

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
M.A. No.552 OF 2024
IN
WRIT PETITION(C)No.1158 of 2020

LT. COL. RITA TANEJA

... PETITIONER

Versus

UNION OF INDIA & ORS.

... RESPONDENTS

O R D E R

1. The application for exemption from filing attested affidavit, original vakalatnama and welfare stamp is allowed.

2. Through the instant Miscellaneous Application, the applicant/petitioner, in sum and substance, seeks directions to implement the judgment of this Court, dated 25.03.2021, passed in lead case Lt. Col. Nitisha & Ors. vs. Union of India & Ors.

3. It may be mentioned that Writ Petition (C) No.1158/2020, filed by the petitioner, was also a part of the same batch of matters.

4. After the principles to be followed by the authorities were laid down by this Court in Secretary, Ministry of Defence vs. Babita Puniya and others, (2020) 7 SCC 469, the applicant was also promoted in the rank of Colonel (Select Grade) by the Special Selection Board No.3 and was given Staff Appointment on the basis of her current medical status - permanent low medical category.

This, according to the applicant, renders her ineligible for promotion to Brigadier Rank. Her case is that she would have been eligible for promotion to the post of Brigadier if her case for promotion to Colonel had been considered in 2014, when it was actually due. At that time, the applicant was in SHAPE-I medical category. On this premise, it is averred that the applicant has been denied subsequent promotion in the rank of Brigadier only as a result of the delay in implementation of the decision of this Court in Babita Puniya's case (supra).

5. We have heard learned counsel for the applicant as well as learned Senior Counsel for the respondent-Union of India.

6. It seems to us that the substantive relief of promotion in the next rank of Brigadier and other consequential benefits cannot be granted in a Miscellaneous Application. Even if, it is assumed that the applicant was denied promotion on account of her placement in a particular medical category, such an issue can be examined in detail by the Armed Forces Tribunal (for short, 'the Tribunal').

7. Consequently, we dispose of this Miscellaneous Application, with liberty to the applicant to approach the Armed Forces Tribunal. In case she files an Original Application within four weeks, no objection regarding expiry of limitation shall be entertained and such an application shall be decided on merits.

8. The Tribunal is requested to decide the Original Application expeditiously, and preferably within four months.

9. It is clarified that we have not expressed any opinion on the merits of the case.

10. As a result, the pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
DECEMBER 20, 2024.

ITEM NO.6

COURT NO.3

SECTION X

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

Miscellaneous Application No.552/2024 in W.P.(C) No.1158/2020

COL. RITA TANEJA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.235583/2023-EXEMPTION FROM FILING
AFFIDAVIT and IA No.235588/2023-EXEMPTION FROM FILING PAPER BOOKS
and IA No.235942/2023-APPROPRIATE ORDERS/DIRECTIONS and IA
No.235593/2023-APPLICATION FOR PERMISSION
IA No. 235593/2023 - APPLICATION FOR PERMISSION
IA No. 235942/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 235583/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 235588/2023 - EXEMPTION FROM FILING PAPER BOOKS)

Date : 20-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr.Rakesh Kumar, AOR

For Respondent(s) Ms. Swapurama Chaturvedi, Sr.Adv.
Ms. Sarika Pendalwar (Col).
Mrs. Seema Bengani, Adv.
Mr. Adit Khorana, Adv.
Mrs. Shraddha Deshmukh, Adv.
Mr. Mukesh Kumar Maroria, AOR

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

1. The application for exemption from filing attested affidavit, original vakalatnama and welfare stamp is allowed.
2. The Miscellaneous Application is disposed of in terms of the signed order.
3. As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

