

ITEM NO.32

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.3045/2024

(Arising out of impugned final judgment and order dated 21-12-2023 in WPC No.11019/2023 passed by the High Court of Delhi at New Delhi)

PRIYANKA TYAGI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With I.R. and IA No.29495/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.48803/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.35210/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-04-2024 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) Ms. Archana Pathak Dave, Sr. Adv.
Mr. Siddhant Sharma, AOR

For Respondent(s) Mr. R. Venkataramani, AG
Mr. Vikramjit Banerjee, ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Shubham Saxena, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Abhishek Kr. Pandey, Adv.

**Mr. Raman Yadav, Adv.
Ms. Ameyvikrma Thanvi, Adv.
Mr. Mukesh Kr. Singh, Adv.
Dr. Arun Kr. Yadav, Adv.
Dr. N. Visakamurthy, AOR**

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

- 1 The petition which has been filed before the High Court of Delhi deals with a significant constitutional issue relating to gender equality in the service of the Indian Coast Guard. As regards the Indian Army, Indian Air Force and Indian Navy, this Court has rendered judgments resulting in the induction of women in the Armed Forces on a permanent basis. Unfortunately, the Indian Coast Guard continues to be an outlier. Particularly having regard to the broader constitutional mandate contained in Article 15 of the Constitution, the petition should be heard by this Court.
- 2 Ms Archana Pathak Dave, senior counsel appearing on behalf of the petitioner and the Attorney General for India have no objection to this course of action being followed.
- 3 We accordingly direct that Writ Petition (Civil) No 11019 of 2023¹ shall stand transferred from the High Court of Delhi to this Court.
- 4 The High Court shall transmit forthwith the records of the case to this Court.
- 5 The petitioner served as a Short Service Appointee (SSA) in the Indian Coast Guard for a period of fourteen years till 30 December 2023.
- 6 During the course of the hearing, this Court has been apprised of the recommendations made by the Commanding Officers for favourably considering her for permanent absorption in the Coast Guard. A

1 *“Priyanka Tyagi vs Union of India and Others”*

communication dated 23 December 2021 was addressed by the Commanding Officer, Daman to the Commander of the Coast Guard Region (West) at Mumbai in the following terms:

“The request of above mentioned SSA Woman Officer (Observer), received vide letter ibid, has been examined at this Unit. The Officer, during her tenure in the service in the last 12 years, has proved her capabilities beyond doubt and shouldered each responsibility, bestowed upon her, with great pride. The Officer, among other Observers in the Unit, has broken the gender barrier and took part in air operations and administrative roles at par with others. She, as an Observer, is rated CAT ‘B’, flown over 3700 hours on Dornier aircraft and undertook all possible operational missions with enthusiasm and professional competence. In addition, she has also carried out duties of Logistics Officer, Communication Officer, Operations Officer, Regulating Officer etc during various appointments in the service. She is the pillar of strength to the Squadron/Station and also a role model for her juniors. It is for these reasons that her stay with the ICG for a longer duration shall not only result in achieving desired operational capability but also vitality.

It is understood that women SSC Officers are now being considered for permanent commission in Defense Services. In this regard Gol/MoD letter F.No.14(01)/2018-D(AG) dated 25 Feb 19 (copy enclosed) is also relevant. Accordingly, the deck has been cleared for them to be part of regular training at National Defense Academy alongwith others.

Comdt (JG) Priyanka Tyagi had volunteered to extend her service in the ICG initially for 02 years and thereafter by another 04 years (total 14 years) in accordance with the procedure in vogue. No provision presently exists for further extension of her service, and she is due to retire by end Dec 23. However, it is opined after considering her willingness, utility in service and Gol/MoD letter ibid favouring longer and equitable role of women Officers in other services, her case for permanent absorption in the ICG merits consideration.”

- 7 The petitioner has also placed another communication dated 21 December 2021 on the record.

- 8 Having regard to all the above facts and circumstances, and bearing in mind the qualifications of the petitioner, we are of the view that an interim order would sub-serve the ends of justice. We accordingly direct that the services of the petitioner shall be continued uninterruptedly in the Indian Coast Guard in the post which she occupied on the date of her discharge on 30 December 2023 till further orders. She shall be assigned a suitable posting commensurate with her cadre and qualifications. She shall be entitled to the arrears of salary and increments as they fall due.
- 9 Counter affidavit be filed within a period of four weeks.
- 10 List the Special Leave Petition along with the transferred case on 19 July 2024.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar