



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4078 OF 2025

Chanda Cheddilal Yadav,
Aged about 49 years, Occupation - Service,
R/o Meherbaba Colony, Near Dastur
Nagar, Amravati, Tq. and District
Amravati.

.... **PETITIONER**

VERSUS

Chief Executive Officer,
through Zilla Parishad, Amravati,
Tq. and District Amravati.

.... **RESPONDENT**

Mr. S.W. Sambre, Advocate for the petitioner,
Mr. J.B. Kasat, Advocate for the respondent.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 06-10-2025

ORAL JUDGMENT :

The petitioner has approached this Court challenging the order dated 17.07.2025 passed by the learned Industrial Court, Maharashtra, Amravati Bench in Complaint (ULP) No. 51/2025, as well as the transfer order dated 08.05.2025 issued by the respondent–Chief Executive Officer, Zilla Parishad, Amravati, whereby the petitioner has been transferred from Primary Health Centre, Satargaon to Primary Health Centre, Salona.

2. Learned counsel for the petitioner, Mr. S.W. Sambre, submitted that the impugned transfer order is in violation of the petitioner's service conditions and contrary to the provisions of the Government Resolution dated 15.05.2014. It is contended that the petitioner has been arbitrarily transferred in order to accommodate other employees, thereby making her a scapegoat. It is further submitted that the petitioner's husband is employed as a police constable in the Amravati City Commissionerate, and the transfer to Salona would result in the petitioner being posted more than 30 kilometers away from her husband's place of work, in breach of the norms relating to the posting of spouses at proximate locations. It is also contended that the transfer is actuated by malafides, with the intent to harass and victimize the petitioner. Learned counsel further pointed out that the petitioner had earlier served in a difficult and remote tribal area, namely Chopada, District Jalgaon, since her initial appointment in 1998, and therefore ought not to be transferred again to a tribal area.

3. Per contra, learned counsel for the respondents, Mr. J.B. Kasat, submitted that the petitioner was transferred from Zilla Parishad, Jalgaon to Zilla Parishad, Amravati at her own request, in accordance with the Government Resolution dated 29.09.2011, and as per the said resolution, her seniority in Zilla Parishad, Amravati is reckoned from

her joining date i.e., 17.12.2005. It is further submitted that since her transfer to Amravati, the petitioner was posted in a non-tribal area on 29.10.2007 and was thereafter transferred to a tribal area on 30.09.2016. However, the petitioner had challenged the said transfer in Complaint (ULP) No. 130/2016, which was dismissed by the Industrial Court on 07.07.2023. A writ petition bearing No. 4936/2023 filed by the petitioner against the said dismissal was disposed of, with liberty granted to the respondents to consider the petitioner's case in the subsequent general transfer cycle.

4. Learned counsel further contended that the impugned transfer has been effected strictly in accordance with the Government Resolution dated 15.05.2014, based on the petitioner's seniority in the Zilla Parishad, Amravati. The petitioner has completed more than 17 years at the same station, i.e., Satargaon, and had not served in a tribal area post her transfer to Amravati in 2005. Hence, she became liable for transfer in the general transfer process for the year 2025. It is also pointed out that another employee, Smt. Ranjana Girhe, though having completed only seven months at her current posting, was also transferred to a tribal area, demonstrating that the transfer was not selective or discriminatory.

5. Upon considering the submissions of the learned counsel for the parties and perusal of the record, it is evident that the transfer of the petitioner has been made in accordance with the governing Government Resolutions, particularly dated 15.05.2014, and based on her seniority in Zilla Parishad, Amravati. There is no material to establish that the transfer is actuated by malafide or is punitive in nature. The Industrial Court has rightly appreciated the facts and found no unfair labour practice committed by the respondent. No interference is warranted with the impugned order passed by the Industrial Court.

6. It is a settled position of law that transfer is an incidence of service and lies within the domain of the employer, especially when made in the administrative interest or pursuant to a policy governing transfers. Courts ordinarily do not interfere with transfer orders unless they are shown to be vitiated by malafides, violation of statutory provisions, or result in grave hardship amounting to victimization. In the present case, there is no sufficient material on record to establish that the impugned transfer is punitive, malafide, or in contravention of any binding policy. The transfer appears to have been effected as part of a routine general transfer in accordance with the applicable Government Resolution.

In view of the above, the petition is devoid of merit and is accordingly dismissed. No order as to costs.

(NIVEDITA P. MEHTA, J.)

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