



2026:DHC:1224-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 12.02.2026*

+ W.P.(C) 2019/2026, CAV 75/2026, CM APPL. 9908/2026, CM APPL. 9909/2026 and CM APPL. 9910/2026

UNION OF INDIA & ORS. ....Petitioners  
Through: Mr. Syed Abdul Haseeb, CGSC  
with Mr. Syed Abdur Rahman,  
Adv.

versus

B SRINIVASA RAO & ORS. ....Respondents  
Through: Mr. Sachin Chauhan, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE ANIL KSHETARPAL**  
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**J U D G M E N T ( O R A L )**

**ANIL KSHETARPAL, J.:**

1. The present Petition, filed by the Petitioners, assails the correctness of the order dated 16.10.2025 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'the Tribunal'], whereby at the stage of admission and while considering the prayer for interim relief, the Tribunal directed the Petitioners to consider the cases of the Respondents for posting as Chief Engineer (Zone) in accordance with the applicable Office Memoranda and further restrained the Petitioners from posting any junior to the Respondents against the posts under question till the next date of hearing.



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2. The Respondents are officers of the Indian Defence Service of Engineers (IDSE) serving in the Military Engineer Services (MES), Ministry of Defence. They were promoted to the rank of Chief Engineer and were aggrieved by the action of the Petitioners in not forwarding their names for consideration for posting as Chief Engineer (Zone), while allegedly forwarding the names of certain juniors. The Respondents approached the Tribunal seeking, *inter alia*, a restraint against posting juniors and a direction for consideration of their cases.

3. The Tribunal, by the Impugned Order, issued notice and, by way of an ad-interim measure, directed the Petitioners to consider the Respondents' cases for posting in accordance with the relevant Office Memoranda and further restrained the Petitioners from posting juniors to the Respondents against the vacancies in question till the next date of hearing.

4. It is not in dispute that prior to filing of O.A. No. 4009/2025, the Respondents had approached the Tribunal in O.A. No. 3710/2025 seeking consideration of their representations. *Vide* order dated 24.09.2025, the Tribunal had directed the competent authority to consider and decide the pending representations within a stipulated period of four weeks. The Impugned Order came to be passed during the subsistence of the said direction.

5. Learned counsel representing the Petitioners submits that the Impugned Order amounts to an unwarranted interference in matters of transfer and posting, which fall squarely within the administrative domain of the competent authority. It is contended that the Tribunal,



while exercising powers akin to judicial review, could not have restrained the Petitioners from posting juniors, particularly at an interim stage, as such an order directly impacts the administrative functioning of the department.

6. *Per contra*, learned counsel representing the Respondents submits that an application for vacation/modification of the Impugned Order is pending before the Tribunal and that the Respondents have been compelled to seek interim protection to safeguard their right to fair consideration.

7. This Court has considered the submissions advanced by the learned counsel representing the parties and perused the material on record.

8. The principal question which arises for consideration is whether the Tribunal was justified in passing an ad-interim order restraining the Petitioners from posting juniors to the Respondents and directing consideration of the Respondents' cases in a particular manner.

9. It is well-settled that transfer and posting of government servants is an incidence of service and falls within the domain of administrative discretion, and courts should not ordinarily interfere in such matters. In *Union of India v. S.L. Abbas* (1993) 4 SCC 357, the Supreme Court held that guidelines/instructions regarding transfer do not confer a legally enforceable right on an employee, and interference is permissible only where the order *is mala fide* or in violation of statutory provisions. Similarly, in *Shilpi Bose v. State of Bihar* 1991 Supp (2) SCC 659, it was held that a government servant holding a transferable post has no vested right to remain at a particular place,



and courts should not interfere with transfer orders made in public interest unless mala fide or statutory violation is established. *State of U.P. v. Gobardhan Lal* (2004) 11 SCC 402 reiterated that transfer/posting is an incident of service, and judicial interference is not warranted in routine cases.

10. While exercising the power of judicial review, a Court or Tribunal does not sit as an appellate authority over administrative decisions. The power is supervisory in nature. The Court must remain conscious of the limitations inherent in such jurisdiction and must avoid substituting its own view for that of the competent authority in matters of administrative discretion.

11. The Tribunal, though vested with wide powers under the Administrative Tribunals Act, 1985, exercises jurisdiction akin to that of judicial review in service matters. It is not expected to pass orders which have the effect of regulating or controlling day-to-day functioning of government departments, particularly at an interlocutory stage, unless a clear case of illegality or manifest arbitrariness is made out.

12. A perusal of the Impugned Order reveals that the Tribunal, at the threshold stage and without a detailed examination of the policy framework or the factual matrix, proceeded to restrain the Petitioners from posting juniors to the Respondents against the vacancies in question. Such a restraint, even if described as ad-interim, has the effect of interdicting the administrative process of consideration and posting.

13. An interim order is ordinarily intended to preserve the status



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quo or to prevent irreparable injury pending adjudication. However, where the interim direction virtually grants the substantive relief sought in the original application or significantly impedes administrative discretion, greater circumspection is required.

14. In the present case, the Tribunal had already directed consideration of the Respondents' representations in the earlier proceedings. The administrative process was thus underway. In such circumstances, the issuance of a further restraint order affecting postings, without awaiting the outcome of the representation or a comprehensive hearing on merits, does not appear to be in consonance with the settled parameters governing judicial review in service matters.

15. It must be borne in mind that postings in government service, especially in specialised cadres, involve multiple administrative considerations including seniority, eligibility, organisational requirements and public interest. An interim order restraining posting of certain officers necessarily affects the chain of consideration and may have cascading consequences on the functioning of the department.

16. This Court is of the considered view that the Tribunal, while exercising its jurisdiction, ought to have been slow in granting an ad-interim order which effectively curtails the discretion of the competent authority in matters of posting and impacts day-to-day administration.

17. In view of the aforesaid discussion, this Court is satisfied that the Impugned Order cannot be sustained. The same is accordingly set aside.



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18. The Writ Petition is allowed in the aforesaid terms. The Tribunal is requested to proceed to decide O.A. No. 4009/2025 on merits expeditiously, preferably within a period of four weeks from today, in accordance with law and without being influenced by any observations made in this order.

19. All pending applications stand disposed of.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**FEBRUARY 12, 2026**

*jai/pl*