

**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, Labour Court, Alibag.**

**APPEARANCES :**

1] For the complainant – Adv. V. R. Mehta

2] For the Respondents – Adv. S. M. Mokal

**ORDER PART I**

(Passed on 31/12/2025)

This is a complaint under item 1(a),1(b), 1(d), 1(f) and 1(g) of Schedule IV of the MRTU and PULP Act 1971.

**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 sitting. The proper procedure was not followed. The Enquiry Officer failed to appreciate the oral and documentary

evidence brought on record in hearing. He failed to examine the passengers on the bus who would have helped him to come to proper conclusion. He failed to consider various admissions given by the reporter in cross examination. His findings are based upon surmises and conjectures. He has not given any reason as to why he accepted the evidence of corporation to the evidence of the complainant. The enquiry was completed hurriedly only in one sitting without following proper procedure. Considering these aspects it was prayed to hold that the findings of the enquiry are perverse and not proper.

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. They contended that the findings of the Enquiry Officer are based on evidence brought on record. The Enquiry Officer properly appreciated that evidence and came to definite conclusion regarding the misconduct of the complainant. There is no reason to consider his findings as perverse and improper. Therefore, it is necessary to hold that the findings of the enquiry are not perverse and are proper.

9. The issues on Part I has been framed at Exh. O-2. I have

recorded my findings thereon for the reasons stated below.

<u>ISSUES</u>	<u>FINDINGS</u>
1. Whether the inquiry conducted against the complainant is fair and proper and in accordance with the principles of natural justice?	“Yes”
2. Whether the findings of the inquiry officer are perverse ?	“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. Before appreciating the contentions on merit it is necessary to refer the principles as to when findings of the enquiry officer in domestic enquiry can be termed as perverse. In the case of **Kuldeep Singh Vs. The Commissioner of Police & Others** decided on 17/12/1998, the Hon'ble Supreme Court has dealt with the aspect when the findings of the enquiry officer can be said to be perverse. The Court has considered its earlier decisions & held that "**In Nand Kishore vs. State of Bihar,cited in AIR 1978 SC 1277**" it was held that the disciplinary proceedings before a domestic Tribunal are of quasi-judicial character and, therefore, it is necessary that the Tribunal should arrive at its conclusions on the basis of some evidence, that is to say, such evidence which, and that too, with some degree of definiteness, points to the guilt of the delinquent and does not leave

the matter in a suspicious state as mere suspicion cannot take the place of proof even in domestic enquiries. If, therefore, there is no evidence to sustain the charges framed against the delinquent, he cannot be held to be guilty as in that event, the findings recorded by the Enquiry Officer would be perverse. The findings, recorded in a domestic enquiry, can be characterised as perverse if it is shown that such a finding is not supported by any evidence on record or is not based on the evidence adduced by the parties or no reasonable person could have come to those findings on the basis of the that evidence. It is then held that whether the evidence are opposed on the conclusion is where to which is no reasonable man could come. The evidence can be rejected as perverse. It was laid down that where the findings of misconduct are based on no legal evidence and the conclusion is one to which no reasonable man could come, the findings can be rejected as perverse. It was also laid down that where a quasi-judicial tribunal records findings based on no legal evidence and the findings are his mere ipse dixit or based on conjectures and surmises, the enquiry suffers from the additional infirmity of non-application of mind and stands vitiated.

13. In *Association Of Engineering v/s Hindustan Motor Manufacturing reported in 2004 (102) FLR 154*, the Hon'ble Bombay High Court has held that the ruling of the Apex Court therefore clearly discloses the necessity for analysis of the evidence by the Enquiry Officer before arriving at the finding regarding the misconduct of the workmen. It is necessary for the Enquiry Officer to

analyse the evidence and to disclose from such analysis as to how the allegations against the workmen are established by the evidence led by the employer. It is not a mere formality on the Enquiry Officer to conclude that allegations are proved by the evidence on record would suffice the requirement of law in that regard but the exercise of analysis of evidence should be disclosed from the application of mind by the Enquiry Officer to the facts brought on record vis-a-vis the allegation of misconduct by the workman and such an exercise should be revealed on the face of the record of the report of the Enquiry officer itself. In the absence thereof, as rightly submitted by the advocate for the petitioner, it cannot be said that the Enquiry Officer has applied his mind to the matter in issue nor it can be said that the findings by the Enquiry Officer are borne out from the record. On the contrary in the absence of analysis it would have to be concluded that the findings are perverse.

14. 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.

15. 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.

16. 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.

17. On bare perusal of the findings recorded by the enquiry officer it appears that he has taken into consideration oral as well as documentary evidence in order to arrive at findings. In domestic enquiry the provisions of Indian Evidence Act are not strictly applicable. Therefore, on the basis of evidence brought before the

enquiry Officer by the respondents and the statement in defense given by the complainant, the findings recorded by the enquiry officer appears to be not perverse. On these grounds, if the finding recorded by enquiry Officer is looked into then it cannot be said that those are not proper. Therefore, I hold that the findings recorded by enquiry officer are not perverse. Consequently, I answer these issues accordingly and pass the following order.

**ORDER**

- 1) It is hereby held and declared that the enquiry conducted against the complainant is fair and proper and in accordance with the principles of natural justice.
- 2) The findings of enquiry Officer are not perverse.
- 3) In the circumstances no order as to costs.

Alibag.  
Date: 31/12/2025

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