

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

WRIT PETITION (WP) NO.4866 OF 2022

- 1) Maharashtra State Road Transport
Corporation through its Divisional
Controller, Akola Division, Akola

.... Petitioner(s)

// VERSUS //

- 1) Sanjay Kacharulal Nandardhane,
Aged 38 yrs, Occ. Service,
R/o Guljarpura, Old City, Akola,
Tq. and Distt. Akola

... Respondent(s)

Shri P.S. Gawai, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATED : 01.08.2023

ORAL JUDGMENT :

1. Heard the learned counsel for the petitioner. None for the respondent, though served.
2. **Rule.** Rule made returnable forthwith.
3. The order below application Exh.U-2 dated 21.10.2021 passed by the Industrial Court, Akola, allowing the application and

thereby, staying the transfer order dated 28.08.2021, transferring the respondent-sole from Akola-2 Depot to Risod Depot, is under challenge in this writ petition.

4. The petitioner has filed an additional affidavit dated 28.07.2023 to point out that after the stay was granted on 21.10.2021, the respondent joined Risod Depot on 22.04.2022 and since more than one year, he has been working at the transferred place.

5. Though the respondent is served long back, he has not engaged any lawyer to represent him in the present matter.

6. In the circumstances, in absence of any rebuttal to the affidavit dated 28.07.2023 filed by the petitioner which indicates that after the stay was granted, the respondent joined at the transferred place, I am of the opinion that the order of stay has lost its efficacy and accordingly, I pass the following order:

(i) The writ petition is **allowed**.

(ii) The impugned order below application Exh.U-2 dated 21.10.2021 passed by the Industrial Court, Akola in Compliant (ULP) No.233 of 2021, is hereby quashed and set aside.

(iii) The application Exh.U-2 for interim relief is hereby **rejected**.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]