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

Date of decision: 17.07.2025

+ LPA 419/2025 & CM APPL. 38552/2025

TADI TABI

.....Appellant

Through: Mr.A.C. Pradhan, Sr. Adv. with
Mr.Ratneswar Das & Mr.Shiv
B. Chetry, Advs

versus

INDIAN OIL CORPORATION LIMITED (REFINERIES
DIVISION)

.....Respondent

Through: Mr.S. Sirish Kumar &
Mr.Nirbhay Narain Singh, Advs
for IOCL

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This appeal has been filed challenging the judgment dated 30.05.2025 passed by the learned Single Judge of this Court in W.P.(C) 5547/2025 titled ***Tadi Tabi v. Indian Oil Corporation Limited (Refineries Division)***, dismissing the Writ Petition filed by the appellant herein.

2. By the above Writ Petition, the appellant had assailed the Order dated 13.03.2025 passed by the respondent herein, by which the appellant had been transferred from the post of Chief Manager (Refinery-Coord) at Paradip RC to the same post, that is, Chief Manager (Refinery-Coordination), at Barauni Terminal of the respondent.



3. The appellant has challenged the Impugned Order as well as his transfer, primarily on the following three grounds:-

a) That the appellant, in terms of Clause 7 of the Transfer Policy-2024 ('TP-2024') dated 18.11.2024 issued by the respondent, had applied for a transfer posting to Arunachal Pradesh, where his wife is posted. This request of the appellant was not considered by the respondent prior to the passing of the transfer order that transferred the appellant to Barauni.

b) That as per the TP-2024, the minimum tenure at a location/cluster of cities is three completed calendar years. The appellant urges that he had been posted at Paradip only on 28.03.2022 and, therefore, had not even completed his minimum term, that is, three calendar years, when the transfer order was issued.

c) That the appellant has various health issues and had also suffered a mild brain stroke on 28.09.2024. He also suffers from depression and is undergoing constant treatment. This important factor was also not considered by the respondent before issuing the transfer order.

4. The learned senior counsel appearing for the appellant has drawn our attention to the Transfer Policy as well as various other documents in support of the above challenges of the appellant.

5. On the other hand, the learned counsel for the respondent submits that all the above requests and grounds of the appellant have been duly considered by the respondent while re-asserting his transfer to Barauni. He submits that even the learned Single Judge considered



the above grounds and found no merit in the same. He submits that, therefore, there is no ground for interfering with the decision taken by the respondent due to administrative exigency.

6. We have considered the submissions made by the learned counsels for the parties.

7. As far as the joint posting of spouses is concerned, the learned Single Judge has considered the case set up by the respondent in detail, observing as under:-

“20. Turning now to Clause 7.1, the Transfer Policy provides for the respondent’s endeavour to post the husband and wife to the same city/cluster of cities, to the extent possible. In the counter affidavit, it has been stated that out of 26 years of service, the petitioner had already been “posted for 14 years in Assam and in Arunachal Pradesh, out of which he had been posted for eight years in Arunachal Pradesh”. Factually, this position is undisputed. It is further stated that there were no vacancies commensurate with the petitioner’s position at his preferred location.

21. Additionally, the respondent has placed on record certain disciplinary proceedings, which were taken against the petitioner during his previous postings in the States of Arunachal Pradesh and Assam. He was subjected to the minor penalty of censure by an order dated 22.10.2013, reduction of basic pay by one stage with cumulative effect, by order dated 12.09.2019, and another penalty of censure by order dated 25.03.2021. All these instances took place during the petitioner’s postings in Assam and Arunachal Pradesh. The respondent has considered this also to be a relevant factor.

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23. In the rejoinder, the petitioner has cited examples of other officers against whom



disciplinary proceedings were taken, and contended that those officers were posted back to the locations in question. Even assuming, for the present, that this is accurate, it does not, in my view, lead to the conclusion that the respondent is bound to post the petitioner back in the same location. Once again, these are managerial decisions, which can only be challenged on limited grounds. Mala fides require a very high degree of proof, as laid down by the Supreme Court in *E.P. Royappa v. State of Tamil Nadu* and *Indian Railway Construction Co. Ltd. v. Ajay Kumar*. In *E.P. Royappa*, the Supreme Court held that the allegations of mala fides are often more easily made than proved, and the very seriousness of such allegations demands proof of a high order of credibility. The petitioner has not, in my view, been able to meet the high threshold required for a challenge to a transfer order on grounds of mala fides.

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26. Be that as it may, even assuming that this policy covers the present case, I do not find any support for the contention that such joint posting is mandatory. Several judgments of the Supreme Court hold that joint posting of spouses is always subject to administrative exigencies, and does not give an enforceable right to a government/public employee. Mr. Koura has, for this purpose, relied upon the following observations in *Bank of India v. Jagjit Singh Mehta*: The said judgment has been followed in *S.L. Abbas*, which holds as follows:

“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 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.***

The same view has been followed more recently, in S.K. Naushad Rahaman also.

27. In view of the above, I do not find any ground for interference with the impugned transfer order under Article 226 of the Constitution, either on the ground that it is premature, or that it is in violation of a policy for joint posting of spouses. The respondent's decision not to accept the petitioner's requested transfer locations has also been justified adequately. The petitioner has failed to make out a case of violation of statutory Rules/ Transfer Policy, or mala fides, which are required for interference with a transfer order in the writ jurisdiction of this Court."

8. We see no reason to interfere with the above findings of the learned Single Judge.

9. In the present case, once the respondent has considered the above request of the appellant for joint posting of spouses and due to administrative exigencies, found that there is no suitable position available in the place where the appellant is seeking his posting, no fault can be found in the decision of the respondent.

10. At this stage, the learned senior counsel for the appellant submits that there are suitable posts available in Arunachal Pradesh and Assam.



11. We do not deem it proper to investigate into this assertion in this appeal. The appellant may make a representation in this regard to the respondent, and we are sure that the respondent shall consider the same in accordance with law. However, presently, this cannot be a ground to challenge the Impugned Order.

12. On the issue of the minimum period of tenure at a location/cluster of cities, the learned Single Judge has again considered at length the reasons submitted by the respondent for the transfer of the appellant prior to his minimum period of tenure having expired. The respondent has contended that by a decision taken on 13.12.2024, approval in principle was granted to merge two offices of the Marketing Division at Paradip, that is, Paradip Terminal and Paradip RC. It was decided that pursuant to the merger, the combined manpower strength of 35 officers would be reduced to 27 officers. There were two officers in Grade-E, to which the appellant belongs, and one of them had to be transferred out of Paradip. It was, therefore, decided that the officer who joined later would be retained while the appellant would be transferred out. Therefore, there was full justification given by the respondent for not adhering to the minimum period of posting of the appellant at Paradip. The learned Single Judge, in the exercise of his power under Article 226 of the Constitution of India, therefore, rightly refused to interfere with the same.

13. As far as the issue of the health condition of the appellant is concerned, even before the learned Single Judge, it had been contended by the respondent that there are adequate medical facilities



available at Barauni, where the appellant is being transferred. Notwithstanding that, this Court, in the Order dated 07.07.2025, had again called upon the respondent to reconsider the issue of the medical condition of the appellant.

14. The learned counsel for the respondent has produced before us an Order dated 16.07.2025 passed by the Competent Authority, that is, the DGM (HRD). In the said order, it has been mentioned that there are ample medical facilities available at Barauni and in nearby places.

15. Once the respondent has considered this issue again, in the exercise of our powers under Article 226 of the Constitution of India, we would not like to interfere with the same in the absence of a finding of it being arbitrary, unreasonable or vexatious or as being actuated by malice. None of these exceptions is made out by the appellant in the present appeal.

16. Accordingly, we find no merit in the present appeal. The same is dismissed. The pending application is also dismissed.

17. In case the appellant joins his transferred post within a week from today, we would expect the respondent to not take any disciplinary action against the appellant for his prior absence.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 17, 2025/rv/SJ