

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

CONMT.PET.(C) DIARY NO.10593/2025 IN W.P.(C) NO.521 OF 2008

DINESH RATANGWAL & ORS.

PETITIONER(S)

VERSUS

MRUTYUNJAY MOHAPATRA & ORS.

**ALLEGED CONTEMNOR(S)/
RESPONDENT(S)**

WITH

CONMT.PET.(C) NO. 676/2024 IN W.P.(C) NO. 521/2008

CONMT.PET.(C) NO. 5/2025 IN W.P.(C) NO. 521/2008

CONMT.PET.(C) NO. 6/2025 IN W.P.(C) NO. 521/2008

CONMT.PET.(C) NO. 7/2025 IN W.P.(C) NO. 521/2008

CONMT.PET.(C) DIARY NO.4559/2025 IN W.P.(C) NO. 521/2008

O R D E R

CONMT.PET.(C) DIARY NO(S).10593/2025

1. The petitioners were employed in 2019 when the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was not in force. As far as the judgment and order dated 30th June, 2016 in Writ Petition (C) No.521/2008 is concerned, it directs implementation of the 1995 Act with reference to the Notification dated 18th June, 2007.

2. Obviously, the petitioners are seeking benefit under the subsequent enactment. Therefore, the remedy of the petitioners is not a Contempt Petition but to file substantive proceedings. By granting the liberty to the petitioners to do so, the Contempt Petition is disposed of.

CONMT.PET.(C) NO. 676/2024 IN W.P.(C) NO. 521/2008 (10.2)

1. After having heard the learned counsel appearing for the petitioners, we find that filing Contempt Petition alleging breach of the judgment and order dated 30th June, 2016 in Writ Petition (C) No.521/2008 may not be a correct remedy. The petitioners will have to file substantive proceedings for the purposes of redressal of their grievances. While doing so, they may rely upon the said judgment and order dated 30th June, 2016. But contempt petition is not the appropriate remedy. We dispose of the Contempt Petition by granting liberty to the petitioners to adopt appropriate remedy.

CONMT.PET.(C) NO. 5/2025 IN W.P.(C) NO. 521/2008, CONMT.PET.(C) NO. 6/2025 IN W.P.(C) NO. 521/2008 AND CONMT.PET.(C) NO. 7/2025 IN W.P.(C) NO. 521/2008

1. The learned counsel appearing for the petitioners states that though the grievance of the petitioners regarding non-grant of promotion does not survive with the passage of time, but what remains is the grievance of the petitioners about seniority.

2. Hence, the Contempt Petitions are disposed of. It will be open for the petitioners to file appropriate proceedings to agitate the issue about the seniority.

DIARY NO.4559/2025

1. Application seeking permission file the Contempt Petition is rejected.

2. *Prima facie*, the petitioner has adopted a wrong remedy. However, the petitioner is a person with disability. We, therefore, direct the third respondent/third contemnor to ascertain whether representation dated 29th April, 2024 (Annexure C-16) has

been considered. If he finds that the said representation has not been considered, we direct that the same shall be considered within a period of three months from the date on which a copy of this Order is served upon the third respondent/third contemnor. We direct the petitioner to submit a copy of this Order along with a copy of the representation dated 29th April, 2024 to the office of the third respondent/third contemnor.

3. The Contempt Petition is disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
APRIL 24, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCONMT.PET.(C) NO. 700/2017 IN W.P.(C) NO. 521/2008

RAJEEV KUMAR GUPTA & ORS.

Petitioner(s)

VERSUS

BHANU PRATAP SHARMA . & ORS.

Respondent(s)

(IA No. 127023/2022 - INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 10593/2025 (X)

(IA No. 52342/2025 - CONTEMPT PETITION)

CONMT.PET.(C) No. 676/2024 in W.P.(C) No. 521/2008 (X)
(IA NO.65584/2025 - APPLICATION FOR PERMISSION)CONMT.PET.(C) No. 675/2024 in W.P.(C) No. 521/2008 (X)
(IA No. 75078/2024 - APPLICATION FOR PERMISSION)

CONMT.PET.(C) No. 674/2024 in W.P.(C) No. 521/2008 (X)

CONMT.PET.(C) No. 5/2025 in W.P.(C) No. 521/2008 (X)

CONMT.PET.(C) No. 6/2025 in W.P.(C) No. 521/2008 (X)

