

ITEM NO.35 Court 5 (Video Conferencing) 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

Writ Petition(s)(Civil) No(s).1296/2020

LT. CDR. HARMEET KAUR

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(WITH IA No.116886/2020-STAY APPLICATION and IA No.116889/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 19-11-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Ms. Pooja Dhar, AOR
 Ms. Gunjan Ahuja, Adv.

For Respondent(s)

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

- 1 Ms Pooja Dhar, learned counsel appearing on behalf of the petitioner, has adverted to the operative directions contained in sub-paragraphs (ix) and (xi) of the judgment of this Court dated 17 March 2020 in **Union of India v Lt Cdr Annie Nagaraja**¹ (Annexure P-2).
- 2 Learned counsel submits that the petitioner is entitled to consideration for the grant of Permanent Commission², which has however been denied to her. The petitioner is stated to belong to ATC Cadre of the Indian Navy.
- 3 Sub-paragraph (ix) of the operative directions in **Annie Nagaraja** reads as follows:

1 Civil Appeal Nos 2182-87 of 2020

2 "PC"

“(ix) Women SSC officers of the ATC cadre in Annie Nagaraja’s case are not entitled to consideration for the grant of PCs since neither men nor women SSC officers are considered for the grant of PCs and there is no direct induction of men officers to PCs. In exercise of the power conferred by Article 142 of the Constitution, we direct that as a one-time measure, SSC officers in the ATC cadre in Annie Nagaraja’s case shall be entitled to pensionary benefits. SSC officers in the ATC cadre in Priya Khurana’s case, being inducted in pursuance of the specific representation contained in the advertisements pursuant to which they were inducted, shall be considered for the grant of PCs in accordance with directions (v) and (vi) above;”

- 4 It has been submitted that the petitioner was recruited as a Short Service Commissioned Officer in the ATC cadre on the basis of a specific representation contained in the advertisement that the recruits would be considered for the grant of PC. Hence, it has been urged that the petitioner stands on the same footing as the officers in the **Priya Khurana’s case**(supra) and the petitioner was pursuing her remedies before the Armed Forces Tribunal.
- 5 It has been stated that the petitioner has been issued with a letter dated 4 November 2020 by which she would be released on 20 November 2020.
- 6 Issue notice, returnable on 7 December 2020.
- 7 Liberty to serve the Central Agency, in addition.
- 8 There shall be an ad-interim order staying the direction for the release of the petitioner with effect from 20 November 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER