

ITEM NO.21

COURT NO.1

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**

IA No. 144787/2022 and 144785/2022 in  
Writ Petition(s)(Civil) No(s).310/1996

PRAKASH SINGH &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

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

Date : 09-12-2022 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

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

- 1 IA No 188126 of 2022 has been filed by the Union Public Service Commission<sup>1</sup>.
- 2 Following the order of this Court dated 17 October 2022, the State of Nagaland furnished the names of two eligible officers [(i) A Sunil Acharya; and (ii) Rupin Sharma].
- 3 It appears that the Union Ministry of Home Affairs has indicated that A Sunil Acharya, who is on Central deputation, does not wish to be considered for

1 “UPSC”

posting as DGP Nagaland. This has been confirmed by the officer on 16 November 2022. The State Government has furnished the ACRs of Rupin Sharma on 17 November 2022 and 18 November 2022.

- 4 The UPSC has sought sixty days' time for convening the Empanelment Committee Meeting for preparation of a panel of officers for appointment to the post of DGP Nagaland on the ground that consultation with the Ministry of Home Affairs is still in progress. The application filed by the UPSC states that this will not cause any administrative dislocation since the extended tenure of the existing incumbent will be over on 28 February 2023.
- 5 The previous order of this Court has specifically referred to the manner in which the proceedings of the Police Establishment Board<sup>2</sup> were conducted on 4 February 2022. To reiterate, the meeting of the PEB included Shri T John Longkumer as a member though his name was being considered for empanelment and was in fact empaneled. This Court was constrained to observe that "the officer participated in the meeting which directly pertained to his empanelment as DGP and for the conferment of the Apex Scale".
- 6 In view of the above observations of this Court in its order dated 17 October 2022, the UPSC must enforce the orders of this Court.
- 7 We, therefore, decline to grant a period of sixty days and direct that the final decision shall be taken on or before 19 December 2022. All necessary formalities which have to be completed shall be sorted out between the UPSC, the Union Ministry of Home Affairs and the State of Nagaland within the aforesaid period.

2 "PEB"

- 8 The authorities are placed on notice that the order of the Court be complied with to obviate recourse to the coercive arm of the law to ensure compliance of the judgment of this Court in **Prakash Singh v Union of India**<sup>3</sup>.
- 9 IA No 188126 of 2022 is disposed of.
- 10 List IA Nos 144787 and 144785 of 2022 on 9 January 2023.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

- 3 Writ Petition (Civil) No 310 of 1996