

Allahabad High Court

Constable 155 Ap Raghu Raj And ... vs State Of U.P.Through Prin. Secy. ... on 29 June, 2010

Court No. - 23

Case :- SERVICE SINGLE No. - 4294 of 2010

Petitioner :- Constable 155 Ap Raghu Raj And Another

Respondent :- State Of U.P.Through Prin. Secy. Home Deptt. Govt. Lko.And

Petitioner Counsel :- Madhulika Sirkar

Respondent Counsel :- C.S.C

Hon'ble Devendra Kumar Arora,J.

Heard learned counsel for the parties.

Notice on behalf of opposite parties no.1 to 4 has been accepted by the learned Chief Standing Counsel.

The learned Standing Counsel prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List after expiry of the aforesaid period.

Submission of learned counsel for the petitioners is that this Court after considering the matter at length passed an interim order finding that the Police Establishment Board has not been constituted as directed by the Hon'ble Supreme Court. The said order subjected to challenge in Special Appeal No.850 of 2010 and this Court while considering the issue came to the conclusion that since constitution of the Police Establishment Board goes to the very root of the matter, therefore, there was no illegality in the order passed by the learned Single Judge.

Once the interim order passed by the learned Single Judge received the seal of the special appellate court, the transfer orders passed by the opposite parties do not appear to be correct and justified in the facts and circumstances of the case.

In the aforesaid circumstances, the transfer order dated 01.04.2010, contained in Annexure No.1 to the writ petition, shall remain stayed with respect to the petitioners provided the petitioners have not been relieved from their respective place of posting.

Order Date :- 29.6.2010 Suresh/-