
(2010) 08 SHI CK 0068
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 4631 of 2010

Vinod Kumar Dhawan

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 26-08-2010

Acts Referred:

Himachal Pradesh Police Act, 2007 — Section 12

Citation : (2010) 08 SHI CK 0068

Hon'ble Judges : Kurian Joseph, C.J.;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The petitioner approached this Court when he was transferred after a short tenure of two months as Superintendent of Police at Solan. Apparently, the transfer, according to the petitioner is not in accordance with the guidelines issued by the Hon"ble Supreme Court in Writ Petition (Civil) No. 310 of 1996, Parkash Singh and Ors. v. Union of India. Learned Counsel for the petitioner submits that the procedure in the matter of transfer and posting as prescribed u/s 12 of the Himachal Pradesh Police Act, 2007, also has not been followed.

2. During the pendency of the Writ Petition, it is seen that the petitioner has been posted as Superintendent of Police, Crime Investigation Department, Shimla. We are also informed that there is only one Superintendent of Police in the whole of the Himachal Pradesh in the Crime Investigation Department. It appears, such a posting is given to the petitioner in recognition of his merit and capability, to be incharge of the entire crime investigation in the State of Himachal Pradesh. Since the capacity of the petitioner has thus been recognized by the State, the petitioner cannot have any grievance in that regard as the State has such great expectation from the petitioner. It is for the petitioner to streamline the entire crime investigation in the State of Himachal Pradesh and rise upto such expectation.

3. Though, the transfer would thus apparently appear to be not in compliance of

H.P. Police Act, 2007 and also the guidelines issued by the Hon''ble Supreme Court, since the petitioner is taken from a district administration to a statewide jurisdiction post for the purpose of effective streamlining of the crime investigation, we are of the view that no interference is called for.

4. It is seen that on expiry of the leave already granted to the petitioner, in compliance with the directions issued by this Court in order dated 16th August, 2010, the petitioner has joined duty in the Headquarters and thereafter he has been posted as S.P. (CID). The submission of the learned Counsel for the petitioner, on instruction that the petitioner is not against his transfer and posting as Superintendent of Police, CID and he only made an attempt to air his grievance regarding the guidelines issued by the Supreme Court in that regard is also recorded.

5. With these observations, the Writ Petition is disposed of, so also the pending application(s), if any.

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