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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1474/2025 & CM APPL. 7117/2025 (*stay*)

KONARK SHARMA

.....Petitioner

Through: Mr. Piyush Sanghi, Mr. Nikhil Singh, Ms. Khushbu Sahu, Ms. Priya Darshi Gopal, Ms. Anushka Ojha, Ms. Raahithya Ras Mishra, Advocates.

versus

AIRPORTS AUTHORITY OF INDIA & ORS.Respondents

Through: Ms. Anajana Gosain, Ms. Nippun Sharma, Advocates with Mr. Rajeev Kumar, Mr. Dharmender Kumar, Mr. Jayesh Bhargava, Law Officer.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.02.2025

1. The petitioner assails Office Orders dated 14.11.2024 and 22.01.2025, with regard to his repatriation from the Security Discipline of the respondent-Airport Authority of India ["AAI"] to the Law Directorate.
2. The petitioner was appointed as Manager (Law) in AAI on 31.10.2016. AAI has instituted a lateral movement policy, by which executives are laterally moved from one department to another. The original policy is dated 25.03.2003, and *inter alia* contains the following conditions:



“1.2 The Executives/Non-Executives moved on lateral basis to the new Directorates will hold an active lien for a period not more than of two years.

1.3 During the period of active lien, all employees moved on lateral basis, will continue to have his active seniority maintained in his parent cadre. Also any promotion, upgradation etc. if granted, during the period of lien, the employees will continue to have that benefit of such promotions/upgradation.

1.4 Before completion of the maximum period of active lien, the Executives/Non-Executives moved laterally to other Directorates/disciplines will have to exercise his/her option clearly expressing choice of permanently opting for the new discipline or reverting to the parent cadre/discipline.

1.5 Laterally moved employees will be eligible for further promotions in the new disciplines only on their permanent absorption in such disciplines. For the purpose of eligibility for promotion, only half of their regular services in parent discipline in the grade shall be considered. In cases of any lateral movements done by the Management for administrative reasons, full service in parent discipline in the grade shall be considered for further promotions.

1.6. Options/willingness once exercised for permanent absorption/lateral movement to new Directorates/discipline shall be final in case of refusal to accept lateral movement on selection due to any reasons, all expenses incurred by Authority shall be recovered from the employee.”

[Emphasis supplied.]

3. By a further circular dated 11.10.2012, the policy was clarified to the following effect:

“(ii) The seniority of the employee concerned during lien period shall be maintained in his/her parent cadre. Accordingly, his/her career advancement shall take place in the parent cadre only.

(iii) Before completion of maximum period of two years, employees shall have to exercise a conscious option for permanent absorption in the borrowing cadre or revert to the parent cadre.

(iv) Once opted for permanent absorption in the borrowing cadre, employees shall not be allowed to keep lien in the lending cadre. Accordingly, his/her career advancement shall take place in the borrowing cadre only.

(v) Options once exercised for permanent absorption in the



borrowing discipline/cadre shall be final.”

[Emphasis supplied.]

4. Pursuant to these policies, the Security Discipline of the respondent issued a circular dated 28.01.2022, inviting applications for filling up of 33 posts of Manager (Security) and 30 posts of Junior Executive (Security) on lateral movement basis.

5. The petitioner applied pursuant to the said advertisement, was selected, and was appointed to the post of Manager (Security), by way of a circular dated 21.06.2022. He underwent the basic AvSec Course [Aviation Security], as required.

6. During the period in which the petitioner was in the borrowing department, he was promoted by his parent department to the post of Senior Manager (Law) by an order dated 09.06.2023. After some correspondence, by order dated 12.07.2023, he was informed that he may join the post of Senior Manager (Law) on promotion in the Security Discipline itself.

7. On 18.08.2023, he exercised his option for permanent absorption in the Security Discipline, and requested that the seniority be maintained in the Security Discipline.

8. The petitioner's grievance is that other similarly placed officers have been absorbed in the Security Discipline, but he has not been so absorbed. Instead, the respondent issued the impugned order dated 14.11.2024, repatriating him to the parent cadre. A representation was thereafter made by the petitioner on 18.11.2024, to which no response has been received. However, the respondent has issued an Office Order dated 22.01.2025, stating that the petitioner would stand relieved from the



Security Directorate with effect from 24.01.2025, and that his salaries will be released only upon joining the Law Directorate.

9. I have heard Mr. Piyush Sanghi, learned counsel for the petitioner, and Ms. Anjana Gosain, learned counsel for the respondent.

10. Learned counsel for the parties have joined issue as to the proper interpretation of the lateral movement policy, particularly as to whether the policy reserves any option, either in the parent cadre or in the borrowing department, to refuse absorption if opted for by the employee. Ms. Gosain, on instructions, submits that the petitioner's absorption was refused on various grounds, including the need for law officers in the Law department, his non-acceptance by the borrowing department and the fact that the borrowing department did not have any post of Senior Manager (Law).

11. Mr. Sanghi, on the other hand, submits that the lateral movement policy leaves the option of absorption in the hands of the employee. Once the borrowing department has accepted his request for lateral movement under the policy, it is for the employee to opt for the permanent absorption in the borrowing department.

12. As far as the promotion is concerned, Mr. Sanghi submits that the petitioner is agreeable to the conditions stipulated in clause 1.5 of the 2003 policy. He further submits that the question of the post, upon which he is eligible for absorption and his seniority in the Security Discipline would arrive only upon his absorption, which has been refused at this stage itself.

13. Mr. Sanghi has drawn my attention to the order absorbing other similarly placed officers. Ms. Gosain states that names of those officers



have already been entered in the seniority list of the Security discipline pursuant to their absorption, whereas the petitioner's name has not been so entered. It appears to me that the last submission of Ms. Gosain is really founded upon the impugned orders themselves. If the petitioner is absorbed in the Security Discipline, his seniority would have to be fixed as provided in clause 1.5 of the 2003 policy. The fact that the seniority has not been fixed is because the respondent has refused his request for permanent absorption, which is the very matter in issue.

14. As the impugned communications of the respondent do not address these issues in any detail, learned counsel for the parties, at this stage, are agreeable to a direction that the writ petition be considered as a representation to the respondent, and that the respondent be directed to pass a detailed speaking order, both on the question of interpretation of the lateral movement policy, and cite past precedents, if any, for non-absorption in the borrowing department. The competent authority will also afford a hearing to the petitioner. It may pass an order within four weeks from today.

15. Until the order is passed, Ms. Gosain states, upon instructions, that the impugned orders will be kept in abeyance.

16. The writ petition, alongwith pending application, stands disposed of with the aforesaid directions.

PRATEEK JALAN, J

FEBRUARY 6, 2025

'Bhupi/AD'/'