

Court No. - 34

Case :- WRIT - A No. - 20286 of 2023

Petitioner :- Vinod Kumar

Respondent :- The State Of U.P. And 5 Others

Counsel for Petitioner :- Atipriya Gautam, Anura Singh, Devesh Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

Petitioner, who is working as Head Constable in regular cadre, was made to transfer from district Bareilly to district Moradabad under the order dated 29th May, 2022. It is stated in paragraph 7 of the writ petition that since petitioner had health issue so he made request that he should be held back at Bareilly and resultantly on an oral direction of the Commandant, 8th Battalion, PAC, Bareilly he was permitted to stay back at Bareilly. It is submitted that subsequently the transfer order was stayed on 4th July, 2023 by Staff Officer of Additional Director General of Police, PAC, U.P. for six months. This order has been brought on record by means of Annexure-3 to the writ petition.

Learned counsel for the petitioner submits that petitioner has serious cardiac issue and is going under treatment at Bareilly and, therefore, he may be permitted to stay at Bareilly for some time. He also submits that daughter of the petitioner is studying in class 10th and since stay granted by Staff Officer is going to expire, it would be difficult to join at transferred place in mid-academic session.

Per contra, it is argued by learned Standing Counsel that distance between Bareilly to Moradabad is such that petitioner can look after his family besides the fact that he is on the transferable post and has over stayed at Bareilly.

Having heard learned counsel for the respective parties and having perused the records, I consider it appropriate for the petitioner to make representation before the higher authority in the matter within a period of two weeks from today and in the event any such

representation is made as directed hereinabove, the same shall be considered and disposed of within a next two weeks' time looking to the health condition of the petitioner and a fact that petitioner's daughter is studying in class 10th.

For a period of 30 days or till the decision is taken by the authority concerned as directed hereinabove, which is earlier, petitioner shall be permitted to stay at Bareilly and discharge his duties as such.

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

Order Date :- 7.12.2023

Atmesh