

BEFORE THE INDUSTRIAL COURT AT AURANGABAD

COMPLAINT (ULP) No.29/2026

MHIC-200001112026

Gaurav Prakash Jadhav
Age: 36 years, Occu. Service,
R/o Abhauputra Colony,
Shani Mandir Road, Samta Nagar,
Chhatrapati Sambhajinagar.

... Complainant

Vs.

1] The Managing Director,
S.T.Co-operative Bank Ltd.,
Maharashtra Vahtuk Bhavan,
Dr.Anandrao Nayar Marg,
Mumbai Central, Mumbai - 400008

2] The Branch Manager,
S.T. Co-operative Bank Ltd.,
Branch Aurangabad, Aurangabad.

...Respondents

ORDER BELOW EXH.U- 2

[Passed on 06th August, 2026]

1] Being aggrieved and dissatisfied with the transfer order dated 05-06-2026 present complaint has been filed by complainant employee u/s 28 r/w Item 3, 5, 9 and 10 of the MRTU & PULP Act, 1971 and prayed that, the transfer order dated 05-06-2026 may be quashed and set aside being illegal and improper. Along with the complaint the complainant has also

filed application for interim relief u/s 30(2) of the MRTU & PULP Act and prayed that, during the pendency of complaint transfer order dated 05-06-2026 be kept in abeyance and direction may be given to the respondent to allow the complainant to resume his duty at Chhatrapati Sambhajinagar.

2] He has been submitted that the respondent Bank is engaged in banking business and respondent No.1 is the appointing authority of the complainant. The respondent No.1 appointed to the complainant on ad-hoc basis as a Clerk by order dated 14-03-2024. Thereafter the services of complainant came to be confirmed vide order dated 17-09-2025. Hence, looking into the nature of duties he is a 'workman' u/s 2(s) of the Industrial Disputes Act, 1947 r/w Section 3(5) of the MRTU & PULP Act, 1971. Further submitted that, he has received transfer order dated 05-06-2026 on 08-06-2026 and transferred his services from Aurangabad to Ratnagiri. But said transfer order is issued with malafide intention and thereby respondent indulged into unfair labour practice under Item 3, 5, 9 & 10 of Schedule IV of the MRTU & PULP Act. There is no reason in the transfer order and clearly shows that, only with malafide intention respondent has issued transfer order. There are other employees who are working since 10 to 12 years still their services have been retained at Aurangabad. No worker/employee from his joining has ever transferred to another region. The order of transfer is not made for administrative reason but it is issued to achieve

collateral purpose, with shell innocuousness and on lifting veil. The real purpose behind the order of transfer is to set example to other employee/workers who are not bending down at hands of the superiors. Administrative exigency and business requirement is not real object behind the transfer order. The service condition of the complainant does not permit the respondent to transfer the service out of District. Also the respondent cannot transfer services of complainant except 15th April to 15th May. However, he has transferred out of District. The complainant is getting only Rs.20,000/- per month towards wages and his take home salary comes around Rs.16,000/- after statutory deductions. Therefore, it is difficult for him to survive at Ratnagiri along with his old aged parents who need medical attention at any time. Hence, he compels to file the complaint.

3] The respondents appeared in the matter and filed their say at Exh.C-4. The respondent submitted that, admittedly the complainant is employee who work in the capacity of Clerk but on ad-hoc basis. As far as transfer order dated 05-06-2026 is concerned it has issued for two months period on administrative ground. However, complainant has filed present complaint only to obtain relief anyhow. Hence, complaint is not maintainable either in law or facts and liable to be dismissed with cost.

4] The complainant is trying to hide the actual facts from the Industrial Court. In actual complainant is an ad-hoc

employee appointed on 22-02-2024 and not a permanent employee. By way of Establishment Order No.112 of 2023-24 dtd. 22-02-2024 the complainant appointed as a clerk on ad-hoc basis on combined salary of Rs.20,000/- for a period of 180 days at Chhatrapati Sambhajanagar. The said order does not alter the service conditions, status, pay, designation or seniority of the complainant. As per requirement of staff in other branch at Ratnagiri complainant is transferred from Ratnagiri by way of temporary transfer for a period of two months. The transfer is an incidence and condition of service. As per the applicable service conditions and Standing Orders of the Bank, every employee is liable to be transferred from one place to another place where the Bank has its branches/offices. The transfer of complainant is within the ambit of law and as per the Standing Orders. The complainant has no vested or legal right to insist upon posting at any particular station. The employer is the best judge of its administrative requirements and deployment of staff. The transfer order dated 05-06-2026 has been issued purely in administrative exigencies and in the interest of smooth functioning of the bank. The transfer is neither punitive nor stigmatic. The documents relied upon by the complainant as an office order dated 17-09-2025 allegedly appointing him as a Clerk on a permanent post is not issued by the respondent No.1 Bank or by any competent authority of the respondents. The said document is not a genuine office order issued from the records of the respondent Bank. Therefore, the contents thereof are

specifically denied. Hence, complaint along with interim relief application deserves for rejection.

5] Heard both the Ld. Advocates and perused entire proceeding. On the basis of submission made by respective parties and on the basis of rival contention of the parties following points are considered for discussion which are discussed and necessary finding to that effect recorded as under :

Sr. No.	POINTS	FINDINGS
1	Does the complainant prima facie succeed to show that, the Respondents have indulged into unfair labour practice under Item 3,5, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 ?	In the Affirmative
2.	Does the complainant succeed to show that, prima facie case and balance of convenience lies in favour of complainant ?	In the Affirmative
3.	Does the complainant succeed to show that if interim order is not granted in favour of complainant the complainant would cause any irreparable loss and hardship ?	In the Affirmative
4.	What relief and order ?	As per final order.

REASONS

AS TO POINT NO.1 TO 4:

6] After going through the entire proceeding it is observed that, admittedly the complainant employee is employed by respondent Bank in the capacity of Clerk on and from 14-03-2024 but on ad-hoc basis. It is not disputed that, the respondent bank is having its branches over all Maharashtra State. Claiming to be administrative exigencies the services of complainant transferred to Ratnagiri vide order dated 05-06-2026 for two months period. It is the case of complainant that, the said transfer order is issued with malafide intention and to set the example to other employees who are not bending down hands towards the superiors. As far as case made out by respondent is concerned, admittedly the respondent has admitted employer-employee relationship between complainant and respondent. Admittedly the respondent is appointed to the complainant on the post of Clerk. However, said appointment is made on ad-hoc basis for 180 days in Chhatrapati Sambhaji Nagar branch but for the reason of administrative exigency the services of complainant has been transferred to Ratnagiri for two months vide order dated 05-06-2026. Therefore, it cannot be said that, the respondent has issued transfer order with malafide intention and committed unfair labour practice as alleged.

7] If perused the initial appointment order placed on record at Exh. C-7 it appears that, the complainant is appointed on the post of Clerk for 180 days and said appointment is on ad-hoc basis and consolidated salary of Rs.20,000/-. Further it appears that, the complainant is appointed in Chhatrapati Sambhaji Nagar branch. Needless to say that, since 22-02-2024, 180 days period came to an end on 21-08-2024. Therefore, respondent might have been issued confirmation order dated 17-09-2025 and confirmed the services of complainant. But said confirmation order disputed by respondent contending that, it has not issued any confirmation order to the complainant. As far as confirmation order is concerned, though it was disputed by the respondent but fact is remained that, the complainant is admittedly employed by the respondent on the post of Clerk. Further admittedly the respondent bank is having transfer policy which is produced by complainant as well as respondent. If perused transfer policy at Exh.C-7 it appears that, the employee who works on the post of Clerk is eligible in one branch for the period of continuous 10 years. If two branches exist in one district in that case the employee would be eligible for transfer from one branch to other branch but in same district. If any employee involved in fraud or misconduct the respondent is having authority to transfer his services in the other nearest district though he has not completed 10 years. The transfer policy clearly shows that, the complainant was required to posted at one district for 10 years continuously. However claiming

administrative exigency the services of complainant has been transferred to Ratnagiri and for only two months.

8] During the course of argument the Ld. Advocate Shri Waikos submitted that, the said transfer order was issued only to adjust the retired employee who was taken back in the employment of respondent in Chh. Sambhaji Nagar branch. The said submission was verified by Ld. Advocate Shri Kuptekar for respondents. The Ld. Advocate Shri Kuptekar submitted that, considering his experience he was taken into the employment of respondent and complainant is transferred to Ratnagiri branch. The approach of respondent seems not proper and legal because the transfer policy clearly shows that, the complainant was required to be posted at one district for 10 years. Further it is not the case of respondent that, the complainant has committed misconduct and involved in fraud. However, the respondent transferred his services not only in the nearest district but far away from Chh. Sambhaji Nagar. Further if perused the transfer order dated 05-06-2026 no reason or administrative exigency is shown. Further, during the course of argument no administrative exigency shown by the respondent. Considering the services of complainant allegedly on ad-hoc basis the respondent has tried to compel the complainant to resume duty at Ratnagiri. Therefore, whole action of respondent prima facie attract to unfair labour practice under Item 3, 5 & 9 of Schedule IV of the Act. Hence, it is concluded that, the complainant succeed to show that, the respondent has prima facie indulged into unfair labour

practice under Item 3, 5, 9 of Schedule IV of the Act. Even though the Court has not granted any relief the complainant shall cause prejudice and irreparable loss. Hence, complainant would be entitled for interim relief. On the basis of above discussion this Court record the findings of above points in the affirmative and proceed to pass following order :

ORDER

[1]	Application at Exh.U-2 is allowed.
[2]	It is prima facie held and declared that, the Respondents have indulged into unfair labour practice under Item 3, 5 and 9 of Schedule IV of the MRTU & PULP Act, 1971.
[3]	The Respondents are hereby directed to cease and desist from the unfair labour practice forthwith.
[4]	The transfer order dated 05-06-2026 issued to the complainant is hereby stayed till disposal of the main complaint.
[5]	In the result, the respondents are hereby directed to allow the complainant to resume his duty at Chh. Sambhaji Nagar.

Date :06-08-2026
Place:Aurangabad.

[S. D. Suryawanshi]
Member,
Industrial Court, Aurangabad.