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JYOTI SHARMA Digitally signed by JYOTI SHARMA Date: 2026.11.05 11:00:00 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7767 of 2026

Rajendra Kumar Banjare S/o Late Gopilal Banjare Aged About 62 Years Working As Superintending Engineer, Water Resources Circle, Bilaspur C.G. R/o Ganga Nagar Sector -2 Mangla (Behind Shiv Mandir), Bilaspur C.G. - 495001.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through Secretary Water Resources Department Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, Dist. Raipur, C.G.

2. Secretary Water Resources Department Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur, C.G.

3. Deputy Secretary Water Resources Department Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, District Raipur C.G.

4. Engine-In -Chief, Water Resources Department, Sihavnath Bhawan, North Block Sector -19 Nava Raipur, Atal Nagar, Raipur, C.G.

5. Sushil Kumar Gupta, The Then Superintending Engineer, Water Resource Circle, Raigah, Now Posted At Water Resource Circle, Bilaspur C.G.

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioners	:	Mr. Bidya Nand Mishra, Advocate
For Respondent/ State	:	Mr. Gary Mukhopadhyay, Addl. A.G.
For Respondent No. 5	:	Mr. Pranjal Agrawal, through V.C. along with Mr. Nilesh C. Manix, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

04.11.2026

1. The present writ petition has been filed challenging the order dated 21.10.2026 passed by the Office of the Engineer-in-Chief, Water Resources Department, Chhattisgarh, Raipur, whereby the earlier order dated 16.03.2026 passed by the Chief Engineer, Hasdeo Kachhar, WRD, Bilaspur, was cancelled and the petitioner was directed to temporarily discharge the duties of Superintending Engineer under the Office of the Chief Engineer, Hasdeo Kachar, Water Resources Department, Bilaspur, until further orders, in view of the posting of respondent No. 5 as Superintending Engineer, Water Resources Circle, Bilaspur, pursuant to the order dated 17.10.2026.

2. Learned counsel for the petitioner submits that, upon the retirement of the then Superintending Engineer on 28.02.2026, the petitioner, while working as Executive Engineer (R&R), was given the additional charge of Superintending Engineer, Water Resources Circle, Bilaspur, as a temporary arrangement and thereafter passed the order dated 16.03.2026 in this regard. It is further submitted that the petitioner was subsequently promoted to the substantive post of Superintending Engineer vide order dated 22.09.2026. Consequently, the earlier arrangement of holding additional charge stood merged with his substantive appointment and became redundant. Learned counsel, therefore, contends that the impugned order dated 21.10.2026, whereby the earlier arrangement dated 16.03.2026 was cancelled, is arbitrary and unjustified and has been issued with the intention of

transferring the petitioner during the last four months of his service. It is further submitted that the petitioner had also submitted a representation before the competent authority, which has neither been considered nor decided. Learned counsel, therefore, submits that the impugned action amounts to undue harassment and is violative of Articles 14 and 16 of the Constitution of India.

3. Per contra, learned Additional Advocate General appearing for the respondents/State by placing a copy of the order dated 24.10.2026, which is taken on record, submits that, subsequent to the impugned order dated 21.10.2026, a fresh order of posting has been issued, whereby the petitioner has been posted in the Office of the Chief Engineer, Hasdeo Basin, Water Resources Department, Bilaspur. The said subsequent order of posting has not been challenged by the petitioner in the present writ petition. On this ground, learned State counsel submits that the writ petition, in its present form, is not maintainable.

4. It is further submitted that, after the promotion of the petitioner to the post of Superintending Engineer, no separate posting order could initially be issued on account of the interim order passed by this Court in W.P.(S) No. 5742/2025, whereby the promotion/posting orders of the promoted Superintending Engineers had been stayed. However, subsequently, vide order dated 08.10.2026, the said interim order was modified and the

State authorities were permitted to issue promotion orders while keeping six posts vacant. Consequently, the promotion and posting orders were issued, and the petitioner was also posted vide order dated 24.10.2026.

5. I have heard learned counsel for the parties and perused the material available on record.

6. From the submissions advanced on behalf of the parties, it is evident that the petitioner was initially assigned the additional charge of the post of Superintending Engineer pursuant to a temporary administrative arrangement made consequent upon the retirement of the incumbent Superintending Engineer. Such an arrangement was essentially a stop-gap measure to ensure the smooth functioning of the department until a regular arrangement was made by the competent authority.

7. It is well settled that an employee who is entrusted with the additional charge of a higher post does not acquire any indefeasible or enforceable right to continue to hold such charge. The assignment of additional charge neither confers any substantive right to the post nor creates a right to insist upon continuance at a particular place of posting. The competent authority is always at liberty to withdraw or modify such an arrangement in the exigencies of administration.

8. In the present case, the petitioner was subsequently promoted to the substantive post of Superintending Engineer vide order dated

22.09.2026. However, the mere fact that the petitioner had earlier been holding the additional charge of Superintending Engineer at Water Resources Circle, Bilaspur, would not confer upon him any vested right to continue at the same place of posting after his promotion also. The petitioner cannot claim continuance at a particular station merely on the ground that he had been discharging the duties of the said post under an earlier temporary arrangement.

9. Further, the subsequent order dated 24.10.2026, whereby the petitioner has been posted in the Office of the Chief Engineer, Hasdeo Basin, Water Resources Department, Bilaspur, has not been subjected to challenge in the present writ petition. The said order constitutes a subsequent and independent order of posting. In the absence of any challenge to the said order, the relief sought by the petitioner against the earlier order dated 21.10.2026 would not serve any effective purpose, particularly when the petitioner's present posting is governed by the subsequent order dated 24.10.2026.

10. This Court also finds that the respondents have explained the circumstances in which the posting order could not initially be issued after the petitioner's promotion, particularly in view of the interim order passed in W.P.(S) No. 5742/2025, which was subsequently modified vide order dated 08.10.2026. Thereafter, the competent authority proceeded to issue the consequential

posting orders. Thus, the action of the respondents, viewed in the light of the subsequent developments, cannot be said to be arbitrary or actuated by any mala fide intention merely because the petitioner is left with a short period of service before retirement.

11. In view of the aforesaid discussion, this Court finds no ground to interfere with the impugned order dated 21.10.2026. The petitioner has also failed to establish any enforceable right to continue at Water Resources Circle, Bilaspur, on the basis of the earlier arrangement of additional charge. Moreover, the subsequent posting order dated 24.10.2026 has not been challenged in the present writ petition.

12. Accordingly, the writ petition, being devoid of merit, is **dismissed** at the motion stage itself. However, liberty is revered in favour of the petitioner to challenge the order dated 24.10.2026, if so advised.

Sd/-

(Bibhu Datta Guru)
JUDGE

Jyoti