

THE RIGHT to organise and reorganise business is basically a management function. And the right to transfer an employee is considered as an important incident of employment particularly with reference to public employments in the interest of good and just administration. Transfer of employees even in private employment is also well recognised in law in the interest of organisation and efficient administration. However, such transfers both in public and private employments have led to a great deal of litigation before courts and industrial tribunals. In the words of the author "transfers have caused a lot of bad blood, anger, frustration and sometimes very bitter enmity." The book¹ under review deserves welcome in the subject and is one of the good books solely dealing with problems of transfer of employees and consequent problems and litigation confronted by courts in India.

The book has been divided into seven chapters and deals with almost all aspects of transfer of employees properly analysing case law of the Supreme Court and various High Courts in India. The detailed contents of the chapters has been given in the contents. But one wonders as to what was the necessity to put the same again under each chapter as the synopsis except to increase bulk and size of the book. All chapters have been very comprehensively written with authentic competence. In the first chapter dealing with transfer of employees, the author rightly points out that "transfer" connotes that an employer has more than one place of business and the employee is called to work in a different place from the one in which he worked previously.² Moreover, it is necessary that there is an exigency of work which has prompted the management transfer an employee. Further, an employer should always have uppermost, the interest of an employee in his mind and transfers should not be actuated with even the indirect ulterior motive of any kind of *mala fides*.³ Otherwise the transfers are liable to be set aside by courts.

Chapters two and three deal with justified and unjustified transfer of employees, respectively. Thus the book goes on presenting among others the justification of transfers in order to maintain discipline, when the transfer is not to a lower post or as a demotion of an employee, and is in accordance with the standing orders

1. H.L. Kumar, *Transfer of Employees under Labour Laws* (1993).
2. *Id.* at 1.
3. *Id.* at 2.

of the establishments, *etc.* However, transfers are not justified when, (i) there is no such contract of service, from one employer to another without consent of the employee; (ii) they are to prevent union activities of the workers; and (iii) they result in loss of wages to an employee. Chapter four deals with the situations when transfer of employees result in inconvenience to them. And the law expects that employers have a duty to consider the difficulties of the transferred employee under certain circumstances before actually transferring him.

Chapter five comprehensively deals with transfer of employees and circumstances in which it will amount to changing or alteration of conditions of service of an employee under section 33 of the Industrial Disputes Act 1947. In such cases the employer may be required to obtain permission of the appropriate government if the industrial establishment employs 100 or more workmen and in other cases notice is essential before effecting transfer of an employee. Refusal to accept a transfer order of an employer might amount to misconduct which may justify dismissal. This aspect has been properly explained in chapter six of this work. And even a single act of disobedience of the transfer order could justify dismissal if it was such as to show that the servant was repudiating the contract of service or one of its essential conditions, as it would be an act of wilful disobedience and so, his dismissal could be held to be justified.⁴

The book is printed with a nice colourful jacket and its paper quality and printing are good. However, no index has been given. It does not give citations of cases in the table of cases which is very essential and helpful for readers of any law book. On the whole it is a good addition to the books and literature on the subject of labour laws in India. It will be useful to both employers and employees working in industries.

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4. *Laws v. London Chronicle Indicator Newspaper Ltd.*, 1959 2 All E.R. 285..

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