



Review Application No.60 of 2016

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.K.GOVINDARAJAN THILAKAVADI

Review Application No.60 of 2016

Group Captain (Formerly Wg Cdr) KY Jojo
(21119-S AE(M))
Son of KO Yohannan,
Residing at OMQ No.79/1, DC III,
AF Station, Avadi, Chennai – 600055.

...Petitioner

Vs.

- 1.Union of India,
Rep. By the Secretary,
Ministry of Defence, 101, South Block,
New Delhi – 110011.
- 2.The Chief of Air Staff,
Air Head Quarters, Vayu Bhavan,
Rafi Marg, New Delhi – 110106.
- 3.Air Officer-in-Charge, Personnel
DPO-I(M), Air Head Quarters (VB),
New Delhi – 110011.
- 4.Air Officer Commanding-in-Chief,
Hqs, Training Command, IAF,
Bangalore – 560006.



Review Application No.60 of 2016

5. Commanding Officer,
MTTI, Air Force, AF Station,
Avadi, Chennai – 600055.

6. Air Officer Commanding,
No.49 Wing, Air Force,
C/o-56 APO

...Respondents

Prayer: Review Petition filed under Order 47 Rule 1 & 2 r/w. 114 of C.P.C.,
to review the order dated 27.01.2016 made in W.A.(NPD) No.68 of 2016.

For Petitioner : Mr.T.R.Sivaram

For Respondents : Mr.V.Balasubramanian

ORDER

The petitioner seeks review of the order of the Division Bench made in W.A.No.68 of 2016 dated 27.01.2016, dismissing the appeal of the petitioner, the challenge in which was to the dismissal of the Writ Petition filed by him questioning the transfer order dated 30.10.2015 where the petitioner working in Avadi was transferred to Naliya in Gujarat.

2.The grounds for challenge is that his two sons were studying in Chennai Pubic School and his aged parents were residing at Trichur. It was



contended before the Writ Court as well as the Appellate Court that the petitioner has a right to seek screening from posting on certain grounds.

Clause 28 of the Air Force Headquarters Policy document reads as follows:-

“28.Screening from Posting. In certain cases, officers may require an assured posting tenure either due to service requirements or personal reasons. Requests for screening for personal reasons should be submitted within the first year of posting into a station. In exceptional circumstances an officer may apply for the same before completion of two years. Application after two years of posting will be considered only on extreme compassionate grounds. Request for screening after issuance of posting orders will not be entertained. Applications, when received should be thoroughly scrutinized by the AOC/Stn Cdr/CO and forwarded to the Dte if PO through respective Command HQ with their recommendations. Each request will be considered on its merits and, if approved, a tentative period for which the screening is approved will be intimated to the officer concerned. The cases of officers for screening on grounds of service exigencies are to be initiated as soon as deemed necessary. However, requests for screening after issuance of posting orders would not be entertained.”



WEB COPY



Review Application No.60 of 2016

3.It is obvious that the petitioner, who had joined the post at Avadi on 27.05.2015 had made an application after completion of two years i.e., on 12.08.2015. The reason assigned by the petitioner for the delay was not accepted by the Writ Court. The order of transfer was made on 30.10.2015. The ground alleged by the petitioner namely, the education of his sons cannot be treated as an extreme compassionate ground. Even Clause 25 states that the cancellation or deferment of postings are considered as an exception and should be discouraged by Field Commanders and Command Headquarters.

4.In the light of such policy, the option given to the Officers to seek screening from posting should be construed strictly and not liberally as pleaded by the learned counsel for the petitioner. Moreover, the petitioner has served in the transferred post and also attained the age of superannuation. We do not see any merit in the Review Petition and nothing survives in the Review Petition.



WEB COPY



Review Application No.60 of 2016

5.This Review Petition is therefore, dismissed. No costs. We make it clear that the dismissal of the review petition will not affect the claim of the petitioner regarding the Court Marshall proceedings, challenge to which are pending before the Air Force Tribunal.

(R.S.M., J.) (K.G.T., J.)
14.02.2023

kkn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



WEB COPY



Review Application No.60 of 2016

To:-

- 1.The Secretary,
Union of India,
Ministry of Defence, 101, South Block,
New Delhi – 110011.
- 2.The Chief of Air Staff,
Air Head Quarters, Vayu Bhavan,
Rafi Marg, New Delhi – 110106.
- 3.Air Officer-in-Charge, Personnel
DPO-I(M), Air Head Quarters (VB),
New Delhi – 110011.
- 4.Air Officer Commanding-in-Chief,
Hqs, Training Command, IAF,
Bangalore – 560006.
- 5.Commanding Officer,
MTTI, Air Force, AF Station,
Avadi, Chennai – 600055.
- 6.Air Officer Commanding,
No.49 Wing, Air Force,
C/o-56 APO



WEB COPY



Review Application No.60 of 2016

R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

KKN

Review Application No.60 of 2016

14.02.2023