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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 07.01.2026

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W.P.(C) 19541/2025

LT. COL. RAVNEET(RETD.)

.....Petitioner

Through: Mr. Rakesh Kumar, Adv.
versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC,
Mr. Rudra Paliwal, Adv. and Major
Anish Muralidhar.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 81509/2025 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 19541/2025 & CM APPL. 81510/2025 (Lengthy synopsis)

3. This writ petition filed under Article 226 of the Constitution of India lays a challenge to the order passed by the Armed Force Tribunal, Principal Bench, New Delhi (Tribunal) in Original Application (OA) No.1372/2021 with the following prayers:-

*“A. Set aside the impugned Judgment dated 29.05.2025 in Original Application No. 1372/2021 of Hon’ble Armed Forces tribunal, Principal Bench New Delhi, and
B. Issue an appropriate order or writ in the nature of*



mandamus thereby commanding the respondent to reinstate the petitioner and to grant her permanent commission, in terms of judgment dated 17.02.2020 of Hon'ble High Court in Babita Puniya Case, and/or."

4. The facts of this case which can be gathered from the petition are that the petitioner was commissioned in the Indian Army through the Women Special Entry Scheme (Officers) as on 20.03.2004 in Corps of Engineers for a period of ten years. During her service, respondent no.1 vide notification dated 28.10.2005 extended the validity of appointment of women officers in the Indian Army and also the tenure of women Short Service Commission (SSC) officers upto 14 years. The petitioner being desirous to avail this option for grant of SSC (non-technical) applied for the same, after which the terms of engagement were converted to 10 + 4 years under the scheme and she was to be considered for extension of service in her 10th year of service i.e. 2013-14.

5. It is the case of the petitioner that the respondent no. 1 vide letter dated 26.09.2008 started Permanent Commissions prospectively for SSC women officers in the JAG Branch and the Army Education Corps. Meanwhile, this Court pronounced its judgment in the case of **Babita Puniya v. The Secretary & Anr., WP(C) No. 1597/2003** dated 12.03.2010 and a Special Leave Petition against the said judgment was preferred seeking an interim stay. The application seeking the interim stay was not allowed by the Supreme Court. It is for this reason that the petitioner was expecting a permanent commission along with her male counterparts. The reason why her case was not considered by the respondents according to the petitioner is that they were awaiting a final decision in the civil appeal by



the Supreme Court. The Supreme Court had decided the said appeal vide judgment dated 17.02.2020 titled ***Secretary, Ministry of Defence v. Babita Puniya and Ors., 2020 INSC 198.***

6. Mr. Rakesh Kumar, learned counsel appearing on behalf of the petitioner argues that the petitioner is entitled to the benefit of the earlier judgment dated 12.03.2010 and since there was no stay against the operation of the said judgment, her male counterparts of the same branch were granted permanent commission. He highlights the fact that she had completed fourteen years of service and argues that substantial question of law which need to be decided in the present petition is that whether the petition is entitled to be granted Permanent Commission in view of judgment in the case of ***Secretary, Ministry of Defence v. Babita Puniya (supra).***

7. According to him, on 25.02.2019, SSC women officers were granted permanent commission. However, the policy deprived all women officers with more than 14 years of service from Permanent Commission, including the petitioner as the said policy was prospective in nature i.e., with effect from the date of issuance of letter, being 25.02.2019. It was thereafter that the petitioner on 15.07.2019 sought release from service during her provisional extension. He states that even in this scenario, the petitioner would be entitled for consideration for the permanent commission since the case of the petitioner would be covered by the judgment of the Supreme Court in the case of ***Wg. Cdr. A. U. Tayyaba (Retd.) and Ors. v. Union of India and Ors., Civil Appeal No. 79-82 of 2012*** dated 16.11.2022; wherein the appellants who were working in the Air Force and had sought voluntary release from service between the years 2006 to 2009 were granted relief on



the ground that the respondents therein had subjected them to gender discrimination and had gone against their legitimate expectation that in their fifth year of service, they would also be considered at par with their male counterparts.

