

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8881 OF 2014

Sayyed Kausarali & ors.

... Petitioners

v/s

Oswal Chemicals & Fertilizers Ltd. & ors.

... Respondents

Mr.M.S.Peerzada for the petitioners.

Mr.Ravindra V. Paranjape for Resp. Nos.1 to 3.

***CORAM: N.M. JAMDAR, J.
DATED : 17 NOVEMBER 2015***

P.C.:

The petition challenges the order passed by the Industrial Court, Mumbai, dated 28 February 2013, disposing of the Complaint filed by the Petitioners challenging their order of transfer.

2 The Petitioners have been transferred from Mumbai to Delhi and Ludhiana. The witness of the Petitioners has admitted that the Respondent Company has its head office at Delhi and around 100 to 125 workers are working therein. It is well settled that the scope of interference in the order of transfer, is narrow. Transfer of the Petitioners is not to any remote place but to where the head office of the Respondent Company lies and other establishment.

3 Furthermore, the witness of the Petitioners had made a statement on behalf of the Petitioners stating that the Petitioners are ready to join the transferred place from 7 December 2015 provided certain provisions are made. Taking note of the statement of the Petitioners, the Industrial Court has directed the Respondents to allow the Petitioners to join at their transfer place and to provide bachelors accommodation for six months to enable them to make arrangement for accommodation of their family members. The Respondents have also been directed to pay an amount of Rs.10,000/- towards transfer allowance and wages on par with their post of transfer at Delhi and Ludhiana.

4 Learned counsel for the Respondents submitted that the Respondents are ready to abide and were always ready to abide by the impugned order and if the Petitioners report to work on 7 December 2015 at their transferred place, the Respondents will comply with the directions in the impugned order. The statement is accepted. Learned counsel for the Petitioners submitted that the work of the Petitioners which was being performed by them at Mumbai should not be changed. This request is reasonable. Accordingly, the Respondents will not change the nature of work of the Petitioners. The Petitioners can collect the amount of transfer allowance from the Respondents prior to their departure.

5. In view thereof, no further directions are necessary in this

petition.

6. The petition is disposed of in above terms.

(N. M. JAMDAR, J.)