

ITEM NO.9

Court 6 (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

Writ Petition (Civil) No.1109/2020

NITISHA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for APPROPRIATE ORDERS/DIRECTIONS, EXEMPTION FROM FILING AFFIDAVIT, INTERVENTION APPLICATION, PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and STAY)

WITH W.P.(C) No.1480/2020 (X)

(With appln.(s) for APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT and APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No.61/2021 (X)

(FOR I.R.)

W.P.(C) No.1469/2020 (X)

W.P.(C) No.34/2021 (X)

(With appln.(s) for EX-PARTE STAY and EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.1223/2020 (X)

(With appln.(s) for STAY, EXEMPTION FROM FILING AFFIDAVIT, IMPEADING PARTY, INTERVENTION/IMPEADMENT and ADDITION/DELETION/MODIFICATION PARTIES)

W.P.(C) No.1457/2020 (X)

(With appln.(s) for FOR EX-PARTE STAY)

W.P.(C) No.1471/2020 (X)

(With appln.(s) for APPROPRIATE ORDERS/DIRECTIONS, EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, VACATING STAY, WITHDRAWAL OF CASE/APPLICATION)

W.P.(C) No.1478/2020 (X)

(With appln.(s) for APPROPRIATE ORDERS/DIRECTIONS and EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No.1158/2020 (X)

(With appln.(s) for STAY and EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

W.P.(C) No.1172/2020 (X)

(With appln.(s) for APPROPRIATE ORDERS/DIRECTIONS, EXEMPTION FROM FILING AFFIDAVIT, PERMISSION TO FILE LENGTHY LIST OF DATES, CLARIFICATION/DIRECTION, IMPEADING PARTY, INTERVENTION/IMPEADMENT

W.P.(C) No.1269/2020 (X)

(With appln.(s) for EXEMPTION FROM FILING AFFIDAVIT and APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-02-2021 These matters were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

For Petitioner(s) **Mr. P.S. Patwalia, Sr. Adv.
Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Rakesh Kumar, AOR**

**Mr. C.U. Singh, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Amjid Maqbool, Adv.
Ms. Gunjan Ahuja, Adv.**

Ms. Preetika Dwivedi, AOR

Mr. Shankar Divate, AOR

**Mr. P.S. Patwalia, Sr. Adv.
Mr. Sudhanshu S. Pandey, Adv.
Mr. Gaichangpou Gangmei, AOR**

**Mr. P.S. Narasimha, Sr. Adv.
Mr. Sudhanshu S. Pandey, Adv.
Mr. Gaichangpou Gangmei, AOR
Ms. Sindoor VNL, Adv.
Ms. Kanti, Adv.**

**Ms. Meenakshi Arora, Sr. Adv.
Mr. Nikhil Palli, Adv.
Mr. Anant Vijay Palli, Adv.
Mr. Deepak Goel, AOR**

Mr. Mohan Kumar, AOR

**Ms. Archana Pathak Dave, AOR
Ms. Chitrangda Rastravara, Adv.
Mr. Jaideep Singh, Adv.
Mr. Manvendra Singh Rathore, Adv.
Mr. Dashrath Singh, Adv.
Ms. Vanya Gupta, Adv.
Mr. Kumar Prashant, Adv.**

For Respondent(s) Mr. Sanjay Jain, ASG
Mr. R. Balasubramanian, Sr. Adv.
Ms. Seema Bengani, Adv.
Mr. Adit Khurana, Adv.
Ms. Shraddha Deshmukh, Adv.
Ms. Vimla Sinha, Adv.
Ms. Neela K. Gokhale, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Anas Tanwir, AOR

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

Writ Petition (C) No 61/2021

- 1 Issue notice.
- 2 *Status quo* granted on 19 January 2021 is extended till the next date of listing.

IA Nos 12208 and 12213 of 2020 in Writ Petition (C) No 1223 of 2020

- 1 Mr K V Vishwanathan, learned senior counsel appearing on behalf of the applicants states that the interlocutory applications are filed for the deletion of seven out of fourteen officers who have moved the proceedings since they seek to withdraw from the case. The prayer in the interlocutory applications is granted by directing that the petitioners who seek to withdraw from the proceedings are permitted to do so and their names shall be deleted from the array of parties.
- 2 The interlocutory applications are disposed of.

IA No 6001/2021 in Writ Petition (C) No 1471/2020 and Writ Petition (C) No 1478/2020

- 1 Eight petitioners have moved the proceedings under Article 32 of the Constitution in Writ Petition (C) No 1471 of 2020. Out of them, petitioner No7 has filed an application for withdrawal, since he does not wish to press the

proceedings. Consequently, petitioner No 7 in Writ Petition (C) No 1471 of 2020 is permitted to withdraw from the array of parties and the petition shall accordingly stand dismissed as withdrawn in relation to him. This leaves seven petitioners in Writ Petition (C) No 1471 of 2020 and two petitioners in Writ Petition (C) No 1478 of 2020.

- 2 IA No 6001/2021 for withdrawal is disposed of.

IA No 330/2021 in Writ Petition (C) No 1471/2020 and Writ Petition (C) No 1478/2020

- 1 Mr Sanjay Jain, learned Additional Solicitor General appearing with Mr R. Balasubramanian, learned senior counsel submits that while issuing notice on 30 December 2020, the operation of the order dated 18 December 2020 (Annexure P-3) was stayed. It has been submitted that Annexure P-3 covers as many as twenty-seven officers and as a result of the order of this Court, persons who have not moved the Court would also be subject to the order of stay. Hence, it is clarified that the order of this Court dated 30 December 2020 shall cover only those of the petitioners in Writ Petition Nos 1471 and 1478 of 2020, who continue to pursue these proceedings.
- 2 We clarify that the modification of the order dated 30 December 2020 shall not affect individual orders which operate in other companion writ petitions.
- 3 IA No 330 of 2021 for vacating stay is disposed of in the above terms.

IA No 6483/2021 in Writ Petition (C) No 1172 of 2020

- 1 This application is for withdrawal of the name of Lt Col Ipsa Ratha, applicant No 17 in the impleadment application, being IA No 121394 of 2020. The prayer in the interlocutory application is granted.
- 2 IA for withdrawal of name in the impleadment application is allowed.

List the matters on 3 March 2021, immediately after the fresh matters.

All the existing interim orders shall continue till the next date of listing, save and except, as modified above.

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

(SAROJ KUMARI GAUR)
Court Master