

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 No.376 In WRIT PETITION (Civil) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for directions)

(Report recd. From Central Water and Power Research Station, Khadakwasla)
with

IA No.387 In WP(C) 13381/84

IA No.388 In WP(C)13381/84, 389-390, 404, 431, 304-305,325-326,328-330,332-334 in WP 13381/04

with

Con.P.(C)No.45/05,IA 430 in Con.P.45/05,IA 335 and 337-343 in WP 13381/84

IA No.302,344,346 in IA 302, 432,433 in WP 13381/84

Date: 14/3/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE S.B.SINHA

HON'BLE MR. JUSTICE S.H.KAPADIA

For Petitioner(s)

Mr.M.C.Mehta
Petitioner-In-Person

Mr. Krishan Mahajan,Adv.(A.C.)

Mr. Ajay Kumar Aggarwal,adv.
Ms. Alka Aggarwal,adv.
Ms. Anamika Agarwal,adv.

For Respondent(s)
For Govt. of U.P.

Mr. Ashok Desai,Sr.Adv.
Mr. Mukul Rohtagi,Sr.Adv.
Mr. R.G.Padia,Sr.adv.
Mr. V.Bhatia,adv.
Mr. SWA Qadri,adv.
Mr. S.W.A.Qadri,Adv.
Mr. Kamlendra Misra,Adv.
Mr. Rajeev Kumar Dubey,Adv.
Ms. Rashmi Singh,adv.
Mr. R.K.Singh,adv.
Mohd. Saud,adv.
Mr. F.Hussain,adv.

For UOI

Mr. G.E.Vehnavati,SGI.
Mr. D.Kamat,adv.
Mr. A.D.N.Rao,Adv.

Mr. A. Sharan, ASG.
Mr. Hemant Sharma, Adv.
Ms. Sushma Suri, adv.

For P.L.Punia Mr. Rakesh Dwivedi, Sr. Adv.
Mr. K.K. Mohan, adv.

Mr. L.N. Rao, Sr. Adv.
Ms. Binu Tamta, adv.

For ASI Mr. A.D.N. Rao, Adv.
Ms. Rita Gupta, adv.
Mr. K. Ramesh, adv.

For CISF Mr. Samir Ali Khan, Adv.
Mr. Amit Anand Tiwari, Adv.
Ms. Sushma Suri, Adv.
Mr. B.V. Balram Das, Adv.
Mr. P. Parmeswaran, adv.

For CPCB Mr. Vijay Panjwani, adv.

Mr. P.P. Malhotra, Sr. Adv.
Mr. Hemant Sharma, Adv.
Mr. A. Poddar, adv.
Mr. Vineet Malhotra, Adv.
Mrs. Anil Katiyar, Adv.

Mr. Santosh Kumar, Adv.
Mr. Chandra Kant Nayak, Adv.
Mr. A. Dipankar, adv.

Mr. Manoj Saxena, adv.
Mr. Mohanprasad Meharia, Adv.
Mr. S.K. Mitra, adv.
Mr. D. Borkakli, Adv.

Mr. S.C. Misra, Sr. Adv.
Mr. S.K. Dwivedi, Adv.
Mr. G.V. Rao, Adv.

For ANN Mr. Sumannt Bhardwaj, Adv.
Ms. Mridula Bhardwaj, Adv.

For ADA Mr. Ashok K. Srivastava, Adv.

Mr. S. Trivedi, Adv.

Mr. Pradeep Misra, adv.

Mr. Vishwajit Singh, adv.

-3-

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

In IA No.431

Having regard to the provisions of the Central

Vigilance Commission Act, 2003, we direct that the records relating to the prosecution of twelve accused be placed before the Central Vigilance Commission for scrutiny and recommendation. Since the CVC is not a party in these proceedings, they are so added. Let a copy of this order as well as the records submitted by CBI except Volume D be made available to the CVC within a period of one week by the Registry.

In IA No.376

In respect of the four officers, namely, Shri D.S.Bagga, Sh. P.L.Punia, Sh. R.K.Sharma and Sh. V.K.Gupta, the affidavits have been filed both by the Union Public Service Commission as well as the Department of personnel and Training, Government of India.

In Re:D.S.Bagga and R.K.Sharma

In view of the proposed punishment on these two officers, the matter had been referred to the UPSC. The case records were, however, not forwarded despite UPSC's request by the State Government.

It appears that during the pendency of the matter these two officers have retired. The nature of the proposed punishment would, accordingly, have to be revised. The State Government shall take a decision on the proposed

-4-

punishments within a period of three weeks from today and forward the same to the UPSC within one week thereafter. The matter shall, thereafter, be referred to and all the case records be forwarded to the Department of Personnel and Training, which will forward the same to the UPSC,

which shall be dispose of the cases as early as possible.

In Re:P.L.Punia

The CBI now states that it is willing to place all records pertaining to the aforesaid officer before the State Government. CBI shall do so within a period of one week from today. The matter which had been referred to the UPSC earlier had been returned back by the UPSC to the State Government in view of the fact that Sh.P.L.Punia had since retired. The proposed punishment, therefore, was required to be revised and the matter referred to the Central Government for its approval whereof the matter would be forwarded to the UPSC. We, accordingly, direct the State Government to take a decision regarding the first charge-sheet in respect of Sh. P.L.Punia within a period of two weeks and forward the matter to the Central Government alongwith the case records within a period of two weeks thereafter. The Department of Personnel and Training shall forward the matter to the UPSC for its decision for being disposed of as early as possible. As far as the material which has now been made available to the CBI, it will be

-5-

open to the State Government to issue a second charge-sheet and to take appropriate action against Mr.Punia and thereafter initiate an inquiry, if otherwise maintainable in law. Further direction in this regard will be given after the inquiry if necessary it and when the inquiry takes place.

V.
K.Gupta

No decision has been taken by the State Government till date. Regarding the proposed punishment,

if any, on the officer, we are told that the inquiry report against the officer is available. If any major penalty is proposed to be imposed on the aforesaid officer, the same procedure as has been prescribed in connection with the other officers, shall be followed within the same time frame.

Let the matters be placed before the Bench one week after the Holi holidays. The representative of CVC shall confirm receipt of the volumes of records and indicate to the Court the time within which it can conclude its scrutiny and give its recommendation.

IA No.404

List one week after Holi holidays.

I.A.432

Delink and list alongwith the Forest matter.

Let all other matters to be delinked and list them separately after three weeks within which time all the parties are at liberty to file their respective pleadings.

[SUMAN WADHWA]
COURT MASTER

[MADHU SAXENA]
COURT MASTER