

in great hurry and people who are deceased, retired and even absconded from service find a place in the said list just as they had in the previous list. He reiterates his stand that the respondents have violated the quota rota principle and 'fixed' the seniority of promotees far in excess of their 50% quota. If the list is substantially the same as the one which had been commented upon by the Hon'ble High Court as in need of amendment, the following observations of the court becomes particularly relevant:

"12. ....The pleadings of the official respondents would undoubtedly go to show that during the period when no direct recruitment was effected viz., from 1996 to 2000 they had effected promotions to the post of JTOs from the existing employees of DoT. In fact, the indisputable position is that such promotions were effected not only within the quota but, as against the direct recruitment quota as well. This was done before the formation of the BSNL as also subsequent to its formation. In fact, subsequent to the formation, those promotees were actually allotted recruitment years from 1996 onwards subject to the availability of vacancies, ignoring whether the vacancies are earmarked for direct recruitment or not. The factum of conversion of direct recruitment quota for accommodating promotees as JTOs at various stages is also indisputable in view of Ext. P13 judgment of the High Court of Panjab and Haryana in CWP No. 5608 of 2007."

Clearly we are not inclined to accept the declaration in the affidavit at its face value.

13. The respondents have given short shrift to the directions of the Hon'ble High Court of Kerala and the interim order issued by this Tribunal on 14.6.2018. The unseemly haste exhibited by the respondents is discernible from the very first occasion by which they initiated the process of promotion on 5.6.2018 which happened to be the same day the Hon'ble



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High Court gave the direction. In a tearing hurry the respondents have sought to complete the process within ten days from that date ignoring the directions of the Hon'ble High Court to reappraise the integrated list. Their argument that the present promotion list only deals with JTOs who were promoted on or before 2000 is a specious argument as revising the list accounting for the promotions effected as JTOs in excess of their quota would see a good number of them being refixed as promoted JTOs subsequent to 2000. Thereupon many of them could come to be 'fitted' below the direct recruits recruited after 2000. This explains the *raison d'etre* of the applicants.

14. This Tribunal is of the view that the respondents are guilty of gross contempt of the directions of this Tribunal in the interim order issued on 14.6.2018 in O.A.No.180/508/2018 and the judgment of the Hon'ble High Court in O.P.(CAT) No.126/2015 issued on 5.6.2018. The deliberate violation of the court orders calls for exemplary, deterrent action.

15. Issue notice under Rule 8 to the respondents. Respondent Nos.1 & 2 shall appear before this Tribunal in person to explain why action under Contempt of Courts Act, 1971 shall not be initiated against them.

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