

(2004) 01 AHC CK 0055
In the Allahabad High Court
Case No : Writ Petition No.7898 (S/S) of 2003

Nafeesh Ahmad Siddiqui and Others

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 07-01-2004

Acts Referred:

Uttar Pradesh Police Regulations, 1948 — Regulation 525

Citation : (2004) 01 AHC CK 0055

Hon'ble Judges : Bhanwar Singh, J

Final Decision : Dismissed

Judgement

Bhanwar Singh, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.

2. The petitioners are posted as Constables in district Gonda and by virtue of the impugned orders, they have been transferred to armed police in the same district. Their posting in the armed constabulary has been challenged on the ground that many of them have already served in the armed constabulary and some of them were transferred to the civil police because of their long tenure in the armed constabulary. Reference has been made to the provisions of Regulation 525 of the Police Regulations. Its perusal appears to indicate four provisions whereunder constables of civil police can be transferred to armed police or vice versa. Precisely, these are as follows:

1. Constables having put in less than two years of service,
2. Constables having more than two and less than 10 years of service may be transferred by the Superintendent for a period not exceeding six months in any one year,
3. All armed police constables of over two years and under 10 years of service may be transferred to any other branch for any period with the permission of the

Deputy Inspector General; and,

4. The constables having more than 10 years of service can be transferred with the permission of the Inspector General to other branch of the police for any period.

3. In the case in hand, the petitioners have not served for more than 10 years of service and many of them have also remained in the armed police under orders of the Superintendents of Police. By virtue of the impugned order, the petitioners have again been posted in the armed police with the permission of the District Inspector General and in this way, the provisions of Regulation 525 referred to above, cannot be said to have been violated. The argument that a constable can be posted in the armed police only once in a career is not acceptable in view of the very clear terms of the above regulation. As it says "six months in any one year". It means that every year, a constable, who has been service up to the period of 10 years, can be posted in the armed police, of course with the permission of the Deputy Inspector General. The ground of qualification having been mentioned in the D.O. of April 25, 1986 issued by the Inspector General of Police cannot override the statutory provisions of the above said Regulations. Moreover, the norm prescribed by that letter has lost its efficacy with the efflux of time as these days large number of constables, recruited in the police force are Intermediate and Graduate and if all such constables are exempted a very limited scope will be left for posting in Armed Police.

4. Keeping all these aspects of the matter in view, it is provided that this petition being devoid of merit deserves to be summarily dismissed.

5. Order accordingly. However, if some petitioners have been posted in another branch twice in a year, they may file a fresh petition seeking redressal of their grievance.

(Petition dismissed)