

Court No. - 20

Case :- WRIT - A No. - 9170 of 2023

Petitioner :- S.I. (Cp) P.N.O. No. 832480142 Vijendra Pal Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And 4 Others

Counsel for Petitioner :- Vyas Narayan Shukla

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. Under Challenge is the order dated 23.05.2022 whereby petitioner working on the post of Sub-Inspector has been transferred from District Mainpuri to Meerut Zone. Also under challenge is the relieving order dated 15.11.2023.

3. It has been submitted that as per Regulation 523 of the Police Regulations, relieving in lieu of transfer order is required to be passed within a period of ten days from issuance of the transfer order whereas in the present case, petitioner's relieving is sought to be effected after one year six months.

4. This Court has already considered this issue in the Writ Petition No. 26462(S/S) of 2016 which has been decided on 11.11.2016 in the following terms:-

"Heard learned counsel for parties.

All the writ petitions have been clubbed together as the issue involved in these petitions is the same as to whether the authority was justified in relieving the petitioners after two years of the transfer order having been passed. The transfer order in all cases were passed in the year 2014, inspite of it, on account of administrative exigencies, the need for adequate number of personnel at Lucknow, which is the State capital, they could not be relieved. Normally considering the lapse of time the appropriate course for the respondents was to re-consider the matter and pass a fresh order of transfer as has been held by this Court in the judgment dated 6.07.2016 passed in writ petition no. 15148 (SS) of 2016 which has been followed by a co-ordinate bench in writ petition no. 15961 (SS) of 2016, therefore only for this reason while granting liberty to the respondents to have a fresh look at the matter and pass a fresh order expeditiously say within a period of 2 weeks, the impugned orders are hereby quashed.

All the writ petitions stand disposed of in the aforesaid terms."

5. Upon applicability of aforesaid judgment in the present facts

and circumstances of the case, it is quite evident that the transfer order has been passed on 23.05.2022 whereas relieving order has passed on 15.11.2023 after almost one and half year due to which exigency of transfer stands rebutted. The judgment indicated in the case of **Vijay Kumar Singh and others Vs. State of U.P. and others, (Writ Petition No. 36661 (S/S) of 2019)** is therefore squarely applicable in the facts and circumstances of the case.

6. Consequently the impugned transfer order dated 23.05.2023 as well as the relieving order dated 15.11.2023 are hereby quashed by issuance of a writ in the nature of certiorari at the admission stage itself granting liberty to opposite parties to pass fresh order pertaining to transfer of petitioner if exigency of service so requires.

7. Resultantly, the petition succeeds and is **allowed**. Parties to bear their own costs.

Order Date :- 29.11.2023

Satish