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2026:CGHC:31707

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5614 of 2026

Chhail Bihari Nag S/o Samay Lal Nag, Aged About 61 Years R/o Purana Bazar Chowk Kurud, Tahsil And District- Dhamtari (C.G.)

... Petitioner

versus

- 1 - State of Chhattisgarh Through The Secretary, Department of Urban Administration and Development, Atal Nagar Raipur, District- Raipur (C.G.)
- 2 - The Director, Department of Urban Administration and Development, Atal Nagar, Raipur, District- Raipur (C.G.)
- 3 - The Collector District- Dhamtari, (C.G.)
- 4 - Nagar Palik Parishad Kurud Through Chief Municipal Officer Nagar Palik Parisad Kurud, District- Dhamtari, (C.G.)
- 5 - Municipal Corporation Dhamtari, District- Dhamtari, (C.G.)

... Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State/Respondents No.1 to 3	:	Mr. Y.S. Thakur, Additional AG along with Ms. Apurva Nigam, PL
For Respondent Nos.5	:	Mr. Pankaj Agrawal, Advocate

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

24/07/2026

- 1. The petitioner has filed the present writ petition challenging the transfer order dated 11.07.2026, whereby he has been transferred from Nagar

Palika Parishad, Kurud to Municipal Corporation, Dhamtari.

2. Learned counsel for the petitioner submits that the petitioner is an employee of Nagar Palika Parishad, Kurud and is due to retire in the month of March, 2027, i.e., within less than one year from the date of issuance of the impugned transfer order. It is contended that as per the Transfer Policy, 2025, an employee who is to retire within one year should ordinarily not be transferred. Reliance has been placed upon Clause 3.12 of the Transfer Policy, 2025, which specifically provides that an employee having less than one year of service left before retirement shall not ordinarily be transferred. It is further submitted that there is no administrative exigency reflected in the impugned order, nor has any substitute been posted in place of the petitioner. It is also contended that the petitioner is an employee of Nagar Palika Parishad and could not have been transferred to Municipal Corporation, which is a different establishment. The petitioner has also pleaded that his aged mother is undergoing medical treatment and his transfer at the fag end of service would cause undue hardship.
3. Per contra, learned counsels for the respondents support the impugned order.
4. I have heard learned counsel for the parties and on perusal of the material available on record, this Court finds that the petitioner is admittedly due to retire in the month of March, 2027. The impugned transfer order has been issued on 11.07.2026, when the petitioner had less than one year of service remaining.

5. Clause 3.12 of the Transfer Policy, 2025 clearly stipulates that an employee having less than one year of service left before retirement should not ordinarily be transferred. Though the policy permits deviation in exceptional circumstances, such deviation must be supported by reasons founded on administrative exigency. In the present case, the respondents have neither disclosed any compelling administrative exigency nor does the impugned order indicate any reason for deviating from the policy. The record further does not reveal that any substitute has been posted in place of the petitioner.
6. It is well settled that although transfer is an incidence of service and the employer has the prerogative to transfer its employees, where the transfer is contrary to the governing policy without any justification or discernible administrative exigency, judicial interference is warranted.
7. In the facts of the present case, this Court is satisfied that the impugned transfer order has been passed in disregard of Clause 3.12 of the Transfer Policy, 2025 and cannot be sustained. Accordingly, the writ petition is **allowed**. The impugned transfer order dated 11.07.2026, in so far as it relates to the petitioner, is quashed and set aside.

SD/-

(Bibhu Datta Guru)
JUDGE