



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

WRIT PETITION NO. 7156 OF 2024

**Maharashtra State Road
Corporation**, through its
Divisional Controller,
Nagpur Division,
M.S.R.T.C., Ghat Road,
Nagpur

....**PETITIONER**

....**VERSUS**....

Chandrakumar S/o. Shankar Kamdi,
Aged about 56 years, Occ: Service,
R/o. 10, New Bidipeth Road,
New Subhedar Layout,
Nagpur

....**RESPONDENT**

Shri R.S.Charpe, Advocate for petitioner.
Shri C.V.Jagdale, Advocate for respondent.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 23/04/2025

ORAL JUDGMENT

Heard the learned counsel for the petitioner and
learned counsel for the respondent.

2. The petitioner herein is challenging the interim
order 24/10/2024 passed by the learned Industrial Court,
Nagpur in Complaint (ULP) No. 174/2024.

3. The complainant (respondent herein) had filed the complaint alleging that his transfer by employer respondent (petitioner herein) vide order dated 03/10/2024 is illegal and needs to be set aside. He also prayed for interim relief to stay the effect and operation of the transfer order by way of the application. The learned Industrial Court allowed the application and stayed the effect and operation of transfer order dated 03/10/2024 till decision of main complaint

4. I have heard both the parties at length.

5. The learned Member, Industrial Court, Nagpur considered the documents placed on record as well as the guidelines which deal with the transfer on administrative grounds. Normally, the transfer should be effected in the month of March or April, for that, the concerned officer to prepare a list in the month of December itself by following procedure of calling the choice of the employees. The employees would be deemed to be liable to be transferred on completion of 3 years at one depot. The learned Industrial Court also considered Clause (e)(2) that, in exceptional

circumstances or for some special reason or if any complaint is received against the employee and it is deemed fit to transfer to him to some other place to conduct the enquiry and if the immediate competent officer is satisfied that there is the exigency to transfer him on any of the aforesaid 3 grounds, then he shall transfer him with prior approval of his next superior officer.

6. Though it is incorrectly observed in para 8 by the learned Industrial Court that, the reply of the respondent (petitioner herein) does not speak about transferring the complainant on any of the aforesaid grounds. It appears in para 4 of the reply, the petitioner herein made a statement that the complainant was found suitable looking to his experience to work at Mouda. It is mentioned in reply that there are no supporting documents, it appears, placed on record. As such, the order passed by the learned Industrial Court is well reasoned order and passed on the basis of prima facie observations strongly suggesting that there was no reason to transfer to the complainant on administrative

ground. Therefore, there is no such exigency as claimed by the petitioner nor there is any approval by superior authority to such transfer as per Rules. As such, there is no substance in the present petition and it is liable to be dismissed. Accordingly, the petition stands **dismissed**.

7. The observation made in this order are prima facie and the parties are at liberty to place on record the supporting documents if any and the learned Industrial Court, Nagpur shall consider the same without influence by the order of this Court.

8. The learned Industrial Tribunal, Nagpur is hereby directed to decide the complaint as early as possible within a period of three months.

9. The parties to appear before the learned Industrial Court on the date fixed by the learned Industrial Court and produce the copy of this judgment before the learned Industrial Court.

(Smt. M.S.Jawalkar, J.)