

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Civil Writ Petition No.13983 of 2016  
Date of Decision: 29.07.2016**

Baldev Singh

..... Petitioner

*Versus*

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. G.P.S.Randhawa, Advocate for the petitioner.

Mrs. Sudeepti Sharma, Deputy Advocate General, Punjab  
for the respondents/State.

\*\*\*\*

**JASWANT SINGH, J. (Oral)**

The petitioner-Baldev Singh claims to have been recruited as a Constable for Police District Batala. He has challenged his transfer from Police District Batala to District Jalandhar (Rural), vide impugned order dated 29.02.2016 (**Annexure P-1**), issued by the Office of Director General of Police, Punjab (for short "DGP").

Upon notice, reply by way of an affidavit dated 29.07.2016 of Sh. Inderbir Singh, Asstt. Inspector General of Police (Personnel-2), Punjab on behalf of the respondents has been filed, which is taken on record. Copy of the same has been supplied to learned opposite Counsel.

Learned Counsel for the petitioner has raised an argument based on Rule 12.26 of the Punjab Police Rules, whereby for an inter-district transfer, the sanction of both the Deputy Inspector Generals concerned is required. He submits that since no such sanction was obtained from the DIG (Jalandhar Range), the impugned transfer order is liable to be quashed.

On the other hand, learned State Counsel has argued that with

Constables is maintained at the State level and, therefore, no prejudice has been caused to the petitioner on his transfer, which remains a incidence of service.

After hearing learned Counsel for the parties, no case for interference is made out.

A reading of the Rule 12.26, as reproduced in Para 4 of the writ petition, reveals that it is provided that sanction of both the DIGs concerned is required i.e. from the range where the Constable was earlier posted and where he/she is sought to be transferred. However, the requirement is, at best, only directory for the sake of administrative reason of the two ranges. Its violation, if any, in the changed circumstances would neither be prejudicial to the seniority of the Constable nor would vest the employee/Constable a right to seek the strict enforcement of the said Rule, much less any right to question the transfer on such basis. That apart, the transfer order was passed by the DGP, who is the head of the entire Police Department and, therefore, it has to be construed that there was a substantial compliance of Rule 12.26. There is another aspect to the matter, the petitioner was transferred, vide order dated 29.02.2016 (P-1) and he is yet to join at his new place of posting. Needless to say, in a disciplined force, such a conduct would make him liable for disciplinary proceedings.

In view of the above, the present petition stands dismissed.

July 29, 2016

Gagan

(JASWANT SINGH)  
JUDGE

|                           |     |
|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |