



\$~98

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

+ W.P.(C) 3428/2026, CM APPL. 16487/2026 and CM APPL. 16488/2026

PARDEEP KUMAR AND ORSPetitioners

Through: Mr. Shanker Raju and Mr. Rajesh Kumar Chauhan and Mr. Nilansh Gaur, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Vinay Yadav, CGSC along with Mr. Vipul Kumar, GP, Ms. Kamna Behrani, Mr. Ans Kalra and Mr. Neeraj P. Raj, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

%

17.03.2026

1. Through the present Petition, the Petitioners pray for issuance of Writ in the nature of *Certiorari* to quash the order dated 11.03.2026 [hereinafter referred to as 'Impugned Order'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, while dismissing their O.A. No.2400/2023.

2. In substance, the Petitioner No.1 is a Driver, whereas the Petitioner Nos.2 to 4 are Firemen. They are aggrieved by their transfer/posting order, wherein three of them have been transferred from Delhi to Ganganagar, Rajasthan and one person has been transferred to Agra, Uttar Pradesh. They are member of All India Services.

3. The Petitioners submit that after completing a difficult tenure of



ten years in Leh, they were posted to Delhi for a period of six years. However, their tenure in Delhi was curtailed to only two years, and they were prematurely transferred to the aforementioned places, which is contrary to the applicable transfer policy.

4. *Per contra*, learned counsel representing the Respondents has drawn the attention of the Court to Paragraph No.7 of the short affidavit, which reads as under:

“7. As per para 10 of ROI of C/1/2022. "Junior most person posted in the affected unit in respected cat/grade will be posted out to the extent of maintaining the held strength as per revised authorisation". Posting in respect of fire staff posted in VSD Delhi/OSD Delhi have been issued as per following aspects:

i) Individuals above 57 years age retained as per para 8 (a) of ROT c/01/22,

ii) The senior most and individual who had reported from tenure unit and served minimum tenure as per TOS in Delhi station retained as per authorisation.

iii) Posting of balance surplus fireman have been issued to units within 50 km and beyond 50 km as per availability (Senior to Junior).

iv) The contention of applicant that they were posted from tenure station to peace station and should not be posted out till completion of their tenure, cannot be considered as their units were disbanded and para 25 (a) (ii) of ROI C/1/2.022 cannot be considered/implemented as directions issued by IHQ of MoD(Army) to adjust fire staff in AOC Units/Depot. Hence, the applicants can give their choice station except Delhi Station which will be examined subject to available of vacancy.

v) Notwithstanding the instructions issued hereunder the provisions of para 30 of ROI. Office-in-Charge AOC Records on the directions of IHQ of MoD (Army) (OS-8C) can order postings of the civilians personnel question at any time in the interest of organisation without assigning any reasons. Generally, such contingencies will be restricted to the minimum, but where it is inescapable, the posting will be ordered by Office-in-Charge AOC Records and no representation against such posting will be entertained.

vi) Posting to out of Corps as per AQ 12/2020/ MP4 was not considered due to acute deficiency of Fire Staff in AOC and based on directions of IHQ of MoD(Army) were adjusted on AOC Units/Depots.”

5. It is evident that for transferring the officials, a reasonable



criteria was laid down by the Respondents and transfer and postings have been given in accordance therewith. In fact, Vehicle Sub Depot ('VSD') and Central Vehicle Depot ('CVD') were working from one place. It was found that certain employees, namely, Drivers and Firemen were found surplus and a reasonable policy was adopted in order to give them posting.

6. Interference in transfer and posting is not permissible unless, it is result of *mala fides*. Moreover, this Court has examined the defense put forth by the Respondents and finds that the Respondents have adopted a reasonable criterion to adjust the employees wherever possible.

7. Hence, this Court does not find any ground to interfere with the Impugned Order. The present Petition, along with pending applications, stands dismissed.

ANIL KSHETARPAL, J.

VIMAL KUMAR YADAV, J.

MARCH 17, 2026

s.godara/shah