CONMT.PET.(C) No. 7/2025 in W.P.(C) No. 521/2008 (X)

CONMT.PET.(C) No. 872/2024 in W.P.(C) No. 521/2008 (X)
(IA No. 266479/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 53497/2025 - APPROPRIATE ORDERS/DIRECTIONS AND IA No. 46248/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)CONMT.PET.(C) No. 873/2024 in W.P.(C) No. 521/2008 (X)
(IA No. 279582/2024 - CLARIFICATION/DIRECTION)CONMT.PET.(C) No. 874/2024 in W.P.(C) No. 521/2008 (X)
(IA No. 279993/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Diary No(s). 4559/2025 (X)

(IA No. 22733/2025 - APPLICATION FOR PERMISSION AND IA No. 46262/2025 - CONDONATION OF DELAY IN FILING)

Date : 24-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Krishnamohan K., AOR
Ms. Dania Nayyar, Adv.

Mr. Shreeyash Uday Lalit, Adv.
Mr. Ikshit Singhal, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Naveen Yadav, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Subodh, Adv.
Ms. Kajal Rani, Adv.
Mr. Rahul Saini, Adv.
Mr. C M Dwivedi, Adv.
Mr. A A Kalebudde, Adv.
For M/S. Mukesh Kumar Singh And Co., AOR

Mr. Chandan Kumar, AOR

Mr. Anupam Srivastava, Sr. Adv.
Mr. Prakhar Bhatnagar, Adv.
Mr. Abhishek Sharma, AOR
Mr. Sourav Tyagi, Adv.
Mr. Arkam Pasha, Adv.

Mr. Y P Singh, Adv.
Mr. Vidhya K Sagar, Adv.
Mr. Kaushal Yadav, Adv.
Mr. C. Laxmanna, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Rocky Khan, Adv.
Mr. Onkar Nath Sharma, Adv.
Mr. Srilok Nath Rath, Adv.
Dr. Sushil Balwada, AOR

Mr. Prabhu Nath, Adv.
Mr. Prakash Kumar Singh, AOR
Ms. Pooja Singh, Adv.
Ms. Purnima Jauhari, Adv.
Mr. Brij Bhushan Jauhari, Adv.

For Respondent(s): Mr. Zoheb Hussain, Adv.
Mr. Bhuvan Mishra, Adv.
Mr. H.R. Rao, Adv.
Mr. Manish, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Shrishti Mishra, Adv.
Ms. Saumya Tandon, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Zoheb Hussain, Adv.

Mr. Rajan Kumar Chourasia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Dr. N. Visakamurthy, AOR

Mr. Arvind Kumar Sharma, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Zoheb Hussain, Adv.
Mr. Rajan Kr.chourasia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Abhishek Kr. Panday, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Ms. Pankhuri Srivastava, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Sahil Bhalaik, AOR

Ms. Diva Singh, Adv.
Mr. Devendra Singh, AOR
Mr. Avinash Poddar, Adv.
Mr. Ankit, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Zoheb Hussain, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Ameyavikrama Thanvi, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Amrish Kumar, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Zoheb Hussain, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.

Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Ms. Pavithra V., Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Zoheb Hussain, Adv.

Mr. Rajan Kr.chourasia, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Kartikay Aggarwal, Adv.
Mr. Abhishek Kr. Panday, Adv.
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Ms. Pankhuri Srivastava, Adv.
Mr. Sudarshan Lamba, AOR

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Mr. Raj Bahadur Yadav, AOR
Mr. Zoheb Hussain, Adv.
Mr. Rajan Kumar Choursia, Adv.
Mr. Raman Yadav, Adv.
Ms. Sonali Jain, Adv.
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Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sonali Jain, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Amrish Kumar, AOR

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

CONMT.PET.(C) NO. 700/2017 IN W.P.(C) NO. 521/2008 (Item No.10)

1. We have perused the judgment and order dated 30th June, 2016 rendered in Writ Petition (C) No.521/2008 of which breach is alleged. The contention of the petitioners, who were the writ petitioners, is that in view of the directions issued by this Court, the case of the petitioners ought to have been considered for promotion in terms of the posts identified by the Government of India under the Notification dated 18th January, 2007 referred in

paragraph 3 of the judgment and order of which breach is alleged.

2. Our attention is invited to the averments made in the Contempt Petition. Firstly to paragraphs 14 and 18. The contention, as we understand from these two paragraphs, is that the case of the petitioners for promotion to the identified posts under the Notification dated 18th January, 2007 is not considered. It identified posts in Group A and Group B. The contention of the learned counsel appearing for the petitioners is that the case of the petitioners for promotion on the posts identified under the Notification dated 18th January, 2007 ought to have been considered in terms of the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, "the 1995 Act") from the date on which the 1995 Act came into force. Reliance is placed on paragraphs 23 and 24 of the judgment and order dated 30th June, 2016 of which breach is alleged by contending that the direction was to give effect to the reservation provided under the 1995 Act.

3. We, therefore, direct the contemnors to file a specific affidavit dealing with the aforesaid contentions. We are conscious of the fact that we are dealing with the breach of the order passed by this Court in a specific judgment. Nevertheless, this Court will have to ensure that the petitioners get the benefit of the 1995 Act in its true letter and spirit. We grant time of three weeks to the contemnors to file a specific affidavit in terms of this Order setting out the specific identified post. We grant time of two weeks to file a rejoinder affidavit.

4. List on 24th July, 2025 for hearing.

Diary No(s).10593/2025 (Item No.10.1), CONMT.PET.(C) No. 676/2024 in W.P.(C) No. 521/2008 (Item No.10.2), CONMT.PET.(C) NO. 5/2025 IN W.P.(C) NO. 521/2008 (Item No.10.5), CONMT.PET.(C) NO. 6/2025 IN W.P.(C) NO. 521/2008 (Item No.10.6), CONMT.PET.(C) NO. 7/2025 IN W.P.(C) NO. 521/2008 (Item No.10.7) AND DIARY NO(S). 4559/2025 (Item No.10.11)

The Contempt Petitions are disposed of in term of the common signed order which is placed on the file.

Pending applications, including the applications seeking condonation of delay, stand disposed of accordingly.

A copy of the order issuing notice in Contempt Petition (C) No.676/2024 is not placed on the top of the case file. The Registrar (Judicial) to take note of this default and take remedial action.

CONMT.PET.(C) NO.675/2024 IN W.P.(C) NO. 521/2008 (Item No.10.3)

The learned counsel appearing for the petitioner submits that the grievance of the petitioner is regarding the failure to grant promotion to the petitioner in the post identified under the Notification dated 18th January, 2007. The petitioner will file a specific affidavit to that effect setting out the post on which he ought to have been promoted. Such affidavit to be filed within a period of one week. Reply dealing with this grievance shall be filed by the contemnors within three weeks thereafter. Rejoinder affidavit to be filed within two weeks thereafter.

List on 24th July, 2025 for hearing.

A copy of the order issuing notice in this Contempt Petition is not placed on the top of the case file. The Registrar (Judicial) to take note of this default and take remedial action.

CONMT.PET.(C) NO. 674/2024 IN W.P.(C) NO. 521/2008, CONMT.PET.(C) No. 872/2024 in W.P.(C) No. 521/2008, CONMT.PET.(C) No. 873/2024 in W.P.(C) No. 521/2008 AND CONMT.PET.(C) No. 874/2024 in W.P.(C) No. 521/2008 (Item Nos.10.4, 10.8, 10.9 and 10.10)

The learned counsel appearing for the petitioners in the respective Contempt Petitions submit that though it is not specifically pleaded, the case of the petitioners is that they were entitled to seek promotion to the posts identified vide Notification dated 18th January, 2007 (referred in paragraph 3 of the judgment and order dated 30th June, 2016) and that they have been denied promotion to the promotional posts reserved under the Notification dated 18th January, 2007. We direct the petitioners to file a specific affidavit specifying the posts identified under the Notification dated 18th January, 2007 to which they were denied promotion. Such affidavit to be filed within a period of one week from today. We direct the contemnors to file a specific affidavit dealing with what is recorded in this Order and the affidavit to be filed by the petitioners within a period of three weeks. We grant time of two weeks to file a rejoinder affidavit thereafter.

List on 24th July, 2025 for hearing.

A copy of the order issuing notice in Contempt Petition (C) No.674/2024 is not placed on the top of the case file. The Registrar (Judicial) to take note of this default and take remedial action.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE COMMON SIGNED ORDER IS PLACED ON THE FILE]