



RAJASTHAN HIGH COURT
AT JODHPUR

D.B. Special Appeal Writ No. 483/2026

1. Union of India through the Secretary, Ministry of Defense, Government of India, New Delhi-110011.
2. The Chief of Air Staff, Air Headquarter, Vayu Bhawan, Rafi Marg, New Delhi 110106.
3. The Air Officer Personnel, Air Headquarter, Vayu Bhawan, Rafi Marg, New Delhi110106.
4. The Air Officer Commanding, South Western Air Command Swac, Air Force Station, Gandhi Nagar, Gujarat.
5. The Air Office Commanding, 32 Wing, Airforce Station, Jodhpur, District Jodhpur,rajasthan.

----Appellants

Versus

Sqn. Ldr. Deepak Sindhu S/o Shri Jaiprakash Sindhu, aged about 34 years, R/o H.no. 1242/3, Dj Map Air Force Quarters, Airforce Station Jodhpur, District Jodhpur,rajasthan

----Respondent

For Appellant(s)	: Mr. Bharat Vyas, Sr. Advocate & ASG assisted by Ms. Anushka Khandelwal (through VC), Mr. B.P. Bohra and Mr. Vaibhav Bhansali. Group Captain Mr. Sanjeev Bindra, Flight Lieutenant Mr. Dhanjaya Singh.
For Respondent(s)	: Mr. Ravi Bhansali, Sr. Advocate, assisted by Mr. Vipul Dharnia, Mr. Kailash Jangid and Mr. Mohd. Amaan.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE DR. JUSTICE NUPUR BHATI

J U D G M E N T

Reserved on : 20/05/2026
Pronounced on : 16/06/2026

Reportable

Per Hon'ble Dr. Justice Nupur Bhati:



1. The instant special appeal (writ) has been filed by the appellants-respondents claiming following relief(s):

- "a) The judgment and order dated 30.03.2026 passed by the Hon'ble Single Bench in SBCWP No. 5942/2026 be quashed and set aside;*
- b) The writ petition bearing SBCWP No. 5942/2026 be dismissed.*
- c) Any other order, relief or direction which the Hon'ble High Court may deem fit and proper may also kindly be passed in favour of the humble appellant."*

2. Brief facts of the case are that the respondent/writ petitioner, serving in the Indian Air Force as a Squadron Leader, was posted at 32 Wing, Air Force Station, Jodhpur. vide order dated 14.07.2022, was transferred from 260 SU to 5 Air Force Hospital, Jorhat, Assam on the post of Accounts Officer and thereafter was deputed to attend the Air Force Judge Advocate Course at Coimbatore, Tamil Nadu for the period from 15.07.2024 to 08.03.2025. Subsequently, vide Signal dated 04.03.2025, followed by amended Signal dated 06.03.2025, he was posted to 32 Wing, Air Force Station, Jodhpur, where he was discharging duties as a Legal Officer. However, vide Signal dated 27.02.2026, he was transferred from Jodhpur to 11 Wing, Air Force Station, Tezpur, with directions to join on or before 30.03.2026. The respondent/writ petitioner had challenged the impugned transfer order by filing writ petition being SBCWP No.5942/2026, which was filed on 16.03.2026, on the ground that his father is suffering from left renal pelvis tumor and had undergone removal of one kidney and undergoing treatment at Chandigarh, while his mother



residing at Ambala, being a 50% burn survivor, required prolonged care.

3. The writ petition was heard on 27.03.2026 and vide judgment dated 30.03.2026, the learned Single Judge allowed the writ petition and quashed the Transfer Signal. Aggrieved by the said judgment, the Union of India has preferred the present special appeal.

4. Learned counsel for the appellants/non-petitioners submitted that the learned Single Judge has erred in interfering with the transfer order while exercising jurisdiction under Article 226 of the Constitution of India, despite the settled proposition of law that transfer is an incidence of service and matters concerning posting of members of the Armed Forces fall within the exclusive administrative domain of the competent authorities. It was contended that the Policy for Posting of Officers (Group Captain and Below) (Except Medical and Dental Branch) is merely in the nature of executive guidelines and does not have statutory force and, therefore, no writ can be issued for enforcement thereof. In support of the said contention, reliance was placed upon various judgments of the Hon'ble Supreme Court and different High Courts, including the judgment in **J.K. Bansal v. Union of India, reported in (2005) 7 SCC 227**, wherein the Hon'ble Supreme Court observed that the scope of judicial interference in matters relating to transfer and posting of members of the Armed Forces is extremely limited and that the Courts should be slow in interfering unless an exceptionally strong case is made out.



5. Learned counsel for the appellants/non-petitioners further submitted that the learned Single Judge was swayed solely by considerations of sympathy and compassion, which cannot constitute a legally sustainable ground for quashing a transfer order passed in administrative exigency. Learned counsel urged that if such interference is permitted on compassionate considerations alone, it would open floodgates of litigation as every member of the Armed Forces has familial responsibilities and personal hardships to attend to. It was also contended that the medical documents placed on record by the respondent/writ-petitioner did not substantiate the grave medical condition sought to be projected by him. It was further submitted that both the parents of the respondent/writ-petitioner were residing at Ambala and, therefore, no exceptional circumstance existed warranting judicial interference with the transfer order.

6. Learned counsel for the appellants further submitted that the Indian Air Force, being a fighting arm of the Armed Forces, functions primarily on the basis of operational preparedness and organizational requirements and therefore, transfer and posting policies cannot be construed with rigid strictness so as to defeat the larger objective of policy in question and effective deployment of personnel. Reliance in this regard was placed on the judgment rendered by this Court in ***DBSAW No.738/2024 Rajathan High Court, Union of India & Ors. v. Surendra Kumar***, wherein it was observed that the discretion of the Air Force authorities in matters of transfer and posting is always greater than the welfare



policy and such discretion has an overriding effect over the welfare guidelines framed for the benefit of personnel.

7. Counsel for the appellants further placed reliance upon a policy No.AIRHQ/C 98811/39/PO1F BM-II (PC-10) dated 02.02.2026, with respect to the Officers likely to be posted out in 2026; wherein, they countered by relying upon the policy of 2026.

8. *Per Contra*, learned counsel for the respondent/writ petitioner submitted that the impugned transfer order is *ex facie* arbitrary and contrary to the Policy of Air Headquarters Human Resource Policy Part-I/PO/PD/05/2022 (Annex.7 of the writ petition), for Posting of Officers (Group Captain and Below)(Except Medical and Dental Branch), particularly para 7 thereof, which contemplates a minimum tenure of two to four years at a station with an endeavour to provide at least three years' stability to an officer. Counsel further contended that despite the aforesaid policy mandate, the respondent/writ petitioner was transferred from Air Force Station, Jodhpur after serving there for barely about one year, thereby defeating the very object of stability envisaged under the policy. Learned counsel further submitted that though deviation from the prescribed tenure may be permissible in exceptional circumstances or on account of compelling administrative exigencies, such deviation must be supported by cogent, discernible and recorded reasons, however, in the present case, no exceptional circumstance or administrative necessity has been disclosed by the appellants to justify the premature transfer of the respondent/writ petitioner and, therefore, the action of the authorities suffers from arbitrariness and non-application of mind.





9. Learned counsel for the respondent/writ petitioner further submitted that throughout the span of his nearly twelve years of service in the Indian Air Force, the respondent had never sought any request posting or invoked compassionate grounds for securing a posting of his choice. He also contended that the respondent had faithfully served at different stations in accordance with organizational requirements without ever making any personal request for accommodation. Counsel further submitted that the present request made by the respondent cannot, therefore, be viewed as an attempt to avoid hardship posting or evade service exigencies, but rather is a genuine and exceptional request necessitated by the serious medical condition of his parents coupled with the fact that he was transferred prematurely in violation of the applicable posting policy. Counsel for the respondent, thus urged, that the conduct of the respondent clearly demonstrates his discipline, commitment and willingness to serve wherever posted, and the limited request made in the peculiar facts of the present case deserved fair and sympathetic consideration by the authorities.

10. Learned counsel for the respondent/writ petitioner also submitted that the present case involves compelling and exceptional compassionate circumstances which merited due consideration by the competent authorities. He also contended that the respondent's father is suffering from left renal pelvis tumor and has already undergone removal of one kidney, reflecting a serious and life-threatening medical condition requiring constant monitoring and treatment at Chandigarh. He



further submitted that the respondent's mother is a 50% burn survivor and requires prolonged care and assistance in day-to-day life. Learned counsel emphasized that the respondent is the sole child of his parents and, therefore, bears the primary moral, social and familial responsibility of looking after them during such grave medical difficulties. It was further contended that the applicable posting policy itself contemplates consideration of compassionate and medical grounds and, therefore, the authorities were under an obligation to objectively consider the peculiar facts of the respondent's case before effecting his premature transfer to a far-flung station like Tezpur. Learned counsel urged that the hardships faced by the respondent cannot be treated as ordinary service inconveniences, but constitute grave and exceptional circumstances warranting fair, humane and reasonable consideration, particularly when the respondent had not even completed the minimum prescribed tenure at Jodhpur.

11. Learned counsel for the respondent/writ petitioner further submitted that the respondent had already conveyed in writing his unwillingness for grant of permanent commission and was due to retire from service on 20.06.2028. He further contended that only about two years and three months of service tenure remained and, therefore, transferring the respondent to a far-flung station like Tezpur at this stage of service was wholly disproportionate and unreasonable, particularly in the backdrop of the serious medical condition of his parents. He submitted that the impugned transfer order not only disrupted the stability contemplated under



the posting policy but also subjected the respondent to undue hardship during the final phase of his service career.

12. We have heard learned counsel for the parties and perused the material available on record.

13. The issue before this Court is whether the policy of posting of officers, have any statutory and binding force.

14. A perusal of the Policy for Posting of Officers (Group Captain and Below) (Except Medical and Dental Branch) placed on record as Annexure-7, reflects that the primary object of the policy is to ensure efficient human resource management in the Indian Air Force by placing the "right air warrior for the right job at the right time", as contemplated under Para 1 thereof. Paras 3 and 4 of the policy further emphasize that while guidelines have been framed to achieve the objectives of stability and welfare, the same remain subservient to overriding service exigencies, operational requirements, combat efficiency and optimal functionality of the Force. At the same time, Para 7 of the policy envisages a normal tenure of two to four years with an endeavour to provide at least three years' stability at a station, though it reserves discretion with the competent authority to extend or truncate such tenure in appropriate cases owing to operational exigencies. Para 15(a) of the policy also indicates that compassionate and request posting considerations are required to be examined by the authorities in deserving cases. The relevant para of the policy is reproduced hereinafter as :

"1. Human resource determines the effectiveness and efficiency of any organisation. For a technologically sensitive combat force like IAF, with niche areas of specialisation and



the obligation to be always operationally ready as the instrument of primary response, human resource management takes on a whole new dimension. Postings and placements being a vital element of HRM, the Dte of PO aims "to place the Right Air Warrior for the Right Job at the Right Time". During this process, the aim is to enhance professional development through Professional Military Education."

"The aim of this policy is to lay down guidelines for postings of officers of the rank of Gp Capt and below (Except Medical & Dental branch), while maintaining optimal functionality, combat efficiency and operational effectiveness of the IAF."

"3. The policy document has been crafted in detail to Increase awareness with respect to posting guidelines for officers in the rank of Gp Captand below (Other than Medical and Dental Branch). While the guidelines have been framed to achieve desired policy objectives, overriding service exigencies may force deviations in certain cases.

Normal Posting

7. A process based posting to any place other than a place with Limited Tenure Area, planned and executed as per organisational requirement, is termed as a Normal posting. It shall be the endeavour of Dte of PO to provide stability and continuity to officers at the place of posting. A period of two to four years will be considered as a normal tenure, wherein the aim will be to provide at least a three year tenure. All request postings, those associated with training courses and Criteria/Key Field Appointments will have limited tenures as covered later. However, overriding organisational exigencies may lead to extension or truncation of tenure at a particular station."

15. The Court has given thoughtful consideration to the submissions advanced on behalf of the respondent regarding the precarious medical condition of his parents. The medical documents placed on record prima facie establish that one kidney of respondent's father was removed and the remaining kidney is afflicted by a cyst. The Court has also taken note of the submission that the respondent's mother requires prolonged care and assistance in her day-to-day affairs. It has further been urged that the respondent, being the sole offspring of his parents, is



under a moral, social and familial obligation to attend to their needs during such adverse circumstances. At the same time, this Court cannot lose sight of the admitted factual position that the respondent's parents are not residing with him. In such circumstances, although the medical condition of the parents undoubtedly deserves empathy and due consideration, the contention that the respondent's constant personal presence is indispensable for their day-to-day care does not stand fully reinforced from the material available on record. The plea, therefore, though humanitarian in nature, cannot be accepted in its entirety merely on the basis of the medical condition of the parents when the element of actual physical dependency upon the respondent has not been sufficiently demonstrated.

