

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

**CWP-15639-2017 (O&M)
Date of decision:19.07.2017**

Harkesh Kumar & others

... Petitioners

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

Petitioner No.1, who is holding the local rank of ASI and petitioners No.2 and 3, who were serving as Head Constables have filed the instant writ petition challenging the order dated 07.07.2017 (Annexure P-1) and whereby they have been transferred out of the district.

The sole basis of challenge to the transfer was that under Rule 14.15 of the Punjab Police Rules, 1934, a transfer could not have been effected out of the district/range.

Counsel for the petitioners has been heard.

The Supreme Court of India in **State of Haryana & others Versus Kashmir Singh & another, 2010(4)SCT 565** had considered the relevant provisions under the Punjab Police Rules, 1934 and had taken a view that 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.

Under the Punjab Police Act, 2007 (hereinafter to be referred to

'the 2007 Act'), the seniority of Constables/ Head Constables is maintained at the State level. A reference in this regard may be made to Section 4(b) of 2007 Act. After enactment of the 2007 Act, every member of the police would be liable to be posted anywhere in the State and there would be no prejudice caused as regards loss of seniority etc.

A Coordinate Bench of this Court in CWP No.9666 of 2017 (Salwinder Singh Versus State of Punjab & others) decided on 10.05.2017 has already negated a challenge to transfer on the same grounds that have been raised in the instant petition.

In view of the above, no infirmity is found in the impugned order dated 07.07.2017 (Annexure P-1) and the writ petition is dismissed being devoid of merits.

Dismissed.

19.07.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

Note:	Whether speaking/reasoned?	Yes/No
	Whether reportable?	Yes/No