

COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.  
OA 599/2021

Lt Col Anupama Munshi (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. SS Pandey, Advocate  
For Respondents : Mr. Anil Kumar Gautam, Sr. CGSC

WITH

C (i).  
OA 1193/2023 WITH MA 5622/2024

Maj Rashmi Dewan (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. SS Pandey, Advocate  
For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER  
03.04.2025

Vide our orders of even date, we have dismissed the OA. Faced with the situation, learned counsel for the applicant makes an oral prayer for grant of leave to appeal under Section 31 of the Armed Forces Tribunal Act, 2007, to the Hon'ble Supreme Court. We find no question of law much less any question of law of general public importance involved in the matter to grant leave to appeal. Hence, the prayer for grant of leave to appeal is declined.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[LT GEN C.P. MOHANTY]  
MEMBER (A)

Neha

**COURT No.1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**OA 599/2021**

Lt Col Anupama Munshi (Retd)	...	Applicant
Versus		
Union of India & Ors.	...	Respondents

**WITH**

**OA 1193/2023**

Maj Rashmi Dewan (Retd)	...	Applicant
Versus		
Union of India & Ors.	...	Respondents

For Applicant	:	Mr. S.S. Pandey, Advocate
For Respondents	:	Mr. Anil Kumar Gautam, Sr. CGSC Mr. Neeraj, Sr. CGSC

**CORAM**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)**

**ORDER**

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant who is an officer in Indian Army has sought following reliefs:

*(a) Issue a direction commanding the Respondents Union of India and Chief of Army Staff to consider the Applicant for grant of consideration for permanent commission or in the alternative release the entitlements due to her in terms of the directions issued by the Hon'ble Supreme Court in Para 87 (H) of the judgment, in the matter of Secretary, Ministry of Defense v. Babita Puniya and others in C.A. No. 9367-9369 of 2011 reported in (2020) 7 SCC 469.*

*(b) Pass any other appropriate order or relief, which this Hon'ble Tribunal deems fit and proper in the circumstances of the present case.*

2. While the order was reserved by us on 13.02.2025, a mention was made on 20.03.2025 by Mr. S.S. Pandey, learned counsel for the applicant that the factual matrix of **OA No.2137/2021, Maj Shambhavi Singh (Retd), OA No.1372/2021, Ex Lt Col Ravneet** and **OA No.1452/2021, Lt Col Dahiya Ritu Mohindersingh (Retd)** differ materially from **OA No.599/2021, Lt Col Anupama Munshi (Retd)** which is the lead case in this bunch of cases. Accordingly, he sought de-tagging of the aforementioned OAs. The prayer is allowed. OA No.2137/2021, OA No.1372/2021 and OA No.1452/2021 are hereby de-tagged for which further directions shall be issued separately at the time of final adjudication. The present order deals only with the issue raised by the applicants, namely, **Lt Col Anupama Munshi (Retd)** in **OA No.599/2021** and **Maj Rashmi Dewan (Retd)** in **OA No.1193/2023**.

3. Before giving our consideration to the lead case, we find it essential to briefly record the factual essence of the other tagged OAs mentioned in the following paragraphs.

## **Brief Facts Of The Case**

### **CASE 1: OA 599/2021, Lt Col Anupama Munshi (Retd)**

4. The applicant was commissioned in the Indian Army through Women Special Entry Scheme (Officers) on 26.08.1995 for a period of 05 years initially and was granted a 05 years extension by No 5 Selection Board (No 5 SB) held in the year 2000. She was further granted an extension of 04 years up to 25.08.2009 by No 5 SB held in 2005.

5. During the extension period, she sought release from service, which was approved by the competent authority. However, she withdrew her application and the release order was cancelled. Finally, the applicant retired from service on 25.08.2009, but vide judgement dated 12.03.2010, in the case of **Babita Puniya** Vs. **Union of India** (WP (C) No.1597/2003), the Hon'ble Delhi High Court directed her reinstatement, based on which she joined back on 12.09.2011.

6. With the change of events, respondents challenged the judgement of the Hon'ble Delhi High Court in the case of **Babita Puniya** (supra) before the Hon'ble Supreme Court, during the pendency of which, admittedly, applicant filed an application seeking premature release from service, which was approved and the



applicant finally retired from service on 01.06.2012, after serving for almost 17 years.

7. Subsequently, post judgement of the Hon'ble Supreme Court in the case of **The Secretary, Ministry of Defence Vs. Babita Puniya & Ors** [2020 INSC 198], the applicant submitted a representation dated 15.03.2020 seeking reinstatement in service on the ground that since she was one of the petitioners before the Hon'ble Delhi High Court, she is entitled for reinstatement in line with the judgement of the Apex Court in the case of ***Babita Puniya*** (supra). However, the same was rejected.

8. Faced with the aforesaid rejection, the applicant approached the Apex Court by way of a Writ Petition bearing W.P.(C) No.75/2021, which was disposed of as withdrawn granting liberty to the applicant to pursue other remedies. Thus, the applicant has approached this Tribunal seeking reinstatement in service or in alternative, grant service pension by considering her to have completed 20 years of service for grant of service pension in terms of directions issued by the Hon'ble Supreme Court in Para 87(H) of the judgment in the case of ***Babita Punia*** (supra).

**CASE 2 : OA 1193/2023, Maj Rashmi Dewan (Retd)**

9. The applicant was commissioned as Women Special Entry Scheme Officer into Corps of AOC as part of WSES(O)- 10 course

on 05.09.1197 under the existing terms and conditions of service, i.e., 5+5 scheme and subsequently opted to be governed by the revised terms and conditions of service, i.e., 10+4. The applicant was subsequently considered by No 5 SB and was granted 04 years extension of service beyond initial contract period of 10 years and was to be released from service on 05.09.2011 after completion of 14 year of SSC service. However, due to ongoing Court cases regarding grant of Permanent Commission (PC) to women officers, the applicant was granted provisional extension of tenure beyond 14 years from 05.09.2011 till final adjudication of the Civil Appeal in the case of **Babita Puniya & Ors.** (supra) vide MS-7B letter dated 12.09.2011.

10. The applicant while on extension applied for voluntarily release from service on compassionate grounds due to the education for her children and other domestic needs vide letter dated 29.03.2012. Quite similar to the case of **Maj Shambhavi Singh (Retd)** (OA No.2137/2021), she was also asked by the respondents to submit an undertaking by way of an affidavit dated 29.03.2012 along with release application that she would not be seeking the benefits of Co-applicants in the case of **Babita Puniya & Ors.** (supra) and she would forego all the benefits that she may be entitled to in case the case is decided in favour of the applicants.

11. Accordingly, the applicant submitted the affidavit along with the release application dated 29.03.2012 and since she was serving beyond her terms and conditions up to 14 years based on Govt. Orders, her case for release was forwarded to the MoD for approval to the Competent Authority and accordingly the same was approved and the applicant was released from service w.e.f. 10.05.2012. The application dated 29.03.2012 for grant of release along with an affidavit submitted by the applicant have been placed on record by the respondents through their counter affidavit. While the applicant now contends that the judgment by the Hon'ble Supreme Court dated 17.02.2020 is also applicable to her, the respondents have denied extending the benefits of the said order passed by the Hon'ble Supreme Court due to the fact that the applicant sought release due to her own personal reasons and voluntarily rendered the affidavit to not claim any benefit accruing out of the judgements of the Hon'ble Delhi High Court and the Hon'ble Supreme Court as and when the SLP was to be finally decided and it was also stated to the effect in the same affidavit that the applicant has exercised her option as a final, unconditional and irrevocable declaration on her part.

12. Noting that the aforesaid two matters listed before us as 'Tagged Matters' for adjudication, involve similar questions of law

and facts to be considered, we treat OA No.599/2021 titled '*Lt Col Anupama Munshi (Retd) Vs. Union of India & Ors.*' as a '*Lead Matter*' for the purpose of adjudication in the instant two cases. Our analysis shall apply equally to both the cases as in the lead case.

