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SC contempt notice to secretaries of DoPT, UPSC

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New Delhi: The Supreme Court has issued notice to the secretary in the department of personnel and training (DoPT) and the UPSC secretary on a contempt petition filed against them for promoting 149 officers from the rank of deputy secretary level to director, allegedly in violation of the apex court's order which had directed the government to maintain status quo in promotion during the pendency of the case pertaining to reservation in promotion.

Agreeing to hear a contempt petition, a bench of Justices L Nageswara Rao and Vineet Saran issued notices to the two officials seeking response on the allegation of violation of its order. Advocate Kumar Parimal, appearing for the petitioner, brought to the court's notice its earlier order when it had turned down the government's plea to allow it to promote the officers during the pendency of the case.

He submitted that the SC had on April 15, 2019 passed

A petition was filed against them for promoting 149 officers, allegedly in violation of SC's order which had directed the govt to maintain status quo in promotion during the pendency of the case pertaining to reservation in promotion



an order directing the government to maintain the status quo with regard to the promotion of the officers and it rejected DoPT's application for permission to grant ad-hoc promotion in July last year. He said in breach of the apex court's order, DoPT in December 2020 issued promotion orders in favour of 149 officers from selection grade (deputy secretary) of the cen-

tral secretariat service to senior selection grade (director) on an ad-hoc basis.

"It is crystal clear that the contemnors have deliberately, wilfully and dishonestly disobeyed the order of the court. Hence it amounts to civil contempt and therefore the alleged contemnors are required to be punished for commission of the offence," the petition said.

"The promotion order was issued without reviewing the select list of under secretary for the year 2003 and onwards and consequential review of deputy secretary select list of 2003 and onwards in terms of Constitution bench judgments in M Nagaraj and Jarnail Singh," the petition said. "The petitioner herein and the contesting respondents in 2019 case are similarly situated and their grievances are substantially the same as DoPT refused to review the select lists of under secretary grade for the years 2003 onwards and consequential review of the deputy secretary select lists drawn on the basis of under secretary select lists of 2003 onwards in terms of Constitution bench judgement in M Nagaraj case," the petitioner said.