



2026:AHC-LKO:40685

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 5552 of 2026

Naveen Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Energy Lko.
And 9 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dhirendra Pratap Singh
Counsel for Respondent(s)	: C.S.C., Manish Jauhari, Ran Vijay Singh

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

Order on IA No.Nil of 2026

Heard.

This application seeks amendment in the memo of writ petition, to which counsel for opposite parties has no objection.

Application is accordingly ***allowed***.

Let necessary amendment, as prayed, be made in the memo of writ petition during course of the day.

Order on memo of Writ Petition

1. The present writ petition has been filed with the following main prayers:-

"I. Issue a writ, order or direction in the nature of certiorari quashing the impugned order at letter number 305-प्र/०नि ०म०वि०वि०नि०लि/0E-3/dated 30.04.2026 issued by the Executive Engineer, Human Resources and Administration II, Madhyanchal Vidyut Vitran Nigam Limited, 4A Gokhle Marg Lucknow (Ann2), as well as the order letter number 659/विविमपी०/E3 dated 06.05.2026 issued by the Superintendent Engineer Vidyut Vitran Mandal Pilibheet (Ann3) as well as the order letter number 1266 मु) ०आ०रा /(०क्षे०पी०एफ) dated 07.04.2026 issued by the Chief Engineer Vitran Kshetra Raebareli(Ann1).

I-A- Issue a writ, order or direction in the nature of Certiorari quashing

the order dated 08.06.2026 passed by the Superintendent Engineer, Electricity Distribution Circle Pilibhit, opposite party no.9.

II. Issue a writ, order or direction in the nature of mandamus commanding the respondents to allow the petitioner to join at Electricity Distribution Division Unnao."

2. It is the case of the petitioner that departmental proceedings were initiated against him vide order dated 16.05.2025 and thereafter he was reinstated by opposite party no.8. The Superintending Engineer, Electricity Distribution Circle, Unnao vide letter dated 04.04.2026 relieved/sent the petitioner to the office of the Chief Engineer, Raebareli Kshetra for posting him at the Headquarters of the Madhyanchal Vidyut Vitran Nigam Limited, pursuant to which the Chief Engineer, Raebareli Kshetra vide letter dated 07.04.2026, surrendered the services of the petitioner to the Headquarters of the Madhyanchal Vidyut Vitran Nigam Limited. Consequently, the petitioner joined at the Headquarters of the Madhyanchal Vidyut Vitran Nigam Limited, Lucknow, from where he was allotted to the Electricity Distribution Circle, Pilibhit. Thereafter, vide order dated 06.05.2026, the petitioner was posted at the Electricity Distribution Division (EDD), Bisalpur, where he joined without any delay after being relieved from the office of the Superintending Engineer, Electricity Distribution Circle, Pilibhit.

3. Sri Dharendra Singh, learned counsel for the petitioner submits that transfer policy has been promulgated vide Office Memo No.430-ज ंसु ं एवं प्र 0श 0-1/पाकलि 92/0सुं प्र (1)100-2019/dated 03.06.2019 and the same is in effect till today and clause-7 provides the provisions of the transfer of the employees, who have been penalized after departmental inquiry and clause-15 provides that all the transfer and posting would be made as per the transfer policy and the same would have been done after approval of the Two Members Committee constituted in compliance of the order passed by the Hon'ble Supreme Court on 21.03.2007 in PIL No.79 of 1997. He further submits that transfer and posting of the petitioner has been done without adhering the directions issued by the Hon'ble Supreme Court in the aforesaid case and no such approval has been granted by the said Committee. Counsel for the petitioner further submits that petitioner is not pressing that he should be given joining at the place where his services were suspended and he may be posted at any other place in the

office of the Chief Engineer, Raebareli Division.

4. On the other hand, Sri Ran Vijay Singh, learned counsel appearing for opposite parties no.3 to 10 has submitted that petitioner had been placed under suspension and, therefore, he could not be posted within the same zone. He has further submitted that petitioner has been transferred on administrative ground and that there is no illegality or infirmity in the impugned transfer order. He has also placed on record a copy of the subsequent order, whereby the earlier transfer order has been modified vide order dated 08.06.2026 and the petitioner has been posted at Vidyut Vitran Khand, Bisalpur. He has further submitted that transfer is an exigency of service and the petitioner has been transferred on the ground that the departmental proceedings are pending in District Unnao, therefore, he cannot be retained in District Unnao. In support of his contention, counsel for opposite parties no.3 to 10 has placed reliance upon the following judgements:-

- i. ***S.C. Saxena Vs. Union of India and others***, (2006) 9 SC 583 (Para-6);
- ii. ***State of Haryana and others Vs. Kashmir Singh and another***, (2010) 13 SCC 306 (Paras 12 and 14); and
- iii. Civil Appeal Nos.....of 2024, arising out of Special Leave to Appeal (C) No(s).13070-13075 of 2022, ***The Tamil Nadu Agricultural University and another Etc. Vs. R. Agila Etc.*** decided on 20.08.2024

5. Heard learned counsel for the parties and perused the record.

6. After going through the record as well as the pleadings advanced by counsel for both the parties, the fact remains that since the transfer policy has been promulgated in pursuance of the judgment of the Hon'ble Supreme Court dated 21.03.2007 passed in PIL No.79 of 1997, the department is under obligation to adhere the transfer policy, but as per the submission made by Sri Ran Vijay Singh, it appears that petitioner has been transferred on the administrative ground. Thus, it is clear that the order of transfer has been passed in violation of the transfer policy. The language of the transfer policy is very clear, wherein it is mentioned that transfer/posting shall be considered by the Committee and after the

approval granted by the committee, the order of transfer can be passed, but admittedly in the present case, no such procedure has been adopted, therefore, the impugned transfer orders cannot be sustained and are liable to be quashed.

7. Writ petition is accordingly ***allowed*** and the impugned transfer orders dated 30.04.2026, 07.04.2026, 06.05.2026 and 08.06.2026 passed by the concerned opposite parties are hereby quashed. The petitioner will be posted at any place within Raebareli Zone except at the place, where he was suspended, within a week from today. However, it is open for the opposite parties to take a fresh decision in the light of the transfer policy without being influenced by any of the observations made by this Court.

(Brij Raj Singh,J.)

June 10, 2026

Renu/-