

**BEFORE SHRI S.B. PARATE, MEMBER,  
INDUSTRIAL COURT, AT MUMBAI.**

**Complaint (ULP)No.239 of 2023.  
(CNR No. MHIC01-001324-2023)**

Co-operative Bank Employees Union,  
81/83, Bhawani Shankar Road,  
Dadar(E),Mumba-400 097. ... Complainant.

V/s.

1. State Transport Co-operative  
Bank Ltd., Mumbai.

2. Mr. Saurabh Patil,  
The Managing Director,  
State Transport Co-operative  
Bank Ltd., Mumbai.

**Both at:-** Maharashtra Vahatuk Bhavan,  
Dr. Anandrao Nair Marg,  
Mumbai-400 008. ... Respondents.

**AD INTERIM ORDER BELOW EXHIBIT U-2  
( 19.10.2023 )**

**01.** This is an application for grant of interim stay to the transfer orders dated 04.09.203 and 02.09.2023 issued by the Respondent No.1 Bank and for restraining the Respondents not to dismiss/discharge/terminate the employees in the present Complaint and stay to the suspension of two employees. Respondent No.2 is the Managing Director of Respondent No.1 Bank.

**02.** Complainant's case, in brief, is that it is a representative and approved union under the Maharashtra Industrial Relations Act, 1946 (MIR Act) for the Co-operative banking industry, situated in the local area of Gr. Mumbai. Respondent No.1 is a Co-operative Bank dealing in banking and duly registered under the Co-operative Societies Act. Elections to the Board of Directors of Respondent No.1 Bank were held on 23.06.2023. Respondent Bank reduced the rate of interest on the amounts taken by the borrowers from the bank unilaterally to lure the borrowers for voting them in power. Hence, there was a rush for withdrawal of deposits in large number. Thus, within a short span of 2 months from July to September 2023, there was withdrawal of more than Rs.200 crores from the Respondent Bank. The employees of State Transport Corporation are the members of the Respondent No.1 Bank. The employees from different parts in the State of Maharashtra rushed to Mumbai in order to have dialogue with Respondent No.2 and the Chairman of the Bank with intervention of the Complainant Union. The President and Executive President of the Complainant Union made sincere efforts to meet the Respondent No.2, the Chairman and other responsible officers of Respondent No.1

Bank to find out a workable solution to defuse the panic and chaos amongst the shareholders and the member-employees. However, the Respondents did not pay any heed to salvage the situation. Instead of that, the Respondents, in retaliation, by way of punishment, malafidely transferred and suspended the Organizing Secretary, committee members and the active members of the Complainant Union. Shri Sandesh Vishwanath Chavan, the Organizing Secretary of the Complainant Union is malafidely transferred from head-office to Palghar. Shri Abhishek Bhaskar Lokhande, the Divisional Chief of the Complainant Union is malafidely transferred to Ratnagiri from Thane and Shri Satish Pralhadrao Dhumale is malafidely transferred to Bhandara from Amravati, by issuing transfer orders dated 04.09.2023 and 02.09.2023. The Complainants are seeking stay to these transfer orders alongwith directions not to dismiss/discharge/terminate from service without following due process of law. Two members of the Complainant Union viz. Shri Santosh Pandrinath Haldankar and Smt. Harshada Khedekar were suspended by Order dated 10.10.2023 vindictively. The Complainant Union is also seeking stay to the effect and implementation of the orders of suspension.

**03.** Heard Ld. Advocate Shri A.S. Peerzada for the Complainant Union.

**04.** When the Ld. Advocate Shri A.S. Peerzada was asked about the compliance of Regulation 115 of the Industrial Court Regulations, 1975, he submitted that the Union is having an apprehension that if the notice is served upon the Respondents, the employees who have been transferred, would be dismissed/discharged/terminated.

**05.** Perused the material on record.

**06.** As per the Complainants, there is apprehension of termination of services of the employees who have been transferred. The Complainant has relied upon the copy of the transfer policy of the Respondent No.1 Bank. According to Rule 2, the employees on the post of Clerk and Accountant can served in a district for 10 years or in two adjacent districts after 5 years. As per Rule 4, transfers shall be effected every year from 15<sup>th</sup> April to 15<sup>th</sup> May. Rule 13 states that if 3 years have remained for retirement, then that employee will not be transferred. As per the Complainant Union, these rules have been violated in the case of the above-mentioned employees. But for staying the transfer, material on record is not sufficient. On the basis of this material, at the ad-interim

stage, inference of malafides cannot be drawn. For that hearing other side is necessary. But as far as the dismissal, discharge or termination of the above-mentioned employees is concerned, necessary directions can be issued to the Respondents. Hence, I pass the following Order:-

**ORDER**

- i) Respondents are directed not to terminate, discharge or dismiss the employees viz. Shri Sandesh Vishwanath Chavan, Shri Abhishek Bhaskar Lokhande and Shri Satish Pralhadrao Dhumale, without following due process of law, till the appearance of the Respondents.
- ii) Issue notice to the Respondents or liberty is given to the Complainant to serve the notice, if it wants to.

*Date:-19.10.2023.*

*(S.B. PARATE)  
Member,  
Industrial Court, Mumbai*

Skn/-