



CGHC010306302026



2026:CGHC:36789  
AFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 6125 of 2026**

Ankit Yadu S/o Late Sappu Yadu, Aged About 33 Years Assistant Grade, 2, Municipal Corporation, Bhilai, Charoda, R/o District Durg C. G. R/o House No. 260, Changorabhata Near Shitla, Mandir, Changorabhata, Sunder Nagar, P. S. D D Nagar, Raipur C.G. 492013.

**... Petitioner**

**versus**

- 1** - State of Chhattisgarh Through- Urban Administration, And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur District Raipur C. G.
- 2** - Director Urban Administration and Development, Department, Mantralaya, Indrawati Bhawan Atal Nagar Naya Raipur District Raipur C. G.
- 3** - Deputy Secretary, Govt. of C. G. Urban Administration and Development Department, Indrawati Bhawan Atal Nagar Chhattisgrh. Raipur C. G.
- 4** - Commissioner, Municipal Corporation Bhilai Charoda, District Durg C. G.
- 5** - Commissioner, Municipal Corporatoin, Risali, District Durg C. G.

**... Respondents**

|                                 |   |                                                                                 |
|---------------------------------|---|---------------------------------------------------------------------------------|
| For Petitioner                  | : | Mr. Uttam Pandey, Advocate along with Ms. Pooja Sinha and Ms. Shruti, Advocates |
| For State/Respondents No.1 to 3 | : | Ms. Apurva Nigam, Panel Lawyer                                                  |
| For Respondent No.6             | : | Mr. Raj Shengale, Advocate appears on behalf of Mr. N. Naha Roy, Advocate       |

**(Hon’ble Shri Justice Bibhu Datta Guru)**

**Order on Board**

**18/08/2026**

1. By the present petition, the petitioner seeks quashment of the order dated 31.07.2026 whereby the petitioner has been transferred from Municipal Corporation Bhilai Charoda to Municipal Corporation, Rajnandgaon. The petitioner also seeks a direction towards the Respondent authorities to post him in the Municipal Corporation Raipur.
2. (a) Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Assistant Grade-III in Municipal Corporation, Raipur and is substantively an employee of the said Corporation. He was initially transferred from Municipal Corporation, Raipur to Municipal Corporation, Risali vide order dated 30.09.2021, where he was found to be in excess of the sanctioned strength. Thereafter, he was again transferred from Municipal Corporation, Risali, District Durg to Municipal Corporation, Charoda, Bhilai, District Durg vide order dated 18.09.2025, where also he was found to be surplus. It is submitted that, the petitioner submitted a representation seeking his repatriation to his parent establishment, i.e. Municipal Corporation, Raipur, and when no action was taken on his representation, he approached this Court by filing WPS No.349/2026, which was disposed of vide order dated 20.01.2026, permitting the petitioner to submit a fresh comprehensive representation and directing the competent authority to consider and decide the same in accordance with law.  
  
(b) Learned counsel further submits that, as the aforesaid representation was not decided within the stipulated period, the petitioner was constrained to file Contempt Case No.841/2026. During the pendency of the contempt proceedings, the petitioner was granted a

personal hearing on 28.07.2026, wherein he specifically requested that he be repatriated to his parent establishment, Municipal Corporation, Raipur. Learned counsel further submits that since the petitioner was being repeatedly found surplus at the establishments to which he had been transferred, the respondents ought to have considered his adjustment by way of deputation, after obtaining his consent, rather than subjecting him to yet another transfer to a different Municipal Corporation. It is submitted that the petitioner has not been repatriated to his parent establishment nor has the option of deputation been considered. It is further submitted that, instead of objectively considering the aforesaid request, the respondents, by the impugned order dated 31.07.2026, transferred the petitioner from Municipal Corporation, Charoda to Municipal Corporation, Rajnandgaon. The impugned order does not disclose any reason as to why the petitioner's request for repatriation to Municipal Corporation, Raipur was not accepted, nor does it indicate any consideration of the petitioner's request for deputation. Learned counsel also submits that the impugned order results in frequent transfers of the petitioner, who has, within a relatively short span, been transferred from Raipur to Risali, thereafter from Risali to Charoda and now from Charoda to Rajnandgaon. Such successive transfers, particularly when the petitioner was repeatedly found surplus at the transferred establishments, demonstrate non-application of mind to the petitioner's grievance and request for repatriation to his parent establishment. It is, therefore, submitted that the impugned order dated 31.07.2026, having been passed without proper and meaningful

consideration of the petitioner's representation and the specific grounds urged by him, including his request for repatriation/deputation and the grievance of frequent transfers, is arbitrary, unreasonable and liable to be set aside.

