

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

I.A. NO.1 OF 2013 IN WRIT PETITION (CIVIL) NO.81 OF 2013

VINOD KUMAR IAS, Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for stay and office report)

WITH CRL.M.P. NO.3284 & 9324 OF 2013 IN W.P(CRL.) NO. 29 of 2013
(With appln.(s) for grant of protection to the petitioner and his family
members and stay and office report)

Date: 17/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Ms. Susmita Lal, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s)/ Mrs. Kirti Renu Mishra, AOR
State of Odisha

For U.O.I. Mr. R.K. Khanna, ASG (NP)
Ms. Kiran Bhardwaj, Adv.
Mr. B.V. Balaram Das, AOR

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

Writ Petition (Crl.) No.29 of 2013, has been filed by the petitioner, Vinod Kumar, inter alia, praying for an appropriate writ to quash all the criminal proceedings pending against him and the several FIRs registered with Vigilance P.S. Bhubneshwar.

Writ Petition (C) No.81 of 2013, has been filed, inter alia, for a writ in the nature of certiorari to quash all the civil proceedings, pending before different authorities, under Memo No.12655 dated 19th April, 2005, Memo No.23457 dated 26th November, 2011 and Memo No.23465 dated 26th September, 2012, issued by the Special Secretary, General Administration Department. The petitioner has also prayed for a writ in the nature of mandamus to reinstate the petitioner in service.

Normally, we would not have interfered in a case of this nature, but circumstances compel us to do so.

The petitioner was in service at the relevant point of time as the Managing Director of the Orissa Rural Housing Development Corporation (ORHDC). Certain irregularities were found to have occurred in connection with certain loans, which were alleged to

have been advanced during his tenure as the Managing Director, as a result whereof, the petitioner was placed under suspension by the State Government on 5th November, 2003, under Rule 3(3) of the All India Services (Discipline & Appeal) Rules, 1969.

The said order of suspension was revoked by the State Government on 7th August, 2004 and the petitioner was allowed to rejoin his services. Thereafter, he was again placed under suspension on 27th July, 2006, and was taken into custody and judicial remand in connection with FIR No.27 of 2006 on 16th August, 2006. The petitioner was, thereafter, released on bail on 25th October, 2006, but since then none of the criminal cases initiated against him (we are told 27 FIRs are lodged against him), have been proceeded with beyond the stage of filing of Charge-sheet, except in respect of one case, namely, 12 of 2005, where he was not proceeded against.

The grievance of the petitioner is that since the time that he was placed under suspension, till today, the criminal cases have hardly progressed and charges are yet to be framed in all the matters. Mrs. Kirti Renu Mishra, learned counsel appearing for the State of Orissa, contended that much of the delay has been on account of different facts emerging at different points of time, for which different FIRs had to be filed, which statement Ms. Susmita Lal, learned counsel appearing for the petitioner, vehemently denies.

Whatever be the circumstances, a person in service should not and/or cannot be kept under suspension indefinitely. The matter should be proceeded with in a manner so that it is concluded swiftly, one way or the other. In that view of the matter and having considered the submissions made, we dispose of these pending writ petitions and applications by directing the Investigating authorities to complete the investigation, which may be incomplete in any of the cases, within three months and to submit the same before the Magistrate concerned, who shall take immediate steps to take up the question of framing of charges, and, thereafter, to proceed with the trial expeditiously, so that the same is also concluded within a year from the date of framing of charges.

We, however, make it clear that in the event the police report is not submitted before the Magistrate under Section 173(3) Cr.P.C., within the period aforesaid, those matters in which Charge-sheet is not filed, shall stand quashed, as far as the petitioner is concerned.

The petitioner must co-operate with the Investigating authorities, as also the Court, to see that this order is given effect to in its true spirit and intent.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar

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