



2026:CGHC:9402

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3504 of 2025

Amit Pratap Singh S/o Shri Ravendra Pratap Singh Aged About 42 Years R/o Village- Ghonsa (Bhaiyathan), Tahsil And P.S. Bhaiyathan, District- Surajpur (C.G.)

... Petitioner(s)

versus

1 - Coal India Limited Through Director (Personnel), Coal Bhawan, 10, Netaji Subhash Road, Calcutta- 700001

2 - South Eastern Coal Fields Limited (S.E.C.L.) Through Chairman-Cum-Managing Director, Seepat Road, Bilaspur, District Bilaspur (C.G.)

3 - Director (Personnel) S.E.C.L. Building, Seepat Road, Bilaspur, District-Bilaspur (C.G.)

4 - Chief Manager (Personnel) S.E.C.L. Building, Seepat Road, Bilaspur, District Bilaspur (C.G.)

5 - General Manager S.E.C.L., Bhatgaon Area, Surajpur, District Surajpur (C.G.)

6 - Area Manager (Personnel) Bhatgaon Area, District Surajpur (C.G.)

7 - Sub-Area Manager South Eastern Coal Fields Limited, Bhatgaon Sub-Area, P.O. Bhatgaon Colliery, Surajpur, District Surajpur (C.G.)

8 - General Manager (HR)/IR Coal India Limited, Coal Bhawan, 10, Netaji Subhash Road, Calcutta-700001

... Respondent(s)

For Petitioner : Mr. Akash Deep Sharma, Advocate

For Respondents : Mr. Vinod Deshmukh, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

23/02/2026

1. Petitioner has filed this writ petition aggrieved with the order of his transfer dated 27.11.2024 (Annexure P1) and has sought for following reliefs:

“10.1. This Hon'ble Court may kindly be pleased to issue an appropriate writ/direction/order to quash/set aside impugned order dt. 27.11.2024 & impugned letter dt. 23.04.2025 issued by respondent authority. (Annexure P-1).

10.2. This Hon'ble Court may kindly be pleased to issue an appropriate writ/direction/order and quash the orders dated 11.12.2024, 13.12.2024 with order dated 12.12.2024 mentioned therein (Annexure P-2) issued by the Respondent authorities, in the interest of justice.

10.3. This Hon'ble Court may kindly be pleased to grant any other writ/writs, order/ orders, relief/ reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner submits that petitioner is working as Production-Cum-Safety Assistant and was posted at Bhatgaon area in SECL (South Eastern Coalfields Limited). By order Annexure P-1 he has been transferred to NECL (North Eastern Coalfields Limited) which is a different coal subsidiary of Coal India Limited (for short "CIL"). Order of transfer though passed by respondent No.8/General Manager (HR/IR), however, under the transfer policy formulated by respondents for transfer of non-executive employee in CIL and its subsidiaries, competent authority is also specified therein. For transferring of non-executive from one subsidiary to another subsidiary of CIL, competent authority is mentioned as Director (P & IR) CIL. As petitioner is transferred from SECL to NECL which is from one subsidiary of CIL to another subsidiary of CIL, for transferring the petitioner, competent authority would be only Director and not General Manager. He also contended that transfer of petitioner is not only on administrative grounds but on other extraneous consideration which is reflecting from letter dated 23.04.2025 addressed to petitioner mentioning that petitioner was creating nuisance and was indulging in the acts which was very much detrimental to interest of SECL and the integrity is also doubted. In the facts of case when transfer of petitioner is on allegation, proper opportunity of hearing ought to have been granted to petitioner by issuing show cause notice in this regard which was not done.

3. On the other hand, learned counsel for the respondents opposes submission of learned counsel for the petitioner and submits that from order Annexure P-1 itself it is apparent that transfer of petitioner is on administrative exigency and according to transfer policy,

employee of one coal subsidiary can be transferred to another coal subsidiary on administrative interest. He also submit that order impugned mentions that respondent No.8 has passed order with the approval of authority and therefore it cannot be said that order is not passed by the competent authority. So far as second submission of learned counsel for the petitioner that impugned transfer order is passed not only on administrative ground but on other considerations also is concerned, there is no such mention in the order of transfer Annexure P-1 and therefore order of transfer is to be considered on administrative ground only.

4. I have heard learned counsel for the parties and also perused the documents annexed along with writ petition.

5. The main contention of learned counsel for the petitioner is that petitioner who is holding non-executive post is transferred from one coal subsidiary to another coal subsidiary and further that non-executive can be transferred from one coal subsidiary to another coal subsidiary not on routine basis but only in exceptional circumstance like need of manpower. Authority of respondent No.8 is also put to challenge in issuing order of transfer in the facts of case. Policy relied upon by learned counsel for the petitioner for transfer of non-executive in CIL and its subsidiary policy is not disputed by respondents in reply in specific terms nor during course of argument. Perusal of policy enclosed along with writ petition would show that it has been brought in force w.e.f. 30th August 2023. The scope and applicability of policy, as it is mention, is for non-executive employees of CIL and its subsidiaries only and objective for formulating the policy for transfer of non-

executive in CIL and its subsidiary is for redeployment of manpower across the subsidiaries as per availability of vacancy for optimization of performance . Policy is made applicable to employees covered under the provision of National Coal Wage Agreement finalized time to time. Competent Authority who is authorized to consider and pass order of transfer of non-executive from one coal subsidiary to another coal subsidiary is Director (P & IR), CIL. In the case at hand, order of transfer is not issued by the Director, the competent authority, as prescribed under the transfer policy, but under the signature of General Manager i.e. respondent No.8.

6. Though attempt is made by learned counsel for respondents that transfer order would show that this order is being issued with the approval of competent authority, however, no such approval is placed on record along with reply. Respondent have also not filed any document to show that power has been delegated or any directive has been issued in this regard by the competent authority for issuing such order of transfer as is subject matter of writ petition.

7. In the aforementioned facts of case, in the opinion of this Court, order of transfer is not passed by the competent authority as prescribed under the transfer policy formulated by respondents and therefore order of transfer of petitioner is not sustainable.

8. So far as submission made by learned counsel for the petitioner that order of transfer of petitioner is not on administrative ground in view of letter dated 23.04.2025, as this Court has held the order of transfer to have not been passed by competent authority, I am

not dealing with the said issue as raised by learned counsel for the petitioner at this stage.

9. For the foregoing reasons and discussions, impugned order of transfer dated 27.11.2024 (Annexure P-1) is set aside reserving liberty with respondents to pass transfer order afresh if administrative exigency or administrative reason still exists for transfer of petitioner.

10. Writ petition is accordingly allowed.

Sd/-

(Parth Prateem Sahu)

Judge

Praveen