

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

WRIT PETITION NO. 1905 OF 2019

Maharashtra State Road Transport
Corporation, through its Divisional
Controller, Yavatmal Division, Arni
Road, Yavatmal.

.... **PETITIONER.**

// **VERSUS** //

Ashok S/o. Tukaram Khedkar,
Aged about 38 years, Occu.: Service,
R/o. Rajratan Nagar, Dhamangaon
Road, Yavatmal.

.... **RESPONDENT.**

Shri A.S.Mehadia, Advocate for Petitioner.
Shri C.V.Jagdale, Advocate for Respondent.

CORAM : Z.A.HAQ, J.
DATED : JUNE 19, 2019.

ORAL JUDGMENT :

1. Heard.
2. **RULE.** Rule made returnable forthwith.
3. Respondent (employee) has filed complaint before Industrial Court under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 complaining that the present

petitioner (employer) indulged in unfair labour practice by illegally transferring him from Yavatmal to Wani. In this complaint, the respondent-employee had filed application under Section 30(2) of the Act of 1971 praying for interim relief. This application is allowed by the impugned order and the effect, operation and implementation of the transfer order is stayed till disposal of the complaint.

4. According to the respondent (complainant) the employer has no power to transfer the employee of the Corporation and the circular dated 1st February 2017 issued by the Corporation laying down guidelines for transfer of the employees is illegal.

5. Various submissions are made by the learned Advocates for the respective parties. However, considering the fact that the complaint is pending before the Industrial Court and any adjudication on the legality of the circular dated 1st February 2017 at this stage will affect the decision of the complaint on merits, I refrain from examining the legality of the circular. This Court, while directing issuance of notice to the respondent, by order dated 8th March 2019, granted interim order in favour of the petitioner-Corporation and stayed the effect and operation of the impugned order. The interim order dated 8th March 2019 continues till today.

6. In the facts of the case, in my view, interests of justice would be sub-served by passing the following order:

- i) The Industrial Court is directed to decide the complaint filed by the respondent (employee), i.e. Complaint (ULP) No. 200 of 2018 till 30th September 2019.

The petitioner and the respondent undertake to co-operate for expeditious disposal of the complaint.

- ii) The interim order, granted by this Court on 8th March 2019, shall continue till disposal of the complaint by the Industrial Court.

Rule is made absolute accordingly. In the circumstances, the parties to bear their own costs.

CIVIL APPLN.NO.1569/2019.

In view of disposal of the writ petition and since the interim order is continued, the application praying for vacation of the interim order dated 08/03/2019 does not survive. Hence, it is **disposed**.

JUDGE

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