



CNR: KAHC010061652024

NC: 2026:KHC:46045-DB
WA No. 163 of 2024
C/W WA No. 171 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 163 OF 2024 (S-PRO)

C/W

WRIT APPEAL NO. 171 OF 2024 (S-PRO)

IN WA No. 163/2024:

BETWEEN:

1. UNION OF INDIA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF DEFENCE
RESEARCH AND DEVELOPMENT
MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
DRDO BHAVAN, RAJAJI MARG,
SOUTH BLOCK, NEW DELHI-110 010.
2. THE AERONAUTICAL DEVELOPMENT AGENCY
BY ITS DIRECTOR GENERAL
ALSO SECRETARY
DEPARTMENT OF DEFENCE
RESEARCH AND DEVELOPMENT
MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
DRDO BHAVAN, RAJAJI MARG,
SOUTH BLOCK, NEW DELHI-110 010.
3. THE PROGRAM DIRECTOR (CA)
AND DIRECTOR - ADA
BY ITS DIRECTOR, MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
P B NO.1718, VIMANAPURA POST,
BENGALURU-560 017.

Digitally
signed by
MALAK N
Location:
High Court
of Karnataka



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4. THE DIRECTOR (ADMIN & HR) - ADA
BY ITS DIRECTOR MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
P B NO.1718, VIMANAPURA POST,
BENGALURU-560 017.

...APPELLANTS

(BY SRI.S.R.DODAWAD, CGC)

AND:

SRI. PRAMOD JHA
S/O RAM RATAN,
AGED ABOUT 52 YEARS,
WORKING AS SENIOR
ADMINISTRATIVE OFFICER GRADE-II,
AERONAUTICAL DEVELOPMENT AGENCY,
PB1718, GOVERNMENT OF INDIA,
VIMANAPURA POST, BENGALURU-560 017.

...RESPONDENT

(BY SRI.SRIKANTH.M.P, ADVOCATE FOR R1)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO CALL THE FOR THE RECORDS
IN WP No-4625/2021 (S-PRO) SET ASIDE THE ORDER DATED
19.12.2023 PASSED BY THE SINGLE JUDGE ALLOWING THE WP
AND PASS SUCH OTHER ORDER OF THIS HON'BLE COURT
DEEMS FIT TO GRANT IN THE INTEREST OF JUSTICE AND
EQUITY.

IN WA NO. 171/2024:

BETWEEN:

1. UNION OF INDIA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF DEFENCE RESEARCH
AND DEVELOPMENT,
MINISTRY OF DEFENCE, GOVERNMENT OF INDIA,
DRDO BHAVAN, RAJAJI MARG,
SOUTH BLOCK, NEW DELHI-110 010.



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2. THE AERONAUTICAL DEVELOPMENT AGENCY
BY ITS DIRECTOR GENERAL,
ALSO SECRETARY,
DEPARTMENT OF DEFENCE
RESEARCH AND DEVELOPMENT,
MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
DRDO BHAVAN, RAJAJI MARG,
SOUTH BLOCK, NEW DELHI-110 010.
3. THE PROGRAMME DIRECTOR (CA)
AND DIRECTOR-ADA
BY ITS DIRECTOR,
MINISTRY OF DEFENCE
GOVERNMENT OF INDIA,
PB NO. 1718, VIMANAPURA POST,
BENGALURU-560 017.
4. THE DIRECTOR (ADMIN & HR)-ADA
BY ITS DIRECTOR, MINISTRY OF DEFENCE
GOVERNMENT OF INDIA,
PB NO. 1718, VIMANAPURA POST,
BENGALURU-560 017.

...APPELLANTS

(BY SRI.S.R.DODWAD, CGC)

AND:

SRI. C.N. SATHEESH,
S/O NARAYANAN NAIR,
AGED ABOUT 49 YEARS,
WORKING AS SENIOR
ADMINISTRATIVE OFFICER GRADE-II,
AERONAUTICAL DEVELOPMENTAL AGENCY,
PB 1718, GOVERNMENT OF INDIA,
VIMANAPURA POST,
BENGALURU-560 017.

