



Dated: 8.6.2018

To,

1. Government of India through Secretary, Department of Personnel and Training, North Block, Central Secretariat, New Delhi-110001.
2. Chairman, Central Board of Direct Taxes, Government of India, North Block, New Delhi – 110 001.
3. Chairman, Railway Board, 256-A, Raisina Road, Rail Bhawan, New Delhi 110001.

**LEGAL NOTICE FOR DEMAND OF JUSTICE AND
CONTEMPT OF COURT**

I, on behalf of Samta Aandolan Samiti through its President Shri P.N. Sharma S/o Late Shri K.L. Sharma, Ganga Ram Ki Dhani, Vaishali Nagar, Jaipur (Hereinafter referred to as My Client), do hereby serve upon you this Legal notice for contempt of court and demand of justice as under:

1. That Hon'ble Supreme Court recently by way of order dated 5.6.2018 passed in SLP (Civil) No. 28306/2017 titled State of Maharashtra V/s Vijay George and Ors., has directed that respective Government shall undertake promotion in accordance with law. The aforesaid order is to be understood in context of the subject matter of challenge, whereby Government was restrained to extend reservation in promotion.
2. That Hon'ble Supreme Court while passing order dated 5.6.2018, was dealing with the sensitive issue of reservation in promotion. The enabling power vested with the Government of providing reservation in promotion, is conditional upon a comparative study based on empirical data with regard to inadequate representation SC/ST, backwardness of SC/ST employees and effect of reservation on efficiency of administration. The aforesaid exercise has been made mandatory for enabling powers vested under article 16(4A) constitution of India, by Hon'ble Supreme Court through Constitutional Bench judgment in case of M. Nagaraj V Union of India.
3. That in such circumstances, the Hon'ble Supreme Court instructed the Government to religiously follow the law, as regard to extension of reservation in promotion, in public employment matter.



4. That it is imperative to mention that Hon'ble Delhi High Court by way of their judgment dated 23.8.2017 has set aside the basic Notification/ Office Memorandum dated 13.8.1997, whereby Government of India incorporated concept of reservation in promotion, subsequent to Indra Sawhney judgment. The judgement is based on conclusion that Government of India, till date has not undertaken a study as postulated and directed by Hon'ble Supreme Court in case of M. Nagaraj.
5. That judgment of Hon'ble Delhi High Court dated 23.8.2017 has also directed that all promotions, consequent to OM dated 13.8.1997 in favour of SC/ST employees with benefit of 'Reservation in Promotion' are quashed and rectifiable review DPC be convened for giving due promotion to Unreserved Category Employees, with retrospective date.
6. That admittedly when M. Nagaraj study has not been undertaken by Government of India, so the enabling power vested under article 16 (4A) cannot be exercised. Conclusively, the judgment of Hon'ble Delhi High Court dated 23.8.2017 & M. Nagaraj judgment is the law, which shall govern the implementation of Hon'ble Supreme Court interim order dated 5.6.2018.

I hereby serve upon you this legal notice and request your goodself that:

- [A] Reservation in promotion be not extended to SC/ST employees in public employment with immediate effect. Further, corresponding benefits be extended to un-reserved category employees.

Any contrary approach /interpretation or exercise would be under the ambit of contempt of Hon'ble Supreme Court order dated 5.6.2018 and Delhi High Court judgment dated 23.8.2017. Instruction to this effect be immediately issued without any failure otherwise appropriate legal proceeding including contempt of court would be initiated against you.

- [B] Further, Cadre Controlling Authorities be instructed to implement judgment dated 23.8.2017, by reverting SC/ST employees from promotional post with all corresponding benefits in favour of un-reserved employees.



TIWARI & ASSOCIATES

ADVOCATES AND LEGAL CONSULTANTS

[C] Further, benefit of higher salaries from SC/ST employees be withhold immediately, from their respective post from which they are entitled to be reverted, alongwith appropriate recovery proceeding qua them or responsible officers.

1. Government Training

The needful exercise be undertaken within 3 days otherwise your goodself would be committing illegality and contempt of court, for which appropriate proceedings would be initiated against you at your risk and cost.

2. Chairman, C&A Block, New Delhi

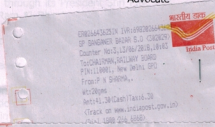
3. Chairman, Deptt 11004

Copy of this Notice be kept safe.

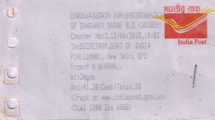
LEGAL NOTICE FOR DEMAND OF JUSTICE AND CONTEMPT OF COURT

SHOBHIT TIWARI
Advocate

1. on behalf of Santa Aardolan Samiti through its President Shri Shri Late Shri K.L. Sharma, Ganga Road, Japur (Haryana) retained to as My Client, Legal notice for contempt of court and demand



1. That Hon'ble Supreme Court has been asked to issue writs of Mandamus and Writs of Habeas Corpus and Government shall undertake promotion aforesaid order is to be understood as an order of challenge, whereby Government reservation in promotion



2. That Hon'ble Supreme Court while was dealing with the sensitive issue enabling parallel stated with the Govt in promotion, is conditional upon empirical data with regard to backwardness of SC/ST employees efficiency of administration. The mandatory to making powers contribution of Govt, 1993 1993 Constitutional reservation in promotion



3. That in such circumstances, the Hon'ble Government to exercise power of reservation in promotion, in public