

Court No. - 20

Case :- WRIT - A No. - 8266 of 2023

Petitioner :- Constable Driver (Cdr), Personnel No. 060680860,
Dharmendra Pratap Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Govt.
U.P. Lucknow And 6 Others

Counsel for Petitioner :- Anil Kumar Yadav, Sanjay Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

Petition has been filed challenging order dated 31st July, 2023 whereby earlier order dated 27th July, 2023 relieving petitioner to join at his transferred place has been cancelled.

It has been submitted that earlier petitioner was transferred vide order dated 16th June, 2023 from State Disaster Response Force to U.P. 112 in district Kannauj. It is submitted that the aforesaid transfer order has not been rescinded, withdrawn or modified in any manner due to which vide order dated 27th July, 2023, petitioner was directed to be relieved on 31st July, 2023 but by means of impugned order, the aforesaid relieving order has been cancelled without indicating any reasons for the same.

Upon consideration of submissions advanced by learned counsel for petitioner and perusal of material on record, it appears even from perusal of impugned order that petitioner was earlier transferred vide order dated 16th June, 2023 but by means of impugned order, only the earlier relieving order dated 27th July, 2023 has been cancelled without indicating any reasons at all. It appears that initial transfer order dated 16th June, 2023 is still existing.

In view of aforesaid, the impugned order dated 31st July, 2023 is hereby quashed by issuance of writ in the nature of Certiorari granting liberty to opposite parties to relieve petitioner for joining in U.P. 112 to District Kannauj in case transfer order dated 16th June, 2023 is still existing.

In view of aforesaid, the petition succeeds and is allowed. Parties to bear their own cost.

Order Date :- 24.11.2023

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