

(Supreme Court Of India)

Rajiv Ranjan Singh 'Lalan' & Another

v.

Union of India & Others

Writ Petition (Criminal) No. 197-198 Of 2004 | 26-10-2005

1. Having perused the papers sent by the High Court, we find that certain additional papers are required and the following queries are required to be answered by the High Court.

2. The meeting of the Standing Committee was held on 22nd June, 2005 when the matter of Sri Muni Lal Paswan appears to have been considered for appointment as Special Judge. There were three vacancies arising on that date. On that date, Special Judges were required to be appointed at Patna for CBI (Fodder Scam cases), CBI (South Bihar) and Vigilance Cases, in place of Sri Yogendra Prasad, Sri Mungeshwar Sahoo and Sri Jitendra Mohan Sharma. In the meeting of the Standing Committee held on 22nd June, 2005, three persons were appointed to fill in all the above positions, namely, Sri Muni Lal Paswan, ADJ who was posted as Special Judge for the CBI (Fodder Scam Cases) at Patna, Sri J.P. Ratnesh, ADJ, Patna who was posted as Special Judge, CBI (South Bihar) and Sri Ram Niwas Prasad, ADJ, Patna was posted as Special Judge for Vigilance Cases. The names of Sri Ratnesh and Sri Ram Niwas Prasad find place in the submissions of the Joint Registrar dated 20th June, 2005. The list placed by the Joint Registrar vide his submissions dated 20th June, 2005 consisted of 10 ADJs including Sri Ratnesh and Sri Ram Niwas Prasad. In that list, the name of Sri Muni Lal Paswan is not mentioned. The names of 10 ADJs are reproduced hereinbelow:

(1) Sri Bharat Prasad Yadav

(2) Sri Ramanand Sharma

(3) Sri Jayant Kumar Sen

(4) Sri Jawahar Prasad Ratnesh

(5) Sri Ram Niwas Prasad

(6) Sri Kumar Vijay Singh

(7) Sri Prem Kumar Rai

(8) Sri Janardan Prasad Sinha

(9) Sri Hira Lal Singh

(10) Sri Ram Pravesh Sharma

3. In these circumstances, the High Court is required to explain how and on what basis the name of Sri Muni Lal Paswan came to be considered by the Standing Committee when in the submissions of the Joint Registrar the name of Sri Muni Lal Paswan is not recommended or suggested. Consequently, the High Court is requested to give details of the places and the postings where the remaining ADJs were posted.

4. Sri Muni Lal Paswan was promoted as Additional District and Sessions Judge in Fast Track Court and he joined in Gopalganj as Presiding Officer, Additional Court on 7th February, 2002. This Court would like to see the Confidential Records of Sri Muni Lal Paswan as ADJ from 7th February, 2002 which do not find place in the record produced before us.

5. Similarly, the Court would like to examine the confidential records of each of ADJs, whose names appear in the submissions of the Joint Registrar dated 20th June, 2005.

6. The High Court is also requested to forward to this Court the remarks of Inspecting Judges and the remarks of District Judges concerning Sri Muni Lal Paswan at the time when he was promoted as ADJ on 7th February, 2002, which are not on record although in all other cases such remarks do appear.

7. Sri Muni Lal Paswan was promoted on 7th February, 2002 as ADJ. This Court would like to see the Gradation awarded by the Standing Committee when Sri Muni Lal Paswan was promoted to the post of ADJ. In all other cases, the High Court has awarded the gradation except in the case of Sri Muni Lal Paswan.

8. According to the submissions made by the Joint Registrar on 18th May, 2005, the Standing Committee had selected 14th District Judges for posting, which could not be notified. According to the said submissions, 5 out of 14 candidates were posted as District Judges according to their seniority. The High Court, is therefore, requested to inform this Court whether all the 14 candidates, whose names appeared in the submissions dated 18th May, 2005, have been posted at various places, if so, where, in what positions and on what date.

9. The High Court is also requested to clarify whether or not promotions and/or postings of ADJs are placed before and considered by the Full Court or in any Committee consisting of the Judges of the High Court. If so, the minutes of the concerned Committee/Full Court, when Sri Muni Lal Paswan was promoted as ADJ be sent to this Court. Similarly, the minutes of the meeting when he was posted as Special Judge in the Fodder Scam Case be also sent. Till date, the minutes of that posting are not on record. It is made clear that we would like to have typed copies of the Minutes/Discussions in support of Minutes, if any. This is because large number of documents sent to this Court are hand written documents.

10. Accordingly, the Registrar of the High Court to remain present in Court on the next date of hearing.

11. It is clarified that neither due to fact of pendency of these writ petitions nor by any order is there any restraint on the Chief Justice, who has recently taken charge, from reconsidering who is to be posted for hearing of the concerned fodder scam case, if he is so inclined to do.

12. List these petitions on 6th December, 2005.