

ITEM NO.4 Court 4 (Video Conferencing) SECTION X

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

CONTEMPT PETITION (CIVIL) Diary No(s).19670/2021 in
W.P.(C) No. No. 1109/2020

NILAM GORWADE & ORS. Petitioner(s)

VERSUS

MANOJ MUKUND NARAVANE & ORS. Respondent(s)

(WITH IA No. 103799/2021 - APPLICATION FOR PERMISSION, IA No. 128417/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 103801/2021 - EXEMPTION FROM FILING AFFIDAVIT)

WITH

Diary No(s). 21473/2021 (X)

(IA No. 128510/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 128514/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 113910/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 21484/2021 (X)

(WITH IA No. 128497/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 128503/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 114013/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 21474/2021 (X)

(WITH IA No. 113913/2021 - APPLICATION FOR PERMISSION, IA No. 128489/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 128494/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 113922/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 22-10-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For petitioner(s) Mrs. V. Mohana, Sr. Adv.
Mr. Rakesh Kumar, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Sudhanshu S. Pandey, Adv
Mr. Gaichangpou Gangmei, AOR

For respondent(s) Mr. Sanjay Jain, ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Adit Khorana, Adv.

Ms. Shraddha Deshmukh, Adv.
Ms. Seema Bengani, Adv.
Mr. Amit Khanna, Adv.
Mr. Arvind Kumar Sharma, AOR

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

- 1 Four contempt petitions have been listed before the Court, namely:
 - (i) Contempt Petition (Civil) Diary No 19670 of 2021 in regard to fifteen officers;
 - (ii) Contempt Petition (Civil) Diary No 21473 of 2021 in regard to eleven officers;
 - (iii) Contempt Petition (Civil) Diary No 21484 of 2021 in regard to one officer; and
 - (iv) Contempt Petition (Civil) Diary No 21474 of 2021 in regard to nine officers.
- 2 Thus, a total of thirty six officers have raised a grievance before the Court in exercise of the contempt jurisdiction in regard to the manner in which the judgment of this Court dated 25 March 2021 has been complied with.
- 3 Pursuant to the previous hearing before this Court, Mr Sanjay Jain, Additional Solicitor General and Mr R Balasubramanian, Senior Counsel, have apprised the Court of the fact that a comprehensive exercise has been carried out once again to re-determine the entitlement of a total of seventy one Women Short Service Commissioned Officers¹, in whose case, it was submitted that though they had secured more than 60% marks and fulfilled all the conditions for the grant of

1 “WSSCOs”

Permanent Commission², the decision in regard to the grant of PC was still awaited. The position as has been stated before this Court is as follows:

- Total number of officers - seventy two
- One officer applied for release
- Seven officers declared medically unfit
- Balance sixty four officers

4 Out of the sixty four officers, it has been submitted that thirty nine officers have been found, upon re-consideration, to be eligible for the grant of PC. In the above facts, we are of the view that the ends of justice would be met if, to begin with, orders for the grant of PC are issued to all the thirty nine officers, in terms of the statement which has been made before this Court by the ASG, on or before 1 November 2021. Compliance shall be scrupulously ensured on or before 1 November 2021.

5 Out of sixty four officers who have been adverted to in the above table, after the grant of PC to thirty nine officers, twenty five officers would be left out. The ASG has submitted that, these officers have not been found to be eligible on disciplinary grounds and, in certain cases, on other issues, such as, integrity or disobedience of lawful orders and 'operational weak reports'. Moreover, it has been submitted that their counterparts in the Army, who are male officers, have been denied PC on similar grounds and, hence, there has been no discrimination with WSSCOs.

6 As already noted above, in the four contempt petitions before this Court, there are thirty six WSSCOs. After the exercise of the grant of PC in the terms directed above is completed, it would be necessary for the respondents to apprise the Court of the grounds which have resulted in the denial of PC to the remaining officers in the contempt proceedings. ASG has stated that, to begin with, a tabulated chart, officer-wise, in respect of those officers who have been found not to be eligible for the grant of PC would be placed on the record before this Court and, thereafter, if the Court so considers it appropriate, the tabulation may be shared with the counsel for the applicants in which event they may pursue their remedies in accordance with law.

7 In view of the above background, we pass the following order:

- (i) In terms of the statement which has been made on behalf of the respondents by Mr Sanjay Jain, ASG and Mr R Balasubramanian, Senior Counsel, thirty nine officers who have been found to be eligible for the grant of PC in terms of the final judgment of this Court dated 25 March 2021 shall be issued orders for PC on or before 1 November 2021;
- (ii) If any of the officers forming part of the group of thirty six WSSCOs in the present batch of contempt petitions are not found eligible for the grant of PC, a statement shall be tendered before this Court in a tabulated form indicating the reasons why each of the officers who are not found eligible are being denied PC; and
- (iii) An affidavit shall be filed on behalf of the respondents before the next date of listing expressly stating that no reasons independent of the directions which have been issued by this Court have weighed in the grant or, as the case may be, refusal of PC to the seventy two officers concerned. In other words, once there is a final judgment and order of this

Court dated 25 March 2021, the consideration for the grant of PC has to be confined to the specific directions issued by this Court and not on any grounds independent of the directions.

- 8 List the Contempt Petitions on 12 November 2021.

IA 135908 of 2021 in Contempt Petition (Civil) Diary No 19670 of 2021

- 1 In respect of the petitioner No 3 in Contempt Petition (Civil) Diary No 19670 of 2021 (Lt Col Akanksha Srivastava), there is some dispute over the medical record. The officer shall file a personal affidavit stating that the certified copies which have been produced before the authorities are true and correct copies to her personal knowledge.
- 2 List the application on 12 November 2021.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER