

ITEM NO.301+302

COURT NO.4

SECTION X

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

Miscellaneous Application No.1848/2021 in W.P.(C) No.1172/2020

(Arising out of impugned final judgment and order dated 25-03-2021 in W.P.(C) No.1172/2020 passed by the Supreme Court of India)

LT COL SONIA ANAND & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for IA No.152020/2021-STAY APPLICATION and IA No.152021/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.152018/2021-APPROPRIATE ORDERS/DIRECTIONS)

Miscellaneous Application No.1877/2021 in W.P.(C) No.1172/2020

(With appln.(s) for IA No.152734/2021 - CLARIFICATION/DIRECTION and IA No.152021/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.152018/2021-APPROPRIATE ORDERS/DIRECTIONS, IA No.164590/2021 - DIRECTION and IA No.164592/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 15-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Ms. V. Mohana, Sr. Adv.  
Mr. Rakesh Kumar, AOR

Ms. Archana Pathak Dave, AOR

For Respondent(s) Mr. R. Balasubramanian, Sr. Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Ms. Shraddha Deshkukh, Adv.

**Mr. Adit Khorana, Adv.  
Mr. Arvind Kumar Sharma, AOR**

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

**IA No No 152018/2021, IA No 152734/2021 & IA No 164590/2021**

1 Presently there are three applications of the Women Short Service Commissioned Officers, which will form the subject of the order.

**(i) Lt Col Sony Sharma (IA No 152018/2021)**

1 Mr R Balasubramanian, learned senior counsel appearing on behalf of the Union of India and the Army authorities states that though initially, the officer was placed in a temporary low medical category on 29 June 2000 and in a permanent low medical category on 15 March 2001 with effect from 7 December 2000, she has since then been consistently rated in Shape-I after October 2001 and continuous to do so even as of date.

2 Ms V Mohana, learned senior counsel appearing on behalf of the applicant-officer, has on the other hand, stated that the temporary aberration in her Shape-I status was occasioned due to pregnancy related hyperthyroidism and the position of the officer as a Shape-I officer over the last twenty years is now beyond doubt.

3 In the above factual position and having regard to the officers to whom Permanent Commission has been granted, the learned senior counsel appearing on behalf of the Army authorities and the Union of India fairly left it to the Court to pass appropriate directions.

4 In the considered view of this Court, and having regard to the previous orders which have been passed in the case of other officers, it would be fair if Permanent Commission is granted to Lt Col Sony Sharma who has

consistently maintained a Shape-I status since October 2001 until date as intimated to the Court. Moreover, it is admitted that there are no discipline or vigilance issues outstanding against the officer.

- 5 Lt Col Sony Sharma should, therefore, be granted Permanent Commission and necessary orders be communicated within a period of one week. All consequential orders shall issue on that basis and it is clarified, there shall be no break in her service and she will be entitled to continuity in all respects and the benefit of the service which has already been rendered.
- 6 The Interlocutory Application is disposed of.
- 7 Pending applications, if any, stand disposed of.

**(ii) Lt Col Himalini Pant (IA No 152734/2021)**

- 1 Lt Col Himalini Pant, the officer, admittedly is in Shape-I since 8 September 2020. There are no discipline or vigilance issues pending against the officer. Hence, her case for the grant of Permanent Commission may be considered and necessary orders may be issued within a period of two weeks from today.
- 2 The Interlocutory Application is disposed of.
- 3 Pending applications, if any, stand disposed of.

**(iii) Lt Col Akanksha Srivastava (IA No 164590/2021)**

- 1 Mr R Balasubramanian, learned senior counsel appearing for the Union of India states that the case of the officer is under consideration and that an order has been passed on 10 December 2021. The officer has about four years of service before release, as stated before the Court. A copy of which has been handed over to Ms V Mohana, learned senior counsel appearing on

behalf of the applicant-officer. Mr R Balasubramanian, learned senior counsel states that the issue has not been closed so far as the officer is concerned. The further consideration of the application of Lt Col Akanksha Srivastava is deferred until first week of February 2022.

- 2 List the IA No 164590 of 2021 on 7 February 2022.

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

**(SAROJ KUMARI GAUR)**  
**Court Master**