

(2013) 03 JH CK 0059
In the Jharkhand High Court
Case No : C.W.J.C. No. 293 of 2001

Rajiv Ranjan Singh alias Lallan Kumar	APPELLANT
Vs	
Union of India and Others	RESPONDENT

Date of Decision : 07-03-2013

Acts Referred:

Citation : (2013) 2 AJR 697

Hon'ble Judges : Prakash Tatia, C.J.;Jaya Roy, J

Bench : Division Bench

Advocate : Manoj Tandon, for the Appellant; M. Khan, ASGI, for C.B.I., for the Respondent

Final Decision : Allowed

Judgement

1. Heard learned counsel for the parties on I.A. No. 702 of 2013 and perused the supplementary affidavit filed in I.A. No. 702 of 2013. This Court is monitoring the case of AHD Scam Cases popularly known as "Foddar Scam Cases" which were instituted as back as in the year 1996 and out of 53 cases 43 cases have already been decided and now 10 cases are pending. In this matter, when the C.B.I. wanted to transfer officers who were relevant and whose presence were necessary for trial then this Court refused to allow their transfer. Now the C.B.I. again submitted this application (I.A. No. 702 of 2013) stating therein that the officers namely; Sri Ashesh Kumar, DSP, Sri Dasrath Murmoo, DSP, Sri B.K. Singh, DSP and Sri A.K. Jha, DSP and who are also Pairvi Officers are required to be transferred due to administrative exigency. The C.B.I. has submitted supplementary affidavit in I.A. No. 702 of 2013 mentioning therein the role of each officers in the trial and cases and submitted that because of their transfer, the trial will not be hampered. Learned counsel for the C.B.I. submitted that these officers have served about 10-12 years at one place.

2. Learned counsel for the petitioner vehemently submitted that at this belated stage of the trial these officers may not be transferred because of the reason that as per the policy of the C.B.I. itself one officer may be kept at one place for

a maximum period of eight years and it is also important that two of the officers are the Pairvi Officers and therefore, at this stage these officers may not be transferred. It is also submitted that for expeditious trial of these cases the presence of these officers are required.

3. Learned counsel for the C.B.I. submitted that as per the circular of the C.B.I., officers are required to be kept only for six years at one place and not for eight years as inadvertently mentioned in the application filed by the C.B.I.

4. We considered the submission of learned counsel for the parties and perused the facts of the case. This Court is continuously monitoring the progress in AHD Scam cases and passed several orders to see that the cases be decided expeditiously. However, in view of the large number of witnesses and large number of documentary and other evidences, 10 cases have not yet been decided and out of 10 cases, 7 cases are in prosecution evidence stage. Court generally do not interfere in administrative exigency of the employer and particularly when it is Government employment and relates to the transfer of the employees. How-ever, in peculiar facts and circumstances of the case, it was necessary to prevent the C.B.I. from transferring the officers and, therefore, at the relevant time said order was passed. Now, after passing of decisions in large number of cases and particularly the undertaking given by the C.B.I. regarding the presence of these officers before the Court whenever their presence will be required, we are of the considered opinion that rigour can be relaxed. Therefore, the C.B.I. is free to transfer above named officers with a condition that because of their transfer neither the prosecution be delayed for a single date and it would be duty of the C.B.I. to produce these officers, if required in evidence in any of the cases or even for assistance to the public prosecutor for proper conduct of the cases.

5. The I.A. No. 702 of 2013 is accordingly allowed. List this matter on 20th March, 2013, the date already fixed on previous order.