

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12943 of 2015

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Yogendra Prasad Yadav son of Sri Lakshman Prasad Yadav, resident of Village and
P.O. Dhamar, P.S. Mufasil, District Bhojpur

.... Petitioner/s

Versus

1. Food Corporation of India through its Managing Director, Barakhamba Lane, New Delhi.
2. Executive Director (East Zone), Food Corporation of India, Zonal Office (East), 10 Middleton Row, Kolkata.
3. General Manager, Region, Food Corporation of India Regional Office, Patna
4. Area Manager, Food Corporation of India, District Office, Dighaghat, Patna
5. Manager (D), Food Storage Depot, Phulwarisharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Respondent/s : Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-12-2015

The petitioner has been working at Phulwarisharif Depot since the year 2010. After the order of his transfer was issued in terms of Annexure-3, he moved the High Court primarily on the ground that there is discrimination in the manner in which the petitioner has been moved, whereas other persons who were in a better bargaining position through the union has been left out and remained untouched. He also submits that there are persons who have worked and are still working for more than a decade or two at the same station. Therefore, the petitioner should not be singled out for such transfer.

Article 14 cannot be stretched beyond a limit. Utilization of workforce has to be primarily left in hands of employer, because hiring of manpower is with the object or delivery of work for which they have been engaged.

If, there is no legal infirmity as such which is emerging from the order of transfer, the court will be loath to interfere with such decision.

If a statutory dispute has been raised by a set of workers, through their Union under the Industrial Disputes Act, then they are bound by order of restrain which will remain in operation like a clear decision is taken by the Statutory Authority. The case of petitioner cannot be equated with the order of transfer of others.

Even otherwise, the court is informed that the petitioner has joined the transferred post. Let him work there for a while and then may be make a representation for consideration before the Competent Authority, who shall take a dispassionate view of such representation.

The writ is otherwise dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

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