

ITEM NO.38

COURT NO.1

SECTION PIL-W/XII

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

WRIT PETITION (CIVIL) NO(S). 684/2016

ASHWINI KUMAR UPADHYAY

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

WITH

SLP(C) NO. 22841/2016 (XII)

I.A. NO.2/2016 - EXEMPTION FROM FILING O.T.

Date : 11-02-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

For Parties :

Mr. Gopal Sankaranarayana, Adv.
 Mr. Ashwini Kumar Upadhyay, (in-person) (Adv.)
 Mr. Prashant Kr. Umrao, Adv.
 Ms. Gayatri Verma, Adv.
 Mr. Krishna Kant Shukla, Adv.
 Mr. R.D. Upadhyay, AOR

State of W.B.

Mr. Suhaan Mukerji, Adv.
 Ms. Astha Sharma, Adv.
 Mr. Amit Verma, Adv.
 Mr. Abhishek Manchanda, Adv.
 Ms. Dimple Nagpal, Adv.
 For M/s PLR Chambers & Co., AOR

Mr. Gopal Balwant Sathe, AOR

Mr. Mukesh Kumar Maroria, AOR

State of A.P.

Mr. Guntur Prabhakar, AOR
 Ms. Prerna Singh, Adv.

State of Arun. Pra.

Mr. Anil Shrivastav, AOR
 Mr. Rituraj Biswas, Adv.
 Mr. Satyendra Kumar Srivastav, Adv.

State of Assam	Mr. Shuvodeep Roy, AOR Mr. Rijuk Sarkar, Adv.
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Ritu Raj Biswas, Adv. Mr. Kabir Shankar Bose, Adv.
State of Bihar	Mr. Bihu Sharma, Adv. Ms. Pratishtha Vij, Adv. Mr. Abhinav Mukerji, AOR.
State of H.P.	Mr. Abhinav Mukerji, AAG, HP (AOR) Ms. Purnima Krishna, Adv. Mr. Siddharth Garg, Adv.
State of Chhattisgarh	Mr. Aniruddha P. Mayee, AOR Mr. Chirag Jain, Adv. Mr. A. Selvin Raja, Adv. Mr. A.N.S Nadkarni, ASG Ms. V. Mohana, Sr. Adv. Mr. R. Balasubramanian, Adv. Mr. Shradha Deshmukh, Adv. Mr. A.K. Sharma, AOR
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State of Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Vishakha, Adv. Ms. Parul Luthra, Adv. Ms. Pragati Neekhara, AOR
State of J & K	Mr. Shekhar Naphade, Sr. Adv. Mr. M. Shoeb Alam, AOR Mr. Ujjwal Singh, Adv. Mr. Gautam Prabhakar, Adv. Mr. Mojahid Karim Khan, Adv.

State of Jharkhand	Ms. Kiran Bala Sahay, AAG Ms. Priyanka, Adv. Ms. Priyadarshni Priya, Adv. Mr. Sarad Kumar Singhania, AOR.
State of Karnataka	Mr. V. N. Raghupathy, AOR Mr. Mishra Saurabh, AOR
State of Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. Upendra Mishra, Adv. Mr. S. Bhowmick, Adv.
State of Nagaland	Mr. K.N. Balgopal, Adv. Gen., Nagaland Mrs. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv. Mr. Nitya Nambiar, Adv. Mr. Vitso Rio, Adv. Mr. A.P. Mukundan, Adv. Mr. Shibashish Misra, AOR
State of Punjab	Ms. Uttara Babbar, AOR Mr. Devendra Singh, AOR
State of Rajasthan	Dr. Manish Singhvi, AAG Mr. Satyendra Kumar, Adv. Mr. Shailja Nanda Mishra, Adv. Mr. D.K. Devesh, Adv. Mr. Milind Kumar, AOR.
State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. For M/S. Arputham Aruna And Co, AOR
State of Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Bansuri Swaraj, Adv. Ms. Shreya Bhatnagar, Adv. Mr. Raghunatha Sethupathy, Adv. Mr. Gagan Narang, Adv. Ms. Arshiya Ghose, Adv. Mr. P.V. Yogeswaran, AOR

