

(2010) 07 AHC CK 0104
In the Allahabad High Court
Case No : Service Single No. 3126 of 2010

Mata Prasad Singh, C.C.P. and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 15-07-2010

Acts Referred:

Citation : (2010) 07 AHC CK 0104

Hon'ble Judges : Shabihul Hasnain, J

Bench : Single Bench

Advocate : Pankaj Pandey and Sudhir Sharma, for the Appellant; C.S.C., for the Respondent

Final Decision : Allowed

Judgement

Shabihul Hasnain, J.—Heard learned Counsel for the petitioners and learned Standing Counsel for quite some time.

2. The petitioners have challenged the transfer order on the ground that the same has been passed in contravention of the judgment and order passed by the Hon"ble Apex Court in the case of Prakash Singh and Others Vs. Union of India (UOI) and Ors, According to the directions issued in this case "transfer" of police officials is to be made by an independent "Police Establishment Board". Without its concurrence no transfer should ordinarily be made. The argument from the petitioner side is that in the teeth of this judgment there is no occasion for the Inspector General/Deputy Inspector General/Superintendent of Police or by any "Regional" or "District" level board to pass any transfer order. Routine transfers should be made by the "Board" and not by the individual officers.

3. On the strength of argument of the petitioners this Court feels that the order of transfer can not be sustained, it is, therefore, quashed.

4. However, it is provided that the opposite parties are at liberty to pass a fresh order in accordance with law to meet out the exigencies of service, if necessary.

5. With the above observation, the writ petition is allowed.