainant then it will cause irreparable loss to the respondents as it would encourage other workers to do similar kind of mischief and cause loss to the respondent corporation. Therefore, I do not find any material on record to grant interim relief to the complainant. There is no balance of convenience in his favour. In background of this situation I answer point nos. 1 to 3 in the negative and pass the following order.

**ORDER**

- 1) Application is rejected.
- 2) In the circumstances no order as to costs.

Alibag.  
Date: 21/11/2025

**(G. S. Hange)**  
**Judge**  
**Labour Court, Alibag**