



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1027 WRIT PETITION NO.13869 OF 2023

...

PRASHANT BUDDHIWANT SALGHANTE
VERSUS

MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, LATUR DIVISION, LATUR

...

Advocate for the petitioner : Mr.M.D.Gitte
Advocate for respondent : Mr.A.B.Dhongade

...

AND

1027 WRIT PETITION NO.13871 OF 2023

...

SHAHURAJ DAGADU SHINDE
VERSUS

MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, LATUR DIVISION, LATUR

...

Advocate for the petitioner : Mr.M.D.Gitte
Advocate for respondent : Mr.A.B.Dhongade

...

AND

1027 WRIT PETITION NO.13879 OF 2023

...

RANJEET RAMCHANDRA MANE
VERSUS

MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, LATUR DIVISION, LATUR

...

Advocate for the petitioner : Mr.M.D.Gitte
Advocate for respondent : Mr.A.B.Dhongade

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.01.2024

P.C. :

1] Heard the learned counsel for the petitioners.

2] In all these three Writ Petitions, the petitioners have challenged the interim order of the industrial Court, vacating the ex parte interim order of stay of transfers of the petitioner employees of the Corporation. The transfer orders dated 23.09.2021 issued by the respondent – Maharashtra State Road Transport Corporation are within distance of 35 to 50 kilo meters.

3] The petitioners are employed as Conductor with the respondent Maharashtra State Road Transport corporation [MSRTC] at Nilanga Depot. The petitioners are transferred to a distance of around 35 to 50 kilo meters. The petitioners have challenged the transfer order dated 23.09.2021 before the Industrial Court, Latur by way of filing complaint [ULP]. By the order dated 28.09.2021, the Industrial Court has granted ad-interim stay to the transfer orders, thereby directed the Corporation not to execute the transfer orders and also directed to allow the petitioners to join at their original posts and protected the petitioners till 05.10.2021.

4] By order dated 26.09.2023, the Industrial Court, Latur vacated the interim relief granted on 28.09.2021. Against the said orders, the present Writ Petitions are filed before this Court.

5] It is noticed that similar type of transfer orders have been challenged before this Court by way of filing Writ Petition Nos.13277 of 2023 and 10568 of 2023. It is undisputed that the petitioners are working on the transferable job and the transfer can be made on administrative ground. In the judgment dated 11th December, 2023 passed in Writ Petition No.13277 of 2023, it is held that clause 8 (e) (2) of the Rules of 2014 empowers the MSRTC to by pass the normal procedure of general transfers, in cases involving employees who are charged with grave misconducts, and move out such employees in order to avoid commission of further misconducts. In view of the legal position, clause No.8 (e) (2) of Rules of 2014 covers the situation.

6] Undisputedly, all the Conductors / petitioners were found to be involved in misconduct with regard to issuance of tickets to the commuters.

7] Considering the above referred cases, the present Writ Petitions are dismissed. However, the Industrial Court is directed to decide the complaints [ULP]

as expeditiously as possible preferably within a period of 6 months from the date of production of the order of this Court.

[ARUN R. PEDNEKER]
JUDGE

DDC