

ITEM NOS.14 + 22

COURT NO.5

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

ITEM NO.14:

CONMT.PET.(C) No.678/2020 in C.A.No.1567/2017

ANAND K.N. & ORS.

Petitioner(s)

VERSUS

BIJU PRABHAKAR & ORS.

Respondent(s)

(IA No. 50712/2021 - APPLICATION FOR PERMISSION)

WITH

CONMT.PET.(C) No. 686/2020 in C.A. No. 1567/2017 (IV-A)
(FOR AMENDMENT IN CAUSE TITLE ON IA 40062/2021
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 45546/2021
IA No. 45546/2021 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 680/2020 in C.A. No. 1567/2017 (IV-A)
(FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 118106/2020
FOR APPLICATION FOR PERMISSION ON IA 53240/2021
IA No. 53240/2021 - APPLICATION FOR PERMISSION
IA No. 118106/2020 - EXEMPTION FROM FILING PAPER BOOKS)

CONMT.PET.(C) No. 282/2021 in C.A. No. 1567/2017 (IV-A)
(FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 48469/2021
IA No. 48469/2021 - EXEMPTION FROM FILING PAPER BOOKS)

Diary No(s). 3440/2022 (IV-A)
(IA No. 54228/2022 - EXTENSION OF TIME)

WITH

ITEM NO.22:

CONTEMPT PETITION (C) Diary No(s).13262/2022 in C.A. No.1567/2017

Date : 19-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

For the parties :

Mr. Arvind Kumar Sharma, AOR

Mr. Kuriakose Varghese, Adv.
Mr. Surya Prakash, Adv.
Mr. Akshat Gogna, Adv.
M/S. Kmp Law, AOR

Ms. Malini Poduval, AOR
Ms. Babita Sant, Adv.

Ms. Rukhsana Choudhury, AOR
Mr. Abhinav Ramkrishna, AOR

Md. Naushad Alam, AOR
Ms. Mithilesh Jaiswal, Adv.

Mr. V. N. Raghupathy, AOR
Md. Apzal Ansari, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, adv.
Mr. Rakshit Jain, adv.
Mr. Vishal Bansal, Adv.

Mr. C. K. Sasi, AOR
Mr. Abdullah Naseek, Adv.
Ms. Meena K.P., Adv.

Ms. Aishwarya Bhati, Ld ASG
Mr. O.P. Shukla, Adv
Ms. Ruchi Kohli, Adv
Mr. Navanjay Mahapatra, Adv
Mr. Shiv Mangal Sharma, Adv
Mr. Rustam Singh Chauhan, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Arvind Kumar Sharma, AOR

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, AOR
Mr. Dhruv Joshi Adv,
Mr. Manoj Joshi Adv,
Mr. Anand Singh Adv
Mr. Prafful Saini Adv,
Mr. Nishant Gautam Adv,
Mr. B Purushottama Reddy Adv
Lalitha Kaushik AOR
Elaisha Asher Adv

Dr. (Mrs.) Vipin Gupta, AOR

Mr. Rajn Mani, Adv.
Ms. Reetu Kumr, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

Mr. Wahengbam Immanuel Meitei, Adv.

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

ITEM 14

CONTEMPT.PETITION(C) No.678/2020 in C.A.No.1567/2017 and
CONTEMPT PETITION(C) No. 680/2020 in C.A. No. 1567/2017

The complaint of the petitioners in these contempt petitions is that the reservations have not been provided for persons with disabilities in spite of repeated directions issued by this Court.

Taking note of the fact that the instructions have not been issued by the Government of India under the proviso to Section 34 of the Rights of Persons with Disabilities Act, 2016 (Disabilities Act, 2016). By an Order dated 28.09.2021, this Court granted four months' time for issuing the instructions.

In these contempt petitions we are concerned with promotions to civil posts in the State of Kerala. A counter affidavit has been filed by the State informing this Court that the process of identification of posts is going on. It is stated in the affidavit that 380 posts have been identified for the purpose of providing reservation to persons with disabilities.

Learned counsel for the petitioners submitted that the computation of vacancies is not done in a proper manner and that the decision to be taken for providing reservations and the implementation of the

orders passed by this Court brooks no further delay.

The State of Kerala is directed to complete the process of identification and implement the directions given by this Court by promoting the eligible candidates in the identified vacancies. The Status report may be filed by 2nd week of July, 2022.

CONMT.PET.(C) No. 686/2020 in C.A. No. 1567/2017

The Union of India, pursuant to the order passed by this Court on 28.09.2021, issued an Office Memorandum dated 17.05.2022 relating to the reservation in promotion to persons with benchmark disabilities. Learned counsel for the petitioners submitted that they have certain objections to this memorandum. These objections shall be heard after the ensuing summer vacations, 2022.

The contention of the petitioner is that he has succeeded before this Court in spite of which he is not being considered for promotion to IAS. The reason for his non consideration to IAS by selection from non-SCS category is that Government of India has not taken a decision to implement reservations in promotion. Ms. Aishwarya Bhati, learned Additional Solicitor General, submits that she will obtain instructions on the issue pertaining to implementation of reservations for disabled persons under the Persons with Disabilities Act, 1995.

An affidavit may be filed by the Union of India

informing this Court about the decision taken for implementation of the directions issued by this Court.

Item 22

CONTEMPT PETITION (C) D. No.13262/2022 in C.A. No.1567/2017

Application for permission is granted.

Issue notice.

Personal appearance of the alleged contemnor(s) is dispensed with for the present.

List all the matters on 25.07.2022.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Assistant Registrar