...RESPONDENT

(BY SRI.SRIKANTH.M.P.,ADVOCATE FOR R1)



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THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN W.P No. 3771 OF 2021 (S-PRO), SET ASIDE THE ORDER DATED 19.12.2023 PASSED BY THE LEARNED SINGLE JUDGE ALLOWING THE WRIT PETITION AND PASS SUCH OTHER ORDER AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeals have been filed impugning the judgment and order dated 19.12.2023 passed by the learned Single Judge in Writ Petition No.3771/2021 (S-PRO) c/w Writ Petition No.4625/2021 (S-PRO).

2. For the sake of convenience, parties shall be referred to as per their ranking before the learned Single Judge.

3. The petitioners, C.N.Satheesh and Pramod Kumar Jha, were working as Senior Administrative Officers



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Grade-II in the Aeronautical Development Agency (ADA). Their grievance arose in relation to their claim for promotion from the Grade Pay of Rs.4,600/- to Rs.5,400/-. They relied upon the Office Memorandum dated 24.03.2009 issued by the Department of Personnel and Training (DoPT), pursuant to the recommendations of the Sixth Central Pay Commission, wherein the minimum qualifying service prescribed for promotion from Grade Pay of Rs.4,600/- to Rs.5,400/- was *three* years. The petitioners contended that, having completed the requisite qualifying service, they were entitled to be considered for promotion.

4. The petitioners, however, were denied the benefit of promotion on the ground that, in addition to three years' qualifying service, they were required to have a cumulative service of 18 years in the ADA. This additional requirement was introduced by the ADA through its Circular dated 11.12.2012. Since the petitioners had earlier served in the Indian Air Force and did not possess



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18 years of cumulative service in the ADA, they were rendered ineligible for promotion. Their contention was that the requirement of 18 years' cumulative service was an additional and arbitrary condition which was not contemplated by the DoPT Office Memorandum.

5. The respondents, on the other hand, contended that the ADA was an autonomous body and was therefore not automatically bound to adopt the Office Memoranda issued by the DoPT. According to them, the ADA was entitled to frame and regulate its own Recruitment Rules and Promotion Policy having regard to the nature of the institution. Reliance was placed upon Rule 12 of the Aeronautical Development Agency Recruitment and Promotion Rules, 1990, which conferred upon the competent authority the power to relax or alter the provisions of the Rules in respect of its employees. On this basis, it was argued that the ADA was competent to prescribe the additional requirement of 18 years'



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cumulative service in addition to the three years' qualifying service.

6. It was further contended on behalf of the respondents that the Circular dated 11.12.2012 had never been challenged by the petitioners and, therefore, they could not subsequently seek promotion by relying only upon the three-year qualifying service requirement. Reliance was also placed upon an earlier judgment of a Co-ordinate Bench, which had been affirmed by the Division Bench. The respondents further submitted that, although the Recruitment Rules were amended in 2020 and the requirement of 18 years' cumulative service was omitted, the amended provision could operate only prospectively and could not confer any retrospective benefit upon the petitioners.

7. The learned Single Judge noticed that the conditions governing promotion were prescribed by the Recruitment Rules and Promotion Policy of the ADA.



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Though the ADA was an autonomous body and was not ordinarily bound to automatically adopt every DoPT circular, the position changed once the ADA itself chose to adopt the Office Memorandum dated 24.03.2009. The said Office Memorandum prescribed three years as the qualifying service for promotion from Grade Pay of Rs.4,600/- to Rs.5,400/-. The learned Single Judge held that, having adopted the Office Memorandum, the ADA could not selectively adopt only a portion of it and, at the same time, introduce an additional requirement of 18 years' cumulative service, which was not found in the adopted provision.

8. The learned Single Judge found further support for this conclusion from the subsequent amendment of the ADA's Recruitment Rules and Promotion Policy on 15.06.2020. While making the amendment, the ADA prescribed three years' qualifying service and consciously omitted the requirement of 18 years' cumulative service, which had earlier been imposed through the 2012 Circular.



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Thus, the ADA itself ultimately adopted the three-year requirement without retaining the additional 18-year condition. In these circumstances, the learned Single Judge held that the respondents could not rely upon the earlier Circular to deny the petitioners the benefit of promotion, particularly when the very condition on which their claim had been rejected was not incorporated into the amended Rules.

9. In view of the above, the learned Single Judge held that the petitioners were entitled to promotion upon completing the prescribed qualifying service of three years. The Court specifically took note of the fact that the ADA had adopted the DoPT Office Memorandum dated 24.03.2009 and subsequently amended its Rules in conformity with the three-year qualifying service requirement. Consequently, the additional condition of 18 years' cumulative service in the ADA could not be relied upon to deny the petitioners promotion.



