



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

WRIT PETITION NO.5380 OF 2025

Jogendar Rambilas Yadav, Tah. Rajura, Dist. Chandrapur
vs.

Union of India, Ministry of Coal and Mines, New Delhi and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. W. Sambre, Advocate with Shri Abhilash P. Modak, Adv. for petitioner.
Shri S. A. Choudhary, Advocate for respondent No.1.
Shri R. R. Dawda, Advocate for respondent Nos.2 to 4.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 14th January, 2026

P. C.

In the present matter, the transfer of the petitioner vide office order dated 26/08/2025 passed by respondent No.4 is under challenge.

2. The petitioner is working as dumber/Dozar operator. He has been transferred vide impugned order dated 26/08/2025 from Ballarpur area to Pench area with immediate effect.

3. The learned counsel for the petitioner submits that as per the Standing Orders of the Western Coalfields Limited (WCL), more particularly Clause-21.1 which relates with the transfer, has not been complied with as regards the issuance of minimum two weeks notice before transfer except in the case of emergency. It is pointed out that the transfer of the petitioner is not in emergency and therefore such notice of minimum two weeks ought to have given by the respondents to the petitioner.

The learned counsel for the petitioner submits that the petitioner is the President of the Union and therefore so as to victimize him, his transfer came to be made.

4. The learned counsel for respondent Nos.2 to 4 strongly opposed the petition and submits that the post of the petitioner is transferable and there is a condition in his appointment order to that

effect. He submits that the petitioner is not the only one who has been transferred but there are numerous employees who were transferred.

5. Considering rival submissions, we have perused the records. Clause 21.1 of the Standing Order which relates to transfer reads thus :

“ 21.1 : Workmen may transferred due to the exigencies of work from one station to another, from one coal mine to another or from one establishment/department/section to another, within the same company or same holding company provided that the pay, grade and other conditions of service including continuity of service of the workmen are not adversely affected by such transfer and provided further that, if workman is transferred from one job to another, the job should be of similar nature and such as he is capable of doing and provided further that - (I) Except in case of emergency minimum notice of two weeks is given of such transfers, and (ii) reasonable joining time is allowed in case of transfers from one station to another.”

6. The above referred clause mandates that except in case of emergency, notice of minimum two weeks is given to the transferee and reasonable joining time is allowed in case of transfer from one place to another. The respondents could not point out the compliance of this clause of two weeks notice, whereas it is apparent on the face of the impugned order of transfer that the transfer was effected with immediate effect.

7. In the circumstances, since the transfer of the petitioner is in violation of Clause No.21.1 of the Standing Orders, the same vitiates. Accordingly, we pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 26/08/2025 transferring the petitioner from Ballarpur area to Pench area is hereby quashed and set aside.
- (iii) No order as to costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)