8. Mr. Ripudaman Bhardwaj, learned Central Government Standing Counsel argues that the case of the respondents is that the issue pertaining to the petitioner was not considered since the issue had not attained finality inasmuch as the judgment dated 12.03.2010 was under consideration of the Supreme Court.

9. Mr. Bhardwaj relied on the arguments advanced before the Armed Forces Tribunal (“AFT”) to state that after the Supreme Court rendered the judgment on 17.02.2020, the petitioner had sent applications seeking her reinstatement in service. She was informed vide letter dated 10.11.2020 that her request for reinstatement in service had been duly examined by the competent authority but the same has not been acceded to as the petitioner was found to be ineligible. Even otherwise, the counsel for the respondents while drawing an analogy in the case of the petitioner, states that she had submitted an undertaking while seeking release stating that she would not claim any benefit accruing out of the said judgment.

10. It is the case of Mr. Bhardwaj that the petitioner vide the present petition seeks to claim benefit of the judgment as an afterthought. In this regard, he has relied upon the reasoning given by the Tribunal to state that the petitioner had been commissioned for a short service after which her period of engagement was extended to 10 + 4 years vide letter dated 20.07.2006. The petitioner and other women officers were granted extension



of tenure beyond 14 years through a provisional extension of service from 20.03.2018 till the final adjudication in the case of **Babita Puniya (supra)**.

11. According to him, during the pendency of the appeal before the Supreme Court, the petitioner opted to seek her release out of her own volition even when she was granted extension to continue in service but chose not to do so citing personal grounds. He states that a voluntary decision amounts to a conscious waiver of rights and a benefit cannot be claimed as per the judgment in the case of **Babita Puniya (supra)**.

12. Having heard the learned counsel for the parties and perused the record, the short question which arises for consideration is whether the petitioner is entitled to the benefit of the judgement in the case of **Babita Puniya (supra)** or not.

13. Upon a perusal of the record it must be noted that petitioner herself had written to the Integrated Headquarters of the Ministry of Defence (MoD) wherein she has sought release from service while serving during the extension period. The letter of the petitioner dated 15.07.2019 reads as under:-

"1. I, WS-00861W Lt Col Ravneet was commissioned in the Corps of EME on 20 Mar 2004 and am presently posted with 16 Corps Zone Wksp since Jun 2019.

2. I would like to submit that I have completed 14 yrs of service in the org and I'm presently on extn vide IHQ of MoD (Army) letter No 05528/SSC(Women T/NT)-23/MS-7B dt 06 Mar 2018 (copy att).

3. It is also intimated that I have two children aged 3 yrs and 10 yrs. My spouse IC-60318F Col Amit Nath is an Ord Offr and is presently posted as Comdt, OD Avadi. Due to organisational constraints my request for spouse coord posting was turned down and as per



sector profile I have been posted to 16 Corps Zone Wksp (Cl in Fd).

4. Due to adm and organisational constraints posed in present duty stn (Cl ir Fd) it is difficult for me to rear my children single handedly at this remote loc. Hence I would like to seek release on compassionate grounds at the earliest pl.

5. I view of the above, it's requested that my release may pl be sanctioned at the earliest so that I can complete all formalities connected to my release process

6. For your kind consideration and early approval please.”

14. Furthermore, it is an admitted case that the petitioner's request for release had been approved by the MoD vide letter dated 12.09.2019 wherein it had been recorded as follows:-

“1. WS-00861W Lt Col Ravneet, EME, whose request for release from Army during provisional extended tenure beyond 14 years of service has been approved, will be relieved of her duties w.e.f.. 21 Sep 2019.

2. The officer 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.

3. The officer is permitted to avail entitled balance of leave as per policy for the year/block Terminal leave of 28 days is also entitled to the officer, which must be availed at the end ie after completion of all types of leave or wef the following day the officer is relieved of her duties

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

a. Undertaking by the Officer for Reserve Liability for a period of five years duly countersigned by the



CO/OC by 30 Sep 2019

b. Release Medical Board (AFMSF-18) proceedings by 30 Sep 2019

c. Part II order will be published on completion of Terminal Leave (with struck off strength date) for publication of release Gazette Notification.”

