

Court No. - 20

Case :- WRIT - A No. - 9893 of 2023

Petitioner :- Pno.No. 052630301 Avneesh Kumar Verma

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Govt. U.P. Lucknow And 3 Others

Counsel for Petitioner :- M.P. Raju

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

Heard Shri M.P. Raju, learned counsel for the petitioners and learned Additional Chief Standing Counsel for the opposite parties.

The transfer order were passed on 14.11.2023. Now, after more than five months the petitioner is sought to be relieved by the order dated 5.6.2023.

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."

Learned Additional Chief Standing Counsel could not dispute the aforesaid position. However, he submitted that the A.D.G. Establishment has been apprised about the aforesaid.

Accordingly on the same analogy this writ petition is also disposed of quashing the impugned order, however, with liberty to the opposite parties to pass a fresh order of transfer, if exigency of service so requires, in accordance with law.

Order Date :- 21.12.2023

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