

(2014) 07 SC CK 0098

In the Supreme Court Of India

Case No : W.P. (Crl.) Nos. 120 of 2012 and W.P. (C) No. 463 of 2012, W.P. (C) No. 515 of 2012, W.P. (C) No. 283 of 2013

Manohar Lal Sharma

APPELLANT

Vs

The Principal Secretary

RESPONDENT

Date of Decision : 08-07-2014

Acts Referred:

Citation : 2014 (8) SCALE 572

Hon'ble Judges : R.M. Lodha, C.J.;Madan B. Lokur, J;Kurian Joseph, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. On 8.5.2014, Mr. Amrendra Sharan, learned senior counsel for the Central Bureau of Investigation (CBI) submitted that CBI was ready to submit files relating to all PEs completed so far to the scrutiny of the Central Vigilance Commission (CVC) over and above the 25 cases which were submitted to CVC on the directions of this Court. Having regard to the statement made by the learned senior counsel for the CBI, the Court directed that files relating to all PEs completed so far shall be submitted to the scrutiny of the two Vigilance Commissioners. The Vigilance Commissioners shall submit their report to this Court within six weeks of receipt of the files from CBI relating to PEs.

2. In compliance of the above, two reports have been submitted by the Vigilance Commissioners, one dated 9.5.2014 and other dated 2.7.2014.

3. From the two reports, it transpires that Vigilance Commissioners in certain cases have agreed with the recommendation of the CIO/SP and disagreed with the CBI headquarter and recommended registration of regular cases under relevant provisions.

4. Registry is directed to supply copy of the reports dated 9.5.2014 and 2.7.2014 submitted by the Vigilance Commissioners to the Director, CBI. The Director, CBI shall act in accordance with the above reports. The reports will be supplied in a

sealed cover to the Director, CBI. The original reports will be kept back in a sealed cover.

5. A note on administrative issues has been submitted on behalf of CBI. It is stated therein that Mr. v. Murugesan, one of the DIGs who was asked to supervise PE5 had applied for repatriation while in final year of his approved tenure of 5 years w.e.f. 31.5.2014. His request has been considered favourably by the competent authority. It is also stated that Mr. v. Murugesan continues with the supervision of the above enquiry/investigation. PE5 involves enquiry of 100 blocks. At present, the enquiry is complete in respect of 53 blocks. The enquiry is likely to be completed in another 3 months. It is stated that Mr. v. Murugesan is proposed to be considered for repatriation back to his cadre only after completion of above enquiry/investigation and after taking permission of this Court.

6. It is directed that until above enquiry/investigation is completed by Mr. V. Murugesan, he will not be repatriated back to his cadre. The time for completion of enquiry sought for in the administrative note is granted.

7. Paragraph 4 of the order dated 8.5.2014 shall continue to apply to PEs completed from time to time after 8.5.2014 wherever CBI has decided not to file regular case. List this group of matters on 18.7.2014 at 2 P.M. for consideration of the status-report dated 7.7.2014 filed by CBI and Enforcement Directorate's report dated 7.7.2014.