

(2014) 09 AHC CK 0178
In the Allahabad High Court
Case No : Writ-A No. 45422 of 2014

Akhilesh Kumar

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 05-09-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 107 ALR 284 : (2015) 144 FLR 590

Hon'ble Judges : Surya Prakash Kesarwani, J

Bench : Single Bench

Advocate : Prateek Sinha, Advocate for the Appellant

Judgement

@DELETEUPPERDATA

Surya Prakash Kesarwani, J.—Heard Sri Prateek Sinha, learned Counsel for the petitioner and Sri B.P. Singh Kachhawah, learned Standing Counsel for the respondents. This writ petition has been filed challenging the transfer order dated 26th June, 2014 passed by respondent No. 3 whereby the petitioner and number of other police constables of Civil Police have been transferred in terms of the Government Order No. 1039 dated 7th June, 2014. The petitioner has transferred from Kanpur Nagar to Kanpur Dehat. The said Government Order provides for transfer of such constables, who are posted either in their home district or bordering home district. The petitioner has not disclosed that since when he is posted in Kanpur Nagar. The said Government Order reflects the Government policy which cannot be interfered with in writ jurisdiction under Article 226 of the Constitution of India. The said Government policy has been framed in public interest. The transfer has been made pursuant to the aforesaid Government policy. It is not in dispute that the petitioner is holding transferable post. The transfer has been made to a very nearby place and yet the petitioner has raised the grievance by filing the writ petition on the ground that he has some problem in his left leg and right eye and he is 40% handicapped. To support his submission, the petitioner has annexed a medical report dated 23rd

May, 2011. As per the aforesaid medical certificate dated 23rd May, 2011, the petitioner suffers from joint and visual disability of 30%.

2. I do not find any infirmity in the impugned transfer order particularly in view of the fact that the same has been issued pursuant to a uniform Government policy of transferring constable who are posted in their home district or bordering home district. The petitioner has also suppressed the fact in the writ petition that since when he is posted in Kanpur Nagar. He has been transferred to a nearby place i.e., Kanpur Dehat which was earlier part of Kanpur itself.

3. Under the circumstances, I am of the view that this writ petition challenging the transfer order on the alleged ground of some discrepancy in the eye vision is nothing but an abuse of process of Court and therefore, this writ petition deserves to be dismissed. In result, the writ petition fails and is hereby dismissed.