



CGHC010240012026



2026:CGHC:29654

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5059 of 2026

Suresh Kumar Sahu S/o Late Shri Inderman Singh Sahu Aged About 57 Years
(In Transfer Order Name Mention As Suresh Sahu), Presently Posted As
Assistant Food Officer In Food, Civil Supply And Consumer Protection
Department, Durg Office At Collectorate Durg, R/o Lig/54, Hudco, Aamdi
Nagar, Bhilai District- Durg (C.G.)

... Petitioner

versus

**1 - State of Chhattisgarh Through The Secretary Food, Civil Supply and
Consumer Protection Department At Mantralaya Mahanadi Bhawan, Nava
Raipur, Atal Nagar, District- Raipur (C.G.)**

**2 - Director Directorate, Food, Civil Supply and Consumer Protection
Department At, Indravati Bhawan, Nava Raipur, Atal Nagar, District- Raipur
(C.G.)**

3 - The Collector Durg District- Durg (C.G.)

4 - The Food Controller Durg Office At Collectorate Durg District- Durg (C.G.)

... Respondents

For Petitioner	:	Mr. Jitendra Nath Nande, Advocate
For State/Respondent	:	Mr. Vivek Verma, GA

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

14/07/2026

1. The petitioner has filed the present writ petition calling in question the

legality and validity of the transfer order dated 10.06.2026 (Annexure-P/1) issued by the Under Secretary, Food, Civil Supplies and Consumer Protection Department, whereby the petitioner has been transferred from District Durg to District Dakshin Bastar, Dantewada.

2. Learned counsel for the petitioner would submit that the impugned transfer is contrary to the transfer policy/GAD Circular dated 03.06.2015, as the petitioner has already completed three years' tenure in a Core Scheduled Area and has also attained the age of 57 years, whereas the policy stipulates that an employee above the age of 55 years should not ordinarily be posted in a Core Scheduled Area. He would next submit that no post of Assistant Food Officer is lying vacant at the transferred place of posting, therefore, he would be a surplus employee. It is further pleaded that the petitioner's wife is suffering from neurological ailments and requires continuous medical treatment available at Durg/Bilaspur. On these grounds, the petitioner seeks quashment of the impugned transfer order.
3. On the other hand, learned counsel for the State would oppose the aforesaid submission of the petitioner and would submit that owing to administrative exigency the petitioner has been transferred. The same is just and proper.
4. I have heard learned counsel for the parties and perused the material available on record.
5. This Court, by order dated 10.07.2026, had specifically directed the State to obtain instructions regarding the availability of a vacant post of

Assistant Food Officer at the transferred place of posting. In compliance thereof, learned State counsel, on instructions, has fairly submitted that no sanctioned post of Assistant Food Officer is lying vacant in District Dakshin Bastar, Dantewada, and in the event the petitioner is posted there, he would become a surplus employee.

6. Once the respondents themselves admit that there is no vacant post available at the place to which the petitioner has been transferred, the very basis of the impugned transfer order ceases to exist. Transfer of an employee against a non-vacant post, resulting in his becoming a surplus employee, cannot be sustained in law, as such an order neither serves any administrative exigency nor advances public interest. An order of transfer must necessarily be backed by the availability of a sanctioned post at the transferred station. In absence thereof, the impugned transfer order cannot be permitted to operate.
7. Accordingly, in view of the categorical statement made by the learned State counsel, the impugned transfer order dated 10.06.2026 (Annexure-P/1), in respect of the petitioner, is held to be unsustainable and is quashed.
8. The writ petition is, accordingly, **allowed**.

SD/-

(Bibhu Datta Guru)
JUDGE