



2026:AHC:36573

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1104 of 2026

Subhash Singh Sisodia

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aniket Jaiswal, Rishabh Kesarwani
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Rishabh Kesarwani, learned counsel for the writ petitioner as well as Sri Rahul Malviya, learned Standing Counsel.
2. Learned Standing Counsel submits that he has obtained instructions in the matter and he is in a position to argue the case. With the consent of the parties, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that he is Reserve Inspector in U.P. Civil Police. However, by virtue of the impugned transfer order dated 04.12.2025 passed by A.S.P./I.G., Establishment, D.G.P. Headquarters, Lucknow, he has been transferred from Jhansi to PAC Headquarter, Lucknow. Questioning the said transfer order, the present writ petition has been preferred. Learned counsel for the writ petitioner has sought to argue that the writ petitioner stood transferred on 04.12.2025, however he has been relieved on 05.01.2026 i.e. beyond one week and according to the learned counsel for the writ petitioner, the same is not as per the government order dated 06.05.2025 circular dated 17.10.2025.
4. Reliance has been placed upon the decision in **Special Appeal No. 481 of 2024 decided on 14.05.2024**, which is quoted hereinunder:-

"1. Heard learned counsel for the appellant-petitioner and Shri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondents.

2. Present Special Appeal under Chapter VIII Rule 5 of Allahabad High

Court Rules 1952 (hereinafter referred to as the "Rules, 1952") is preferred against the judgment and order dated 23.04.2024 passed by the learned Single Judge in **Writ Petition No.6080 of 2024 (Deepak Kumar Head Constable Vs. State of U.P. and 3 Others)** by which learned Single Judge has disposed of the writ petition with liberty to the appellant-petitioner to file a representation before the Deputy Inspector General of Police (Karmik), Uttar Pradesh, Lucknow along with all the necessary documents.

3. The order impugned passed by learned Single Judge is assailed on the ground that the successive order has been passed by the learned Single Judge in the similar transfer orders wherein the Court has intervened as the transfer order had not been effectuated well within stipulated time. The Court has opined that the transfer is an exigency of service and the exigency no more survives as the relieving order is issued after much delay.

4. Learned counsel for the appellant-petitioner has placed reliance upon the order dated 23.4.2024 passed in Writ A No. 5667 of 2024 whereby in the similar facts and circumstances learned Single Judge has allowed the writ petition with detailed observations and quashed both the transfer as well as relieving orders.

5. Heard rival submissions and perused the record. In **Writ-A No. 20131 of 2023, Writ-A No. 20334 of 2023 and Writ-A No. 2709 of 2024, this Court vide its orders dated 5.12.2023, 7.12.2023 and 12.3.2024**, respectively, has held that long delay in passing the relieving order without any cogent and justifiable reasons is legally not sustainable and accordingly quashed both the orders of transfer as well as relieving. It is also pressed that the said direction still holds the field.

6. As the issue involved in the present writ petition is similar to the issue involved in the aforesaid writ petitions, we do not find any good ground to have a different view. Accordingly, both the transfer as well as relieving orders dated 26.5.2023, 14.11.2023 and 17.1.2024 are hereby quashed. However, since the transfer is an exigency of service, the authorities shall be at liberty to pass fresh transfer orders in accordance with law.

7. With the aforesaid observations and direction, the Special Appeal is allowed. "

5. Sri Rahul Malviya, learned Standing Counsel has invited the attention of the Court towards the instructions dated 02.02.2026 according to which, the writ petitioner post transfer on 04.12.2025 has not joined transferred place, though he came to be relieved on 05.01.2026. However, he submits that a liberty be accorded to the respondents to pass a fresh transfer order in that regard. To such a submission, learned counsel for the writ petitioner has no objection.

6. Considering the submissions so made across the bar and bearing in mind that as per the stand taken by learned Standing Counsel based upon the circular dated 17.10.2025 that the relieving is to be done within the period of one week and as well as the decision on the said issue in **Special Appeal No. 481 of 2024 decided on 14.05.2024**, the impugned transfer and relieving order cannot be sustained. Accordingly the order dated 04.12.2025 passed by the respondent no. 3 transferring the writ petitioner from Jhansi to PAC Headquarter, Lucknow and the relieving order dated 05.01.2026 are set aside. Liberty is accorded to the respondent no. 3 to pass a new transfer order relatable to the ensuing transfer session in that regard.

7. The writ petition stands disposed of.

(Vikas Budhwar,J.)

February 18, 2026

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