



CGHC010206042026



2026:CGHC:29542-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 586 of 2026

Suresh Mishra S/o Late Shri Sanat Kumar Mishra Aged About 60 Years
R/o New Civil Line House No. H./67, Rajnandgaon C.G. Presently
Posted And Working As Assistant Grade Iii Integrated Child
Development Project Rajnandagon District Rajnandgaon C.G.

... Appellant(s)

versus

1. State Of Chhattisgarh Through The Sectary Department Of
Woman And Child Develpoment Mahanadi Bhawan Naya Raipur
District Raipur C.G.
2. Chhhattisgarh Inifrastructure Development Corp0oration Transport
Department Old Phq Ghadi Chowk Raipur District Raipur C.G.
3. Project Officer Integrated Child Development Project
Rajnandgaon District Rajnandgaon C.G.

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Chandresh Shrivastava, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, Deputy Advocate General.
For Respondent No. 2	:	Mr. Suyashdhar Badgaiyan, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

14.07.2026

1. Heard Mr. Chandresh Shrivastava, learned counsel for the appellant. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State, and Mr. Suyashdhar Badgaiyan, learned counsel, appearing for respondent No. 2.
2. Learned counsel for the appellant submits that the defects pointed out by the Registry have already been removed and, in this regard, a covering memo dated 13.07.2026 has been filed. The same is taken on record.
3. The present intra-Court appeal has been preferred by the appellant/writ petitioner assailing the orders dated **10.03.2026** and **08.04.2026** passed by the learned Single Judge in **WPS No. 1876 of 2021 (*Suresh Mishra v. State of Chhattisgarh & Others*)** and **REVP No. 94 of 2026 (*Suresh Mishra v. State of Chhattisgarh & Others*)**, respectively, whereby the writ petition and the review petition preferred by the appellant came to be dismissed.
4. Learned counsel for the appellant submits that the appellant had filed WPS No.1876/2021 seeking quashment of the transfer order dated 27.02.2021 passed by the State of Chhattisgarh (Women and Child

Development Department), whereby the appellant, who is substantively an employee of Chhattisgarh Infrastructure Development Corporation (CIDC) and was serving in the Women and Child Development Department on deputation, was transferred by the State authorities. He further submits that while entertaining WPS No.1876/2021, the learned Single Bench, by interim order dated 26.03.2021, prima facie held that since the appellant was substantively an employee of CIDC, which had taken over the services of the erstwhile MPSRTC employees, the employer of the appellant continued to be CIDC and, therefore, any transfer or change in his posting could only be made by CIDC and not by the State Government.

5. It is further contended by the learned counsel, appearing for the appellant that upon final hearing, the learned Single Judge, by judgment dated 10.03.2026, dismissed WPS No.1876/2021 holding that since the appellant was serving with the Women and Child Development Department under the Rehabilitation Policy, his service conditions were governed by the said policy and that he was on deemed deputation with the State Government. On that basis, the learned Single Judge held that the transfer order dated 27.02.2021 was not without authority. He further submitted that while passing the judgment dated 10.03.2026, the learned Single Judge recorded that the appellant had been "absorbed" in respondent No.2 before being sent on deputation, although the pleadings in WPS No.1876/2021 consistently stated that the appellant was on deputation. Since the said observation was factually incorrect and had a direct bearing on the controversy, the appellant preferred

Review Petition No.94/2026, seeking correction of the word "absorption" to "deputation" and reconsideration of the matter in light of the settled doctrine governing deputation.

6. Learned counsel for the appellant would submit that by order dated 08.04.2026, the learned Single Judge allowed the review to the limited extent of substituting the word "absorption" with "deputation". However, despite correcting the factual error, the learned Single Judge directed that all other findings and directions contained in the judgment dated 10.03.2026 would remain unchanged, without reconsidering the legal consequences flowing from the appellant's status as a deputationist. He further stated that the Rehabilitation Policy, 2016 itself unequivocally provides that upon dissolution of MPSRTC, all its assets, liabilities, rights and employees stood vested in CIDC and that such employees would be deemed to be employees of CIDC. The policy further clarifies that CIDC shall be the employer of such employees and that orders relating to their deputation, transfer and retirement are to be issued only by CIDC. It is, therefore, submitted that there is no dispute regarding the appellant's substantive employer being CIDC. Even the State, in its reply filed in WPS No.1876/2021, acknowledged that the appellant had been absorbed in CIDC with retrospective effect pursuant to the Government's Rehabilitation Policy. Consequently, while the appellant may have been working in the Women and Child Development Department on deputation, the authority to transfer him continued to vest exclusively with CIDC and not with the State Government.

