

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 400/2019

Dayanand S/o Jangaji Soyam
..VS..
MSRTC

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

Court's or Judge's orders

Shri C.V. Jagdale, Advocate for the petitioner
Shri V.G. Wankhede, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 22/01/2019

Heard.

The petitioner – employee has challenged the order passed by the Industrial Court, rejecting the application (Exh. U-2) filed by him under Section 30 (2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act.

The petitioner – employee has filed complaint before the Industrial Court to challenge the order transferring him from Pandharkawada Depot to Buldhana Depot. The employee has raised various grounds before the Industrial Court. According to the employee, his transfer is in breach of the policy of the respondent – Corporation. The employee contends that as per the circular dated 22/02/2018 issued by the respondent – Corporation, a committee has to examine whether the employee has to be transferred on the ground as stated in the circular dated 22/02/2018, but in the case of the petitioner – employee, the transfer order is issued before the committee recommended his transfer.

As per the circular dated 22/02/2018, if an employee is found guilty of mis-conduct in the departmental enquiry and notice is issued to the employee to show cause as to why the punishment proposed should not be inflicted on him, and if the employee approaches the Court and is granted protection by the Court then the suspension of the employee should be revoked and he should be reinstated and then if the committee finds that his continuation at the same place is not in the interests of the Corporation, then he should be transferred. In the present case, departmental enquiry is conducted against the petitioner and as it is found that his guilt is proved, show cause notice is issued which is challenged by the petitioner – employee before the Labour Court in ULP No. 26/2016. The Labour Court granted interim protection to the employee and therefore in consonance with the circular dated 22/02/2018, the respondent – Corporation has revoked the suspension of the petitioner – employee, reinstated him.

On going through the impugned order, I find that the Industrial Court has examined all the relevant aspects.

I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE