

Pradeep Kumar Rai and ors. Vs. Deputy Inspector General of Police and ors.

Pradeep Kumar Rai and ors. Vs. Deputy Inspector General of Police and ors.

SooperKanoon Citation : sooperkanoon.com/485857

Court : Allahabad

Decided On : Feb-16-2001

Reported in : [2001(89)FLR338]; (2001)1UPLBEC862

Judge : Sudhir Narain, J.

Acts : Uttar Pradesh Police Regulations - Regulation 525; Uttar Pradesh Police Rules - Rule 525

Appeal No. : Civil Misc. Writ Petition No. 5527 of 2001

Appellant : Pradeep Kumar Rai and ors.

Respondent : Deputy Inspector General of Police and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Avadesh Singh, Adv.

Disposition : Petition dismissed

Judgement :

Sudhir Narain, J.

1. This writ petition is directed against the order dated 8.2.2001 passed by respondent No. 2 transferring the petitioners from Civil Police to Armed Police.

2. The petitioners were appointed as Constables (Civil Police) on 4.6.1992. Petitioners No. 1 and 2 were transferred from Civil Police to Armed Police by respondent No. 2 on 30.3.1993 and petitioner No. 3 was transferred from Civil Police to Armed Police on 30.8.1994. They were transferred to Civil Police from Armed Police on 30.1.2001. They have been again transferred to Armed Police by respondent No. 2 on 8.2.2001 in pursuance of the order of the Deputy Inspector General of Police.

3. The learned Counsel for the petitioners submitted that the impugned order of transfer does not specify the period for which they have been transferred and unless such period is specified, the order of transfer is illegal. The Superintendent of Police is given power of transfer of a Police Constable from Armed Police to Civil Police or vice versa. Regulation 525 of U.P. Police Regulations reads as under:

'525. Constable of less than two years' service may be transferred by the Superintendent of Police from the armed to the civil police or vice versa. Foot Police constables may be transferred to the mounted police at their own request. Any civil police constable of more than two and less than ten years' service may be transferred to the armed police and vice versa by the Superintendent for a period not exceeding six months in any one year. All armed police constables of over two years' service and civil police constables of over two and under ten years' service may be transferred to the other branches of the force for any period with the permission of the Deputy Inspector General.

In all other cases the transfer of police officers from one branch of the force to another or from the police service of other Provinces to the Uttar Pradesh Police requires the sanction of the Inspector General.'

It has laid down three categories of the Police Constables in the matter of transfer. One is those constables who have not completed two years' service they can be transferred by the Superintendent of Police from the Armed Police to Civil Police or vice versa. The second category is of those constables who have put in more than two years' service and less than ten years' service as police constable. They can be transferred from Armed Police to Civil Police or vice versa by the

Superintendent of Police for a period not exceeding six months, in any one year. The third category is of the Armed Police constables of over two years' service and Civil Constables over two years and under ten years' service. They may be transferred to other branch of the force for any period with the permission of the Deputy Inspector General of Police. The period of six months can be extended if the permission is obtained from the Deputy Inspector General of Police by the Superintendent of Police.

4. The question arises where the period is not fixed while making the order of transfer can it be taken as a permanent transfer. Learned Counsel for the petitioner has placed reliance upon the decision *Satyabhan Singh v. Superintendent of Police, Pilibhit*, 1997(3) AWC 1951, wherein it was held that the words 'for any period' appearing in the last line of first para of Rule 525 does not mean permanent transfer. The Superintendent of Police has not been given power to transfer for more than six months unless permission is obtained from Deputy Inspector General of Police. The Deputy Inspector General of Police may specify the period while permitting the Superintendent of Police to transfer or it may specify the period later on. Regulation 525 does not say that the period of transfer must be specified while passing the order of transfer. The Superintendent of Police while passing the order of transfer may specify the period in respect of the constables of less than two years' service in any one year but if the order is passed with the permission of the Deputy Inspector General of Police it is not necessary that the period must be specified at the time of passing the order of transfer.

5. The petitioners could have been transferred from Civil Police to-Armed Police on the directions of the Deputy Inspector General of Police. The order of transfer does not indicate that it is a permanent transfer. The Petitioners have completed two years and are less than ten years in police service falling in third category and their transfer was validly made by the Superintendent of Police with the permission of the Deputy Inspector General of Police.

6. I do not find any merit in the writ petition and it is accordingly dismissed.

