

(2014) 09 SC CK 0132

In the Supreme Court Of India

Case No : I.A. Nos. 36, 71, 72, 73, 74, 75 and CrI.M.P. No. 18219/2014 in C.A. No. 10660/2010

Center for PIL

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 08-09-2014

Acts Referred:

Citation : 2014 (11) SCALE 1

Hon'ble Judges : Sharad Arvind Bobde, J;H.L. Dattu, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Reply affidavit, if any, to the additional affidavit filed by Ms. Kamini Jaiswal, learned Counsel and General Secretary to the Petitioner-society, be filed within a week's time from today. The Respondent(s) are permitted to file two additional affidavits, one by way of a preliminary objection and the others on merits. The reply affidavit filed on merits may be put in a sealed cover and to be handed over to the Court Masters so that the same can be perused before the matter is taken up for further orders.

2. Shri Prashant Bhushan, learned Counsel appearing for the Petitioner-society submits that last night i.e. on 7th September, 2014 some unknown persons had come to his residence and had handed over the original entry register/guest register of the residential establishment of the Director of the Central Bureau of Investigation (for short, "the C.B.I."). Learned Counsel also hands over a list of the names of 23 personnel and the names of four C.B.I. constables working in the residential establishment of the Director, C.B.I.

3. Both the documents are directed to be kept in a sealed cover.

4. We further direct the Secretary General of this Court to keep the aforesaid documents in a safe custody.

In re: Dr. Rajeshwar Singh, Deputy Director:

5. A note on behalf of Dr. Rajeshwar Singh, who is on deputation as Deputy Director of the Directorate of Enforcement is placed before us by Shri K.K. Venugopal, learned senior counsel appearing for Dr. Rajeshwar Singh.

6. In the Note submitted by the learned senior counsel he brings out the relevant facts which has prompted the learned senior counsel to file the aforesaid note with a request to direct the Respondent(s) - Union of India and others to comply with the orders and directions issued by the Central Administrative Tribunal, (for short "the Tribunal") vide its order dated 24.12.2013.

7. We have heard Shri K.K. Venugopal, learned senior counsel and Shri L.N. Rao, learned Additional Solicitor General.

8. Dr. Rajeshwar Singh, is working as a Deputy Director in the Enforcement Directorate. Since his case was not considered by the Respondent(s) - Union of India and others to absorb him as a Deputy Director in the Enforcement Directorate, he had filed an application (OA No. 3653 of 2013) before the Tribunal, inter alia, requesting the Tribunal to issue an appropriate direction to the Respondent(s) to absorb his services as Deputy Director of the Enforcement Directorate. The application so filed by Dr. Rajeshwar Singh was opposed by the Respondent(s) before the Tribunal. The Tribunal, after considering the case pleaded by both the parties, has allowed the application vide its order dated 24.12.2013. The operative portion of the directions issued by the Tribunal reads as under:

"Following the view taken by the Hon'ble Apex Court in Secretary, A.P. Public Service Commission v. B. Swapna and others (supra), we allow the present Original Application. Respondent Nos. 1 and 3 Union of India, Ministry of finance and Ministry of Personnel, Public Grievances & Pensions are directed to abide by the recommendation of the Union Public Service Commission and also issue the order of absorption of the applicant as Deputy Director of Enforcement, within a period of four weeks from the date of receipt of a copy of this order. Till the order of absorption is issued, the interim order dated 11.10.2013 would remain in operation."

9. The Respondent(s), being aggrieved by the orders and directions issued by the Tribunal had approached the Delhi High Court by filing a Writ Petition in W.P.(C) No. 449 of 2014. In the Writ Petition, an interim relief was sought, inter alia, requesting the High Court to slay the orders and directions issued by the Tribunal.

10. The High Court, by its order dated 06.02.2014, while issuing notice, had observed that no grounds are made out by the Respondent(s)-Union of India (Petitioners therein) for grant of the interim relief. In the words of the Court:

"No ground for stay is made out. However, the appointment of the Respondent No. 1 shall be subject to the outcome of this petition."

11. Though an interim order was declined by the Writ Court, the Respondent(s)-Union of India (Petitioners-therein) in the Writ Petition, did not carry the matter further. That means, the interim order passed by the High Court has become final.

12. As we have already noticed that a Note has been filed by the learned senior counsel Shri K.K. Venugopal for Dr. Rajeshwar Singh. In the said note, it is stated that, he is seeking a direction by this Court to direct the Respondent(s) to comply with the orders and directions issued by the Tribunal.

13. It is not in dispute nor it can be disputed that there is a direction issued by the Tribunal while disposing of the Original Application filed by Dr. Rajeshwar Singh. The Respondent(s) ought to have complied with the said direction within the time-frame that was granted by the Tribunal. However, instead of doing so, they carried the matter by filing a Writ Petition before the Writ Court. The Writ Court has declined to grant any interim relief in favour of the Respondent(s). That means that the Respondent(s) has to comply with the order and directions issued by the Tribunal or to carry the matter by filing an appropriate petition before the superior forums. That has not been done by the Respondent(s)-Central Government. In a situation like this, in our opinion, the request of the learned senior counsel for Dr. Rajeshwar Singh requires to be granted. Accordingly, we pass the following order:

14. The Respondent(s)-Union of India shall comply with the order and directions issued by the Tribunal within three days" time from today. Call the matter on 15.09.2014.