



2026:DHC:6456-DB



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

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Date of Decision: 06.08.2026

(70)

CNR No. DLHC010357892026

+ **LPA 609/2026**

TARUN KUMAR & ORS.

.....Petitioners

Through: Mr. Siddhant Gupta & Ms.
Rajnandani Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sandeep Tyagi, SPC with Mr.
Akhilesh B., Advocates for R1/UoI.
Mr. Digvijay Rai, Standing Counsel
with Mr. Archit Mishra, Advocate;
Mr. Deepak Tomar, DGM (Law); Ms.
Tanya Rohilla, Manager (Law) and
Mr. Jayesh Bhargava JE (Law) for
R2/AAI.

(71)

CNR No. DLHC010357902026

+ **LPA 610/2026**

ABHIJIT BANERJI & ORS.

..... Petitioners

Through: Mr. Siddhant Gupta & Ms.
Rajnandani Kumar, Advocates.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Satya Ranjan Swain, CGSC with
Mr. Kautilya Birat, GP and Mr.
Sanskar Gupta, Advocate for R1/UoI.
Mr. Digvijay Rai, Standing Counsel
with Mr. Archit Mishra, Advocate;
Mr. Deepak Tomar, DGM (Law); Ms.
Tanya Rohilla, Manager (Law) and
Mr. Jayesh Bhargava JE (Law) for
R2/AAI.



CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

CM APPL. 51480/2026(Exemption) in LPA 609/2026
CM APPL. 51484/2026(Exemption) in LPA 610/2026

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CM APPL. 51481/2026 (Delay of 110 days in filing the Appeal) & CM APPL. 51482/2026 (Delay of 07 days in re-filing the Appeal) in LPA 609/2026

3. Having heard the learned Counsel for the Parties and perused the averments made in the Applications, the same are allowed. The delay of 110 days in filing as well as 07 days in re-filing the present Appeal, respectively, are hereby condoned.
4. Accordingly, the Applications stand disposed of.

CM APPL. 51485/2026 (Delay of 139 days in filing the Appeal) in LPA 610/2026

5. Having heard the learned Counsel for the Parties and perused the averments made in the Application, the same is allowed. The delay of 139 days in the filing the present Appeal is hereby condoned.
6. Accordingly, the Application stands disposed of.

LPA 609/2026 & LPA 610/2026

7. The present two *intra-court* Appeals assail the common order dated 12.02.2026 (“**Impugned Order**”) passed in W.P.(C) 5719/2020 and W.P.(C) 1035/2023 (“**Writ Petitions**”). By the Impugned Order, the learned Single Judge dismissed the Writ Petitions preferred by the Appellants



seeking entitlement to the increment-based incentive scheme, namely “Incentive Scheme on acquiring Professional/Additional Qualifications” (“**Incentive Scheme**”) of Respondent No. 2, Airports Authority of India (“**AAI**”).

8. Since both Appeals arise out of a common factual matrix, raise identical questions of law, and impugn the same order, they are being decided by way of this common order.

9. The brief factual background germane to the adjudication of the present Appeals is set out hereinafter:

- 9.1. The Appellants are officers serving in the executive cadre of AAI, except Petitioner No. 15 in the underlying Writ Petition bearing W.P.(C) 5719/2020. On 19.08.1998, AAI notified an Incentive Scheme with a view to encouraging its employees to enhance their professional competence.
- 9.2. Under the Incentive Scheme, eligible employees who acquired specified higher qualifications were entitled to one or two additional increments. The said scheme required employees to obtain prior departmental permission before enrolling for higher studies and expressly reserved to the management the discretion to amend, improve, or withdraw the scheme without notice.
- 9.3. Prior to 25.03.2010, the Appellants applied for, and were granted, administrative permission by AAI to pursue various higher/professional courses. The permission letters issued to the Appellants, *inter alia*, contained a condition that the qualification acquired “*will be considered for incentive as well as promotion as per AAI policy and R&P Rules and further subject to*



recognition of the institution/course by Govt. regulatory bodies from time to time”.

- 9.4. Thereafter, on 25.03.2010, AAI issued Corporate HRM Circular No. 09/2010 (“**Circular**”), thereby superseding the Incentive Scheme. Under the said Circular, the increment-based incentive scheme was substituted by a lump-sum incentive scheme for employees whose pay scales had been revised with effect from 01.01.2007, and the lump-sum scheme was made applicable retrospectively from 01.01.2007.
- 9.5. The retrospective application of the Circular was assailed before the High Court of Kerala in W.P.(C) No. 22395/2010. By judgment dated 05.12.2017, the High Court of Kerala set aside its retrospective operation with effect from 01.01.2007, holding that officers who had acquired qualifications prior to the issuance of the Circular constituted a single class and were entitled to increment benefits under the Incentive Scheme.
- 9.6. In implementation of the judgment of the High Court of Kerala, AAI issued Corporate HRM Circular No. 46/2019 dated 01.08.2019, for giving prospective effect to the lump-sum incentive scheme from 25.03.2010, instead of 01.01.2007, and restoring the additional increments to employees who were drawing the same prior to 25.03.2010.
- 9.7. AAI, thereafter, issued clarification circulars, namely Circular No. 46(a)/2019 dated 09/11.10.2019 and Corporate HRM Circular No. 46(c)/2019 dated 23.12.2020 (“**Circulars**”). By way of the Circulars, AAI clarified that eligibility for the increment-



based incentive would stand confined to employees whose qualification results had been declared on or before 24.03.2010.

