

Court No. - 20

Case :- WRIT - A No. - 8163 of 2023

Petitioner :- Rakesh Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Prin. Secy. Home Gaurds Lko. And 2 Others

Counsel for Petitioner :- Shobh Nath Yadav, Jitendra Bahadur

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 25.09.2023 whereby petitioner has been transferred from District Lucknow to District Jhansi.

3. On 18.10.2023, the following order had been passed:-

"1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. It has been submitted that petitioner has been transferred from District Lucknow to District Jhansi which was challenged in WRIT-A No. - 6115 of 2023 and was disposed of vide order dated 21.08.2023 granting liberty to petitioner to file representation before authority concerned. It is submitted that impugned order dated 25.09.2023 has been passed rejecting petitioner's representation also on ground that there is no vacancy in the Districts where petitioner is seeking transfer. However learned counsel for petitioner has drawn attention to information provided to him vide letter dated 03.10.2023 indicating such vacancy being present in District Ayodhya.

3. With regard to aforesaid, learned State Counsel is granted a week's time to obtain instructions.

4. List on 30.10.2023, as fresh."

4. In pursuance thereof, learned State Counsel has been provided instructions to the effect that petitioner had given his option for District Training Centre Ayodhya although there is a post vacant in the Divisional Training Centre District Ayodhya but since petitioner's option was to a place where there is no post vacant, he was transferred to District Jhansi.

5. Upon consideration of submissions advanced, it is evident that petitioner had given an option for posting in District Ayodhya. The instructions also indicate a post vacant in the

Divisional Training Centre District Ayodhya.

6. In view of aforesaid, without interfering with the impugned order dated 25.09.2023 at this stage, the opposite party no. 2 Commandant General, Home Guards, Head Quarter, Lucknow U.P is directed to reconsider petitioner's option for posting in Divisional Training Centre District Ayodhya since as per instructions there is a post vacant. Such a decision shall be taken within a period of 15 days from the date a certified copy of this order is produced before the concerned authority.

7. With the aforesaid directions, the writ petition stands **disposed of.**

Order Date :- 30.10.2023

Satish