

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5133 OF 2008

ASHOK MARUTI PAWAR AND ORS
VERSUS
BSNL, MUMBAI AND ORS

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Advocate for Petitioners : Shri R.R.Karpe h/f Shri S.S.Deshmukh
Advocate for Respondents : Shri Alok Sharma

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CORAM : RAVINDRA V. GHUGE & SUNIL K. KOTWAL, JJ.
Dated: November 30, 2017

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PER COURT :-

1. The petitioners seek to challenge the BSNL Employees' Transfer Policy dated 7.5.2008 on the ground that it is discriminatory, arbitrary and contrary to Article 14 of the Constitution of India. Clauses 11(d) and 12(1) have been specifically questioned.

2. While admitting this petition, vide order dated 27.8.2008, this Court has specifically observed in it's order in paragraph No.3 as under:-

"3. In so far as interim relief is concerned, considering that there are Guidelines and considering the law laid down by the Supreme Court, it will be open to the petitioners to make representation in the matter of their transfers. In the light of that, no interim relief."

3. As such, interim relief was refused to these petitioners and they were given the liberty to make a representation to the employer in the event of any grievance against their transfer, if any, keeping in view the law laid down by the Honourable Apex Court.

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4. The retirement age of these petitioners is 58 years. As on date, Petitioner No.1 is about 65 years' old, petitioner No.2 is about 63 years' old, petitioner No.3 is about 65 years' old and petitioner No.4 is about 54 years old.

5. Considering the above and the liberty granted by this Court in paragraph No.3 of our order dated 27.8.2008, this petition is disposed off by continuing the said liberty in so far as petitioner No.4 is concerned, who has about 4 more years to retirement.

6. Rule is discharged.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

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