
(2011) 04 AHC CK 0395
In the Allahabad High Court
Case No : Writ. A. No. 22738 of 2011

Hardwari Lal Verma

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 20-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0395

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

V.K. Shukla, J.—Earlier, Petitioner had approached this Court questioning the validity of transfer order through writ petition No. 35576 of 2010, wherein this Court proceeded to pass following order:

This writ petition has been filed for quashing the order of transfer on the ground that decision of transfers has not been taken by the concerned Police Establishment Board constituted by the State Government under the Government Order dated 12th March, 2008 in pursuance of the direction issued by the Apex Court in Prakash Singh and Others Vs. Union of India (UOI) and Ors,

As similar issue has already been raised and submission has already been made in Writ Petition No. 16035 of 2010 Nandesh Singh and Ors. v. State of U.P. and Ors. which has already been allowed by this Court vide its judgment and order dated 11.10.2010, thus, in view of judgment rendered in said writ petition, this writ petition also deserves to be allowed and is accordingly allowed.

The impugned order of transfer is set aside. It is, however, open to the Board constituted by the Government Order dated 12th March, 2008 to take a fresh decision according to law regarding transfer of Petitioners.

No order as to costs.

2. Aforesaid judgment was based on the judgment of this Court passed in Writ

Petition No. 16035 of 2010 Nandesh Singh and Ors. v. State of U.P. and Ors. and this fact has been admitted before this Court that after passing the order dated 11.10.2010, the judgment passed in Writ Petition No. 16035 of 2010 Nandesh Singh and Ors. v. State of U.P. and Ors. has been set aside in Special Appeal. The Petitioner has now rushed to this Court contending therein that he is patient of cancer and has been receiving treatment at J.K. Cancer Institute, Kanpur, as such Petitioner be not transferred.

3. Transfer and posting is within the domain of the authority concerned, and it is for the authority concerned to see as to where an incumbent should be posted and where his/her services can be better utilized.

4. Law on the subject is clear, as held by this Court in the case of Uma Shankar Tripathi and Ors. v. The State of U.P. Civil Misc. Writ petition No. 18482 of 2011 decided on 31.03.2011, that there may be cases wherein individual problems may be there and violation of Transfer Policy may be alleged, such individual grievances can be redressed by the authority concerned after the transferee joins the place assigned to him/her. In case Petitioner is facing any individual problem, such individual grievances can be redressed by the authority concerned after the Petitioner joins the place assigned to him, and prefers representation ventilating his grievances being faced by him, then in that event the authority concerned would be free to take decision preferably, within next eight weeks thereafter.

5. Consequently, present writ petition is disposed of in terms of the aforesaid observations.