3. On the other hand learned counsel for the respondents would oppose the submission of the petitioner and would submit that the considering the request made by the petitioner for his transfer on the ground that he is a surplus employee in Charoda transferred him to Rajnandgaon.
4. I have heard learned counsel for the parties and perused the documents.
5. It is not in dispute that the petitioner was initially appointed as Assistant Grade-III in Municipal Corporation, Raipur. He was thereafter transferred from Municipal Corporation, Raipur to Municipal Corporation, Risali vide order dated 30.09.2021 and, subsequently, from Municipal Corporation, Risali to Municipal Corporation, Charoda vide order dated 18.09.2025. It is the specific case of the petitioner that at both the places to which he was transferred, he was in excess of the sanctioned strength.
6. The petitioner thereafter submitted a representation seeking his posting at Municipal Corporation, Raipur. As the said representation was not acted upon, he approached this Court by filing WPS No.349/2026, which was disposed of vide order dated 20.01.2026, reserving liberty to the petitioner to submit a fresh comprehensive representation and directing Respondent No.1 to consider and decide the same within two months. Since the representation was not decided within the stipulated period, the

petitioner preferred Contempt Petition No.841/2026, in which notices were issued.

7. During pendency of the aforesaid contempt proceedings, the respondent authorities considered the case of the petitioner and passed the impugned order dated 31.07.2026, whereby the petitioner has been transferred from Charoda to Rajnandgaon. The grievance of the petitioner is that, instead of transferring him to Rajnandgaon, the authorities ought to have posted him at Municipal Corporation, Raipur. It is further submitted that the petitioner has been subjected to frequent transfers, namely, from Raipur to Risali, from Risali to Charoda and thereafter from Charoda to Rajnandgaon within a relatively short span of time.
8. As far as the submission of the petitioner that the employee from one Corporation to another can be sent on deputation is concerned, the same cannot be considered in isolation from the factual position that the petitioner was admittedly found surplus at Charoda and the petitioner himself moved an application for transfer to another Corporation. Since the petitioner was surplus at his present place of posting, on his own request, he has been transferred to another Corporation i.e. Rajnandgaon. The petitioner cannot claim his posting at Municipal Corporation, Raipur merely because it was the place of his choice or earlier he rendered his services there.
9. The fact that the petitioner has been transferred on more than one occasion does not, by itself, make the subsequent transfer illegal. Likewise, merely because the petitioner desired his posting at Municipal Corporation, Raipur, it cannot be said that the authorities were bound to

accede to such request. The petitioner's contention that he ought to have been sent on deputation after obtaining his consent cannot be a ground to challenge the present impugned order as on the request of the petitioner only he has been transferred to another Corporation i.e. Rajnandgaon. The decision regarding the place where a surplus employee is to be accommodated is essentially an administrative matter. The Court cannot substitute its own choice of posting for that of the competent authority merely because another arrangement may have been preferable from the employee's point of view.

10. It is the trite law that it is not for the employee to insist to transfer him/her and/or not to transfer him/her at a particular place. It is for the employer to transfer an employee considering the requirement. (*See: Namrata Verma Vs. State of Uttar Pradesh & others, reported in 2021 SCC OnLine SC 3337*).
11. In the facts of the present case, therefore, the petitioner's successive transfers and his request for posting at Municipal Corporation, Raipur do not furnish sufficient ground for interference with the impugned order dated 31.07.2026. The petitioner has not demonstrated, from the material placed before the Court, any such circumstance which would render the impugned order legally unsustainable.
12. Consequently, this Court does not find any merit in the writ petition. The same is accordingly dismissed.

**SD/-**  
**(Bibhu Datta Guru)**  
**JUDGE**

### Head Note

The employee cannot insist to transfer him at a particular place. It is for the employer to transfer an employee considering the requirement.