



2026:CGHC:2962



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 524 of 2026

- Munna Lal Tandey S/o Shri Gangaram Tandey Aged About 52 Years Posted As Superintendent Office Of Divisional Commissioner, Raipur Division District Raipur Chhattisgarh

... **Petitioner****versus**

- State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Raipur, Chhattisgarh.
- The Additional Chief Secretary And Chairman Committee Of Senior Secretaries, (Against The Transfer Order), Department Of Home And Jail, Nawa Raipur, Atal Nagar Raipur, District Raipur, Chhattisgarh.
- The Under Secretary Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Raipur, Chhattisgarh.
- The Commissioner Office Of Commissioner, Raipur Division, Raipur, District Raipur, Chhattisgarh.
- The Collector Raipur, District Raipur, Chhattisgarh.

... **Respondents***(Cause title taken from Case Information System)*

For Petitioner	:	Mr. Ajay Kumrani, Advocate.
For State/Respondents	:	Mr. Rishabh Bisen, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

19/01/2026

- This petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 That this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and quash/set aside the impugned transfer order dated



30.06.2025 and relieving order dated 11.11.2025 (Annexure-P/1) with respect to the petitioner and impugned order dated 15.12.2025 (Annexure-P/2).

10.2 That, Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the respondent authorities to follow the Transfer Policy 2025 and amend/cancel/recalled the transfer order dated 30.06.2025 (Annexure-P/1).

10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the respondent authorities to decide the representation a fresh in view of the decision taken in the case of Shri Sheetal Das as there is clear violation of clause 3.10 of the Policy.

10.4 Any other relief or reliefs that may be deemed fit and proper in the facts and circumstances of the case may kindly be granted."

2. Learned counsel for the petitioner submits that the petitioner is holding the post of the Office Superintendent (Revenue) and posted in the Office of Commissioner Raipur Division Raipur. By the impugned order dated 30.06.2025 (Annexure-P/1), petitioner is transferred from the Office of Commissioner, Raipur Division Raipur to the Office of Collector, Bijapur. He submits that the petitioner has joined the promoted post only on 27.09.2023 and he has been transferred to Bijapur within a period of less than 2 years, and therefore, there is violation of clause 3.10 of the Transfer Policy of the year, 2025, wherein it is mentioned that a person should not be transferred from one place to another within a period of less than 2 years. He next contended that the wife of the petitioner is suffering from sickle cell disease, who needs regular treatment, and therefore, also the transfer of the petitioner be interdicted. The representation submitted by the petitioner before the committee was not considered in an objective manner and has been rejected in a mechanical manner.



3. Learned State counsel opposes the submission and would submit that the transfer of the petitioner is on administrative exigency. Petitioner has not pleaded in specific terms as to since when petitioner was posted at Raipur. No document has been placed on record with regard to the treatment of the wife of the petitioner, but only one copy of the card has been placed on record showing that the wife of the petitioner is suffering from the sickle cell disease. He also submits that Transfer Policy is only a guidelines to be followed by the State Authorities for transfer, it cannot be read as statute, and therefore, petitioner will not be permitted to claim as a matter of right to remain at one place for 2 years and only thereafter to be considered for transfer.
4. I have learned counsel for the parties and perused the documents annexed along with this petition.
5. Looking to the nature of the grounds raised by the counsel for the petitioner that petitioner has completed less than 2 years at the promoted place, this Court post question to counsel for the petitioner, as to since when petitioner is posted at Raipur, he submits that he has not sought instructions in this regard. In the aforementioned facts of the case, it is not clear that petitioner has been placed in the Office at Raipur or Raipur City only on 27.09.2023, and therefore, the said grounds raised by the petitioner is not acceptable. More so when the grounds, which is raised by the petitioner of less than 2 years is based on the Transfer Policy. It is settled law that the policy formulated by the Government cannot be read as statute and it is only directive.
6. So far as the second ground with regard to the disease of the wife of the petitioner is concerned, no medical document is enclosed along with the writ petition, so as to demonstrate that his wife is suffering with severe disease and is continuously taking treatment in the hospital at Raipur.



7. Hon'ble Supreme Court in the case of **Shilpi Bose (Mrs.) & Ors Vs. State of Bihar & Ors. [(1991) Supp. (2) SCC 659]** has considered the issue with regard to transfer of the government servant and held thus:-

“4. In our opinion, the Courts should not interfere with a transfer Order which are made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer Orders issued by the competent authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer Orders.”

8. In the case of **Union of India vs. S.L. Abbas [(1993) 4 SCC 357]**, Hon'ble Supreme Court held thus:-

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly, if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, the husband and the wife must be posted at the same place. The said guideline, however, does not confer upon the government employee a legally enforceable right.”



9. In the case of **Punjab and Sind Bank and Ors Vs. Durgesh Kuwar [(2020) 19 SCC 46]** Hon'ble Supreme Court while considering the transfer of the senior officer of different sector banking institution has observed thus :-

“17. We must begin our analysis of the rival submissions by adverting to the settled principle that transfer is an exigency of service. An employee cannot have a choice of postings. Administrative circulars and guidelines are indicators of the manner in which the transfer policy has to be implemented. However, an administrative circular may not in itself confer a vested right which can be enforceable by a writ of mandamus. Unless an order of transfer is established to be malafide or contrary to a statutory provision or has been issued by an authority not competent to order transfer, the Court in exercise of judicial review would not be inclined to interfere. These principles emerge from the judgments which have been relied upon by the appellants in support of their submissions and to which we have already made a reference above. There can be no dispute about the position in law.”

10. Petitioner could not able to make out a case that his transfer is in violation of statutory rules, or of mala fide. The policy framed for transfer is not to be read as statute. In the impugned order of transfer total 3 employees of the department have been transferred on administrative exigency.
11. Considering the aforementioned facts of the case, decisions of Hon'ble Supreme Court, I do not find any good ground to interfere with the order of transfer Annexure-P/1 so far as it relates to petitioner. Writ petition being *sans merit* is liable to be and is hereby dismissed accordingly.

Sd/-
(Parth Prateem Sahu)
Judge