

ITEM NO.5

COURT NO.1

SECTION XIV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**MISCELLANEOUS APPLICATION Diary No(s). 23843/2023 in Civil Appeal  
Nos 2182-2187 of 2020**

UNION OF INDIA

Petitioner(s)

VERSUS

LT. CDR. ANNIE NAGARAJA, EXECUTIVE OFFICER

Respondent(s)

(IA No. 115099/2023 - APPLICATION FOR PERMISSION, IA No. 115098/2023 - CLARIFICATION/DIRECTION, IA No. 143694/2023 - CONDONATION OF DELAY IN FILING, IA No. 238224/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 115100/2023 - INTERVENTION/IMPLEADMENT)

WITH

MA 2395/2023 in MA 1913/2022 in W.P.(C) No. 1109/2020 (X)  
(FOR ADMISSION, IA No. 104117/2023 - APPROPRIATE ORDERS/DIRECTIONS,  
IA No. 66131/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 104677/2023 - INTERVENTION APPLICATION, IA No. 189044/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 118842/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) By Courts Motion, AOR

Mr. Rakesh Kumar, AOR

Mr. Mukesh Kumar Maroria, AOR

Ms. Seema Bengani, Adv.

Ms. Shraddha Deshmukh, Adv.

Mr. Aman Shukla, Adv.

Mr. Subodh Patil, Adv.

Mr. Annirudh Sharma -(II), Adv.

Dr. N. Visakamurthy, AOR

Ms. Archana Pathak Dave, AOR

Ms. Chitrangda Rastravara, Adv.

Mr. Avnish Dave, Adv.

Mr. Kumar Prashant, Adv.

Mr. Vaibhav Dwivedi, Adv.

For Respondent(s) Mr. R. Venkatramani, Attorney General for India  
 Mr. R. Bala, Sr. Adv.  
 Mr. Adit Khorana, Adv.  
 Mr. Swarupama Chaturvedi, Adv.  
 Ms. Seema Bengani, Adv.  
 Ms. Shraddha Deshmukh, Adv.  
 Mr. Chinmayee Chandra, Adv.  
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 Mr. Rajan Kr. Chaurasia, Adv.  
 Mr. Kartikay Aggarwal, Adv.  
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 Mr. Nikhil Palli, Adv.  
 Mr. Deepak Goel, AOR  
 Ms. Harshita Maheshwari, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.  
 Mr. Sudhanshu S. Pandey, Adv.  
 Mr. Samyak Gangwal, Adv.  
 Mr. Gaichangpou Gangmei, AOR  
 Mrs. Tanya Srivastava, Adv.  
 Ms. Lothungbeni T. Lotha, Adv.  
 Mr. Yimyanger Longkumer, Adv.

Mr. Anas Tanwir, AOR

Ms. Chitranga Rastravara, Adv.  
 Ms. Archana Pathak Dave, AOR  
 Mr. Avnish Dave, Adv.  
 Mr. Kumar Prashant, Adv.  
 Mr. Parmod Kumar Vishnoi, Adv.

UPON hearing the counsel the Court made the following  
 O R D E R

**IA Nos 104117/2023, 104677/2023, 189044/2023 and 118842/2023  
 (in the matter of Colonel Kanika Gupta)**

1 In this order, we are addressing the grievance of Colonel Kanika Gupta, who is empanelled as a Colonel in the Indian Army on 20 July 2023.

2 Earlier the officer was issued a posting to the Victor Force Signal Regiment. However, her request for a “medically compliant station” with basic pre-primary school facility was acceded to and she was posted to 3 (Independent) Armoured Brigade Signal Company located in a Field/Counter Insurgency for which Widening of Command Funnel was reactivated.

3 The additional affidavit which has been filed by the Colonel Military Secretary (Legal), IHQ of Ministry of Defence (Army) specifically clarifies that the following decisions have been taken to bring gender parity in the Indian Army:

“(a) Women Officers who stand empanelled but are yet to be placed in command and those who will be empanelled by Special No 3 Selection Board ahead, will be placed in regular command billets in same proportion as male officers.

(b) Women Officers placed on upgraded Command appointments will be considered for regular command billets as and when regular billets are available.”

4 In terms of clause (b) of the above extract, it has been submitted before this Court that Colonel Kanika Gupta would be considered for a second command tenure of a regular unit when a suitable regular billet is available.

5 The Attorney General for India states that by March 2024, the position in regard to the availability of a regular billet would become clear.

6 The IAs are accordingly disposed of.

### **IA 66131 of 2023**

7 Mr R Venkataramani, Attorney General for India states that consequent to the policy on career progression dated 23 November 2021, deliberations are going on in the Army Headquarters for formulating an appropriate policy on career progression for women officers to facilitate their consideration by No 2 Selection

Board.

- 8 We would expect that formulation of the policy should be complete by 31 March 2024. It shall be placed on record on affidavit.
- 9 List the IA on 5 April 2024.

**MISCELLANEOUS APPLICATION Diary No(s). 23843/2023**

- 10 List the Miscellaneous Application on 11 December 2023.

**(SANJAY KUMAR-I)  
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)  
ASSISTANT REGISTRAR**