**Submissions On Behalf Of The Applicants**

13. It is the case of the applicant that the act of the respondents in refusing to act in aid of the judgment and order dated **17.02.2020** passed by the Hon'ble Supreme Court in the matter of **The Secretary, Ministry of Defence Vs. Babita Puniya & Ors** (supra), wherein, the applicant herein has been arrayed as a respondent is a gross violation of the applicant's fundamental rights under Article 14 of the Constitution of India as well as in violation of the directions given by the Hon'ble Supreme Court in directions contained in **Para H** of the judgment of the Hon'ble Supreme Court in the ***Babita Puniya*** (supra).

14. It is asserted by the applicant that she is fully covered by the direction (H) (iii) issued by the Hon'ble Supreme Court in ***Babita Puniya's*** (supra) case as she is one such woman SSC Officer in the Army who has been a party to the Writ Petition before the Hon'ble Delhi High Court as well as the Hon'ble Supreme Court and is therefore, entitled for consideration for grant of PC or in the

alternative is entitled to receive the benefits as per direction (H)(iii) of the judgment of the Hon'ble Supreme Court.

15. Learned counsel submits that the applicant after her reinstatement in the Army in September 2011 and reporting to her last Unit served, was harassed by the respondents by denying her posting to Amritsar where her husband was posted. She was posted to Changsari, Assam which was a non-family station. Further, in December 2011, her husband was posted to Srinagar which was again a non-family station. The harassment was so much during her service on account of her being a petitioner in the Hon'ble Delhi High Court, seeking consideration of PC as well as before the Hon'ble Supreme Court and ultimately only unable to bear the harshest of the harassment being unable to look after her minor daughter of 05 years of age.

16. It is contended by the applicant that the respondents also denied her request for deferring transfer date by three months to grant her time to complete her daughter's academic session. The applicant was thus compelled, much against her wishes, to agree to retire from the Armed forces voluntarily.

17. It is further submitted by the applicant that the act of voluntary retirement by the applicant during the pendency of proceedings before the Hon'ble Supreme Court, cannot be held against the

applicant as the said retirement was purely against her wishes and all the documents on record and circumstances clearly indicate that the respondents and such circumstances systematically broke down the applicant and were created to the extent that it became impossible for the applicant to continue to serve in the forces.

18. Learned counsel submits that the respondents have acted in a grossly unfair and arbitrary manner, without having regard to relevant facts and circumstances concerning the applicant and have refused to release the benefits to which she is entitled by the directions of the Hon'ble Supreme Court.

19. It is submitted by the applicant that the terms "voluntary retirement" and "resignation" are very different, not just in nomenclature but also in nature, as is apparent from two being covered by two separate rules of the Army Rules, the former being covered by Rule 16B and the latter by Rule 16C.

### **Submissions On Behalf Of The Respondents**

20. Per contra, it is submitted by the respondents that after the judgement of the Hon'ble Supreme Court dated 17.02.2020, the applicant sent a representation dated 15.03.2020 seeking reinstatement in service. After examining her application, it was observed that the applicant was reinstated in service pursuant to the Hon'ble Delhi High Court order dated 12.03.2010 and after that

she had proceeded on release on her own, waiving off her rights and benefits accrued from the aforesaid order.

21. It is the case of the respondents that despite having been reinstated in service, while seeking release, the applicant had submitted an affidavit that she will not claim any benefit accruing out of the Court judgment, as and when the SLP is finally decided. Thus, the request made by the petitioner in her application for her reinstatement in service and consideration for PC was rejected by the competent authority.

22. Elaborating the context, it is submitted by the respondents that the claim of the applicant that she has been a party to the writ petition before the Hon'ble Delhi High Court as well as the Hon'ble Supreme Court and entitled to receive the benefits as per Directions H(iii) of the Hon'ble Supreme Court judgement is not legally tenable.

23. It is further submitted by the respondents that the applicant's averments are an afterthought in an effort to interpret the circumstances in her favour to get benefits which have been granted by the Hon'ble Supreme Court to deserving/eligible Women Officers. It is submitted that the applicant willingly sought release from service twice while serving between the period of 10 to 14 years to take up a job outside the Army and subsequently withdrew

it. Despite reinstatement into the Army, she again sought release from service, voluntarily and at her request. Therefore, she cannot claim to have sought release against her wishes.

24. Learned counsel for the respondents submitted that the term "voluntary retirement" under **AR 16B**, or premature retirement as it is being called, pertains to regular officers. The applicant is an SSC Officer, and she chose to be released from the Army while serving beyond 14 years based on the direction of the Hon'ble High Court and the Hon'ble Supreme Court.

25. Responding to factual matrix pertaining to her postings, it is submitted by the respondents that the applicant vide application dated 14.09.2011 requested for a co-ord posting to Amritsar. Her spouse (IC-51926 Col Rajeev Kaul) was moving to a field area in less than a year (actually moved in June 2012). The request was analysed in detail by the competent authority and status quo was ordered, as the applicant had not served in a single field area in her 14 years of service.

26. Continuing the factual aspect, it is submitted by the respondents that the applicant had served only in Composite Food Laboratories in her entire career (less than 2% of cadre strength of ASC officers), which was actually the designed career path of such officers who retire in 14 years. Since, women officers had filed a



litigation for seeking PC, which implied that they needed to serve in all types of units and staff, it was imperative that they were given exposure in varied type of ASC units so that these officers could understand the functioning/problems of all such units and thus contribute to the organization in later years, if granted PC.

27. With respect to the posting of applicant to Assam, it is submitted by the learned counsel for the respondents that at 521 ASC Bn located at Changsari, Assam, officers can stay with their families and the children there go to school in conveyance provided by Army. Consequent to her posting to 521 ASC Bn, the applicant vide HQ Delhi letter No.3371/24/A3 dated 23.12.2011 sought reconsideration of posting or deferment of reporting date till April, 2012. The case was analyzed appropriately and the status quo was ordered.

28. It is further submitted by the respondents that the applicant vide letter No.WS000134Y/Pers/DO dated 28.02.2012 requested the Military Secretary for reconsideration of her posting to 521 ASC Bn, Changsari, which was perused and analysed by the Military Secretary who again ordered status quo to be maintained with no change in posting order and decision of the Military Secretary was conveyed to her vide DO letter No.A/67001/00134/MS-14/B dated 29.03.2012.

### **Consideration**

29. We have heard learned counsels for the parties, and have placed all the documents on record. On a perusal of the documents, we find that the limited issue which requires our consideration herein is whether the applicant is entitled for a reinstatement or service pension in view of the directions given by the Hon'ble Supreme Court in the case of **The Secretary, Ministry of Defence** Vs. **Babita Puniya & Ors.**, [2020 INSC 198].

30. Before entering into the legal issue at hand, we find it prudent to have an analytical glance at the factual matrix involved, from where we find that the applicant was commissioned for short service under the earlier terms governed by SAI 1/S/92, wherein the service period was (5+5+4) years, but the same was subsequently amended to (10+4) years vide GoI letter No.B/32313/PC/AG/PS-2(a)/921/D(AG) dated 20.07.2006. However, before that, the applicant has already been granted an extension of 05 years, on completion of 05 years in service, as per the old terms. Subsequently, she was again considered for an extension of the last leg of 04 years until 25.08.2009, and she was held to be approved by No 5 SB held in 2005.

