

(2025) 01 KL CK 0015

High Court Of Kerala

Case No: Writ Petition (C) No.36194 Of 2024

Muktha K Nair

APPELLANT

Vs

Airports Authority Of India

RESPONDENT

Date of Decision: Jan. 13, 2025

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: D.K.Singh, J

Bench: Single Bench

Advocate: O.H.Nazeeba, Sajen Thampan, Anna Jezita David, Aagi Johny, Sabu George., P.B.Subramanyan, Manu Vyasana Peter, Aiswarya Mohan, Chitra Johnson, P.B.Krishnan, P.B. Krishnan

Final Decision: Dismissed

Judgement

D.K.Singh, J

1. The petitioner is working as a Senior Superintendent (HR) in the Airports Authority of India. Before the impugned transfer, the petitioner was

employed at Thiruvananthapuram International Airport. Vide impugned order in Ext.P4 dated 26.09.2024, the petitioner has been transferred to the

same post at Calicut International Airport. Against the said transfer, the petitioner's representation, along with the representation of other

employees of the Airports Authority of India, were considered and vide order dated 09.10.2024 in Ext.P7, the petitioner's representation has been

rejected along with the representations of other employees working in the HR Department at Thiruvananthapuram International Airport.

2. Learned Senior Counsel appearing for the Airports Authority of India submits that the transfer of the petitioner and other employees is necessitated

as the Thiruvananthapuram International Airport has been taken over by the Adani Thiruvananthapuram International Airport. Only those employees who are working directly under the control of the Airports Authority of India or those who have opted to join the services of the Adani

Thiruvananthapuram International Airport have been retained at Thiruvananthapuram International Airport.

2.1 It is further submitted that only six persons who are senior to the petitioner, holding the post of Senior Superintendent (HR), have been retained at

Thiruvananthapuram International Airport, and there is no post available with the Airports Authority to accommodate the petitioner at

Thiruvananthapuram International Airport.

2.2 Furthermore, the petitioner even otherwise holds a transferable post, and the petitioner can be posted at any of the Airports under the Airports

Authority of India. The petitioner cannot claim posting at a particular place of her choice. The petitioner's posting has been made to the nearest

Airport, i.e., Calicut International Airport, under administrative grounds and this Court, in the exercise of its jurisdiction under Article 226 of the

Constitution of India, cannot interfere with the transfer of the petitioner as the transfer is neither mala fide, arbitrary nor against the service rules

governing the service conditions of the petitioner.

3. Learned Counsel for the petitioner, however, submits that the respondent Authority has adopted a pick-and-choose policy in retaining some of the employees while the petitioner has been chosen to be transferred.

4. When no post is available to accommodate the petitioner and the six persons who have been retained are senior to the petitioner, the petitioner

cannot compel the Airports Authority to retain the petitioner at Thiruvananthapuram International Airport, which has been taken over by a private

company. The petitioner has been transferred to the nearest airport, i.e., Calicut International Airport. The petitioner holds a transferable post, and

therefore, the petitioner can be transferred and posted at any of the airports under the Airports Authority of India.

4.1 I do not find that the petitioner's transfer is in any way mala fide or arbitrary, which requires the interference of this Court in the exercise of its

jurisdiction under Article 226 of the Constitution of India.

In view thereof, the writ petition fails, which is hereby dismissed.