

(2001) 07 RAJ CK 0047

In the Rajasthan High Court

Case No : Civil Special Appeal No's. 342 to 344 of 2001

Damodar Prasad

APPELLANT

Vs

R.S.R.T.C. and Others

RESPONDENT

Date of Decision : 02-07-2001

Acts Referred:

Citation : (2001) 2 LLJ 1591 : (2001) 3 RLW 1691 : (2001) 4 WLN 120

Hon'ble Judges : A.R. Lakshmanan, C.J.;Asok Parihar, J

Bench : Division Bench

Advocate : Mahendra Shah, for the Appellant; Manish Bhandari, for the Respondent

Final Decision : Dismissed

Judgement

Lakshmanan, C.J.

(1). Heard Mr. Mahendra Shah, learned counsel appearing for the appellants in all the appeals. These appeals have been filed against the order passed by the learned Single Judge of this Court dismissing the writ petitions following the decision rendered by the learned Single Judge in S.B. Civil Writ Petition No. 5311/2000. Our attention was drawn to the order passed in the above said writ petition on 13.12.2000.

(2). The appellants are the employees of the Rajasthan State Road Transport Corporation. They were transferred by the management from one depot to another depot under the same management. There is no change of pay-scale or any other emoluments. In our view, the transfer that has been made by the management will not cause any prejudice to the appellants. It is argued by Shri Shah that the transfer would cause inconvenience to the appellants. In our view, inconvenience cannot be the ground at all for refusing to go on transfer.

(3). Transfer is an incident of service. The management has got every right to transfer an employee from one place to another under the same management on the same pay-scale etc. The courts have held that the order of transfer can be

interfered with only if such an order has been punitive in nature. In the instant case, the only allegation made is that the junior persons should have been transferred first and thereafter the petitioners should have been considered and transferred. The Courts have held that transfer of an employee is part of conditions of service and the employees are bound to obey the orders of transfer and work in the place where they have been transferred and posted. Transferability from one establishment to another is an incident of service and that the employer is the best Judge to decide upon the utilisation and distribution of its manpower amongst various units and places. Courts and tribunals cannot also properly assess or adjudicate effectively the reasons given for transfer of employees. The decision of the employers in such cases is conclusive and that except in the rarest of rare cases, courts should not interfere with transfer orders.

(4). In our view, the cases in hand are not such.

(5). The appeals fail and, are hereby, dismissed.