

ITEM NO.63

COURT NO.2

SECTION PIL-W

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.310/1996

PRAKASH SINGH & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With IA No.144787/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 144785/2022 - INTERVENTION APPLICATION)

Date : 17-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

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Ms. Archana Pathak Dave, AOR

**For Respondent(s)/
For Applicant**

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For Nagaland

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

IA No 144787/2022 & IA No 144785/2022 In WP (C) No 310/1996

- 1 The Government of Nagaland communicated a panel of three names along with relevant records for appointment of the Director General of Police¹

¹“DGP”

Nagaland consequent upon a vacancy arising with effect from 31 August 2022. Three names were empanelled. The annexure to the communication lists out the names of five officers who met the conditions of eligibility.

- 2 In its response dated 1 April 2022, the Union Public Service Commission² pointed out certain deficiencies in the recommendations made by the Government of Nagaland. More specifically, it was stated that since the vacancy had arisen on account of the superannuation of the incumbent Shri T John Longkumer, his name was required to be deleted from the eligibility list. Moreover, it was stated that only officers of Nagaland cadre are required to be included in the eligibility list while Shri T John Longkumer belongs to Chhattisgarh cadre.
- 3 Apart from this, it was *inter alia* stated in the above communication that (i) one of the candidates (Shri A Sunil Achaya) who is at serial number 1 in the seniority list of IPS officers of Nagaland cadre has been excluded and that his name has to be included in the eligibility list; and (ii) Shri Renchamo P Kikon who had been included in the eligibility list has not yet completed 30 years of service and hence his name could not be included.
- 4 On 31 August 2022, the Union Government in the Ministry of Home Affairs has conveyed the approval of the Appointments Committee of the Cabinet³ for extension of service and extension of inter cadre deputation tenure of Shri T John Longkumer, IPS (CH:1991) from Chhattisgarh cadre to Nagaland cadre for a period of six months from the date of his superannuation on 31 August 2022. At this stage, it would be material to note that a copy of the communication dated 1 April 2022 addressed by the UPSC to the Chief Secretary to the Government of Nagaland was marked to the Union Ministry of Home Affairs.

2 "UPSC"

3 "ACC"

- 5 On 4 February 2022, a meeting of the Police Establishment Board⁴ of Nagaland was conducted with the Chief Secretary as Chairperson. The Committee recommended the empanelment of “three seniormost IPS officers of the Department” to the UPSC for appointment of DGP of the State. The meeting of the PEB included Shri T John Longkumer, IPS, Director General of Police as a member though his name was being considered for empanelment and was empanelled. Besides this, the meeting of the PEB also recommended the release of Apex Scale to the same officer. From the record before the Court, it appears that the officer participated in the meeting which directly pertained to his empanelment as DGP and for the conferment of the Apex Scale.
- 6 These decisions have been impugned in the Interlocutory Applications on the ground that they are contrary to the order passed by this Court on 3 July 2018 in **Prakash Singh vs Union of India** [Writ Petition (Civil) No 310 of 1996] while considering an application for modification of the main judgment reported in (2006) 8 SCC 1⁵.
- 7 Having heard the submissions on behalf of the applicant, the State of Nagaland and the UPSC, we are of the considered view that in view of the communication which has been issued by the UPSC on 1 April 2022, the State of Nagaland must immediately send the list of empanelled officers for appointment to the post of DGP. The list of empanelled officers shall be drawn up in accordance with law after duly rectifying the deficiencies which were pointed out by the UPSC in its communication dated 1 April 2022. The list of eligible officers who are empanelled shall be communicated to the UPSC no later than by 31 October 2022. The UPSC shall take a decision thereon on or before 30 November 2022.

⁴“PEB”

⁵“Prakash Singh and Others vs Union of India and Others”

8 List the Interlocutory Applications on 9 December 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar