(67)
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Frequent Transfers (DSP)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13140 of 2012
Date of decision:21.09.2012

H.C.Arora ...Petitioner

Vs.

State of Punjab and another ...Respondents

CORAM: Hon'ble the Acting Chief Justice Jasbir Singh
Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.C.Arora, Advocate,
petitioner in person.

Mr. J.S.Puri, Addl. A.G., Punjab.

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Jasbir Singh, ACJ. (Oral)

By filing this writ petition, attention of this Court has been invited to the frequent transfers of Deputy Superintendents of Police (DSPs), Superintendents of Police (SPs) and Senior Superintendents of Police (SSPs) within the State of Punjab. It is alleged that the above action of the State Government violates the directions issued by the Hon'ble Supreme Court in the case of **Prakash Singh and others Vs. Union of India and others,** JT 2006 (12) SC 225.

Upon notice, reply has been filed by the State of Punjab through Samir Kumar, IAS, Secretary, Department of Home Affairs &

Justice, Punjab, wherein it is stated as under:-

"1. That as per section 15 of the Punjab Police Act, 2007, the officers posted to the following posts, shall have minimum assured tenure of one year against those posts, which shall be extendable to maximum period of three years:-

1. *Inspector General of Police of a Zone,*
2. *Deputy Inspector General of Police of a Range,*
3. *Senior Superintendent of Police,*
4. *Superintendent of Police,*
5. *Assistant Superintendent of Police,*
6. *Deputy Superintendent of Police,*
7. *Station House officer of a Police Station*

Provided that an officer may be removed or transferred by the competent authority from his post before the expiry of the said tenure, if he is-

(a) Promoted to a higher post; or

(b) Convicted or against whom charges have been framed by a court of law, or

(c) Suspended from Service in accordance with the provisions of the relevant rules, or

(d) Incapacitated by physical or mental illness or

otherwise becoming unable to discharge his duties and functions; or

(e) There is a need to fill up the vacancy, caused by promotion transfer or retirement.

(2) In exceptional cases an officer may be transferred from his post by the competent authority before the expiry of his tenure for inefficiency or negligence or non-performance or where a prima facie case of a serious nature is found against him on the basis of a preliminary enquiry.

2. That it is respectfully submitted that section 15 of the Punjab Police Act, 2007 will be fully complied with in future."

In view of the above affidavit filed on behalf of the State of Punjab, this writ petition has become infructuous and is disposed of accordingly. However, directions are issued to the State of Punjab to strictly comply with the undertaking filed in the Court today, as referred to above.

(Jasbir Singh)
Acting Chief Justice

(Rakesh Kumar Jain)
Judge

21.09.2012
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