16. At the same time, it cannot be overlooked that the respondent/writ petitioner had been transferred from Air Force Station, Jodhpur before completion of even the minimum normal tenure contemplated under the policy. The record further reflects that the respondent had served the organization for nearly twelve years without ever seeking any request posting or compassionate accommodation. The present request appears to have been made in peculiar circumstances arising out of the serious medical condition of his parents, namely, that his father is suffering from left renal pelvis tumor and had undergone removal of one kidney, while his mother is a 50% burn survivor requiring prolonged care and assistance and that the submission advanced on behalf of the respondent/writ petitioner merits consideration to the limited extent that the service record of the respondent reflects that





during his nearly twelve years of service in the Indian Air Force, he had never sought any request posting or invoked compassionate grounds for securing a posting of his choice. The material placed on record prima facie indicates that the respondent had served at different stations in accordance with organizational requirements without raising any personal grievance or seeking accommodation on humanitarian considerations.

17. On the contrary the contention raised by the appellants that such policy cannot be invoked as it fails to have any statutory force, wherein the Counsel for the appellants placed reliance upon the judgments of **J.K. Bansal v. Union of India, reported in (2005) 7 SCC 227** wherein the Hon'ble Apex Court observed that the scope of judicial interference in matters relating to transfer and posting of members of the Armed Forces is extremely limited and that the Courts should be slow in interfering unless an exceptionally strong case is made out. The relevant para is reproduced hereinafter as:

"12..... The scope of interference by the courts in regard to members of the armed forces is far more limited and narrow. It is for higher authorities to decide when and where a member of the armed forces should be posted. The courts should be extremely slow in interfering with an order of such category of persons and unless an exceptionally strong case is made out, no interference should be made."

18. The learned Counsel for the appellants further relied upon the judgment of this Hon'ble Court of Division Bench in **Union of India & Ors. v. Surendra Kumar**(Supra) wherein the Hon'ble High Court observed that the discretion of the Air Force authorities





in matters of transfer and posting is always greater than the welfare policy and such discretion has an overriding effect over the welfare guidelines framed for the benefit of personnel. The relevant para can be reproduced hereinafter as:



"12. This Court is aware of the fact that the Air Force is a fighting arm of the Armed Forces and combining the Policy with the welfare of the spouse cannot be given a very strict meaning as it would frustrate the purpose of Trade Proficiency Utilization (TPU) driven by organizational requirement pertaining to movement of the Armed Forces. The discretion of the Air Force is always greater than the welfare policy, and thus, such discretion is having an overriding effect on the welfare policy. Thus, the challenge to such discretion while seeking implementation of such policy as a matter of right, cannot be laid."

19. A perusal of the Policy for Posting of Officers (Group Captain and Below) (Except Medical and Dental Branch), placed on record as Annexure-7, reveals that the policy has been framed with the object of ensuring effective Human Resource Management, operational preparedness and optimal combat efficiency of the Indian Air Force. While Para 7 of the policy mentions a normal tenure of two to four years with an endeavour to provide stability of about three years at a station, the very same provision recognizes that operational exigencies may necessitate extension or truncation of tenure in appropriate cases. Likewise, Para 3 of the policy itself stipulates that overriding service exigencies may warrant deviation from the guidelines framed under the policy. Thus, the policy cannot be construed as conferring an indefeasible or enforceable right upon an officer to continue at a particular



station for a fixed tenure irrespective of organizational requirements.

20. It is true that the applicable posting policy contemplates a normal tenure of two to four years with an endeavour to provide stability of approximately three years at a particular station. However, the policy itself expressly stipulates that in appropriate cases, overriding operational and administrative exigencies may necessitate extension or truncation of such tenure. Thus, the tenure prescribed under the policy cannot be construed as absolute or inflexible so as to curtail the discretion of the competent authorities in matters concerning deployment and operational preparedness of the Armed Forces.

21. In the considered opinion of this Court, if relaxation from transfer and posting requirements were to be granted in every case involving personal hardship or medical difficulty, it may adversely affect the smooth functioning, discipline and operational efficiency of the Forces, whose personnel are required to serve the nation in accordance with organizational needs and specialized operational requirements. Though compassionate circumstances may certainly constitute a relevant factor for consideration while examining the legality or fairness of a transfer order, such considerations cannot be treated as a sine qua non for judicial interference, particularly in matters concerning the Armed Forces where national interest, strategic deployment and administrative exigencies must necessarily receive primacy over individual convenience.





22. This Court has duly considered the submission advanced on behalf of the respondent/writ petitioner that during his nearly twelve years of service in the Indian Air Force, he had never sought any request posting or invoked compassionate grounds for securing a posting of his choice and had throughout served at different stations in accordance with organizational requirements.

The said conduct undoubtedly reflects discipline, commitment and devotion to service and the personal difficulties projected by the respondent, particularly concerning the medical condition of his parents, also deserve empathy and humane consideration. However, this Court is unable to hold that such circumstances, by themselves, furnish a legally sustainable ground to interfere with a transfer order issued in the interest of administration and operational requirements of the Armed Forces. Transfer and posting of personnel in the Air Force are matters falling squarely within the domain of the competent authorities and the applicable policy itself recognizes that prescribed tenure may be curtailed on account of overriding operational exigencies. Merely because the respondent had not earlier sought any request posting or because the present request appears bona fide, no indefeasible right accrues in his favour to continue at a particular station.

23. In the absence of any material demonstrating mala fides, violation of any statutory provision or patent arbitrariness in the decision-making process, this Court does not find any exceptional circumstance warranting judicial interference in exercise of powers under Article 226 of the Constitution of India. Acceptance of such claims solely on compassionate considerations may adversely



affect administrative discipline and operational flexibility essential for effective functioning of the Armed Forces. Consequently, the writ petition deserves to be dismissed.

24. The policy in question cannot be construed as possessing binding statutory force or creating an enforceable legal mandate, but is merely in the nature of administrative guidelines intended to regulate internal governance and operational management. The Hon'ble Apex Court in the case of ***Union of India and others v. S.L. Abbas, (1993) 4 SCC 357*** deliberated upon the issue as to legal significance of the policy in question. The relevant para is reproduced hereinafter as :

"6. An order of transfer is an incident of Government service. Fundamental Rule 11 says that "the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority". Fundamental Rule 15 says that "the President may transfer a Government servant from one post to another. That the respondent is liable to transfer anywhere in India is not in dispute. It is not the case of the respondent that the order of his transfer is vitiated by mala fides on the part of the authority making the order, though the Tribunal does say so merely because certain guidelines issued by the Central Government are not followed, with which finding we shall deal later. The respondent attributed "mischief" to his immediate superior who had nothing to do with his transfer. All he says is that he should not be transferred because his wife is working at Shillong, his children are studying there and also because his health had suffered a setback some time ago. He relies upon certain executive instructions - issued by the Government in that behalf. Those instructions are in the nature of guidelines. They do not have statutory force."

25. In the case of ***Public Services Tribunal Bar vs State Of U.P. & Another : reported in 2003 Supreme (SC) 107***, the Hon'ble Apex Court has observed that transfer is an incidence of

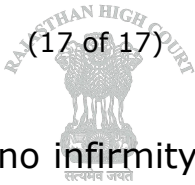




service, and the said principle squarely applies to the facts of the present case. The relevant paragraph is reproduced hereinafter:

"38. Transfer is an incident of service and is made in administrative exigencies. Normally it is not to be interfered with by the courts. This Court consistently has been taken a view that orders of transfer should not be interfered with except in rare cases where the transfer has been made in a vindictive manner."

26. In view of the foregoing discussion and having bestowed our anxious consideration to the rival submissions advanced on behalf of the parties, this Court is of the considered opinion that no case for interference with the transfer order is made out. The scope of judicial review in matters relating to transfer and posting of members of the Armed Forces is extremely limited and the policy governing postings, being merely administrative in nature, cannot be construed as conferring an enforceable right upon an officer to insist upon continuation at a particular station. The transfer of the respondent/writ petitioner appears to have been effected in administrative and operational exigencies and no material has been placed on record to establish mala fides, arbitrariness or violation of any statutory provision warranting interference by this Court. Though the compassionate circumstances projected by the respondent/writ petitioner evoke sympathy and deserve humane consideration, the same, by themselves, cannot override the paramount considerations of organizational discipline, operational preparedness and service requirements of the Armed Forces. Acceptance of such claims as a ground for judicial interference in transfer matters may seriously impair the flexibility and efficiency essential for effective functioning of the Forces.



27. Consequently, finding no infirmity or illegality in the action of the appellants-authorities, the present appeal deserves to succeed and is accordingly allowed. The judgment dated 30.03.2026 passed by the learned Single Judge is set aside and the writ petition is dismissed. Pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J (DR.PUSHPENDRA SINGH BHATI),J

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