

ITEM NO.2 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**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).16740/2021

(Arising out of impugned final judgment and order dated 17-09-2021 in WP(C) No. 10418/2021 passed by the High Court of Delhi at New Delhi)

GOPIKA BHATI &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.136129/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.136127/2021-EXEMPTION FROM FILING AFFIDAVIT)

WITH

SLP(C) No. 15475/2021 (XIV)

(FOR ADMISSION and I.R. and IA No.124492/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.124490/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(C) No. 15691/2021 (XIV)

(FOR ADMISSION and I.R. and IA No.126704/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.126702/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 06-12-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Huzefa Ahmadi, Sr. Adv.  
 Ms. V. Mohana, Sr. Adv.  
 Mr. Sudhanshu S Pandey, Adv.  
 Mr. Rakesh Kumar, AOR  
 Ms. Alka Verma, Adv.  
 Ms. Frida Nicholas, Adv.  
 Mr. Anupam Kirti, Adv.

For Respondent(s) Mr. Sanjay Jain, ASG  
 Mr. R. Balasubramanian, Adv.  
 Mr. Anukalp Jain, Adv.  
 Mr. Sughosh Subramanyam, Adv.  
 Ms. Neela Kedar Gokhale, Adv.  
 Mr. Mohd. Akhil, Adv.  
 Mr. Arvind Kumar Sharma, AOR

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

- 1 During the course of the hearing, the Union of India and the Army authorities have joined in stating before the Court that there is an earnest desire that the dispute in regard to Women Short Service Commissioned Officers<sup>1</sup>, who were not granted Permanent Commission<sup>2</sup>, after the directions of this Court may be resolved finally. In this spirit, it has been stated by Mr Sanjay Jain, Additional Solicitor General and Mr R Balasubramanian, Senior Counsel appearing on behalf of the Union of India and the Army authorities, that the following position obtains at the present:

- Number of WSSCOs who were eligible for consideration for the grant of PC : 615
- Non-optees : 86
- Balance : 529
- WSSCOs who were granted PC : 487
- Remaining WSSCOs : 42
  - Out of the above 42 WSSCOs
  - WSSCOs found medically unfit and released : 21
  - Remaining WSSCOs : 21
  - Out of remaining 21, opted out : 1
  - In the case of 5 WSSCOs : (i) 3 cases are under discipline and vigilance scrutiny;
  - (ii) 1 case has been referred to the Special Board for the redressal of grievance; and
  - (iii) In the case of 1 WSSCO, medical documents are under scrutiny.

1 “WSSCOs”

2 “PC”

- Remaining 15 WSSCOs : Cases of the remaining 15 WSSCOs were considered for the grant of PC of whom 14 have qualified for the grant of PC. Of these 14 WSSCOs, 12 had been formally released during the pendency of the proceedings while 2 (Lt Col Kirti Shintre and Lt Col Poonam Sharda) are yet to be released since their release dates are on 1 March 2022

- 2 Mr Sanjay Jain has stated that he has taken instructions, at the highest level. Before proceeding to issue directions in terms of the statement which has been made on behalf of the Union of India and the Army authorities, the Court would wish to record its appreciation of the fair and objective manner in which all concerned authorities have responded to the earnest effort made in the course of the proceedings for resolving the pending issues.
- 3 The Court would wish to record its appreciation of the fair position which has been adopted by the Chief of the Army Staff. The Court would also express its appreciation of the sincere efforts which have been put in by Mr Sanjay Jain and Mr R Balasubramanian in facilitating a just resolution of all pending issues.
- 4 We issue the following directions to implement the decision of the Union of India and the Army authorities, as communicated to the Court:
  - (a) The following 12 officers have qualified for the grant of PC. Since they were released from service during the pendency of the proceedings, they

shall be deemed to have continued without any break in service and shall be granted PC:

- (i) Lt Col Gopika Bhati;
- (ii) Lt Col Vandana Grover;
- (iii) Lt Col Nitisha;
- (iv) Lt Col Madhvi Singh;
- (v) Lt Col Kavita Gusain;
- (vi) Lt Col Vandana Sharma;
- (vii) Lt Col Sonali Singh;
- (viii) Lt Col Anuradha Dhadwal;
- (ix) Lt Col Ipsa Ratha;
- (x) Lt Col Umeed Thapa;
- (xi) Lt Col Parkhi Preetal Anil;
- (xii) Lt Col Selokar Amita Namdeo.

The provisions of Section 2(2) of the Army Act 1950 shall not have any application since they are found to be eligible for the grant of PC in terms of the judgment of this Court.

- (b) The following two WSSCOs shall, in addition, be granted PC:
- (i) Lt Col Kirti Shintre; and
  - (ii) Lt Col Poonam Sharda.
- (c) In the event that any of the above WSSCOs who have been granted PC have instituted proceedings before the Armed Forces Tribunal, those proceedings shall stand disposed of in terms of the order which has been passed in the present proceedings.

Formal orders to implement the above directions be issued expeditiously, within a week.

- 5 Before concluding, we would also express our appreciation of the efforts which have been put in on behalf of the WSSCOs by Mr Huzefa Ahmadi, Ms V Mohana, Senior Counsel, Mr Sudhansu S Pandey and Mr Rakesh Kumar, Counsel and by all other Counsel.
- 6 The Special Leave Petitions are accordingly disposed of.
- 7 Pending applications, including application for impleadment, are disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**