



2026:CGHC:19059

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3562 of 2026**

1 - Ajay Rajput S/o Shri Prmod Singh Aged About 36 Years Working As
Zone Commissioner, Municipal Corporation Bhilai, District- Durg (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Urban
Administration And Development Mantralaya, Mahanadi Bhawan, Atal
Nagar, Nawa Raipur, District- Raipur (C.G.)

2 - The Director Directorate Of Urban Administration And Development,
Indrawati Bhawan Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

3 - The District Collector Cum Chief Census Officer Of The District Durg
District- Durg, G.E. Road, Durg, District Durg, (C.G.)

... Respondent(s)

(Cause title is taken from CIS)

For Petitioner : Mr. Neeraj Choubey with Ms. M. Asha,
Advocate

For Respondents-State : Mr. Gary Mukhopadhyay, Addl A.G.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****24/04/2026**

1. Petitioner has filed this writ petition seeking following reliefs:-

*"1. That, the Hon'ble High Court may kindly be
pleased to issue appropriate writ (s) / order*

(s)/ direction (s) in favour of the petitioner and against the respondents by allowing the instant writ petition by holding that, the impugned transfer order of the petitioner is bad in law and quash/set-aside the impugned transfer order dated 17.04.2026 (Annexure-P/1) issued by the respondent No.1, in respect of the petitioner.

II. That, the Hon'ble High Court may kindly be pleased to issue the appropriate orders against the respondents those are failed to comply with the circulars/letters/instruction/transfer policy issued by the higher authority.

III. Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner."

2. Learned counsel for the petitioner submit that petitioner is posted as Zone Commissioner in Municipal Corporation Bhilai is transferred to the Chief Municipal Officer, Municipality - Manendragarh. The order of transfer of petitioner appears to be erroneously passed. The authority considering candidature of the petitioner for transfer was not apprised of the fact that petitioner has been engaged in Census Work. He submits that the Collector-cum-Chief Census Officer District Durg vide order dated 27.01.2026 has deputed the petitioner as Census Officer under the provisions of the Censes/Act 1948. He also contended that petitioner is also deputed by Collector-cum-District Election Officer as the Registration/Assistant Registration Officer vide order dated 28.03.2026. As the petitioner has been engaged is special duty i.e. Census &

Election duty, he could not have been transferred and in support of his contention he referred the provisions under Section 13 CC of the Representation of the People Act, 1950. He lastly contended that the wife of the petitioner is also pursuing post graduation degree from Durg which is nearer to the place of posting of the petitioner and his residence. They are having small child aged about 1 year and therefore it will be difficult for the petitioner and his wife to maintain and to take care of the child, if petitioner is to join at the transferred place which is about 400 Kms away for the present place of posting. He contended that as from the order it appears that the authority could not be appraised of engagement of the petitioner on the special duty, he may be permitted to submit a representation before the respondent No.1, raising all the grounds and direction be issued to the concerned authority to consider and take decision on the pending representation at the earliest within a shortest possible period.

3. Counsel for the respondent-State would submits that after issuance of order Annexure P/1 the petitioner is relieved by the Municipal Corporation, Bhilai. He however submits that he is having no objection to the submission of learned counsel for the petitioner of submitting representation to be decided by the respondent No.1. At this stage, counsel for the petitioner submitted that no other person is posted in place of petitioner and the post is still lying vacant.

4. I have heard learned counsel for the respective parties.
5. The grievance of the petitioner is against his transfer and the main contention is that the petitioner is engaged in special work and in such circumstances he ought not to have been transferred and the other grounds is inconvenience on account of his wife to be pursuing post graduate course degree from Durg.
6. In the aforementioned facts of the case, in the opinion of this Court, the respondent No.1 would be the proper authority to consider the grievance of petitioner and therefore, the writ petition at this stage is disposed of with the permission to the petitioner to submit a fresh comprehensive representation along with all supporting documents before respondents No.1 within a period of 1 week and in the event, such a representation is submitted, the concerned authority shall consider and take decision on the same within a further period of 2 weeks from the date of receipt of representation.
7. With the aforesaid observation and direction, this writ petition stands finally **disposed of**.

Sd/-

(Parth Prateem Sahu)
Judge