

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No.3691 of 2018**

- K. P. Dahayat S/o S/o Shri R. K. Dahayat, Aged About 55 Years Occupation Service, Presently Working As Assistant Engineer, Municipal Corporation, Korba, District Korba, Transferred To Municipal Corporation, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Under Secretary, Department Of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director, Directorate Of Urban Administration And Development, Indrawati Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

**--- Respondents**


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For Petitioner : Shri B. D. Guru, Advocate  
 For Respondents/state : Shri Ramakant Mishra, Dy.AG

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****16/05/2018**

Heard.

2. The only ground of challenge to the impugned transfer order is that the petitioner is transferred from his parent Corporation to an other Corporation or local body by the order of the State Government, therefore, in the matter of transfer of the petitioner from one Corporation/local body to other Corporation/local body, transfer policy dated 11-07-2017 would be applicable and therefore, the transfer could not be made during ban period.

3. Learned State counsel submits that the petitioner belongs to local cadre

and not a State cadre as he is not being appointed by the State Government, therefore, he is not in State Government's service, as such, policy dated 11-07-2017 will not apply.

4. The relevant rules governing terms and conditions of services of the petitioner-Assistant Engineer are governed by the Chhattisgarh Municipal Corporation (Appointment of Officer and Employees and General Terms and Condition of Services), Rules, 2018. Under these rules, the appointing authority of the petitioner is Commissioner of the Corporation with the rider that the appointment would be under the authority of Mayor-in-Council. There is nothing in the rule that the appointing authority of Assistant Engineer of the Corporation/local body is the State Government nor the petitioner is appointed by the State Government, therefore, the post of Assistant Engineer cannot be said to be post in the State cadre. Resultantly, the policy dated 11-07-2017 will not apply in the case of the petitioner.

5. Mere fact that under the law, the State Government is conferred with the power to transfer an employee of one Corporation/local body to other Corporation/local body, does not clothe an employee with the status of government service and the said employee of Corporation/local body continues to be an employee of the Corporation/local body and not the State Government employee. Therefore, the ground that the transfer policy dated 11-07-2017 requiring coordination to transfer during ban period, will not be applicable in the case of the petitioner. No other ground is urged.

6. In view of above, no case for interference is made out. In the result, the petition is dismissed.

SD/-  
(**Manindra Mohan Shrivastava**)  
**J U D G E**