IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 7715 of 2025

Sourav Das Gupta, aged about 46 years, son of late Devsena Pati Das Gupta, resident of Malviya Nagar, Kalibagh Chowk, P.O. & P.S. Hazaribagh, Dist. Hazaribagh, Jharkhand. ……. **Petitioner**

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of Agriculture, Sugarcane and Co-operative, Government of Jharkhand, having its office at Nepal House, P.O. & P.S. Doranda, Dist. Ranchi.
3. The Director, Department of Agriculture, Sugarcane and Co-operative, Government of Jharkhand, having its office at Nepal House, P.O. & P.S. Doranda, Dist. Ranchi.
4. The Joint Director Agriculture, North Chhota Nagpur Division, Hazaribagh, P.O. & P.S. Hazaribagh, Dist. Hazaribagh.
5. The District Agriculture Officer, having its office at Hazaribagh, P.O. & P.S. Hazaribagh, Dist. Hazaribagh.
6. The District Agriculture Officer, having its office at Sahebganj, P.O. & P.S. Sahebganj, Dist. Sahebganj.

……. **Respondents**.

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. Krishna Murari, Advocate
For the Respondents : Mr. Binit Chandra, AC to AAG-III

03/ 11.09.2026 The instant application has been preferred by the petitioner for quashing the office order No. 94, dated 06.10.2025, issued by the 3rd respondent, whereby, as per the petitioner, in the garb of deputation, the petitioner has been transferred by way of punishment.

2. Learned counsel draws attention of this Court towards Annexure-6, wherein there is allegation against the petitioner. It has been contended by learned counsel that when there is allegation against the petitioner, without any enquiry, the order of transfer amounts to punishment and any order having punitive in nature, without following the procedure of law, has no legs to stand in the eyes of law.

3. Learned counsel for the respondents submits that by way of this transfer, no punishment has been given and there is no change in the service condition.

4. Having regard to the facts and circumstances of the case and from bare perusal of the impugned order, it is crystal clear that it is punitive in nature which is not permissible as per the settled proposition of law.

5. So far as the inquiry is concerned, the respondents are free to proceed with any inquiry; but the law is no more res integra that transfer cannot be punitive in nature and if the same will be punitive in nature, then the Court can interfere with the same.

6. With the aforesaid observation and direction; the instant writ application stands allowed and the impugned order dated 06.10.2025 is quashed and set aside and the petitioner is directed to re-join the original place of posting.

7. It goes without saying that the respondents are free to proceed in the enquiry in accordance with law and this order shall not prejudice either of the parties.

(Deepak Roshan, J.)

11th September, 2026
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20.09.2026