

ITEM NO.7

Court 4 (Video Conferencing)

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

Miscellaneous Application No.96/2022 in S.L.P.(C) No.16740/2021

(Arising out of impugned final judgment and order dated 06-12-2021 in S.L.P.(C) No.16740/2021 passed by the Supreme Court of India)

GOPIKA BHATI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for IA No.9372/2022-MODIFICATION OF COURT ORDER)

Date : 28-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Alok Kr Aggarwal, Adv.
Ms. Anushruti, Adv.
Ms. Simran Arora, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR

Mr. Rakesh Kumar, AOR

For Respondent(s) Mr. R. Balasubramanian, Sr. Adv.
Mr. Anukalp Jain, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Mohd. Akhil, Adv.
Ms. Neela Kedar Gokhale, Adv.

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

- 1 We have heard Mr Huzefa Ahmadi, senior counsel for the applicant and Mr R Balasubramanian, senior counsel for the Union of India. Mr Huzefa Ahmadi states that the petitioner shall submit an application for premature retirement by 1 February 2022.
- 2 Mr R Balasubramanian, senior counsel states that after the order of this Court dated 9 February 2021 in IA No 6483 of 2021 in Writ Petition (C) No 1172 of 2020, the petitioner had submitted a non-statutory complaint on 10 September 2021, seeking Permanent Commission. Hence, it has been submitted that when this Court passed its order dated 6 December 2021, recording the name of the applicant at SI No (ix) of paragraph 4(a) as one of the officers who are going to be granted Permanent Commission, this was in pursuance of the decision taken on the non-statutory complaint. Nonetheless, in order to obviate any hardship to the officer, it has been stated by Mr R Balasubramanian, senior counsel, on instructions from the Army authorities that:
 - (i) The request of the officer, Lt Col Ipsa Ratha for premature retirement will be processed favourably and necessary orders would be passed on or before 31 March 2022; and
 - (ii) In the meantime, the officer would be given a posting at Delhi where she must join service unit pending a formal communication on the request for premature retirement.
- 3 We appreciate the fair stand which has been taken by the Army authorities. The authorities shall abide by the statement which has been recorded above.
- 4 The Miscellaneous Application is accordingly disposed of.

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

(SAROJ KUMARI GAUR)
COURT MASTER