



2026:DHC:2892-DB



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

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Judgment reserved on: 02.04.2026

Judgment pronounced on: 08.04.2026

Judgment uploaded on: 08.04.2026

+ W.P.(C) 3688/2026 and CM APPL. 17967/2026

SHASHIKANT SAINI

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha, Mr.
Sanchit Kumar, Mr. Ajinkya
Dhalwade, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC
along with Mr. Muhammad
Aamir Khan and Ms. Nasreen
Khatoon, Advs. for UOI with
Mr. Ajay Pal, Law Officer and
Insp. Athurv and Mr.
Ramniwas Yadav – CRPF.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. The Petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari for quashing of the transfer order dated 18.03.2026 [hereinafter referred to as 'Impugned Order'], whereby he has been transferred from Composite Hospital, Pune to CH Avadi, State of Tamil Nadu.



2. The Petitioner is presently serving as a Constable KS (Hospital) in the Central Reserve Police Force [hereinafter referred to as 'CRPF'], a paramilitary force under the Union of India. The challenge to the Impugned Order is founded on two principal grounds:

- i. That the transfer is punitive in nature; and
- ii. That the Petitioner has been prematurely transferred after serving for a period of approximately 01 year and 08 months at Pune, whereas, according to him, the normal tenure at a particular station is about 3 to 4 years.

FACTUAL MATRIX

3. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.

4. The Petitioner was posted at Composite Hospital, CRPF, Pune on 22.06.2024 and, as on the date of issuance of the Impugned Order, had served at the said station for a period of approximately 1 year and 8 months. Thereafter, on 02.02.2026, the Petitioner submitted a complaint before the National Human Rights Commission ['NHRC'], *inter alia* alleging that he was being compelled to perform domestic duties and, upon his refusal, was subjected to mental harassment by his superior officers.

5. The NHRC, upon consideration of the said complaint, passed an order directing the concerned authorities to take appropriate action within a period of eight weeks, after associating the Petitioner, and to inform the Commission regarding the action taken.



6. It is the case of the Petitioner that, subsequent to the aforesaid complaint, he was issued a communication dated 28.02.2026 calling upon him to furnish a written explanation with regard to the duties performed by him. Thereafter, *vide* communication dated 04.03.2026, the Petitioner was directed to appear before the office of the DIG, Range Office, Pune on 06.03.2026 for the purposes of recording of his statement in connection with a preliminary enquiry.

7. Subsequently, the Impugned Order came to be issued by the Respondents, whereby the Petitioner has been transferred from Composite Hospital, Pune to CH Avadi, State of Tamil Nadu. The Petitioner is stated to have submitted a representation against the aforesaid transfer; however, no decision thereon has been communicated to him.

CONTENTIONS OF THE PARTIES

8. Contentions of the Petitioner

8.1 Learned counsel appearing on behalf of the Petitioner reiterated that the Impugned Order is not a routine administrative order, but is punitive in nature. It was contended that the Petitioner had submitted a complaint dated 02.02.2026 before the NHRC, alleging that he was being compelled to perform domestic chores and, upon his refusal, was subjected to mental harassment by his superior officers. It was submitted that the NHRC, upon consideration of the said complaint, directed the concerned authorities to take appropriate action within a period of eight weeks, after associating the Petitioner, and to inform the Commission regarding the action taken.



8.2 It was further submitted that, pursuant thereto, the Petitioner was called upon to furnish a written explanation and was thereafter directed to appear before the DIG Range Office on 06.03.2026. On the basis of the aforesaid sequence of events, it was contended that the Impugned Order is a direct consequence of the complaint lodged by the Petitioner before the NHRC and is, therefore, liable to be set aside as being punitive in nature.

8.3 In support of the second limb of the submission, reliance was placed upon the Summer Chain Transfer Guidelines/Timelines for the years 2025 and 2026. It was contended that as per the aforesaid guidelines, an employee is ordinarily entitled to continue at a particular place of posting for a period of about three to four years, and the premature transfer of the Petitioner after a period of approximately 1 year and 8 months is arbitrary and contrary to the said guidelines.

9. Contentions of the Respondents

9.1 *Per contra*, learned counsel appearing on behalf of the Respondents supported the Impugned Order and submitted that the transfer of the Petitioner has been effected purely on administrative grounds and in exigencies of service, and the same has no nexus whatsoever with the complaint submitted by the Petitioner before the NHRC. In this regard, attention of this Court was drawn to a communication dated 31.01.2026 addressed to the Director (Medical), indicating that one Constable KS (Hospital) is due to superannuate on 30.04.2026.



