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

*Decided on: 18.07.2025*

+ W.P.(C) 9636/2025 and CM APPL. 40426/2025

ABHAY SINGH

.....Petitioner

Through: Mr. Satwik Misra, Ms. Gunjan Dogra and Ms. Devashree, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA & ORS. ....Respondents

Through: Mr. Vaibhav Kalra, Ms. Neha Bhatnagar, Advocates with Mr. Shiv Dal, Jt. GM, CNS, Mr. Digambar, DGM, HR, Mr. Sudeep Kumar, SM, CNS and Mr. Jayesh, Law Officer for R-1/AAI.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J. (ORAL)**

1. The petitioner, who is serving as an Assistant General Manager with the respondent- Airports Authority of India [“AAI”], has filed the present petition under Article 226 of the Constitution, assailing his transfer from Ayodhya to Dholera, by way of an Annual Transfer List-2025 issued by AAI on 19.05.2025.

2. I have heard Mr. Satwik Misra, learned counsel for the petitioner, and Mr. Vaibhav Kalra, learned counsel for the respondent- AAI.

3. The principal ground of challenge is that the petitioner was transferred to Ayodhya under a transfer order dated 07.06.2023, and has not yet completed the minimum tenure of three years, which was then applicable to “*tenure stations*” under the Transfer Policy of AAI.



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Ayodhya was, at the relevant time, designated as a “*tenure station*”.

4. It is the accepted position that AAI designates stations as “*tenure stations*” and “*non-tenure stations*”, the implication being with regard to the minimum period of posting. At the relevant time, a minimum posting of three years was provided for tenure stations, while the minimum posting at non-tenure stations was only one year.

5. For the transfers proposed in the year 2023, it is not disputed that Ayodhya was designated as a tenure station, with two vacancies at the level of Assistant General Manager [“AGM”]/Senior Manager [“SM”]. AAI also publishes a seniority list for the purposes of tenure postings. The seniority list for AGM/SM (Communication/Technical/Electrical) for the year 2023 has also been placed on record with the writ petition. The petitioner’s name appears at serial No. 103.

6. In anticipation of the Transfer List of 2023, the petitioner applied for a tenure posting to Ayodhya on 13.12.2022. In his request for this purpose, he noted that he had served at the Corporate Headquarters since October 2013, and that his parents, who are residents in the vicinity of Ayodhya, need care and support.

7. Two annual transfer orders were issued, on 04.05.2023 and 13.05.2023, mentioning various categories of transfers as between tenure & non-tenure stations. The petitioner’s name did not figure in these two orders.

8. The petitioner, therefore, made a representation on 01.06.2023, stating that he applied for tenure transfer and that his serial number for tenure transfer was 103 out of 53 likely vacancies. Once again citing the needs of his ailing parents, the petitioner mentioned that Ayodhya Airport



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is near his hometown, and that he had volunteered for posting at Ayodhya for nine years while filling out the tenure form for 2023. He, therefore, requested AAI to consider posting him at Ayodhya Airport at his “*own expense*” in the year 2023.

9. A further transfer list was thereafter issued on 07.06.2023, in which the petitioner’s name figures under the heading “*New Transfers*”. He was posted to Ayodhya, but the remarks column contains an endorsement, “*As Non-Tenure*”.

10. Consequently, the petitioner was relieved from his previous posting on 24.07.2023 and took charge of his post at Ayodhya Airport on 27.07.2023.

11. The petitioner thereafter made several representations, commencing on 09.10.2023, for his posting in Ayodhya to be considered a “*tenure*” posting and for him to be retained in Ayodhya for a period of three years. Those representations have all been rejected.

12. Although there is no specific challenge to the order dated 07.06.2023, by which the petitioner was transferred to Ayodhya as a “*non-tenure*” posting, or to the orders dated 20.11.2023, 30.12.2024, and 16.01.2025 rejecting his representations, the petitioner has specifically sought directions to consider his posting at Ayodhya as a tenure posting and to quash the transfer notified on 19.05.2025. Therefore, I do not propose to rest this judgment on the manner in which the reliefs have been framed, but have heard learned counsel on the substance of the challenge.

13. AAI has filed a counter affidavit on 16.07.2025 and also produced the record before the Court, from which it appears that the petitioner’s



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posting in Ayodhya was considered as a non-tenure posting rather than a tenure posting, as his turn for a tenure posting had not yet fructified. As noted above, he was at serial No. 103 in the seniority list for tenure posting, but tenure transfers were issued only in respect of employees until serial No. 98. There were some additional tenure transfers of employees who were placed lower in the seniority list, which were all on account of the fact that those employees had been sent for foreign training for particular equipment, and were, therefore, required to be placed at stations where that equipment was installed. Some employees, who were in any event above the petitioner in the seniority list, were given tenure postings on these grounds, as were two employees - Ms. Sneh Lata and Mr. Prem Raj Meena, who were junior to him at serial Nos. 211 and 213, respectively. This was done relying upon Clause 9.3 of the Training Policy for Air Traffic Safety Electronics Personnel, which reads as follows:

*“9.3 After the foreign training executives have to serve for a minimum period of 3 years at a Station where the equipment is installed.”*

In Para 22 of the affidavit filed by AAI, the transfer of two officers, junior to the petitioner, has been justified on this basis.

*“22. That two more officers Junior to the Petitioner **Ms. Sneh Lata and Ms. Prem Raj Meena 211 and 213** in the Tenure Seniority List of **AGM/SM(Com-Tech/Elex)-2023(List at pg 136 of the Writ Petition)**. **Sh. Prem Raj Meena** was transferred from Delhi to Bikaner and **Sh. Sneh Lata** was sent from Delhi to Gondia -NIATAM. That the said 2 officers had done foreign training and therefore in terms of Clause 9.3 of Training Policy for Air Traffic Safety Electronics Personnel they were required to be posted for a period of three years wherein the equipment they worked upon is installed.”*

14. As far as the petitioner is concerned, the affidavit clearly states that his transfer to Ayodhya on a non-tenure basis was in response to his



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representation dated 01.06.2023. Copies of screenshots of the electronic file maintained by AAI have been annexed to the affidavit, which show that the petitioner's application was submitted to the competent authority on 02.06.2023 and was approved on 06.06.2023. It is on this basis that the transfer order of 07.06.2023 was issued.

15. This being the position on record, I am of the view that the petitioner's transfer was clearly made on the basis that it was a non-tenure transfer and was accepted by the petitioner, knowing fully well that this was the case. The transfer order dated 07.06.2023 expressly records that his transfer was on this basis. He accepted the transfer and took charge in Ayodhya, without protest or demur.

16. The aforesaid understanding is also borne out by reference to the petitioner's representation dated 01.06.2023, which states that his serial number for tenure transfer was 103, but the number of likely vacancies was only 53. He sought consideration of the application on personal grounds mentioned in the representation, and even volunteered that such posting may be at his own expense.

17. AAI thereafter issued a Circular dated 27.09.2023, revising the list of tenure stations, and reclassifying Ayodhya from a tenure station to a general station. The minimum tenure of posting at tenure stations was also reduced to two years. The petitioner's contention is that his transfer must be considered as a three-year tenure transfer, in terms of the Annual Transfer Circular of 2022, and not the 2023 Circular. However, this contention is, in my view, a red herring, as the petitioner's transfer was not subject to the restrictions on tenure transfers at all.

18. The petitioner's further representations commenced only thereafter,



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on 09.10.2023. It appears that these representations, for his posting at Ayodhya in 2023 to be treated as a tenure posting, were motivated by this change in the status of Ayodhya Airport. In his representation dated 09.10.2023, it is clearly stated that he was expecting tenure posting “*as per tenure seniority list*”. The said representation and a reminder dated 02.11.2023 were rejected on 20.11.2023.

19. In his further representation dated 23.11.2023 (as corrected on 25.11.2023), he has clearly stated as follows:

**“3. Though, I have requested for tenure transfer, my transfer was done out of turn as non-tenure posting to Ayodhya in the amendment transfer list issued in June 2023. In the same amendment list, posting of AGM (who was on transfer to Ayodhya as tenure station as per first list of SM/AGM) was differed till 31.03.2024 due to manpower requirement (FT-DME-Seoul Korea-2023).**

**4. My transfer to Ayodhya was done in public interest and TA/DA was paid to me as per the AAI rules.**

**5. I have joined Ayodhya as non-tenure on 27.07.2023 in view that I will continue here and in next year when my tenure posting will come, I will continue same station at Ayodhya (as Ayodhya was tenure station in last year), but it is already declared through current amendment in September 2023 of tenure stations that Ayodhya is normal station w.e.f. Apr 2024.”<sup>1</sup>**

20. A further representation was sent by the petitioner approximately one year later, on 05.01.2025, once again accepting that his transfer to Ayodhya was done out of turn as a non-tenure posting, as few officers were above him in the AGM/SM tenure - seniority list of the year 2023 and that his posting was counted as a non-tenure posting. At this stage, he contended that he had been assured that his posting would be continued as a tenure posting at Ayodhya. This representation was also rejected on



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16.01.2025, and the petitioner was thereafter transferred by the impugned order dated 19.05.2025.

21. It is well settled that transfer is an incidence of service and amenable to the interference of the writ Court only in very limited circumstances, which pertain to breach of any statutory rules or the employer's transfer policy, or *mala fides*. No employee can claim transfer to a particular posting or location as a matter of right. Reference in this connection may be made to the judgment of the Supreme Court in *S.K. Naushad Rahaman v. Union of India*<sup>2</sup>.

22. In the present case, I am not persuaded that the Transfer Policy of AAI has been violated or that the petitioner has been dealt with in a *mala fide* manner. To the contrary, his request for posting at Ayodhya was accepted, despite not being otherwise eligible for tenure posting in the year in question. The correspondence clearly shows that, as Ayodhya was then a tenure station, the petitioner accepted the non-tenure posting in the hope that he would continue at Ayodhya thereafter by way of a tenure posting. That hope was belied by the conversion of Ayodhya in the next transfer season from a tenure posting to a non-tenure posting. There is rightly no challenge to that reclassification, but the petitioner thereafter started making representations for his transfer of June 2023 to be treated as a tenure transfer. His attempt was evidently to secure a minimum tenure of three years at Ayodhya, but one he was not entitled to in accordance with the seniority list. The fact that he was transferred out of turn, and that his transfer was on the basis of non-tenure posting, albeit to

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<sup>1</sup> Emphasis supplied.

<sup>2</sup> (2022) 12 SCC 1, (paragraphs 24, 25).



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a station that was otherwise then a tenure station, was also accepted and well within the petitioner's knowledge.

23. I, therefore, do not find any grounds to interfere with the orders passed by AAI in exercise of powers under Article 226 of the Constitution of India.

24. The writ petition, alongwith the pending application, is, accordingly, dismissed.

**PRATEEK JALAN, J**

**JULY 18, 2025**

*UK/Jishnu/*