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10. Accordingly, the respondents were directed to grant the petitioners promotion upon their attaining the qualifying service of three years as prescribed under the Office Memorandum dated 24.03.2009. The learned Single Judge also directed that the petitioners would be entitled to all consequential benefits, including monetary benefits, which were to be paid within two months from the date of receipt of the said order. The writ petitions were accordingly allowed.

11. Aggrieved by the said order of the learned Single Judge, the respondents have filed the instant intra-court appeals.

12. The respondents assail the judgment under appeal primarily on the ground that the learned Single Judge failed to appreciate the distinction between the minimum qualifying service of three years prescribed under the DoPT Office Memorandum dated 24.03.2009 and the additional requirement of cumulative service in the



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ADA prescribed by the competent authority. The ADA, being an autonomous organisation, was competent under its Recruitment Rules and Promotion Policy to regulate the conditions of promotion and to relax or alter the Rules in appropriate cases. It was, therefore, contended that the Circular dated 11.12.2012, prescribing cumulative service in the ADA in addition to the qualifying service, was valid and binding. The learned Single Judge, according to the respondents, erred in holding that the ADA could not impose such an additional condition merely because it had adopted the DoPT Office Memorandum.

13. The respondents further contend that the learned Single Judge ought to have considered that the Circular dated 11.12.2012 had not been challenged by the petitioners and had remained operative during the relevant period. The subsequent amendment of the Recruitment Rules on 15.06.2020, whereby the requirement of cumulative service was omitted and three years' qualifying service alone was prescribed, could not have been applied



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retrospectively so as to confer a vested right of promotion upon the petitioners for an earlier period. The respondents, therefore, submit that the direction to grant promotion and consequential benefits to the petitioners is contrary to the applicable Rules and the settled principle that eligibility for promotion has to be determined with reference to the Rules prevailing on the relevant date.

14. We have heard Sri.S.R.Dodawad, learned Central Government Counsel for the respondents and Sri.Srikanth M.P., learned counsel appearing for the petitioners and have carefully perused the records of the case.

15. Having given our anxious consideration to the arguments advanced on both sides, the only point that arises for our consideration is,

"Whether the order passed by the learned Single Judge suffers from any illegality or infirmity warranting interference by this Court?"



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16. We are unable to appreciate the grounds urged by the respondents. The principal contention that the ADA, being an autonomous organisation, was entitled to prescribe an additional condition of cumulative service, cannot be accepted in the facts of the present case. Though the ADA may frame its own Recruitment Rules, it had consciously adopted the Official Memorandum dated 24.03.2009, which prescribed three years of qualifying service for promotion from the Grade Pay of Rs.4,600/- to Rs.5,400/-. Having adopted the said Memorandum, the ADA could not selectively apply it and at the same time, introduce an additional condition of cumulative service which was not part of the adopted requirement. This position is further fortified by the subsequent amendment of the Rules in the year 2020, wherein the ADA retained only the requirement of three years' qualifying service and did not incorporate the additional condition of cumulative service.



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17. The further contention of the respondents that the Circular dated 11.12.2012 was not challenged and, therefore, could be relied upon to deny promotion, also does not merit acceptance. The subsequent amendment of the Rules itself demonstrates that the ADA ultimately chose to adopt the three-year qualifying service prescribed in the Official Memorandum and gave up the additional requirement of cumulative service. The judgments relied upon by the respondents are also of no assistance, as the factual position obtaining in those cases, particularly the adoption of the DoPT Memorandum by the ADA, was not considered. We are, therefore, of the considered view that the learned Single Judge has correctly appreciated the Rules, the Office Memorandum and the subsequent conduct of the ADA and has rightly directed that the petitioners be granted promotion on attaining three years of qualifying service, together with consequential benefits.



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18. In that view of the matter, the impugned order does not suffer from any error warranting interference by this Court. Accordingly, we pass the following;

ORDER

i) Writ Appeal No.163/2024 is dismissed.

ii) In view of the order passed in Writ Appeal No.163/2024, Writ Appeal No.171/ 2024 is also dismissed, in terms of the said order.

Pending I.As., if any, stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 31