



2026:AHC:128766

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 9244 of 2026

Shalendra Vikram

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Anjum Haq, Neeraj Kumar Srivastava, Shailesh Kumar
Counsel for Respondent(s)	: C.S.C.

Court No. - 73

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Ms. Anjum Haq, learned counsel for the petitioner and learned Standing Counsel for the State.

2. By way of the present petition, the petitioner has assailed the transfer order dated 30.05.2026 by way of which the petitioner has been transferred from Prayagraj to Balrampur. Counsel for the petitioner has placed reliance on the transfer policy dated 05.05.2026, wherein it has been provided that if an incumbent is due to retire within two years, he may be considered to be given a place of posting of his choice barring the home district. For ready reference, Clause 5(v) is reproduced hereinunder:

"5(v). 02 वर्ष में सेवानिवृत्त होने वाले समूह 'ग' एवं 'घ' के कार्मिकों 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 जाय। इसके लिये पूर्व में उस मण्डल / जनपद में उसकी तैनाती अवधि को संज्ञान में न लिया जाये।"

3. Learned counsel for the petitioner has also relied on Clause 5(iii), wherein it has been provided that if the husband and wife are in government service, effort should be made to keep the place of posting in one district. For ready reference Clause 5(iii) is reproduced below:

"iii. किसी अधिकारी/ कर्मचारी के व्यक्तिगत कारणों जैसे-चिकित्सा या बच्चों की शिक्षा, शासकीय सेवा के दौरान मृत माता या पिता के अवस्यक बच्चों के

पालन पोषण / देखभाल इत्यादि के आधार पर, स्थान रिक्त होने अथवा दूसरे अधिकारी / कर्मचारी के सहमत होने पर स्थानान्तरण । समायोजन किया जा सकेगा, बशर्ते कि उस पर कोई प्रशासनिक आपत्ति न हो।

यदि पति-पत्नी दोनों सरकारी सेवा में हों तो उन्हें यथासंभव एक ही जनपद / नगर / स्थान पर तैनात करने हेतु स्थानान्तरण किया जा सकेगा।"

4. Placing reliance on the aforesaid clauses of the transfer policy dated 05.05.2006, the petitioner has submitted a representation on 08.05.2026, with a request to consider the same in view of the transfer policy, according to which the incumbent is entitled to be given his choice of posting. Reliance has also been made upon decision of Division Bench of this Court dated 05.06.2024 in **Special Appeal No. 564 of 2024 (Jitendra Singh Vs. State of U.P. and another)**, wherein in consideration of a decision of the Apex Court in **A.L. Kalra Vs. Project and Equipment Corporation of India Ltd. reported in (1984) 3 SCC 316**, this Court has opined that where there is a government order/transfer of policy of the State, then there is legitimate expectation of the employee, that advantages which flow from the government order, would be made applicable to the employee; and accordingly the effect of the transfer policy, was considered to be binding on the State Government.

5. Learned counsel for the petitioner has further relied upon the decision of this Court dated 09.06.2026 passed in Writ A No. 9032 of 2026 (Jai Bhagwan Vs. State of U.P. and others), wherein till the disposal of the application, the order of transfer was be kept in abeyance.

6. Per contra, learned Standing Counsel, on the basis of instruction which is taken on record, has submitted that the policy contemplates that 'as far as possible' the place of posting of husband and wife should be in the same district; however he is not able to dispute that under Clause 5(v) of the policy dated 05.07.2026, it is the mandate of the policy, that if an employee is due to retire within two years, his choice of district for the posting, may be given to him. In view of the aforesaid, respondent no. 3 is directed to consider the application date 08.05.2026 within a period of two months from the date of service of the certified copy of this order in strict adherence to the transfer policy dated 06.05.2026.

7. In the meantime, till the disposal of the aforesaid application, the impugned transfer order dated 30.05.2026 shall not be given effect.

(Siddharth Nandan,J.)

June 23, 2026
Aiman