

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5943 of 2019

Vijay Sidar S/o Shri A. S. Sidar Aged About 32 Years R/o Block Colony, House No. 17/1, Janjgir, P. S. Janjgir, Tahsil And District Janjgir Champa Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home / Police, Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Director General Of Police (D. G. P.) Police Headquarters (PHQ), Near Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. Inspector General Of Police (I. G. P.) Office Of Inspector General Of Police (I.G. P.), 32 Bungalow, Bhilai, District Durg Chhattisgarh.
4. Superintendent Of Police (S. P.) Office Of Superintendent Of Police (S. P.), Durg District Durg Chhattisgarh.

---Respondents

Writ Petition (S) No. 5945 of 2019

Deepak Tiwari S/o Shri Rajkumar Tiwari Aged About 40 Years R/o Behind Muktidham Shastri Nagar, Sarkanda Bilaspur, Police Station Sarkanda, District- Bilaspur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home / Police, Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Director General Of Police (D. G. P.) Police Headquarters (PHQ), Near Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. Inspector General Of Police (I. G. P.) Office Of Inspector General Of Police (I.G. P.), 32 Bungalow, Bhilai, District Durg Chhattisgarh.
4. Superintendent Of Police (S. P.) Office Of Superintendent Of Police (S. P.), Durg District Durg Chhattisgarh.

---Respondents

Writ Petition (S) No. 5964 of 2019

Arvind Yadav S/o Shri Ramlakhan Yadav Aged About 36 Years R/o Behind Muktidhaam, Shastri Nagar, Sarkanda, Bilaspur, Police Station - Sarkanda, Tahsil And District - Bilaspur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home / Police, Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Director General Of Police (D. G. P.) Police Headquarters (PHQ), Near Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.

3. Inspector General Of Police (I. G. P.) Office Of Inspector General Of Police (I.G. P.), 32 Bungalow, Bhilai, District Durg Chhattisgarh.
4. Superintendent Of Police (S. P.) Office Of Superintendent Of Police (S. P.), Durg District Durg Chhattisgarh.

---Respondents

&

Writ Petition (S) No. 5965 of 2019

Sunil Singh S/o Shri T.D. Singh Aged About 35 Years R/o Telipara, Medical Complex Bilaspur, P.S.- City Kotwali, Tahsil And District- Bilaspur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Home / Police, Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
2. Director General Of Police (D. G. P.) Police Headquarters (PHQ), Near Mahanandi Bhawan, Mantralaya, Police Station Rakhi, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. Inspector General Of Police (I. G. P.) Office Of Inspector General Of Police (I.G. P.), 32 Bungalow, Bhilai, District Durg Chhattisgarh.
4. Superintendent Of Police (S. P.) Office Of Superintendent Of Police (S. P.), Bemetara, District Bemetara, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Abhishek Pandey and Ms. Aarti Manjhi, Advocates.
For State	:	Shri Jitendra Pali and Shri Chandresh Shrivastava, Dy. Advocate Generals.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.08.2019

1. Since the issue involved in all these writ petitions are identical nature and the order impugned also being common, this court proceeds to decide these writ petitions by this common order.
2. Challenge in all the writ petitions is the order dated 22.07.2019 (Annexure P/4) whereby the petitioners have been transferred to different locations as specified in last column of the impugned order. All the petitioners before this court are Constable and Head Constables working under the Police Department of the State.

3. It is relevant at this juncture to take note of the provisions of Rule-22 of the Chhattisgarh Police Act, 2007, which for ready reference is being reproduced herein:

“22. Police Establishment Board: (1) The State Government shall by a notification constitute a Police Establishment Board (hereinafter referred to as the "Board") with the Director General of Police as its Chairman and four other senior police officers not below the rank of Deputy Inspector General of Police.

(2) The Board shall perform the following functions and duties -

(a) Transfer of subordinate ranks up to the level of Inspector from one Zone or Range or District to another;

(b) Receive and examine representation from police officers aggrieved by any order of superior officers, other than the orders passed under the rule made under the Article 309 of the Constitution of India and: -

I. Decide such representation if it is received from a police officer of the sub-ordinate rank;

II. Make recommendation to the State Government in other cases.

(c) Such other functions and duties as may be prescribed.

(3) The State Government may review the orders passed by Police Establishment Board on representation made by aggrieved Police Officers within 90 days from the date of order.”

4. Clause-2(a) of Rules, 2007, empowers the Police Establishment Board to look into the issue of transfer of subordinate in the police department up to the rank of Inspector from one Zone or Range or District to another.
5. The counsel for the State, on instructions, submits that the order of transfer has been passed after proper approval from the Police Establishment Board constituted by the State Govt.
6. Under the circumstances, this court is of the opinion that if the petitioners are not satisfied or aggrieved by the impugned order dated 22.07.2019

(Annexure P/4 in all cases), they would be at liberty to approach the Police Establishment Board for ventilating their grievances by making suitable representations. On such representation being made, the Police Establishment Board is expected to take a decision in accordance to its merit preferably within a period of 45 days from the date of receipt of representation.

7. Accordingly, all the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder