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W.A.Nos.3398, 3399 and 3544 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.Nos.3398, 3399 and 3544 of 2025
and C.M.P.No.27714 of 2025

W.A.No.3398 of 2025

The Management,
L.G.Balakrishnan and Brothers Limited,
Vaiyampalayam Branch,
Coimbatore – 641 110

... Appellant/Respondent

-vs-

Coimbatore District Secretary,
(Ulaipor Urimai Iyakkam),
Rep. by M.Jeyaprakash Narayanan,
126 C, Periyanaickenpalayam,
Coimbatore-641 020.

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order dated 17.10.2025 in W.P.No.25963 of 2023.

W.A.No.3399 of 2025

The Management,
L.G.Balakrishnan and Brothers Limited,
Vaiyampalayam Branch,
Coimbatore – 641 110.
Rep. by its Senior General Manager-HR
R.Ramesh Kumar

... Appellant/Respondent



W.A.Nos.3398, 3399 and 3544 of 2025

-VS-

Coimbatore District Secretary,
(Ulaipor Urimai Iyakkam),
126 C, Periyanaickenpalayam,
Coimbatore-641 020.

Rep. by its District Secretary M.Dinesh

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order dated 17.10.2025 in W.P.No.28283 of 2023.

For Appellant : Mr.S.Ravindran, Senior Counsel
For Mr.S.Sellapillai Kumar

For Respondent : Mr.S.Kumaraswamy

W.A.No.3544 of 2025

Coimbatore District Secretary,
Uzhaipor Urimai Iyakkam,
126 C, Easwaran Koil Street,
Periya Naicken Palayam (Kovai District),
Coimbatore-641 020.

Rep. by M.Jayaprakash Narayanan

... Appellant/Petitioner

-VS-

The Management,
L.G.Balakrishnan and Brothers Limited,
Vaiyampalayam Plant,
Coimbatore – 641 110.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the judgment in W.P.No.25963 of 2023 on 17.10.2025 and allow the above Writ Appeal.

For Appellant : Mr.S.Kumaraswamy

For Respondent : Mr.S.Ravindran, Senior Counsel
For Mr.S.Sellapillai Kumar



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COMMON JUDGMENT

(By S.M.SUBRAMANIAM,J.,)

The present Inter Court Appeals under Clause 15 of the Letters Patent have been instituted both by the Writ Petitioner / Union and the respondent / Management, challenging the common Writ Order dated 17.10.2025 passed in W.P.Nos.28283 and 25963 of 2023.

2. Since both parties to the industrial dispute are not satisfied with the award of the Principal Labour Court (FAC), both of them preferred Writ Petitions. W.P.No.28283 of 2023 has been instituted by the Management, L.G.Balakrishnan and Brothers Limited, challenging the award of the Principal Labour Court (FAC), Coimbatore dated 10.05.2023 in I.D.No.66 of 2019. Similarly, W.P.No.25963 of 2023 has been instituted by Uzhaipor Urimai Iyakkam (Union), representing Workmen, challenging the very same award passed in I.D.No.66 of 2019.

3. Writ Court considered the issues, relating to transfer raised in the industrial dispute and disposed of Writ Petitions by way of passing a common order, holding that the transfer order, which is under challenge in the industrial dispute is not a *mala fide* one. However, due to efflux of time and long pendency of the case, the Writ Court declined to interfere with the



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order of transfer and to grant back wages. Since the order of transfer has not been interfered with, Union, viz., Uzhaipor Urimai Iyakkam, representing Workmen preferred W.A.No.3544 of 2025. Similarly, aggrieved by the award of the Labour Court in respect of non-validating the transfer and the grant of 50% back wages to Workmen, the Management too preferred W.A.Nos.3398 and 3399 of 2025. Thus, both Intra Court Appeals have been heard together and the following orders are passed.

4. Submissions of Union:

4.1. The subject issue relates to transfer of Workmen from Coimbatore Unit, Tamil Nadu to Pant Nagar Factory at the State of Uttarakhand. Mr.Kumaraswamy, learned counsel for Workmen would mainly contend that the transfer order, transferring Workmen from the State of Tamil Nadu to the State of Uttarakhand is without jurisdiction and illegal. He would raise an allegation of *mala fide* on the ground that the order of transfer is drafted in such a manner, incorporating the term "Congratulations", which would be sufficient that the Management victimized Workmen by transferring them to a far off place. He would rely on the Certified Standing Order dated 30.11.1998, wherein Clause-13 provides 'Transfers'. However, transfer has not been incorporated in the Item in the Schedule to the Certified Standing Order and therefore, the



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impugned transfer is a nullity. In the absence of incorporating the transfer in Item in the Schedule to Certified Standing Order, a Clause incorporated in the Standing Order would be insufficient to exercise the powers of transfer by the Management. Thus, the finding of the Writ Court is incorrect to the said extent. He would rely on several judgments to establish that if Workmen are transferred to a far off place, it will result in hardship. Even as per Clause-13 of the Certified Standing Order, transfer may be effected from one Section or Department to another. Further, it states that transfers will be subject to the individual contract between the Management and the Workers and that being the scope of transfer under Clause 13 of Certified Standing Order, the transfer of Workmen to Pant Nagar Unit, which was opened in the year 2006 after appointment of Workmen is invalid.

