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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10253 OF 2023

Datta Vishwambharrao Kolsure
Age – 46 years, Occ – Service
R/o Malegaon (K)
Taluka – Nilanga, District - Latur

PETITIONER

VERSUS

The Maharashtra State Road Transport Corporation RESPONDENT
Division at Latur
Through Divisional Controller

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Mr. Nitin T. Tribhuwan, Advocate for the petitioner
Mr. A. B. Dhongade, Advocate for the respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th AUGUST, 2023

ORDER :

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner has challenged order dated 3rd April, 2023 passed by learned Industrial Court, Latur below Exhibit-O-2 in Complaint (ULP) No. 4 of 2018 and order dated 15th July, 2023 passed below Exhibit-U-2 in Complaint (ULP) No. 97 of 2023.

2. By filing Complaint (ULP) No.4 of 2018, the petitioner challenged his transfer order dated 26th December, 2017, transferring him from Nilanga to Ausa. Initially, by interim order

passed below Exhibit-O-2, protection was granted to the petitioner, however, ultimately, the Complaint (ULP) No. 4 of 2018 is dismissed by the learned Member, Industrial Court, Latur vide order dated 3rd April, 2023. Pursuant to the dismissal of the complaint filed by the petitioner, relieving order dated 7th July, 2023 was issued to the petitioner, which the petitioner challenged by filing Complaint (ULP) No. 97 of 2023. In the said complaint, application Exhibit-U-2 filed by the petitioner seeking interim relief is rejected by the learned Member Industrial Court, Latur, observing that there are no circumstances to grant interim relief as the petitioner is transferred within 30 km from his present posting. Hence, the learned Industrial Court issued only notice. This order is impugned by the petitioner in this petition along with the order passed below Exhibit-O-2 in Complaint (ULP) No. 4 of 2018.

3. Heard learned advocate for the petitioner and the learned advocate for the respondent. Perused the memo of writ petition, documents annexed with it and the impugned orders.

4. It is the contention of the petitioner that his son is studying in 10th standard and his mother is old, infirm and is suffering from eye paralysis and his wife has left him, therefore, he has to look after his mother as well as son.

5. Considering this situation, the respondent was called upon to consider the peculiar facts of the case of the petitioner. Learned advocate for the respondent, on instructions, submits that the petitioner is transferred at a distance of 30 km and he can reach there within 45 minutes and, therefore, he is not entitled for any interim protection.

6. Today, the petitioner has filed an undertaking stating that he will join the transferred place immediately after board examination of his son is over. The same is marked "X" for the purpose of identification.

7. Without going into the merits of the matter and in view of the peculiar facts in which the petitioner is placed, since the petitioner alone has to look after his son, who is in 10th standard and his old and infirm mother, writ petition is allowed in following terms.

ORDER

A. The petitioner shall be retained at the present posting till the 10th standard board examination of the petitioner's son is over.

[NITIN B. SURYAWANSHI]
JUDGE