31. It has been admitted by the applicant as well as placed on records that she was granted one spouse Co-ord posting at the

Food Inspection Unit, Agra. The letter written by the applicant is produced herein for reference:

**WS-00134Y Lt Anupama Munshi**

**Composite Food Laboratory ASC  
S&T Complex, 7th Floor,  
Colaba, Mumbai-5**

**00134/AM/Pers  
The Military Secretary's Br  
(MS-14), Army HQ  
DHQ PO, New Delhi-110 011  
(Through proper channel)**

**31 Aug 99**

**REQUEST FOR POSTING WITH SPOUSE**

**Sir,**

**1. With due respect I beg to state following few lines for your kind consideration.**

**2. I, the undersigned, as presently posted at CFL ASC Mumbai wef 31 Mar 98. My husband IC-51926F Capt Rajeev Kaul is presently doing his degree at CME Pune. He will be completing his degree in Oct 99 and is likely to get posted thereafter.**

**3. In view of the aforementioned, may I request you to consider the feasibility to post me to any ASC Unit/Est in the same station as that of my spouse.**

**Thanking you in anticipation.**

**Yours sincerely,**

**Sd/-**

**(WS-00134Y Lt Anupama Munshi)**

**REMARKS OF THE COMMANDING OFFICER**

**Recommended/~~Not recommended~~**

**Station: Colaba, Mumbai-5**

**Dated: 31 Aug 99**

**Colonel  
Commanding Officer  
CFL ASC Bombay**

32. It is also an admitted position that she sought release from service vide an application dated 20.12.2008 during the 04 years of extended service. The aforesaid application dated 20.12.2008 is produced herein:

Tele: 36106

HQ Delhi Area  
Delhi Cantt-10

3321/40/A3

20 Dec 08

MS Branch (MS-7B)  
Integrated HQ of MoD (Army)  
DHQ PO, New Delhi-11

**APPLICATION FOR RELEASE OF SHORT SERVICE COMMISSIONED OFFICERS  
DURING THEIR EXTENDED TENURE OF WS-00134Y MAJ ANUPAMA MUNSHI  
OF CFL ASC DELHI-54**

1. An application for release of short service commissioned officers during their extended tenure in respect of WS-00134Y Maj Anupama Munshi of CFL ASC, Delhi, duly recommended by the GOC, Delhi Area is fwd herewith in duplicate for your further necessary action please.

2. Pl ack.

(Rajiv Sethi)  
Col  
Col A  
for GOC

Encls: As above.

Copy to:-

MS Branch (MS-14B)  
Integrated HQ of MoD (Army) - for info pl.  
DHQ PO New Delhi-11

Composite Food Laboratory ASC  
P-11 (Ground Floor) Havelock lines - for info wrt your letter  
No FLD/1022/ST-2  
Lucknow Road, Timarpur dt 16 Dec 08  
Delhi- 110054

(Appendix to Army HQ letter No  
36091/X/MS-7B dt 04 Jul 1986)

**APPLICATION FOR RELEASE OF SHORT SERVICE COMMISSIONED OFFICERS  
DURING THEIR EXTENDED TENURE (STATE YES, NIL OR NA WHERE REQUIRED  
AND DO NOT USE DOTS/DASHES)**

**SECTION- I**

1. Personal Number : WS-00134
2. Rank
- (a) Substantive : Major

- (b) Acting : NA
3. Name : Anupama Munshi
4. Dates of
- (a) Birth : 17 Aug 1971
- (b) Commission : 26 Aug 1995
- (c) Seniority : 26 Aug 1995
5. Arm/Service (Regt/Bde and Div HQ) : ASC
6. Present Unit/Formation : CFL ASC Delhi/HQ Delhi Area
7. Present Medical Category (If in temp/ Permt low med cat give details including Duration thereof nature of disability). : SHAPE- 1

### SECTION II

MS 7B  
MS Branch  
Integrated HQ of MoD (Army)  
DHQ PO New Delhi

(RELEASE FROM ARMY)

(Through Proper Channel)

1. I was commissioned on 26 Aug 1995 and as on date I have out in 13 years 03 months of dedicated service. I am presently on my extended tenures governed by the new terms & conditions. Since I can serve in Army for 14 years and the service is non-pensionable I wish to take up a job in civil in Delhi NCR. In this regard kindly connect out letter No 146709/1/A2(PC) dt 15 Dec 2007.

2. I have got a job with Yadav Trading Corporation, (UP) for Delhi NCR, which I require to join in Jun 2009 after my release. Keeping this in view. It is requested that I be kindly released from the Army service by 02 Mar 2009.

Station: Delhi-110054  
Date: 05 Dec 2008

(Anupama Munshi)  
Major

### SECTION III

(Officer must invariably indicate the following)

(a) Details of job applied for (Attach a copy of appt letter)	Branch Head Yadav Trading Corporation 7 ORA Bazar Lal Kurti, Agra-Cantt Agra (UP) Tele: 0562-2227805 0562-2227667
--	---

(b) The letter No and date under which Officer's application for civil job was Forwarded to the employer by this HQ (MS 7B)	146709/A2 (PC) dt 15 Dec 07 (Copy of NOC vide Army HQ letter No 05521/00134/MS7B dated 03 Jan 2008)
(c) The specific date on which the offr Wants to be relieved of his duties.	02 Mar 2009
(d) Details of pending non statutory/ statutory complaint. Representation of or court cases.	Nil
(e) No amount is outstanding from me to the Govt on account of advance for house. Building/Purchase of motor conveyance except details given.	Nil

(f) I have not preferred any statutory/non statutory/legal proceeding prior to the date... of application. Should I prefer any sur complaint /proceedings before my request for premature retirement/resignation is finalize. I will inform Army HQ MS Branch, MS (PR) immediately. In such an eventuality I understand that my request for premature retirement/resignation is liable to be closed or pended till my complaint/proceedings are finalized.

Station: Delhi-110054  
Dated: 05 Dec 2008

(Anupama Munshi)  
Major

#### SECTION- IV

I, WS-00134Y Major Anupama Munshi certify that :-

- (a) I am not willing to join civil job during my annual leave.
- (b) I am not willing to join civil job during my terminal leave.
- (c) I will join my new employer with effect from - 15 Jun 2009.  
(Mention the specific date)
- (d) I am not involved in disciplinary case.
- (e) I am not a witness in a disciplinary case/Court of Inquiry of court case.

Station: Delhi-110054  
Dated: 05 Dec 2008

(Anupama Munshi)  
Major

#### SECTION- V

#### RECOMMENDATION: OF THE COMMANDING OFFICER

*Recommended/ Not-Recommended*

Station : Delhi- 54  
Dated : 16 Dec 2008

Rajiv Minocha  
Col  
Commanding Officer  
CFL ASC, Delhi- 110054

**SECTION- VI**  
**RECOMMENDATION OF GOC DELHI AREA (RO)**  
**Recommended**

**Station : Delhi- 54**  
**Dated : 19 Dec 2008**

**Maj Gen**  
**GOC Delhi Area**

33. The aforesaid request for release vide the application dated 20.12.2008 was approved by the competent authority vide letter No.05521/00134/MS-7B which reads to the effect:

**Tele-35660 (ASCON)**

**Military Secretary's Branch/MS-7B**  
**IHQ of MoD (Army)**  
**DHQ PO New Delhi-110011**

**05521/00134/MS-78**

**16 Jan 2009**

**RELEASE: WS-00134 MAJ ANUPAMA MUNSHI, ASC**

- 1. WS-00134 Maj Anupama Munshi, ASC whose request for release during extended tenure from Army Service has been approved, will be relieved of her duties wef 02 Mar 2009 (AN).**
- 2. The officer will carry a reserve liability for a period of five (05) years from the date of release or upto the age of 37 years whichever is earlier.**
- 3. The officer is permitted to avail entitlement of leave as per policy for the year/block. Terminal leave of 28 days is also entitled to the officer, which is to be availed at last i.e. after completion of all types of leave w.e.f. the following day the officer is relieved of her duties.**
- 4. CO/OC units is requested to forward only one copy of each of the following (as per policies contained in detailed instructions enclosed) to IHQ of MoD(Army)/MS-7B by date mentioned against each :-**
  - (a) Undertaking by the officer for Reserve Liability for a period of five years duly countersigned by the CO/OC by 15 Feb-2009.**
  - (b) Release Medical Board (AFMSF-18) proceedings by 15 Feb 2009.**
  - (c) Part II Order published after completion of terminal leave for publication of release DGN by 30 Apr 2009.**
- 5. Please acknowledge.**

**(Kapil Sood)**  
**Lt Col**  
**AMS-7B**  
**for Military Secretary**

**Distribution**

**CFL, ASC** - Along with a copy of detailed instructions and form for undertaking for reserve liability.

**P-11 (Ground Floor) Havloc Lines  
Lucknow Road, Timarpur  
Delhi-110064**

**HQ Delhi Area, Delhi Cantt-10**

**CDA(P) Allahabad**

**CDA(F) Meerut**

**GHQ ITO Pune**

**CDA(O) Pune: According to the record maintained at this HQ no Disciplinary/Quasi judicial/Judicial Proceedings are pending against the officer in terms of Min of Defence Letter No. 1(5)/87/D(Pension/Service) dated 30 Oct 87. Satisfactory Service Certificate has been dispensed with vide Min of Def Letter ibid.**

**Min of Defence: DGR(Res-6)**

**GS Branch: MISO**

**AG's Branch: MP 2 MP-6(f) DV-2 PS 4C CW-1 Secretary AOCE Fund  
AGIF**

**MS Branch: MS Info Room MS 8B MS 8C MS-14 MS 4D-2 MS-4B MS-15**

**Army Placement Agency**

34. However, she withdrew the same application, taking note of which her release order was cancelled vide MS Branch letter No.05521/00134/MS-7B dated 23.02.2009 which reads herein:

**Tele-35660 (ASCON)**

**Military Secretary's Branch/MS-7B  
IHQ of MoD (Army)  
DHQ PO New Delhi-110011**

**05521/00134/MS-78**

**23 Feb 2009**

**CANCELLATION OF RELEASE ORDER: WS-00134 MAJ ANUPAMA MUNSHI, ASC**

- 1. Reference HQ Delhi Area letter No. 3321/40/A3 dated 11 Feb 2009.**
- 2. The competent authority has approved the request of WS-00134 Maj Anupama Munshi, ASC of CFL ASC, Delhi for cancellation of her release order.**
- 3. The release order in respect of WS-00134 Maj Anupama Munshi, ASC issued vide this HQ letter No. 05521/00134/MS-7B dated 16 Jan 2009 may please be treated as cancelled. The officer will continue to be in service on extension upto 25 Aug 2009 (A/N).**
- 4. The officer be informed accordingly.**
- 5. Please acknowledge.**



(Kapil Sood)  
Lt Col  
AMS-7B  
for Military Secretary

**Distribution**

CFL, ASC  
P-11 (Ground Floor) Havloc Lines  
Lucknow Road, Timarpur  
Delhi-110064  
HQ Delhi Area, Delhi Cantt-10

CDA(P) Allahabad    CDA(F) Meerut    GHQ ITO Pune    CDA(O) Pune

Min of Defence:    DGR(Res-6)    GS Branch: MISO  
AG's Branch: MP 2    MP-6(f) DV-2 PS 4C CW-1 Secretary AOCE Fund AGIF  
MS Branch: MS Info Room    MS 8B MS 8C MS-14 MS4D-2    MS-4B  
MS-15  
Army Placement Agency

35. We note that, vide MS Branch letter No.05511/SSC(Women)-06/Release/MS-7B dated 02.06.2009, the applicant was scheduled to be released from service w.e.f. 25.08.2009 on the expiry of the final extension period of 04 years. The relevant portions of the aforesaid letter dated 02.06.2009 is reproduced herein:

Tele: 35658-(ASCON)

Military Secretary's Branch/MS-7B  
IHQ of MoD (Army)  
DHQ PO New Delhi-110011

05511/SSC (Women)-06/Release/MS-7B

02 Jun 2009

**RELEASE: SSC (WOMEN-TECH/NON TECH)-06 COURSE COMMISSIONED AS  
WSES(O)s-06 COURSE**

1. Reference this HQ letter No 05521/SSC-70/WS/Add/MS-7B dated 14 Jun 2005 and 05521/Addl/4Y/MS-7B dated 13 Jan 2006.
2. 08 officers mentioned at Appendix to this letter who are due to complete their extended period of 04 years of SSC service and will be relieved of their duties wef 25 Aug 2009 (AN).
3. The officers will carry a reserve liability for a period of five years from the date of release or upto the age of 37 years whichever is earlier.
4. The officers are permitted to avail balance of leave entitled to them for the year/block. Terminal leave of 28 days is also entitled to these officers,

which must be availed at last i.e. after completion of all types of leave or wef the following day the officers are relieved of their duties.

5. CO/OC units are requested to forward only one copy of the following documents (as per the policy contained in the detailed instructions enclosed) to Integrated HQ of MoD (Army), MS Branch/MS-78:-

(a) Undertaking by the Officer for Reserve Liability for a period of five years duly countersigned by the CO/OC by 25 Jul 2009.

(b) Release Medical Board (AFMSF-18) proceedings by 25 Jul 2009.

(c) Part II order published after completion of terminal leave (with struck out of strength date) for publication of release DGN.

6. The officers may please be informed accordingly.

(VS Ranade)  
Col  
Col MS 7  
for Military Secretary

Appx

(Ref IHQ of MoD (Army) letter No. 05511/SSC(Women)-06/Release/MS-7B dated 02 Jun 2009)

**RELEASE: SSC (WOMEN-TECH/NON TECH)-06 COURSE**  
**COMMISSIONED AS WSES(O)s-06 COURSE**

<u>SER NO</u>	<u>PERS NO</u>	<u>RANK</u>	<u>NAME</u>	<u>ARM</u>	<u>UNIT</u>
1	WS-00126	Maj	Renu Nautiyal	AOC	26 Inf DOU Pin-909026 C/O 56 APO
2	WS-00134	Maj	Anupama Munshi	ASC	CFL ASC P-11 (Groud Floor) Havloc Lines Lucknow Road, Timarpur Delhi- 110054
3	WS-00137	Lt Col	Ashu Yadav	EME	509 Army Base Wksp Pin- 900322 C/O 56 APO
4	WS-00138	Lt Col	Sangeeta Sardana	Sigs	20 Mtn Div Sig Regt Pin-917820 C/O 99 APO
5	WS-00140	Maj	Prerana Pandit	INT	HQ Northern Command (IIT) Pin-908545 C/O 56 APO
6	WS-00141	Lt Col	Reenu Khanna	Engrs	CWE, Pathankot Pin- 906616 C/O 56 APO
7	WS-00143	Maj	Seema Singh	AOC	616 EME Bn Pin- 9006616 C/O 56 APO
8	WS-00144	Maj	Dipali Chauhan	Engrs	CME Pune Pin-908707 C/O 56 APO

36. We note that, the applicant was one of the petitioners before the Hon'ble Delhi High Court in tagged matters of **Babita Puniya** Vs. **Secy, Ministry of Defence** [W.P.(C) No.1597/2003], as such, when the judgement of the Hon'ble Delhi High Court dated 12.03.2010 in the case of **Babita Puniya** (supra) was assailed before the Hon'ble Supreme Court in SLP (C) No.1752-1754/2011 titled **The Secretary, Ministry of Defence** Vs. **Babita Puniya & Ors.** during pendency of which, in an IA 26/2011 was filed by the applicant along with 10 other officers, seeking compliance with the judgement of the Hon'ble Delhi High Court dated 12.03.2010, wherein the Hon'ble Supreme Court vide order dated 02.09.2011 directed herein as under:

*"By filing this application, 11 applicants have prayed to direct the original petitioner i.e. Indian Army to reinstate them in service in terms of judgment dated 12.3.2010 rendered by the Delhi High Court in W.P. (C) No.9028/2008.*

*This Court has heard the learned counsel for the parties. There is no dispute that in terms of judgment dated 12.3.2010 of the Delhi High Court rendered in W.P. (C) No.9028/2008, the applicants would be entitled to benefits mentioned in the said judgment. What is stayed as interim measure by this Court is action for contempt initiated by the original writ petitioners against the petitioners in Special Leave Petitions. The operation of the impugned judgment is not stayed at all. Under the circumstances, this Court is of the opinion that the 11 applicants would be entitled to reinstatement in terms of judgment dated 12.3.2010 rendered by the Delhi High Court in W.P. (C) No.9028/2008.*

*For the foregoing reasons, the application succeeds. The petitioner i.e. Indian Army is hereby directed to reinstate 11 applicants in terms of judgment dated 12.3.2010 passed by the Delhi High Court in W.P. (C) No.9028/2008 with effect from 12.9.2011.*

*The original petitioner shall issue necessary orders in the meanwhile reinstating the 11 applicants. It is clarified that the relief granted in the present application will be subject to the result of the SLP Nos.1752-1754/2011.*

***Subject to above-mentioned observation, the application stands disposed of."***

37. Consequent to the aforesaid order dated 02.09.2011 passed by the Hon'ble Supreme Court in IA 26/2011 in SLP (C) No.1752-1754/2011, Govt. of India, Ministry of Defence, vide their letter No.B/32313/Re-instatement/AG/PS-2(a) dated 09.09.2011 directed the reinstatement of the applicant alongside 10 other women officers. The relevant Para of aforesaid letter along with AG Branch PS-2 Report and MS Branch letter dated 09.09.2011 is reproduced herein as under:

***B/32313/Re-instatement/AG/PS-2(a)  
Government of India  
Ministry of Defence  
New Delhi  
09<sup>th</sup> September 2011***

**To,**  
***The Chief of Army Staff  
New Delhi***

**Subject : REINSTATEMENT OF WOS**

**1. I am directed to convey the sanction of the President to reinstate the following WOs into service with effect from 12 September 2011 (who were released after completion of 14 yrs of service), in compliance with the Apex Court order dated 02 September 2011 in IA No. 26 in SLP (Civ) No. 1752-1754/2011 titled Secy Ministry of Defence Vs Babita Punia & Ors directing reinstatement of 11 WOs in terms, of judgement dated 12 Mar 2010, passed by Hon'ble Delhi High Court in WP (C) No. 9028/2008:-**

<b>Sr No.</b>	<b>WS No.</b>	<b>Name &amp; Designation</b>	<b>Unit</b>	<b>Date of Release</b>
<b>(a)</b>	<b>WS-00106</b>	<b>Maj Sandhya Yadav</b>	<b>Engrs</b>	<b>10 Mar 2009</b>
<b>(b)</b>	<b>WS-00126</b>	<b>Maj Renu Nautiyal</b>	<b>AOC</b>	<b>25 Aug 2009</b>
<b>(c)</b>	<b>WS-00130</b>	<b>Maj Nagveni NV</b>	<b>Engrs</b>	<b>25 Aug 2009</b>
<b>(d)</b>	<b>WS-00134</b>	<b>Maj Anupama Munshi</b>	<b>ASC</b>	<b>25 Aug 2009</b>
<b>(e)</b>	<b>WS-00137</b>	<b>Lt Col Ashu Yadav</b>	<b>EME</b>	<b>25 Aug 2009</b>
<b>(f)</b>	<b>WS-00138</b>	<b>Lt Col Sangeeta Sardana</b>	<b>Sigs</b>	<b>25 Aug 2009</b>
<b>(g)</b>	<b>WS-00140</b>	<b>Maj Prerana Pandit</b>	<b>Int</b>	<b>25 Aug 2009</b>
<b>(h)</b>	<b>WS-00141</b>	<b>Lt Col Reenu Khanna</b>	<b>Engrs</b>	<b>25 Aug 2009</b>
<b>(i)</b>	<b>WS-00143</b>	<b>Maj Seema Singh</b>	<b>AOC</b>	<b>25 Aug 2009</b>
<b>(j)</b>	<b>WS-00153</b>	<b>Maj Rita Kumari</b>	<b>AOC</b>	<b>08 Mar 2010</b>

2. This reinstatement order will be subject to final outcome of SLP (Civ) No. 1752-1754/2011 titled Secy Ministry of Defence Vs Babita Punia & Ors as directed by the Hon'ble Supreme Court.

(Roy Chawdhury)  
Under Secretary to Govt of India

Copy to:-  
As per distribution

Most immediate/ By Hand

Tele: 35054

B/32313/Re-instatement/AG/PS-2(a)

09 September 2011

ADJUTANT GENEREAL'S BRANCH PS-2

REINSTATEMENT OF WOS

MoD letter No. B/32313/Re-instatement/AG/PS-2(a) dated 09 September 2011 reinstating 11 WOs in compliance with the Apex Court order dated 02 September in enclosed herewith for your further necessary action.

(RS Mehta)  
Dy Dir  
AG/PS-2(a)

Encl:- As stated (5 ink signed MoD letters)

MS-7

Tele: 35660-(ASCON)

Military Secretary's Branch/MS-7B  
IHQ of MoD (Army)  
New Delhi-110011

05511/00134/Reinstatement/MS-7B

09 Sep 2011

Maj Anupama Munshi  
C/O Mr HK Munsri Harinan  
C-33, Pocket I, Kendriya Vihar II  
Sector- 82, Noida, UP- 201304

HQ Western Command (MS)

REINSTATEMENT ORDER:  
WS-00134Y MAJ ANUPAMA MUNSHI, ASC  
COMMISSIONED ON 26 AUG 1995

1. Ref the following:-

(a) Release order No 05511/SSC (Women)-06/Release/MS-78 dated 02 Jun 2009.

(b) Gol, MoD Order No 8/32313/Re-instatement/AG/PS-2(a) dated 09 Sep 2011.

2. **WS-00134Y Maj Anupama Munshi, ASC is reinstated in service wef 12 Sep 2011. The officer will report to CFL ASC, Timarpur, Delhi on 12 Sep 2011, as Additional Officer, CFL ASC, Timarpur, Delhi. The officer will be on provisional extension of service till final adjudication of the "SLP (C) 1752-1754 of 2011 titled Secy Ministry of Defence ys Babita Puniya and Others."**

3. **The officer on arrival to the unit will submit following documents to the CO/OC unit:-**

- (a) **An affidavit as per Appx A to this letter by 17 Sep 2011.**
- (b) **Release Order, in original**
- (c) **Release Certificate, in original.**
- (d) **Ex-Servicemen I-Card, in original.**
- (e) **Service Book, in original.**

4. **On arrival of the officer, the CO/OC unit will forward following documents:-**

- (a) **Arrival report to MS-7B and MS-14.**
- (b) **Documents received from the officer at para 3 (a) to (e) to MS-7B.**

5. **The officer will carry out a Medical Board on AFMSF-2. Medical Bd proceedings through the command medical channel should reach MS-7B, MS-14, AG MP-5/6 and DGMS-5 by 12 Oct 2011. This letter will be treated as an authority to carry out the Medical Board.**

6. **In view of reinstatement of WS-00134Y Maj Anupama Munshi, ASC, Ser 2 to the Appx of the release order No 05511/SSC (Women)-06/Release/MS-7B dated 02 Jun 2009 be treated as BLANK.**

**Sd/-**  
**(KM Shende)**  
**Lt Col**  
**AMS 7B**  
**for Military Secretary**

38. It is thus clear from the perusal of the aforesaid letter that applicant was reinstated back into the service in compliance of the judgement of Delhi High Court dated 12.03.2010 in **Babita Puniya** (supra). However, we observe that while the applicant was reinstated back in service w.e.f. 12.09.2011, she wrote a letter immediately within two days on 14.09.2011 requesting 'Spouse Posting.' The aforesaid letter dated 14.09.2011 is reproduced herein for reference:

CFL, ASC Delhi  
Delhi  
14 Sep 2011

DY MS 14  
MS Branch  
Integ HQ of MoD (Army)  
New Delhi  
(Advance Copy)

**REQUEST FOR SPOUSE POSTING**

Sir,

1. With due respect I would like to state the following for your kind consideration and a favorable action pl.

2. I have been reinstated in the Army and as directed have joined my last duty stn i.e. CFL Delhi on 12 Sep 2011. As I have been made to understand this is a temp measure and soon my posting will be issued to some other unit. In my 14 years of previous service, with the Army I had just one spouse posting at Agra, that too for duration of only about a year in 2000-01; as my husband got posted out after completing his tenure there.

3. My husband IC-51926F Col Rajeev Kaul is presently commanding his unit at Amritsar and is likely to be there till Oct 2012. May I request you to kindly consider my case for spouse posting to 515 ASC Bn in Amritsar. This will not only allow me to stay with my husband and daughter who is 5 yrs old but would also allow me to contribute immensely in a stress free manner to the unit I am posted to as well as in the betterment of FWO of my husband's unit. My posting to Amritsar would definitely be beneficial to me in allowing me to stay with my family, it however would also be in the overall org interest as the unit will get a willing and dedicated offr.

4. I have served the org dedicatedly for 14 yrs for which I was duly recognized in my ACRS and by being awarded GDC-in-C Northern Comd Commendation Card. I assure you that I would continue to serve dedicatedly as I was doing before. May I earnestly request you for considering my request for spouse posting and issuing my posting to 515 ASC Bn, Amritsar.

Thanking You

Yours Faithfully,  
Sd/-  
Anupama Munshi

39. Noting from the records, we find that the applicant was issued a posting order No.3927739/MS-14 dated 17.11.2011, as per which the applicant was directed to be posted to 521 ASC Bn, Changsari, Assam, consequent to which, applicant sought an interview with



DGST vide her letter No.00134Y/AM/PERS dated 20.12.2011, which was approved vide DGST, Quartermaster General's Branch letter No.55016/Gp-II/Q/ST-2 dated 22.12.2011, and the interview was scheduled for 27.12.2011.

40. We observe that meanwhile the aforesaid issue of reconsideration of posting was analysed by the MS Branch, which is visible from the extracts of the relevant Noting Sheet No.3 of Posting Case- Minutes File No.A/67001/WS-00134/MS-14/B reproduced herein:

**PC to MF No- A/67001/WS-00134/MS-14/B**  
**(Sheet No: Three)**

1. ***Ref Notes ante.***
2. ***Posting of WS-00134 Maj Anupama Munshi, CFL ASC Delhi has been issued to 521 ASC Bn, Changsari as per her profile vide our Posting Order No 3927739 dt 17 Nov 2011.***
3. ***The offr vide HQ Delhi Area letter No 3371/24/A3 dt 23 Dec 2011 has sought reconsideration of her posting on spouse coord or deferment of reporting dt till Apr 2012 due to the fwg reasons:-***
  - (a) ***The offr's spouse is posted as CO, 102 Engr Regt in Amritsar and is likely to be posted out during Oct/Nov 2012 timeframe.***
  - (b) ***The offr has availed only one spouse coord posting to Agra in her service.***
  - (c) ***The offr desires to be posted on spouse coord posting to Amritsar. If the same is not feasible, the offr's reporting dt be deferred till Apr 2012 since her daughter is studying in school.***
4. ***The following issues are relevant :-***
  - (a) ***The offr's past posting profile reads as Delhi, Mumbai, Agra, Jammu, Bangalore and Delhi.***
  - (b) ***The offr was released from the Army on 26 Aug 2009 on completion of 14 yrs service. Subsequently, she was reinstated in service after a gap of two yrs in Sep 2011 consequent to dirns of Hon'ble Supreme Court. The case for PC to WOs is presently subjudice in the court.***



(c) *The status of WO is not yet clear. However, chances of WOs permt comsn cannot be ruled out.*

(d) *The offr lacks exposure in ASC other than CFL which is a specific and minuscule part of ASC.*

(e) *Offr reckons Aug 1996 srly and No 3 SB is due in 2013/2014. 515 ASC Bn is loc in Amritsar and is op on MLSS with no sup elements op. Only 2<sup>nd</sup> line ASC Bn in fd are fully functional in all aspects of sup and tpt.*

(f) *In the career interests of the offr it is imperative that she be posted to an ASC Bn in fd. The same will expose the offr to the basics of ASC functioning which is essential for her future growth in the org.*

(g) *Considering the vac state of various ASC Bns in fd, the offr was posted to 521 ASC Bn.*

(h) *The offr's daughter is only six yrs old hence, deferment of mov on academic grnds lacks merit.*

(i) *The offr sought Interview of Dy MS-14 on 20 Dec 2011. An extract of the same is placed opp.*

5. *In addn to the above, the following is stated:-*

(a) *The offr's husband is IC-51926 Col Rajeev Kaul who is CO of 102 Engr Regt. PC of offr is placed opp.*

(b) *The offr would have been staying with her spouse wef Aug 2009 til reinstated into service in Sep 2011.*

(c) *The offr's daughter would presumably be studying in a school in Amritsar and deferment of mov of Maj Anupama Munshi in Delhi may not serve any purpose.*

(d) *It will be difficult for Maj Munshi (if posted to Amritsar) to reconcile the responsibilities of a CO's wife with the duties of a jr offr in another bn in the same stn.*

**Recom**

6. *In view of the aforesaid, it recom that status quo be maint in r/o of posting of WS-00134 Maj Anupama Munshi to 521 ASC Bn.*

7. *PC of the offr is placed opp.*

8. *Put up for perusal and dirns pl.*

(MH Thakur)  
Brig  
Dy MS- 14  
29 Dec 2011

41. On a perusal of the aforesaid noting sheet, we find that each concern of the applicant has been replied to and suitably addressed,

and the specific reason for maintaining status quo to the posting was that the applicant, being a Lt Col holding seniority of August 1996, was supposed to be considered for promotion to Col by No 3 SB, which was due in the year 2013 or 2014. It is worth noting that the applicant has been posted to Composite Food Laboratories in the peace areas since her commissioning, and thus, in order to extend the exposure of the applicant to field areas, she was posted to Changsari, Assam.

42. We find it pertinent to observe that it is essential to assign officers to a diverse range of units and staff roles, as this exposure is crucial for their understanding of the operations and challenges faced by various ASC units. By gaining this comprehensive experience, these officers will be better equipped to contribute effectively to the organisation in the future, should they be awarded PC and promoted to the rank of Colonel.

43. In the matter concerning the posting preferences of officers within the Army, it is imperative to recognize the unique nature of military service and the operational requirements that govern it. Exposure to various units and environments is essential for the professional development of officers. By rotating assignments, officers gain a broader understanding of the army's diverse

functions and challenges. This experience is vital for fostering well-rounded commanding officers who can adapt to different situations and contribute effectively in any role.

44. Military service requires a commitment to the collective good over individual preferences. Officers are trained to prioritize the needs of the organization and the mission above personal desires. This commitment is fundamental to the ethos of military service and the effectiveness of the armed forces. While the desire for preferred postings with family is understandable, the operational realities and overarching principles of military service necessitate a system where postings are determined by the needs of the army rather than individual choice. This approach ensures that the army remains a capable and effective force, ready to meet any challenge.

45. Moving further on the factual matrix, we note that the applicant again sought release from service vide her letter No.00134Y/AM/PERS dated 05.01.2012, which is reproduced herein as under:

***WS-00134Y Maj Anuama Munshi***

***00134Y/AM/PERS***

***Military Secretary's Branch  
MS- 7B  
IHQ of MoD (Army)  
New Delhi- 110011***

***CFL ASC Delhi  
Delhi***

***05 Jan 2012***

**RELEASE FROM SERVICE**

Sir,

1. It is submitted that I the undersigned have completed sixteen years and nine months of service in Army.
2. I am desirous of going on release from service wef 01 Jun 2012.
3. I am enclosing the requisite affidavit (Appendix A) required for the release.

Thanking you,

Yours Faithfully,  
Sd/-  
(Maj Anupama Munshi)

DELHI

47AA 648278

**AFFIDAVIT**

I, WS-00134Y Rank Major Name Anupama Munshi Arm/Ser ASC of Unit CFL, ASC Delhi-54 resident of Noida (UP) do solemnly declare and affirm as follows:-

- (a) That, I am a Women Special Entry Scheme (Officers)/Short Service Commissioned Women Officer of the Indian Army, Completing my 16 (Sixteen) years and 09 (Nine) months of such Short Service tenure on 01 June 2012 (Afternoon).
- (b) That, I am herewith voluntarily submitting an application for release from Short Service Commission with effect from 01 June 2012 (Afternoon).
- (c) That, I am aware by submitting this application, will be entitled only to such terminal benefits, which are admissible and applicable at the time of my release.
- (d) That, I am also aware of the SLP (C) 1752-1754 Secretary Military of Defence versus Babita Puniya and others pending before the Hon'ble Supreme Court where the judgment dated 12 Mar 2010 passed by the Hon'ble Delhi High Court in WP (C) No. 1597 of 2003, is under appeal, wherein Women officers of the Indian Army were held to be eligible for consideration for grant of permanent commission
- (e) That, having taken a conscious, independent and voluntary decision to proceed on release out of the service, I hereby waive and repudiate my claim for any benefit accruing out of the Delhi High Court judgment and the Hon'ble Supreme Court, as and when the SLP is finally decided.
- (f) That, I undertake that this is the final option exercised by me, which is unconditional and irrevocable on my part.

Sd/-  
(DEPONENT)

Register Entry No 4096/12  
NOTARY PUBLIC, DELHI

1. Next of Kin : Rajeev Kaul

2. **Gazetted officer: Arti Guleria**

**ATTESTED  
NOTARY PUBLIC  
DELHI (INDIA)**

**Dated 5 Jan 2012**

46. From a cursory look at the aforesaid affidavit, it is clear that applicant was aware of the proceedings pending before the Hon'ble Supreme Court in the case of SLP (C) No.1752-1754/2011 titled **The Secretary, Ministry of Defence** Vs. **Babita Puniya & Ors**, and that she has taken a conscious, voluntary and independent decision to waive any claim of benefit that might arise as a consequence of the Supreme Court judgement in the aforesaid case.

47. The aforesaid application for the release of the applicant was approved by the Competent Authority vide MS Branch letter No.05511/00134/Release/MS-7B dated 24.05.2012. Relevant Paras of the aforesaid letter is reproduced herein as under:

**Tele: 35660-(ASCON)**

**Military Secretary's Branch/MS-7B  
IHQ of MoD (Army)  
New Delhi-110011**

**05511/00134/Release/MS-7B**

**24 May 2012**

**RELEASE : WS-00134Y MAJ ANUPAMA MUNSHI, ASC**

**1. Reference:-**

**(a) This HQ letter No 05511/SSC(Women)-06/Release/MS-7B dated 02 Jun 2009 regarding release on completion of 14 years of service.**

**(b) This HQ letter No 05511/00134/Reinstatement/MS-7B dated 09 Sep 2011 regarding reinstatement of officer in service.**

**(c) CFL ASC, Timarpur letter No FLD/1017/ST-2 dated 05 Jan 2012 regarding officer's request for release from service.**

2. **WS-00134Y Maj Anupama Munshi, ASC who was released on completion of 14 years of service wef 25 Aug 2009 and again reinstated in service wef 12 Sep 2011 will be relieved of her duties wef 01 Jun 2012 (AN) on her own request.**

3. **The officer is permitted to avail balance of leave entitled to her for the year/block. Terminal leave of 28 days is not entitled to the officer as the officer has already availed terminal leave on her initial release. Hence, the SOS date of the officer will be the following day of completion of balance leave taken by the officer.**

4. **CO/OC unit is requested to forward only one copy of the following documents (as per the policy contained in the detailed instructions enclosed) to MS-7B, MS Branch, Integrated HQ of MoD (Army) :-**

(a) **Release Medical Board (AFMSF-18) proceedings by 30 May 2012.**

(b) **Part II order published after completion of terminal leave (with struck off strength date) for publication of release DGN.**

5. **The officer may please be informed accordingly.**

**Sd/-  
(Richard Fernandes)  
Lt Col  
AMS 7B  
for Military Secretary**

48. Before examining the applicability of the aforesaid judgement of the Hon'ble Supreme Court in the facts of the instant case, we find it pertinent to refer to certain allegations which have been put in by the applicant in her letter No.WS00134Y/Pers/DO dated 28.02.2012 addressed to the then Military Secretary and the same reads to the effect:

**Maj Anupama Munshi**

**Tele  
Mob-09502910254**

**WS00134Y/Pers/DO**

**Lt Gen Sanjiv Chachra, AVSM, VSM  
Military Secretary  
MS Branch, Integ HQ of MoD (Army)  
New Delhi-11**

**10 Cariappa Vihar  
Old Amritsar Cantt  
Amritsar, Punjab**

**28<sup>th</sup> Feb 2012**

### **UNFAIR TREATMENT BY MS BRANCH: REQUEST FOR ACTION**

**Dear General**

1. With due respect I write to highlight the total lack of understanding and victimisation I have faced from MS Branch in the recent past. I would sincerely request you to kindly look into the issue and take necessary action as you deem fit.

2. I was reinstated in the Army alongwith my other colleagues based on the Supreme Court judgement. As per the dirs of your HQ joined my last duty stn on 12 Sep 2011, from where I had retired i.e. Composite Food Laboratory (CFL) Delhi. I was made to understand that the joining at CFL Delhi was a temp measure and soon I would be posted elsewhere. Accordingly I requested for a posting to Amritsar through proper channel vide application No FLD/1017/ST-2 dt 16 Sep 2011 as my husband is presently posted there (Copy of application enclosed). Instead my posting was issued to 521 ASC Bn, Changsari vide posting order No 392739/MS-14 dt 17 Nov 2011. I again requested for reconsideration of posting/deferment till Apr 2011 so that my daughter completes her academic session, as Changsari, the place of my posting is a non family station with no schools. It was however again turned down by MS-14 branch in a very arbitrary manner (copies of letters encl).

3. I am a post graduate in Microbiology and was commissioned in ASC against the vacancy of a Food Scientist which exists in the CFLs and Food Inspection Units. In my 14 years of previous service with the Army I had just one spouse posting at Food Inspection Unit, Agra. Whenever I had requested for a posting with my husband I was told then that since I am a Technical Officer for CFL, it is not possible to post me to an ASC Bn/Sup Depot. My various requests throughout my service are on file and can be verified. Ironically the present Dy MS 14 (then Col MS 14) gave this reasoning in yr 2006 for not posting me to a ASC Bn/Sup Depot at the stn where my husband was posted, and the same offr has now used it against me for not posting me where I requested, moreso when the future of women offrs is still uncertain. The entire episode clearly indicates of an ulterior motive of MS 14 Br to victimise me. The info in the following para further corroborates my assertion.

4. Out of the lady offrs reinstated, all those whose postings have been issued till dt have been adjusted to their place of choice/requirement except for me. Fwg is the list of reinstated offrs with their choice of stn and the stn where they finally have been posted. The same clearly highlights the arbitrary and malicious intent of MS 14 branch in dealing with my request.

S.No.	Name	Posting Requested For	Posted To
1	Maj Sandhya Yadav	Mhow/Bhopal	Mhow
2	Lt Col Reenu Khanna	Udhampur	Udhampur
3	Lt Col Monica Mishra	Jalandhar	Jalandhar
4	Lt Col Ashu Yadav	Not Known	
5	Lt Col Sangeeta Sardana	Kamptee	Jabalpur
6	Maj Rita Taneja	Not Known	
7	Maj Nagaveni	Raipur	Raipur
8	Maj Prerna Pandit	Not Known	
9	Maj Seema Singh	Delhi	Delhi
10	Maj Reenu Nautiyal	Not Known	
11	Maj Anupama Munshi	Amritsar	Changsari



5. In my interview with Dy MS-14 in Dec 11, I was informed that PC is expected for women offrs and I am due for my next promotion in 2013-2014. Hence to have a bal career profile I need the exposure to a fully functional ASC Bn in a fd area. I was also info that I have a heavy peace profile due to my postings only in CFLs. I wish to submit that I had never requested for a posting to only a CFL but was posted to various CFLs citing interest of the org, and now the same is being used against me. How can I be held responsible if CFLs are located in peace and MS 14 never posted me elsewhere inspite of my repeated requests? Among the lady offrs mentioned above, there are few from Corps of Engrs, Signals and EME whose promotion bds have already been held or are due in the month of Mar/Apr 2012 but none of their controlling MS branches have victimized them as the case for PC to women offrs is still pending in the Supreme Court. I am at a loss to understand this disparity in rules being applied in my case. Can MS 14 branch guarantee that women offrs would be gtd Permt Commission, while the case is still subjudice and all indicators are pointing towards the contrary.

6. I have served the org dedicatedly for 14 yrs for which I was duly recognized in my ACRs and by being awarded GOC-in-C Nothern Comd Commendation Card. In sheer frustration, lack of faith in the org to which I have given 14 yrs of my prime life and primarily due to the victimization I faced at the hands of MS 14 branch, I have already put up my papers for release from the Army. Rather than adopting any other course of action to seek redressal, I thought it is my duty to draw your attention to the above mentioned facts, so that necessary corrective action can be taken if desired.

Copy To:

Maj Gen G S Katoch, AVSM VSM  
Addl MS (A)  
Iteg HQ of MoD (Army)  
New Delhi- 11

49. We observe that the aforesaid letter has been responded by Addl MS (A), in a crisp reply vide letter No.A/67001/00134/MS-14/B dated 29.03.2012, which is reproduced as under:

Maj Gen GS Katoch, AVSM, VSM  
Addl MS(A)

A/67001/00134/MS-14/B

29 Mar 2012

Maj Anupama Munshi  
521 ASC Bn  
PIN- 905521  
c/o 99 APO

1. Ref your DO letter No WS00134Y/Pers/DO dt 28 Feb 2012 addsd to the MS with copy to the Addl MS (A).
2. The pts raised by you regarding unfair treatment by MS Branch are not valid. You have been posted to 521 ASC Bn, Changsari based on your overall profile and in org interest.
3. This has the approval of the MS.



50. At this moment, on going through the DO letter written by the applicant and the reply given by Addl MS (A), we observe that the allegations of harassment stem from the applicant's posting to Chengsari, Assam, while comparing herself to other officers who were reinstated along with her. It is, in fact, surprising to that the applicant has linked her regular posting to 'victimization' on sole ground that she is one of the applicants before the Hon'ble High Court. Had this been the scenario, every lady officer who was before the Hon'ble High Court or the Hon'ble Supreme Court for grant of PC, would have been posted to field areas, which is not the case. Thus, the allegations of the applicant seem to be nothing more than imaginary conjectures without any rationale.

51. While it is acknowledged that some lady officers in different corps may have been posted to peace locations, experience for officers in both peace and field stations is crucial for comprehensive professional development, particularly for those aspiring to higher ranks such as Colonel and above. The dual experience equips officers with a well-rounded skill set, enabling them to handle various challenges that arise in both environments. Peace stations focus on administrative and strategic planning, fostering essential skills like coordination and decision-making. In contrast, field

stations bring exposure to real-time operational challenges, enhancing practical skills, adaptability, and resilience. This varied training prepares officers for the complexities of leadership roles, where an understanding of both the strategic and operational perspectives is vital.

52. Furthermore, experience in field postings often plays a significant role in the promotion process within the Army. The Army has an established criteria that include marks for operational exposure when evaluating candidates for promotion to the rank of select ranks of Col and above. If the applicant lacks this critical experience, she may inherently disadvantage herself, missing out on essential credits that could elevate her candidacy. In a highly competitive promotion environment, every third decimal counts, and neglecting field postings can result in stalled career progression.

53. We are of the opinion that the training in both peace and field stations is not merely beneficial; it is essential for the holistic development of officers preparing for leadership roles. The combination of administrative acumen gained from peace postings with the practical, hands-on experience acquired in field stations equips officers with the tools needed for effective command. As lady

officers continue to break barriers and demonstrate their capabilities, by prioritizing both peace and field postings, Army tries to ensure that their future COs are well-prepared, versatile, and equipped to navigate the complexities of their roles.

54. It is well established case that all the postings of the applicant have been in peace stations, involving cities, which includes one spouse posting. It is pertinent to observe that the initiative of her transfer to field posting was only to give her hand on experience with the atmosphere in the field environment, which in turn will enhance her career profile, when she is considered for promotion to Colonel.

55. With this background factual analysis, we now proceed to examine the case of the applicant to ascertain as to whether she will be entitled to relief by virtue of the fact that she took premature retirement due to her personal reasons even when she was granted protection on her retirement by the Hon'ble Delhi High Court and subsequently, the Apex Court?

56. At this point, we find it pertinent to refer to directions given by the Hon'ble Supreme Court in ***Secy, Ministry of Defence v. Babita Puniya (supra)***, which is produced herein:

**H. Directions**

69. We accordingly take on record the statement of policy placed on the record in these proceedings by the Union Government in the form of the letter dated 25 February 2019 and issue the following directions:

(i) The policy decision which has been taken by the Union Government allowing for the grant of PCs to SSC women officers in all the ten streams where women have been granted SSC in the Indian Army is accepted subject to the following:

(a) All serving women officers on SSC shall be considered for the grant of PCs irrespective of any of them having crossed fourteen years or, as the case may be, twenty years of service;

(b) The option shall be granted to all women presently in service as SSC officers;

(c) Women officers on SSC with more than fourteen years of service who do not opt for being considered for the grant of the PCs will be entitled to continue in service until they attain twenty years of pensionable service;

(d) As a one-time measure, the benefit of continuing in service until the attainment of pensionable service shall also apply to all the existing SSC officers with more than fourteen years of service who are not appointed on PC;

(e) The expression "in various staff appointments only" in para 5 and "on staff appointments only" in para 6 shall not be enforced;

(f) SSC women officers with over twenty years of service who are not granted PC shall retire on pension in terms of the policy decision; and

(g) At the stage of opting for the grant of PC, all the choices for specialisation shall be available to women officers on the same terms as for the male SSC officers. Women SSC officers shall be entitled to exercise their options for being considered for the grant of PCs on the same terms as their male counterparts.

(ii) We affirm the clarification which has been issued in subpara (i) of paragraph 61 of the impugned judgment and order of the Delhi High Court; and

(iii) 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.

57. From a detailed look at the aforesaid directions of the judgement of the Hon'ble Supreme Court, it is well clear that by

virtue of being a petitioner before the Hon'ble Delhi High Court, in line with Para 69(iii), the applicant would have been entitled for all the benefits granted by Para 69(i), save from the fact that the applicant had moved the Hon'ble Delhi High Court by filing the writ petition, and secondly, who had retired during the pendency of the case before the Hon'ble Supreme Court.

58. However, the instant case in hand is different from the ***Babita Puniya*** judgement on the factual matrix, wherein the applicant was earlier granted benefit of the aforesaid directions in the form of reinstatement in service, and by the time ***Babita Puniya*** would have been decided, she would have been considered for grant of PC, or alternatively, would have completed 20 years in service, and thus, would have been eligible for grant of service pension, but the applicant chose to take premature retirement as her voluntary decision, that too on purely personal grounds, waiving off her right to seek benefit arising out of the judgement of Apex Court in ***Babita Puniya*** (supra), and not that she retired upon completion of her terms of engagement.

59. With respect to the reliance placed by the applicant on two important judgements of ***Wg Cdr A U Tayyaba and Ors*** Vs. ***Union of India & Ors.*** [2024 INSC 311] and ***Cdr Jaya Kapoor***

**(Retd.) & Ors.** Vs. **Union of India & Ors.** [TA 01/2022 {W.P.(C) No.8275/2010 Delhi HC}], we find the relief granted by the Apex Court to the appellants in ***Wg Cdr A U Tayyaba*** (supra) and by this Tribunal to the applicants in ***Cdr Jaya Kapoor*** (supra) is based on different factual context.

60. While in ***Wg Cdr AU Tayyaba*** (supra), appellants retired from the service on completion of their terms of engagement but approached the Hon'ble Delhi High Court, immediately after the judgement of the Hon'ble Delhi High Court dated 12.03.2010 in the case of ***Babita Puniya Vs. Secy, Ministry of Defence*** (supra) challenging the manner of implementation by Indian Air Force, and admittedly, when the decision was rendered by the Hon'ble Supreme Court in the case of ***The Secretary, Ministry of Defence Vs. Babita Puniya & Ors*** (supra) on 17.03.2020, appellants were before the Hon'ble Delhi High Court. Similarly, in the case of ***Cdr Jaya Kapoor*** (supra), applicants had retired on completion of terms of engagement and were before the Hon'ble Delhi High Court on the date of judgement of Hon'ble Supreme Court in ***Babita Puniya*** (supra).

61. In the instant case, while the applicant was a petitioner before the Hon'ble Delhi High Court and respondent before the Hon'ble

Supreme Court in **Babita Puniya** (supra), she chose to prematurely retire from service on personal grounds, waiving off her rights to claim any benefit arising out of aforesaid adjudication, and thus, instant case is different from the law laid down in **Wg Cdr AU Tayyaba** (supra), and **Cdr Jaya Kapoor** (supra).

62. In view of the aforesaid analysis, we are of the considered opinion that the aforesaid OAs fail on merits.

63. Therefore, the OAs are dismissed as devoid of merit. Accordingly our analysis would be applicable to all the OAs as per the judgement of Hon'ble Supreme Court in the case of **Babita Punia** (supra).

64. No order as to costs.

65. Pending miscellaneous application(s), if any, stands closed.

Pronounced in the open Court on 30 day of April, 2025.

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON

(LT GEN C.P. MOHANTY)  
MEMBER (A)

Neha