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C.A.No. 6138 OF 2002  
ITEM NO.102COURT NO.10SECTION-XI  
(PART-HEARD)  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.6138 OF 2002

RAKESH KUMAR TRIPATHI & ORS.

.....  
APPELLANT(S)

:VERSUS:

UNION OF INDIA & ORS.

.....  
RESPONDENT(S)

(With Office Report)

Date : 27/04/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR  
HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant (s)Mr. P.P. Rao, Sr.Adv.  
Mr. Sanjay R. Hegde,Adv.

Mr. Satya Mitra,Adv.  
Mr. Anil K. Mishra,Adv.  
Mr. Alok Sinha,Adv.  
Mr. Girijesh Pandey,Adv.  
Mrs. Mahalakshmi P.,Adv.  
Mr. A. Sumanth,Adv.  
Mr. S.G. Balaji,Adv.

Mrs. Rachna Gupta,Adv.

For Respondent (s)Mr. Raju Ramachandran, ASG  
Mr. Kailash Vasudev, Sr.Adv.  
Mrs. V. Mohana,Adv.  
Mrs. Anil Katiyar,Adv.

Mr. Ranjit Kumar,Sr.Adv.  
Mr. S. Wasim A. Qadri,Adv.  
Mr. Lakshmi Raman Singh,Adv.  
Mr. Ravi Prakash,Adv.

Mr. Debasis Misra,Adv.

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

An affidavit dated April 7, 2004, was filed sworn to by Rajendra Singh, Chairman of the Railway Recruitment Board, Gorakhpur. It is indicated that 26 controversial answer sheets were sent to the Vigilance establishment of the Railway Board for the purpose of inquiry into the matter. Those sheets are, however, not traceable. It has also come in the affidavit that they had not been weeded out. In that connection, some letters seems to have been issued in the year 1999, copies of which have been filed as Annexures D & E to the said affidavit, indicating that instructions were issued for issuing search memos for the missing answer sheets, out of which only two are available. There is nothing to indicate if any progress was made after 1999 though nearly five years have passed in between. Since the questionable answer sheets disappeared from the Vigilance establishment of the Railway Board, we on the last date had passed an order

r providing that the Director, Vigilance (Railway Board) shall remain present today, i.e. on 27.4.2004, so that it may be possible for us to know as to what developments have taken place after 1999. Today Ms. Rina Mitra, IPS, who is posted as DIG, Vigilance (Railway Board) is present in Court.

It is surprising that for such a long time nobody seems to have taken any serious note of the fact that the questionable documents, called for inquiry by the Vigilance establishment, have been misplaced/lost but no meaningful effort appears to have been made, none at least indicated. Mr. Raju Ramachandran, learned Addl. Solicitor General appearing for the Union of India submits that an opportunity may be provided to deeply look into the matter and file a response in regard to the affairs as indicated above.

List this matter in the third week of July, 2004. By the second week of July 2004, the respondent Union of India shall file an affidavit in the light of the facts as indicated above.

(A.S. BISHT)(OM PRAKASH)  
COURT MASTER

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