



2026:CGHC:13672

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 11502 of 2025

1 - Laxmi Narayan Thakur S/o Krishna Dev Thakur Aged About 36 Years R/o Koriya, District- Koriya (C.G.) At Present Posted As Sub-Divisional Officer (Forest), Janakpur, Division Manendragarh, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Forest And Climate Change Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

2 - Principal Chief Conservator Of Forest Aranya Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

3 - Divisional Forest Officer Manendragarh, Division Manendragarh, Jkd Road, Manendragarh, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

4 - Senior Secretaries Committee (Varishdh Sachivo Ki Committee) Constituted Under Clause No. 8 Of The Transfer Policy Dated 05-06-2025, General Administration Department, Through Its Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

5 - Uttam Prasad Paikra S/o Arjun Singh Aged About 61 Years Sub-Divisional Officer Janakpur, Division Manendragarh, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

--- Respondent(s)

(Cause title is taken from CIS system)

For Petitioner	: Mr. Manoj Paranjpe, Sr. Advocate with Ms. Apporva Ghore, Advocate
For Respondents/State No.1 to 4	: Mr. Ajay Kumrani, P.L.
For Respondent No.5	: Mr. Jai Prakash Shukla, Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

19/03/2026

1. Petitioner has filed this petition challenging the order dated 22.09.2025, passed by respondent No.1 cancelling the order of transfer dated 30.06.2025 of the respondent No.5 enter-alia on the ground that reasons assigned in cancelling the order of transfer of respondent No.5 is factually not correct. It is also pleaded that Committee constituted under transfer policy as also the State Government has failed to take note that in the facts of the case Clause 1.6 of transfer policy would not apply. It is also a ground that petitioner was transferred in place of posting of respondent No.5. Pursuant to the order of transfer petitioner joined his service, however, the order of cancellation has been passed without affording any opportunity of hearing to petitioner and had prayed for following relief (s) :-

“10.1] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders quashing the impugned order dated 22.09.2025, passed by the State Government as well as the recommendation of the committee dated 19.08.2025 and petitioner may kindly be allowed to continue at the present place as Sub-Divisional Officer (Forest) Janakpur, Division Manendragarh.

2] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. Learned counsel for petitioner submits that vide order dated 30.06.2025, treating petitioner to be in surplus in Forest Division Office, Manendragarh was transferred to office of Sub-Divisional Forest Officer, Janakpur, Forest Division, Manendragarh. On the same date, vide another order of transfer, respondent No.5 has been transferred from the office of Sub-Divisional Forest Officer, Janakpur, Forest Division – Manendragarh to the office of Deputy Managing Director, District Union, Manendragarh. Both the orders i.e. order of transfer of petitioner and order of transfer of respondent No.5 was on administrative ground. The order of transfer was put to challenge by respondent No.5 in writ petition bearing WPS No. 8040 of 2025, which was disposed of on 21.07.2025 in that writ petition also petitioner was arrayed as respondent. Finding some typographical error in the order, private respondent No.5 has filed an application for modification/correction of order dated 21.07.2025 and the Court has modified the order and in that order Court has taken note of the fact of submission made by counsel engaged by petitioner herein/respondent No.5 (in WPS No.8040 of 2025) on caveat that respondent No.5 therein had joined his transferred place and ordered for maintaining status-quo. Respondent No.5 (petitioner in WPS No.8040 of 2025) pursuant to the order passed in writ petition, submitted representation before the Committee constituted under transfer policy mentioning that petitioner is posted in his home district. It is also pleaded that petitioner is due to retire in the year 2026. The Committee constituted