15. It is also not disputed that after the petitioner had been released from service, she requested to join back her duties and sought cancellation of the release order vide letter dated 30.01.2020. We may refer to the contents of the said letter below:-

“2 The case pertains to WS-00861W Lt Col Ravneet of Corps of EME. The offr commissioned in the Yr 2004 has served the org for over 15 yrs. Subsequent to the grant of provisional extn post her initial stipulated pd of engagement of 10-04 yrs, the offr continued the service beyond the initial contractual pd. The offr is presently released from service wef Sep 2019 and seeks canc of the release order based on the under mentioned facts.

3. Facts of the case in respect of the offr are submitted as under: -

(a) Yr of Commission Mar 2004, ref at para 1(a) above

(b) Prelim terms of engagement for five yrs wef (2004 to 2009).

(c) Extn of initial pd of engagement from five to ten yrs under revised terms of service (wef 2004 to 2014).

(d) Screening for grant of PC/extn through No 5 SB vide ref at Para 1(b) above.

(e) Grant of extn for four yrs after completion of initial contractual pd in Dec 2013 vide ref at Para 1(c) above. (e)

(f) Provisional extn beyond 14 yrs of service wef Mar 2018 vide ref at Para 1(d) above.



(g) Application for release from service vide ref at Para 1(e) above.

(h) Release from service in Sep 2019 vide ref at Para 1(f) above.

4. It is kindly submitted that grant of provisional extn to the offr on completion of mandated 14 yrs of engagement was subject to final adjudication of the Civil Appeal No 9367-9369/2011 vide letter at para 1(d) above. Despite being ambiguity in terms of service and tenure engagement coupled with the impending plea for grant of permanent commission to women in the Army for the last one decade, the officer continued striving for excellence in discharge of her duties.

5. However, despite contributing for over 14 yrs of service in the org in the ibid uncertainty, perplexity and absence of any suitable policy to the effect, the officer was in a state of pure neglect and was being treated like a second grade officer. As a result due to long pendency of the issue being sub-judice and absence of any concrete guidelines on the sub, the officer on admn and org constraints was forced to apply for release from service in Jul 2019 vide ref at para 1(g) above. The same was granted vide letter at para 1(h) above.

6. Presently in light of the recent devp and fresh perspective under the esteem guidance of the COAS, the org is on a path towards reforms and is making significant strides in ensuring more inclusive envt for women offr. The org is actively considering the process of formulation of some concrete policy and issue of dims charting out clear roadmap for women officer in the Army. Thus it is humbly requested that the officer may pl be called to join back for discharging her duties in the org with immediate effect since the request for release was primarily based on the grounds of non availability of PC to EME Corps.

7. In view of the facts highlighted above, may I humbly request the COAS to kindly consider the request for



revoking the release order in respect of the officer and grant permission to resume her duties back to the service as per the cannons of natural justice and possible one time relief on the sub. Your kind consideration will go a long way in securing the future of the officer in it of self-sustenance and possible rightful place within the org.”

16. She had also written letters dated 05.03.2020, 24.03.2020 and 21.07.2020 wherein she had reiterated her request for reinstatement in service and sought the revocation of her release order. However, the competent authorities vide letter dated 10.11.2020, rejected her request by stating as follows:

- “1. Please refer to your letter No. 00861/RN/Pers/DO dated 30 Jan 2020.*
- 2. Your request for reinstatement in service has been examined with due consideration by the competent auth but has not been accepted, being not eligible.*
- 3. All ranks of Indian Army convey their good wishes to you and your family.”*

17. We are of the opinion that the conclusion of the Tribunal must be given due consideration in the facts of this case. The relevant portion of the impugned order reads as under:-

“26. A perusal of the directions issued by the Hon’ble Supreme Court in its judgment in Babita Puniya (supra) clearly indicates that, by virtue of being in service in terms of Para 69(i)(a), and in light of the protection extended to her by the Hon’ble Supreme Court, the applicant would have been entitled to be considered for the grant of Permanent Commission, or, in the alternative, would have completed twenty years of service, thereby becoming eligible for the grant of service pension. However, the applicant opted to seek



retirement, of her own volition, even when granted extension to continue in service and on purely personal grounds. This voluntary decision amounted to a conscious waiver of her right to claim the benefit of the judgment rendered in Babita Puniya (supra). It is evident, therefore, that the applicant herself, by undertaking that she will not seek any benefits arising out of the aforesaid judgment, cannot come back later to seek the same benefits on the ground of parity.

27. We find it pertinent to place reliance on our observations in Lt Col Anupama Munshi & Ors v. Union of India & Ors [OA 599/2021: AFT PB] involving a similar factual matrix, relevant paragraphs of which are reproduced herein as under:

48. From a detailed look at the aforesaid directions of the judgment of Hon'ble Supreme Court, it is well clear that by virtue of being a petitioner before the 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 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.

49. 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 Permanent Commission, 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 judgment of Apex Court in Babita Puniya (supra), and not that she retired upon completion of her terms of engagement.

50. With respect to the reliance placed by the applicant on two important judgements of Wg Cdr A U Tayyaba and Ors v. Union of India & Ors. [2024 INSC 311] and Cdr Jaya Kapoor (Retd.) & ors. V. 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.

51. While in Wg CdrAU Tayyaba (supra), appellants retired from the service on completion of their terms of engagement but approached the Delhi High Court, immediately after the judgement of Delhi High Court dated 12.03.2010 in Babita Puniya v. Secy, Ministry of Defence (supra) challenging the manner of implementation by Indian Air Force, and admittedly, when the decision was rendered by the Supreme Court in Secy, Ministry of Defence v. Babita Puniya (supra) on 17.03.2020, appellants were before the 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 Delhi High Court on the date of judgement of Hon'ble Supreme Court in Babita Puniya (supra).

52. In the instant case, while the applicant



was a petitioner before the 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).

28. Therefore, in view of the aforesaid analysis, we are of the considered view that the position adopted by this Tribunal – that an officer who, having been eligible for consideration for the grant of Permanent Commission, voluntarily relinquishes such a right, cannot subsequently claim the benefit thereof on account of a later legal development – is legally sound and well-founded. Such an officer, having consciously elected to forego the entitlement, is bound by the principle of promissory stoppels and cannot be permitted to approbate and reprobate. We find no infirmity in the reasoning and see no cause to take a different view.

29. Before parting, we must clearly specify that we have extensively considered the differences in factual context of all three OAs tagged herein, and we find that none of the differences change our aforesaid conclusive opinion on the material facts and circumstances in either of the OAs.

30. Hence, the aforesaid OAs including the two tagged OAs namely OA 1372/2021 & OA 1452/2021 fail on merits, and thus, being dismissed as devoid of merit.”

(emphasis supplied)

18. The Supreme Court, in **Secretary, Ministry of Defence v. Babita Puniya (supra)**, while affirming the decision of this Court had held 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.”

19. Thus, it is clear that the benefit of the judgment would be given to those officers in service, or those who had moved this Court by filing the writ petitions, and those who had retired during the course of pendency of the proceedings. In **Wg. Cdr. A. U. Tayyaba (supra)**, the appellants had retired from service after completion of their terms of engagement, and approached this Court immediately after the judgment in **Secretary, Ministry of Defence v. Babita Puniya (supra)**.

20. However, in the present case, as held by the Tribunal, the petitioner had, out of her own volition, sought voluntary release from service citing personal reasons, waiving off her right to claim any benefit arising out of the judgments. If that be so, we are in agreement with the decision of the Tribunal that the petitioner having consciously elected to relinquish the entitlement, cannot now claim such entitlement. Though, the learned counsel for the petitioner has contended that the appellants had voluntarily retired from service, no such position emerges from a perusal of the judgment. Paragraph 21 of the judgment construes the expression ‘retired’ as a release from service, since the SSCOs were governed by a release from service following the initial tenure of five years followed by two extensions of six years and four years respectively.

21. In view of the discussion above, and in the facts of this case, we are of the view that the Tribunal was justified in dismissing the petition.



2026:DHC:401-DB



22. We find no merit in the present petition and the same is liable to be dismissed. We order so accordingly.
23. The pending application is dismissed as having become infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 07, 2026/sr