

Roadways Karamchari Sanyukt Parishad and Others

Vs

Uttar Pradesh State Road Transport Corporation and Others

Civil Appeal No. 1760 of 1987

(Ranganath Misra, M. M. Dutt JJ)

18.08.1987

ORDER

1. Special leave granted.

2. Appellants 2 to 11 are employees under the Uttar Pradesh State Road Transport Corporation a Government Undertaking. These appellants were working in different establishments of the Corporation in Azamgarh Region and have been transferred to different places outside that region. Appellants went before the High Court challenging the transfer by claiming that the transfer was contrary to the instructions issued by the State Government in a letter dated April 12, 1983, which permitted transfer of this class of employees within their division expecting the home district. The High Court placed reliance on the decision of this Court in Shanti Kumari v. Regional Deputy Director, Health Services ((1981) 2 SCC 72 : 1981 SCC (L&S) 285) and dismissed the writ petition.

3. Ordinarily we would have accepted the view of the High Court on the footing that transfer and posting of officers are matter within the discretion of executive authorities and is not a justiciable issue. But in view of the allegations and counter-allegations in regard to the role played by the appellants we think it proper to make an exception and find out whether the arrangement to be indicated by us would work out. Learned counsel for the parties have more or less, also agreed that the appeal may be disposed of in this way.

4. As we have indicated above, there are 10 appellants. Five of them may be posted to different places in Varanasi Region and the remaining five may be restored to different stations in Azamgarh Region avoiding the home districts of the particular employees. This would be in supersession of the present posting. The appellants shall enter into bonds for maintaining good behaviour and discipline as prescribed by the standing orders of the Corporation. These bonds shall be filed in the Registry of this Court within ten days from today. One of the terms of the bonds shall be that in the event of violation of the terms thereof the delinquent appellants shall be proceeded for contempt of this Court and would be suitably dealt with under the Contempt of Courts Act. The bonds shall remain in operation for one year. A copy of the bond shall be furnished by each of the appellants to the appropriate authorities of the Corporation and postings as directed above shall be made effective within a week of such copy being supplied to the Corporation.

5. The disciplinary proceedings which are either pending or are about to be initiated shall not be proceeded with during the period the bonds are in force without leave of this Court. Orders of suspension, if any, against the appellants shall be revoked to give effect to the present direction. The Transport Corporation would be entitled to restrict use of passes issued to the appellants by saying that the five appellants posted outside the Azamgarh Region will not be permitted to avail the same

within Azamgarh Region. Similarly the passes issued to the five appellants within Azamgarh Region outside from home districts would not be entitled to use the same except when going out from Azamgarh Region.

6. Liberty is given to both the parties to move this Court as and when any further direction or clarification becomes necessary.

7. We make it clear that this order shall not be treated as a precedent. The appeal is disposed of accordingly without any order for costs.

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