



CGHC010278672026

2026:CGHC:30968

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5512 of 2026

Gokulanand Sahu S/o Late Anand Ram Sahu, Aged At Present Near About 60 Years 9 Months, R/o. Irrigation Colony, Maharana Pratap Chowk, Bilaspur, District Bilaspur (C.G.)

... Petitioner

versus

- 1** – State of Chhattisgarh Through - Secretary, Urban Administration and Development, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
- 2** - Under Secretary Urban Administration and Development Department, Mantralaya Mahanadi Bhawan Naya Raipur, Atal Nagar P.O. And P.S. Naya Raipur, District Raipur Chhattisgarh
- 3** - Director Directorate Urban Administration and Development Department, Naya Raipur, District Raipur Chhattisgarh
- 4** - Municipal Corporation Bilaspur Through The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh
- 5** - The Commissioner Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

... Respondents

For Petitioner	:	Mr. Arpan Verma, Advocate
For State/Respondents No.1 to 3	:	Mr. Y.S. Thakur, Additional AG along with Mr. Hariom Rai, PL
For Respondents No.4 & 5	:	Mr. Pranjal Shukla, Advocate

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

21/07/2026

Digitally signed
by ASHUTOSH
MISHRA
Date:
2026.07.22
10:34:54 +0530

1. By the present writ petition, the petitioner seeks quashment of the transfer order dated 11.07.2026 whereby the petitioner has been transferred from Municipal Corporation, Bilaspur to Municipal Corporation, Jagdalpur. The petitioner also seeks a direction to the respondents to permit him to continue at his present place of posting.
2. Facts of the case, in brief, are that the petitioner was initially appointed as a Timekeeper on daily wage basis vide order dated 28.10.1988. His services were regularized vide order dated 17.07.1998. Thereafter, he was promoted to the post of Assistant Grade-III vide order dated 08.11.2007 and subsequently promoted to the substantive post of Assistant Grade-II vide order dated 02.12.2025. The petitioner is presently posted at Municipal Corporation, Bilaspur.
3. Learned counsel for the petitioner would submit that by the impugned order dated 11.07.2026, the petitioner has been transferred from Municipal Corporation, Bilaspur to Municipal Corporation, Jagdalpur which is contrary to the provisions contained in Sections 58(5) and 58(6) of the Chhattisgarh Municipal Corporation Act, 1956, which do not permit transfer of an employee from one Municipal Corporation to another except in the manner recognized by the statute. He would next submit that the petitioner is about 60 years and 9 months of age and only about 15 months of service remain before attaining the age of superannuation. It is also pleaded that Clause 3.12 of the Transfer Policy dated 05.06.2025 protects employees nearing retirement from transfer. It is further pleaded that immediately after issuance of the transfer order, the petitioner submitted a representation dated 13.07.2026, however, no

decision has been taken thereon. He would further submit that every Municipal Corporation is an independent statutory local authority constituted under the Chhattisgarh Municipal Corporation Act, 1956 and, therefore, an employee borne on the establishment of one Municipal Corporation cannot be transferred to another Municipal Corporation in the absence of statutory authority. It is further submitted that Sections 58(5) and 58(6) of the Act of 1956 permit placing the services of an employee at the disposal of another Municipal Corporation only by way of deputation or lien in accordance with law. The impugned order is neither an order of deputation nor an order creating lien and, therefore, is wholly without authority of law.

4. Learned counsel further submits that the controversy is no longer res integra in view of the judgment rendered by the High Court of Madhya Pradesh in *Jitendra Shrivastava v. State of M.P. & another (W.P. No.4045/2017 decided on 21.03.2018)* following the Full Bench decision in *Indore Nagar Nigam Karmachari Sangh v. State of Madhya Pradesh, 1998 (1) MPLJ 449*, wherein it has been held that transfer of an employee from one Municipal Corporation to another Municipal Corporation otherwise than in accordance with law is impermissible. It is lastly submitted that the petitioner is at the fag end of his service and the impugned transfer is also contrary to the spirit of Clause 3.12 of the Transfer Policy dated 05.06.2025.
5. *Per contra*, learned counsel for the respondents oppose the writ petition and support the impugned transfer/posting order. It is submitted that transfer is an incidence of service and the competent authority has

passed the order in administrative exigency. It is further submitted that no legally enforceable right of the petitioner has been infringed warranting interference by this Court under Article 226 of the Constitution of India. Learned counsel prays for dismissal of the writ petition.

6. I have heard learned counsel for the parties and perused the record.
7. The undisputed facts reveal that the petitioner is holding the substantive post of Assistant Grade-II under Municipal Corporation, Bilaspur and has been transferred to Municipal Corporation, Jagdalpur by the impugned order dated 11.07.2026.
8. The principal question which arises for consideration is whether an employee of one Municipal Corporation can be transferred to another Municipal Corporation by a simple transfer order dehors the provisions of Sections 58(5) and 58(6) of the Chhattisgarh Municipal Corporation Act, 1956.
9. Sections 58(5) and 58(6) of the Act of 1956 contemplate only limited situations where the services of an employee of one Municipal Corporation may be placed at the disposal of another Municipal Corporation. Such placement is permissible only in accordance with the statutory scheme governing deputation or lien. The provisions do not authorize a routine transfer of an employee borne on the establishment of one Municipal Corporation to another independent Municipal Corporation.
10. In the present case, the respondents have not been able to demonstrate

that the impugned order has been issued by way of deputation or by creating lien in accordance with Sections 58(5) and 58(6) of the Act of 1956. The impugned order is a simple transfer/posting order directing the petitioner to join another Municipal Corporation. Such an order is clearly de hors the statutory provisions and, therefore, cannot be sustained.

11. Though the petitioner has also challenged the transfer on the ground that he is nearing the age of superannuation and has relied upon Clause 3.12 of the Transfer Policy dated 05.06.2025, this Court is of the opinion that once the impugned order is found to be contrary to the statutory provisions of the Act of 1956, it is unnecessary to examine the other grounds urged by the petitioner.
12. Accordingly, the writ petition deserves to be and is allowed.
13. The impugned transfer order dated 11.07.2026, whereby the petitioner has been transferred from Municipal Corporation, Bilaspur to Municipal Corporation, Jagdalpur, is hereby quashed and set aside to the said extent.
14. However, liberty is reserved in favour of the State/Respondents that if they so desire or if any administrative exigency so requires, they may send the petitioner on deputation in accordance with the provisions of the Act, 1956.

SD/-
(Bibhu Datta Guru)
JUDGE