

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 677 OF 2015

(Omprakash s/o Laxmanrao Bhivgade, Nagpur vs. The Chief Security Commissioner, Railway Protection force, SEC Railway, Bilaspur & Anr.)

AND

WRIT PETITION NO. 678 OF 2015

(Vijay Singh s/o Lakhanpratap Singh Thakur, Nagpur vs. The Chief Security Commissioner, Railway Protection force, SEC Railway, Bilaspur & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 29, 2015.**

Heard Shri Karmarkar, learned counsel for the petitioners, Shri Lambat, learned counsel for the respondents.

The transfer of the petitioners from Nagpur to Bilaspur Division is questioned, pointing out that it is discriminatory, as other similarly situated persons have been placed/ transferred in Nagpur Division itself. It is further submitted that it is premature as the petitioners were not due for regular transfer. It is also pointed out that because of discrimination, there are malafides. Lastly, it is urged that a Committee to examine fairness of transfers and postings has not been constituted and has not looked into the transfers.

The respondents have filed their reply and are disputing this.

The petitioners have not pointed out any specific legal provision which permits an employee to be posted at a particular station for specific duration.

Similarly, the petitioners have not pointed out that after effecting other intra division transfers, vacancy was available for them at Nagpur.

The employer has pointed out that a criminal matter is pending against the petitioners, therefore, they are not posted within division. This reason is not shown to be incorrect and false. The employer has also pointed out formation of Committee as per Standing order No.110 and consideration of case of the petitioners by it.

In this situation, we find all grounds unsustainable. The transfer is the domain of employer and the employer is not supposed to give any reasons to justify it. The burden is upon the employee to point out how it is malafide or in violation of any statutory provision. Here, there are no statutory provisions and malafides are not demonstrated.

As such, no case is made out. Writ Petitions are rejected. No order as to costs.

JUDGE

JUDGE

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