



2026:AHC-LKO:21617

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 3228 of 2026

Rukamveer Singh (Pno-912290070)

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Birendra Kumar Yadav, Amit Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed challenging order dated 14.06.2025 whereby petitioner has been transferred from Gautam Budhha Nagar to Saharanpur. Also under challenge is the Relieving Order dated 03.11.2025.
3. It is submitted that petitioner's case is fully covered by judgment and order dated 24.07.2025 passed in Writ-A No. 7025 of 2025 which is as follows:-

"1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Counter affidavit filed today is taken on record.

3. Earlier on 4th July, 2025 following order had been passed:-

"1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 14.06.2025 whereby petitioner has been transferred from Kasganj to Ayodhya on the post of Fireman.

3. It has been submitted that impugned order has been passed against provisions of the Government Order dated 15.02.2024 whereby Three Member Committee has been constituted for purposes of consideration of transfer of Fireman and other similarly situated personnel. It is submitted that the aforesaid Committee indicates Director General Fire Services as Chairman of the Committee with the Director of the Fire Services or the Senior Most Gazetted Officer to be one of the members alongwith a nominee of the Director General. It is submitted that the impugned order has not been passed in

accordance with the Committee constituted by means of the aforesaid Government Order since the Director or the Senior Most Gazetted Officer was not a party to the deliberation pertaining to transfer in the meeting held on 06.06.2025. It is submitted that decision with regard to transfer was required to be taken unanimously by the Committee.

4. It is submitted that prior to effecting transfer, a Circular dated 27.03.2025 was also issued by the department requiring three options to be provided by the employees and in pursuance of which petitioner has submitted three options for District Hathras, Mathura or Firozabad but impugned order has been passed without considering aforesaid options.

5. Learned State Counsel has been provided written instructions dated 03.07.2025, a copy of which is taken on record as well as a copy of the report dated 06.06.2025 indicating that the Director/ Senior Most Gazetted Officer did not participate in the meeting due to his unavailability. In paragraph no.2 of the written instruction dated 03.07.2025, it has been stated that Mr. Ajay Kumar Gupta was the Senior Most Gazetted Officer available in the Department but had been visited with major penalty vide order dated 13.09.2021 which was subsequently set aside by the U.P. State Public Services Tribunal but since the said order passed by the Tribunal was challenged before this Court in Writ Petition No.7037 of 2022, he was not invited to participate in the meeting held on 06.06.2025.

6. Prima facie, submissions advanced by learned counsel for petitioner have force and require consideration for which opposite parties are granted two weeks' time to file counter affidavit particularly indicating whether such an exercise can be re-visited with participation of Committee Members as constituted vide Government Order.

7. List this case on 24.07.2025, as fresh.

8. Till next date of listing, operation of impugned order dated 14.06.2025 shall remain stayed so far as it relates to petitioner."

4. In pursuance thereof, the counter affidavit has been filed and in paragraph 3(B) thereof, it is admitted that a committee was constituted on 6th June, 2025 to consider annual transfer of Fireman but the senior most officer on the post of Deputy Director, Mr. Ajay Kumar Gupta was not included due to punishment order dated 13th September, 2021. The said paragraph clearly indicates that against the said punishment order, Mr. Ajay Kumar had filed a claim petition which was allowed setting aside the punishment order but against the judgment rendered by U.P. State Public Services Tribunal, writ A No. 7037 of 2022 is pending consideration.

5. In view thereof, it is quite evident that provisions of government order dated 15th February, 2024 have not been followed since the committee required to be constituted was not constituted in terms thereof.

6. Considering aforesaid admission on behalf on the part of opposite parties, the impugned transfer order dated 14th June, 2025 is hereby quashed by issuance of writ in the nature of

Certiorari granting liberty to opposite parties to consider the aspect afresh strictly in accordance with government order dated 15th February, 2024.

7. Resultantly the petition succeeds and is allowed. Parties to bear their own cost."

4. Learned Standing Counsel appearing for the State submits that the petitioner has already joined at the transferred place on 13.12.2025.

5. In the present case as well, the Committee has not been constituted in accordance with the Government Order dated 15.02.2024. Thus, it is evident that the impugned order has been passed by a Committee which has not been constituted in conformity with the aforesaid Government Order. Learned Standing Counsel could not dispute this fact, nor the fact that the present case is squarely covered by the aforesaid judgment. Accordingly, the said judgment shall be applicable to the facts and circumstances of the present case.

6. In view of the above, the impugned order dated 14.06.2025, insofar as it relates to the petitioner, is hereby quashed, granting the same liberty to the petitioner as has been granted in the case of **Bishambhar Dayal Gautam (supra)**. Consequences shall follow.

7. Resultantly, the writ petition succeeds and is allowed at the admission stage itself. Parties shall bear their own costs.

March 26, 2026
Vinay/-

(Karunesh Singh Pawar,J.)