



2026:AHC-LKO:41319

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6049 of 2026

Virendra Kumar Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy , Home ,Civil
Sectt.,Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	O.P. Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Shri O.P. Tiwari, learned counsel for the petitioner and learned Standing Counsel for the State- respondents.

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

"i. Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned transfer order dated 31.05.2026 passed by opposite party no.3 (Only relates to petitioner who is placed at serial no.467) by which petitioner has transfer from District Kanpur to District Lucknow, contained as Annexure No.1 to this writ petition.

ii. Issue a writ, order or direction in the nature of mandamus thereby commanding and directing tot he opposite parties to permit the petitioner to work under opposite party no.4and pay salary each and every month."

3. Learned counsel for the petitioner has submitted that the petitioner is 70% disabled and has left the service after an accident and the Transfer Policy 2026-27 provides in Clause 5 (IV) that the Government Servants who are disabled more than 40% should not be ordinarily transferred unless for exceptional reason. Therefore, the petitioner has moved an application dated 01.03.2026 before the Additional Director General of police (Establishment), Police Head Quarter to exempt from transfer in view of the Clause V of the Transfer Police.

4. This Court by order dated 15.06.2026 considering the above this directive the I.G. (Establishment) to appear through V.C. to assist the

Court.

5. Shri Rajesh Dinesh Modak, i.G. (Establishment) appeared through V.C. and apprised the Court that regarding the Police Department there is a Government Order dated 11.7.1986, which provides that Head Constable in a particular district should be posted for more than 10 years and the Constable should not be posted for more than 15 years and the Police Department also sent letter to the State Government seeking exemption regarding the transfer of disabled police personnel but the same was rejected by the State Government by the order dated 5th September, 2022.

6. Under such circumstances, the exemption of Clause 5(IV) of the Transfer Police 2026-27 does apply so far as the Police Department concerned. He further apprised that though strictly such exemption clause as mentioned in the Transfer Police regarding the disabled police personnel does not apply even then the Police Headquarter tried to post disabled person at the place of their choice on humanitarian ground.

7. Learned Standing Counsel has also submitted that even if there is violation of transfer policy that will not make transfer illegal, at the most gives right to approach to the concerned Authority.

8. Considering the aforesaid submission and perusal of the record it is clear that though the Transfer Policy 2026-27 in Clause 5(IV) provides exemption from the transfer to the government servants, who have been suffering more 40% disability, as well as the Government Order dated 11.7.1986 which provides that such exemption cannot be granted to the police personnel, like Constable and Head Constable, who have completed maximum period of posting at the particular district.

9. In view of the above, the present writ petition is disposed of permitting the petitioner to file fresh representation before the I.G. (Establishment) within a period of one week for redressal of the grievance in the light of Transfer Policy. In case such representation is filed, the I.G. (Establishment) after taking guidance of the State Government regarding the exemption of the police personnel suffering from physical disability, will decide the same within a period of next one month. It is further directed that the opposite party no.1 will consider the issue whether the

police personnel suffering from disability more than 40% would be exempted from transfer as mentioned in Clause 5(IV) of the Transfer Police 2026-27, despite being an earlier government order dated 11.7.1986.

10. With the aforesaid observation the present writ petition is ***disposed of***.

11. For the period of one month for till the disposal of the representation of the petitioner impugned order shall not be given effect to so far as the petitioner is concerned.

(Arun Kumar Singh Deshwal,J.)

June 17, 2026

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