



2026:CGHC:10154

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 103 of 2026**

1 - Shweta Kujur D/o Late Placidus Kujur Aged About 41 Years Posted As Executive Engineer (Generation) Energy Department (On Deputation) Mahanadi Bhawan, Mantralaya Raipur District Raipur C.G.

--- **Petitioner(s)****versus**

1 - Chhattisgarh State Power Generation Company Limited, Through The Managing Director Vidyut Sewa Bhawan Dangniya Raipur, District Raipur C.G.

2 - Executive Director (O And M) Chhattisgarh State Power Generation Company Limited, 1st Floor, Vidyut Sewa Bhawan Dangniya Raipur, District Raipur C.G.

3 - Executive Director (Hr) Chhattisgarh State Power Generation Company Limited, Vidyut Sewa Bhawan Dangniya Raipur, District Raipur C.G.

4 - Chief Engineer (Hr) Chhattisgarh State Power Generation Company Limited, Vidyut Sewa Bhawan Dangniya Raipur, District Raipur C.G.

5 - Hitendra Kumar Markende Executive Engineer (Generation) Chhattisgarh State Power Generation Company Limited, Posted At Office Of Executive Director (O And M Generation) Raipur, District Raipur C.G.

6 - Ashutosh Kumar Jaiswal Deputy Secretary Department Of Energy Mantralaya Mahanadi Bhawan Nawa Raipur Atal Nagar District Raipur C.G.

7 - State Of Chhattisgarh Through Its Secretary Department Of Energy Mantralaya Mahanadi Bhawan Nawa Raipur Atal Nagar District Raipur (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner	: Mr. Mateen Siddiqui, Advocate
For Respondent No.1 to 5	: Mr. Abhishek Sinha, Sr. Advocate with Mr. Varun Sharma & Ms. Jasleen Kaur Gulati, Advocates
For Respondent No.7/State	: Mr. Rishabh Bisen, P.L.

**Hon'ble Shri Justice Parth Prateem Sahu****Order On Board****26/02/2026**

1. Petitioner has filed this petition questioning the order dated 14.11.2025 and seeking quashment on the ground that proper procedure for repatriating petitioner in parent department has not been followed and have prayed for following relief (s) :-

“10.1 That, this Hon'ble Court may kindly be pleased to set-aside/quash the transfer order impugned transfer order dated 14.11.2025 (P/1) issued by the Chief Engineer CSPGCL Raipur, (in respect of petitioner)..

10.2 That, this Hon'ble Court may kindly be pleased to set-aside/quash the transfer order impugned transfer order Dated 14.11.2025 (P/2) issued by the Chief Engineer CSPGCL Raipur.

10.3 To kindly 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 petitioner submits that petitioner while working on the post of Executive Engineer (Generation) with Chhattisgarh State Power Generation Company Limited (in short 'CGSPGCL') i.e. respondent No.1, has been sent on deputation to Energy Department, Mahanadi Bhawan Mantralaya, Nava Raipur vide order dated 12.09.2018 and since then petitioner is working in the Energy Department, Mahanadi Bhawan Mantralaya, Nava Raipur, which is one of the department of State Government. As petitioner is employee of CGSPGCL, she was posted in the department of State Government on deputation. She was continuously working on deputation till order



(Annexure P-1) is passed. He submits that order (Annexure P-1) is passed by respondent No.1 mentioning that employees on deputation are being transferred to the office as mentioned in the order of transfer. In the order (Annexure P-1), it is clearly mentioned that, petitioner was on deputation, therefore, the order of repatriating can only be passed with concurrence of borrowing department i.e. respondent No.7. No such procedure is followed, therefore, order Annexure P-1 be quashed. He also contended that not only in order (Annexure P-1) word deputation is mentioned but in the proceedings of respondent No.1, it is mentioned that after ending of period of deputation of petitioner along with one another, now their posting is proposed, from which also it is clearly appearing that petitioners were on deputation, therefore, proper procedure for repatriation is to be followed. It is contended that one co-employee, who is also named in the order Annexure P-1 at Sr. No.2 had filed writ petition bearing WPS No.13592 of 2025 in which the Court considering the grounds as raised in this writ petition has granted interim relief vide order dated 04.12.2025 for maintaining status-quo.

3. Learned Senior Counsel appearing on behalf of respondents No.1 to 5 would vehemently opposes the submission of learned counsel for petitioner and would submit that posting of petitioner in the office of respondent No.7 is by transfer, which is clearly appearing in the order of transfer (Annexure P-3) dated 12.09.2018. Petitioner is not sent on deputation, but she has been transferred. Since the respondent department did not follow any procedure for posting the petitioner in the office of the Energy Department, Mahanadi Bhawan, Mantralaya, Nava Raipur, no procedure is required to transfer her from the Energy



