

(1997) 04 SC CK 0175

In the Supreme Court Of India

Case No : Writ Petition No. 416 Of 1989

Lt. C. Reethama Joseph (Mrs)

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 01-04-1997

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : (1997) 10 SCC 735

Hon'ble Judges : S. P. Kurdukar, J;K. Venkataswami, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K. Venkataswami and; S.P. Kurdukar, JJ.-The petitioner in this writ petition challenges the impugned order of release from service of the respondent on October 1988. This writ petition was filed under Article 32 of the Constitution of India challenging the vires of rules which enable the respondent to release the petitioner from service after marriage in accordance with the order of the President of India dated 16-1-1968. Clause III of the said order of the President reads as follows:

"The MNS (Regular) officers may be permitted to remain in service even after marriage at the discretion of the DG AFMS for a period of 2 years at a time. The cases of such married officers as are retained will also be reviewed by the DG AFMS periodically after every two years. This relaxation of the normal rules will be a temporary measure and the position will be reviewed by 1st January, 1970."

2. Though the constitutional validity of this rule/order is challenged, we do not think that this argument can be accepted in the light of the earlier order of this Court under identical circumstances in Lt. Indira Kumari Kartiayoni v. Maha Nideshak, Raksha Mantralaya, Shastra Sena Chikitsa Seva1.

3. However, the learned counsel seeks permission to challenge the order of release in accordance with the law before the appropriate authority.

4. Accordingly, we are dismissing the writ petition and we reserve the right of the petitioner to challenge the order of release dated October 1988 before the appropriate authority in accordance with law.

5. The writ petition is dismissed with no costs.