

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

WRIT PETITION NO. 3003 OF 2022
(Ku. Mangla Ambadas Padole Vs. Zilla Parishad, Amravati)
WITH
WRIT PETITION NO. 3005 OF 2022
(Smt. Sarla Ukandrao Sonone Vs. Zilla Parishad, Amravati)
WITH
WRIT PETITION NO. 3021 OF 2022
(Gajanan Krushnarao Sune Vs. Zilla Parishad, Amravati)
WITH
WRIT PETITION NO. 3098 OF 2022
(Deepak Ravindra Nawathe Vs. Zilla Parishad, Amravati)
WITH
WRIT PETITION NO. 3155 OF 2022
(Ku. Neeta Keshav Padole Vs. Zilla Parishad, Amravati)
WITH
WRIT PETITION NO. 3157 OF 2022
(Kavita Ramrao Charthal Vs. Zilla Parishad, Amravati)

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

Court's or Judge's orders

Mr. N.R. Saboo, Advocate for Petitioner in all petitions
Mr. D.M. Kale, Advocate for Respondent in all petitions

CORAM : MANISH PITALE, J.

DATE : 21st JULY, 2022

In all these petitions, the petitioners were aggrieved by impugned orders passed by the Industrial Court, whereby their applications for interim stay of transfer orders were rejected, pending their Complaints before the said Court.

2. While issuing notices in these petitions, this Court granted interim orders of stay of the transfer

orders, in favour of all the petitioners by reasoned orders.

3. The respondent – Zilla Parishad entered appearance in all these petitions and filed a detailed reply seeking to justify rejection of interim order by the Industrial Court. As noted by this Court while issuing notices in these petitions that despite referring to the detailed grounds raised on behalf of the petitioners to demonstrate a strong *prima facie* case in their favour, in the impugned orders the Industrial Court did not deal with such points and instead rejected interim relief on a general observation that transfer is an incidence of service and that granting stay to orders of transfer would cause hardship to the Zilla Parishad in its day to day administration.

4. This Court is of the opinion that since the issues raised before the Industrial Court on behalf of the petitioners, *prima facie*, require consideration and that consideration and disposal of the Complaints may not involve detailed proceedings in the sense that documents on record are more or less admitted as Government Resolutions, etc. are being referred to by the parties and it is a question of interpretation of such documents and factual matrix pertaining to each petitioner in terms of the length of service in tribal areas and such other factors. This Court is convinced that the Complaints can be disposed of on merits in a short

period of time. During the pendency of the Complaints, the interim orders granted by this Court can be continued, in the interest of justice, so that the contentions raised on behalf of the petitioners are decided on merits.

5. In view of the above, the writ petitions are disposed of by directing that interim orders passed in favour of the petitioners by this Court in these petitions shall continue to operate during pendency of the Complaints filed by the petitioners before the Industrial Court.

6. The Industrial Court shall hear and dispose of the complaints filed by the petitioners expeditiously and in any case within a period of eight weeks from today. The parties are directed to cooperate with the Industrial Court for disposal of the Complaints within the stipulated period of time.

7. It is made clear that the observations made in the interim orders passed by this Court in favour of the petitioners and the order passed today shall not influence the Industrial Court while considering the Complaints on merits.

JUDGE