

**IN THE COURT OF INDUSTRIAL COURT, MAH., AT PUNE****Complaint (ULP) No.150 Of 2025**

(CNR No.MHIC120004342025)

Supreme Treves Kamgar Union	..Complainant
V/s	
1) Supreme Treon Pvt. Ltd. and Anr.	..Respondents

**Order Below Ex.U-2**(Date : 11<sup>th</sup> November 2025)

This application is filed by the complainant union claiming interim relief u/s 30(2) of MRTU & PULP Act, 1971 to direct the respondents primarily not to terminate / retrench the workers without consultation with the complainant union and without prior permission of the Government, to pay the dues of the workers compensation with interest not to remove machinery and to declare the transfer order dt.07/10/2025 transferring Nitin Bhimrao Bhandare, Madhukar Ramrao Bagate, Bhagwan Vishnu Sabale, Prakash Maruti Sabale, Nitin Rangnath Rode and to set aside the said order by restoring them at Ranjangaon MIDC Unit as before and to maintain status quo. It is further prayed to declare the action of the respondents is illegal if the workers are retrenched or transferred and if company is lock out or closed.

2. The case of the complainant in short that, the respondent company is a private limited company registered under Companies Act and is manufacturing NVH Parts, Insulation Headliner Carpet,

Dash Inner, Hood, Wheel Arch, Nile Vibration Heating etc. record for automobile vehicle and is employing more than 100 workers and also employing more than 65 supervisors as well as 50 contract workers in production activities. The said company is providing material to renowned companies like Tata Motors, Mahindra and Mahindra, Fiat, Force Motors, John Deere etc.

3. According to complainant, the complainant union is the only recognised union and there is settlement regarding service conditions of the employees entered into between the complainant and the respondents which was prevailing for the period 19/04/2018 to 30/06/2021. There is no new settlement entered and it is subjudice. The respondent deliberately avoided to enter into any settlement and tried to compel the workers to take VSS and minimise the number of workers. According to complainant the respondents have gradually reduced the number of workers by way of transfer and by conferring VSS upon them. The respondents are getting the work of Ranjangaon MIDC Unit from the contract employees of Chakan Unit and Mhalunge Unit. Still the work of permanent nature is available with the respondents. It is contended that the officers of respondents have tried to pressurise the workers to take VSS and threatened them to transfer in case they denied to take VSS. One of such threats were given on 07/10/2025 and it was asked the workers to accept VSS otherwise they will be transferred. 15 workers went to

join duties on 08/10/2025, however they were prevented from joining and entering into the factory. The officers of respondents shown chart of transferred employees on 08/10/2025. The said action of the respondents is colourable exercise and misuse of the powers of the employer. According to complainant the workers are not getting wages prior to due date of 7<sup>th</sup> of every month. The complainant had filed Comp.(ULP) No.12/2025 regarding reduction of wages which is still pending. According to complainant union, the work of Ranjangaon MIDC got done by the respondents through the Units of Chakan and Mhalunge. This has been deliberately done by the respondents in order to impose lock-out and to impose closure. This amounts to violation of provisions of Chapter-VB of Industrial Disputes Act, 1947. The workers named in para-1 above are working as permanent workers in Ranjangaon MIDC Unit since 2007, 2008, 2009, 2010. However, in order to reduce the workforce they are pressurised to accept VSS. They are also sought to be transferred since 11/10/2025 as a part of said action. Nitin Bhandare sought to transfer at Pant Nagar Uttarakhand, Madhukar Bagate at Orgadum Tamilnadu, Chennai, Bhagwan Vishnu Sabale, Prakash Sabale and Nitin Rangnath Rode sought to transfer at Anantpuram Andhra Pradesh. These transfer orders are issued in order to pressurise them to accept VSS and by showing them false treat of Rs.11 lakhs. The officers Mr.Dilip Bari, Plant Head, Nitin Kulkarni, HR Manager,

Shashank Mule, Operation Manager, Arjun Patil, HR Officer also threatening the workers. The respondent cannot transfer or shift the machinery without notice u/s 9A of Industrial Disputes Act, 1947. Hence the respondent has prima-facie engaged in unfair labour practice under item 1,2,5,6 of Sch.II r/w item 3,5,9,10 of Sch.IV of the MRTU & PULP Act, 1971.

4. The application is resisted by the respondents by filing Written Statement / Say at **Ex.C-4**. According to respondents, the complaint is filed in violation of Regulation-100(1),(2),(3) of Industrial Court Regulations, 1975. The complainant union has been in operation in the respondent undertaking for the last about 13 years. Last of such settlement was also made on 19/04/2018. On expiry of said settlement fresh charter of demands were raised by the union on 28/01/2021. According to respondents, due to Covid-19 pandemic and subsequent loss of business as well as due to unrealistic pressure of the complainant union it was decided between the parties to accept formula for voluntary separation. Accordingly, scheme has been flouted and it was accepted by large number of workers. According to respondents, the allegations made in the complaint are totally vague and no prima-facie conclusion of unfair labour practice can be arrived at. The reason for transfer has been specifically mentioned in the transfer orders which are passed purely on administrative ground and business exigencies. There is no force in

the allegation of pressure being applied by passing transfer orders to compel them to accept Voluntary Separation Scheme. The respondents denied that there is any compulsion on the workers to accept the VSS. The workers cannot take the company at ransom by not accepting transfers and also not accepting VSS. The transfers are effected in terms of contract of employment and the settlement with the recognised union, hence restraining orders can be passed. The respondents thereafter denied each and every allegation of unfair labour practice and submitted that the customer schedule of orders of company is reducing day by day. It is contended that large quantum of manufacturing of automobile industry has been shifted to Sanand at Gujarat and there is severe recession suffered by the automobile industry. There is no work available during the period 01/09/2019 to 08/09/2019. Due to similar circumstances, the production was stopped on 15/02/2020 and 17/02/2020, 30/03/2024, and 01/04/2024. Meanwhile the complainant union has submitted exorbitant charter of demands. The respondent company is not in a position to bear the said burden. In and about March 2024 the company proposed Voluntary Separation Scheme and negotiations also held thereon. Since the plant was not in full operation the VSS Scheme was came for discussion and the company offered Rs.7.50 lakhs for VSS in March 2024. Comprehensive meeting was held with office bearers of the union as well as advisors of the union. Lastly, the

said amount was increased to Rs.11 lakhs and the management agreed to said amount. However, by ignoring the said negotiations present application is filed by Mr.Thite without authority. The VSS was also accepted by large number of workers. As on January 25 the strength of workers gone down to 44 workers and hardly 4500 orders are remaining in hand which require only 15-25 workers. Hence there remains no alternative either to retrench workers or to accommodate them to some other plant. Even in the meeting held with union and with their advisor Mr.Sachin Aahir on 02/08/2025 company showed readiness to accommodate excess workers to some other plant of the company. Incidentally the work was available at other plants such as Orgadum in Chennai, Anantpur in Andhra Pradesh and Pant Nagar at Uttarakhand where there is requirement of skilled workers. Hence it was decided to transfer 15 excess workmen from Ranjangaon plant to various other plants. The transfer orders were issued to the concerned workmen including five persons involved in the present complaint, but these five persons refused to accept the same. Hence the notices were sent to them by speed post. One Mr.Bahgawan Sabale has received this order on 09/10/2025 at 1.45 pm, but he made false statement about non receipt of the order.

5. According to respondents, the detail reasons are mentioned in the transfer order and the same are issued for exigencies of work. If these orders are prevented the work in the concerned plant will be

affected and these workers would seat idle in Ranjangaon plant. According to respondents, it is a managerial prerogative to utilise the manpower effectively and economically. Hence decision to transfer is bonafide exercise of power. The respondents thereafter denied that contentions raised in the complaint and submitted that no unfair labour practice as alleged has been committed by the respondents. Therefore, it is prayed to reject the interim application.

6. Considering rival contentions of parties following points arise for my determination and I record my findings alongwith reasons thereon as under -

	<b>Points</b>	<b>Findings</b>
(1)	Does the complainant union prove that it has made out <i>prima-facie</i> strong case for granting interim relief ?	In the Negative
(2)	Does the complainant union prove that balance of convenience lies in his favour ?	In the Negative
(3)	Does the complainant union prove that he would suffer an irreparable loss if interim relief is not granted as sought for ?	In the Negative
(4)	What order ?	As Per Final Order

### **Reasons**

7. **As to Point Nos.1 to 4 :-** Heard learned advocate Mr.S.T. Mhaske for complainant union and learned advocate Mr.D.J. Bhange for the respondents. It is submitted that complainant is a recognised

union and permanent workers of the respondents are the members of complainant union. The respondents introduced VSS scheme and tried to pressurise the workers to accept VSS. Transfer orders issued by respondent is one of the pressure tactics of the respondent to compel the workers to accept the VSS. Transfer order has not been served nor the concerned workers declined the same. The dispute about one settlement is pending in the court. There are units of the respondent company at Ranjangaon, Mhalunge, Bhamburli. The unit at Bhamburli started in 2023. The production taken therein is one and the same by shifting the material from Ranjangaon. According to complainant, the transfer of the workmen has been issued in order to pressurise them to accept VSS, hence it amounts to unfair labour practice and malafide exercise of power. The respondents are reducing workforce and work is being assigned to contract workers. On 12/10/2025 there is weekly holiday but work is being carried out by outsource workers. From the record produced by the complainant it will show that work is available. In 2023 Chakan unit was started and there is no reduction of workers as alleged by the company but the said orders are being completed from the contract workers. It is submitted that work of Ranjangaon unit is being completed through the units at Mhalunge and Chakan. The respondent also creating rift between office bearers of the union. It is pointed out that at one point the respondents alleged that there is no work available and at

the same time mails are being sent from other State that skilled worker is required. It is vehemently submitted that the concerned workers are only associates and they are discharging the work of helper. Hence they are not skilled workers. Dilip Bari, plant head is having no authority to transfer. It is submitted that transfer orders are not served upon the concerned workers and they have not denied the said transfer orders. No relevant noting on the transfer orders is being made about refusal of the transfer orders by the workers. Hence it is submitted that bogus record is created by the respondents. Hence affidavits of the concerned workers are filed. It is submitted that on 07/10/2025 concerned workers were called in the conference hall and were threatened to resign. According to complainant, this fact is admitted by respondents in reply. Chapter-VB of Industrial Disputes Act, 1947 is applicable and documents are filed to show work is available. The respondents are saying that workers will sit idle but record shows that they are working. Hence it is submitted that there is strong prima-facie case in favour of the complainant. It is prayed to allow the application. The complainant has relied upon following Judgments in supports of his contentions.

- (i) Bajaj Auto Limited v/s Shrikant Vinayak Yogi and Ors. (2006 II CLR 614 – Hon'ble Bombay High Court)**
- (ii) H.N. Desai and Ors. v/s M/s Bhor Industries Ltd. and Ors. (1999 II CLR 803 – Hon'ble Bombay High Court)**
- (iii) Crest Communication Ltd. and Ors. v/s Ms. Sheetal Shenoy (2001 II CLR 1036- Hon'ble Bombay High**

**Court)**

**(iv) Brihanmumbai Union of Journalist and Ors. v/s Nav Bharat Press Ltd. and Anr. (2002 II CLR 67 – Hon'ble Bombay High Court)**

**(v) Press Trust of India Ltd. and Anr. v/s Press Trust of India Employees Union (Western India) and Anr. (2002 III CLR 879 – Hon'ble Bombay High Court)**

8. *Per contra*, learned advocate Mr.Bhange has submitted that from the Judgments of Hon'ble High Courts and Hon'ble Supreme Court it is settled that transfer is prerogative of the management and transferred employee should first report at transferred place and then agitate. It is submitted that earlier there are many orders with Ranjangaon plant but as on today only 4500 orders are remained. The complainant union is recognised since 13 years. Two settlements are entered with the complainant union by the company. Hence it cannot be said that company is interfering with the affairs of the union. It is submitted that the complaint is admixture of all possible unfair labour practices. The complainant union do not comply Regulation 100 of Industrial Court Regulations and entire complaint is contrary to Regulation 100. It is submitted that the company has the orders for manufacturing of carpets and insulation for the Nexon car of Tata Motors manufactured at Fiat Plant in Pune. However, large quantum of production of said plant has been shifted to Sanand at Gujarat, hence these orders are also not confirmed orders and there is severe

recession in automobile industry. The union and the workmen are aware about the situation. There is no work available during the period 01/09/2019 to 08/09/2019 and again the production was stopped on 15/02/2020, 17/02/2020 and 17/02/2020 as well as 30/03/2024, 01/04/2024. The company is not in a position to bear heavy financial burden. Hence ultimately proposed Voluntary Separation Scheme (VSS). The amount of VSS was increased gradually according to negotiations with the union as well as Ex-Minister of Maharashtra State. However, the union refused to sign the settlement at the instance of Mr. Atul Thite. He had filed various complaints. The VSS was accepted by large number of workers. The work force was reduced accordingly and now only 44 workers are remained. The situation of respondent is deteriorated. The transfer orders are purely issued on administrative exigency and no malafides are involved. The management is the best judge to decide exigencies under its discretion. No document of the complainant contained signature on behalf of respondent. The concerned workers are required to be retrenched, however, they are transferred at another plant. The respondent doesn't come under Chapter-VB of Industrial Disputes Act, 1947 as average workers are only 56. Due to weak situation, the company was required to give lay off to the workers. Mails are received from other plant. The associates are having required skill. Hence the respondent transferring them to another

plant. It is therefore submitted that there are no bonafides on the part of the complainant. Hence the complainant is not entitled to equitable relief. The respondents in support of its contentions has relied upon following Judgments.

- (i) Rajasthan Patrika Pvt. Ltd. v/s Ajay Kumar Bihari and Anr. (2010(1) Mh.L.J.944)**
- (ii) Electropneumatics and Hydraulics (India) Pvt. Ltd. v/s Bharatiya Kamgar Karmachari Mahasangh and Anr. (2008 II CLR 295 – Hon'ble Bombay High Court)**
- (iii) Union of India and Ors. v/s Ashok Kumar and Ors. (2005(8) SCC 760)**
- (iv) Sanjay s/o LateRamesh Kumar Sinha v/s Mineral Exploration Corporation Ltd. (2008(2) Mh.L.J.27)**

9. Upon hearing the parties, I have gone through the record and the documents produced by the parties in order to ascertain prima-facie case. The complainant has produced documents alongwith **Ex.U-9** which contains registration certificate, of the union with recognition certificate. Order dt.11/10/2025 proposing transfer of 15 employees at various places like Anantpur, Orgadum, Pantnagar, letter of the union given to respondents on 19/06/2025, 13/03/2025, 01/09/2025, 09/07/2025, 15/07/2025, 04/06/2025, 13/06/2025, the appointment orders, pay slips of the workers concerned in the present complaint. The complainant also produced copy of transfer order dt.07/10/2025 in respect of Bhaskar Eknath Nalkande. The complainant has also filed affidavits of workers Atul Sonaba Thite,

Madhukar Ramrao Bagate, Nitin Rangnath Rode Nitin Bhimrao Bhandare, Prakash Maruti Sabale and Bhagwan Vishnu Sabale at **Ex.U-4, Ex.U-5, Ex.U-6, Ex.U-7** and **Ex.U-8**. The complainant has also produced certain documents alongwith **Ex.U-16, Ex.U-18** as well as **Ex.U-25** which includes xerox copies of documents purporting to production of the company in order to show that work is available. However, the respondent is saying that these documents do not contain signature of the officers of the respondents.

10. On the basis of further documents the complainant has alleged that the work which is available at Ranjangaon plant has been shifted to various other plants like Chakan, Bhamburli, Mhalunge and said work is being completed by contract workers. Another letter dt.15/02/2025 has been issued to the respondents by the union alleging that plant head, staff supervisor, HR has not signing on half day, short leave gate pass and leave pass of the office bearers and members of union. On 10/07/2025 the complainant union has requested the Assistant Commissioner of Labour and the Conciliator to refer the matter of lay off given by the company to the Tribunal. The complainant has also produced copies of photos of the company of the unit at Bhamburli, Mhalunge alleging that contract workers are being engaged there. The complainant has also produced copy of transfer order of Prakash Sabale and others and alongwith copy of envelope.

11. The respondents have produced documents alongwith **Ex.C-7** containing copies of transfer orders alongwith its track reports, copies of notice of lay off dt.09/05/2025, 13/06/2025, 07/07/2025, 25/07/2025. Copies of e-mail and schedule for October 2024 on forecast of November, December and January 2025. Schedule for March 2025 to Separate 2025 and forecast of MCE-2 and Altroz, Curve, Tamor. Copy of e-mail for requisition of manpower required at various other plants, copy of skill distribution containing list of associates for transfer as per required skill. Statement of salary from April 2025 to September 2025, letters dt.13/03/2025 by Mr. Ishwar Wagh.

12. From the record and documents, it appears that the respondents sought to transfer the employees from Ranjangaon to various other plants in other States. It appears that they have prepared list of associates as per required skill. It is not disputed that the respondents have given lay off on various occasions during the year 2024-2025. The union alleges that the said lay offs are illegal and requested the Government to intervene and to refer the disputes to the appropriate forum. The voluminous documents filed on behalf of complainant regarding production are zerox copies which do not contain signatures of any supervisor. However, the availability of the work cannot be determined at this stage by this court without getting appropriate evidence from the parties.

13. The complainant has referred to Judgment of Hon'ble Bombay High Court in the case of ***Bajaj Auto Ltd. (supra)*** in which it is held that if the dominant motive of the employer was to punish employee the transfer is bad and if it was to ensure the efficiency in administration the transfer has to stand. In the Judgment of Hon'ble Bombay High Court in the case of ***H.N.Desai and Ors.(supra)*** it is held that right to transfer is not implicit in every contract of service and in that case no specific term was included and it was held that the transfer was tainted one. In the case of ***Crest Communication Ltd. (supra)*** it was held that when the employer has no authority to effect transfer such case would be the case of malafide in law and restricted meaning cannot be assigned to language used in item 3 of Sch.IV. In the case of ***Brihanmumbai Union of Journalists and Ors. (supra)*** it is held that the management in transferring the employees alongwith post under the guise of strengthening regional offices was not in exercise of managerial powers under clause 5 of letters of appointment and transfer is colourable exercise of powers. In the case of ***Press Trust of India Ltd. (supra)*** it is held that General Secretary of union is transferred from Mumbai to Simla hence in that case the law laid down in the case of Shivaji More is confined to those cases where the transfer is a regular transfer.

14. The respondent has relied upon Judgment of ***Rajasthan Patrika Pvt. Ltd. (supra)*** in which it is held that once a power to

transfer a workman is shown to exist in the management the court should have been circumspect while issuing injunction and it is for management to decide exigency and malafides have been to be shown and demonstrated to exist. In the case of ***Electropneumatics and Hydraulics (India) Pvt. Ltd. (supra)*** it is held by Hon'ble Bombay High Court that action of employer taken lawfully would not amount to prima-facie unfair labour practice. In the case of ***Union of India and Ors.(supra)*** the Hon'ble Supreme Court has held that allegation of malafide can be established by direct evidence or can be deduced as a reasonable and inescapable inference from proved facts and the burden is heavy on the person who alleges it.

15. On the basis of principles laid down in the aforesaid Judgments the facts involved in the present case are prima-facie considered. As observed above it is not disputed that the respondent has given lay off to the workers. On prima-facie consideration of said lay off notices it is appeared that the company contends that demands of production of the respondent company was decreased in every month since May 2025 to July 2025. Hence the workers were given lay off as per Sec.25(C) of Industrial Disputes Act, 1947. Legality of lay off is not the subject matter of this proceeding. However, on prima-facie consideration of the said notices it appears that the company contends that the workers are being required to sit idle without any work. The union however alleges that the said work got completed

from other plants at Chakan and Mhalunge by engaging contract workers. The transfer orders are produced on record depicts similar reasons of decreasing work and workers are being required to sit idle. It also mentioned in the order of transfer that there is requirement of skilled workforce at the plants at Chennai, Andhra Pradesh and Uttarakhand and there is demand from the said plant. It is the submission made on behalf of union that the workers concerned are mere associates and they are working as helper. Therefore, they are not skilled workers. This submission do not appeal as these workers are working since long and they are in the process of producing specialised product required for various reputed companies. Hence it cannot be said that they are not having any skill. Still the question arise as to how abruptly mails are being received from these plants of the respondent in other States for the requirement of skilled workers. However, this is not the lookout of this court as it is settled principle of law that the management is the best judge for deciding exigencies of work.

16. In the present case transfer orders are issued by the plant head of the company. According to complainant he is having no authority to transfer the employees. In the case of ***Crest Communication Ltd.*** (*supra*) the transfer was held as malice in law when the transfer was issued without authority of law and it is held to be covered under item 3 and 9 of Sch.IV of the MRTU & PULP Act, 1971. However, in

that case the transfer order was issued in violation of transfer rules prevalent in the said company. In the present case no rules of transfer have been shown and it is not prima-facie shown that the Plant Head has no authority to issue transfer orders.

17. Even otherwise the Judgment of ***Crest Communication Ltd.*** and other law on the subject of transfer are considered in detail in the case of ***Maharashtra Rajya Rastriya Kamgar Sangh (INTUC) v/s Exide (WRIT PETITION NO.13233 OF 2022 Dt. 28<sup>th</sup> APRIL, 2023- Hon'ble Bombay High Court)*** Industries Ltd. and it is held as under -

*“24) The position in law which thus emerges is that in the absence of the term to the contrary in the contract of service, a transfer order is a normal incidence of service. In the absence of a term prohibiting the transfer of an employee, ordinarily the transfer orders can not be called in question. Where transferability is a condition of service, it would be*

*impermissible for a Court or Tribunal to interdict an order of transfer which flows from the express term of the contract. Even in the absence of an express term of contract, the Court may embark upon an inquiry as to whether the transferability is an implied term of employment. In the face of an express condition of transferability, the broad proposition that the employee can only be transferred to a unit or branch which was in existence on the date of appointment, can not be countenanced, unless there is a clear stipulation against transfer to new establishment. Such an interpretation would amount to taking a very constricted view of the*

*business dynamics. It has the propensity to render the condition of transferability to any unit, branch or even associated company, as in the case at hand, redundant.*

*29) Under Item 3 of Schedule-IV of the Act, 1971, the act of transfer of an employee would amount to an unfair labour practice if the transfer is actuated by malafide. The concept of malafide has two facets; one, malice in law and the other, malice in fact. The term malafide has a definite juridical connotation. It envisages want of good faith, personal bias, grudge, oblique or improper motive or ulterior purpose.*

*30) In the case of State of Bihar and Another Vs. P.P. Sharma, IAS and Another<sup>6</sup>, the Supreme Court, observed that the determination of a plea of malafide involves two questions, namely (i) whether there is a personal bias or an oblique motive; and (ii) whether the administrative action is contrary to the objects, requirements and conditions of a valid exercise of administrative power.*

*31) Following the aforesaid Judgment in the case of State of Bihar (Supra), the Supreme Court in a recent pronouncement in the case of Rajneesh Khajuria Vs. Wockhardt Ltd and Others<sup>7</sup> observed that in terms of the provisions of the Act, 1971, the transfer by itself can not be said to be an act of unfair labour practice unless it is actuated by malafide. Therefore, to sustain a plea of malafide, there has to be an element of personal bias or an oblique motive.”*

18. It is held in aforesaid Judgment when there is express condition of transferability the transfer cannot be interfered lightly without

observing malafide exercise of power and to sustain a plea of malafide, there has to be an element of personal bias and oblique motive. In the case in hand the facts which can be deducible prima-facie from the record shows that there is decrease in the orders received by the company in Ranjangaon Plant due to which company was required to give lay off to the workers for certain period. Therefore, the company prima-facie appears to have taken decision to transfer certain employees to some other plant. As observed in the decisions referred above the management is required to decide how to use its manpower in proper way. Prima facie this court is not required to interfere in the said exercise by staying the said transfer order especially when other employees except five employees involved in the present complaint have accepted the transfer orders. In the circumstances, I answer point Nos.1 to 3 in the negative and I proceed to pass the following order.

### **Order**

- (i) Application at Ex.U-2 stands rejected.
- (ii) This order will take effect after six weeks from today.

Pune.

Date : 11<sup>th</sup> November 2025.

(D.M. Patil)  
Member  
Industrial Court, Pune