



2026:CGHC:21527-DB

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 366 of 2026**

Uttam Prasad Paikra S/o Arjun Singh Aged About 62 Years Working On The Post Of Forest Sub-Divisional Officer Janakpur, Division Manendragarh, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

**... Appellant****versus**

**1** - State Of Chhattisgarh Through Secretary, Forest And Climate Change Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

**2** - Principal Chief Conservator Of Forest Aranya Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

**3** - Divisional Forest Officer Manendragarh, Division Manendragarh, J K D Road, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

**4** - Senior Secretaries Committee (Varishdh Sachivo Ki Committee) Consulted Under Clause No. 8 Of The Transfer Policy Dated 05-06-2025, General Administration Department, Through Its Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

**5** - Laxmi Narayan Thakur S/o Krishna Dev Thakur Aged About 36 Years R/o Koriya, District- Koriya (C.G.) As Mentioned In Cause Title Therefore Mentioning As At Present Posted As Sub Divisional Officer (Forest) Janakpur, Division Manendragarh , District - Manendragarh-Chirmiri-Bharatpur (C.G.)

**... Respondent(s)*****(Cause title taken from CIS)***

For Appellant	:Shri Jai Prakash Shukla, Advocate
For Respondent Nos. 1 to 4	:Shri Praveen Das, Addl. Advocate General
For Respondent No. 5	:Shri Manoj Paranje, Senior Advocate along with Shri Shashwat Mishra, Advocate
For Intervenor	:Shri Himanshu Pandey, Advocate

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Bibhu Datta Guru, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**08.05.2026**

1. Challenge in the present appeal is to the order dated 19.03.2026 passed by the learned Single Judge in WPS No. 11502/2025 (Laxmi Narayan Thakur v. State of Chhattisgarh & Others), whereby the writ petition filed by respondent No.5 herein came to be allowed and the order dated 22.09.2025, cancelling the transfer order dated 30.06.2025 issued in favour of the present appellant (respondent No.5 in the writ petition), has been quashed.
2. For the sake of convenience, the parties shall hereinafter be referred to as per their status before the writ Court.
3. Facts of the case, in brief, are that the appellant, substantively posted as SDO (Forest), Janakpur, was transferred vide order dated 30.06.2025 to the post of Dy. Managing Director, District Union, Manendragarh, while respondent No.5 was simultaneously transferred from the DFO Office, Manendragarh to the appellant's place of posting. Aggrieved thereby, the appellant preferred WPS No. 8040/2025 mainly on the grounds that he was on the verge of retirement; that the transfer order had been passed only to accommodate respondent No.5 in his home district, namely MCB District, in violation of Clause 9.19 of the General Book Circular; and

further that the transferred post was already occupied by another employee.

4. The said writ petition was disposed of vide order dated 21.07.2025 directing the appellant to submit a representation before the Committee of Senior Secretaries, whereafter necessary correction in the said order was carried out in MCC No. 751/2025 vide order dated 25.07.2025. Pursuant thereto, the appellant submitted a detailed representation dated 30.07.2025 along with supporting documents. Upon consideration of the entire material available on record, the Committee, vide recommendation dated 19.08.2025, found substance in the grievance raised by the appellant, particularly taking into account his impending retirement, complications likely to arise in relation to retiral benefits, and the fact that another employee was already working at the transferred place of posting. Consequently, the department cancelled both the transfer orders dated 30.06.2025 vide order dated 22.09.2025, thereby restoring the parties to their original places of posting.
5. It was the specific case of the appellant that he had continued to work at Janakpur; had remained on duly sanctioned leave from 04.07.2025 to 03.08.2025; had hoisted the National Flag on 15.08.2025 in his official capacity; and that he was never lawfully relieved from his post in accordance with Clause 5.18.2 and the prescribed Form CGFC-3. Respondent No.5, however, challenged the recommendation dated 19.08.2025 as well as the consequential cancellation order dated 22.09.2025 by filing WPS No. 11502/2025 contending, inter alia, that he had already taken charge at Janakpur on 04.07.2025.

6. After calling for affidavits from the concerned authorities, and despite detailed replies along with supporting documents having been filed by the appellant, the learned Single Judge, vide the impugned order dated 19.03.2026, allowed the writ petition and quashed the cancellation order dated 22.09.2025, primarily accepting the stand taken by respondent No.5 herein (writ petitioner). Hence, the present appeal.
7. (a) Learned counsel appearing for the respondent No.5/appellant herein would submit that the impugned order passed by the learned Single Bench is contrary to the material available on record and suffers from non-consideration of relevant facts and documents. It is submitted that the finding recorded by the learned Single Bench that the appellant remained on leave from 04.07.2025 till 22.09.2025 is factually incorrect. In fact, the appellant was on sanctioned medical leave only from 04.07.2025 till 03.08.2025 and thereafter joined duties on 04.08.2025, which is evident from document R-5/4, pleadings and reply filed in Contempt Case No.1403/2025. It is further submitted that the appellant continuously worked at his present place of posting and was never lawfully relieved in accordance with Clause 5.18.2 and prescribed format CGFC-3, therefore, the finding that respondent No.5 had assumed charge on 04.07.2025 is unsustainable.  
  