9.2 It was submitted that on account of the impending superannuation, the concerned hospital is facing an acute shortage of personnel, particularly when approximately 15-20 indoor patients are admitted and require continuous medical attention. It was, therefore, submitted that the posting of the Petitioner to CH Avadi has been necessitated to meet the aforesaid administrative requirements and cannot, by any stretch of imagination, be construed as punitive.

ANALYSIS & FINDINGS

10. This Court has carefully considered the submissions advanced on behalf of the parties and perused the material on record.

11. At the outset, it is required to be noted that the scope of judicial review in matters relating to transfer and posting is extremely limited. It is a settled principle of service jurisprudence that transfer is an incident of service, and the employer is vested with the discretion to determine the place of posting of its employees, keeping in view administrative exigencies.

12. The Courts, in exercise of their jurisdiction under Article 226 of the Constitution of India, ordinarily refrain from interfering with transfer orders unless the same are vitiated by mala fides, or are in violation of any statutory provision, or are wholly arbitrary. This self-imposed restraint assumes a higher degree in the case of members of disciplined forces, including paramilitary forces such as the CRPF, where considerations of operational efficiency and administrative flexibility are of paramount importance.



13. Reverting to the facts of the present case, the primary contention urged on behalf of the Petitioner is that the Impugned Order is punitive in nature and is a consequence of the complaint submitted by him before the NHRC. It is not in dispute that the Petitioner had submitted a complaint dated 02.02.2026 before the NHRC and was thereafter called upon to furnish a written explanation and to appear before the competent authority.

14. However, a perusal of the Impugned Order does not indicate that it has been passed as a measure of punishment. The transfer order is simpliciter in nature and does not contain any adverse remarks, stigmatic observations, or reference to any alleged misconduct on the part of the Petitioner. Significantly, the Impugned Order does not even advert to the complaint filed by the Petitioner before the NHRC. In the absence of any such indication, the contention that the transfer is punitive merely on account of temporal proximity with the complaint cannot be accepted.

15. Moreover, the Respondents have placed on record material to show that there exists a shortage of Constable KS (Hospital) at CH Avadi, owing to the impending superannuation of an incumbent, thereby necessitating the transfer of personnel to meet administrative requirements. The existence of such administrative exigency further militates against the contention that the transfer is punitive in nature.

16. It is also pertinent to note that, as per the Petitioner's own case, he was facing mental harassment at his place of posting at Pune and had raised grievances in that regard before the NHRC. Even if it is



assumed, for the sake of argument, that the transfer of the Petitioner is in some manner connected with the aforesaid complaint, the same would not *ipso facto* render the transfer punitive.

17. On the contrary, a transfer effected in such circumstances may well be viewed as an administrative measure intended to address or alleviate the grievance of the employee. Thus, even on a broader consideration of the matter, the Impugned Order cannot be characterised as punitive in nature.

18. The next contention urged on behalf of the Petitioner is that he has been prematurely transferred after serving for a period of approximately 1 year and 8 months at his present place of posting, whereas, according to him, the normal tenure at a station is about 3 to 4 years. In support of the aforesaid submission, reliance has been placed upon the Summer Chain Transfer Guidelines/Timelines for the years 2025 and 2026.

19. In this regard, it is well settled that transfer policies and tenure guidelines are framed by the employer for administrative convenience and to ensure uniformity in postings; however, such policies are directory in nature. The same do not confer any vested or enforceable right upon an employee to continue at a particular place of posting for a fixed duration. The exigencies of service may, at times, necessitate deviation from such guidelines, particularly in the case of disciplined forces where operational requirements take precedence.

20. In the present case, as already noticed hereinabove, the Respondents have placed on record material indicating shortage of



personnel at CH Avadi, thereby justifying the transfer of the Petitioner in administrative interest. In such circumstances, the contention of the Petitioner based on alleged premature transfer cannot be accepted.

21. This Court may also observe that the reliance placed on the Summer Chain Transfer Guidelines is misconceived for an additional reason. The said guidelines, being in the nature of executive instructions, are intended to guide the internal administration of the force and do not have statutory force.

22. The Supreme Court has consistently held that policy guidelines with respect to transfer of employees do not create any legally enforceable rights in favour of employees. Therefore, any alleged deviation from such guidelines, by itself, would not furnish a ground for interference by this Court in exercise of its writ jurisdiction.

CONCLUSION

23. In view of the aforesaid discussion, this Court is of the considered opinion that:

- i. The Impugned Order is an administrative order passed in exigencies of service;
- ii. The same cannot be characterised as punitive in nature;
- iii. No violation of any statutory provision has been demonstrated; and
- iv. No enforceable right arising from the transfer guidelines is made out.



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24. Consequently, no ground is made out for interference under Article 226 of the Constitution of India.

25. The Writ Petition, along with the pending application, is accordingly dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 08, 2026

s.godara/pal