

---

**(1997) 10 MP CK 0036**  
**In the Madhya Pradesh High Court**  
**Case No : Writ Petition No. 546 of 1997**

Mishra R.K.

APPELLANT

Vs

M.P.S.R.T. Corporation and Others

RESPONDENT

---

**Date of Decision :** 07-10-1997

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 33

**Citation :** (1999) 3 LLJ 736

**Hon'ble Judges :** S.S. Jha, J

**Bench :** Single Bench

**Advocate :** Jitendra Maheshwari, for the Appellant; A.K. Shrivastava, for the Respondent

**Final Decision :** Dismissed

---

## Judgement

S.S. Jha, J.—Heard counsel.

The petitioner is aggrieved by the order of his transfer from Gwalior to Bilaspur. Learned counsel submits that his transfer is malafide. Learned counsel further submits that the petitioner is an active member of the union and has raised the voice of the employees of the Corporation. Learned counsel further submits that on March 18, 1997 the petitioner intimated the management about the agitation and he was transferred on March 19, 1997 and this fact is sufficient to infer malafide on the part of the respondents. Learned counsel for the petitioner relied on the judgment of the Supreme Court in the case of Arvind Dattatraya Dhande Vs. State of Maharashtra and others, , and submitted that if the transfer is on account of some complaint, then it is a malafide transfer and the transfer deserves to be quashed.

2. In the present case it is not the case of the petitioner that there were complaints against him. Therefore, the facts of Arvind Dattatraya Dhande's case are not applicable to the present case.

3. Looking at the facts of the case, the petitioner submitted that he is a member

of the union, but nowhere in the petition, it is stated that the petitioner is a member of recognised union and has been declared as a protected workman under the provisions of the Industrial Disputes Act. The immunity of transfer under the Industrial Disputes Act in certain cases to the protected workman may be available if certified by the management. The petitioner is not a protected workman.

4. As regards his union, he has not stated that his union is a recognised union.

5. Transfer is a condition of service and the employee is bound to carry out the orders of transfer. The Courts normally do not interfere with the administrative orders of transfer. In the opinion of this Court the order of transfer is purely an administrative order and there are no malafides on the part of the respondents in transferring the Petitioner. Newspaper cutting is of no assistance to the petitioner.

6. In the result, the petition fails and is accordingly dismissed. The petitioner shall carry out the order of transfer immediately. The interim order passed by this Court earlier is hereby vacated.