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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7387 of 2026

1 - Indra Bhushan Tekam S/o Shri Adhar Singh Tekam Aged About 53 Years Working As Sub-Engineer At Office Of Chief Executive Officer, Janpad Panchayat, Katghora, Distt Korba Chhattisgarh (Name Wrongly Mentioned As Indra Bhushansing Tekam)

... Petitioner(s)

Versus

1 - State of Chhattisgarh Through The Secretary, Panchayat and Rural Development Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh.

2 - Shri Vishwanth Nag Under Secretary, Panchayat And Rural Development Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh.

3 - Chief Executive Officer Janpad Panchayat Katghora, District Korba Chhattisgarh.

4 - Shahnawaz Khan Working As Sub-Engineer At Janpad Panchayat, Bhopalpatnam, Distt - Bijapur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Somkant Verma, Advocate.
For State	:	Shri Vivek Verma, Govt. Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

09.10.2026

1. Challenge in this petition is the order of transfer dated 01.10.2026 whereby the petitioner, working as Sub-Engineer and posted at Rural

Engineering Services, Sub Division, Katghora, District Korba, has been transferred to PIU No.2, Gariyaband.

2. Learned counsel for the petitioner would submit that the petitioner is not posted at Rural Engineering Services, Sub Division Katghora, but posted at Janpad Panchayat Katghora. Earlier he was posted at Dantewada i.e. core scheduled area for more than 12 years and now by the impugned transfer order he has again been transferred to Gariyaband which is a scheduled area. He would also submit that post of Sub Engineer is still lying vacant at Janpad Panchayat Katghora and petitioner can be adjusted at Katghora itself even if some other person came on transfer at Katghora as there is three sanctioned posts of Sub Engineer at Janpad Panchayat Katghora against which presently only one Sub Engineers is working along with petitioner and one post is still lying vacant. He further submits that against his transfer order, he has already made his representation on 08.10.2026 before the respondent authorities. The transfer of the petitioner is in violation of transfer policy dated 03.06.2015 and 05.06.2025. The petitioner has been transferred in the mid session which create hardship on his family affairs also. Therefore, the impugned order may be set aside.
3. On the other hand, learned counsel for the State opposes the submissions made by the counsel for the petitioner and would submit that petitioner is an employee under Panchayat & Rural Development Department. Though the petitioner was posted at Janpad Panchayat, Katghora, but his services are governed under the Panchayat & Rural Development Department. Eventhough he had already worked in core scheduled area at Dantewada for more than 12 years, yet there is no

restriction of his transfer to a scheduled area. Any government servant does not have indefeasible right to remain at a particular place of posting and looking to exigency of services, he can be transferred as and when his services are required in administrative exigency. Since the petitioner has already moved his representation under Clause-8 of the Transfer Policy dated 05.06.2025, he may pursue his representation before the competent authority and the writ petition may be dismissed.

4. I have heard learned counsel for parties and perused the documents available on record.
5. The main grievance of the petitioner is that he is presently posted at Janpad Panchayat, Katghora; however, in the impugned transfer order, his present place of posting has been shown as Rural Engineering Services, Sub-Division, Katghora, District Korba, from where he is stated to have been transferred to PIU No. 2, Gariyaband. A perusal of the petitioner's earlier transfer order dated 29.09.2023 (Annexure P/8) reveals that he is an employee of the Panchayat and Rural Development Department and was posted at Janpad Panchayat, Katghora. Since the petitioner's services fall under the Panchayat and Rural Development Department, he has now been transferred from Sub-Division, Katghora, to PIU No. 2, Gariyaband. Even if we accept the submission of the petitioner that he is not posted at the office shown in the order impugned, but posted in different office, it might be a clerical error which can be rectified by the department at any point of time.

6. So far as grievance of the petitioner that he has already served more than 12 years in core scheduled area and as per transfer policy dated 03.06.2015 he again cannot be transferred in a scheduled area is concerned, this issue has already been considered and decided by a Division Bench of this Court in Writ Appeal No.120 of 2021 on 08.04.2021, wherein in paragraph 6 it has been observed as under:

“6. The only ground raised by the appellant is with regard to the fact that since his date of appointment, he is continuously posted and working in scheduled area i.e. for last seven years, hence, as per the Circular dated 03.06.2015 issued by the State Government, appellant is entitled for his posting in non-scheduled area. The appellant/ petitioner, prior to the issuance of order of transfer on 15.09.2020, has not made any application for his posting based on the Circular dated 03.06.2015. Hon'ble Supreme Court in case of S.L. Abbas (supra) has considered effect of policy/circular/instruction and held that the policy/circular/instruction of transfer of employees issued by the Government are in nature of guidelines, it cannot have any statutory force. The Circulars/ policy framed by the State Government/employer is for the convenience of the employer and the employee for better administration. It is for the employer who is having the exclusive jurisdiction to post any employee at a particular place of posting looking to the need and better utilization of their services.”

7. It is a trite law that transfer/posting is an incidence of service. The Court should not interfere with the transfer/posting order, unless there is malice, infringement of statutory rules and regulations. The employees may be posted anywhere at the instance of the employer in the public interest and administrative exigency. Further, it is for the government to post another person if any vacancy arises on account of the transfer/posting of an employee. [See ***Airport Authority of India v. Rajiv Ratan Pandey and others***, 2009 (8) SCC 337, ***Chief Commercial Manager, South Central Railway, Secunderabad and others v. G. Ratnam and others***, 2007 (8) SCC 212 and ***Shilpi Bose (Mrs.) and others v. State of Bihar and others***, 1991 Suppl. 2, SCC

659]. Further, from the documents annexed with the petition and the instructions submitted by the respondents/State, this Court do not find any scope of interference in this petition. Further, this Court has limited jurisdiction to interfere in the transfer matter. The court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order, or the transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place forever by the Court order. It is not a case of proved mala fide, lack of competence of the officer passing the transfer order or infraction of any statutory Rules and Regulations.

8. In view of the above settled legal position and also in the facts and circumstances of the case, no case for interference with the impugned order is made out. Accordingly, the writ petition is dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder