

EASTERN RAILWAY

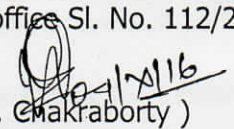
No.E.220/0/2/RR/Pt.XVII.

Kolkata , Dated : 04/10/2016

ALL CONCERNED

Sub : Contempt Petition (C) No.314/2016 in SLP (C) No.4831/2012 –
Samta Andolan Samiti through President -Vs- Sanjay Kothari & Ors.

A copy of Railway Board's letter No.2016-E(SCT)I/25/8 dated 30.09.2016(RBE No.117/2016) is forwarded for information, guidance and necessary action. Board's earlier letter dated 01.09.2010 (RBE No. 126/2010) was circulated under this office Sl. No. 112/2010.


(S. Chakraborty)
Sr. Personnel Officer (BGB)
For Chief Personnel Officer.

Copy of Railway Board's letter No.2016-E(SCT)I/25/8 dated 30.09.2016 (RBE No.117/2016) addressed to General Manager(P), All Indian Railway and others.

Sub : Contempt Petition (C) No.314/2016 in SLP (C) No.4831/2012 –
Samta Andolan Samiti through President Vs Sanjay Kothari & Ors.

Ref : i) DOP&T's O.M. No.36012/45/2005-Estt.(Res) dated 10.8.2010.
ii) Board's letter No.2010-E(SCT)I/15/13 dt. 01.09.2010 (RBE No.126/2010).
iii) Learned Solicitor General of India's DO letter No.SG/2/2016-262(1) dated 29.09.2016 addressed to the Cabinet Secretary with a copy endorsed to Chairman Railway Board and Secretary, DOP&T w.r.t Contempt Petition (C) No.314/2016 in SLP (C) No.4831/2012.

The aforesaid Contempt Petition (C) No. 314/2016 in SLP (C) No.4831/2012 came up for hearing on 29.09.2016. In follow up of hearing of the above mentioned contempt case, Shri Ranjit Kumar, the Learned Solicitor General of India vide his letter No. SG/2/2016-262(1) dated 29.09.2016, has communicated and advised Mo Railways as under :-

"..... After hearing the matter for sometime, the Court felt that the main matter is required to be decided and therefore, adjourned the Contempt Petition to be decided along with the main matters and fixed the date of hearing for 22.11.2016 as the first case. The court stated that if the Solicitor General wants to make a statement that no further promotions of reserved category persons to unreserved posts will be made relying on the circulars dated 10.08.2010/14.09.2010, then they would not pass any further interim order. I informed the court that the Government would not pass any further order of promotion relying upon either of these two circulars or on the basis thereof. I also conveyed to the Court that I will write a letter informing of about my statement to the Court to you and to the Secretary, DOP&T and the Chairman, Railway Board. That is why I am addressing this letter to you so that all the Departments are conveyed of the assurance given in the Court that in the matter of making any promotion of a reserved category officer/employee the Department concerned would not rely upon or make the basis of such promotion to an unreserved post based on the circulars dated 10.08.2010 and 14.09.2010 and that any violation thereof will bring about a definite contempt....."

Contd....2/.

(Circular dated 14.09.2010 as quoted by the Ld. SG be read as 01.09.2010 which is RBE 126/2010 dated 01.09.2010 issued based on DOP&T's OM dated 10.08.2010).

In view of the above assurance, received from the Ld. Solicitor General of India, it is advised that Railway Board's RBE No.126/2010 dated 01.09.2010, is held in abeyance with immediate effect till further advice, and all future promotion of reserved category person to unreserved posts will now be made by ignoring Railway Board's RBE No. 126/2010 dated 01.09.2010 which in turn was based upon the DOP&T's OM dated 10.08.2010 & under reference No. (i) & (ii) above. However, all promotion order henceforth shall be subject to outcome of the main SLPs and the above mentioned contempt petition which are still pending.

The above may please be brought to the notice of the all concerned for information and strict compliance.

Sd/-
(U. N. Mehta)
Jt. Director Estt. (Res.)

INDEX NO. 1065 :- Contempt Petition (C) No.314/2016 in SLP (C) NO.4831/2012- Samta Andolan Samiti through President -Vs- Sanjay Kothari & Ors.