

ITEM NO.38

COURT NO.1

SECTION X

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

Miscellaneous Application No. 1913/2022 in W.P.(C) No. 1109/2020

(Arising out of impugned final judgment and order dated 25-03-2021 in W.P.(C) No. No. 1109/2020 passed by the Supreme Court Of India)

NITISHA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION IA No. 161941/2022 - APPLICATION FOR PERMISSION IA No. 161944/2022 - CLARIFICATION/DIRECTION IA No. 193653/2022 - EXEMPTION FROM FILING AFFIDAVIT IA No. 161943/2022 - EXEMPTION FROM FILING AFFIDAVIT IA No. 193652/2022 - INTERVENTION/IMPLEADMENT IA No. 161942/2022 - INTERVENTION/IMPLEADMENT IA No. 191975/2022 - STAY APPLICATION)

Date : 05-04-2023 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Ms. V. Mohana, Sr. Adv.  
Mr. Rakesh Kumar, AOR

For Respondent(s) Mr. K M Nataraj, A.S.G.  
Mr. R Bala, Sr. Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Adit Khorana, Adv.  
Mrs. Seema Bengani, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Mrs. Swarupama Chaturvedi, Adv.  
Mr. Rajan Kumar Chourasia, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Anas Tanwir, AOR

Ms. Archana Pathak Dave, Adv.

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

- 1 Ms V Mohana learned senior counsel has adverted to paragraph 97 of the decision of this Court in ***Lt Col Nitisha & Ors Vs Union of India & Ors***<sup>1</sup> in terms of which the overall service profile of the women officers was required to be considered. The senior counsel has also relied on the communication of the Military Secretary Branch, Army Headquarters dated 7 October 2002, 23 December 2017 and paragraph 14 of communication dated 23 November 2021.
- 2 The submission is that though the ACRs of the women officers based on their whole service profile were required to be considered, they were pegged at the ACRs for 2011, namely, the corresponding batches of the male officers.
- 3 Mr K M Nataraj, Additional Solicitor General states that he would file a proper affidavit explaining the above aspect within two weeks. The affidavit shall also deal with other aspects of the Miscellaneous Application.
- 4 Mr K M Nataraj states that he will respond to IA No 66131 of 2023 as well.
- 6 List the Miscellaneous Application and the IAs on 21 April 2023.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**