

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 2945 of 2020

Cdr. T. Rajkumar

Appellant(s)

Versus

Union of India and others

Respondent(s)

ORDER

1 Ms Neela Gokhale, learned counsel appearing on behalf of the Union of India and the other respondents states that she has instructions that the order which has been passed by this Court on 20 August 2020 in Civil Appeal Nos 2971-2974 of 2020 may govern the present case. The order dated 20 August 2020 reads as follows:

“1 Leave granted.

2 These appeals arise from a judgment and order of the High Court of Delhi dated 23 July 2020 in a batch of writ petitions.

3 This Court by its judgment dated 17 March 2020 in ***Union of India vs Lt Cdr Annie Nagaraja***, issued the following directions:

“115. We hold and direct that:

(i) The statutory bar on the engagement or enrolment of women in the Indian Navy has been lifted to the extent envisaged in the notifications issued by the Union Government on 9 October 1991 and 6 November 1998 under Section 9(2) of the 1957 Act;

(ii) By and as a result of the policy decision of the Union Government in the Ministry of Defence dated 25

February 1999, the terms and conditions of service of SSC officers, including women in regard to the grant of PCs are governed by Regulation 203, Chapter IX, Part III of the 1963 Regulations;

(iii) The stipulation in the policy letter dated 26 September 2008 making it prospective and restricting its application to specified cadres/branches of the Indian Navy shall not be enforced;

(iv) The provisions of the implementation guidelines dated 3 December 2008, to the extent that they are made prospective and restricted to specified cadres are quashed and set aside;

(v) All SSC officers in the Education, Law and Logistics cadres who are presently in service shall be considered for the grant of PCs. The right to be considered for the grant of PCs arises from the policy letter dated 25 February 1999 read with Regulation 203 of Chapter IX Part III of the 1963 Regulations. SSC women officers in the batch of cases before the High Court and the AFT, who are presently in service shall be considered for the grant of PCs on the basis of the vacancy position as on the date of judgments of the Delhi High Court and the AFT or as it presently stands, whichever is higher;

(vi) The period of service after which women SSC officers shall be entitled to submit applications for the grant of PCs shall be the same as their male counterparts;

(vii) The applications of the serving officers for the grant of PCs shall be considered on the basis of the norms contained in Regulation 203 namely: (i) availability of vacancies in the stabilised cadre at the material time; (ii) determination of suitability; and (iii) recommendation of the Chief of the Naval Staff. Their empanelment shall be based on inter se merit evaluated on the ACRs of the officers under consideration, subject to the availability of vacancies;

(viii) SSC officers who are found suitable for the grant of PC shall be entitled to all consequential benefits including arrears of pay, promotions and retiral benefits as and when due;

(ix) Women SSC officers of the ATC cadre in Annie Nagaraja's case are not entitled to consideration for the grant of PCs since neither men nor women SSC officers

are considered for the grant of PCs and there is no direct induction of men officers to PCs. In exercise of the power conferred by Article 142 of the Constitution, we direct that as a one-time measure, SSC officers in the A TC cadre in Annie Nagaraja's case shall be entitled to pensionary benefits. SSC officers in the A TC cadre in Priya Khurana 's case, being inducted in pursuance of the specific representation contained in the advertisements pursuant to which they were inducted, shall be considered for the grant of PCs in accordance with directions (v) and (vi) above;

(x) All SSC women officers who were denied consideration for the grant of PCs on the ground that they were inducted prior to the issuance of the letter dated 26 September 2008 and who are not presently in service shall be deemed, as a one-time measure, to have completed substantive pensionable service. Their pensionary benefits shall be computed and released on this basis. No arrears of salary shall be payable for the period after release from service;

(xi) As a one-time measure, all SSC women officers who were before the High Court and the AFT who are not granted PCs shall be deemed to have completed substantive qualifying service for the grant of pension and shall be entitled to all consequential benefits; and

(xii) Respondents two to six in the Civil Appeals arising out of Special Leave Petition (C) Nos 30791-96 of 2015, namely Commander R Prasanna, Commander Puja Chhabra, Commander Saroj Kumar, Commander Sumita Balooni and Commander E Prasanna shall be entitled, in addition to the grant of pensionary benefits, as a one-time measure, to compensation quantified at Rs. 25 lakhs each."

4 The present batch of appeals relates to officers governed by clause (v) of the above directions.

5 Mr Sanjay Jain, learned Additional Solicitor General of India appearing on behalf of the respondents states that until the process of consideration is completed in terms of paragraph 115(v) quoted above, all the appellants and other similarly situated officers shall be continued in service.

6 In view of the above statement, the impugned judgment and order of the High Court shall stand set aside. The appeals shall stand disposed of in terms of the statement of the Union of India and the other respondents.

- 7 Pending applications, if any, stand disposed of.”

- 2 The civil appeal shall stand disposed of in similar terms, in view of the statement made by the learned counsel for the respondents.

- 3 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[K M Joseph]

New Delhi;
August 28, 2020
CKB

ITEM NO.41

Court 4 (VC)

SECTION XVII

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

Civil Appeal No.2945/2020

T. RAJKUMAR

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for interim relief, exemption from filing c/c of the impugned judgment and leave to appeal)

Date : 28-08-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. S. Nandakumar, Adv.
Ms. Deepika Nandakumar, Adv.
Mr. M.S. Saran Kumar, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s) Ms. Neela Gokhle, Adv.
Mr. Manan Popli, Adv.
Mr. Arvind Kumar Sharma, Adv.

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

- 1 Leave to appeal is granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)

