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

\# **CNR No. DLHC010474402026**

\+ W.P.(C) 14610/2026

BHARTIYA KHADYA NIGAM KARAMCHARI SANGH

.....Petitioner

Through: Mr. Kirti Ranjan, Mr. Vishal, Advocates.

versus

FOOD CORPORATION OF INDIA & ORS. .....Respondents

Through: Mr. Nitinjya Chaudhry CGSC with Mr. Rahul Mourya, Advocate for R2 to R4.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

O R D E R

% 05.10.2026

CM APPL. 68349/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.

2. The Application stands disposed of.

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3. Writ Petition under Article 226 of the Constitution of India, has been filed on behalf of the Petitioner, with the following prayers:-

> *Issue an appropriate writ, order or direction restraining the Respondent No.1 and 2 from finalising, notifying and/or implementing the provisions of the proposed Transfer Policy-2026, in particular Clause 3.15, Clause 4.1 Notes (b), (c), (g) and (h), Clauses 4.1(f) and 4.1(g), Clause 4.2 and Clause 18.11, which provide for mandatory tenure-based transfer, maximum-tenure based*

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automatic displacement and mechanical cumulative-tenure based compulsory transfer, unless and until the principal objections of the Petitioner thereto are meaningfully and reasonably considered and decided;

(b) Issue an appropriate writ, order or direction directing the Respondent No.1 and 2 to undertake a meaningful, clause-wise and reasoned consultation and negotiation with the Petitioner, being the sole All India Recognised Union in FCI, in respect of the disputed provisions of the proposed Transfer Policy-2026, in terms of Section 14 of the Industrial Relations Code, 2020 read with Rule 9(1) of the Industrial Relations (Central) Rules, 2026, and to conclude the said process before finalisation of the disputed provisions;

(c) Issue an appropriate writ, order or direction directing the Respondent No.1 to consider and decide, by a reasoned decision communicated to the Petitioner within such time as this Hon'ble Court may fix, each of the objections raised by the Petitioner, including those concerning mandatory tenure, maximum tenure, cumulative tenure, internal administrative movements, the fifteen year Division or office criterion, postings within the same municipal limits, geographical hardship, manpower position and sanctioned strength, operational continuity, financial implications, linguistic adaptability and the principle of the right person at the right place;

(h) Issue an appropriate writ, order or direction directing the Respondent No.1 to ensure that any final policy concerning tenure and transfer is framed after taking into account men-in-position, vacancies, sanctioned and cadre strength, operational requirements, geographical realities, experience, continuity and the principle of the right person at the right place;

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(j) Issue an appropriate writ, order or direction directing the Respondents No.3 and 4 to proceed with and conclude the pending conciliation proceedings concerning the dispute relating to the proposed Transfer Policy-2026 expeditiously and in accordance with law, after affording the parties reasonable opportunity of placing their respective submissions and material on record;

(k) Issue an appropriate writ, order or direction directing the Respondent No.1 to participate in and cooperate with the said conciliation proceedings and to place before the Conciliation Officer all relevant material concerning the proposed Transfer Policy-2026 and the objections and representations submitted by the Petitioner.

4. Essentially, the only grievance is that the representation given by the Petitioner and the submissions made in the present Petition, be considered and a hearing be given to the Petitioner by the Respondents by finalizing the Draft Transfer Policy.

5. Learned counsel for the UOI/Respondent Nos. 2 to 4, has appeared on advance notice.

6. In view of the prayer made by the Petitioner, it is hereby directed that the Respondents shall give a hearing the Petitioner, in terms of their representation and the submissions made in the Writ Petition, before finalizing the Draft Transfer Policy.

7. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

OCTOBER 5, 2026/RS

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