

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7133 OF 2016

AMRUT DODHU PATIL
VERSUS
MAHARASHTRA ROAD TRANSPORT CORPORATION, JALGAON

...
Advocate for Petitioner : Shri Bhadgaonkar U.A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 05, 2016

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PER COURT :-

1 The petitioner has challenged an interim order dated 23.5.2016 passed by the Industrial Court, Jalgaon in Complaint (ULP) No.29 of 2016, by which, the application for interim relief Exhibit U/2 seeking a stay to the transfer has been rejected.

2. Shri Bhadgaonkar, learned Advocate for the petitioner has strenuously canvassed that the impugned order is perverse and erroneous. The transfer order amounts to a punitive action, without any disciplinary proceedings conducted against the petitioner. He submits on instructions, gathered from the petitioner, who is present in the Court that the petitioner is willing to undergo disciplinary proceedings in the light of the complaint of the lady conductor (name not disclosed) regarding sexual harassment.

3. I have considered the submissions of the petitioner and the statement made. The impugned order of transfer *prima facie* does not appear to be a punitive transfer. It cannot be ignored that the lady conductor (her name is mentioned in the impugned order) had alleged sexual harassment at the hands of the petitioner who is a driver with the MSRT Corporation. The matter was settled after the petitioner has assured good behaviour. It has come on record that this is not the first complaint against the petitioner. There are several other incidents which find place in the impugned order.

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4. *Prima facie*, I find that the transfer has been ordered in order to avoid further issues keeping in view the statement made by the petitioner before the Depot Manager as well as the Vishakha Committee. As such, the impugned order could neither be termed as perverse nor erroneous.

5. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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