

CWP No. 15179 of 2014. [O&M]
Date of Decision: 23rd March, 2015.

HC Virender & Ors.

Appellants through
Mr. N.S.Sekhawat, Advocate

Versus

State of Haryana & Ors.

Respondents through
Mr. R.D.Sharma, DAG, Haryana.
Mr. S.K.Kaushik, Advocate.

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B.BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

Notwithstanding the fact that the Standing Order No. 108 of 2014 mandates that Technical Constables/Head Constables serving in Haryana Armed Police can be transferred to the District Police/Government Railway Police only on completion of 10 years' service in HAP and/or attaining the age of 35 years, the Director General of Police, Haryana granted 'relaxation' and transferred 148 Drivers from HAP to District Police.

[2]. We do not find any provision in the Standing Order No. 108 of 2014 enabling the Director General of Police, Haryana to relax the minimum eligibility conditions prescribed for such transfer.

[3]. The successor DGP issued a Circular dated 01.01.2014 to enable the aggrieved transferred police personnel to seek their repatriation to the parent cadre. Respondents No. 4 and 5 availed that opportunity and represented to bring them back to the HAP

Cadre. Their representation has been accepted vide the impugned orders.

[4]. The petitioners claim themselves to be aggrieved persons as according to them on the exit of respondents No. 4 and 5 from the HAP Cadre, they have been pushed ahead and are now within the zone for being deputed to B-I Promotional Course, namely, the requisite course prescribed for further promotion.

[5]. In addition to the reasons assigned by us in the order of even date passed in LPA No. 921 of 2014 [HC Virender & Ors. Vs. State of Haryana & Ors.], we are of the considered view that the Director General of Police could not have relaxed the eligibility conditions unless there is an express power 'conferred' on him under the Standing Order. Needless to say that the Standing Order was issued on the explicit approval accorded by the State Government. The transfer orders were passed contrary to the Standing Order and without approval of State Government. The subsequent action of the successor DGP is nothing but rectifying the error. The petitioners did not acquire any indefeasible right enforceable through a writ Court.

[6]. No case to interfere with the impugned order is made out.
Dismissed. Dasti.

(SURYA KANT)
JUDGE

March 23, 2015.
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(P.B.BAJANTHRI)
JUDGE