

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

Writ Petition(s)(Civil) No(s).202/2018

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(ONLY IA IN W.P.(C)NO.388/2018 TO BE LISTED ON 17.09.2018)

WITH

[ITEM NO.14.1 - W.P.(C) No.388/2018 (PIL-W)

(ONLY I.A. NO.133436/2018 TO BE LISTED.

MS. AISHWARYA BHATI, AAG OF UTTAR PRADESH]

Date : 17-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Sajan Poovayya, Sr. Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Mr. Ashwini Kumar Updhyay, Adv. [Petitioner]
for
Mr. R.D. Upadhyay, Adv. [AOR]

/ Applicant (s) Dr. Rajeev Sharma, Adv. [AOR]
Mr. Dharmendra Sharma, Adv.
Mr. Vipin Kumar Sharma, Adv.
Mr. Raghuvir Sharma, Adv.
Mr. Haji Salimuddin, Adv.
Mr. prashant Sharma, Adv.
Mr. Girdhari Chauhan, Adv.
Mr. Bhanwar Pal Singh Jadon, Adv.

Mr. Gopal Sankaranarayanan, Adv.
Ms. Aishwarya Kane, Adv.
Mr. Ashwini Dubey, Adv. [AOR]

Mr. Vivek Narayan Sharma, Adv.
Ms. Mohika Jain, Adv.
Mr. Rajeev Kumar Jha, Adv.
Mr. Pragyan Mishra, Adv.
Mr. Maneesh Pathak, Adv.
Dr. Shesh Mani Pandey, Adv.

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For Respondent(s) Ms. Pinky Anand, ASG
/ UOI Ms. Madhvi Divan, Adv.
 Ms. Rekha Pandey, Adv.
 Ms. Saudamini Sharma, Adv.
 Ms. Snidha Mehra, Adv.
 Ms. Kridika Sachdeva, Adv.
 for
 Mr. A.K. Sharma, Adv. [AOR]
 Mr. R.B. Yadav, Adv. [AOR]
 Mr. G.S. Makker, Adv. [AOR]

/ State of U.P. Ms. Aishwarya Bhati, AAG
 Mr. Sanjay Kumar Tyagi, Adv. [AOR]

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

I.A.No.133436/2018

The present application has been filed for providing adequate security and proper treatment to the applicant..

We have heard Dr. Rajeev Sharma, learned counsel for the applicant and Ms. Aishwarya Bhati, learned Additional Advocate General for State of Uttar Pradesh.

It is submitted that certain security has been provided to the applicant. Regard being had to the nature of the lis, it is directed that if any further security is required, the applicant may submit a representation to the concerned Superintendent of Police who shall scrutinise the same and do the needful in the matter.

That apart, the applicant shall be given adequate treatment keeping in view the injuries. The concerned Chief District Medical Officer of the district shall do the needful in the matter when it is brought to his notice.

Officers who have been mentioned hereinabove should be sensitive enough to carry out their duties as far as such treatment is concerned, that is, in consonance with the order of this Court and the policy of the State Government and, therefore, there cannot be delay in such matter.

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Additionally, if there is a scheme for compensation and any application has been submitted therefor, the same shall be dealt with in accordance with law within a span of two weeks hence.

I.A. stands disposed of accordingly.

W.P.(C)No.388/2018

Though the issue in the said writ petition has already been directed to be placed before the Constitution Bench, vide order dated 26.03.2018 passed in W.P.(C)No.222/2018 etc., as there are number of applicants (including those who are apprehensive of such incident), they may be allowed to submit representation to the concerned Superintendent of Police of the area who shall look into their grievance as far as providing security is concerned. They are at liberty to do so.

Be it clarified, if any of the applicants need treatment, the abovementioned order passed in I.A.No.133436/2018 shall apply to such applicants as well.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar