

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2523/2001

(From the judgement and order dated 12/01/2001 in WP 1557/2000
of The HIGH COURT OF Allahabad at Lucknow)

SARVESH KUMAR AWASTHI

Petitioner (s)

VERSUS

UTTAR PRADESH JAL NIGAM & ORS.

Respondent (s)

(With Appln(s). for taking on record addl. documents & exemption
from filing O.T. & with prayer for interim relief)

Date : 04/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHIFor Petitioner (s) Mr. PP Rao, Sr. Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Shrish Kumar Misra, Adv.For Res. UP Jal Mr. Harish N Salve, SG
Nigam Mr. Ajay K. Agrawal., Adv.UPON hearing counsel the Court made the following
O R D E R...L.....I....T.....T.....T.....T.....T.....T.....T.....T.....J
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Heard learned counsel for the parties.

It is the contention of the petitioner that his transfer is malafide and without following any guidelines for transferring the officers. As against this, it has been pointed out that the petitioner is transferred because certain complaints were received against him. Learned counsel for the petitioner has drawn our attention to Annexure A-2, the additional affidavit filed by the petitioner, which is in the form of noting and order (C&DS) dated 27-8-2000 which indicates that transfers are effected at the recommendations of either Minister or M.L.As/M.Ps./M.L.Cs.

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In our view, transfer of officers is required to be effected on the basis of set norms or guide-lines. The power of transferring an officer cannot be wielded arbitrary, mala fide or an exercise against efficient and independent officer or at the instance of politicians whose work is not done by the concerned officer. For better administration the concerned officers must have freedom from fear of being harassed by repeated transfers or transfers ordered at the instance of someone who has to do

nothing with the business of administration.

In this set of circumstances, the Chief Secretary, State of UP is directed to file necessary affidavit within six weeks from today pointing out rules and regulations for effecting transfers of officers including higher officers such as District Magistrates. A copy of the Annexure A-2 (Page 124 of the paper book) be also sent to the Chief Secretary, State of UP along with this order by which the transfers of the officers are effected. Stand over for six weeks.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master