

ITEM NO.22 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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9043-9046/2020

(Arising out of impugned final judgment and order dated 23-07-2020 in WPC No. 4449/2020, WPC No. 4450/2020, WPC No. 4465/2020 and WPC No. 4466/2020 passed by the High Court of Delhi at New Delhi)

RUPALI ROHATGI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH I.R. and IA No.70436/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 9027-9028/2020 (XIV)

(WITH I.R. and IA No.70290/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Santosh Krishnan, AOR

For Respondent(s) Mr. Sanjay Jain, ASG

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

- 1 Issue notice.
- 2 Mr Sanjay Jain, Additional Solicitor General, accepts notice on behalf of the Union of India.
- 3 Mr. Santosh Krishnan appearing on behalf of the petitioner(s), submits that the Union of India was required to implement the decision of this court dated 17

March 2020 for the grant of Permanent Commission within a period of three months, but this exercise has not been initiated (beyond inviting applications) and completed.

4 The learned ASG states that an application for extension of time has been filed before this Court in view of the intervening pandemic and the lock down which was occasioned, as a consequence.

5 Responding to the submission of the ASG, Mr Santosh Krishnan submitted that as a result of the impugned order of the Delhi High Court, even those cases where interim orders have been granted by the Armed Forces Tribunal are now being listed for vacating them.

6 *Prima facie*, the Union of India having failed to comply with the directions contained in the judgment of this Court dated 17 March 2020 which mandated consideration for the grant of Permanent Commission within three months, it would be unfair to discharge the Short Service Commissioned officers in the meantime, pending consideration.

7 We accordingly issue an ad-interim order and direction that the petitioner(s) shall not be discontinued from service pending consideration of their requests for the grant of Permanent Commission. The judgment of the Delhi High Court dated 23 July 2020 and of the Armed Forces Tribunal dated 13 July 2020 shall remain stayed.

8 List the Special Leave Petitions on 20 August 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER