

ANNEXURE R-8

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No. 1431 / 2008

In C.W.P. No. 5608 of 2007

1. Deepak Verma son of Sh. Joginder Singh Verma, Telecom Technical Assistant (TTA), o/o Sub Divisional Engineer(Computer), SSA-Faridabad, Bharat Sanchar Nigam Limited (BSnL), Faridabad(Haryana)
2. Virender Kumar Sharma S/o Sh. Duli Chand Sharma, Telecom Technical Assistant (TTA), O/o Sub Divisional Engineer(Transmission), SSA-Faridabad, Bharat Sanchar Nigam Limited (BSNL), Faridabad (Haryana)
3. Subhash son of Sh. Rohtash Singh, Telecom Technical Assistant (TTA), O/o Sub Divisional Engineer (Phones), SSA-Faridabad, Bharat Sanchar Nigam Limited (BSNL), Faridabad (Haryana)

..Petitioners

Versus

1. Sh. Kuldeep Goyal, Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd, 3rd Floor, Corporate Office,

Bharat Sanchar Bhawan, Janpath, New Delhi-110001.

2. Sh. P.M. Verma, Assistant Director General(Pers-IV),
BSNL, Corporate Office, Personnel-V Section, 5th Floor,
Bharat Sanchar Bhavan, Janpath, New Delhi-110001.

..Respondents

Contempt petition under Section 11 & 12 of the
Contempt of Courts Act for violating and not
complying with the decision dated 30.5.08 (P-1)
passed by the Hon'ble High Court.

Present: Mr. R.B. Malik, Sr. Advocate with Mr. Vishal Malik,
Advocate for the petitioner.
Mr. Madan Mohan, Advocate for respondent.

Respondent No. 2 is present in person.

Reply has been filed by the respondents. In the reply, it
is indicated that BSNL Management has taken a decision to restore
the direct recruitment quota earlier diverted to accommodate the
waiting list candidates. In the Annexure R-1/2, it is stated that 3500
posts of JTOs of direct recruitment quota will stand diverted to the
interim quota with immediate effect. Further 3500 supernumerary

posts have been created for Circle wise break up of posts diverted earlier to adjust those officials who have already been promoted against the abovesaid promoted posts. Based upon aforesaid, it is argued on behalf of the respondents that by diversion of the 3500 posts for direct recruitment quota, the judgment stands complied with.

With the perusal of the judgment dated 30.05.2008, it appears that this Court clearly observed that any official who falls under 35% quota meant for JTOs shall have no right against the vacancies after 31.08.1991. By creating supernumerary posts, the respondents have already created the manpower. In this manner, the petitioners who might have become eligible between 1999 to 2000 and thereafter have been deprived of their consideration or to participate in the screening test. The entire exercise seems to have been made to circumvent the judgment of this Court. The respondents seems to have deliberately committed the contempt of the Court. In this view of the matter, prima facie the charge of contempt is made out. Both the respondents are directed to appear in person to enable this Court to frame a formal charge of contempt against them. Learned counsel for the respondents undertakes to cause the appearance of respondent No. 1 on the next date of hearing.

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List this matter on 19.12.2008.

Respondent No. 2 shall also continue to remain present
on all the hearings unless exempted.

November 19,2008.

Sd/-(Permod Kohli)

Judge

True Copy

Advocate