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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6661 OF 2018

Shri. Rajendra Raghunath Dhobale	...	Petitioner
V/s.		
The Vice Chairman and the Managing Directors, Maharashtra State Road Corporation and ors	...	Respondents

WRIT PETITION NO.6664 OF 2018

Shri. Dayanand Shamrao Bodake	...	Petitioner
V/s.		
The Vice Chairman and the Managing Directors, Maharashtra State Road Corporation and ors	...	Respondents

WRIT PETITION NO.6665 OF 2018

Shri. Pramod Kaluram Jadhav.	...	Petitioner
V/s.		
The Vice Chairman and the Managing Directors, Maharashtra State Road Corporation and ors	...	Respondents

Mr. Vaibhav R. Gaikwad, for the Petitioners in all petitions.
Mr. Gopal Krishna Shivaram Hegde, a/w Mr. C.M. Lokesh, for respondent Corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 4th DECEMBER, 2018.

P.C. :

1] Heard learned counsel for the petitioners and respondent corporation.

2] By these Writ Petitions, petitioners have challenged the identical orders dated 25.4.2018, passed by Industrial Court, Satara, thereby rejecting their applications for interim relief,

3] The interim relief sought was in regard to their transfers from one division to another division.

4] The grievance of the petitioners is that the transfer orders were not issued by the competent authority, who is the the Divisional Controller, in cases of present petitioners, who are working as conductors. Moreover, the petitioners could be transferred only within the Division, but not outside the Division. The transfer is permitted only after completion of 6 years, which is not completed by any of the petitioner.

5] To substantiate his submission, learned counsel for petitioners has placed reliance on the relevant Rules framed by the respondent Corporation, which are produced on record. According to him, none of these Rules are followed in the present case. Moreover, the transfer orders were issued as a part of punishment, against present petitioners, disciplinary proceedings are pending. According to him, none of these contentions were considered by the Industrial

Court and therefore, the impugned orders passed by the Industrial Court, refusing to grant interim relief need to be quashed and set aside.

6] However, as rightly submitted by learned counsel for respondent that there is a circular dated 22 February, 2018, issued by the Vice Chairman and Managing Director, stating that in respect of the employees against whom disciplinary proceedings are pending, there is likelihood of the similar such instance of misappropriation taking place. Hence, such employees can be transferred even out of the Division and the transfer orders in those cases were to be passed by the Controlling Committee.

7] As disciplinary proceedings are pending against the petitioners, their transfers are made in pursuance of circular dated 22nd February, 2018 which is not challenged in the present case. If any transfers are made in pursuance of such circular, it has to be held that such transfers are also made on the administrative ground and any transfer made on administrative ground cannot be subject matter of the Writ petition. It is the prerogative of the management to transfer the employee and that is the settled position of law.

8] Moreover, the transfer orders issued by the Divisional Controller have already been executed. As can be seen from the order passed by the Industrial Court, some of the employees who were

transferred by the same order, have already left their charge and resumed at transferred place. In such circumstances, when the transfer orders have already been implemented, then the Industrial Court was justified in not granting interim relief to the petitioners.

9] These Writ Petitions, therefore, being without merit, stand dismissed.

108] Needless to state that the Industrial Court will decide the respective complaints of the petitioners, independently on its own merits, without being influenced by any of the observations made herein above.

[DR.SHALINI PHANSALKAR-JOSHI, J.]