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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010384872026
+ **W.P.(C) 11944/2026, CM APPLs. 55381/2026, 55382/2026 & 55383/2026**

YOGESH KUMAR AGRAWAL Petitioner

Through: **Mr. Uddhav Pratap, Adv.**

versus

UNION OF INDIA & ORS. Respondents
Through: **Mr. Jatin Teotia, SPC with Mr. Prakhar Vashisth, Adv. with Mr. Aditya Pant, Commandant (Indian Navy)**

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **24.08.2026**

C. HARI SHANKAR, J.

1. This writ petition is directed against an order dated 11 August 2026 passed by the Central Administrative Tribunal¹ in OA 2105/2026.

2. The petitioner, who is a civilian in the Indian Navy, joined its services as Examiner (A) on 29 June 2015 at the Controllarate of Naval Armament Inspection, Mumbai. He was transferred from Mumbai to the Naval Armament Inspection station in Arakkonam on

Signature Not Verified¹ "the Tribunal", hereinafter

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1 January 2024 as Chargeman (A&E). The petitioner applied for transfer to Delhi on the ground that the climatic conditions in Tamil Nadu did not suit him, as he was suffering from dry psoriasis. At his request, he was transferred to the Defence Standardisation Cell, Badarpur, New Delhi, on 31 July 2025.

3. By order dated 21 April 2026, passed by the Directorate General of Naval Armament Inspection, Naval Headquarters, the petitioner was transferred to Kerala.

4. Aggrieved thereby, the petitioner approached the Tribunal by way of OA 2105/2026.

5. By judgment dated 11 August 2026, the Tribunal has dismissed the OA.

6. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

7. The petitioner's contention, before the Tribunal as well as before this Court, was substantially predicted on para 5(f) of transfer policy dated 5 August 2005 issued by the Integrated Headquarters of Ministry of Defence (Navy), which read thus:

“(f) Personnel granted transfers on request/compassionate grounds are liable for transfers out of station on completion of approximately 3 years stay at the request station, where such moves are required due to service exigencies/administrative reasons.”



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8. The petitioner's contention was, therefore, that, before expiry of three years of stay at Delhi, the petitioner could not be transferred out and that any such transfer would breach para 5(f) of the transfer policy dated 5 August 2005.

9. The respondents, in their counter affidavit filed before the Tribunal, averred, *inter alia*, thus:

“4.1 That the contents of Para No. 4.1 of the present Original Application under reply, it is submitted that the statement that applicant joined the service as Examiner (A&E) on 29 Jun 15 at CNAI(W), Mumbai is factually correct.

The statement that during petitioner's tenure at CNAI(W), Mumbai till 29 Dec 2023, the individual has performed his duty towards the nation with full dedication, honesty and determination is factually incorrect and misleading and therefore, denied.

The service record of petitioner, while being posted at CNAI (W), clearly brings out persistent cases of misconduct, including taking unsanctioned leave during probation leading to extension of probation period, breaching security protocols in restricted defense establishments for which a letter of admonition was issued by concerned authority, using disrespectful language against superiors and colleagues as per records, disrupting workplace harmony by being belligerent, argumentative and exhibiting traits of high conflicting personality.

Additionally, formal inquiries have documented the individual engaging in sexual harassment of a woman employee at workplace wherein a letter of reprimand has been issued to the petitioner.

Further subsequent unit i.e NAI, Arakkonam has also reported violations of laid down CCS rules including behavioral issues and poor interpersonal relations with co-workers, Denial of Duties and Repeated insubordination, Unauthorized use of voice recording equipment, Unauthorized access of documents, Frequent verbal/written complaints/requests for invalid reasons.

In this regard, the details of service record of the individual from 29 Jun 15 to 29 Dec 23 at CNAI (W), Mumbai and further from 01 Jan 24 to 08 Aug 25 at NAI, Arakkonam is annexed herewith and marked as Annexure R/1.

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Therefore, the contention of the petitioner regarding his performance of duty towards the nation with full dedication, honesty and determination till 29 December, 2023 while at CNAI(W), Mumbai is denied as misleading and not tenable.

4.3 That the content of Para no. 4.3 of the present Original Application under reply, it is submitted that the medical documentation submitted by the petitioner in above application mentions “certificate is issued on his request for submission of bills and does not hold any medicolegal value”.

Even though the representation was supported by highly sub-optimal and weak medical documentation, the respondents took a benevolent view of his situation.

It is submitted that far from showing indifference to the applicant's health or family issues, the respondent no. 2 DGNAI have consistently acted with utmost administrative empathy and goodwill.

The individual submitted an application for transfer 'On Request' on 10 Jul 24 i.e. in 06 months after the date of Joining at NAI, Arakkonam.

Prior to individual's transfer to Delhi, the individual was formally interviewed based on his verbal request. During this interview, the competent authority verbally counselled him to fundamentally improve upon his behavioral issues and service conduct as the Defence Offices in Delhi station remain highly sensitive in nature due to proximity to the Gol. The same requires highest standard of institutional discipline, absolute official efficiency and strict adherence to CCS Rules.

Following this personal counselling, and out of pure administrative goodwill to give fair chance, the individual's request was accommodated and he was posted to DSC, Badarpur. In this regard a copy of Noting-28 recorded on file is annexed herewith as Annexure R/2.

4.6 That the content of Para no. 4.6 of the present Original Application under reply, it is submitted that the statement that petitioner was transferred on administrative grounds vide order AI/1341 dated 21 Apr 26 is factually correct. However, contentions raised by the petitioner are denied as legally untenable as the grievance regarding short tenure of eight months is misplaced.



The petitioner's mention of 'great surprise' is self-imposed as petitioner was posted to Delhi post proper verbal counselling by competent authority.

Despite the prior counselling, the petitioner engaged in persistent insubordination and sub-optimal performance which drastically compromised the operational output and collective harmony of DSC, Badarpur within few months of arrival.

In this regard, Copy of DSC Badarpur Note DSCND/ADM(CR)/5078/P&T dated 04 Nov 25, DSN-ND/Adm(S)/5103/Posting dated 24 Feb 26, DSC-ND/Adm(M)/5103/Posting dated 06 Apr 26; HQ, DOS letter 1103/Adm/Std dated 24 Feb 26 refers and are collectively annexed herewith and marked as Annexure R/3 (Colly.)

The repeatedly deteriorating work environment in a highly sensitive tri-service establishment, DSC Badarpur, corroborated by the fact that the same has been reported by three different officers of DSC, Badarpur, ratified by Director DOS and coupled with past service record of the petitioner; the competent authority achieved prima facie satisfaction that the petitioner's immediate relocation was necessary in larger public interest.

It is submitted that the administration cannot sit vainly and permit a vital operational unit to remain disrupted merely to fulfill a routine tenure timeline.

The transfer order has been issued to restore institutional discipline at DSC, Badarpur, is non-stigmatic, and carries no consequence to pay, promotion and rank of the petitioner, therefore the challenge based on short tenure lacks merit.

It is well settled principle of service that transfer guidelines do not create an absolute statutory bar against short-tenure postings when overriding public interest or pressing administrative requirement arises.

4.7 That the content of Para no. 4.7 of the present Original Application under reply, it is submitted that the contentions are entirely denied as misconceived and irrelevant.

The petitioner's absolute reliance on AI/1028 dated 05 Aug 05 to challenge the order is legally untenable as the guidelines for transfer have been promulgated vide Naval Headquarters, Directorate of Civilian Personnel letter CP (G)/2601/Transfer Policy dated 11 Aug 15 (Annexure R/4)



Further, the 'administrative grounds' for transfer are laid down at Para 2 Annexure to above mentioned NHQ/ DCP letter. The transfer on administrative grounds are affected in public interest based on functional requirements of organization.

In present case, petitioner's persistent insubordination, documented sub-optimal performance and continuous friction with other employees of DSC, Badarpur (as brought out vide collective set of documents at Annexure R/3) began to actively paralyze the operational efficiency of the unit.

The deteriorating working environment in close proximity to Gol coupled by past service record of the petitioner, the competent authority was satisfied that petitioner's immediate relocation was a pressing administrative necessity to restore institutional discipline and workplace harmony.”

10. The Tribunal has, in the impugned order, noted the limited scope of interference with matters of transfer and has, for this purpose, relied on the judgments of the Supreme Court in *State of UP v. Gobardhan Lal*², *Union of India v. S.L. Abbas*³ as well as *Rajendra Roy v. Union of India*⁴.

11. We have heard Mr. Uddhav Pratap, learned Counsel for the petitioner and Mr. Jatin Teotia, learned Senior Panel Counsel for the respondents at some length.

12. Mr. Teotia has drawn our attention to “Policy Guidelines for Transfer of Civilian Personnel” which was an enclosure to the transfer policy of the Navy dated 11 August 2015. Clause 2 of the said policy guidelines sets out the grounds for transfer and, from the said clause, we deem it appropriate to reproduce sub clauses (a) and (d) thus:

² (2004) 11 SCC 402

³ AIR 1993 SC 2444

⁴ (1993) 1 SCC 148



(a) Administrative Grounds. Transfers on administrative grounds are effected in public interest based on the functional requirements of organisation, which include redeploying surplus staff in excess of sanctioned strength at a location to other location against sanctioned strength, against newly created post, on serious disciplinary grounds, displacement of an employee to accommodate the request of a needy employee, posting employee to a hard station, etc.

(d) On Request. When an employee requests to be posted to a location of his choice, not necessarily his home station, for personal/professional reasons, it is termed as On Request transfer. Request for retention or for transfer are to reach the respective Appointing Authority by 30th Sep, on completion of at least one year residency period as on 01 Jan of the next calendar year. In normal circumstances, no request for a transfer at any other time will be entertained. However, in extreme cases, duly supported by facts and recommendations of the Controlling Officer, such requests may be considered, subject to administrative exigencies.”

13. Mr. Teotia submits that, therefore, serious disciplinary grounds could also constitute a basis for transferring an employee on administrative grounds. Given the behaviour of the petitioner and the fact that he made it impossible to continue him at Delhi, a decision was taken on administrative grounds to transfer him to Kerala.

14. Mr. Teotia further submits that the decision in *Somesh Tiwari v. Union of India*⁵ is clearly distinguishable and that, therefore, no case arises for interference by this Court with the order of the Tribunal.

15. Mr. Pratap submits on the other hand that the transfer policy to which Mr. Teotia drew our attention is not the one which would apply to his client. He instead relies on the Transfer Policy – NAI Personnel



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(CIV) dated 5 August 2005, already cited *supra*, and reiterates his reliance on para 5(f) thereof.

16. He also submits that the case is on all fours with the judgment of the Supreme Court in ***Somesh Tiwari*** as well as the more recent pronouncement of the Supreme Court in ***X v. Registrar General, High Court of Madhya Pradesh***⁶.

17. We have considered the submissions of both sides after perusing the record.

18. It is well settled that orders of transfer are ordinarily immune from judicial interference, save and except where the transfer is in violation of the extant policy or statutory rules or is otherwise vitiated by *mala fides*. For this purpose, we may reproduce the following passage from the authoritative pronouncement of the Supreme Court on the issue in *Sk. Nausad Rahaman v. Union of India*⁷ thus:

27. The above principle was cited with approval in *Union of India v. S.L. Abbas*⁸, wherein the Court held that transfer is an incident of service:

“7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by *mala fides* or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far

⁶ (2022) 14 SCC 187

⁷ (2022) 12 SCC 1

⁸ (1993) 4 SCC 357



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as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the government employee a legally enforceable right.”

19. Insofar as the decision in **Somesh Tiwari** is concerned, the law is not declared differently therein. The Supreme Court was, in that case, dealing with a case of a transfer based on an anonymous complaint against an officer, without any verification. The Supreme Court held that such a transfer would be vitiated by malice in law and would clearly amount to a transfer in lieu of punishment.

