

ITEM NO.1 Court 1 (Video Conferencing) SECTION 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(s)(Criminal) No(s).120/2012

MANOHAR LAL SHARMA Petitioner(s)

VERSUS

THE PRINCIPAL SECRETARY & ORS. Respondent(s)

(Shri Maninder Singh, Senior Advocate and Shri Rajesh Batra, Advocate are Special Public Prosecutors in instant matter.[ONLY I.A. NOS. 93391, 67646 AND 67647 OF 2021 IN WP (C) 463 OF 2012 TO BE LISTED])

WITH

W.P.(C) No. 463/2012 (PIL-W)

(ONLY I.A. NOS. 93391, 67646 AND 67647 OF 2021 IN WP (C) 463 OF 2012 TO BE LISTED

IA No. 93391/2021 - CLARIFICATION/DIRECTION

IA No. 67647/2021 - CLARIFICATION/DIRECTION

IA No. 67646/2021 - INTERVENTION/IMPLEADMENT)

Date : 08-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Manohar Lal Sharma, Petitioner-in-person

Mr. Prashant Bhushan, AOR

For Respondent(s) Mr.Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. R.Bala, Sr.Adv.
Mr. Zoheb Hossain, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Binu Tamta, Adv.
Ms. Vimla Sinha, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. M.K. Maroria, Adv.
Mr. Sachin Sharma, Adv.
Mr. G.S. Makkar, Adv.

Mr. R.S. Cheema, Sr.Adv.
Mr. Amit Anand Tiwari, AOR
Mr. Sanchit Guru, Adv.
Ms. Tarannum Cheema, Adv.

Mr. B.K. Satija, AAG

Mr. Tapesb Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.
Mrs. L. Bhaswati Singh, Adv.
Mr. Aditya Narayan Das, Adv.

Petitioner-in-person

Ms. Bharti Tyagi, AOR

Mr. Braj Kishore Mishra, AOR

Ms. Sharmila Upadhyay, AOR

Mr. Kamini Jaiswal, AOR

Mr. Amarjit Singh Bedi, AOR

Ms. Hemantika Wahi, AOR

Ms. Aparna Bhat, AOR

Mrs. Shally Bhasin, AOR

Mr. D. Mahesh Babu, AOR

Mr. Dinesh Kumar Garg, AOR

Ms. Asha Gopalan Nair, AOR

Mr. E. C. Agrawala, AOR

Mrs. Kirti Renu Mishra, AOR

Mr. Mishra Saurabh, AOR

Mr. Ramendra Mohan Patnaik, AOR

Mr. Amit Sharma, AOR

Ms. Aparna Jha, AOR

Mr. B. Balaji, AOR

M/S. Khaitan & Co., AOR

M/S. Parekh & Co., AOR

Mrs. Pragya Baghel, AOR

Mr. Prem Prakash, AOR

Mr. Ravi Mehrotra, Adv.

Mr. Shikhar Bhardwaj, Adv.

Mr. Abhijit Bhatnagar, Adv.

Mr. Karti Seth, Adv.

Ms. Shriya Gilhotra, Adv.

Ms. Shilpa Saini, Adv.

For M/S. Chambers Of Kartik Seth, AOR

Mr. Jayant Mohan, AOR

Mr. Pranav Sachdeva, AOR

Mr. Kaustubh Shukla, AOR

Mr. G. N. Reddy, AOR

Mr. Satyabrata Panda, AOR

Mr. Arunabh Chowdhury, Adv.

Ms. Samten Doma, Adv.

Mr. Sumeer Sodhi, Adv.

Mr. Manoj Kumar Singh, Adv.

Ms. Tanya Verma, Adv.

Mr. S.Udaya Kumar Sagar, Adv.

Ms. Sweena Nair, Adv.

Mr. Mahfooz A. Nazki, Adv.

Mr. Polanki Gowtham, Adv.

Mr. Shaik Mohammad Haneef, Adv.

Mr. T. Vijaya Bhaskar Reddy, Adv.

Mr. Amitabh Sinha, Adv.

Mr. K.V. Girish Chowdary, Adv.

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

The Court is convened through Video Conferencing.

I.A.No.93391/2021 in WP(C)No.463/2012

The applicant - Raman Gupta has preferred the instant application seeking a direction in terms of the order dated 27.11.2018 to permit the Director, Directorate of Enforcement to relieve the applicant when the tenure of his deputation in the Enforcement Directorate comes to an end on 15.11.2021 and permit the applicant to be repatriated back to his parent Department as an Indian Police Service Officer, Karnataka Cadre.

In view of the specific restriction contained in the

order dated 27.11.2018 to the effect "that no Supervising Officer or Investigating Officer should be transferred or removed without the leave of this Court", the Directorate of Enforcement is not in a position to relieve the applicant on completion of his period of deputation, without the leave of this Hon'ble Court.

The applicant is an Indian Police Service Officer (IPS) of the 2005 batch of the Karnataka Cadre. The applicant was sent on deputation for a period of 4 years to the Directorate of Enforcement on 16.11.2016 wherein he has been posted as Joint Director, Bangalore Zonal Office of the Directorate of Enforcement. During his tenure as the Joint Director, Bangalore Zonal Office, the applicant was a Supervisory Officer in one of the Coal Block Allocation case. The investigation in the said case has been completed long back.

Having perused the averments made in the application, we permit the Directorate of Enforcement to relieve the applicant as he has already completed his deputation tenure with the Directorate of Enforcement and the investigation in the matter has been completed.

I.A.No. 93391/2021 stands allowed accordingly.

I.A.No.67646/2021 In WP(C)No.463/2012

The application is allowed in terms of the prayer made and the applicant - Sushil Kumar Sinha is impleaded as a respondent in WP(C)No.463/2012.

I.A.No.67647/2021 In WP(C)No.463/2012

The applicant - Sushil Kumar Sinha has preferred the instant application seeking a direction in terms of the order dated 27.11.2018 to permit the Director, Directorate of Enforcement to relieve the applicant as he has already completed his deputation tenure.

Having perused the averments made in the application, we

permit the Directorate of Enforcement to relieve/repatriate the applicant being a Supervisory Officer in Coal Block Scam Case as he has already completed his deputation tenure with the Directorate of Enforcement and the investigation in the matter has been completed.

I.A.No.67647/2021 stands allowed accordingly.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER