



2026:DHC:3720-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 30.04.2026
Judgment pronounced on: 02.05.2026

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W.P.(C) 16316/2025 & CM APPL. 66752/2025
IC-74753F LT COL MANALI SHRIVASTAVA

.....Petitioner

Through: Mr. Akshay Bhandari, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sandeep Kumar Mahapatra,
Adv, CGSC, Ms. Mrinmayee
Sahu, Mr. Tribhuvan, Mr.
Abhimanyu & Ms. Anushka
Sarraf, Advs with Lt Col Tarun
Pillai, Maj Birinder, Maj Anish
Murlidhar for R-1 to R-4.
Mr. S.S. Pandey & Mr. Roshan
Kumar, Advs. for R-5.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.

1. By the present writ petition, the Petitioner seeks issuance of a writ in the nature of mandamus seeking quashing of the Order No. 391654/PO/MS-13 dated 18.09.2025 whereby the Petitioner was posted out of her current unit thereby discontinuing her spouse coordinated posting.



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2. Succinctly put, the pertinent facts germane to the adjudication of the present petition are as follows:

2.1. The Petitioner is stated to be a serving Lieutenant Colonel in the Indian Army. *Vide* order dated 08.08.2024, the application of the Petitioner for spouse coordinated posting was approved, and the Petitioner as well as her spouse were both posted at Bathinda at 3 Electronic Warfare Battalion and HQ 2 Electronic Warfare Brigade respectively. In terms of the spirit of the MS Branch Policy Letter, the Initiating Officer of both, the Petitioner as well as her spouse, were intimated about the Spouse Coordinating Posting for a tenure of 2 years subject to continued satisfactory performance. The official letter dated 27.11.2024 addressed to the Commanding Officer of the Petitioner stated the following:

“1. Ref MS Branch Policy letter No 04520/MS Policy dt 12 Feb 2010 and Posting Order No 391629/PO/MS-13 dt. 08 Aug 2024.

2. IC74753 Lt Col Manali Shrivastava, SIGS has been posted to EW Bn vide ibid posting order on spouse coord for tenure of two yrs subject to continued satisfactory performance.”

2.2. In the Petitioner’s tenure, a complaint dated 28.10.2024 was preferred against the Petitioner for removing her from the post of leave sanctioning authority.

2.3. Later, a warning for initiation of Adverse CR against the Petitioner under para 120 of Army Order 05/2024/MS was issued by the Commanding Officer/Respondent No. 5 *vide* letter dated 19.03.2025. The same encapsulated the shortcomings on the part of the Petitioner in carrying out her work.



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2.4. Subsequently, on 23.05.2025, a Performance warning was also issued by Respondent No. 5 thereby expressing displeasure on the performance exhibited by the Petitioner. The performance warning also noted that the deficiencies in the service rendered by the Petitioner during Operation Sindoor.

2.5. Thereafter, an adverse CR in respect of the Petitioner for the period between 27.09.2024 – 18.05.2025 was initiated. The said Adverse CR, however, was set aside as it did not meet the Assessment Norms. Thereafter, Annual CR of the Petitioner for the period between 27.09.2024 – 31.05.2025 was initiated and the same was accepted as Adverse CR as it had met all Adverse CR norms as promulgated *vide* Para 129(f) of AO 05/2024/MS. Consequently, the Petitioner was posted to 23 WEU *vide* posting order dated 18.09.2025. Against the said posting order, the Petitioner has preferred the present petition.

3. The learned counsel for the Petitioner submitted that the posting order is *malafide* and is liable to be set aside. He submitted that the Petitioner was posted on spouse coordinated posting for a minimum tenure of 2 years. He submitted that the tenure of the Petitioner had been curtailed without any reason.

4. He submitted that the posting order fails to mention the grounds on which the Petitioner was being posted to a different location. He submitted that the Petitioner was posted out merely because Respondent No. 5/Commanding Officer had a problem with her and the same is *mala fide*. He submitted that no reason has been given to



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assert how the performance of the Petitioner is unsatisfactory. He consequently submitted that the posting order is liable to be set aside.