20. In the present case, the respondents are not acting on the basis of any anonymous complaint. There is wealth of correspondence, as well as other material on record, annexed to the counter affidavit filed before the Tribunal, as well as averments on oath to the effect that behavior of the petitioner in Delhi was so incorrigible that it was impossible to allow him to continue here.

21. Though Mr. Pratap, as well as the petitioner who also addressed us in person, vociferously contest the correctness of these allegations, we are not, in the present case, exercising any power of judicial review over the said allegations against the petitioner. Our remit is limited to examining whether the order of transfer of the petitioner is vitiated in law.

22. As we have said, **Somesh Tiwari** is clearly distinguishable. The decision in **X**, on the other hand, was a case where the transfer was in violation of the transfer policy. In fact, the Supreme Court has, in para 59 of the said decision, clearly observed thus:

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“59. We have no hesitation in holding that the petitioner has established that her transfer order was in contravention of the Transfer Policy and that the rejection of her two representations, in addition of being contrary to the Transfer Policy, were also arbitrary. As such, the petitioner has discharged her burden and the onus is shifted on Respondent 1 to show that the petitioner’s transfer order was fair and reasonable in the facts and circumstances of the case.”

23. We have also considered Mr. Pratap’s contentions that the transfer policy, which would apply to his client is the policy dated 5 August 2005 and not the policy on which Mr. Teotia placed reliance.

24. Mr. Pratap has also drawn our attention to Clause 5 of the transfer policy dated 11 August 2015 on which Mr. Teotia places reliance, which reads thus:

“5. The broad guidelines for transfer of Civilian Personnel are placed at enclosure to this letter. Appointing Authorities/Cadre Controllers may draw up specific policies for their respective Cadres within the overall guidelines promulgated in this letter.”

25. Mr. Teotia points out that, in fact the petitioner’s request transfer to Delhi was itself based on the policy dated 11 August 2015 and that, therefore, the petitioner cannot seek to wish away the policy.

26. There is substance in this contention of Mr. Teotia.

27. Besides, we do not find any inherent contradiction in the policy dated 11 August 2015 and the policy dated 5 August 2005. Clause 5(f) of the policy dated 5 August 2005, on which Mr. Pratap himself placed reliance, merely states that persons who are transferred on



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request would be liable to be transferred out of the station on completion of three years where it was so required in service exigencies or for administrative reasons. The clause therefore is limiting in nature. It makes the person, who is the beneficiary of a request transfer liable to be transferred out of the station concerned after three years are over. It does not engraft a proscription on transferring the person out of the station of request transfer prior to the expiry of three years.

28. We find it impossible to accept a contention that, if a person is transferred on request transfer, he can exhibit incorrigible behavior at the place of transfer and can nonetheless insist on remaining at the station for a period of three years.

29. In fact, Clause 2(a) of the transfer policy dated 11 August 2015 specifically includes, transfer “on serious disciplinary grounds” within the general parentheses of “transfer on administrative grounds”. The allegations contained in the counter affidavit, which are supported by the documents filed therewith, would clearly indicate that there were “serious disciplinary grounds” justifying the movement of the petitioner from Delhi. The transfer, therefore, by application of Clause 2(a) of the policy guidelines annexed to the transfer policy dated 11 August 2015, would be in the nature of an “administrative” transfer.

30. As such, the case of the transfer of the petitioner out from Delhi to Kerala is a transfer which is in accordance with the extant transfer policy, which itself distinguishes both from *Somesh Tiwari* as well as from X.

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31. In that view of the matter, keeping in mind the restricted scope of interference with transfer matters, we find no occasion to interfere with the order passed by the Tribunal.

32. The writ petition is accordingly dismissed in *limine*

33. We make it clear however that nothing contained in this order should be treated as an expression of opinion on the allegations against the petitioner. We have only considered this matter from the point of view of whether a case for interference with the decision of the Tribunal, which in its turn does not interfere with the petitioner's order of transfer, is made out within the parameters of Article 226 of the Constitution of India.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 24, 2026/aky