



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF NOVEMBER, 2023**

**PRESENT**

**THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR JUSTICE KRISHNA S DIXIT**

**WRIT APPEAL NO. 1140 OF 2023 (S-RES)**

**BETWEEN:**

RANGASWAMY. B. T.

...APPELLANT

(BY MS. M L SUVRNA., ADVOCATE FOR  
SRI. PUTTE GOWDA K.,ADVOCATE)

**AND:**

Digitally signed  
by SHARADA  
VANI B  
Location: HIGH  
COURT OF  
KARNATAKA

1. UNION OF INDIA,  
REP BY ITS SECREARY,  
MINISTRY OF DEFENSE,  
SOUTH BLOCK RAISINA HILL,  
NEW DELHI 110 011.
2. AIRFORCE RECORD OFFICE CO-ORDINATOR  
SOUTH BLOCK, RAISINA HILL,  
SUBRATHO PARK,  
NEW DELHI 110 011.
3. AIR FORCE COMMANDING OFFICER  
AIRFORCE STATION, JALAHALLI,  
JALAHALLI EAST,  
BANGALORE 560 013.



4. GROUP CAPTAIN,  
OCI C3, IN HEAD QUARTERS TRIANING,  
COMMAND INDIAN AIR FORCE,  
JC NAGAR POST, BANGALORE.

...RESPONDENTS

(BY SRI. MADHUKAR M DESHPANDE.,ADVOCATE)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL SET ASIDE THE ORDER DATED 22.08.2023 PASSED BY THE LEARNED SINGLE JUDGE IN WP No-6882/2023 AND ALLOW WP No-6882/2023 AS PRAYED FOR BY THE APPELLANT IN THE INTEREST OF JUSTICE AND EQUITY, INCLUDING THE AWARD OF COSTS.

THIS APPEAL, COMING ON FOR ORDERS THIS DAY, **CHIEF JUSTICE** DELIVERED THE FOLLOWING:

### **JUDGMENT**

This intra-court appeal seeks to lay a challenge to a learned Single Judge's order dated 22.08.2023 whereby the appellant's W.P.No.6882/2023 (S-RES) has been negatived. In the said writ petition, appellant had laid a challenge to his posting order dated 29.12.2022 and the communication dated 03.03.2023.

2. Learned counsel for the appellant argues that the impugned order has brought about an unjust result and a lot of hardship will be occasioned to his client if the same is not set at naught. Learned CGC appearing for the



official respondents resists the appeal contending that the subject matter relates to the posting of an employee in the Defence Service namely, Indian Air Force; the policy of request posting cannot be invoked as a matter of right, a host of factors entering the fray of decision making; the appellant had given an undertaking that the compassionate posting was confined to a period of only two years and therefore, no extension could be sought for.

3. Having heard the learned counsel for the parties and having perused the appeal papers, we decline indulgence in the matter being broadly in agreement with the reasoning of the learned Single Judge coupled with the development that the appellant had already reported for duty pursuant to the posting order. Learned Single Judge has reproduced relevant part of the policy of request posting at para 6 of the judgment which specifically states that a request posting will be limited in tenure and that no extension from posting beyond the permitted tenure will be considered on a request posting. This is absolutely



consistent with the Defense requirements and a writ court cannot undertake a deeper examination of the matter. This idea has inarticulately animated the impugned order of the learned Single Judge.

In the above circumstances, this appeal being devoid of merits is liable to be and accordingly dismissed, costs having been made easy.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

Snb,KPS  
List No.: 2 SI No.: 12