

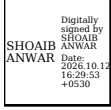


CGHC010399582026



2026:CGHC:43960

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7397 of 2026

Vikas Gupta S/o Brij Gupta Aged About 41 Years R/o Plot No. C 68,
Kamal Vihar, Lalpur, Near K P S School, Sector 6, District Raipur
Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, The General
Administration Department, Mantralaya, Mahanadi Bhawan, Nava
Raipur, District Raipur Chhattisgarh

2 - The Additional Chief Secretary Panchayat And Rural
Development Department, Development Commissioners Office,
Vikas Bhawan, Sector 19, Mantralaya, Nava Raipur Atal Nagar,
District Raipur Chhattisgarh

3 - The Additional Development Commissioner Development
Commissioners Office, Vikas Bhawan, Sector 19, Mantralaya, Nava
Raipur Atal Nagar, District Raipur Chhattisgarh

4 - The Chief Engineer Development Commissioners Office, Vikas

Bhawan, Sector 19, Mantralaya, Nava Raipur Atal Nagar, District Raipur Chhattisgarh

5 - The Chief Executive Officer (C E O) Janpad Panchayat Arang, District Raipur Chhattisgarh

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Shri Sachin Nidhi, Advocate

For Respondent(s) : Shri Vivek Verma, Govt. Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

12.10.2026

1. The petitioner has sought for the following reliefs:

"10.1 This Hon'ble Court may kindly be pleased to direct the respondent authority to come with all the records in the present case.

10.2 This Hon'ble Court may kindly be pleased to set aside/quash the impugned transfer order dated 01.10.2026 (Annexure P/1) in the interest of Justice.

10.3 That, the respondent authority may kindly be directed to consider the grievance of the petitioner as per the transfer policy, and till the decision taken by

the authority, status quo may kindly be grant in favour of the petitioner, in the interest of justice.

10.4 This Hon'ble Court may kindly be pleased to issue any other order or orders, writ or writs, direction or directions as this Hon'ble court may deem fit in the facts and circumstances of the case in favor of the Petitioner, in the interest of justice."

2. The petitioner has filed the present writ petition challenging the transfer order dated 01.10.2026 (Annexure P/1), whereby he has been transferred from Janpad Panchayat, Arang, District Raipur to Janpad Panchayat, Lormi, District Mungeli.
3. Learned counsel for the petitioner submits that the petitioner was initially transferred from Janpad Panchayat, Arang, District Raipur to Project Unit No. 2, Chhattisgarh Rural Road Development Agency, Rajpur, District Balrampur, vide order dated 07.10.2025. Thereafter, vide order dated 11.03.2026, he was transferred back to Janpad Panchayat, Arang, District Raipur. Subsequently, vide the impugned order dated 01.10.2026, he has again been transferred to Janpad Panchayat, Lormi, District Mungeli. Thus, the petitioner has been subjected to three transfers within a period of one year.

It is contended that the impugned order is contrary to Clauses 3.9 and 3.10 of the Transfer Policy, 2025 (Annexure P/5). It is further submitted that the children of the petitioner are pursuing their studies at Raipur and that the repeated transfers have caused undue hardship to the petitioner.

4. On the other hand, learned counsel for the State would oppose the aforesaid submission of the petitioner. He would submit that owing to administrative exigency the order impugned has been passed. According to the counsel, the present is not a frequent transfer because earlier the petitioner has been transferred from Arang to Rajpur, however subsequently, he has been posted at Arang and as such it cannot be termed as a frequent transfer.
5. I have heard learned counsel for the parties and perused the document with utmost circumspection.
6. Having considered the submissions advanced by learned counsel for the petitioner and upon perusal of the material available on record, the question that arises for consideration is whether the impugned transfer order has been passed in conformity with the applicable Transfer Policy, 2025.

7. For sake of convenience, Clause 3.9 and Clause 3.10 of the Transfer Policy, 2025, issued by the Government of Chhattisgarh, General Administration Department, provides as under:

“3.9 दिनांक 1 जून 2025 की स्थिति में एक साल से कम अवधि में पदस्थ अधिकारी/कर्मचारियों का स्थानांतरण नहीं किया जाएगा।

3.10 एक ही स्थान पर दो वर्ष से कम अवधि से पदस्थ शासकीय सेवकों का स्थानांतरण नहीं किया जाए। यदि शिकायतों के आधार पर दो वर्ष से कम अवधि में स्थानांतरण किया जाना आवश्यक हो तो सामान्यतः प्रारंभिक जांच में शिकायत प्रथम दृष्टया सही पाए जाने पर ही स्थानांतरण किया जाए।”

8. A perusal of the aforesaid provisions makes it evident that the policy contemplates protection against premature transfer and prescribes safeguards where an early transfer is necessitated on the basis of complaints. In the present case, the petitioner was transferred back to Janpad Panchayat, Arang, District Raipur, vide order dated 11.03.2026, and was again transferred on 01.10.2026, i.e., after approximately six months and twenty days. The petitioner has specifically pleaded violation of Clauses 3.9 and 3.10 of the Transfer Policy, 2025. In the absence of material on record demonstrating compliance with the applicable policy

provisions and the safeguards prescribed therein, the impugned order, insofar as it relates to the petitioner, cannot be sustained. Even, the authorities failed to establish the fact that there is any complaint against the petitioner and for which an enquiry was conducted against him.

9. Consequently, the writ petition is allowed. The impugned transfer order dated 01.10.2026 (Annexure P/1), to the extent it relates to the petitioner, is hereby quashed and set aside. However, the respondent authorities shall remain at liberty to pass an appropriate order afresh, if so warranted, strictly in accordance with law and the applicable Transfer Policy, 2025.

Sd/-
(Bibhu Datta Guru)
Judge

Shoaib