

MHIC040001552025



Filed on : 22-05-2025

Registered on : 22-05-2025

Decided on : 06-03-2026

Duration : 00 09 15
Y M D**IN THE INDUSTRIAL COURT, MAHARASHTRA, AT THANE.****COMPLAINT(ULP)NO. 87 OF 2025****Ganesh Budhaji Vadhavinde**

Age : 39 Years

At Nehroli, PO Shirgaon,

Taluka : Shahapur, District : Thane.

- **Complainant****- V e r s u s -****1. Zilla Parishad Thane,**

Plot No. A-106, A-107,

S.G. Barve Road, Opposite Dwaraka Hotel,

Wagle Estate, Thane – 400 604.

2. The Chief Executive Officer,

Zilla Parishad Thane,

Plot No. A-106, A-107,

S.G. Barve Road, Opposite Dwaraka Hotel,

Wagle Estate, Thane – 400 604.

- **Respondents****3. Block Development Officer,**

Bhiwandi, At : Bhiwandi,

District : Thane.

- **Respondents****In the matter of complaint under Section 28,
R/W Items 3, 9 and 10 of Schedule IV of the
MRTU & PULP Act, 1971.****Coram**

: Mrs . Amruta A. Patil, Member, Industrial Court.

Appearances

: Shri. S.N. Shivkar, Ld. Advocate for complainant.

None for the respondents.

- : EX-PARTE JUDGMENT : -

(Delivered on 6th March, 2026)

1. The present complaint is filed under Section 28(1) R/W Items 3, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short “the MRTU & PULP Act, 1971”) against the respondents.

2. It is submitted that, the complainant is an employee of the respondents and presently posted at Group Gram Panchayat Dapode, Taluka – Bhiwandi, Dist. Thane since last 3 years. It is the Class ‘C’ post. As per order dated 19.05.2025, the respondent No. 2 has transferred the complainant from the present post to Gram Panchayat Fansoli, Taluka – Murbad, Dist. Thane. He has to report for duty from 01.06.2025. At the time of filing of complaint, he was not relieved from his earlier Section, so yet he had not reported on his new place of transfer. It is further submitted that, the transfer of Gram Panchayat Adhikari is governed by the policy decision taken by the State Government on 15.05.2014 by issuing the Government Resolution. As per the Clause of said G.R., the transfer has to be affected by following the due process explained or else the disciplinary action would be followed. The complainant is purportedly transferred on administrative reasons. As per the stipulated time table and procedure, the respondents have to comply with the process within fixed time schedule. But the respondents have committed the breach of the clauses of

transfer policy and with malafide intention had made the transfer of the complainant, in order to accommodate a favourable employee at his place. By explaining in detail about the service rendered by the complainant since last 10 years, it is submitted that, he was not due and eligible to transfer. He had already worked for much longer period in the Tribal Area. The model seniority list and final seniority list have not been finalized and published within time. The entire seniority list become incorrect as the candidates mentioned therein were shown at same headquarter.

3. It is further submitted that, the said transfer is change of service conditions as he was not due for transfer and seniority list was also not properly prepared. Here it is without consent of the complainant employee and without following due process of law. The complainant is transferred by committing breach of service conditions. Thus, the respondents have committed unfair labour practices under Items 3, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971. So by filing the present complaint about commission of unfair labour practice, the prayer is made to quash and set aside the transfer order dated 19.05.2025 and direct the respondents to pay to the complainant full wages from the date of transfer till the date of revocation / cancellation of the order of transfer and also to pay compensation of Rs. 2,00,000/- to the complainant.

4. In spite of giving reasonable opportunity the

respondents failed to appear and file the written statement, hence by order dated dated 23.02.2026 passed below application Exh.U-29 the matter is proceeded without written statement.

5. Heard Ld. Advocate for the complainant. After considering the oral and documentary evidence following Points arise for my determination and I record my findings alongwith reasons are as under :-

<u>POINTS</u>	<u>FINDINGS</u>
1) Whether the complainant proves that, the respondents have engaged in unfair labour practices under Items 3, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 ?	In the : Affirmative.
2) Whether the complainant is entitled to the reliefs claimed ?	In the : Affirmative.
3) What order ?	: As per final Order.

:- REASONS :-

6. **As to Points No.1 and 2** :- Both these issues are interconnected, hence I am taking all the issues for simultaneous consideration. The present complaint is filed for cancellation and setting aside of the transfer order dated 19.05.2025 issued to the complainant by the respondents. It is admitted fact that, the complainant is an employee of the respondents and presently posted at Group Gram Panchayat

Dapode, Taluka : Bhiwandi, Dist. Thane as a Gram Panchayat Adhikari. It is Class 'C' post and he is working in Bhiwandi Taluka for last 3 years. He has been issued with the transfer order on 19.05.2025 transferred to Group Gram Panchayat Dapode to Gram Panchayat Fansoli, Taluka : Murbad, District : Thane. As per the contentions of the complainant, the transfer order is effected in breach of transfer policy and is issued with malafide intention and under the grab of following the management policy. Further he has been transferred to Falsoli in order to accommodate a favourable employee in his place. As per Clause No.2 Schedule 2 of Government Resolution dated 15.05.2025 a continuous service of 10 years of an employee shall be considered for effecting District wise transfer, but the complainant has not yet completed the period of 10 years at his present posting. The present transfer is in breach of the Government Resolution dated 15.05.2014.

7. The complainant has examined himself at Exh.U-30. He has filed the documents along with list at Exh.U-4 containing his transfer order dated 19.05.2025, copy of the Government Resolution dated 15.05.2014 and copy of list of workmen. He entered into witness box and reiterated his contentions of the complaint. Nobody is present for the respondents to cross examine him.

8. From the documents filed on record it is seen that, the transfer order states about counseling of the employees and

the office note prepared. Accordingly, as per the G.R. dated 15.05.2014, the norms are provided for transferring all the employees of respondents. The transfer policy is to be implemented by considering all the directions of G.R. The complainant had already served in the tribal area for more than 3 years of his service in total. So also, the complainant is not due for transfer and inspite of the same, he is transferred.

9. Further by considering the duration of residence in the Tribal or Naxlist area, the transfers are to be effected. The seniority list is to be prepared. The fixed time bound programme is to be implemented to implement the transfer policy. No directions were followed as per the G.R. There was delay at every stage as per fixed time schedule. Moreover, in the seniority list prepared earlier, the changes were made and some of the employees namely Mr. Bang and Mr. Madke were shown as handicap, but they were not shown handicap in the earlier list. They have subsequently provided their certificates, so they were not transferred. As they were not transferred, the complainant is considered under the Zone of transfer, otherwise, he was not to be considered for the same. Therefore, without providing knowledge about changes made in seniority list to the complainant, suddenly the transfer order is issued.

10. By providing the details about deputed employees or employees in Gram Panchayat, who were never worked in the tribal area, the question is raised and submission is made about

causing unfair labour practice with complainant. It is submitted that, the opportunity to raise the objection was never provided to the complainant. Principles of natural justice were violated. There is breach of clauses of G.R. No time bound schedule was observed and service conditions were also not taken into consideration. There is gross violation of norms of policy of transfer committed by the respondents. All the transfers are to be effected till 15th of May every year. Now even if the complainant is transferred, it will be the mid term transfer, which is not permissible on regular basis.

11. Further the respondents have committed violation of G.R. on each and every stage of the policy implementation. With ill-motive, the respondents have transferred the complainant. Earlier he was in the tribal area. It was not taken into consideration. About maintaining the balance in all posts at all stations, for some places, the enhanced posts were shown. Even for some places intentionally the name of concerned Panchayat Samiti is wrongly mentioned only to canvas the picture of maintaining similarity and alleged balance. Hence, though the complainant is not shown as surplus and not due for transfer, without considering his earlier tribal service, he is intentionally transferred by committing unfair labour practice with him.

12. To rebut the case of the complainant the respondents have not examined any witness.

13. Perused the documents filed on record by the complainant. The guidelines are provided for effecting all these transfer policies as per G.R. and mode of considering the guidelines. These are the settled legal principles needs to be taken into consideration.

14. After considering all these facts and circumstances, here it is clear that, for effecting transfers annually, the strict compliance of G.R. is expected from respondents. It is necessary to follow all those schedules about time and follow the same as provided in the G.R. Moreover, while transferring the employees, the due consideration is required to be given for considering the earlier years of services, seniority, service in the tribal area and its duration. The advantages are provided to the employees, who had spent their earlier service period in such tribal area. All these angles are required to be taken into consideration while implementing the transfer policy. Here the complainant has not challenged the said G.R., but disputed about not following all those norms of G.R. by the respondents.

15. Moreover, the seniority list is also required to be prepared as per settled norms by providing the opportunity to raise the objection, if any. For all the changes made in the seniority list regarding change in the entry of name of employee, its category or any new criteria, it is also required to provide the opportunity to other affected employees. The principles of natural justice are always required to be followed. While

transferring the employees, who are not under the consideration Zone or not due for transfer, at the time of counseling, the opportunity needs to be given. The time schedule which is fixed as per G.R. needs to be strictly adhered.

16. In the present matter my Ld. Predecessor has passed the order dated 30.09.2025 below Exh.U-2. By virtue of the said order the effect and operation of the transfer order dated 19.05.2025 issued is stayed by granting interim relief only for the complainant in this process of transfer.

17. As per documents placed on record, it is seen that, for effecting the transfer for fulfillment of the posts at tribal area, the complainant is transferred without considering his earlier service in the tribal area, tenure of his service and he was not made aware in changes made in the seniority list. It is equally true to consider and maintain the balance in all posts at all stations and fulfillment of all posts in tribal area, the transfers are required to be effected. As per the service condition also, the employees are required to be transferred not always as per their choices and at the suitable posts. While considering all these aspects, here it is seen that, as the opportunity to challenge the seniority list by raising the objection, is not sufficiently provided to the complainant. Inserting the names of handicap candidates in the seniority list, so as to provide them seniority, but not considering them as suitable for transfer in the tribal area, may cause injustice with

the other employees as they were not made aware about these changes made in the seniority list, subsequently.

18. Further it is clear that, while effecting the transfer, all the settled norms were not strictly followed by the respondents and within fixed time schedule, the transfers were not effected, which indicates the implied intentions to transfer the complainant without considering any criteria of transfer. The group of circumstances bringing the facts on record of any issue, which requires the detail trial or consideration are successfully brought on record.

19. This conduct on the part of the respondents shows that they are indulged in unfair labour practice under Item 3, 9 and 10 of Schedule IV of the MRTU & PULP Act. As the contentions of the complainant is unchallenged I am inclined to rely on the submissions of the complainant. Therefore, I come to the conclusion that the respondents have indulged into unfair labour practice and there is malafide intention on the part of the respondents to issue the transfer order, and the said transfer order is liable to be quashed and set aside. Hence Issues No.1 and 2 are answered in the Affirmative and for Issue No.3 following order is passed.

- : ORDER : -

- 1) The complaint is allowed.

- 2) The respondents are hereby declared to have engaged in unfair labour practices under Items 3, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 and they are directed to cease and desist from the same.
- 3) The transfer order dated 19.05.2025 issued by the respondents transferring the complainant from Dapode, Taluka : Bhiwandi to Fansoli, Taluka: Murbad is hereby quashed and set aside and the respondents are directed to allow him to join at Dapode, Taluka : Bhiwandi and pay the wages regularly.
- 4) No order as to costs.

Date :- 06.03.2026.

(Amruta A. Patil),

Member,

Place :- Thane.

Industrial Court, Thane

Argued On :- 23.02.2026

Dictated On :- 06.03.2026

Typed On :- 09.03.2026

Checked & Signed On :- 10.03.2026

ASG/-