

**Immediate/Date Bound**  
**Contempt Petitions**

**Subject - Regarding filing of reply to the contempt petitions against Chief Secretary.**

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Will the Administrative Secretaries of following departments kindly refer to the subject noted above:-

1. Revenue & Disaster Management Department
2. PW (B&R) Department
3. School Education Department
4. Transport Department
5. Irrigation Department
6. Agriculture and Farmer Welfare Department.

They are informed that the matter regarding providing reservation to the SC category employees in the promotion was discussed in details. The State of Haryana issued instructions dated 16.3.2006 providing benefit of accelerated seniority to the SC category employees in terms of article 16(4A) of Constitution of India. The above said instructions were challenged in the Hon'ble High Court which were quashed vide order dated 7.8.2012 passed in CWP No. 17280 of 2011 - Prem Kumar Verma and others V/s State of Haryana. The State Govt. again issued instructions dated 28.2.2013 providing reservation in promotion. These instructions were also challenged in the Hon'ble High Court in CWP No. 25512/2012 titled Rajbir Singh V/s State of Haryana. The Hon'ble High Court had also quashed these instructions vide order dated 14.11.2014.

The Hon'ble High Court vide order dated 14.11.2014 passed in CWP No. 25512/2012 had directed the respondents to revert those SC category employees who were promoted after giving accelerated seniority under the instructions dated 16.3.2006 and 28.2.2013 which were quashed. Subsequently, some departments had implemented the order of the Hon'ble High Court and those employees were reverted back to their posts who were given accelerated seniority under the above said instructions.

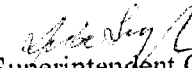
Thereafter, the State Govt. again issued instructions dated 15.5.2015 providing 20% reservation in promotion alongwith seniority to SC category employees w.e.f. 1.4.2013. These instructions were issued on the basis of the report submitted by P. Raghvendra Rao Committee. The instructions dated 15.5.2015 were also challenged in the Hon'ble High Court in CWP No. 11073 of 2015 - Dinesh Kumar V/s State of Haryana. The Hon'ble High Court had stayed the operation of these instructions vide order dated 27.5.2015. In this writ petition the Hon'ble High Court had also passed an interim order dated 28.11.2015 in which it was directed that SC category employees who have been promoted shall not be reverted till the next date of hearing. The stay of operation of instructions dated 15.5.2015 still continues.

Subsequently, general category employees had filed contempt petitions against the Chief Secretary for not implementing the order dated 14.11.2014 passed in CWP No. 25512/2012 by the Hon'ble High Court and

the respondent has to file reply to these contempt petitions in the Hon'ble High Court in compliance of the order dated 4.11.2016 before 9.2.2017. Matter has been examined in consultation with AG Office. It has been advised that Govt. should revert only those employees of reserved category who were promoted after giving accelerated seniority under the instructions for the period from 28.2.2013 to 31.3.2013.

The matter was sent to the Advocate General Haryana for legal opinion. The Advocate General has given an opinion that the instructions dated 16.3.2006 and 28.2.2013 have been set aside by the Hon'ble High Court. Therefore, the reserve category employees who got benefit on the basis of said instructions are liable to be reverted subject to their claim for promotion on the basis of seniority or any other instructions. In regard to stay of reversion of SC category employees in view of the order passed by Hon'ble High Court dated 28.11.2015 in CWP No. 11073 of 2015 and similar writ petitions are concerned, as there is an interim order passed in the above said writ petition by the Hon'ble High Court where by the reversion has been stayed, so no reversion can be ordered.

They are requested to take immediate action regarding reversion of SC category employees who were given accelerated seniority from 28.2.2013 to 31.3.2013 and send action taken report to the General Administration Department by 31.1.2017 positively so that reply to the contempt petitions could be prepared and filed in the Hon'ble High Court.

  
Superintendent GS-III  
for Chief Secy. to Govt. Haryana

To

1. Addl. Chief Secretary and Financial Commissioner & Secretary, Revenue & Disaster Management Department
2. Addl. Chief Secretary to Govt. of Haryana, PW (B&R) Department
3. Addl. Chief Secretary to Govt. of Haryana, School Education Department
4. Addl. Chief Secretary to Govt. of Haryana, Transport Department
5. Principal Secretary to Govt. of Haryana, Irrigation Department
6. Principal Secretary to Govt. of Haryana, Agriculture and Farmer Welfare Department.

U.O. No. 22/198/2015-IGSIII

Dated: 25.1.2017