

Abhishek Kumar Singh and Another Vs Union of India (UOI) and Others

Court: Allahabad High Court

Date of Decision: April 22, 2010

Acts Referred: Constitution of India, 1950 " Article 226
 Railway Protection Force Rules, 1987 " Rule 153(4)

Citation: (2010) 4 AWC 3863

Hon'ble Judges: Amreshwar Pratap Sahi, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Amreshwar Pratap Sahi, J.

The petitioner has come up questioning the order dated 9.4.2010 (Annexures-3 and 4 respectively) on the

ground that once the suspension order has been revoked, there is no occasion to transfer the petitioner and attach him 400 Kms. away.

2. Sri Anil Bhushan relies on Rule 153(4) of the Railway Protection Force Rules, 1991 to substantiate his pleas.

3. Sri Govind Saran, learned Counsel for the respondents, contends that as a matter of fact, the authorities have taken a lenient view of the matter

and have revoked his suspension whereafter he has been transferred to a place, which is permissible under the Rules. He submits that the transfer

does not prejudice any of his rights and being a member of the Railway Protection Force, there is no violation of law which may give him a right to

invoke the extra-ordinary jurisdiction under Article 226 of the Constitution of India.

4. Having heard learned Counsel for the parties and having perused Rule 153 (4) (supra), the same clearly recites that the disciplinary authority

may order"" for the transfer or otherwise of a delinquent to any other place pending inquiry. The aforesaid words are, therefore, discretionary and

not mandatory for the authority as suggested by the learned Counsel for the petitioner. Apart from this, the petitioner is a member of a disciplined

force and, as rightly stated by Sri Govind Saran, the authority has taken a lenient view of revoking his suspension order. The order does not cause

any prejudice, much less a legal prejudice to the petitioner.

5. The writ petition lacks merit and is, accordingly, dismissed.