

Home (/) / Supreme court (/supreme-court) / Individuals Need Not File Separate...

Individuals Need Not File Separate Cases For Relief Granted To Others In Similar Cases Against Govt: Supreme Court

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While granting relief to a female army officer (<https://www.livelaw.in/supreme-court/supreme-court-grants-permanent-commission-to-woman-army-officer-who-was-denied-benefits-given-to-similarly-situated-others-277759>) by directing the

grant of a permanent commission even though she had not pursued litigation, the Supreme Court reiterated that individuals are not required to separately litigate for the same relief that was obtained by other similarly situated individuals against the action of the government department.

The reliefs granted to similarly situated individuals would be automatically extended to individuals who have not litigated their cases, the court said.

"It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court.", the bench comprising **Justices BR Gavai and KV Viswanathan** said.

"No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment," the Court added.

The appellant, a short-service commission officer in the Army Dental Corps in 2008, claimed parity with other similarly situated officers who were granted a permanent commission and had three chances to secure the commissioning. However, following an amendment in 2013 to the original policy, the appellant was denied the third opportunity for permanent commission, which other officers similarly situated had been granted.

The Armed Forces Tribunal (AFT) granted relief to other applicants by allowing them a one-time age relaxation. However, the appellant was denied benefit as she was not a party to the original case due to personal difficulties.

Setting aside the AFT's Order, the judgment authored by **Justice Viswanathan** observed that it was not necessary for the appellant to separately litigate her case when other similarly situated officers were granted relief by the AFT.

The Court said that the benefit of the AFT's decision granting permanent commission to other similarly situated officers should have also flowed to the Appellant, without compelling her to pursue her case separately on the same issue.

In support, the Court referred to the cases of **Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others (1975)** and **K.I. Shephard and Others vs. Union of India and Others (1987)** to observe that it would not be permissible to penalize those individuals who haven't approached the Court to advance their case when other similarly situated individuals had obtained relief in their favor, and the same benefits must be extended to the non-litigating individuals.

Accordingly, the appeal was allowed, and the same benefits extended to other similarly situated officers were also extended to the appellant.

Case Title: LT. COL. SUPRITA CHANDEL VERSUS UNION OF INDIA AND ORS.

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Click [here](https://www.livelaw.in/pdf_upload/435220222024-12-09-575431.pdf) to read/download the judgment
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