5. *Per contra*, the learned CGSC submitted that the posting order is merited and warrants no interference by this Court. He submitted that the spouse coordinated posting for a tenure of two years was subject to continued satisfactory performance by the Petitioner. He submitted that a complaint dated 28.10.2024 was received against the Petitioner highlighting deficiency in service. He submitted that the warning letter dated 19.03.2025 and performance warning letter dated 23.05.2025 evidenced that the performance of the Petitioner was dissatisfactory. He submitted that for the said reasons, the adverse CR was endorsed by the competent authorities and the Petitioner was posted to a different place.

6. Before resorting to delve into the rival contention of the parties, it is pertinent to note that the Petitioner has invoked the writ jurisdiction of this Court. The power of this Court to interfere with a posting order resulting in transfer is circumspect. This Court ought not to interfere with a posting order resulting in transfer unless the same is *malafide* or arbitrary.

7. It is settled law that transfer of an employee is incidental to service and no employee can claim to be posted at a any particular station as a matter of right. At the same time, while certain policy instructions governing transfer have been framed, the same are only guiding principles and they are not judicially enforceable [Ref. *Union of India and others v. S.L. Abbas : (1993) 4 SCC 357* and *Shilpi*



Bose (Mrs) v. State of Bihar : 1991 Supp (2) SCC 659].

8. Postings in disciplined forces are governed by service rules. Posting orders are passed considering the operational requirements and other factors necessary in disciplined forces. The same cannot be interfered routinely by exercising powers under Article 226 of the Constitution of India. The said principle has been underscored by a Division Bench of this Court in ***Jagat Ram v. Union of India: 2017 SCC OnLine Del 7882***, where it was held as under:

“10. It is well settled that orders of transfer are not ordinarily interfered with by the Court exercising jurisdiction under Article 226 of the Constitution of India.....

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13. In Major General J.K. Bansal v. Union of India reported in (2005) 7 SCC 227, the Supreme Court held:

“The scope of interference by courts in regard to members of armed forces is far more limited and narrow. It is for the higher authorities to decide when and where a member of the armed forces should be posted. The Courts should be extremely slow in interfering with an order of transfer of such category of persons and unless an exceptionally strong case is made out, no interference should be made.”

14. This Court exercising jurisdiction under Article 226 of the Constitution of India does not sit in appeal over orders of transfer. Orders of transfer cannot be interfered with even if the same are in violation of guidelines or executive instructions, in the absence of malafides as held by the Supreme Court in Shilpi Bose (supra). No case of malafides in issuance of the order of transfer has been made out. We find that there are no grounds made for interference with the order of transfer, which is in administrative interest.”

(emphasis supplied)

9. In the present case, the ground agitated by the Petitioner to



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ascribe *mala fide* to the impugned posting order is that Respondent No. 5 had a problem with the Petitioner since the very beginning. It has further been urged that no ground has been pressed to show how the service of the Petitioner was not satisfactory.

10. In that, it is pertinent to note that during the tenure of the Petitioner, complaints were made against the Petitioner showing deficiency in service. On 19.03.2025, a warning letter for initiation of adverse CR was given to the Petitioner highlighting various shortcomings in work. Subsequently, on 25.05.2025, a performance warning was also issued to the Petitioner highlighting deficiency in service during Operation Sindoor. Pertinently, no reply was given to the performance warning issued to the Petitioner.

11. While the Petitioner was posted for a tenure of 2 years, the same was subject to continued satisfactory performance. The warning letters issued to the Petitioner highlight subjective dissatisfaction in the work of the Petitioner. While allegations are levelled that the officer was biased against the Petitioner, no cogent material has been brought forth to show *malafide*. Furthermore, the adverse CR initiated against the Petitioner was endorsed by all the competent authorities. The said endorsement of the Adverse CR has not been challenged by the Petitioner.

12. It is also imperative to note that the Petitioner and her husband have been accommodated for spouse coordinated posting for a period of 77 months out of 149 months of marriage.

13. In such circumstances, in the absence of any material to



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highlight *malafide* in the posting order, no ground to interfere with the impugned order is made out.

14. The present writ petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MAY 02, 2026
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