



2025:DHC:3691-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6121/2025 and CM APPL. 27901/2025 & CM APPL.
27902/2025
HAWA SINGHPetitioner

Through: Mr. Virender Singh Kadian and
Mr. Sukhbir Singh, Advocates

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Srivats Kaushal, SPC with
Mr. Kamaldeep, GP, Sgt. Anil Baloda and
MWO Ashok Jangir

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **08.05.2025**

C. HARI SHANKAR, J.

1. The petitioner by the present writ petition seeks to challenge the posting order dated 12 February 2025 whereby the petitioner has been posted from Sirsa, which is his present posting, to Guwahati.

2. We have heard Mr. Kadian, learned counsel for the petitioner and Mr. Srivats Kaushal, learned Senior Panel Counsel for the respondent instructed by Sgt. Anil Baloda, at some length.

3. A perusal of the record, to which learned counsel for the



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petitioner has drawn our attention, reveals that the petitioner was posted at Sirsa with effect from 12 June 2023, following a letter dated 12 July 2022 whereby the petitioner sought co-location posting on the ground that his wife, who is in Sirsa, was employed with the State Government of Haryana.

4. Learned counsel for the respondent has pointed out that S. No. 41 of Appendix L, which was annexed to the said letter, specifically read thus:

“41. I fully understand that :-

(a) Posting on compassionate grounds will be for tenure of two Years only.”

5. It is not in dispute that the aforesaid Appendix forms an annexure to the request letter dated 12 July 2022. As such, even in the letter by which posting was sought to Sirsa, the petitioner agreed that the posting would be only for a period of two years.

6. The signal whereby the petitioner was posted, reads thus :

“UNCLAS RDG185 JAN/09 (.) POSTTNG AIRMEN (.) FOLLOWING POSTING AUTHORTSED AS SHOWN AGAINST EACH (.) 791452-T JWO SURENDRA SINGH RDO FIT FROM 830 SU TO 789 SU W E F 15 MAY-23 (.) FOR AFNET DUTIES (.) (.) 793215-G JWO MANISH KUMAR RDO FIT FROM CPRU TO 32 WG W E F 19-JUN-23 (.) FOR TRADE DUTIES (.) FOR SU-30 RECCE SYSTEM (.) (.) 925310-K SGT HAWA SINGH ELTRO FIT FROM 756 SU TO 707 SU W E F 12-JUN-23 (.) FOR AFNET DUTIES (.) (.) INDIVIDUAL POSTED ON CO-LOCATION GROUNDS (ON LOCATION)(.) COMMAND HQ AND UNIT TO ENSURE QUARTERLY REVIEW AND ACTIONS AS PER AHQ/40950/PA-II DTD 24 FEB 22 (.) (.) 926266-T SGT PANKAJ KUMAR ELTRO FIT



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FROM 756 SU TO 798 SU W E F 05-JUN-23 (.) FOR AFNET DUTIES (.) (.) 927291-L SGT AJEET SINGH GOOJAR ELTRO FIT FROM 323 TRU TO 756 SU W E F 10-APRIL-23 (.) FOR AFNET DUTIES (.) (.) 984079-K CPL SUSHIL ELTRO FIT FROM AFS TAMBARAM TO AFA W E F 05-JUN-23 (.) FOR TRADE DUTIES (.) (.) PARA TWO (.) FOR 798 SU/CMA 707 SU CMA 789 SU ONLY (.) INITIATIVE RV/RV(S)/SRV ON ARRIVAL OF 925310 CMA 926266 CMA 791452 IF RV/RV(S)/SRV IS NOT CURRENT AND INTIMATE AFRO COORD (.) PARA THREE (.) FOR 756 SU / ONLY (.) REQ CARRY OUT RV/SRV/RVS THROUGH CIVIL AGENCIES AS PER IAP 3908 ON ARRIVAL OF 927291 (.) ENSURE ALL MOVEMENTS TO BE COMPLETED BY THE DUE DATE (.) TOTAL 6 (H) 12 POSTING ONLY (.) ///”

(Emphasis supplied)

7. Thus, the signal whereunder the petitioner was posted to Sirsa also does not fix any particular tenure of posting. Resultantly, we are of the opinion that the petitioner was bound by the stipulation in the appendix to the request for posting at Sirsa that the tenure of posting would be two years.

8. The petitioner had represented against his posting to Guwahati. The representation was rejected by the respondent by the following communication :

“CANCELLATION OF POSTING ON COMPASSIONATE GROUNDS IRO 925310-K-SGT HAWA SINGH ELTRO FIT OF 707 SU

1. Reference is made to letter No. WAC/1663/320/P3 dated 20 Mar 25.
2. The case for cancellation of posting on compassionate grounds in respect of above-named air warrior has been examined at appropriate level at this office and found not feasible due to HR constraints.



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3. The air warrior may be apprised accordingly.

Electronically signed by WG CDR G VENKATA RAMA
KRISHNA

(AFRO (OIC Drafting Tech-IV))
On 03-Apr-2025 16:55:11 (Ph-23297411)”

9. Thus, the respondent has cited human resource constraints as the ground for being unable to accede to the petitioner’s request to continue at Sirsa.

10. We cannot sit in appeal over the decision.

11. The petitioner has not been able to show us any enforceable right to continue at Sirsa till the date of his retirement.

12. Inasmuch as the letter of request, whereby the petitioner sought posting to Sirsa, itself acknowledged that the posting would be for a period of two years, we cannot, in exercise of our jurisdiction under Article 226 of the Constitution of India, direct that the petitioner should be permitted to continue till the date of his retirement.

13. Mr. Kadian also placed reliance on the judgment of the Rajasthan High Court in *UOI v Anil Kumar*¹. Learned counsel for the respondent has pointed out that the said decision was carried in appeal by the UOI by way of SLP (C) Diary No. 25134/2024, in which the following order came to be passed :

“1. Delay condoned.

¹ Judgment dated 2 February 2024 in DB Spl. Appl. Writ No.841/2023



2. Heard learned senior counsel, Mr. R. Bala for the petitioners.
3. In the peculiar facts and circumstances of the case, we are not inclined to interfere with the impugned order passed by the High Court, however, the impugned decision shall not be cited as a precedent in any other case. The question of law is kept open.
4. The Special Leave Petition is, accordingly, dismissed.
5. Pending applications, if any, shall stand disposed of.”

14. Thus, it is not possible for us to follow the judgment of the High Court of Rajasthan in view of the specific direction by the Supreme Court that order was not to be treated as a precedent in any other case.

15. Resultantly, we regret our inability to come to the aid of the petitioner. The petition is, accordingly, dismissed with no orders as to costs.

16. This would not, however, preclude the petitioner from addressing a representation to the respondent in that regard, or the respondent from according a sympathetic consideration to the petitioner’s request. We, however, clarify that we are not issuing any direction to that effect or making any observations in that regard.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 8, 2025/ yg

[Click here to check corrigendum, if any](#)