

**DHIGHT COURT OF JAMMU & KASHMIR AND LADAKH
ATJAMMU**

WP(C) No. 1494/2026

**Smt. Anju Bala,
Wd/o Late Sh. Virender Singh
R/o H. No. 17, Sector-2, Surya
Chowk, Channi Himmat, Jammu.
At present: Chak Bhalwal, Seri
Pandita, Jammu.**

.... Appellant(s)/Petitioner(s)

**Through: Ms. Jyoti Chib, Advocate.
(through virtual mode)**

Vs

- 01. U.T of J&K through Principal Secretary to Govt. Home Department, Civil Secretariat, Jammu/Srinagar.**
- 02. Director General, Director of J&K Police Jammu.**
- 03. Senior Superintendent of Police, District Headquarter J&K Police Jammu.**
- 04. Directorate of State Motor Garages Department Bemina Bypass Srinagar, J&K-190017/New Plot Jammu.**
- 05. General Administration Department (GAD) through its Chief Secretary, Civil Secretariat, J&K.**
- 06. Deputy Commissioner, Jammu, Wazarat Road, Jammu, J&K-180001.**
- 07. Sub-Divisional Magistrate, Jammu South.**
- 08. Sub Divisional Police Officer, City East, Jammu.**

09. Tehsildar Bahu, Channi Himmat.

10. Sh. Sunil Jamwal, S/o Onkar Singh R/o Thangar Puli, Sector -2, Surya Chowk, Channi Himmat, Jammu.

..... Respondent(s)

Through: Ms. Nisha Kangotra, Assisting counsel vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Meharban Singh, AAG.

Coram: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

30.06.2026

01. Heard learned counsel for the parties. Upon hearing the learned counsel for the parties and considering the pleadings on record, it emerges that the principal grievance of the petitioner was with regard to the transfer of respondent No. 10 from his present place of posting. However, the petitioner has failed to demonstrate any legal or enforceable right warranting issuance of a writ of mandamus directing such transfer. The dispute between the petitioner and respondent No. 10 is essentially private in nature. The mere fact that respondent No. 10 is serving as a Driver in the Office of the Deputy Commissioner, Jammu, does not, by itself, confer any right upon the petitioner to seek his transfer by invoking the transfer policy of the Government.
02. It has further not been shown that respondent No. 10 has misused or abused his official position so as to interfere with the functioning of the Office of the Deputy Commissioner, Jammu, or any police authority. The material placed before the Court does not disclose any circumstance warranting judicial intervention for directing his transfer.

03. It has also been brought on record that proceedings initiated by the petitioner under the Protection of Women from Domestic Violence Act against the relatives of her husband, including respondent No. 10, were initially pending before the competent Court at Jammu and subsequently came to be transferred to the District Court, Patiala House, New Delhi. The pendency of such proceedings, by itself, cannot furnish a ground for directing the transfer of respondent No. 10 from his present place of posting.
04. During the course of hearing, learned counsel for the petitioner, upon being confronted with the aforesaid aspects, fairly conceded that the petitioner does not press the relief of seeking transfer of respondent No. 10. Instead, it was prayed that appropriate directions be issued to ensure that respondent No. 10 does not exert any undue influence upon the public authorities or the police and that the petitioner's representation seeking departmental action against him be considered in accordance with law.
05. Learned AAG appearing for the official respondents, submitted that an FIR lodged at the instance of the petitioner against respondent No. 10 is already under investigation. It was further submitted that the remaining grievances raised by the petitioner have been duly considered by the Deputy Commissioner, Jammu, and the Sub-Divisional Magistrate, Jammu. The said position was not disputed by the learned counsel for the petitioner.
06. Learned counsel for the petitioner, however, invited the attention of the Court to the representation dated 17.02.2025 submitted before the

Deputy Commissioner, Jammu, seeking initiation of a departmental inquiry against respondent No. 10. It is alleged therein that respondent No. 10, by invoking the name of the Deputy Commissioner, approached various departments with a view to prevent the petitioner from participating in the last rites and rituals of her deceased husband, notwithstanding the permission granted to her by the Sub-Divisional Magistrate, Jammu South, on 31.01.2025.

07. Learned AAG fairly submits, that it is within the competence of the Deputy Commissioner, Jammu, to examine the allegations contained in the representation and to take an appropriate decision regarding the initiation of a departmental inquiry, if the circumstances so warrant.
08. Having considered the submissions of the parties, this Court is of the view that no case is made out for issuance of any direction regarding the transfer of respondent No. 10. Since the said relief has, in any event, not been pressed, the prayer seeking transfer of respondent No. 10 is dismissed as not pressed.
09. However, without expressing any opinion on the merits of the allegations levelled by the petitioner against respondent No. 10, respondent No. 6, namely the Deputy Commissioner, Jammu, is directed to consider the petitioner's representation dated 17.02.2025 in accordance with law and to take an appropriate decision thereon, including the question whether a departmental inquiry is warranted. The aforesaid exercise shall be completed by passing a reasoned order within a period of **two months** from the date a copy of this order is made available to the said authority.

10. It is made clear that this Court has not expressed any opinion on the merits of the allegations made by either party, and all questions in that regard are left open to be considered by the competent authority in accordance with law.
11. The writ petition is, accordingly, '***disposed of***', along with all connected application(s).

(Sanjay Parihar)
Judge

Jammu
30.06.2026
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