
(1983) 04 AHC CK 0059
In the Allahabad High Court

Case No : Writ Petition No's. 317, 495, 503, 862, 965, 1152 and 1159 of 1983

Shiv Kumar Singh and Others

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 14-04-1983

Acts Referred:

Citation : (1983) 04 AHC CK 0059

Hon'ble Judges : U.C. Srivastava, J;K.N. Goyal, J

Bench : Division Bench

Advocate : S.D. Singh, for the Appellant;

Final Decision : Dismissed

Judgement

K.N. Goyal, J.—In these writ petitions the Petitioners are police constables in the Civil Police. They are of more than two years and under 10 years of service. They are being transferred to the Armed Police by orders of the respective Deputy Inspector Generals of Police. The Petitioners have challenged the orders of transfer on a number of grounds.

2. It has first been contended that the Petitioners had originally been recruited to the Civil Police and some of them had also been confirmed to it and as such they could not now be transferred to the Armed Police. This contention has no force because normally all recruitments are made initially to the Civil Police and it is only at a subsequent stage that some of the recruits are transferred to the Armed Police. It has been said that in one year there was direct recruitment to the Armed Police as well, but that was an exception. Para 525 of the Police Regulations which provides for such transfer did exist at the time of recruitment of the Petitioners.

3. The validity of para 525 has been assailed on the ground that it does not lay down any criteria for transfer, and that unbridled discretion is conferred. As the two wings are parts of the same police force of the State and the discretion has been conferred on higher officers, we do not think it was required that specific

criteria should be laid down for this routine matter under the Police Regulations. The mere adoption of different criteria by different Deputy Inspector Generals of Police is of no consequence because it is but natural that different officers should from time to time take various matters into account on the basis of their respective experience.

4. It has next been contended that certain allowances are attached to the members of Civil Police. Those allowances are in the nature of compensatory allowances, such as the one for maintaining a cycle and so on. They are not vested rights which may avail the Petitioners even after their transfer to the other wing.

5. It has also been contended that chances of advancement in the Armed Police are much less than in the Civil Police. Mere chances of promotion are not a condition of service. Moreover, even after being transferred to the Armed Police the possibility of the Petitioners coming back to the Civil Police is not ruled out. The Deputy Inspector General of Police has power to send back Armed Police Constables of even more than 10 years of service to the Civil Police. It would no doubt be reasonable if at the time of promotion in the Civil wing, the cases of constables sent earlier from the Civil Police to the Armed Police are also considered on merits, but it is no body's case that any such promotion is due in the near future.

6. Lastly it was argued that the orders do not specify any period as required under para 525 of Police Regulations. What para 525 says is that by S.P.'s order a transfer may be only for a period not exceeding six months in any one year, while under DIG's order a transfer can be for any period. This distinction between the powers of two officers does not stipulate that whenever a DIG transfers a Civil Police Constable to the Armed Police for more than six months the period for which such transfer is made should also be necessarily specified. The words "for any period" have been used in contra-distinction with for a period not exceeding six months.

7. We thus find no merit in these writ petitions which are dismissed. No order as to costs.