

No. 20-13/2017-Min.Estt.Vol 2 6728
Government of India
Ministry of Water Resources
River Development & Ganga Rejuvenation
Central Ground Water Board
Bhujal Bhawan
NH-IV, Faridabad-121001

Dated: 31 OCT 2018

OFFICE ORDER NO. 559 OF 2018

The DOP&T had issued the following directions in Para 4 and 5 in their OM No. 36012/11/2016-Estt(Res.) dated 30.9.2016 in Contempt Petition (C) No. 324/2016 in SLP (C) No. 4831/2012-Samta Andolan Samiti through its president Vs Sanjay Kothari and Ors:-

Para 4: "In order to preclude any interim order in the contempt case, as desired by the Hon'ble Supreme Court, the Learned Solicitor General has undertaken that till such time the main matter alongwith the contempt petition is decided, no further promotions of reserved category persons to unreserved posts will be made based on the DOP&T OM dated 10.8.2010 and Railway Board circular dated 14.9.2010."

Para 5: "In the light of the above, till such time that the SLP(s) are decided by the Hon'ble Supreme Court, while considering promotion, the DOPT OM dated 10.8.2010 and Railway Board circular dated 14.9.2010 are not to be relied upon. The main matter alongwith the contempt petition is likely to be taken up for hearing on 22.11.2016"

In order to comply with the above directions of DOPT, the promotion order issued vide office order No. 217 of 2017 issued under letter No. 20-01/2017-Min.Estt.-1927 dated 23.03.2017 in respect of the following Officials were withdrawn vide this office Order No.438 of 2017 issued under letter No.20-17/2017-min.Estt.4724 dated 01.08.2017:-

S. No.	Name	Post held before promotion	Promoted to the post	Place of posting on promotion
1	Sh. D. Suresh Kumar	UDC	Assistant (Now Office Superintendent)	CGWB, Div IX, Hyderabad

Recently, the DoPT has issued directions vide OM No.36012/11/2016-Estt(Res-IO {Pt-II} dated 15.6.2018 for implementation of interim orders/directions in SLP of Jarnail Singh, SLP No.31288/2017 and other related court cases as under:-

(v) In Para-2 of this OM, it is stated that Hon'ble Supreme Court has passed following order in SLP (C) No.30621/2011 on dated 17.5.2018:

"It is directed that the pendency of this Special Leave Petition shall not stand in the way of Union of India taking steps for the purpose of promotion from 'reserved to reserved' and 'unreserved to unreserved' and also in the matter of promotion on merits."

(vi) In Para-3 of this OM, it is stated that in the matter related to SLP(C) No.31288/2017, connected to SLP(C) No.28306/2017, the Hon'ble Supreme Court has held as under on 5.6.2018:

"Heard learned counsel for the parties. Learned ASG has referred to order dated 17.5.2018 in SLP (C) NO.30621/2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP(C) No.30621 of 2011."

(vii) In Para-4 of this OM, keeping in view of the above 2 directions of SC, it is stated by DoPT that the cadre controlling authorities of Central Govt. Ministries, Deptts. and UTs are to carry out promotions in accordance with the directions of the Hon'ble Supreme Court mentioned in Para 2 and 3 above based on existing seniority/select lists.

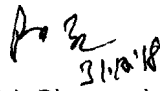
(viii) In Para-5 of this OM, it is stated that promotion order must clearly mention the stipulation that the promotion shall be subject to further orders which may be passed by the Hon'ble Supreme Court.

The Ministry has also clarified vide their letter No.35011/01/2017-GWE (Pt.II) dated 6.7.2018 that the "clarification issued by DoPT vide their OM No.36012/11/2016-Estt.(Res-I) {Pt-II) dated 15.6.2018 is very specific and clear. CGWB is, therefore advised to carry out promotion in accordance with the directions of the Hon'ble Supreme Court mentioned in Para 2 & 3 of the OM dated 15.6.2018. The promotions shall be subject to further orders which may be passed by the Hon'ble Supreme Court."

In view of the above, the promotion orders of the above officials withdrawn vide this office Order No.438 of 2017 issued under letter No.20-17/2017-Min.Estt.4724 dated 1.8.2017 is hereby revoked and promotion order issued vide this office Order No.217 of 2017 issued under letter No.22-01/2017-Min.Estt.1927 dated 23.03.2017 is hereby restored from the date of issue.

The above restoration of the promotion orders in r/o of the above officials is subject to further orders which may be passed by the Hon'ble Supreme Court.

This issues with the approval of Chairman, CGWB.


(P.L. Bhagora)
Administrative Officer

Distribution:

1. Person Concerned.
2. The Regional Director, CGWB, SR, Hyderabad.
3. The Executive Engineer, CGWB, Div IX, Hyderabad
4. The Pay & Accounts Officer, Bhujal Bhawan, Faridabad.
5. The Programmer, CGWB, Faridabad for uploading above order on the website of CGWB.
6. PA to Chairman, CGWB, Faridabad for information.
7. PS to Director (Administration), CGWB, CHQ, Faridabad for information.
8. DPC file No. 22-01/2017-Min.Estt.
9. Personal files of the concerned.
10. Office Order file.