

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

(Special Leave Petition (C) No. 18569 of 2012)

STATE OF U.P. & ORS.

Petitioners

VERSUS

LOK PRAHARI & ORS.

Respondents

O R D E R

This special leave petition has been filed assailing the order passed by the High Court of Judicature of Allahabad at Lucknow in W.P. No.2425(M/B) of 2011 whereby the High Court passed an interim order directing the petitioner-State of U.P. to file affidavits showing the cadre strength of officers of All India Services working in U.P., maximum period of their stay at places of postings in the last three years with which the petitioner-State has no grievance.

However, the High Court has further directed the petitioner herein to furnish the details of properties possessed by their officers and their family members before entering into service and thereafter and the number of criminal cases (including those filed under Prevention of Corruption Act) and civil cases (including the departmental proceedings) pending against the officers before the next date of hearing. It is this part of the order which has been assailed by the petitioner-State submitting that this part of the order has no relevance to the writ petition which has been filed by the respondent-herein by way of a P.I.L. where he had sought direction against the petitioner-State to reconstitute the Civil Services Board for examining and recommending the proposal for pre-mature transfer and further directions to ensure that the Civil Services Board should follow the amended Rule 7 of 2006 in the Indian Administrative Service (Cadre) Rules, 1954.

The grievance of the petitioner-State is that in view of the prayer made by the respondent herein in the writ petition, the impugned direction relating to declaration of assets and properties and cases pending under the Prevention of Corruption Act has no relevance to the same.

Apparently, the submission may be correct but it cannot be denied that information sought may have a remote bearing and implication on the proposal of transfer and posting of the officers meaning thereby that if the officers, without any reason are being transferred, the issue raised before the High Court may have implication while considering the question as to whether the rule require reconstitution for the purpose of pre-mature transfer. Be that as it may, we leave it open to the petitioner-State to request the High Court that the impugned direction is not relevant for disposal of the P.I.L. and, therefore, the High Court should not insist on such direction. If, however, the High Court insists on the same, it is for the High Court to assign reasons in this regard as to why this information is insisted at the interim stage.

We, therefore, decline to interfere with the order leaving it open to the petitioner-State to request the High Court to

consider whether such direction should be allowed to continue or is fit to be withdrawn. In case such direction is insisted, the High Court would be expected to assign reasons in this regard as to whether the same is relevant to the issue raised by the respondent.

The special leave petition, thus, be treated as disposed of.

.....J.
(GYAN SUDHA MISRA)

.....J.
(PINAKI CHANDRA GHOSE)

NEW DELHI
AUGUST 29, 2013

ITEM NO.17 COURT NO.12 SECTION XI

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

IA 3,4,5 in Petition(s) for Special Leave to Appeal (Civil)
No(s).18569/2012

(From the judgement and order dated 10/05/2012 in WP No.2425/2011 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

STATE OF U.P. & ORS. Petitioner(s)

VERSUS

LOK PRAHARI & ORS. Respondent(s)

(With appln(s) for vacating stay, argue as in-person, extension of stay and office report)

Date: 29/08/2013 These appln(s) were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. P.N. Mishra, Sr.Adv.
Mr. Gaurav Agarwal, Adv.
Mr. M.R. Shamshad, Adv.
Mr. Rohit Sthalkar, Adv.

For Respondent(s)
Respondent-In-Person (Not present)

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

Special leave petition is disposed of in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER

(Signed order is placed on the file)