

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.15602 OF 2022

Seema R. Benkar

..Petitioner

Versus

The Central PF Commissioner

EPFO Head Office and Ors.

..Respondents

Mr. Rajeshwar G. Panchal, for the Petitioner.

Ms. Ranjana Todankar, for the Respondents.

**CORAM : S. V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.**

DATE : 30th MARCH, 2023

PC.

1. The order of transfer is challenged.

2. Heard learned counsel for the petitioner and respondents.

3. It is not disputed by the parties that the petitioner is under suspension and while under suspension, she is transferred. It is not the case that only the headquarter is changed but the transfer is effectuated. Upon being asked, learned counsel for the respondents could not show us any provision under which a suspended employee can be transferred. We would not have entertained the case, had it involved challenge to an order of change of headquarter. The petitioner has also not joined as per the impugned order where she was transferred. In view of that, the petitioner would not be entitled for the subsistence allowance from the date of the impugned order till today.

4. The impugned order is quashed and set aside. It is for the respondents to take decision with regard to the change of headquarter of the petitioner.

5. With these observations, the writ petition is disposed of.

[SANDEEP V. MARNE, J.]

[ACTING CHIEF JUSTICE]