(b) Learned counsel further submits that the learned Single Bench has mainly proceeded on two considerations, firstly that respondent No.5 had taken charge and secondly that about 1 year 4 months service of the appellant remained on the date of transfer order dated 30.06.2025, while ignoring several crucial aspects raised by the appellant. It is argued that

respondent No.5 is resident of Chirmiri falling within MCB district and his posting at Janakpur, situated in the same district, was in clear violation of Clause 9.19 of the General Book Circular which prohibits transfer of an employee to his home district. Though specifically pleaded and argued, the said issue has not at all been considered by the learned Single Bench.

(c) Learned counsel further submits that the recommendation dated 19.08.2025 and consequential order dated 22.09.2025 were not based merely upon Clause 1.6 of the transfer policy, but upon overall administrative and equitable considerations. The Committee, after scrutinizing the entire record, documents and departmental inputs, found that the appellant was due to retire in the year 2026, his retiral proceedings had already commenced and mid-term transfer at such stage would seriously prejudice and complicate his retiral benefits. It is further submitted that the transferred place of posting was already occupied by another contractual employee and continues to remain occupied even thereafter. Thus, the intention of the Committee as well as the department was to ensure that the appellant is not disturbed at the fag end of his service career.

(d) Learned counsel contends that the learned Single Bench failed to appreciate that neither the appellant was formally relieved nor respondent No.5 legally assumed charge in the manner prescribed under CGFC-3 and Clause 5.18.2. The affidavits filed by CCF and DFO themselves do not establish lawful handing over or taking over of charge. It is further submitted that the relieving order dated 14.08.2025 was issued

subsequently despite interim protection granted by this Court in earlier proceedings, which itself became subject matter of contempt proceedings wherein the concerned authority admitted mistake of fact. It is further argued that transfer and posting of employees lie exclusively within the administrative domain of the State Government and unless an order is vitiated by mala fide or statutory violation, judicial interference is unwarranted. Respondent No.5 had no vested right to insist upon continuance at Janakpur, particularly when the State Government itself, acting upon recommendation of the competent Committee, decided to cancel the transfer order. It is also submitted that respondent No.5 was already party in the earlier writ proceedings and had sufficient opportunity to raise his grievance, but he neither submitted any representation before the Committee nor could claim any mandatory right of hearing in transfer matters. Lastly, learned counsel submits that as on date the appellant is left with only few months of service and disturbing him at this stage would cause grave hardship in settlement of retiral dues and administrative formalities. Hence, the impugned order passed by the learned Single Bench deserves to be set aside.

8. Learned State counsel submits that under the transfer order dated 30.06.2025, the transferred employees were required to join within ten days, failing which they were to be deemed relieved automatically. It is submitted that the writ petitioner assumed charge at Janakpur on 04.07.2025, which is reflected from the communication issued by the DFO, Manendragarh. It is further submitted that respondent No.5 remained absent after issuance of the transfer order and remained on

leave from 04.07.2025 till 22.09.2025; therefore, the writ petitioner validly assumed charge. Learned State counsel further contends that the Transfer Committee ignored the departmental comments dated 12.08.2025 submitted by the Principal Chief Conservator of Forest, wherein it was specifically mentioned that respondent No.5 had more than one year of service remaining on the date of transfer and that the writ petitioner's posting at Manendragarh would not amount to posting in his home district. Hence, the recommendation of the Committee and the consequential cancellation order were unsustainable.

9. Learned counsel for the intervener submits that the intervener is continuously working on the post in question pursuant to valid contractual appointment and successive renewals granted by the competent authority till 31.10.2026. It is submitted that the impugned order passed by the learned Single Judge directly prejudices the intervener, as implementation thereof may result in displacement of the intervener from the post presently occupied by him. It is further submitted that the intervener was not impleaded as a party before the learned Single Judge despite being a necessary and affected party.
10. We have heard learned counsel for the parties at length and have carefully perused the entire material available on record including the recommendation dated 19.08.2025 made by the Committee constituted under the Transfer Policy, the consequential order dated 22.09.2025 passed by the State Government, the affidavits filed before the learned Single Judge as well as the impugned order under challenge.

11. Before proceeding with the matter, it would be appropriate to quote the observations made by the learned Single Judge from para 6 onwards, which reads as under:-

*6. Main grievance of petitioner is that the order passed by State Government on the recommendation made by the Committee constituted under transfer policy is erroneous and considering, wrong facts.*

*7. To appreciate the grounds raised in the writ petition as also the submission made by learned counsel for respective parties, it is to be considered whether on the date of order of transfer i.e. 30.06.2025, respondent No.5 was having less than one year of service remaining to retire from service.*

*8. The comments submitted by Principal Chief Conservator of Forest on 12.08.2025 clearly mentions that date of birth of respondent No.5 as 19.10.1964 and order of transfer is dated 30.06.2025. Age of superannuation of respondent No.5 is also mentioned as 31.10.2026. From the aforesaid dates, it is apparent that on the date of passing of order of transfer, petitioner was having about one year and four months of service remaining for his retirement.*

*9. Clause 1.6 of the transfer policy, which is relied upon by the Committee constituted under transfer policy for recommending/acceptance of representation as also by the State Government for cancelling the order of transfer provides that if a government servant is remaining less than*

*one year of service, then his posting is to be done on his option or he should not be transferred. In the case at hand, learned counsel for respondent No.5 has not controverted and disputed the dates as mentioned in the comments forwarded by the Principal Chief Conservator of Forest about the date of birth and date of superannuation, therefore, undisputedly on the date of issuance of order of transfer, petitioner was having about one year and four months to retire. The Committee constituted under 7 transfer policy has not taken note of the specific date of birth of the petitioner as mentioned in the comments forwarded by Principal Chief Conservator of Forest and has erroneously recommended to accept the representation of respondent No.5 only considering Clause 1.6 of transfer policy, which is based on pleading in representation, therefore, the order passed by respondent No.1/State based on the recommendation of the Committee, in the opinion of this Court is no sustainable*

*10. So far as the submission of learned counsel for respective parties on taking charge of the office of Sub-Divisional Forest Officer, Janakpur Forest Division Manendragarh is concerned, it is a case of respondent No.5 himself that from 04.07.2025, he went on leave till 22.09.2025. The affidavit filed by official of the State Government in para-4 it is clearly stated that respondent No.5 was continuously absent after transfer order without any intimation and petitioner assumed*

*charge on 04.07.2025. This affidavit is filed by one Mr. Dilraj Prabhakar, who is working as Chief Conservator of Forest, Sarguja Circle, Ambikapur. In another affidavit, filed by official of the State Government i.e. Divisional Forest Officer, Manendragarh also there is mention that petitioner joined at Sub-Divisional Office, Janakpur i.e. transferred place on 04.07.2025 and respondent No.5 was on leave from 04.07.2025 to 27.07.2025 and further remained on leave until on 22.09.2025. Order granting leave is dated 18.07.2025. From the aforementioned facts it is apparent that official of the State Government has clearly made averment that petitioner has joined at his transferred place of posting i.e. office of Sub-Divisional Forest Officer, Janakpur.*

*11. The other submission made by learned counsel for respondent No.5 that during the pendency of this writ petition, petitioner was again transferred on 22.09.2025, in-fact is not an order of transfer but i.e. is made only a time gape arrangement by attaching the petitioner with additional charge.*

*12. In the aforementioned facts of the case, consideration of the Committee constituted under transfer policy to accept the representation and recommending to cancel the transfer relying upon the Clause 1.6 of the transfer policy and further order of State Government based on the recommendation*

*made by the Committee relying upon Clause 1.6 of the transfer policy is not sustainable.*

*13. It is also to be noted that in the earlier round of litigation, petitioner herein was party respondent in writ petition filed by respondent No.5 as also in the MCC and from the order passed in MCC No.751 of 2025 dated 25.07.2025 it is appearing that there was categorical statement made that petitioner herein has assumed the charge.*

*14. The period of service remaining of an employee in the facts of the case where challenge to the order of transfer is period remaining on the date of passing of an order of transfer, is to be considered. In the facts of the case on the date of passing of order of transfer, respondent No.5 was having one year and four months of service remaining, therefore, cancelling the order of transfer of respondent No.5 taking note of Clause 1.6 of policy, as also the petitioner and re- posting them is not sustainable.*

*15. For the foregoing discussions, this writ petition is allowed. The impugned order dated 22.09.2025 (Annexure P-1) is hereby quashed.”*

