



2026:AHC:19608

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 1039 of 2026**

Ajay Kumar Pandey

.....Petitioner(s)

Versus

Union Of India And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Raj Kishore Pandey, Ravi Tiwari
Counsel for Respondent(s)	:	A.S.G.I., Shiv Kumar Pal

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri R.K. Pandey, learned counsel for the writ petitioner and Sri S.K. Pal, learned counsel for the respondents.
2. Sri S.K. Pal, learned counsel for the respondents has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he was appointed as a Constable in RPF on 01.11.2014. He was also sent for training and he completed his training, therefore, the writ petitioner was transferred to various places and on 23.03.2024, on a mutual transfer, the petitioner was transferred from South Eastern Central Zone to North Central Railway Zone at Prayagraj and he is posted at R.P.F. Post Chunar, Mirzapur. Grievance of the writ petitioner is that on the basis of the complaint made by the wife of the writ petitioner on 17.11.2025, the writ petitioner has been transferred on 06.01.2026 to Jhansi Division.
5. Learned counsel for the writ petitioner has sought to argue that the writ petitioner could not have been transferred, in view of the provisions contained under Rule 93.9 of the Railway Protection Force Rules 1987, particularly when there was a departmental proceedings pending against the

writ petitioner and a charge sheet came to be issued on 21.01.2025. According to him, even on the basis of the complaint so lodged by the wife of the writ petitioner and also the FIR so lodged against the writ petitioner, now the writ petitioner has been transferred and the transfer order is punitive in nature.

6. Learned counsel for the respondents on the other hand submits that the benefit of Rule 93.9 would not be available, particularly when on 27.01.2026, a punishment order has been passed against the writ petitioner. Thus, there is no department proceeding is pending against the writ petitioner in that regard. He further submits that so far as the transfer is concerned, the recital contained in the transfer order only shows that the writ petitioner has been transferred on administrative basis.

7. I have heard the submissions so made across the Bar and perused the record.

8. Apparently, the writ petitioner happens to be a Constable holding a transferable post. Though at the time when the transfer order came to be passed, there was departmental proceeding pending against the writ petitioner, but the same stood concluded on 27.01.2026. Moreover, there happens to be a complaint of the wife of the writ petitioner against the writ petitioner, but this Court is not required to delve into the same particularly when the transfer order does not show that it has been passed on punitive basis.

9. At this stage, learned counsel for the writ petitioner submits that the writ petitioner shall represent his cause before the competent authority and the same may be directed to be decided.

10. Bearing in mind the aforesaid fact situation, the writ petition stands disposed of directing the writ petitioner to approach the second respondent, Senior Divisional Security Commissioner, Railway Protection Force, N.C.R. Prayagraj by filing a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order, who on the said motion shall proceed to consider the claim of the writ petitioner strictly in accordance with law within a period of one month, from the date of production of certified copy of the order.

11. The benefit of the order shall only be available, if the writ petitioner

joins the transferred place.

12. Instructions filed today are taken on record and marked as Appendix 'A'.

January 29, 2026
N.S.Rathour

(Vikas Budhwar,J.)