

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1095 OF 2015

1. The Municipal Corporation of
Gr. Mumbai and Ors.

.....Petitioners
(Orig. Respondent)

: V/S :
Municipal Nursing and Paramedical
Staff Union

.....Respondent
(Orig. Complainant)

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Ms. Pallavi Thakar i/by. Mr. U.H. Deshpande, Advocate for the
petitioner.

Mr. Kishorekumar S. Shetty, Advocate for respondent no.1.

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Coram :- Smt. R.P. SondurBaldota, J.

29th July, 2015.

P.C. :-

1). This petition challenges the order dated 14th August, 2014 by which the Industrial Court allowed the application of the respondent for interim relief and stayed the order of transfer of two of the members of the respondent Union. The persons transferred have been working as Community Development Officers (“CDO” for short) in KEM Hospital, Parel. They are sought to be transferred to Nair Hospital and LTGM Hospital.

2). The challenge of the respondent to the order of transfer was on the ground that the service conditions of the CDO, do not permit the petitioners to transfer them from one Hospital to another Hospital. According to the respondent, there can be internal transfers from one department to another department in the same hospital but not to any other hospital. The other grievance raised by the respondent is that, though there is a common seniority list for all CDO's working in different hospitals, the CDO on transfer to another hospital, would be treated as the junior most officer in the hospital.

3). The Industrial Court has considered all the grievances and on the basis of the pleadings and the documents produced has held that, the appointment orders of the CDO's do not disclose that, they are liable to be transferred from one hospital to another. Even before this Court, Ms. Thakar, appearing for the petitioner has not been able to point out any material to show that, they are liable to be transferred from one Hospital to another Hospital. In that circumstance, even if the other Hospitals are run by the petitioners, there can be no transfer to the other Hospitals. There is no infirmity whatsoever in the view taken by the Industrial Court. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)