9.8. The Appellants, who had obtained departmental permission prior to 25.03.2010, but acquired their qualifications upon declaration of results after 24.03.2010, preferred the Writ Petitions assailing the cut-off criterion and seeking grant of additional increments under the Incentive Scheme.

9.9. The learned Single Judge, *vide* the Impugned Order, dismissed the Writ Petitions, holding that departmental permission to pursue higher studies was merely an enabling administrative clearance and did not confer any vested right or immutable financial entitlement under the Incentive Scheme.

9.10. It was further held in the Impugned Order that entitlement to an incentive accrues only upon actual acquisition of the qualification, objectively determinable by the date of declaration of result, and was governed by the policy in force at the relevant time, as expressly indicated by the stipulation “*as per AAI policy... from time to time*” contained in the permission letters.

9.11. Aggrieved thereby, the Appellants have preferred the present Appeals.

10. Learned Counsel for the Appellants submitted that the Impugned Order has wrongly considered the date of declaration of result as the sole qualifying event for entitlement under the Incentive Scheme. It was further submitted on behalf of the Appellants that the process of acquiring higher professional qualifications commences upon the seeking and grant of departmental permission and once formal permission had been accorded by



Respondent No. 2 prior to 25.03.2010, the Appellants undertook their respective courses in reliance upon the then prevailing policy framework, and their entitlement ought to be governed by the scheme in force at the time such permission was granted, rather than by a subsequent policy revision.

11. Learned Counsel for the Appellants further submitted that the learned Single Judge misconstrued the stipulation “*as per AAI policy*” contained in the administrative permission letters. It was contended on behalf of the Appellants that the said phrase ought to be construed contextually as referring to the incentive regime applicable to such permissions at the time approval was granted.

12. In this context, learned Counsel for the Appellants submitted that the Incentive Scheme, when read with the departmental permission letters, gave rise to a legitimate expectation that, upon successful completion of the course, the employees would be extended the benefits of the Incentive Scheme. It was further urged by learned Counsel for the Appellants that, having induced the Appellants to expend personal time, effort, and financial resources based on an official approval, Respondent No. 2 could not thereafter alter the applicable terms to their prejudice under the guise of a policy revision.

13. We have heard learned Counsel appearing on behalf of the Appellants and have carefully considered the material placed on record.

14. The main grievance of the Appellants is that the grant of departmental permission prior to 25.03.2010 crystallised a vested right to be governed by the Incentive Scheme, irrespective of the date of acquiring the actual qualification.



15. We are of the view that the departmental permission to pursue higher studies is an administrative clearance granted by an employer principally to ensure that an employee's academic pursuits do not conflict with official duties, regular attendance, or exigencies of service. Such permission is merely enabling in nature and does not, by itself, confer an accrued or vested financial right to the Incentive Scheme.

16. A financial benefit under the Incentive Scheme was to be granted upon the actual acquisition of a professional qualification, and not merely for seeking or obtaining permission to pursue studies. The qualifying event which triggers entitlement is, therefore, the successful acquisition of the degree or qualification, objectively evidenced by the declaration of result. Until such result was declared, the Appellants' claim to the benefit of Incentive Scheme remained inchoate. Consequently, the decisive date for determining eligibility was the date on which the qualification was acquired by the Appellants, and not the date on which departmental permission was accorded to them.

17. Further, the administrative permission letters issued to the Appellants expressly stipulated that the qualification acquired "*will be considered for incentive as well as promotion as per AAI policy and R&P Rules and further subject to recognition of the institution/course by Govt. regulatory bodies from time to time*". The expression "***as per AAI policy... from time to time***" cannot be construed in isolation or treated as freezing the applicability of the Incentive Scheme as on the date on which permission was granted. On its plain and natural construction, the claim for incentive was required to be assessed with reference to the Incentive Scheme in force at the time the qualification was actually acquired and submitted for consideration.



18. We also do not find merit in the submissions by the Appellants of legitimate expectation and promissory estoppel. The doctrine of legitimate expectation is intended to ensure fairness in administrative action. However, it does not operate to fetter the employer's executive authority to amend, modify, or alter service policies in response to changing organisational requirements or binding governmental directives.

19. The Incentive Scheme itself contained an express reservation clause empowering the management to amend or withdraw the same. When read conjointly with the conditional language of the permission letters, there was no unequivocal or unqualified assurance given on the part of Respondent No. 2 that the Incentive Scheme would continue unchanged until the Appellants acquire the qualifications for consideration under the Incentive Scheme. The transition from an increment-based model to a lump-sum model was a *bona fide* policy realignment, and the doctrines of estoppel or legitimate expectation cannot be invoked to compel continuation of a superseded financial benefit.

20. In view of the foregoing, we are of the considered view that the learned Single Judge rightly held in the Impugned Order that departmental permission to pursue higher studies was merely an enabling administrative clearance and did not confer any vested right or immutable financial entitlement under the Incentive Scheme. We are in complete agreement with the finding recorded in the Impugned Order that entitlement to an incentive accrues only upon actual acquisition of the qualification, to be determined with reference to the date of declaration of result and is governed by the Incentive Scheme in force at the relevant time, as expressly reflected in the permission letters by the stipulation "*as per AAI policy... from time to time*".



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21. In view of the above analysis, we do not find any infirmity in the Impugned Order dated 12.02.2026 warranting interference in the present *intra-court* Appeals. The Appeals are, accordingly, dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 6, 2026

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