

Court No. - 3

Case :- WRIT - A No. - 4664 of 2023

Petitioner :- Head Const. Shiv Das Yadav (Pno No. 880500355) And 50 Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Home, U.P. Lucknow And 5 Others

Counsel for Petitioner :- Sudhir Kumar Misra

Counsel for Respondent :- C.S.C.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Sudhir Kumar Misra, learned counsel for the petitioners and Ms. Deepsikha, learned Chief Standing Counsel for the State-respondents.

2. The present petition has been filed by 51 petitioners with the following prayer:-

"(I) Issue a writ, order or direction in the nature of Certiorari, quashing and setting aside impugned order of transfer dated 13.06.2023 and Relieving order dated 14.06.2023 passed and issued by Respondent No.4 Addl. Superintendent of Police U.P, P.A.C. Head Quarter Lucknow, and impugned List dated 15.06.2023 issued by Respondent No.5 contained in Annexure 1, 2 and 3,

(II) Issue a writ, order and/or direction in the nature of Mandamus directing the opposite parties not to implement the transfer order dated 13.06.2023 passed and issued by opposite party No.4, and further allow the petitioners continuously at present place of posting at 11th Battalion and 27 Battalion PAC, 2nd PAC Sitapur and pay them salary regularly in the interest of justice."

3. The facts of the present case is that the petitioners, who are Head Constables, in P.A.C. force have been transferred by the order dated 13.06.2023 issued by the respondent No.3- Additional Superintendent of Police, P.A.C. Head Quarter, Lucknow after obtaining the approval from the respondent No.2 i.e. the Chairman U.P. P.A.C., Establishment Board, Lucknow.

4. Learned Chief Standing Counsel has placed a circular dated

16.06.2023 before this Court issued by the Additional Director General of Police, P.A.C., U.P. address to all the Commandents, P.A.C. Battalion, U.P. The contents of the said letter is quoted below:-

"सेवा में,
समस्त सेनानायक
पीएसी वाहिनी,
उत्तर प्रदेश।

कृपया इस मुख्यालय के समसंख्यक आदेश दिनांक 13.06.2023 का संदर्भ ग्रहण करने का कष्ट करें जिसके द्वारा एक वाहिनी हेतु निर्धारित कार्यकाल पूर्ण करने वाले मुख्य आरक्षियों का स्थानान्तरण पीएसी की एक वाहिनी से दूसरी वाहिनी में किया गया है।

2. उल्लेखनीय है कि एक वाहिनी हेतु निर्धारित कार्यकाल 15 वर्ष पूर्ण करने वाले समस्त मुख्य आरक्षियों में से दिनांक 30.04.2025 तक सेवानिवृत्त होने वाले, बैण्ड, कमाण्डों दल, बाढ़ राहत दल में कार्यरत यू०पी० 112 में सम्बद्धता पर कार्यरत, बी०डी०डी०एस० / श्वान दल, सुरक्षा मुख्यालय में कार्यरत एवं गंभीर बीमारी से ग्रसित मुख्य आरक्षियों को छोड़कर शेष मुख्य आरक्षियों का स्थानान्तरण उक्त आदेश द्वारा किया जा चुका है।

3. अतः उपरोक्त श्रेणी के अन्तर्गत आने वाले मुख्य आरक्षियों को छोड़कर यदि निर्धारित कार्यकाल 15 वर्ष पूर्ण करने वाले किसी मुख्य आरक्षी का स्थानान्तरण आपकी वाहिनी से न हुआ हो, तो उसका विवरण तत्काल इस मुख्यालय को उपलब्ध कराने का कष्ट करें। साथ ही इस आशय का प्रमाण-पत्र भी उपलब्ध कराया जाये कि निर्धारित कार्यकाल पूर्ण करने वाले उक्त श्रेणी को छोड़कर अन्य कोई मुख्य आरक्षी वाहिनी में स्थानान्तरण हेतु शेष नहीं है।

(डा० के०एस० प्रताप कुमार)
अपर पुलिस महानिदेशक, पीएसी
उत्तर प्रदेश।"

5. Learned Chief Standing Counsel submits that in the light of the aforesaid letter dated 16.06.2023 issued by the P.A.C. Directorate, the authorities are in the process of considering the grievance of the petitioners.

6. Learned counsel for the petitioners submits that justice would be suffice if liberty is given to the petitioners to prefer fresh representation before the competent authority for redressal of their grievances. He further prays that direction may also be issued to the authority concerned to consider and decide the same within time specified by this Court.

7. Learned Chief Standing Counsel submits that she has no

objection to the aforesaid prayer made by the learned counsel for the petitioners.

8. Accordingly, the present writ petition is disposed of with the liberty to the petitioners to prefer representation before the appropriate authority i.e. respondent No.2-The Chariman U.P. P.A.C., Establishment Board/Addl. Director General of P.A.C., P.A.C. Head Quarter Mahanagar Lucknow within a period of one week from today for redressal of their grievances.

9. In case such a representation is moved within the time as specified above, the respondent No.2 shall thoroughly consider and decide the same in the light of the Government Orders as well as the administrative instruction as issued from time to time and shall also take into account the genuine grounds to be raised in the representation perfectly in accordance with law, to ventilate the grievances of the petitioners within a further period of ten days.

10. The present writ petition is **disposed of** in the aforesaid terms.

Order Date :- 20.6.2023

Saurabh Yadav/-