

(2012) 01 AHC CK 0352

Allahabad High Court

Case No: Writ - A No. - 2021 of 2012

Kallu Singh

APPELLANT

Vs

State of U.P. and
Others

RESPONDENT

Date of Decision: Jan. 12, 2012

Hon'ble Judges: V.K. Shukla, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

Hon'ble V.K. Shukla, J.

In the present case on the policy which has been so formulated that an incumbent should not be posted in the adjoining district of his/her home district, petitioner has been transferred from district Allahabad to district Varanasi as petitioner is originally resident of district Kaushambi which was earlier erstwhile part of district Allahabad. Petitioner has rushed to this Court contending therein that he is physically disabled incumbent in view of this under the relevant transfer policy petitioner ought to have been exempted from being transferred. Petitioner has stated that earlier he has been transferred in similar manner and the said point of time on representation moved by him, his superior authority has proceeded to stay relieving of the petitioner till the matter was re looked by the Deputy Inspector General of Police (Establishment) Police Headquarters, Allahabad. Petitioner has stated that thereafter reiterating the same order again date has been fixed for relieving the petitioner on 22.12.2011. Thereafter it appears that petitioner has again represented the matter before Inspector General of Police, Allahabad and said authority has referred the matter Deputy Inspector General of Police (Establishment) Police Headquarters, Allahabad for looking into the grievance of the petitioner.

2. Transfer and posting are within domain of the authority concerned and it is for the authority to see as to where an incumbent is to be posted and as to where

his/her services are to be best utilised. Coupled with this in the present case petitioner's transfer has been effectuated on account of policy decision taken that an incumbent should not be posted in the adjoining district of his/her home district. This particular policy is in consonance with the public policy authorities is their wisdom have chosen to see that no one should be in position to influence and policy which has been formulated that person who is incapacitated should not be transferred is in order to protect personal interest of the said incumbent.

3. Once there is conflict in the public policy and policy meant for personal interest then public policy should prevail. As matter has been referred by the Inspector General of Police, Allahabad as such, as per the judgment of Apex Court in the case of S.C. Saxena Vs. Union of India and others (supra), in case petitioner joins at the transferred place and represent his claim before the Authority concerned, then in that event grievance of the petitioner be dealt with in accordance with law preferably within next eight weeks from the date of receipt of representation of the petitioner alongwith certified copy of the order passed by this Court. With the above direction present writ petition is disposed of.