



2025:JHC-1 K0:29795

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14438 of 2025

Head Constable 727 Sandeep Kumar Yadav, Pno
No.110880022

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	: Sanandan Kumar Misra, Bina Kumari Bajpai
Counsel for Respondent(s)	: C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for petitioner and Mr. K.K. Singh learned state counsel for opposite parties.
2. Petition has been filed challenging order dated 24th November 2025 transferring petitioner from Lucknow to Lalitpur on the post of Head Constable. Also under challenge is relieving order dated 27th November 2025.
3. It is submitted that impugned order has been passed as a mode of punishment and is therefore punitive which is not in consonance with judgment rendered by Supreme Court in the case of Somesh Tiwari v. Union of India and others reported in (2009) 2 SCC 592.
4. Learned counsel has adverted to the order dated 6th May 2025 whereby he was placed under suspension on allegations levelled against him. It is submitted that said order was thereafter challenged in Writ A No. 12590 of 2025 but in which an undertaking was given on 31st October 2025 that the impugned order would be withdrawn and petitioner would be reinstated in service subject to inquiry proceedings. It is submitted that in pursuance thereof, the suspension order was withdrawn and the petitioner was visited with a minor penalty of censure vide order dated 7th November 2025. It is submitted that thereafter impugned order has been passed and is clearly related to the allegations levelled against petitioner

which indicate that transfer order has been effected as a mode of punishment.

5. Learned State counsel has been provided written instruction dated 16th December 2025, copy of which is taken on record and as per which it is submitted that various allegations were levelled against petitioner which were inquired into and resulted in passing of the punishment order dated 7th November 2025 whereafter petitioner was reinstated in service on 12th November 2025. It is, however, denied that the impugned transfer order is any way related to the aforesaid proceedings or allegations levelled against petitioner and that the impugned order has in fact been passed only on administrative grounds.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, the facts as enumerated herein above are clearly admitted to the effect that an inquiry was instituted against petitioner which culminated in passing of punishment order dated 7th November 2025. The order of transfer impugned has thereafter been passed on 24th November 2025 without any reference to the inquiry or allegations levelled against him. The impugned order of transfer has also been passed after more than a fortnight of punishment order having been passed. In such circumstances, this court does not find any link between the impugned order and the allegations which resulted in punishment being inflicted upon petitioner. It is also relevant that petitioner being a member of the disciplined force, standards applicable upon him are higher than upon normal government servants.

7. In view thereof, this court does not find any good ground to grant indulgence. The petition fails and is dismissed at the admission stage itself. Parties to bear their own costs.

(Manish Mathur,J.)

December 17, 2025

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