

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

110

CWP-9588-2021

Date of Decision: 10.05.2021

KULDIP SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Satinder Kaur, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.(Oral)

The petitioner who is a police official prays for issuance of a writ in the nature of certiorari to quash the order dated 20.04.2021 (Annexure P-5) whereby the petitioner has been transferred from District Ludhiana to District Khanna.

Learned counsel for the petitioner contends that the petitioner was posted as Constable in District Ludhiana (Rural) and vide impugned order dated 20.04.2021, he has been transferred to District Khanna. Learned counsel contends that the said transfer is not only in violation of the new Transfer Policy of Punjab Government, 2018 as the petitioner is due to retire on 31.08.2021 but while passing the impugned order, the authorities concerned has misconstrued the directions given by this Court in CWP No.12011 of 2020 titled as '*Surjit Singh Vs. State of Punjab and others*'

Learned counsel for the petitioner while inviting the attention of the Court to the new Transfer Policy of Punjab

Government, 2018, has submitted that the case of the petitioner squarely falls within the “Special Cases” as envisaged under Clause 2 of the said policy as only four months are left for his retirement. She further submits that even the directions given by this Court in CWP No.12011 of 2020 would not be applicable to the case of the petitioner as he had approached this Court for quashing of the FIR No. 165 dated 25.07.2015 lodged under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 and Section 61 of the Punjab Excise Act, 1914 at Police Station, City Jagraon, District Ludhiana Rural which stood registered against him by way of petition bearing No. CRM-M-33462-2020, which was now at the stage of final arguments.

Learned counsel for the petitioner submits that it was a case of false implication which was evident from the fact that the challan in the aforementioned FIR was presented by the investigating agency after almost 5 ½ years of the registration of the FIR and that too when the quashing petition was pending consideration before this Court.

Learned counsel for the petitioner has, thus, prayed that in the wake of the aforementioned, the impugned order vide which the petitioner had been transferred to District Khanna from District Ludhiana Rural be set aside.

I have heard learned counsel for the petitioner and gone through the impugned order. This Court finds no merit in the

submissions of the learned counsel for the petitioner as the directions given by this Court in CWP No. 12011 of 2020 would not be applicable to the case of petitioner as it had been clearly directed by this Court that no official who has been charge-sheeted and/or convicted in a criminal case involving moral turpitude shall remain posted in the District where the criminal case against him was being tried. It is a matter of record that the FIR registered against the petitioner is at Police Station, City Jagraon, District Ludhiana (Rural), wherein the petitioner was posted prior to his new place of posting i.e. District Khanna. Not only this, the transfer policy of the Punjab Government 2018 cannot over ride the directions given by this Court in CWP No. 12011 of 2020.

Hence, no ground is made for issuance of writ as sought for.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

10.05.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No