Department to the Office of the Executive Director of the respondents' company. It is contention of the learned counsel for the respondents that unless the procedure prescribed for sending an employee on deputation is followed, the posting of petitioner in another department cannot be said to be on deputation. For posting of an employee on deputation, tripartite agreement is consensual, in which consent of all three parties i.e. lending department, borrowing department as also the employee is necessary. In case of petitioner, no such procedure was followed. In support of his contention, he placed reliance upon the decision of Hon'ble Supreme Court in case of **Sarita Singh Vs. Shree Infosoft Private Limited**, reported in **(2024) 15 SCC 734**. He next contended that internal noting in the note-sheet will not be considered as an order. It is only an expression or viewpoint on the subject of that officer. Internal noting are not meant for outside exposure and it is not an executable order. In support of his contention, he places reliance upon the decision in case of **Sethi Auto Service Station & Another Vs. Delhi Development Authority & Ors.** Reported in **(2009) 1 SCC 180**. He also contended that amended order has been passed by the respondent No.1 on 20.02.2026 mentioning that both the employees as mentioned in the order Annexure P-1 are not being posted on deputation nor their services have been handed over to the State Government. Their pay and services conditions are being governed by the respondent No.1 department (CGSPGCL). It is also contention of learned Senior Counsel that shifting of an employee from one office to another by transfer is within exclusive domain of employer. No specific grounds has been pleaded nor made out by petitioner for interference with the order of transfer of petitioner vide Annexure P-1. In support of



his contention, he places reliance upon the decision of Hon'ble Supreme Court in case of **Pubi Lombi Vs. State of Arunachal Pradesh & Ors**, reported in **(2024) 12 SCC 292**.

4. Learned State counsel adopting the submission advanced by learned Senior Counsel for respondents No.1 to 5 would submit that posting of petitioner was not on deputation.
5. I have heard learned counsel for parties and also perused the documents placed on record.
6. Main contention of learned counsel for petitioner is that petitioner is posted in respondent No.7 -department on deputation. Petitioner has also enclosed his first order of posting at Energy Department, Mahanadi Bhawan Mantralaya, Nava Raipur dated 12.09.2018. Relevant portion of posting order of petitioner is as under :-

"No.03-11/Trans/3866

Raipur, Date 12.09.18.

ORDER

Ku. Shewta Kujur, EE (Gen.) Employee No.11061040 presently posted at O/o ED (Gen.) DSPM TPS Korba East is hereby transferred in the same capacity and posted at Energy Department Mahanadi Bhawan Mantralaya Naya Raipur with immediate effect.

By Order

Sd/-

Executive Director (HR)

CSPGCL, Raipur"

7. Perusal of extracted portion of order would show that there is no mention of sending petitioner on deputation but it clearly mentions that petitioner, who is posted at Office of Executive Director (Generation), DSPM TPS Korba East is hereby transferred and posted at Energy Department Mahanadi Bhawan Mantralaya Naya Raipur.



8. Petitioner accepted the order Annexure P-3 as mentioned above and joined at respondent No.7 -department. She has not raised any claim or objection that respondent No.7 is a different department, therefore, without there being any order of deputation or her prior consent, she will not join.
9. Order of sending an employee from one department to another is whether an order of deputation or not is to be ascertained only from the contents of the order. Admittedly in the order Annexure P-3 by which petitioner is transferred, no where mention about sending petitioner on deputation to respondent No.7 department.
10. Hon'ble Supreme Court in case of **Umapati Choudhary v. State of Bihar**, reported in **(1999) 4 SCC 659** has observed that the concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer. It also involves the consent of the employee to go on deputation or not.
11. In case of **Sarita Singh (supra)** Hon'ble Supreme Court has observed that deputation involves a tripartite consensual agreement between the lending employer, borrowing employer and the employees. Specific rights and obligations would bind the parties and govern their conduct. A transient business visit without any written agreement detailing terms of deputation will not qualify as a deputation unless the respondent were to lead cogent evidence to indicate that the appellant was seconded to work overseas on deputation.
12. Respondents in their reply in categorical terms have pleaded in para-6 that posting of petitioner is not as deputation and is only a transfer



posting. Salary of petitioner is drawn from CGSPGCL and not from the State Department. This pleadings in reply is not controverted by petitioner by filing rejoinder, which means, the fact pleaded in the reply that salary of petitioner is being paid from respondent No.1/department is admitted by petitioner on the principle that facts not specifically denied, is treated to be admitted. In the above facts of the case also, posting of petitioner with respondent No.7 cannot be said to be on deputation.

13. So far as the submission of learned counsel for petitioner based on some proceedings of note sheets that petitioner is to be posted on deputation as mentioned in the note-sheet is concerned, internal proceedings in the note sheets is an expression of view of the officer or opinion, it is for internal use. It is not an order of the competent authority.
14. When this Court posed specific query to learned counsel for petitioner as to whether he has placed any documents to strengthen his submission that posting of petitioner is on deputation and not a transfer simplicitor, he fairly admitted that specific documents in this regard has not been enclosed along with writ petition. Petitioner has not even submitted any letter asking for her consent or consent consequently given by her. Therefore, also submission of learned counsel for petitioner that even if petitioner is to be repatriated, proper procedure is to be followed, in the opinion of this Court, is not sustainable.
15. From the records and submission made by learned counsel for respective parties, it is appearing that by the process, posting of



petitioner was made in respondent No.7 office/department, by same process, petitioner is again being posted by way of transfer vide Annexure P-1 in the office of Executive Director, Raipur of respondent No.1 company.

16. Petitioner according to her pleadings and submission was posted in the respondent No.7 office vide order dated 12.09.2018 and thereby also have completed about 7 years of service.
17. Even if the submission of learned counsel for petitioner is to be accepted that petitioner has been sent on deputation then also petitioner has to come back to her parent department to occupy the same position after completion of period of deputation. In the order of transfer (Annexure P-3) dated 12.09.2018, it does not mention any specific period of posting of petitioner in respondent No.7 -department, therefore, repatriation of petitioner by way of order impugned passed by respondent No.1 on the face of it appears to be by way of same process by which petitioner has been sent to respondent No.7-department mentioning that she is transferred to respondent No.1/department.
18. For the foregoing discussions made here-in-above I do not find any good ground to interfere with the order (Annexure P-1). This writ petition being devoid of substance is liable to be and it is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
Judge