

ITEM NO.34

COURT NO.10

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 Diary No(s). 27060/2019

(Arising out of impugned final judgment and order dated 25-07-2019 in OA No. 974/2019 passed by the Armed Forces Tribunal)

LT. CDR. KABERI KASTURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.113917/2019-GRANT OF INTERIM RELIEF and IA No.114050/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.113920/2019-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007)

WITH

Diary No(s). 27061/2019 (XVII)

(FOR ADMISSION and I.R. and IA No.113927/2019-GRANT OF INTERIM RELIEF and IA No.113928/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.113929/2019-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007)

Date : 05-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Santosh Krishnan, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Amit Verma, Adv.
Mr. Apoorva Kumar, Adv.
Mr. Shailesh M., Adv.
Mr. Arvind Kumar Sharma, AOR

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

Issue notice.

Mr. R. Balasubramanian, learned Senior Counsel accepts notice on behalf of the respondents.

On behalf of the appellant, it has been submitted that while the appellant has been denied relief on the ground that the Logistics Cadre of the Indian Navy is overborne, this is belied by the advertisements annexed to IA No. 114050/2019 seeking permission to bring on record additional documents.

Mr. K.M. Nataraj, learned Additional Solicitor General submits that as a matter of fact, while the Navy is in the process of making fresh recruitments to the Logistics Branch, insofar as the appellant is concerned, her initial tenure of ten years as well as the extended tenure of two years is coming to an end on 6 August 2019.

On 28 October 2016, the following order was passed by this Court in Civil Appeal Nos. 10225-10230/2016:

"Issue notice.

As Mr. R. Balasubramanian, learned counsel accepts notice on behalf of the respondents, no further notice need be issued.

Mr. Dushyant Dave, learned senior counsel appearing for the appellants has drawn our attention to the interim order dated 20th November, 2015, passed in S.L.P.(C) Nos. 30791-30796 of 2015.

Having heard learned counsel for the parties, we direct that as an interim measure, the appellants shall continue in service in the capacity of the members of the short Service Commission until further orders.

Let the matter be set out for final disposal along with S.L.P. (C) Nos. 30791-30796 of 2015 in the third week of January, 2017."

The above appeal together with the companion appeals filed by Lt Cdr Annie Nagaraja are to come up for final disposal.

Prima facie, at this stage, we find from Annexure A-2 and Annexure A-3 of the Additional Documents that the contention of the appellant to the effect that the cadre is not overborne merits serious consideration having regard to the advertisements for fresh recruitment issued by the Logistics Branch, .

In the above circumstances and having due regard to the order passed by this Court on 28 October 2016, we direct as an interim measure, that the appellant shall continue in service in the capacity of a member of the Short Service Commission pending further orders of this Court.

The appeal shall be tagged with SLP(C) No. 30791-30796/2015.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER