

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO.13080 OF 2022

PRAKASH TUKARAM RATHOD
VERSUS
THE DIVISIONAL CONTROLLER

...
Advocate for Petitioner : Mr Vinod N.Rathod
AGP for Respondent/State : Mrs G.L. Deshpande

CORAM : SANDEEP V. MARNE, J.
DATE : 20th DECEMBER, 2022

PER COURT :

1. By this petition, petitioner challenges order dated 14.10.2022 passed by the Industrial Court, Jalna rejecting petitioners application for interim relief under section 30(2) of the MRTU and PULP Act, 1971. Petitioner has been working in Jalna Division since 16.11.2004. He had been transferred within Jalna Division from Ambad to Partur. The transfer is an incident of service and the employer has right to transfer any employee unless case of arbitrariness is made out.

2. The learned counsel for petitioner submits that the transfer order is effected in pursuance of Circular dated 27.01.2017 which provides for transfer on imposition of punishment on 3rd occasion. He would submit that petitioner is already punished thrice for the alleged misconduct., He cannot be subjected to any further punishment in the form of transfer. I am unable to agree with this submission. As observed hereinabove, transfer is an incident of service and the employer is best the judge to decide where the post the particular employee. Even if the order was not to rely upon the circular dated 01.02. 2017, petitioner could have been transferred to

Partur considering the fact that he has been working at the same place since the year 2004. The transfer is not a punishment and petitioner, carrying transfer liability throughout the State, has rightly been posted out of Ambad after working for 16 long years continuously at same place.

3. The petition is devoid of merits and the same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

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