

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21452-2018

Date of Decision: July 10, 2019

Gamdoor Singh and Another

... Petitioners

vs.

State of Punjab & Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A.S.Manaise, Advocate
for the petitioners.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

ARUN MONGA, J.(ORAL)

Prayer herein, *inter alia*, is for issuance of a writ in the nature of *certiorari* to quash the transfer policy dated 09.07.2018 (Annexure P-1) on the basis of which impugned transfer order dated 31.07.2018 (Annexure P-2) has been passed, vide which, petitioners have been transferred from Mansa to Sri Muktsar Sahib.

2. Learned counsel for the petitioners submits that impugned transfer policy dated 09.07.2018 (Annexure P-1) is in conflict with Rule 14.15 of Punjab Police Rules, 1934 which envisages that in the event of police official facing a criminal trial at the place of posting, he would not be posted out of the District until the conclusion of the said trial.

3. Per contra, learned State counsel submits that the said transfer policy was subject matter of challenge in CWP-14990-2017 and vide judgment dated 30.07.2018 rendered therein, the same has been upheld. She further submits that the said Rule cannot over ride the substantive provisions contained in Parent Statute viz. Section 3 of the Punjab Police

Act, 2007. For ready reference, the relevant whereof is reproduced hereinbelow:-

**“3. (1) There shall be one Police Service in the State.
(2)Notwithstanding anything contained in any other law or any of the provisions of this Act, members of the Police Service shall be liable for posting anywhere in the State and outside the State, as may be ordered by the competent authority.”**

4. I am in agreement with the arguments advanced by learned State counsel on both counts. The said policy has been upheld by this Court in the judgment referred by the learned State counsel and I am in respectful agreement with the reasons contained therein. Even otherwise, Section 3 of the Punjab Police Act, *ibid*, leaves no matter of doubt that Members of the Police service serving in Punjab State can be posted anywhere in the State and/or outside the State, as may be ordered by the competent authority.

5. In the premise, writ petition is devoid of merits and the same is, accordingly, dismissed.

July 10, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No