under transfer policy had made recommendation for allowing the application/representation considering that order of transfer of petitioner (in WPS No.8040 of 2025) is in violation of Clause 1.6 of the transfer policy 2025. The said observation made by the Committee constituted under transfer policy was not correct as on the date of issuance of order of transfer, respondent No.5 he was having about one year and four months of service remaining and therefore, the said clause would not apply. He next contended that pursuant to the order of transfer, petitioner acted upon, gave his joining and assumed charge on 04.07.2025 and since then he is working on the said post. Divisional Forest Officer, Forest Division, Manendragarh has informed joining of petitioner and assuming charge to Chief Conservator of Forest. This aspect was also considered by Court while disposing the MCC on 25.07.2025, therefore, the direction was issued to maintain status-quo. The State Government while considering the recommendation made by the Committee constituted under transfer policy had canceled the order of transfer only taking note that the order of transfer of respondent No.5 was passed in violation of Clause 1.6 of the transfer policy, which in the facts of the case is not sustainable. Before cancelling the order of transfer, petitioner was not given opportunity of hearing, even though it is specifically mentioned in the order that petitioner herein/respondent No.5 therein had objected the proceedings filed by respondent No.5, before the High Court. In support of his contention, he placed reliance upon the order passed by this Court in case of *Miss. Harsha Kashyap Vs. State of C.G. in WPS No.3544 of 2019 dated 10.05.2019*, order passed in *WPS No.9176 of 2019 in case of Rajesh Kumar Suman Vs. State of Chhattisgarh*

decided on 11.11.2019 and in case of Tarun Kanungo Vs. State of C.G., in W.A. No.248 of 2015 decided on 15.05.2015.

3. Learned counsel for respondent No.5 vehemently opposes the submission of learned counsel for petitioner and would submit that claim of petitioner herein that he took charge of office of Sub-Divisional Forest Officer, Janakpur, Forest Division Manendragarh is not correct. After passing of order of transfer in favour of petitioner, petitioner was on leave from 04.07.2025 to 22.09.2025, therefore, taking charge on 04.07.2025 is not correct. It is also contended that posting of employee is in exclusive domain of employer/State Government. State Government has issued an order of transfer and upon representation submitted as provided under the transfer policy, before the Committee, the State Government considering the recommendation made by the Committee constituted under transfer policy had canceled the order of transfer, therefore, in such case, no grievance can be raised by another employee that before canceling the order of transfer of one employee, other employee was not given an opportunity of hearing. Petitioner was not relieved from the present place of posting i.e. office of Sub-Divisional Forest Officer, Janakpur, therefore, the submission of learned counsel for petitioner that petitioner has assumed the charge is not correct. He also contended that during pendency of this writ petition, petitioner is posted in the office of Sub-Divisional Forest Officer, Pendra, Forest Division Marwahi, therefore, petitioner is having no right to seek relief as prayed for in this writ petition after passing of subsequent order dated 16.02.2026.

4. Learned State counsel submits that in the order of transfer of petitioner dated 30.06.2025 (Annexure P-2), certain directives have been specifically mentioned and one of the direction to the employees, who were transferred is that they have to join at transferred place of posting within a period of 10 days and further mentioned that if any employee is not relieved within said period, they will be deemed to be relieved automatically and against those employee, disciplinary action would also be initiated. He submits that petitioner assumed charge which is also reflecting from Annexure P-5, letter written by Divisional Forest Officer, Manendragarh Forest Division, Manendragarh dated 04.07.2025. It is next contended that in the affidavit submitted by Chief Conservator of Forest, Sarguja Circle Ambikapur on 27.10.2025 there is specific averment that respondent No.5 was reluctant to handover the charge to petitioner and did not perform his duty as per rules laid down in forest Manual. He remained continuously absent after transfer order is passed without any intimation. Therefore, petitioner took charge in compliance of transfer order and thus petitioner has assumed charge on 04.07.2025. He also contended that respondent No.5 was on leave from 04.07.2025 till 22.09.2025. He lastly contended that transfer Committee while considering the representation submitted by respondent No.5 (petitioner in WPS No.8040 of 2025) has called for the comments from the department, however, the comment called for and forwarded by department was not considered and have passed the order. In support of his contention, he referred to the comment forwarded by the Principal Chief Conservator of Forest on 12.08.2025, in which it is mentioned that on the date of transfer of respondent No.5, he was having more

than one year remaining to attain the age of superannuation and further that after creation of new District Manendragarh, Chirmiri, Bharatpur, posting of petitioner in Manendragarh is not in his home district and petitioner is a resident of Korea district.

