
(2006) 02 AHC CK 0124

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 7873 of 2006

Constable Raghvendra Singh

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 08-02-2006

Acts Referred:

Uttar Pradesh Police Manual Regulations — Regulation 525

Citation : (2006) 02 AHC CK 0124

Hon'ble Judges : Arun Tandon, J

Final Decision : Dismissed

Judgement

Arun Tandon, J.—Learned Counsel for the petitioner is permitted to implead Inspector General of Police, Kanpur Zone, Kanpur as respondent No. 3 during the course of the day.

2. Heard Sri M.P. Rai, Advocate on behalf of the petitioner and learned Standing Counsel on behalf of respondents.

3. The petitioner, who is working as Constable in civil branch of the U.P. Police Subordinate Services, is aggrieved by an order of transfer, dated 23rd January, 2006, passed by the Senior Superintendent of Police, Agra where under the petitioner has been transferred, for a period of six months, to the armed branch of U.P. Police.

4. On behalf of the petitioner it is contended that the impugned order of transfer, runs contrary to Regulation 525 of the U.P. Police Manual and therefore, is unsustainable in the eyes of law. The petitioner has put in more than ten years of service in Civil Police, therefore, he cannot be transferred to any other branch.

5. For considering the controversy raised by the petitioner, it would be relevant to reproduce Regulation 525 of the Police Manual, which reads as follows:

“(525) Constable of less than two years" service may be transferred by the Superintendent of Police from the armed to the Civil Police or vice versa. Foot

Police constables may be transferred to the mounted police at their own request. Any civil police constable of more than two and less than ten years' service may be transferred to the armed police and vice versa by the Superintendent for a period not exceeding six months in any one year. All armed police constables of over two years' service and civil police constable of over two and under ten years' service may be transferred to the other branch of the force for any period with the permission of the Deputy Inspector General.

In all other cases the transfer of Police Officers from one branch of the force to another or from the police service of other Provinces to the Uttar Pradesh requires the sanction of the Inspector General.

Regulation 525 is in three parts :

- (i) First part deals with constables, who have put in two years of service only.
- (ii) Second part deals with Constables, who have put in more than two years but less than ten years of service.
- (iii) Third part deals with all other cases of transfer of Police Officers, which includes constable, not covered by the first and second clauses of Regulation 525, inasmuch as the second paragraph of Regulation 525 starts that the words "in all other cases", meaning thereby that the categories of Police officers not covered by the first two clauses, can be transferred under last clause of Regulation 525.

6. In view of the aforesaid, the contention raised on behalf of the petitioner that there cannot be a transfer of the petitioner from one branch to another as he has put in ten years of service as constable in Civil Branch cannot be accepted. This Court holds that constables, who have put in more than ten years of service are covered by the last clause of Regulation 525 and such constables can be transferred from one branch to another, subject, however, to the conditions mentioned in the last clause of Regulation 525.

7. The last clause, however, provides that in all other cases, transfer requires the sanction of the Inspector General of Police, it is to be kept in mind that the word "prior" is not prefixed to the word sanction. Meaning thereby that prior sanction of the Inspector General of Police is not contemplated by Regulation 525 and, therefore, sanction can be obtained/granted by the Inspector General of Police subsequent to the issuance of the order of transfer in respect of police officers, covered by last clause of Regulation 525. However, the Inspector General of Police is required to consider and decide for himself as to whether sanction should be granted or not and, therefore, it is necessary that records in respect of transfer of police officers over ten years of service be placed before the Inspector General of Police for necessary application of mind as to whether sanction is to be granted or not at the earliest.

8. In view of the aforesaid, the present writ petition is devoid of merits and is accordingly dismissed subject to the observations that papers pertaining to the

transfer of the petitioner and other constables of more than ten years of service be placed before the Inspector General of Police for consideration of the sanction so directed in the matter in accordance with Regulation 525 of the U.P. Police Manual, preferably within two weeks, from the date a certified copy of this order is filed before the Senior Superintendent of Police, Agra. On receipt of the aforesaid, the Inspector General of Police shall pass appropriate orders either refusing or sanctioning the transfer, by means of a reasoned speaking order at the earliest possible.