

(2021) 11 DEL CK 0201

In the Delhi High Court

Case No : Civil Writ Petition No. 4680 Of 2021

Alok Industries Limited

APPELLANT

Vs

Assistant Director, Enforcement Directorate

RESPONDENT

Date of Decision : 30-11-2021

Acts Referred:

Citation : (2021) 11 DEL CK 0201

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Pallavi Pratap, Amit Mahajan, Ananya Khanna

Judgement

Prathiba M. Singh, J

1. This hearing has been done in physical Court. Hybrid mode is permitted in cases where permission is being sought from the Court.

2. Vide order dated 28th September 2021, this Court had noticed, from the affidavit filed by the Ministry of Finance, that the quantum of work at the Adjudicating Authority under the PMLA is substantial, however there is an acute shortage of staff members and there are vacancies at the level of the Chairperson, Member (Administration) and Member (Law). This Court had also noticed that the positions of the Administrative Officer, Registrar and the Court Master are all vacant as well. Accordingly, keeping in mind the need of the Adjudicating Authority to function in an efficient manner, the following directions were issued:

(i) Insofar as the Chairperson is concerned, it is submitted by Mr. Mahajan, Id. CGSC, under instructions from Mr. Pandey, that the selection for the Chairperson is underway and is likely to conclude shortly.

(ii) For the positions of Member (Administration) and Member (Law), the proposal for issuance of vacancy circulars is stated to be under consideration. Since these positions have been vacant for a considerable period of time, the

Government is directed to take steps for filling up the said posts, within a period of three months.

(iii) Insofar as the Administrative Officer and Registrar are concerned, in view of the recommendations of the UPSC, as also the lack of a sufficient number of applicants, it appears that appointments have not taken place despite the vacancy circulars having been issued. Even in respect of Court Masters and other staff, such as working staff and peons etc., they have also been retained on a contractual basis. Stenographers and Court Masters would be absolutely essential in the efficient functioning of the Adjudicating Authority. The Id. CGSC Mr. Amit Mahajan along with Mr. Ritvik Pandey submits that it may be possible to explore posting of some officials from other departments to meet the exigency. Thus, if these vacancies cannot be filled up through fresh recruitment, the Ministry shall take steps to fill up all these vacancies through alternate means, within a period of one month from today.

(iv) The Government would also consider, keeping in mind the quantum of cases before the Adjudicating Authority, as to whether the staff strength needs to be increased, and if so the vacancy circulars, which are to be issued, would be issued after taking a decision on the increase in the staff strength.

A status report was directed to be filed within two months. Accordingly, this matter has been listed today for reporting compliance.

3. Today, Mr. Mahajan, Id. CGSC, appearing for the Respondents submits that a communication in respect of the said status has been received on 29th November 2021. The said communication dated 29th November, 2021 from the Government of India, Ministry of Finance, Department of Revenue (ES Cell), giving the status of the various appointments which are to be made at the adjudicating authority, has been shown to the Court. The same reads as under:

S. No.

Name of post

Recent Development

1.

Chairperson

One of the Members of the Adjudicating Authority shall be appointed as its Chairperson, in this regard, a Selection Committee under the Chairmanship of RS met on 28.09.2021 and recommended one officer for the post of Chairperson in AA-PMLA. We have also taken approval of Finance Minister regarding appointment of the officer as Chairperson. File is to be submitted for ACC approval.

2.

Member (Administration)

Vacancy circular has been published in the Employment News in their subscription dated 9th Oct- 15th Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the

post is 7th Dec, 2021. We have received 7 applications so far.

3.

Member (Law)

Vacancy circular has been published in the Employment News in their subscription dated 9th Oct- 15th Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 7th Dec, 2021. We have received 21 applications so far.

4.

Administrative Law Officer

Vacancy circular has been published in the Employment News in their subscription dated 9th Oct- 22nd Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 14th Dec, 2021. We have received 2 applications so far. However, presently, Shri Amar Singh, an officer of CBDT has been given the additional charge of Administrative officer till the filling of regular vacancy of AO.

5.

Registrar

Vacancy circular has been published in the Employment News in their subscription dated 9th Oct- 15th Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 7th Dec, 2021. We have

received 4 applications so far.

4. Let the status of the appointments set out above, be placed on record by way of an affidavit with the latest updates, by 15th December, 2021.

5. List on 21st December, 2021. This is a part heard matter.