7. Learned counsel for the appellant accordingly submits that once the learned Single Judge itself corrected the factual error by substituting the word "absorption" with "deputation" in Review Petition No.94/2026 decided on 08.04.2026, the matter ought to have been examined in accordance with the settled principles governing deputation. The failure to do so has resulted in sustaining an order passed by an authority having no jurisdiction over the appellant's transfer. Consequently, the judgment dated 10.03.2026, as modified by order dated 08.04.2026, deserves to be set aside.

8. *Per contra*, learned State counsel submits that the impugned judgment passed by the learned Single Judge does not suffer from any illegality or perversity warranting interference in the present intra-Court appeal. He submits that under the Rehabilitation Policy governing the employees of the erstwhile MPSRTC, the appellant was placed on deemed deputation with the Women and Child Development Department and his service conditions were regulated by the said policy. It is further submitted that the policy itself confers complete administrative control over such employees upon the borrowing department and, therefore, the transfer order dated 27.02.2021 was issued by the competent authority. It is contended that merely because the appellant is substantively borne on the establishment of CIDC, it cannot be said that the State Government lacked the authority to transfer him while he was serving under its administrative control.

9. Learned State counsel further submits that the learned Single

Judge has rightly appreciated the Rehabilitation Policy and dismissed the writ petition, and no interference is called for.

10. Learned counsel appearing for respondent No.2 adopts the submissions advanced on behalf of the State and further submits that the Rehabilitation Policy clearly stipulates that the employees of the erstwhile MPSRTC would continue to serve under the concerned departments in accordance with the terms of the policy. It is submitted that the appellant's service was under deemed deputation with the State Government and the administrative control over his posting and transfer vested with the Women and Child Development Department. It is, therefore, submitted that the learned Single Judge has rightly held that the impugned transfer order was not without authority or jurisdiction and the present appeal deserves to be dismissed.

11. We have heard learned counsel for the parties at length and have carefully perused the material available on record.

12. The principal contention urged on behalf of the appellant is that since he is substantively an employee of CIDC, the State Government had no authority to issue the transfer order dated 27.02.2021. According to the appellant, only CIDC, being his employer, could have exercised the power of transfer.

13. We are unable to accept the aforesaid submission. The learned Single Judge has examined the Rehabilitation Policy governing the employees of the erstwhile MPSRTC and has recorded a finding that the appellant was serving under deemed deputation with the Women

and Child Development Department and that his service conditions were governed by the said policy. A further finding has been recorded that the administrative control over the appellant vested with the State Government and that under the terms of the Rehabilitation Policy, his services were not liable to be repatriated to CIDC. These findings are based upon the relevant provisions of the Rehabilitation Policy and the material placed on record. The appellant has not been able to demonstrate that the said findings are either contrary to the policy or otherwise perverse.

14. It is true that while deciding the review petition, the learned Single Judge, by order dated 08.04.2026, directed deletion of the words *"thereafter services of the petitioner were absorbed with respondent No.2"* occurring in paragraph 4 of the judgment dated 10.03.2026 and substituted the same with the words *"the petitioner was working on deputation with respondent No.2."* However, the learned Single Judge expressly clarified that all other findings and directions contained in the judgment would remain intact and unchanged.

15. In our considered opinion, the correction carried out in the review proceedings was confined to rectification of the factual expression employed in the judgment and did not alter the substantive findings recorded by the learned Single Judge with regard to the effect of the Rehabilitation Policy or the administrative control exercised by the Women and Child Development Department over the appellant. Merely because the expression "absorption" was substituted by "deputation", it

does not automatically invalidate the findings recorded by the learned Single Judge regarding the competence of the State authorities to issue the transfer order under the applicable Rehabilitation Policy.

16. We find no merit in the contention advanced on behalf of the appellant. The appellant has failed to demonstrate that the findings recorded by the learned Single Judge are contrary to the Rehabilitation Policy or suffer from any legal infirmity. The learned Single Judge has rightly appreciated the material available on record and has rightly held that the transfer order dated 27.02.2021 was not without authority or jurisdiction. We are in complete agreement with the view taken by the learned Single Judge and find no reason to take a different view in the present appeal.

17. Consequently, we find no merit in the present writ appeal. The learned Single Judge has rightly appreciated the facts of the case, the relevant provisions of the Rehabilitation Policy and the legal position governing the issue. No ground for interference is made out.

18. Accordingly, the writ appeal, being devoid of merit, is **dismissed**.
No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice