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

+ **W.P.(C) 4841/2025**

AANSHIK YADAV

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

+ **W.P.(C) 4880/2025**

VIPIN KUMAR

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

+ **W.P.(C) 4886/2025**

ADARSH CK

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

+ **W.P.(C) 4914/2025**

HEEMRAJ SINGH

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

Appearance:-

Mr. Satwik Misra, Ms. Gunjan Dogra & Ms. Devashree, Advocates for Petitioners in Item Nos. 58, 70, 72 & 78.

Mr. Digvijay Rai & Mr. Archit Mishra, Advocates with Mr. Yatinder Choudhary, Law Officer, AAI & Mr. Rajeev Kr. Sharma, AGM, HR/AAI in Item Nos. 58, 70, 72 & 78. [M:-9873103599]

Ms. Avshreya Pratap Singh Rudy, SPC with Mr. Adil Hussain Taqui, GP & Ms. Usha Jamnal, Advocate for



UOI in Item Nos. 58, 70.

Mr. Vivekanand Mishra, Senior Panel Counsel for UOI with Mr. Amit Acharya, GP for R-1 in Item No. 72.

Mr. Farman Ali, SPC with Mr. Hussain Adil Taqvi, GP & Ms. Usha Jamnal, Advocate for UOI in Item No. 78.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.04.2025

CM APPL. 22174/2025 (Exemption) in W.P.(C) 4841/2025

CM APPL. 22478/2025 (Exemption) in W.P.(C) 4880/2025

CM APPL. 22498/2025 (Exemption) in W.P.(C) 4886/2025

CM APPL. 22573/2025 (Exemption) in W.P.(C) 4914/2025

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 4841/2025 & CM APPL. 22175/2025

W.P.(C) 4880/2025 & CM APPL. 22479/2025

W.P.(C) 4886/2025 & CM APPL. 22499/2025

W.P.(C) 4914/2025 & CM APPL. 22574/2025

1. Issue notice. Mr. Digvijay Rai, learned counsel, accepts notice on behalf of respondent – Airports Authority of India [“AAI”]. Ms. Avshreya Pratap Singh Rudy, Mr. Vivekanand Mishra, and Mr. Farman Ali, learned Senior Panel Counsel, accept notice on behalf of respondent No. 1 – Union of India.

2. The petitioners are employed as Junior Executives in the Technical cadre of AAI. A circular was issued on 28.01.2022 inviting applications for lateral movement to fill vacancies in the Security Discipline of AAI at the level of Manager (Security) and Junior Executive (Security). The petitioners applied pursuant to the said Circular, and were selected for



lateral movement to the post of Junior Executive (Security). Appointment letters to this effect were issued on 21.06.2022.

3. The question which arises in these writ petitions is whether the petitioners are entitled to count their period of service in the Technical cadre for the purposes of seniority and promotion in the Security cadre.

4. The issue is governed by the Clause 1.5 of the Lateral Movement Policy of the AAI, which reads as follows:-

*“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.**”*

[Emphasis supplied.]

The same provision was also incorporated in the circular dated 28.01.2022.

5. Factually, in terms of the Lateral Movement Policy, the petitioners remained on lien in the Technical cadre for the period of one year after their selection, and thereafter exercised their option to be absorbed in the Security discipline. At the time of absorption, orders were issued on 15.02.2023, containing the following condition:-

“2. The Permanent Absorption of the above officers in Security Discipline is as per the terms and condition of Lateral Movement Policy dated 25.03.2003, 11.10.2012 and orders issued from time to time.

*(i) **The above officers will be eligible for further promotions in the new discipline only on their permanent absorption in such discipline. For the purpose of eligibility for promotion, only half of their regular services in parent discipline in the grade shall be considered.**”*

[Emphasis supplied.]



6. Mr. Satwik Misra, learned counsel for the petitioners, submits that the petitioners are entitled to the benefit of the latter part of Clause 1.5, which applies in the case of lateral movement “*done by the management for administrative reasons*”. According to him, the Circular was issued due to an acute shortage of executives in the Security discipline. Mr. Misra’s submission is that the principal part of Clause 1.5 – providing for half the past service to be counted – would apply only if the lateral movement is at the request of the employee, of his/her own initiative.

7. Upon hearing learned counsel for the parties, I am unpersuaded by this submission. The Circular dated 28.01.2022 opens with the following words:

“Applications are invited from the willing Departmental executives holding the analogous post on regular basis to fill-up the following posts on Lateral Movement:

<i>Name of the Post</i>	<i>No. of Posts</i>
<i>Manager (Security)</i>	<i>33</i>
<i>Jr. Executive (Security)</i>	<i>30”</i>

[Emphasis supplied.]

The petitioners voluntarily applied under the said Circular, participated in the selection process, including interviews, and were selected from among several willing candidates. Even thereafter, their absorption in the Security discipline was upon the further exercise of their own option. The movement was, therefore, on the option of the petitioners themselves, and not “*by the management for administrative reasons*”.

8. The general rule reflected in Clause 1.5, is that laterally moved employees are entitled to have only half of their regular service in the parent discipline counted for the purposes of eligibility for promotion. Mr. Misra’s restrictive reading of the clause – that it applies only when the employee has requested the lateral movement – does not commend to



me. It is neither supported by the text of the clause, nor justified by the purpose of the Policy. In my view, the exception is applicable only when the management has *directed* lateral movement for administrative reasons, i.e. without the volition or option of the employee. In such a case, the policy rightly provides that no part of the employee's prior service shall be discounted for the purpose of future promotion. The petitioners do not fall in that exception.

9. Mr. Misra's submission that there was an acute shortage in the Security discipline, which led to the Circular being issued, is also, in my view, not dispositive of the matter at hand. Assuming there was an acute shortage, the employer first chose to invite applications from willing employees for lateral movement, rather than to impose it upon any unwilling employee.

10. The above interpretation is also supported by the absorption order dated 15.02.2023 issued to the petitioners, quoted above, which provided for counting only half the previous service, for future promotion.

11. An additional ground is raised by Mr. Misra, which is that in the borrowing discipline [Security discipline], the petitioners became eligible for promotion by December, 2022, even on computation of their seniority in accordance with AAI's contention. However, despite vacancies in the promotional post, Departmental Promotional Committee was held only in May 2023.

12. Consequently, the petitioners submitted representations to the AAI seeking promotion with effect from December 2022 or January 2023¹. In

¹ Representations dated 07.06.2023 in W.P.(C) 4841/2025 [*Aanshik Yadav v. Union of India & Ors*]; 08.06.2023 in W.P.(C) 4880/2025 [*Vipin Kumar v. Union of India & Ors*]; 07.06.2023 in W.P.(C)



the case of three of the present petitioners, the representations were rejected by orders dated 06.12.2023, stating that the competent authority has not acceded to the request as it was devoid of merit. I am informed that, in the fourth case², the representation was not decided.

13. I am of the view that this question requires reconsideration by the respondent, as the disposal of the representation is unreasoned. Mr. Rai states that this issue will be considered afresh within the next six weeks by a reasoned order.

14. The writ petitions are, therefore, disposed of with a direction that the question of notional promotion of the petitioners, from the dates mentioned in their representations, and/or from the dates on which they become eligible, may be considered by the respondent within a period of six weeks from today.

15. There shall be no order as to costs.

16. All pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 17, 2025

'pv/SD'/'

4886/2025 [*Adarsh CK v. Union of India & Ors*]; and 06.06.2023 in W.P.(C) 4914/2025 [*Heemraj Singh v. Union of India & Ors*].

² W.P.(C) 4886/2025 [*Adarsh CK v. Union of India & Ors*].