

JPP

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

CIVIL WRIT PETITION NO. 9103 OF 2015

Samadhan Bhagwan Patil.

... Petitioner.

V/s.

SPM Auto comp. Systems Pvt. Ltd.

... Respondent.

Mr. Y.M. Pendse a/w. Ms. Mani Prakash i/b. Kranti L.C. for the
Petitioner.

Mr. S.R. Nargolkar a/w. Aumkar Joshi for the Respondent.

CORAM : N.M. JAMDAR, J.

DATE : 12 OCTOBER, 2015.

P.C. :-

The Petitioner is working as a Operator with the Respondent – Company. By order dated 27 February 2015, he has been asked to work at the branch of the Respondent – Factory at Manesar, Haryana. The Petitioner has filed a Complaint (ULP) No. 33 of 2015 in the Industrial Court, Pune. In this Complaint, he had sought interim relief which has been rejected by order dated 24 April 2015.

2. The Petitioner has now reported for duty at the factory at Manesar – Haryana. The grievance made by the learned Counsel for the Petitioner is that the Petitioner is not being given same work but is asked to perform some other work and is also not given enough deputation allowances. The learned Counsel for the Respondent states that though the Petitioner has reported to duty on 27 September 2014, he is avoiding work at Manesar. He also advanced various other contentions on merits of the complaint such as jurisdiction, maintainability, status of the Petitioner.

3. The order dated 27 February 2015 has specified the period of tenure of the Petitioner at Manesar from 6 March 2015 to 5 March 2016 and the order also states that a deputation allowances be paid. Prima-facie this order appears to be in nature of deputation for a limited period. Prima-facie also the order states that the skill of the Petitioner is required at the factory in Manesar. The Petitioner was working as a Operator in Moulding Shop Department, so therefore, the skill referred to in the order dated 27 February 2015 would be the skill as a Moulding Shop Operator.

4. It is therefore expected that the Respondent will utilize the skill of the Petitioner as a Moulding Shop Operator at Manesar. If the Respondent do not do so, it is always open to the Petitioner to make a grievance before the Industrial Court where the

complaint is pending. The Petitioner can also make a grievance regarding enhancement of his allowances. These grievances will be considered on their own merits by the Industrial Court.

5. Considering the limited scope of interference by the Writ Court in the order of transfer, that too at an interim stage, I am not inclined to interfere with the impugned order. The Writ Petition is disposed off with the clarification as above.

(N.M. JAMDAR, J.)