



2026:AHC:26591

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 9559 of 2024 (Leading)

Alok Kumar Dubey

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhishek Bhushan, Arpan Srivastava
Counsel for Respondent(s)	:	C.S.C.

:with:

WRIT - A No. - 16173 of 2025 (connected)

Alok Dubey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Namit Srivastava, Rakesh Dubey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rakesh Dubey as well as Sri Namit Srivastava, learned counsel for the writ petitioner in the leading and the connected writ petitions and Sri S.K. Pal, learned Addl. Chief Standing Counsel for the State.

2. Sri S.K. Pal, learned Addl. Chief Standing Counsel, learned Standing Counsel 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 the writ petitioner was appointed on the post of Lekhpal and he was accorded first posting in Tehsil Sadar, Kanpur Nagar on 05.03.1993 and in the month of May 1995 the petitioner

had been transferred to district Etawah in Tehsil Sadar and in December 1995, the petitioner was transferred to Kanpur Nagar and thereafter in June 2011, the petitioner was transferred to Ghatampur Tehsil, Kanpur Nagar. The writ petitioner claims to have been accorded promotion on the post of Revenue Inspector. A transfer order came to be passed on 28.06.2024 by District Magistrate, Kanpur Nagar transferring the writ petitioner from Kanpur Nagar to Fatepur. This led to filing of the leading writ petition, in which on 08.07.2024, the following orders were passed:-

"It is argued by Mr. Abhishek Bhushan, learned Counsel for the petitioner that power transfer has been exercised in this case mala fide.

Learned Standing Counsel shall seek instructions within three days, indicating under what circumstances, the petitioner has been transferred on administrative grounds from one district to another, when the exigency of administrative grounds would normally be satisfied by an intra-district transfer from one tehsil to another.

Adjourned to 11.07.2024.

To be taken up as fresh.

Till then, the petitioner shall not be relieved."

5. Thereafter, according to the writ petitioner, departmental proceedings stood initiated against the writ petitioner whereby a punishment order came to be passed by the District Magistrate, Kanpur Nagar on 25.09.2025, whereby the writ petitioner was reverted from the post of Revenue to Lekhpal and censure entry was imposed on 25.09.2025. Thereafter on 30.09.2025, the District Magistrate (F&R), transferred the writ petitioner from Tehsil Sadar Kanpur Nagar to Tehsil Billaour, Kanpur Nagar. The same was subject matter of challenge in the connected writ petition. The connected writ petition stood tagged with the leading writ petition.

6. Learned counsel for the writ petitioner has sought to argue that the impugned transfer order dated 30.09.2025 cannot be sustained for a single moment, particularly when the earlier transfer order dated 28.06.2024 seeking to transfer the writ petitioner from Kanpur Nagar to Fatehpur had been stayed, then without the leave of the Court, the writ petitioner could not have been transferred. Further submission is that the impugned transfer order is punitive in nature, particularly when post passing of the order dated 25.09.2025 reverting the writ petitioner from Revenue Inspector to Lekhpal and transferred from Tehsil Sadar to Tehsil Billaour, Kanpur Nagar.

7. Sri S.K. Pal, learned Addl. Chief Standing Counsel on the other hand

submits that transfer policy is being issued from time to time in the ensuing financial / session year. According to him, the transfer order dated 28.06.2024 outlived its utility, once the new transfer policy came into existence and thus the order dated 30.09.2025, transferring the writ petitioner from Tehsil Sadar Kanpur Nagar to Tehsil Billaaur Kanpur Nagar cannot be said to be illegal.

8. I have heard the submissions so made across the Bar and perused the records carefully.

9. Facts are not in issue. It is not in issue that on 28.06.2024, the writ petitioner came to be transferred from Kanpur Nagar to Fatehpur, which was stayed by this Court in the leading writ petition on 08.07.2024. Thereafter, now the writ petitioner stands transferred on 30.09.2025 from Tehsil Sadar, Kanpur Nagar to Tehsil Billaaur, Kanpur Nagar.

10. In the opinion of the Court, mere pendency of the leading writ petition staying the transfer order dated 28.06.2024 would not be a ground to denude the respondents from passing transfer order in the next session. Transfer orders depend upon the transfer policy, which is relatable being year-wise. In the opinion of the Court, in absence of any jurisdictional error pointed out by the learned counsel for the writ petitioner that the authority, which transferred the writ petitioner was not competent, the Court does not find a valid ground to interfere.

12. At this stage, learned counsel for the writ petitioner submits that post joining by the writ petitioner, the writ petitioner shall represent his cause before the authority and in case, the representation is preferred, then the same be considered in that regard.

13. To such a submission, learned Addl. Chief Standing Counsel has no objection.

14. With the aforesaid observations, the writ petition stands **disposed of**.

February 6, 2026

N.S.Rathour

(Vikas Budhwar,J.)