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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16316/2025, CM APPLs. 66752/2025 & 66753/2025
IC-74753F LT COL MANALI SHRIVASTAVAPetitioner

Through: Mr. Akshay Bhandari, Adv.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Vijay Joshi, CGSC for UOI
with Col. Sarika and Major Anish
Muralidhar

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

% **ORDER**
28.10.2025

CM APPL. 66753/2025 (for exemption)

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 16316/2025, CM APPL. 66752/2025

3. The petitioner is aggrieved by the fact that in less than 18 months from the time when she was posted in Bathinda along with her spouse, she has been transferred out to Ranikhet.
4. The petitioner has alleged, in the writ petition, that the transfer is *mala fide* at the instance of Respondents 4 and 5, who harbour



grievances against the petitioner.

5. For the present, without allowing the said respondents to respond to these allegations, we do not deem it appropriate to return any findings.

6. Mr. Akshay Bhandari, learned Counsel for the petitioner has, however, taken us to the policy of the respondents relating to spouse coordinated posting. Clause 4 thereof, read thus:

“4. Norms for grant of SCP

- (a) SCP cannot be sought as a matter of right. The grant of SCP will be subject to availability of vacs, exigencies of service and other org reqmts.
- (b) SCP must enhance org interest and is not purely a welfare measure.
- (c) Though it will be endeavoured to grant the service couple full 24 months tenure together on a SCP, a tenure of 18 months (curtailed due to unavoidable org constraints) will be considered a viable tenure. Separations due to TD, courses, ex and other op commitments will be counted towards the tenure and not qualify for any extn of tenure.
- (d) Posting of both husband and wife to the same unit will be avoided.
- (e) Offrs on a SCP cannot claim any concession on their employment. SCP is subject to continued satisfactory performance. In case of unsatisfactory performance, based upon case taken up by the Unit/Fmn, the SCP can be curtailed and offr(s) posted out.
- (f) **Stn Specific SCP.** As per format laid down in MS Branch policy letter ref at Para 1 above, three choice stns are to be filled by the offr. However, it may not be feasible to accommodate stn specific spouse coord reqmt of offr. In such cases, MS Branch would accommodate offr in any suitable stn on SCP rather than their choice stns.

Procedure for SCP

- (a) Offrs (both offr in case of mil couples) will apply to MS Branch for a SCP as per provisions of MS Branch policy letter



under ref Spouse Coord appin are to be fwd to MS Branch four months prior to the turnover date of offrs.

(b) Offrs should intimate their reqmt of SCP well in time to permit adequate coord and plg. Requests recd after one of the service couple offrs has already been posted will not be entertained.

(c) Coord within the MS Branch will be carried out by the respective Controlling Groups of both offrs.”

7. It is apparent from a bare reading of clause 4(c) that curtailment of the tenure of a spouse coordinated posting below 18 months is permissible only in the case of unavoidable organisational constraints. The order of transfer of the petitioner to Ranikhet does not refer to any such unavoidable organisational constraints. In fact, the order is completely non-speaking and merely transfers the petitioner even before the tenure of 18 months is over.

8. Mr. Joshi, learned CGSC has sought to place reliance on clause 4(e) which envisages transfer of an Officer who is on spouse coordinated posting in case of unsatisfactory performance. He places reliance on certain communications addressed to the petitioner by Respondent 5, alleging that her performance was not satisfactory.

9. Inasmuch as the claim of the petitioner is specifically that Respondent 5 harboured *mala fides* against her, we are not certain as to the extent to which these communication can be the basis to transfer the petitioner. Even otherwise, transfer of an Officer who is on spouse coordinated posting before the tenure expires is envisaged in clause 4(e) only in the case of unsatisfactory performance “based upon case taken up by the Unit / Fmn”. We repeatedly queried of Mr. Joshi as to



the exact import of the expression “based upon case taken up by the Unit / Fmn”. He is unable to enlighten us.

10. He merely states that the petitioner’s performance was unsatisfactory on the basis of her ACRs.

11. If this is to be treated as a valid explanation, the words “based upon case taken up by the Unit / Fmn” would be reduced to a superfluity. We, therefore, cannot atleast *prima facie* accept the explanation.

12. We, in fact, are of the opinion that it would have been in the fitness of things for the respondents to come forth and graciously allow the petitioner to complete her tenure in Bathinda or atleast the period of 18 months. The respondents, however, are not willing to make any such statement.

13. During the course of hearing, it was also submitted that owing to the relations between the petitioner and her Commanding Officer, the continuation of the petitioner in Bathinda would be impracticable. This further, seems to indicate that the essential difficulty is with respect to the relationship between the petitioner and her Commanding Officer, and not anything else.

14. In that view of the matter, issue notice to show cause as to why rule *nisi* be not issued.

15. Notice is accepted on behalf of Respondents 1 to 3 by Mr. Vijay



Joshi.

16. Let notice be issued to Respondents 4 and 5 through all modes.

17. Counter affidavit, if any, be filed within two weeks with advance copy to learned Counsel for the petitioner, who may file rejoinder thereto, if any, within one week thereof.

18. Given the peculiar circumstances of the case, however, we re-notify the matter on 27 November 2025 in the Supplementary List.

19. In the meanwhile, the respondents are at liberty to place on record the material which according to them could satisfy the Court that the transfer of the petitioner from Bathinda to Ranikhet was *bona fide* and in accordance with the applicable instructions.

20. Let the relevant file containing the deliberations before the transfer of the petitioner was effected, be also kept ready for perusal of the Court.

21. In the event that there has been no other Officer posted in place of the petitioner at Bathinda, there shall be a stay of operation of the transfer of the petitioner and the petitioner shall be permitted to continue at Bathinda.

22. In case there is sufficient material to justify the transfer of the petitioner, the respondents would also be at liberty to move an application in these proceedings to seek modification or vacation of



the order passed today.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

OCTOBER 28, 2025/aky