4.2.Mr.Kumaraswamy, learned counsel would draw a fine distinction between Service Law Jurisprudence and Labour Law Jurisprudence, by contending that principles of transfer being an incident to service, conditions of service would have no application. In Labour Law Jurisprudence, if the transfer amounts to victimization or resulting in hardship to Workmen or *mala fide*, then Courts are empowered to interfere with such transfer and therefore, the present case cannot be dealt with by applying the principles, which would apply for Service Jurisprudence for



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Government employees. He would rely on Item 7 (V Schedule) with reference to Section 2(ra) of the Industrial Disputes Act, 1947. Clause 7 states that transfer on *mala fide* from one place to another, under the guise of following Management policy is unfair labour practice. It would attract punishment under Section 25(U) of the Industrial Disputes Act, 1947. Thus, the appeal filed by the Union is to be allowed.

5. Contentions of the Management:

5.1. Mr.Ravindran, learned Senior Counsel, assisted by Mr.Sellapillai Kumar, learned counsel for the Management would oppose, by stating that it is an administrative transfer and Workmen are transferred from Coimbatore Unit to Pant Nagar Unit on administrative exigencies and to meet out the requirements in Pant Nagar Unit. Workmen in the present case are senior employees and their services since required in the newly opened Pant Nagar Unit at Uttarakhand, they were transferred by the Management by wishing them and to perform their duties for the development of Industry. The Management has no enmity or otherwise against Workmen and at no point of time, such issues are raised between the Management and Workmen. In the absence of any such dispute relating to victimisation or a dispute relating to Standing Order are



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specifically raised, such grounds raised on behalf of Workmen are untenable.

5.2. Mr.Ravindran, learned Senior Counsel would further contend that Clause-13 of the Certified Standing Order has not been challenged. Therefore, the ground raised in this regard deserves no merit consideration. Before the Labour Court as well as before the Writ Court, Workmen could not be able to establish any *mala fide* against the Management. Their only contention is that transfer under Clause-13 of the Certified Standing Order has not been incorporated in the Item to the Schedule and therefore, the impugned transfer order is null and void.

5.3. Mr.Ravindran, learned Senior Counsel would mainly rely on the appointment order and conditions stipulated in the appointment order. Clause-5 of the appointment order would clearly state that Workmen are liable to be transferred from one Department to another Department or the Branches, if any opened in future or in any other subsidiary companies maintained by the Management. Workmen accepted the conditions of service, relating to transfer under Clause-5 and were working for more than 20 years. While so, they cannot turn around and breach the conditions by raising a dispute on the ground that the transfer has not



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been incorporated in the Item in the Schedule to the Certified Standing Order, which is irrelevant. Conditions of appointment are binding on the parties and on account of administrative exigencies, certain Senior Workmen were transferred to Pant Nagar Unit, which cannot be termed as an unlawful transfer. Therefore, the Writ Appeal filed by the Management is to be allowed.

5.4. Mr.Ravindran, learned Senior Counsel would contend that Writ Court, though accepted the finding of the Labour Court that no *mala fide* is involved in the present transfer, considered the ground that the Workmen were not serving for about seven years and granted the relief, which would cause prejudice to the interest of the Management as well as the powers exercised and its validity based on the conditions of appointment. Therefore, the Management has chosen to file the present Writ Appeal. Learned Senior Counsel would also rely on the judgments to establish that transfer is incidental to service and in the present case, it is a condition of service as stipulated in the appointment order itself. Thus, the Writ Appeal filed by the Union is to be rejected.

Findings:



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6. This Court has considered the erudite arguments as advanced between the parties to the *lis*.

7. Case on hand is the case of an administrative transfer. Admittedly, *mala fide* has not been established before the Labour Court. There is no finding of *mala fide* even by the Writ Court and finding in this regard by the Labour Court was approved by the Writ Court. Thus, the issue to be considered is whether non-incorporation of the subject 'transfer' in the Item in the Schedule to Certified Standing Order would vitiate the entire transfer order.

8. A perusal of the Certified Standing Order would show that Clause-13 speaks about transfers. It states that transfer can be effected from one Department to another and failure to obey such order would amount to misconduct. Other transfers will be subject to the individual contract between the Management and Workers. Therefore, the second Clause would indicate that any other transfer other than the transfer from one Department to another Department would be based on the individual contract between the Management and Workers. In this regard, the order of appointment would be relevant. In the appointment order, Clause relating to transfer of a Workman from one Department to another or any



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other branch to be opened has also been incorporated. Workmen agreed Clause-5 of the appointment order, joined in service and worked for about 20 years. The Pant Nagar Unit was started in the year 2006. The appointment conditions remain unchallenged. Clause-13 of the Certified Standing Order also remains unchallenged. Therefore, the appointment conditions would be binding on them.

