

Supreme Treves Kamgar Union	...	Petitioner
Vs.		
Supreme Treon Private Limited	...	Respondent

Ms. Jane Cox a/w. Mr. Vinayak Suthar i/b. Mr. Ghanshyam Thombare for
Petitioner.
Mr. Dhananjay Bhanage for Respondent.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 18, 2025

P.C. :

. Heard learned counsel for the parties.

2. The petitioner - Union is aggrieved by order dated 11.11.2025 passed by the Industrial Court at Pune, whereby Exhibit-U2, being an application for interim reliefs filed by the petitioner - Union in Complaint (ULP) No.150 of 2025 was rejected. In the impugned order itself, it was recorded that the order would take effect after six weeks from the date of the said order.

3. Ms. Cox, learned counsel for the petitioner submits that there is grave urgency in the present case, for the reason that 5 members of the petitioner Union and workers with the establishment of the respondent were transferred from the Plant of the respondent located at Ranjangaon, District - Pune, Maharashtra to various Plants in Uttarakhand, Tamilnadu and Andhra Pradesh. During the pendency of the said interim application at Exhibit-U2, on 10.10.2025, an ad-interim order was passed in favour of the said 5 employees, as a result of which, the effect of the transfer orders had been stayed and they continued in employment at

Ranjangaon Plant of the respondent. It was submitted that therefore, this Court may consider the prayer for interim relief in this writ petition.

4. But, considering the short issue involved and since the respondent has appeared through counsel, this Court took up the writ petition itself for consideration.

5. Mr. Bhanage, learned counsel for the respondent tendered reply affidavit, copy of which was served upon the learned counsel appearing for the petitioner. The said reply affidavit is taken on record.

6. The learned counsel for the petitioner was at pains to point out that in the present case, there was sufficient material placed before the Industrial Court to demonstrate that identical transfer orders dated 07.10.2025 issued to 15 employees of the respondent at Ranjangaon Plant, were issued *mala fide* and on this ground itself, the transfer orders deserved to be stayed during the pendency of the complaint before the Industrial Court. It was submitted that an artificial scenario of decrease in work at Ranjangaon Plant was created by the respondent and it was surprising that on the same day, e-mails were received from the three Plants in the States of Uttarakhand, Tamil Nadu and Andhra Pradesh, demanding five workers each for specific skill sets, which were also found to be identical in all such e-mail communications.

7. It was emphasized that such internal communications were generated only with a view to create a ground for transferring 15 employees and also to pressurize them to accept the Voluntary Separation Scheme (VSS), thereby indicating the malicious conduct of the respondent.

8. It was submitted that the Industrial Court, in the impugned order, did take note of the fact that such internal communications / e-mails

were generated on the same date, but erred in holding that it was entirely the outlook of the respondent and its management in deciding the exigencies of work. It was submitted that this being an erroneous approach and malice writ at large on the face of the impugned transfer orders was not appreciated in the correct perspective by the Industrial Court. It was submitted that in this context, the grounds raised in the petition need to be appreciated and that, the impugned order deserves to be set aside.

9. It was further submitted that in the alternative, this Court may consider restraining the respondent from engaging contract workers / casual workers for any type of work at Ranjangaon Plant in Pune.

10. On the other hand, the learned counsel appearing for the respondent submitted that the management had continuously interacted with the petitioner Union on the situation created by recession and drop in volume of work at Ranjangaon plant in Pune. After detailed discussions and participation by an Ex-Minister of the State of Maharashtra, the amount offered under the VSS was increased from Rs.7.5 lakhs to Rs.11 lakhs and that, in these discussions, the petitioner Union was clearly aware about the ground reality pertaining to the volume of work dropping at Ranjangaon Plant of the respondent in Pune. It was submitted that in such a situation, at least 27 workers had already accepted VSS. Upon taking into account the said workers who had taken VSS, at present, there are only about 30 workers at Ranjangaon Plant in Pune.

