
(1997) 03 AHC CK 0002
In the Allahabad High Court
Case No : C.M.W.P. No. 31343 of 1995

Satya Bhan Singh

APPELLANT

Vs

Superintendent of Police and Others

RESPONDENT

Date of Decision : 14-03-1997

Acts Referred:

Uttar Pradesh Police Regulations, 1948 — Rule 525

Citation : (1997) 03 AHC CK 0002

Hon'ble Judges : S.L. Saraf, J

Bench : Single Bench

Advocate : H.M. Srivastava, for the Appellant;

Judgement

S.L. Saraf, J.—The Petitioner by this writ petition has challenged his transfer from Civil Police to Armed Police on permanent basis. The Superintendent of Police, Pilibhit passed an order on 26th October, 1995 transferring the Petitioner from Civil Police to Armed Police. Counsel for the Petitioner submits that the said order is bad, illegal and contrary to the provisions of Rule 525 of the U.P. Police Regulations and further submits that the Civil Constables, who served two years to 10 years can be transferred to other branch of the police force for a limited period and not for an unlimited period. The argument of the Petitioner's counsel is that the Civil Constables cannot be transferred for a period of more than six months.

2. Mr. Rai, appearing for the Respondents submits that the Constables can be transferred from one force to another with the permission of the Deputy Inspector General of Police for a period lasting more than six months. Mr. Rai referred to paragraph 4 of the counter affidavit and relied on the allegations made therein and finds support to his contention that the transfer order was proper and legal. Without going into the factual aspects of the case, I find that this matter is to be decided in view of the provisions of Rule 525 of the said Regulation. It would be appropriate to set out the provisions of Rule 525 of the U.P. Police Regulations which reads as follows:

Constables of less than two year's service may be transferred by the Superintendent of Police from the armed to civil police or vice versa. Police constables may be transferred to the mounted police at their own request. Any civil police constable of more than two or less than ten year's 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 constables of over two year's service and civil police constables of over two and under ten year's 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 officer from one branch of the force to another or from the police service of other provinces to the Uttar Pradesh Police requires the sanction of the Inspector General.

3. Under Rule 525 of the said Regulations, powers have been given to the authorities to transfer a Constable from one branch of the police force to another branch of police force. The words "any period" appearing in the last line of first paragraph of Rule 525 speaks that Civil Constables of over two and under ten year's service may be transferred to the other branch of the force for any period with the permission of the Deputy Inspector General of Police. It means that a person working in the civil force as constable over a period of two but under ten years may be transferred to other branch of the force. In the instant case, admittedly, the Petitioner has been in Civil Police as Constable for two years but less than ten years. In any view of the matter, the question remains whether he can be transferred from Civil to Armed Police on permanent basis.

4. The word "any" has been defined in Black's Law Dictionary as some; one out of many; indefinite number. However, the indefinite has been defined by same Black's Law Dictionary as without fixed boundaries or distinguishing characteristics; not definite, determinate or precise. Term is synonymous with temporary than with permanent; indefinite contemplates that condition will end at unpredictable time. Whereas "permanent" does not contemplate that condition will cease to exist."

5. The word "permanent" has been defined by the same Black's Law Dictionary as continuing or enduring in the same State, status, place or the like without fundamental or marked change, not subject to fluctuation or alteration, fixed or intended to be fixed; lasting; stable; not temporary or transient."

6. In Stroud's Judicial Dictionary, the word "any" has been defined as the word which excludes limitation or qualification."

7. Reading through the various definitions as given by the several judicial dictionaries, it appears that "any period" means any specified period. It should be specified period of time for which a person from one branch of police force can be transferred to another branch of the same police force and cannot be transferred on permanent basis. He is to be transferred in accordance with the Regulations or Rules framed in the matter. In my view of the matter, no such

regulations or rules have been framed by which a person from one branch of police force can be transferred to another branch of the same police force on a permanent basis. The expression of the word "any period" appearing under Rule 525 of the said Regulations is to be considered in the light of previous portion of the said Regulation, whereunder Superintendent of Police has been given powers to transfer a person from one branch to another branch of the same police force for a period not exceeding six months in any one year. In view of this, any period cannot be a period other than a specified period, say, for one, two or three years. Under no circumstances, a person from one branch of police force can be transferred to another branch of the same police force on permanent basis and as such, I hold the transfer dated 26th October, 1995 passed by the Superintendent of Police, Pilibhit transferring a Constable from Civil Police to Armed Police was illegal and without any authority of law. Accordingly, the same is quashed and set aside. This order, however, will not prevent the Superintendent of Police to pass any order in accordance with the observations made hereinabove. The constables could be transferred for a period specified with the permission of the Deputy Inspector General of Police.

8. With these observations, the writ petition is disposed of finally. There will be no order as to costs.