

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6407 /2016

(Jaykumar s/o Janardhan Ingole vs. Maharashtra State Road Transport Corporation and another)

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

Court's or Judge's order

Mr. C.V. Jagdale, Advocate for the petitioner
Mr. V.G.Wankhede, Advocate for Respondents

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**

DATED : 19th December, 2016.

Heard.

By this Writ Petition, the petitioner challenges the order of the respondent no.1, dated 14.10.2016, transferring the petitioner from Daryapur to Nagpur.

It is the case of the petitioner that the normal tenure at one posting would be three years, as per the rules framed by the respondent-Corporation and the petitioner is being transferred within a period of two years from joining the depot at Daryapur. It is stated that the regulations have been violated by the respondent-Corporation, while transferring the petitioner from Daryapur to Nagpur.

On the other hand, it is pointed out on behalf of the respondent-Corporation that the petitioner is not a confirmed employee and is only a probationer. It is stated that the petitioner was appointed by the order dated 3.11.2014 and the probation period of the petitioner was to expire, even according

to the petitioner, on 26.12.2016, i.e. two years from the date on which the petitioner joined at Morshi depot on 26.12.2014. It is stated that since the rules are not strictly applicable to the petitioner, the Writ Petition is liable to be dismissed.

We find much force in the submissions made on behalf of the respondents. The petitioner was a probationer when the transfer order was served on the petitioner and the petitioner's services are still not confirmed by the respondent-Corporation. There is nothing in the rules that point out that even a probationer could not have been transferred within three years. Even otherwise, the rules provide that a normal tenure of Class 'A' and 'B' employee would be three years. In the circumstances of the case, we do not find any reason to interfere with the impugned order.

In the result, the Writ Petition is dismissed with no order as to costs.

JUDGE

JUDGE

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