

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Contempt Petition No. 180/00004/2021**  
**in**  
**Original Application No. 180/00296/2020**

**Monday, this the 20<sup>th</sup> day of September, 2021**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**  
**Hon'ble Mr. K.V. Eapen, Administrative Member**

Smt.C.K. Ashvathi,  
Aged 53 years,  
W/o. Ajayan.K.S.,  
H.R. No.199100617,  
Divisional Engineer (Look After),  
Bharath Sanchar Nigam Limited,  
Vaikom, Kottayam.  
Residing at Akshara, Punnathura West,  
Ettumanoor, Kotayam-686631.

..... **Petitioner**

**(By Advocate : Mr. S. Sadasivan)**

**V e r s u s**

2. Shri. Arvind Vadnerkar  
Director (HR)  
Bharat Sanchar Nigam Limited,  
Bharat Sanchar Bhavan,  
Harish Chandra Mathur Lane Janpath Road,  
Janapath, Delhi-110001.

3. C.V. Vinod  
Chief General Manager, O/o of the Chief General Manager,  
Bharat Sanchar Nigam Limited, Kerala Telecom Circle,  
Doorsanchar Bhavan, PMG Junction,  
Thiruvananthapuram- 695033.

..... **Respondents**

**(By Advocate : Mr. George Kuruvilla)**

This petition having been heard on 06.09.2021, the Tribunal on  
20.09.2021 delivered the following:

**ORDER**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

This is a petition filed by the applicant in OA No. 180/296/2020 alleging criminal contempt on the part of the respondents in not considering her promotion even though this Bench has directed the respondents to consider the promotion, if she is eligible at any rate within a period of six months from the date of receipt of a copy of the order. She has produced the copy of the order as Annexure CP-1.

2. Even though more than six months is over the respondents had not cared to give even a consideration for promotion and therefore, they are liable for criminal contempt. There is no appeal pending against the order of the Tribunal in OA No. 180/296/2020. The non-compliance of the order of the Tribunal is deliberate disobedience whereby the respondents herein had committed contempt. The petitioner in this case had given a representation on 18.2.2021 as Annexure CP-3 for considering her case in the DPC. According to the petitioner, her case could not be taken up in the DPC held in May, 2018 as there was a punishment imposed upon her during that period.

3. The official respondents Nos. 2 & 3 entered appearance and filed a detailed affidavit regarding the non-compliance of the order. According to them they have considered the representation of the applicant dated 6.7.2020 and the respondents had passed an order stating that her promotion cannot be

considered for the time being as the convening of DPC had been delayed due to the order of the Chandigarh Bench of the Tribunal in OA No. 750 of 2018 dated 25.2.2020 barring all further promotions till a policy decision is taken regarding the implementation of reservation in promotion in tune with the various orders of the Hon'ble Supreme Court. The respondents had taken up the matter before the Hon'ble Supreme Court as SLP No. 639 of 2021 and the same is still pending. Hence, it was informed to the applicant that her case would be considered as and when next DPC is called. A copy of the said letter is produced as Annexure R3(1).

4. Now the only point to be considered is whether there is a deliberate disobedience of the order of the Tribunal which is produced as Annexure CP-1. On a perusal of the reply affidavit filed by the respondents it appears that there are disputes regarding the reservation in promotion implementation by the Bharat Sanchar Nigam Limited and the coordinate Bench of the Tribunal at Chandigarh passed an order not to implement the promotions till a policy decision is taken in OA No. 750 of 2018. The respondents had taken up the matter before the Hon'ble Supreme Court as per SLP No. 639 of 2021 and connected matters. It appears that the said SLP is pending before the Hon'ble Supreme Court and it will be highly inappropriate to proceed against the respondents for criminal contempt as alleged by the petitioner herein. We find that the law will be settled only when the SLP is disposed of by the Hon'ble Supreme Court. So there is no criminal contempt at this stage. The respondents have satisfactorily

explained the reasons for not considering the case and not convening the DPC.

5. We do not find any deliberate contempt to disobey the order. Hence, there is no merit in the contempt petition and it is liable to be dismissed. Accordingly, the Contempt Petition is dismissed. Notices issued, if any, will be discharged.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

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**in**  
**Original Application No. 180/00296/2020**

**PETITIONER'S ANNEXURES**

- Annexure CP1** - Order dated 16.7.2020 passed by the Hon'ble CAT Ernakulam Bench in OA No. 296/2020.
- Annexure CP2** - Copy of the advocate letter dated 30.7.2020 served on respondent No. 3.
- Annexure CP3** - Copy of the representation dated 18.2.2021 by the petitioner on the respondent No. 2.
- Annexure CP4** - Copy of DOPT OM dated 28.4.2014 on treatment of penalty on promotion.
- Annexure CP5** - Copy of DOPT OM dated 8.5.2017 on model calendar for conducting DPC.
- Annexure CP6** - The judgment and order dated 25.2.2020 passed by the Hon'ble CAT, Chandigarh Bench in OA No. 750/2018.
- Annexure CP7** - Copy of the BSNL order dated 24.12.2020 constituting panel for holding DPC from SDE to AGM.

**RESPONDENTS' ANNEXURES**

- Annexure R3(1)** - True copy of the order dated 26.4.2021 issued by the Chief General Manager, BSNL, Kerala Circle.

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