12. Upon such consideration, it appears that the principal issue requiring determination in the present appeal is as to whether the recommendation made by the Committee and the consequential cancellation of the transfer orders dated 30.06.2025 were legally sustainable. From a plain reading of the recommendation of the Committee as also the consequential order

passed by the State Government, it is evident that the dominant consideration which weighed with the authorities was the applicability of Clause 1.6 of the Transfer Policy on the premise that the appellant/respondent No.5 therein was on the verge of retirement. However, the departmental comments dated 12.08.2025 submitted by the Principal Chief Conservator of Forest, which formed part of the record, specifically mentioned the date of birth of the appellant/respondent No.5 therein as 19.10.1964 and his date of superannuation as 31.10.2026. Thus, on the date of issuance of the transfer order i.e. 30.06.2025, the appellant/respondent No.5 therein was admittedly having about 1 year 4 months of service remaining. Clause 1.6 of the Transfer Policy contemplates protection in cases where an employee is left with less than one year of service. Therefore, the very basis upon which the Committee proceeded to recommend cancellation of the transfer order stood factually incorrect. In our considered opinion, the learned Single Judge rightly appreciated the aforesaid aspect and correctly held that Clause 1.6 of the Transfer Policy was not attracted in the facts of the present case. For the sake of convenience clause 1.6 of the transfer policy dated 5.6.2025 is quoted below :

“1.6 जिन शासकीय सेवकों की सेवानिवृत्ति में एक से कम वर्ष शेष हो उन्हें उनके विकल्प पर सामान्य प्रशासन विभाग के निर्देशों के अनुरूप स्थानांतरण किया जा सकेगा, अन्यथा उनका स्थानांतरण ना किया जाये।”

13. Though learned counsel for the appellant attempted to contend that the recommendation of the Committee was not founded solely upon Clause 1.6 of the Transfer Policy and that other administrative considerations

such as impending retirement, retiral complications and occupation of the transferred post by another contractual employee were also taken into account, we are unable to persuade ourselves to accept the said contention so as to interfere with the order passed by the learned Single Judge. Once the principal and foundational consideration which formed basis of the recommendation itself is found to be factually unsustainable, mere reference to ancillary considerations would not validate the consequential administrative decision cancelling the transfer orders.

14. It is also to be noticed that transfer and posting are incidents of service and unless shown to be vitiated by mala fide or statutory violation, the employee concerned cannot claim continuance at a particular place as a matter of right. The learned Single Judge, therefore, cannot be said to have committed any error in interfering with the order dated 22.09.2025 passed on the basis of an erroneous assumption regarding applicability of Clause 1.6 of the Transfer Policy.
15. So far as the contention raised by the appellant regarding non-relieving from the post and alleged non-assumption of charge by respondent No.5/writ petitioner is concerned, the record reflects that affidavits were filed before the learned Single Judge by the departmental authorities including the Chief Conservator of Forest and the Divisional Forest Officer, Manendragarh specifically stating that the writ petitioner had assumed charge at Janakpur on 04.07.2025 and that the appellant/respondent No.5 therein had remained absent thereafter. Even in the earlier round of litigation arising out of WPS No.8040/2025 read with the order passed in MCC No.751/2025, the factum of assumption of

charge by the writ petitioner had been noticed. In such circumstances, merely because the appellant disputes formal relieving or seeks to rely upon certain departmental procedures relating to handing over of charge, the same would not be sufficient to dislodge the factual findings concurrently noticed by the learned Single Judge on the basis of affidavits and departmental records available before it.

16. Insofar as the contention regarding violation of Clause 9.19 of the General Book Circular and alleged posting of respondent No.5 in his home district is concerned, the State authorities themselves had clarified before the learned Single Judge through departmental comments dated 12.08.2025 that after reorganization and creation of new districts, posting of the writ petitioner at Manendragarh would not amount to posting in his home district and that he was resident of Korea District. In absence of any material demonstrating patent illegality or violation of any statutory provision, we do not find any reason to take a different view in the matter.
17. Consequently, having regard to the entirety of facts and circumstances of the case, we are of the considered opinion that the learned Single Judge committed no illegality or perversity in quashing the order dated 22.09.2025 passed by the State Government cancelling the transfer orders dated 30.06.2025. The impugned order does not warrant interference.
18. Since the claim raised by the intervener is purely consequential upon the success of the appellant in the present appeal and no independent adjudication survives in his favour once the appeal itself stands dismissed, the intervention application also stands rejected.

19. As a sequel, the writ appeal being devoid of merit deserves to be and is hereby dismissed. No order as to costs.

Sd/-  
**(Bibhu Datta Guru)**  
**Judge**

Sd/-  
**(Ramesh Sinha)**  
**Chief Justice**

Rahul/Gowri