

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7705 OF 2002

State of Uttar Pradesh

...Appellant(s)

Versus

Z.R. Siddiqui

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgement of the Division Bench of the Allahabad High Court dated 22nd February, 2002.

The respondent was the General Manager of Jal Sansthan, Jhansi, at the relevant time and the short question involved in this case is whether he could be transferred to another Jal Sansthan in some other city in Uttar Pradesh. In this connection, it is stated that the Uttar Pradesh Water Supply and Sewerage Act, 1975, has been amended and Section 27-A has been inserted therein which envisages creation of centralised services. Accordingly, the Government of Uttar Pradesh created a centralise service by making the Uttar Pradesh Palika and Jal Sansthan Waterworks Engineering (Centralised) Service Rules, 1996 [for short, “the Rules”]. Hence, a person, who is in the centralised service, can be transferred. Rule 3 of the Rules states that a General Manager of the Jal Sansthan is in the centralised service. Hence, in our opinion, the respondent, being the General Manager, could be transferred in view of Rule 27, which states:-

“The State Government can transfer any officer of the Centralized service from one Palika or Jal Sansthan to another Palika or Jal Sansthan.”

...2/-

Accordingly, the civil appeal is allowed, impugned judgement of the High Court is set aside and the writ petition filed in the High Court is dismissed.

No order as to costs.

.....J.
[MARKANDEY KATJU]

.....J.
[G.S. SINGHVI]

New Delhi,
February 17, 2009.