

Court No. - 34

Case :- WRIT - A No. - 18493 of 2023

Petitioner :- Brijendra Kumar Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajesh Pratap Singh, Sanjeev Singh

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for the parties.
2. Petitioner is aggrieved by the transfer order dated 30.06.2023 on the ground that it has been passed by way of punishment as neither the public interest, nor the administrative exigency has been taken as a ground.
3. He submits that a recommendation had been made by the Commissioner of Division that it could not be in the public interest as well as in the interest of administration to transfer the petitioner.
4. Commissioner seems to have made a recommendation to hold back the transfer of the petitioner on the ground that he visited the child care centre and unearthed certain irregularities there in the discharge of duties by those who were entrusted with the duty to take care of and were not following the directives issued by the District Probation Officer and not following the directives issued and this arbitrary approach also made the work and conduct of the District Probation Officer doubtful. This resulted in lodging of First Information Report (FIR) also. All these facts are contained in the report of the Commissioner dated 20.06.2023.
5. Learned Standing Counsel on the contrary submits that the petitioner has already been relieved on 12.10.2023 from the current place of posting where he was before the order of transfer was issued.
6. Learned counsel for the petitioner does not dispute the above fact position.

7. In the circumstances when the petitioner has already stood relieved, it is not possible to restore the petitioner's position and petitioner is to join at the transferred place and if he does so within a period of two weeks from today and at the same time makes a representation to the higher authority afresh, namely, respondent no.1, the concerned authority shall look into the grievance of the petitioner for being axed on account of his carrying out inspection at child care/welfare centre and the report in that regard submitted by the Divisional Commissioner dated 30.06.2023 and also the recommendation made on 30.06.2023 in favour of the petitioner.

8. Appropriate decision shall be taken by the authority taking into consideration the facts specifically mentioned hereinabove under this order within a maximum period of two weeks of the representation being submitted by the petitioner.

9. It will remain open for the petitioner to take such ground which may cover his case otherwise also under the transfer policy.

10. With the aforesaid observations and directions, this petition stands ***disposed of***.

Order Date :- 3.11.2023
Deepika