



2026:CGHC:20838-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 364 of 2026

Shatrughan Sahu S/o Shri Govind Ram Sahu Aged About 41 Years R/o
Village And Post - Khemda, Police Station - Dabhra, Tahsil - Malkharoda,
District - Sakti (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through The Secretary, Panchayat And Rural
Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur
(C.G.)

2 - The Collector, Sakti, District - Sakti (C.G.)

3 - The Chief Executive Officer Zila Panchayat Sakti, District - Sakti (C.G.)

4 - The Chief Executive Officer Janpad Panchayat Malkharoda, District -
Sakti (C.G.)

5 - Smt. Sushila Bhardwaj Posted As Panchayat Secretary, Gram Panchayat
Bundeli, Janpad Panchayat Malkharoda, District - Sakti (C.G.)

---- Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Manoj Chauhan, Advocate
For Respondents/State	:	Mr. Prasun Bhaduri, Deputy A.G.
For Respondent No.5	:	Mr. C. Jayant K. Rao, Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, C.J.

05/05/2026

1. This writ appeal is directed against the order dated 17.03.2026 passed by the learned Single Judge in W.P.(S) No. 2491 of 2026, whereby the writ petition preferred by the appellant has been dismissed and the transfer order dated 27.02.2026 (as amended on 02.03.2026), issued by respondent No. 3 transferring the appellant from Gram Panchayat Amlidih to Gram Panchayat Chhapora, with additional charge of Gram Panchayat Amlidih being assigned to respondent No. 5, has been upheld. The appellant, who is working as Panchayat Secretary, has assailed the said order on the ground that the impugned transfer is contrary to the applicable policy and has been passed without following due procedure.
2. The facts of the case as emerges from the pleadings of the writ appeal are that, the appellant is working as a Panchayat Secretary and has been discharging his duties without any adverse remark. Initially, vide order dated 29.09.2025, he was transferred from Gram Panchayat Amlidih to Gram Panchayat Chhapora, which was assailed by him before this Court. Pursuant to the order passed therein, the appellant submitted a representation before the competent authority, and the same was considered favourably, resulting in cancellation of the transfer order vide order dated 04.11.2025, permitting the appellant to continue at Gram Panchayat Amlidih.



Subsequently, vide order dated 27.02.2026 (as amended on 02.03.2026), the appellant was again transferred from Gram Panchayat Amlidih to Gram Panchayat Chhapora and the additional charge of Gram Panchayat Amlidih was assigned to respondent No. 5. The said transfer was allegedly made on the basis of a complaint without conducting any enquiry and without affording opportunity of hearing to the appellant, and is stated to be contrary to the policy/guidelines issued by the State Government requiring recommendation of the Chief Executive Officer, Janpad Panchayat. Aggrieved thereby, the appellant preferred W.P.(S) No. 2491 of 2026, which came to be dismissed by the learned Single Judge vide order dated 17.03.2026, giving rise to the present writ appeal.

3. Learned counsel for the appellant submits that the impugned transfer order dated 27.02.2026 (as amended on 02.03.2026) is wholly arbitrary, illegal and contrary to the policy/guidelines issued by the State Government governing transfer of Panchayat Secretaries. It is contended that as per Clause-8 of the applicable policy, the transfer of a Panchayat Secretary can be effected by the Chief Executive Officer, Zila Panchayat only upon recommendation of the Chief Executive Officer, Janpad Panchayat, however, in the present case, no such recommendation has been made, rendering the impugned order unsustainable in law. It is further submitted that the learned Single Judge has erred in holding that the said policy is not applicable to Panchayat Secretaries, ignoring the fact that the post of Panchayat Karmi has since been redesignated as Panchayat Secretary, and therefore, the policy squarely applies to the appellant.



It is further submitted that the impugned transfer order has been passed on the basis of a complaint made by the Sarpanch without conducting any preliminary enquiry and without affording any opportunity of hearing to the appellant, thereby violating the principles of natural justice. Learned counsel contends that the transfer has been effected with malafide intention as a measure of punishment, in absence of any administrative exigency, which is evident from the fact that the additional charge of Gram Panchayat Amlidih has been assigned to respondent No. 5. Reliance is also placed on a decision of this Court in Writ Appeal No. 886/2025 (Smt. Amrita Bada vs. State of Chhattisgarh & others), wherein in similar circumstances, the transfer order was set aside for being contrary to the governing policy. It is thus prayed that the impugned order passed by the learned Single Judge as well as the transfer order be set aside.

4. Per contra, learned State counsel supports the impugned order passed by the learned Single Judge and submits that the transfer of the appellant has been effected in administrative exigency and in the interest of proper functioning of the Panchayat administration. It is contended that transfer is an incidence of service and the appellant has no vested right to remain posted at a particular place. The competent authority, upon consideration of the complaint received from the Gram Panchayat and the overall administrative requirements, has taken a conscious decision to transfer the appellant, which does not call for interference in exercise of writ jurisdiction. It is further submitted that the learned Single Judge has rightly declined to interfere with the transfer order, as no case of arbitrariness or illegality



is made out.

It is further submitted that the policy/guidelines relied upon by the appellant are not statutory in nature and do not confer any enforceable right, and in any case, the same are not strictly applicable to the post of Panchayat Secretary. Even otherwise, it is contended that substantial compliance of the procedure has been made and the transfer cannot be said to be vitiated merely on technical grounds. Learned State counsel also denies the allegation of malafides and submits that the transfer has not been made by way of punishment, but on the basis of complaints and administrative considerations. It is thus prayed that the writ appeal, being devoid of merit, deserves to be dismissed.

5. Learned counsel appearing for respondent No. 5 submits that respondent No. 5 has no role in the issuance of the impugned transfer order and has merely been assigned the additional charge of Gram Panchayat Amlidih by the competent authority in administrative interest. It is contended that respondent No. 5 has neither influenced the decision-making process nor derived any undue benefit therefrom, and therefore, no adverse inference can be drawn against her. It is further submitted that the appellant has failed to establish any malafide or illegality attributable to respondent No. 5, and in absence of any specific allegation or material against her, the present appeal deserves to be dismissed so far as respondent No. 5 is concerned.
6. We have heard learned counsel for the parties and considered their rival submissions made herein above and also gone through the entire



records of the case with utmost circumspection.

7. The learned Single Judge, after hearing learned counsel for the parties and perusing the material available on record, has passed the following order:-

“5. The submission of learned counsel for petitioner is that petitioner was earlier transferred from Gram Panchayat, Chhapora to Gram Panchayat, Amlidih and additional charge of Gram Panchayat, Chhapora is also given to him vide order dated 04.11.2025. He also contended that earlier the order of transfer of petitioner was put to challenge in WPS No. 12118/2025 and pursuant thereto petitioner was posted at gram panchayat, Amlidih. Document Annexure P-2 is an order dated 29.09.2025 in which name of petitioner is placed at Sr. No. 12, this order is also an order of transfer and petitioner has been shown to be transferred from gram panchayat Amlidih to gram panchayat Chhapora.

6. In the aforementioned facts of the case, considering both the documents Annexure P-2 and P-5, it is apparent that prior to September 2025, petitioner was posted at gram panchayat Amlidih. Upon asking to learned counsel for petitioner as to since when petitioner is posted at



Gram panchayat, Amlidih, he submits that he is having no instruction in this regard and no document has been filed.

7. From the aforementioned facts of the case and considering the documents placed on record, it is apparent that order of transfer of petitioner transferring petitioner from gram panchayat Amlidih to gram panchayat, Chhapora was put to challenge in a writ petition and pursuant to the order passed in that writ petition posting of petitioner has been maintained at gram panchayat Amlidih and additional charge of gram panchayat Chhapora has also been given.

8. In view of the submission and pleadings made by learned counsel for petitioner that since then petitioner is posted at gram panchayat Amlidih, it can be presumed that petitioner is posted at gram panchayat, Amlidih for a considerable period of time. The guidelines which is referred by the counsel for petitioner is with respect to Panchayat Karmis and not the panchayat Secretary. Even on perusal of Clause 8 of the said guidelines referred by learned counsel for petitioner, it would show that transfer of Panchayat Karmis can be made by the



competent authority on administrative ground and on personal request and further the transfer can be made based on the complaint on the proposal forwarded by the Chief Executive Officer, Janpad Panchayat. Case of petitioner is not that his transfer is based on any complaint. No such pleading is made or document is filed which suggest that transfer of petitioner is based on complaint. The order Annexure P-1, based on which petitioner is transfer, also mentions that there is some proposal forwarded by the Chief Executive Officer, Janpad Panchayat and from which it is appearing that at the time of transferring Panchayat Secretary of the Janpad Panchayat, Malkharouda, proposal of Janpad Panchayat has been considered.

9. In the aforementioned facts of the case and further considering that the petitioner who is holding post of Panchayat Secretary and transfer is made by the competent authority, I do not find any good ground to interfere with the impugned order of transfer Annexure P-1 dated 02.03.2026.

10. Accordingly, the writ petition being sans merit, it is liable to be and is hereby dismissed at admission stage.”



8. Having heard learned counsel for the parties at length and upon perusal of the record, this Court finds that the appellant is holding the post of Panchayat Secretary and his transfer has been effected by the competent authority. The learned Single Judge, after taking into consideration the documents placed on record, has recorded a finding that the appellant has been posted at Gram Panchayat Amlidih for a considerable period and that the impugned transfer order has been issued on the basis of a proposal forwarded by the Chief Executive Officer, Janpad Panchayat. It has further been observed that the guidelines relied upon by the appellant pertain to Panchayat Karmis and are not strictly applicable to Panchayat Secretaries, and even otherwise, the same do not prohibit transfer on administrative grounds. No material has been brought on record to substantiate the allegation that the transfer was made by way of punishment or without any administrative exigency.
9. In view of the aforesaid findings recorded by the learned Single Judge, which are based on proper appreciation of facts and do not suffer from any perversity or patent illegality, this Court does not find any ground to interfere in exercise of appellate jurisdiction. Transfer being an incidence of service and the order having been passed by the competent authority, no case for judicial interference is made out. Accordingly, the writ appeal, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

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