

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

WRIT PETITION NO.5725 OF 2025

Suresh Mani and Ors. .. Petitioners
Vs.
Union of India,
Through Ministry of Labour & Employment and Ors. .. Respondents

Mr. Vicky Nagrani, Advocate for the Petitioners.

Mr. Shailesh S. Pathak, Advocate for Respondent Nos.1 to 6.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 2ND MAY 2025.

PC. :

1. Heard.

2. The challenge raised in this writ petition is to the order dated 5th November 2024 passed by the Central Administrative Tribunal in Original Application No.1146 of 2024. In the said Original Application, sixteen applicants raised a challenge to the orders of transfer dated 3rd March 2024 and 11th March 2024 along with relieving order dated 20th September 2024. Before the Tribunal it was argued that in terms of paragraph 14.2 of the Policy dated 20th May 2022, it was permissible for a transferred employee to make a representation within the time fixed. According to the petitioners, though they had made such representations, the same were not decided by 15th March 2024. As a result, it was stated

that the relieving orders issued without deciding the representation were bad in law. This contention was accepted by the Tribunal. However, the statement made on behalf of the petitioners that they were ready and willing to go to their respective transferred posts after March 2025 was also recorded. While partly allowing the Original Application, the Tribunal set aside the relieving orders dated 20th September 2024. It however did not go into the merits of the challenge to the transfer orders dated 3rd March 2024 and 11th March 2024 in view of the statement recorded on their behalf.

3. It is submitted by the learned counsel for the petitioners that after the Original Application was decided, the Employees' State Insurance Corporation has framed a new transfer policy dated 18th December 2024 and by virtue of this policy the petitioners have been again transferred. The grievance raised by the petitioners is that when the statement was made that they are ready and willing to go to the transferred posting place after March 2025, the policy dated 18th December 2024 was yet to be implemented. The petitioners intend to challenge the aforesaid policy as well as the transfer orders in Original Application No.291 of 2025. It is therefore submitted that these aspects be clarified to enable the petitioners to pursue their challenge before the Tribunal.

4. According to the learned counsel for the respondents since the policy dated 18th December 2024 has now come into force, there is a separate cause of action to the petitioners and the earlier proceedings decided on 5th November 2024 need not be re-opened.

5. On perusal of the impugned order dated 5th November 2024, we find that the Tribunal did not enter into the merits of the impugned transfer orders dated 3rd March 2024 and 11th March 2024 in view of the statement made by the petitioners that they were willing to go to their transferred postings after March 2025. As the new transfer policy has now come into force on 18th December 2024, it would be open for the petitioners to agitate their grievances in accordance with law before the Tribunal. The statement as made before the Tribunal and recorded in the order dated 5th November 2024 prior to the new policy coming into force would therefore not come in the way of the petitioners in their challenge to the new policy. In other words, the fresh challenge raised by them can be considered on its own merits.

6. With aforesaid observations, the writ petition is disposed of.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]