11. In this backdrop, it was submitted that the Industrial Court appreciated the rival submissions and found that further detailed enquiry would require evidence and that, on the face of it, the petitioner Union had failed to demonstrate any malice on the part of the respondent in issuing the transfer orders. The law pertaining to the same was referred

to and applied in the correct perspective to hold that transferability being an express condition in the appointment orders of the workers and absence of any material to show any malice on the part of the respondent, the interim prayer made on behalf of the petitioner Union could not be granted in the context of transfer of the said 5 workers. In this backdrop, it was submitted that the writ petition deserved to be dismissed.

12. There can be no dispute about the settled position of law that the scope of interference in an order of transfer is limited. Amongst the grounds available to interfere in such transfer orders are, lack of authority in the person issuing the transfer order and sufficient material to demonstrate at least a strong *prima facie* case regarding the malicious nature of such transfer orders.

13. As noted hereinabove, on behalf of the petitioner Union, the ground of malice was pressed into service and it was claimed that in the present case, the respondent acted in a most malicious manner, only with a view to force the employees / workers to accept VSS or to create inconvenience for them by throwing them out from Ranjangaon Plant at Pune to far away places in Uttarakhand, Tamil Nadu and Andhra Pradesh.

14. As a Court exercising writ jurisdiction in such cases, it is an undisputed position that this Court does not sit in appeal over the orders passed by the Industrial and Labour Courts. It is only in limited circumstances that the Writ Court can interfere in such orders. The petitioner Union obviously needs to make out a very strong case to convince this Court to exercise its writ jurisdiction. In that context, a perusal of the impugned order shows that all relevant factors were taken into consideration. The contentions raised by the rival parties were referred to and discussed in detail to reach specific findings. It was

found that to test the rival submissions, evidence would have to be led including on the question as to whether the respondent was justified in contending that the amount of work at Ranjangaon Plant in Pune had consistently fallen over a period of time, requiring re-arrangement of the workforce in the form of lay-offs and transfers from one establishment to the other. It has been the consistent stand of the respondent that due to the recession and drop in demand, the volume of work at Ranjangaon Plant in Pune reduced drastically and that there were periods in between when the work at the aforesaid Plant had to be stopped, as no work at all was available.

15. It is also contended that while Ranjangaon Plant at Pune had suffered the said fate, the demands at the Plants in Uttarakhand, Tamil Nadu and Andhra Pradesh have remained consistent, and that the work at those places has not suffered. It is in this backdrop that the impugned transfer orders were issued. At this stage itself, it is not possible to reach a conclusion that the demands made by the three establishments at Uttarakhand, Tamil Nadu and Andhra Pradesh and the consequent transfer orders were a device used by the respondent to put pressure on the workers at Ranjangaon Plant in Pune to either abide by the transfer orders or to opt for VSS. The fact that 10 of the 15 workers, who had been issued transfer orders, opted for VSS, in itself, at this stage, cannot be a factor to reach a conclusion about the *mala fide* nature of the action of the respondent. It was the individual choice of those 10 workers to opt for VSS instead of abiding by the transfer orders and reporting at the respective places where they were transferred.

16. It is undisputed that the appointment orders of the said workers at clause 10 specified that they were liable to be transferred from one place to the other. In the light of such an express clause in their appointment order and the position of law appreciated by the Industrial Court in

paragraph 17 of the impugned order, it would be difficult to reach a conclusion that the finding rendered in paragraph 18 of the said order deserves interference at the hands of this Court exercising writ jurisdiction.

17. This Court is unable to reach a conclusion that the act of issuing transfer orders was *mala fide* or that a strong *prima facie* case was made out by the petitioner Union for the Industrial Court to grant interim relief, as a consequence of which, the said 5 workers would continue at Ranjangaon Plant in Pune.

18. As regards the alternative prayer pressed on behalf of the petitioner, suffice it to say that, such a prayer is not found even in the application for interim reliefs at Exhibit U2 filed on behalf of the petitioner Union. On this short ground, the alternative prayer is rejected.

19. In view of the above, the writ petition is dismissed.

20. At this stage, the learned counsel appearing for the petitioner Union prayed for stay of the instant order.

21. Considering the reasons recorded hereinabove, this Court is not inclined to consider the said prayer and accordingly, the prayer is rejected.

22. Needless to say, the Industrial Court shall proceed to decide the pending complaint as expeditiously as possible.

(MANISH PITALE, J.)