

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NOS.1718-1721/2025(@Diary No.32025/2024)
IN CIVIL APPEAL NOS.79-82/2012

WG CDR ANUPAMA JOSHI RETD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

MISCELLANEOUS APPLICATION NOS.1722-1725/2025(@Diary No.32031/2024)
IN CIVIL APPEAL NOS.79-82/2012

WG CDR KARTIKA KILAM (RETD.)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

MISCELLANEOUS APPLICATION NOS.1718-1721/2025(@Diary No.32025/2024)
IN CIVIL APPEAL NOS.79-82/2012

1. Applications seeking permission to file the Miscellaneous Applications are granted.

2. Delay condoned.

3. This Miscellaneous Application is at the instance of a retired Wing Commander viz. Anupama Joshi.

4. The applicant has prayed for the following reliefs:

"a. Direct the Union Ministry of Defence to provide the Applicant consequential pensionary benefits of her Permanent Commission, computed on the basis of completion of 20 years of service, as has been done to the other parties in the judgment of Wg. Cdr. A.U. Tayyaba (Retd.) v. Union of India, (2023) 5 SCC 688 and the order dated 15.04.2024 in M.A. Diary No. 8208/2024 in the captioned Civil Appeal;

b. Alternatively, clarify that the relief with regard to pensionary benefits granted to the parties in the judgment

of Wg. Cdr. A.U. Tayyaba (Retd.) v. Union of India, (2023) 5 SCC 688 and the order dated 15.04.2024 in M.A. Diary No. 8208/2024 in the captioned Civil Appeal also inure to the benefit of similarly situated non-parties;

c. Further, in the alternative, direct the Union Ministry of Defence to consider the representations of the Applicant dated 03.05.2023 and 17.07.2023 even though the Applicant was not a party to the proceedings in Wg. Cdr. A.U. Tayyaba (Retd.) v. Union of India, (2023) 5 SCC 688 dated 16.11.2022 and the order dated 15.04.2024 in M.A. Diary No. 8208/2024 in the captioned Civil Appeal.

d. Pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case."

5. It appears from the materials on record that she was released from the Indian Air Force (IAF) upon completing 15 years as a Short Service Commission Woman Officer (SSCWO).

6. It is not in dispute that she was one of the petitioners in the litigation that led to the Judgment rendered in "Secretary, Ministry of Defence v. Babita Puniya and Others", (2020) 7 SCC 469.

7. The Union of India being aggrieved by the decision of the Delhi High Court in *Babita Puniya* (supra) challenged the same before this Court by way of Special Leave Petition. The challenge by the Union was to the direction issued by the High Court to grant permanent commission to the women officers.

8. We take notice of the fact that by the time the decision of the Delhi High Court was pronounced in *Babita Puniya* (supra), the applicant had already completed 15 years of service and was released.

9. It was brought to our notice that on completion of 15 years, she was offered permanent commission but the same was declined as by that time, the applicant had already taken up some other employment. But for the decision in *Babita Puniya* (supra), she would not have been entitled to pension having not completed 20 years of pensionable service.

10. Later, this Court in "WG CDR A.U. Tayyaba (Retired) and Others v. Union of India and Others", (2023) 5 SCC 688, extended the

benefit of the Judgment in *Babita Puniya* (supra) rendered by this Court reported in (2020) 7 SCC 469 and "Union of India and Others v. Lieutenant Commander Annie Nagaraja and Others" (2020) 13 SCC 1 to identically placed SSCWOS.

11. The benefit was granted irrespective of the fact whether the officers had completed 20 years of service or not.

12. The Department clarified that all persons who had completed 14 years of service would be deemed to have completed 20 years and consequently entitled to the pension.

13. It is the case of the applicant that having completed 15 years of service, she qualifies to be deemed to have completed 20 years of service in terms of *WG CDR A.U. Tayyaba (Retired)* (supra) and also being one of the petitioners in *Babita Puniya* (supra).

14. While affirming the judgment of the Delhi High Court, this Court in Para 87.3 of *Babita Puniya* (supra) observed as under:

"87.3. SSC women officers who are granted PC in pursuance of the above directions will be entitled to all consequential benefits including promotion and financial benefits. However, these benefits would be made available to those officers in service or those who had moved the Delhi High Court by filing the writ petitions and those who had retired during the course of the pendency of the proceedings."

15. Thus, the Short Service Commission Women Officers who are granted permanent commission in pursuance of the above directions would be entitled to all consequential benefits including promotion and other financial benefits. However, these benefits would be made available to those Officers in service or those who had moved the Delhi High Court by filing writ petitions and those who had retired during the course of the pendency of the proceedings.

16. It is very clear that the applicant before us falls in the later part of para 87.3, referred to above.

17. Having heard Mr. Huzefa Ahmadi, the learned Senior counsel appearing for the applicant and Ms. Aishwarya Bhati, the learned Additional Solicitor General appearing for the Union of India, we allow this application.

18. We declare that the applicant is entitled to the benefit of the judgment in *WG CDR A.U. Tayyaba (Retired)* (supra) as also the

clarificatory order dated 15-4-2024 in MA(D)8208/2024 on the ground of parity.

19. As a result, we declare that the applicant is entitled to grant of pension computed from such date that she would have completed 20 years of service i.e. completion of 20 years of service.

20. We direct the Union of India to undertake the necessary exercise for grant of pension with arrears including all other benefits to which the applicant is entitled to, like the benefits which have been extended to other similarly situated Officers.

21. Let this exercise be undertaken at the earliest and be completed within a period of three months from today without fail.

22. In view of the aforesaid, the connected application of Wing Commander Kartika Kilam (Retd.) is also allowed in the aforesaid terms.

23. Pending applications, if any, also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(K.V. VISWANATHAN)

NEW DELHI
16TH SEPTEMBER, 2025.

ITEM NO.2

COURT NO.8

SECTION XIV-A

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

MISCELLANEOUS APPLICATION Diary No.32025/2024 IN CIVIL APPEAL NOS.79-82/2012

WG CDR ANUPAMA JOSHI RETD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 157093/2024 - APPLICATION FOR PERMISSION, IA No. 166393/2024 - CONDONATION OF DELAY IN FILING MA & IA No. 157091/2024 - GRANT OF FURTHER RELIEF)

WITH

Diary No. 32031/2024 IN CIVIL APPEAL NOS.79-82/2012 (XIV-A)
(FOR GRANT OF FURTHER RELIEF ON IA 157098/2024, FOR APPLICATION FOR PERMISSION ON IA 157099/2024, FOR CONDONATION OF DELAY IN FILING ON IA 166281/2024, IA No. 157099/2024 - APPLICATION FOR PERMISSION, IA No. 166281/2024 - CONDONATION OF DELAY IN FILING & IA No. 157098/2024 - GRANT OF FURTHER RELIEF)

Date : 16-09-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Aaryaan Sadanand, Adv.
Mr. Ninad Laud, Adv.
Mr. Zubin Dash, Adv.
Ms. Ishani Shekhar, Adv.
Mr. Ivo D Costa, Adv.
Mr. Abhay Pratap Singh, AOR
Mr. Saksham Singh, Adv.

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Chitrangda Rashtravara, Adv.
Mr. Anmol Chandan, Adv.
Ms. Aastha Singh, Adv.
Ms. Priyanka Tyagi, Adv.
Ms. Riddhi Jad, Adv.
Mr. Abhijeet Singh, Adv.

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

1. Applications seeking permission to file the Miscellaneous Applications are granted.
2. Delay condoned.
3. The Miscellaneous Applications are allowed, in terms of the signed order.
4. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)