9. Relationship between the Management and Workmen is contractual in nature. Terms and conditions agreed between the parties are binding, unless it is challenged and set aside. In the present case, none of the provisions in the Certified Standing Order nor conditions of transfer stipulated in the appointment order have been challenged by the Workmen. Though these conditions were imposed in the year 1998, new unit at Pant Nagar was opened in the year 2006. The impugned transfer order came to be issued in the year 2017 and 2018 respectively.

10. Yet another issue raised is whether Workmen raising a dispute challenging the transfer can remain not attending duty during pendency of the dispute. Admittedly, there is no interim order and the Workmen remained absent for about 7 years and not reported for duty during pendency of the Industrial Dispute, Writ Petitions as well as present



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Writ Appeals. Till today, Workmen have not joined duty. All along, they have waited the litigations to reach finality. Litigations continued for about 9 years. Admittedly, Workmen have not preferred to join duty and fight for their cause. In this context, Mr.Kumaraswamy, learned counsel appearing for Workmen would submit that once a dispute is raised, Workmen cannot be compelled to join duty, as it would affect their case. There is a possibility of diluting the issue on the ground that Workmen joined duty in the transferred place. Thus, the Workmen have not joined duty and therefore, non-joining of duty cannot be held against Workmen.

11. Mr.Ravindran, learned Senior Counsel for the Management would oppose by stating that no prejudice would be caused, if the Workmen join the transferred place and continue the litigation. Disobedience of the orders of administrative transfer is a misconduct as per the Clause-13 of the Certified Standing Order. Reporting in the new station would no way cause prejudice to the grounds raised by the Workmen in a transfer litigations. Therefore, they remained unauthorizedly absent at their own volition and they cannot plead that pendency has to be considered as a grace for their non joining.



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12. In this context, the learned Senior Counsel would rely on some judgments to establish that ground of non joining duty in the transferred place is also to be held against Workmen. This Court is of the considered view that regarding administrative transfers, the principles are now settled by Constitutional Courts across the Country. An order of administrative transfer can be challenged on limited grounds. If any transfer order is issued without jurisdiction or Workmen could be able to establish *mala fide* or victimisation, then alone Courts will interfere, but not otherwise. In the present case, *mala fide* has not been established before the Labour Court, which was upheld by the Writ Court. Except the word "Congratulations", stated in the impugned order of transfer, there is no material available on record to establish that the Management has exercised the power of transfer with *mala fide* intention. Since there is no dispute on this, the issue is not in favour of the Workmen.

13. The scope of power of Management to transfer a Workman is traceable through the order of appointment, wherein Clause-5 in unambiguous term indicates that Workmen are liable to be transferred from Department to another Department or from one unit to another, if any opened in future. In the present case, Pant Nagar Unit, though opened in the year 2006, Workmen in the present case, who are all well experienced



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were transferred to Pant Nagar Unit for development of the Unit as per the Management.

14. Mr.Kumaraswamy, learned counsel for the Union would contend that transferring a Workman to a far off place would affect his seniority and other service prospects. However, there is no material to establish that the Management has deprived their career prospects nor any of their service benefits are denied to them. Seniority is unconnected with the administrative transfers. Administrative transfers are made on administrative exigencies or to improve efficiency of the Management. Transfer being a condition stipulated in the order of appointment, it is the prerogative of the Management to transfer a Workman from one place to another in the interest of administration / management, unless *mala fide* or victimization is established beyond a pale of doubt.

15. Transfer is not a punishment and it is only an incidental to service. This being the concept, transfer *per se* would not provide a cause, unless legal grounds are established to nullify administrative transfers. Since numerous judgments on transfers have been relied on between the parties, this Court is not inclined to record all those judgments in view of the fact that the scope of challenge on administrative transfers is well



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settled by Courts and therefore, reproducing those judgments would only increase the length of judgment, but do no service to the cause of justice.

16. In view of the discussions made above, this Court is able to arrive at an irresistible conclusion that the award of the Principal Labour Court (FAC), Coimbatore dated 10.05.2023 passed in I.D.No.66 of 2019 as well as the impugned common Writ Order dated 17.10.2025 made in W.P.Nos.25963 and 28283 of 2023 are not in consonance with the well established principles of law in the matter of administrative transfers. Consequently, both the Labour Court award as well as the Writ Order are set aside.

Consequently, Writ Appeals filed by the Management in **W.A.Nos.3398 and 3399 of 2025 are allowed.** Writ Appeal filed by Uzhaipor Urimai Iyakkam (Union), representing Workmen in **W.A.No.3544 of 2025 is dismissed.** No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S,J.) (C.K,J.)
19.02.2026

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Speaking Order/Non-Speaking Order
Neutral Citation: Yes / No
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