
(1999) 04 AHC CK 0052
In the Allahabad High Court
Case No : C.M.W.P. No. 13412 of 1999

Kailash Singh (TSI)

APPELLANT

Vs

Director (IGP), Traffic, Lucknow and others

RESPONDENT

Date of Decision : 05-04-1999

Acts Referred:

Uttar Pradesh Police Regulations, 1948 — Regulation 524, 525

Citation : (1999) 3 AWC 1977 : (1999) 2 UPLBEC 1279

Hon'ble Judges : D.K. Seth, J

Bench : Single Bench

Advocate : R.K. Pandey and S.K. Shukla, for the Appellant; K.R. Sing, S.C., for the Respondent

Judgement

D.K. Seth, J.—By an order dated 26.7.1996 the petitioner, who was in the Armed Police Force, was transferred as Traffic Sub-Inspector al Varanasi. The petitioner has now been sought to be transferred from Traffic Department to Armed Police Force by an order dated 23.3.1998. This order dated 23.3.1998 contained in Annexure-4 to the writ petition has since been challenged in this writ petition.

2. Relying on Regulation 525 of the U. P. Police Regulation, learned counsel for the petitioner Shri R.K. Pandey submits that without sanction of the Inspector General of Police, such person could not be transferred. Therefore, the order is wholly without jurisdiction and void ab initio and liable to be quashed.

3. Sri K.R. Singh, learned standing counsel on the other hand points out that Regulation 524 empowers the Superintendent to transfer all officers below the rank of Sub-Inspector within his District without indicating any qualification or reservation as to the one branch or otherwise. Whereas Regulation 525 relates to transfer from Armed to Civil Police or vice versa. But in the present case, according to him, the petitioner is belonging to P.A.C. cadre from where he was posted in the Traffic. He did not object to the same when he is drawn to the civil police. Therefore, this writ petition should liable to be dismissed.

4. I have heard learned counsel for the parties at length.

5. It appears that by virtue of Regulation 524, the Superintendent is empowered to transfer all officers below the rank of Inspector without any qualification. Whereas Regulation 525 deals with constables. Therefore, the second para of Regulation 525 even though mentions police service, the same should relate to constables. But the said question need not be gone into in this case because of the distinct feature. Inasmuch as the petitioner was in the Armed Police Force, from where he was posted as Traffic Sub-Inspector and now he has been returned to his parent force from where he was posted as Traffic Sub-Inspector. Therefore, it is not a case that the petitioner is being transferred from one branch to another. On the other hand, he has been recalled to the Armed Police Force from Traffic branch. Regulation 525 does not apply to such a case. Therefore, the argument of learned counsel for the petitioner could not be sustained.

6. The writ petition, therefore, fails and is accordingly dismissed.

7. However, there will be no order as to cost.