5. I have heard learned counsel for parties and perused the documents placed on record.
6. Main grievance of petitioner is that the order passed by State Government on the recommendation made by the Committee constituted under transfer policy is erroneous and considering, wrong facts.
7. To appreciate the grounds raised in the writ petition as also the submission made by learned counsel for respective parties, it is to be considered whether on the date of order of transfer i.e. 30.06.2025, respondent No.5 was having less than one year of service remaining to retire from service.
8. The comments submitted by Principal Chief Conservator of Forest on 12.08.2025 clearly mentions that date of birth of respondent No.5 as 19.10.1964 and order of transfer is dated 30.06.2025. Age of superannuation of respondent No.5 is also mentioned as 31.10.2026. From the aforesaid dates, it is apparent that on the date of passing of order of transfer, petitioner was having about one year and four months of service remaining for his retirement.
9. Clause 1.6 of the transfer policy, which is relied upon by the Committee constituted under transfer policy for recommending/acceptance of representation as also by the State Government for cancelling the order of transfer provides that if a

government servant is remaining less than one year of service, then his posting is to be done on his option or he should not be transferred. In the case at hand, learned counsel for respondent No.5 has not controverted and disputed the dates as mentioned in the comments forwarded by the Principal Chief Conservator of Forest about the date of birth and date of superannuation, therefore, undisputedly on the date of issuance of order of transfer, petitioner was having about one year and four months to retire. The Committee constituted under transfer policy has not taken note of the specific date of birth of the petitioner as mentioned in the comments forwarded by Principal Chief Conservator of Forest and has erroneously recommended to accept the representation of respondent No.5 only considering Clause 1.6 of transfer policy, which is based on pleading in representation, therefore, the order passed by respondent No.1/State based on the recommendation of the Committee, in the opinion of this Court is not sustainable.

10. So far as the submission of learned counsel for respective parties on taking charge of the office of Sub-Divisional Forest Officer, Janakpur Forest Division Manendragarh is concerned, it is a case of respondent No.5 himself that from 04.07.2025, he went on leave till 22.09.2025. The affidavit filed by official of the State Government in para-4 it is clearly stated that respondent No.5 was continuously absent after transfer order without any intimation and petitioner assumed charge on 04.07.2025. This affidavit is filed by one Mr. Dilraj Prabhakar, who is working as Chief Conservator of Forest, Sarguja Circle, Ambikapur. In another affidavit, filed by official of the State Government i.e. Divisional Forest Officer, Manendragarh also there is mention that petitioner

joined at Sub-Divisional Office, Janakpur i.e. transferred place on 04.07.2025 and respondent No.5 was on leave from 04.07.2025 to 27.07.2025 and further remained on leave until on 22.09.2025. Order granting leave is dated 18.07.2025. From the aforementioned facts it is apparent that official of the State Government has clearly made averment that petitioner has joined at his transferred place of posting i.e. office of Sub-Divisional Forest Officer, Janakpur.

11. The other submission made by learned counsel for respondent No.5 that during the pendency of this writ petition, petitioner was again transferred on 22.09.2025, in-fact is not an order of transfer but i.e. is made only a time gap arrangement by attaching the petitioner with additional charge.
12. In the aforementioned facts of the case, consideration of the Committee constituted under transfer policy to accept the representation and recommending to cancel the transfer relying upon the Clause 1.6 of the transfer policy and further order of State Government based on the recommendation made by the Committee relying upon Clause 1.6 of the transfer policy is not sustainable.
13. It is also to be noted that in the earlier round of litigation, petitioner herein was party respondent in writ petition filed by respondent No.5 as also in the MCC and from the order passed in MCC No.751 of 2025 dated 25.07.2025 it is appearing that there was categorical statement made that petitioner herein has assumed the charge.
14. The period of service remaining of an employee in the facts of the case where challenge to the order of transfer is period remaining on the date of passing of an order of transfer, is to be considered. In the

facts of the case on the date of passing of order of transfer, respondent No.5 was having one year and four months of service remaining, therefore, cancelling the order of transfer of respondent No.5 taking note of Clause 1.6 of policy, as also the petitioner and re-posting them is not sustainable.

15. For the foregoing discussions, this writ petition is allowed. The impugned order dated 22.09.2025 (Annexure P-1) is hereby quashed.

Sd/-
(Parth Prateem Sahu)
Judge

Balram