

ITEM NO.101

COURT NO.11

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.7747/2012

DR. P.N. SHUKLA & ORS.

Appellants

VERSUS

UNION OF INDIA & ORS.

Respondents

(IA No. 3/2015 - PERMISSION TO FILE ANNEXURES)

Date : 31-08-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Ms. V.Mohana, Sr. Adv.
Ms. Madhu Sharan, Adv.
Ms. Pyoli, Adv.
Mr. Somesh Chandra Jha, AOR
Mr. Amartya A. Sharan, Adv.
Ms. Bhavya Pande, Adv.

For Respondent(s) Ms. Seema Bengani, Adv.

Mr. Gurmeet Singh Makker, AOR
Mr. K Parameshwaran, Adv.
Ms. Priyanka Das, Adv.
Mr. Gautam Bharadwaj, Adv.
Mr. Pratyush Shrivastava, Adv.

Mr. Amitesh Kumar, Adv.
Ms. Priti Kumari, Adv.
Mrinal Kishor, Adv.
Mr. Mritunjay Kumar Sinha, AOR

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

1. During the course of arguments being advanced by learned counsel for the respondents No.1 to 3-Union of India, Ms. V. Mohana,

learned Senior counsel appearing for the appellants, intervenes to hand over a copy of the Office Memorandum dated 20th May, 2020 issued by the Vigilance Section, Department of Higher Education, Ministry of Human Resource Development on the basis of a complaint that was received against the respondent No.4 stating *inter alia* that a communication was received from the Language Division on 16th March, 2020 and after the report from the said Division was examined by the Vigilance Branch, it was observed that there was no vigilance angle involved in the said matter, and that permitting the respondent No.4 to join CSTT after relieving him from Administration of Daman & Diu to join CCRAS, was an administrative lapse on the part of the CSTT. It was further noted that since the Language Division exercises administrative control over CSTT, the matter be transferred to the said Division for taking appropriate action.

2. On enquiring from learned counsel for the respondents No.1 to 3 as to the nature of action initiated by the Director, Language Division, Ministry of Human Resource Development on receiving the Office Memorandum dated 20th May, 2020 from the Vigilance Section, learned counsel states that she would need time to obtain instructions.

3. We are of the opinion that in all fairness, respondents No.1 to 3 ought to have brought the Office Memorandum dated 20th May, 2020 to the notice of this Court, and the subsequent developments that have

taken place, after filing of the counter affidavit in the instant case as long back as in July, 2012.

4. An affidavit of the Director, Language Division shall be filed explaining *inter alia* the action, if any, taken by the Department in the light of the aforesaid Office Memorandum dated 20th May, 2020.

5. The said affidavit shall be filed within 10 days from today with a copy to learned counsel for the appellants and the respondent No.4. The said affidavit should enclose all the relevant documents.

6. List on 13th September, 2023 on the top of the list.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)