

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

8 WRIT PETITION NO.1864 OF 2020

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION
COMPANY LIMITED THROUGH ITS SUPERINTEN
VERSUS
BABRUWAN GYANOBA BHUSE

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Mr. U.S. Malte, Advocate for the petitioner.

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CORAM : **Rohit B. Deo, J.**

DATE : 4th February 2020.

ORDER :-

1. Maharashtra State Electricity Distribution Company Limited (employer) is challenging the order dated 23.07.2019 rendered by the Industrial Court, Latur in Complaint ULP 117/2019, whereby the employee is granted interim relief and the transfer order dated 26.06.2019, transferring the employee from Latur to Ahmedpur, is stayed.

2. I have perused the reasons recorded by the Industrial Court. Without intending to make any decisive observation on the view taken by the Industrial Court, it may be noted that two reasons are given. The first reason is that admittedly the post of Chief Technician carries lower pay-scale than the post of Line Foreman, which the employee was

holding. The employer has explained by bringing on record that since the post of Line Foreman was abolished in the year 2009, in view of the Regulations, it was permissible to transfer the employee at lower scale post provided the pay is protected. The employer contends that as of fact the pay of the employee is protected. The other reason given is that the employee is facing a Departmental Enquiry. Considering that the post of Line Foreman was abolished in the year 2009, and the fact that the employee continued to work as Line Foreman till 2019, the Industrial Court has found that the transfer order be stayed in order to enable the employee to effectively participate in the Departmental Enquiry which is ongoing at Latur.

3. Already seven months have passed since the order impugned was rendered. In this view of the matter, and considering that the reasons recorded by the Industrial Court are not prima facie pertinently erroneous, I decline to interfere in writ jurisdiction.

4. Learned Industrial Court is requested to finally dispose of the Complaint within six months. Needless to observe, the Industrial Court shall not be influenced by any observation in the order impugned or in this order. Every

contention raised in the petition is kept open for the Industrial Court to decide, in accordance with law.

5. The petition is disposed of.

(ROHIT B. DEO, J.)

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