	Mr. M. Yogesh Kanna, AOR
State of Uttara-khand	Ms. Rachana Srivastava, AOR
UT of Puducherry	Mr. R. Venkataramani, Sr. Adv. Mr. V. G. Pragasaam, AOR Mr. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv. Mr. Yashraj Singh Bundela, Adv. Mr. Praveen Vignesh, Adv.
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State of Haryana	Mr. S. Udaya Kumar Sagar, AAG
State of Haryana	Mr. Anil Grover, AAG Ms. Noopur Singhal, Adv. Mr. Sanjay Kr. Visen, AOR
State of M.P.	Mr. Rajesh Srivastava, Adv.
State of Tamil Nadu	Mr. Shekhar Naphade, Sr. Adv. Mr. Balaji Srinivasan, AAG (TN) Ms. Purbitaa Mitra, Adv. Mr. K.V. Vijaya Kumar, AOR
State of Kerala	Mr. C.K. Sasi, AOR. Ms. Nayantara Roy, Adv. Mr. Abdulla Naseeh, Adv.
State of Mah.	Mr. Anoop Kandari, Adv. Mr. Nishant Katneshwarkar, AOR

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

1. Re: State of Tamil Nadu

We have perused the reply affidavit filed on behalf of the State of Tamil Nadu wherein it has been stated that a Search Committee was constituted on 28th December, 2018. Presently, the Search Committee is engaged in conducting interview of the applicants.

It is stated on behalf of the State that the proceedings of the Search Committee are expected to be complete within eight weeks from today and thereafter the Selection Committee would take another four weeks to complete its deliberations.

On the aforesaid statement made on behalf of the State of Tamil Nadu, we close the matter for the present by requiring appointment of the Lokayukta and Members to be completed within a period of four months from today.

2. Re: State of Odisha

On behalf of the State of Odisha, an affidavit has been filed stating that the Search Committee has completed its deliberations and has submitted its report on 9th January, 2019 to the Selection Committee.

It is further stated that a meeting of the Selection Committee is scheduled to be held on 12th

February, 2019 and the process of appointment of Lokayukta is expected to be complete by 31st March, 2019 and the said office is expected to start functioning by 8th April, 2019.

On the basis of the aforesaid statement we defer consideration of this matter to the last week of April, 2019.

We have taken note of personal presence of the Chief Secretary of the State of Odisha who was requested to come to the Court today on account of inadequate explanation that was offered on the previous day.

As categorical statements have been made on behalf of the State of Odisha, as indicated above, we dispense with further presence of the Chief Secretary of the State of Odisha until further orders.

3. Re: State of Mizoram

On behalf of the State of Mizoram, an affidavit has been filed.

In the hearing today, learned Standing Counsel of the State of Mizoram has stated that a Lokayukta has been appointed and a formal notification of appointment is to be issued shortly.

On the basis of the aforesaid statement we defer consideration of the matter to the last week of April, 2019 by which time the State of Mizoram is directed to file status report with regard to appointment of the Lokayukta in the State of Mizoram.

4. Re: State of Manipur

On behalf of the State of Manipur, an affidavit has been filed stating that pursuant to the notice issued by the Search Committee, four (04) applications have been received for the post of Chairperson and none for the post of Members.

In these circumstances, the State of Manipur prays for two months' further time to complete the process.

Time as prayed is granted.

List the matter in the last week of April, 2019.

5. Re: State of West Bengal

On behalf of the State of West Bengal, an affidavit has been filed stating that Shri Justice (Retd.) Ashim Kumar Roy has been appointed as the Lokayukta in the State of West Bengal.

It is stated by the learned Standing Counsel of the State of West Bengal that the newly appointed

Lokayukta has assumed the charge with effect from 10th January, 2019.

No further orders will be called for so far as the State of West Bengal is concerned.

The notification appointing Shri Justice (Retd.) Ashim Kumar Roy as the Lokayukta for the State of West Bengal is kept on record.

6. Re: State of Nagaland

We have taken note of the affidavit filed on behalf of the Nagaland.

We would require the State of Nagaland to file an affidavit before the Court indicating the precise work and tasks undertaken by the newly appointed Lokayukta, specifically, the cases dealt with by him and the orders passed.

The aforesaid report of the work undertaken will be filed by the end of April, 2019 when this matter will be considered along with the cases of Odisha, Mizoram and Manipur.

[VINOD LAKHINA]
AR-cum-PS

[ANAND PRAKASH]
BRANCH OFFICER

N.B.:- A copy of notification appointing Shri Justice (Retd.) Ashim Kumar Roy as the Lokayukta for the State of West Bengal given in Court is attached with this ROP.