

ITEM NO.41 & 42

COURT NO.1

SECTION X/PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(S). 1309/2018

ALOK KUMAR VERMA

PETITIONER(S)

VERSUS

UNION OF INDIA & ANR.

RESPONDENT(S)

(FOR ADMISSION AND IA NO.154705/2018-EX-PARTE STAY)

WRIT PETITION (CIVIL) NO.1315 OF 2018 [ITEM NO.42]

FOR ADMISSION AND I.A. NO.155145/2018 - APPROPRIATE  
ORDERS/DIRECTIONS

Date : 26-10-2018 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For parties:

Mr. F.S. Nariman, Sr. Adv.  
Mr. Gopal Sankaranarayanan, Adv.  
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Ms. Gayatri Verma, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Pranjal Kishore, Adv.  
Ms. Pooja Dhar, AOR

Mr. K.K. Venugopal, AG  
Mr. Tushar Mehta, SG  
Mr. R. Balasubramanian, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. L. Charanya, Adv.  
Ms. Aarti Sharma, Adv.  
Mr. Arvind Kumar Sharma, AOR

CVC

Mr. Tushar Mehta, SG  
Mr. Rajat Nair, Adv.  
Mr. Kanu Agrawal, Adv.  
Ms. Tatini Basu, AOR  
Ms. Deepanvita Priyanka, Adv.  
Ms. Swati Ghildiyal, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. A. Sharan, Sr. Adv.  
Mr. Amit Anand Tiwari, AOR.  
Ms. Mary Mitzy, Adv.  
Mr. Shashwat Singh, Adv.

Mr. Dushyant Dave, Sr. Adv.  
Mr. Prashant Bhushan, AOR.  
Mr. Pranav Sachdeva, Adv.  
Mr. Rohit K. Singh, Adv.  
Ms. Surabhi Kumari, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard the learned counsels for the petitioners and perused the relevant material.

Issue notice in both the writ petitions.

The matters shall be listed immediately after the Diwali Holidays i.e. on 12<sup>th</sup> November, 2018.

Having heard the learned counsels for the parties at some length, we are of the view that the following interim arrangement should govern the situation.

1. The enquiry in respect of the allegations made in the note/letter of the Cabinet Secretary dated 24<sup>th</sup> August, 2018 as regards the present Director, Central Bureau of Investigation ("CBI") Shri Alok Verma shall be completed by the Central Vigilance Commission ("CVC") within a period of

two weeks from today. The enquiry will be conducted under the supervision of a retired judge of this Court Shri Justice A.K. Patnaik who is requested to accept the assignment and ensure that enquiry is completed within the time frame fixed by this Court.

2. The respondent No.6 - M. Nageshwar Rao in Writ Petition (Civil) No.1315 of 2018 who has been entrusted with the task of looking after the duties of the Director of the CBI by the impugned order dated 23<sup>rd</sup> October, 2018 of the Secretary, Department of personnel & Training, shall, as of from now, not take any policy decision(s) or any major decision(s) and will only perform the routine tasks that are essential to keep the CBI functional. A list of all the decisions taken by the respondent No. 6 - M. Nageshwar Rao between 23<sup>rd</sup> October, 2018 and upto this hour including decisions with regard to transfer of investigations, change of Investigating Officer(s), etc. etc. will be furnished to the Court in a sealed cover on or before 12<sup>th</sup> November, 2018 whereafter orders as would be appropriate will be passed by the Court.

We make it clear that entrustment of supervision of on-going enquiry by the C.V.C. to a former judge of this Court is one-time exception which has been felt necessary

by this Court in the peculiar facts of this case and should not be understood to be casting any reflection on any authority of the Government of India.

[VINOD LAKHINA]  
AR-cum-PS

[ASHA SONI]  
ASSISTANT REGISTRAR