



2026:AHC:1849

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16375 of 2025

Gafoor Khan

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ramesh Chandra Agrahari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ramesh Chandra Agrahari, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standig Counsel for the State.
2. Since counter rejoinder affidavits have been exchanged between the parties. On the joint request of counsel, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that he is a permanent resident of Village Gusiya, P.S. Maudaha, District Hamirpur. The writ petitioner claims to have been appointed on the post of Constable in Civil Police in Uttar Pradesh Police at Jhansi/Barabanki and thereafter he was promoted on the post of Head Constable Civil Police and he came to be further promoted on the post of Sub Inspector on 31.08.2022 and was accorded posting at Police Station Manikpur, District Chitrakoot. According to the writ petitioner, he stood superannuate on 31.08.2026 the writ petitioner further claims to be a heart patient who have undergone open heart surgery in that regard. On 07.06.2024, the second respondent, Additional Director General of Police, Prayagraj Zone, District Prayagraj proceeded to transfer the petitioner from Chitrakoot to Prayagraj, the same was subject matter of challenge in Writ-A No. 9385 of 2025 in which on 11.07.2025, an interim order was passed staying the transfer. Thereafter, on 05.08.2025, the transfer order dated 07.06.2024 was cancelled. As per the writ petitioner, there happens to be a transfer policy dated 06.05.2025

regulating the transfer of the U.P. Government Servants. It is also the case of the writ petitioner that as per clause 5(V) the writ petitioner has sought a request to be transferred and posted at his own district and the period already spend in the home district in an earlier spell is not to be counted for. The writ petitioner raised his claim for being posted at his own district i.e. Chitrakoot, however, now the claim of the writ petitioner stood negated by virtue of the order dated 27.09.2025 passed by the second respondent, Additional Director General of Police, Prayagraj Zone, Prayagraj.

4. Questioning the said order, the present writ petition has been preferred.

5. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for the simple reason that once the transfer policy dated 06.05.2025 clause 5(V) itself postulates that a Government Servant can seek transfer to his home district once he is to retire within a period of two years and the period already undergone in service at its own district is to be excluded then irrespective of the fact that the writ petitioner had discharged duties in his home district for considerable period cannot be a ground to denude the writ petitioner from the said request. Learned counsel for the writ petitioner further submits that the writ petitioner has though undergone open heart surgery but he seeks to remain with his family member at his home district as he can also manage post operational care there while visiting the hospital of the medical centre in that regard.

6. Sri Rahul Malviya, learned Standing Counsel on the strength of the averments made in the counter affidavit filed on behalf of respondents no. 2 and 3 by Circle Officer City Chitrakoot dated 24.11.2025 has submitted that there happens to be a circular dated 11.07.1986 according to which para 2 itself provides that no Sub Inspector shall remain in a Zone for a period of 12 years and in a district for not more than 5 years and further while relying upon the other circular dated 13.12.2014 he submits that the said position has been followed and, thus, once the writ petitioner had

been in Banda which comes under the Chitrakoot Dham Zone for a period from 27.03.1998 to 29.05.2011 for a period of 13 years and in District Chitrakoot from 06.06.2011 to 31.08.2012 for a period of one year and again in Chitrakoot from 28.08.2013 to 16.08.2025 for 12 years then his working in the said zone is for a period of approximately 26 years which is over and above 12 years, thus, his case is not covered under the circulars. He further submits that Prayagraj is a place where the writ petitioner is presently working which has a medical college and medical facilities vis-a-vis Chitrakoot.

7. I have heard the submission so made across the bar and perused the record.

8. Facts are not in issue. The bone of contention between the parties is whether the transfer policy dated 06.05.2025 would come into play and override the circular dated 11.07.1986, 24.07.2015 and 13.12.2014 or not. The clause 5(V) of the Transfer Policy dated 06.05.2025 reads as under.-

"v. 02 वर्ष में सेवानिवृत्त होने वाले समूह 'ग' एवं 'प' के फार्मिकों को उनके गृह जनपद एवं समूह 'क' एवं 'ख' के कार्मिकों को उनके गृह जनपद को छोड़ते हुए, इच्छित जनपद में तैनात करने पर यथासम्भव विचार किया जाए। इसके लिये पूर्व में उस मण्डल जनाद में उसकी तैनाती अवधि को संज्ञान में न लिया जाये।"

9. The circular of the police dated 11.07.1986/13.12.2014 reads as under.-

"किन्ती भी निरीक्षक अथवा उपनिरीक्षक को एक परिक्षेत्र में पूरे सेवाकाल में 12 वर्ष से अधिक अवधि तक नियुक्त न रखा जाये। उपनिरीक्षक एक जंतपंव में 08 वर्ष से संधिक तथा निरीक्षक को एक जनपद में 5 वर्ष से अधिक नियुक्त न रखा जायें। निरीक्षक हेतु इस अवधि में उसके उपनिरीक्षक की सेवा अवधि का कांल सम्मिलित होगा। यही प्रक्रिया उपनिरीक्षक की सेवा अवधि के लिये भी लागू होगी। उन जनपंवों में भी नियुक्ति नहीं होगी जहाँ उनकी अचल सम्पत्ति है।"

10. Importantly, the circulars dated 11.07.1986 and 13.12.2014 provides for the maximum period of retention of a Sub Inspector at zone or in district which is 12 years and 5 years, however, the transfer policy dated 06.05.2025 clause 5(V) stipulates a contingency wherein a Group C and D employee of the State Government seeks transfer to his home district once he would superannuate within a period of two years and in that

contingency, the request is to be considered ignoring the services undergone in the home district. Basically, the writ petitioner is to retire on 31.08.2026 and he seeks transfer to his own district. Plainly and simply clause 5(V) seeks to clarify the category of those incumbents who are to retire within a period of two years who seek transfer to their home district wherein the earlier working in the home district is not to be counted. The said benefit is only applicable to Group C and D post and not to Group A and B posts. Notably, the post of Sub Inspector is a Group C post as according to the learned Standing Counsel, the same is neither Group A or Group B post. Once the position being so the transfer policy dated 06.05.2025 would come into play and stands attracted. As regard the circular of the police department dated 11.07.1986 and 13.12.2014 are concerned, they deal with those contingency wherein ordinarily a police constable or a Sub Inspector should not be posted in a zone for 12 years and in district for 5 years. The said circulars do not contemplate or even provide for a contingency when the retirement is just within 2 years wherein the period already undergone earlier is not to be counted. As regards, the another ground taken in the order impugned that there are better medical facilities in Prayagraj than the Chitrakoot is concerned it is for the writ petitioner to take a call as he is at risk.

11. Accordingly, the order impugned cannot be sustained and the matter needs to be revisited. Resultantly, the writ petition is **allowed**. The order dated 27.09.2025 passed by the second respondent, Additional Director General of Police, Prayagraj Zone, Prayagraj is set aside, matter stands remitted back to the authority to pass a fresh order strictly in accordance with law within a period of six weeks.

12. Rejoinder affidavit filed today is taken on record.

(Vikas Budhwar,J.)

January 6, 2026

Rajesh