

Anoop Singh Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Oct-10-2014

Appellant : Anoop Singh

Respondent : State and ors

Judgement :

[1].IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

JUDGMENT

D.B.CIVIL SPECIAL APPEAL (WRIT) NO.1397/2014 Anoop Singh Versus The State of Rajasthan & ORS.Date of Judgment :: 10.10.2014 PRESENT HON'BLE Mr.JUSTICE GOVIND MATHUR HON'BLE Mr.JUSTICE VIJAY BISHNOI Mr.J.S.Bhaleria for the appellant BY THE COURT : This appeal is preferred to challenge the order dated 12.09.2014 passed by learned Single Bench in S.B.Civil Writ Petition No.6317/2014.

Briefly stated, facts of the case are that the appellant-petitioner while working as a Constable in District Udaipur was transferred to District Rajsamand by an order dated 02.08.2014.

By another order dated 15.05.2014, a recommendation made by the Superintendent of Police, Udaipur for awarding gallantry promotion in accordance with the Rajasthan Police Subordinate Service Rules, 1989 too was withdrawn.

Being aggrieved by these orders, he approached this court by way of filing a petition for writ.

Learned Single Bench dismissed the petition for writ on the count that an order of transfer is not required to be [2].interfered by the courts until that is in violation of statutory provisions or an outcome of malafides or shockingly arbitrary.

In the instant case, no such eventuality, as per learned Single Bench, was existing.

In appeal, the submission of learned counsel for the appellant is that learned Single Bench failed to appreciate that the transfer was effected for extraneous considerations, which are apparent in view of the fact that recommendation made for gallantry promotion too was withdrawn.

We do not find any merit in the argument advanced.

The respondent Superintendent of Police, at the FIRs instance, in light of the provisions of the Rajasthan Police Subordinate Service Rules, 1989 recommended case of the appellant for gallantry promotion, but subsequently, on knowing about certain other facts as referred in the order dated 15.05.2014, withdrew the earlier recommendation.

It is well-settled that a person, who is having authority to do something, is always at liberty to undo the same.

Merely on the count that a recommendation earlier made was withdrawn is not sufficient to arrive at the conclusion that transfer was made with extraneous considerations.

In view of it, we do not find any wrong with the order passed by learned Single Bench.

The appeal is dismissed, accordingly.

[VIJAY BISHNOI]., J.

[GOVIND MATHUR]., J.

Pramod

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