

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4871 OF 2015

The Maharashtra State Cooperative Housing Finance Corporation Ltd., Mumbai, thr.its
Managing Director and another

-vs-

Kishorkumar s/o Krushnarao Wakode

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

Court's or Judge's Orders.

None for the petitioners.
Mr.S.Kathar, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK, J.

DATE : 02.04.2016.

By this writ petition, the petitioner-Maharashtra State Cooperative Housing Finance Corporation Ltd., Mumbai challenges the interlocutory order passed by the Industrial Court under Section 30(2) of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 staying the effect of the order transferring the respondent from Akola to Jalgaon, dated 01/07/2015.

On hearing the learned counsel for the respondent and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. It appears that within a short span of less than one year, the petitioner-Corporation had transferred the respondent three times. The respondent was transferred from Washim to Buldhana on 26/11/2014, from Buldhana to Akola on 28/01/2015 and by the order that was challenged before the Industrial Court, from Akola to Jalgaon on 01/07/2015. The Industrial Court held on a reading of the order of transfer and the other material on record that the transfer of the respondent did not *prima facie* appear to have been made on administrative grounds, but the same was effected in view of the misconduct allegedly committed by the respondent. If the respondent, who was working as a Senior Clerk had allegedly

committed misconduct at Washim, it *prima facie* appears that there was no reason for the petitioner-Corporation to transfer the respondent from Akola to Jalgaon by the order, dated 01/07/2015, when the respondent did not work at Akola even for a period of six months. The impugned interlocutory order does not call for any interference, specially when the same is passed on 29/07/2015 and the stay is operating in favour of the respondent since then.

For the reasons aforesaid, the writ petition is dismissed with no order as to costs.

The Industrial Court is, however, requested to decide the complaint filed by the respondent as early as possible.

Order accordingly.

JUDGE