

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. 66801,66805 AND 66807/2021 IN W.P.(C)NO. 463/2012 TO BE LISTED AGAINST THIS ITEM ON 11.08.2021])

WITH

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

(ONLY

FOR INTERVENTION APPLICATION ON IA 66801/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66805/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 66807/2021

IA No. 66805/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 66807/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 66801/2021 - INTERVENTION APPLICATION)

Date : 11-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Prashant Bhushan, AOR

Mr. Manohar Lal Sharma, Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. R. Balasubramanian, Sr.Adv.
Mr. Zoheb Hossain, Adv.
Ms. Binu Tamta, Adv.
Ms. Vimla Singh, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. Mukesh Kumar Maroria, AOR

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

Mr. Maninder Singh, Sr.Adv.
Mr. Rajesh Batra, Adv.
Mr. Prabhas Bajaj, Adv.

Mr. Ashok Panda, Sr.Adv.

Mr. Satyabrata Panda, AOR

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.
Mrs. Bhaswati Singh, Adv.

Petitioner-in-person, AOR

Ms. Bharti Tyagi, AOR

Ms. Aparna Jha, AOR

Mr. B. Balaji, AOR

M/S. Khaitan & Co., AOR

M/S. Parekh & Co., AOR

Mr. Braj Kishore Mishra, AOR

Ms. Sharmila Upadhyay, AOR

Mr. Kamini Jaiswal, AOR

Mr. Amarjit Singh Bedi, AOR

Mr. Summer Sodhi, Adv.
Mr. Manoj Kumar Singh, Adv.
Ms. Tanya Verma, Adv.

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

Mr. Kaustubh Shukla, AOR

Mr. G. N. Reddy, AOR

Mr. Arunabh Chowdhury, Adv.
Mrs. Pragya Baghel, AOR

Mr. Prem Prakash, AOR

Mr. Kartik 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. Mahfooz A. Nazki, Adv.
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. K.V. Girish Chowdhary, Adv.

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

The Court is convened through Video Conferencing.

I.A.Nos.66801/2021 and 66807/2021 In WP(C)No.463/2021

I.A.No.66801/2021(application for intervention) and
I.A.No.66807/2021 (application for exemption from filing notarized
affidavit) are allowed in terms of the prayer made.

I.A.No.66805/2021 In WP(C)No.463/2012

Heard Mr. Prashant Bhushan, learned counsel appearing on
behalf of the petitioners in WP(C)No.463/2012, Mr. Ashok Panda,
learned senior counsel appearing on behalf of the applicant and Mr.
Maninder Singh, learned senior counsel and Special Public
Prosecutor.

The applicant has filed the instant application praying therein to permit the Directorate of Enforcement to relieve him being a Supervisory Officer in Coal Block Scam Case as he has already completed his deputation tenure with the Directorate of Enforcement.

The applicant at present is working as Deputy Director, Indore Sub-Zonal Office, Directorate of Enforcement.

On 27.11.2018, this Court directed the Directorate of Enforcement not to transfer or remove any Supervising Officer or Investigating Officer associated with the coal block cases without leave of the Court. The said order was reiterated on 27.09.2019.

It has been averred in the said application that the applicant had completed his deputation tenure on 05.03.2020 and was relieved from all charges being handled by him as Deputy Director. However, in view of his responsibility/charge as 'Supervising Officer', the applicant was retained with the Enforcement Directorate as an 'Officer on Special Duty'(OSD) till leave/permission of this Court is obtained vide Office Order (Admn.) No.31/2020 dated 06.07.2020.

It has further been averred in the application that the applicant has been promoted to the post of "Joint Commissioner" in his parent department, CBIC. However, as the applicant is not repatriated to CBIC without the leave of this Court, the applicant cannot assume charge over the post of Joint Commissioner, and hence, continues to remain in the lower post of "Deputy Commissioner".

Having heard learned counsel appearing on behalf of the applicant and carefully perusing the averments made in the application, we permit the Directorate of Enforcement to relieve the applicant from the post of Supervisory Officer to enable him to join the post of "Joint Commissioner" in his parent department, CBIC.

I.A. No.66805/2021 stands disposed of accordingly.

I.A.Nos.93391/2021, 67646/2021 & 67647/2021

List in the next week.

**(SATISH KUMAR YADAV)
DEPUTY REGISTRAR**

**(R.S. NARAYANAN)
COURT MASTER (NSH)**