

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

**CWP-16563-2013 (O&M)
Date of decision: 20.12.2017**

Sohan Singh	Vs.	... Petitioner
State of Punjab & others		... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Nakul Sharma, Advocate for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner while serving as Head Constable under the Punjab Police filed the present petition in the year 2013 assailing the order dated 10.07.2013 (Annexure P-1), whereby he was transferred from District Kapurthala to District Mansa.

Challenge to the transfer order was made on two grounds. It was sought to be contended that under Rule 14.15 of the Punjab Police Rules, 1934, a transfer could not have been effected out of the district/range. The second contention raised was that the impugned order of transfer is punitive in nature and has been passed on the basis of a certain complaint.

The uncontroverted factual position is that the complaint referred to in the impugned order of transfer was made a subject matter of inquiry and the complaint itself was found to be false even though such inquiry proceedings culminated after the issuance of the transfer order.

The instant petition came up preliminary hearing on 01.08.2013 and while issuing notice of motion, status quo as regards the place of posting of the petitioner was directed.

Pleadings are complete. Counsel for the parties have been heard.

The Supreme Court of India in **State of Haryana & others Vs. Kashmir Singh & others, 2010 (4) SCT 565** had considered the relevant provisions under the Punjab Police Rules, 1934 and had taken a view that the transfer of subordinate police personnel can be done from one district to another or even of another range and that there was no absolute prohibition in such regard under the rules. As per dictum laid down by the Apex Court in **Kashmir Singh's case (supra)**, challenge to the impugned order of transfer dated 10.07.2013 (Annexure P-1) on the ground that it amounts to transfer from one district to another stands negated.

Insofar as the impugned transfer being punitive in nature, the transfer order itself reflects the same to have been directed on the basis of a complaint. The same stands inquired into and found to be false. The basis of directing the impugned transfer as such does not exist.

Accordingly, the present petition is allowed. Order of transfer dated 10.07.2013 (Annexure P-1) is set aside.

It is, however, clarified that there would be no impediment for the respondent authorities/competent authority to issue transfer orders of the petitioner and as necessitated in the administrative exigency of service.

Disposed of.

20.12.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No