

ITEM NO.44

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 700/2017 In W.P.(C) No. 521/2008

RAJEEV KUMAR GUPTA & ORS.

Petitioner(s)

VERSUS

BHANU PRATAP SHARMA . & ORS.

Respondent(s)

(IA No. 127023/2022 - INTERVENTION/IMPLEADMENT)

WITH

CONMT.PET.(C) No. 873/2023 in W.P.(C) No. 521/2008 (X)
(IA No. 72253/2023 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 999/2023 in W.P.(C) No. 521/2008 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100269/2023
IA No. 100269/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Dr. Sushil Balwada, AOR
Mr. Vidya K Sagar, Adv.
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Mr. Pramod Kumar, Adv.
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Ms. Krishnamohan K., AOR
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For Respondent(s) Mr. K.M. Nataraj, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
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Mr. Akshay Amritanshu, Adv.
Mr. Sanjay Kumar Visen, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Madhav Sinhal, Adv.

Mr. N Venkataraman, A.S.G.
Mr. Zoheb Hussain, Adv.
Mr. Bhuvan Mishra, Adv.
Mr. Manish, Adv.
Mr. Shantnu Sharma, Adv.
Mrs. Srishti Mishra, Adv.
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Mr. H. Raghwendra Rao, Adv.
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Mr. Arvind Kumar Sharma, AOR
Mr. Gaurav Agrawal, AOR

Mr. Devendra Singh, AOR
Mr. Karan Thakur, Adv.
Mr. Ajay Nain, Adv.
Mr. Anmol Harna, Adv.
Mr. Vijay Kumar Singh, Adv.
Mr. Ashish Sheoran, Adv.
Mr. Surinder Singh Lohchab, Adv.
Mr. Sahil Lohchab, Adv.
Mr. Kashmira Singh Chahar, Adv.
Mr. Sameer Singh, Adv.

Mr. R. Venkataramani, Attorney General for India
Mr. N Venkataraman, A.S.G.
Mr. Zohib Hussain, Adv.
Mr. Rajan Kr. Choursia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitcav Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Amrish Kumar, AOR

Mr. Sahil Bhalaik, AOR

UPON hearing the counsel the Court made the following
O R D E R

Contempt Petition(C) Nos. 700/2017 & 999/2023 in W.P.(C) No. 521/2008

List on 19.02.2024 on the top of the board.

Contempt Petition(C) No. 873/2023 in W.P.(C) No. 521/2008

We have perused the affidavit filed on behalf of the respondents-contemnors and, especially last sentence of paragraph No. '7', which reads thus: -

"7. Therefore, he became eligible for promotion on 01.11.2013. The next crucial date after his eligibility is 01.04.2014 i.e. for vacancy year 2014-2015."

The officer, who is present in the Court on behalf of the Government, instructs learned Additional Solicitor General to make a statement that promotion has been granted to the petitioner with retrospective effect from 01.04.2014.

However, the order dated 09.01.2024 is to the contrary and, in fact, promotion has been granted with effect from 13.01.2023. Mr. Sanjay Malhotra, Secretary, Department of Revenue, Ministry of Finance and Shri S.A. Ansari, who is instructing the learned ASG shall personally remain present in this Court on 19.02.2024.

Normally, we hesitate in passing orders directing personal presence of the Secretaries or high government officials. But, we may note here that earlier, we had passed an order directing personal presence of the Secretaries. Only in view of the assurance that full compliance will be made, we dispensed with the personal appearance. That is the reason we are directing both Shri Sanjay Malhotra and Shri S.A. Ansari to personally remain present in the Court.

We, however, make it clear that unless the order of promotion is modified by 19.02.2024, serious consequences will follow.

List on 19.02.2024 on the top of the board.

(POOJA SHARMA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)