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RESERVED

Writ Petition No. 2599 (M/B) of 2014

Dinesh Kumar Singh @ Sonu
Vs
State of U.P. & Ors.

Appearance:

For the petitioner: Mr. Digvijai Singh, Advocate

For the respondents:

Mr. Jaideep Narain Mathur, Senior Advocate,
with Mr. Shishir Jain, Advocate, for U.P.
Rajkiya Nirman Nigam Ltd.

Mr. Abhay Veer Singh, AGA, for the State

Hon'ble Dilip B Bhosale, Chief Justice
Hon'ble Devendra Kumar Upadhyaya, J
Hon'ble Rajan Roy, J

(Per Dilip B Bhosale, CJ)

A Division Bench of this Court, finding it difficult to agree and concur with the observations made in the order dated 01.04.2014 of another Division Bench, vide its order dated 16.04.2014, requested the Chief Justice for constituting a larger Bench to hear and decide the writ petition. The Chief Justice, vide order dated 17.04.2014 constituted a three-Judge Bench presided over by Sunil Ambwani, J.

2. The Full Bench, vide its order dated 28.04.2014, formulated the following question on the request and with the assistance of learned counsel appearing for the parties:

“Whether a Judge of Hon'ble High Court sitting alone or Judges sitting in a Division Bench hearing any matter in his/their determination assigned by

Hon'ble the Chief Justice, can overstep into the determination of another Bench, if any issue or question arises in the matter including a question in public interest, which is not connected to the matter before him/them, and which in his/their opinion is necessary to be decided, and further in such case where in his/their discretion it is necessary to decide such question, what should be the procedure to be adopted.”

3. It appears from the order dated 28.04.2014, that the Full Bench also invited members of the Bar who were interested to assist the Full Bench. Accordingly, the Oudh Bar Association entered its appearance through its President and sought time to assist the Court. One Shri Ashok Pande, Advocate, also made an application, supported by his affidavit, for intervention. Insofar as the oral request for intervention of the Oudh Bar Association is concerned, it was allowed. However, it was clarified that the intervention application of Shri Ashok Pande was not being considered then. The Full Bench also requested Shri Ashok Pande to consider the deletion of paragraphs 14 and 15 of his affidavit. Thus, the matter is now before this Full Bench.

4. It would be relevant and necessary to note the background facts that occasioned the reference to a Larger Bench. When the writ petition (Writ Petition No. 2599 of 2014) was placed before the Division Bench presided over by Sunil Ambwani, J., separate applications, bearing C.M. Application Nos. 38165 of 2014 and 38166 of 2014 filed by the Uttar Pradesh Rajkiya Nirman Nigam Limited (for short, 'UPRNN') were also placed before the Bench, for expunging the remarks/observations made in the order dated 01.04.2014 passed in the writ petition and for recalling the

said order, and so also for seeking permission to intervene in the writ petition. An application, filed by the State of U.P., supported by the affidavit of Shri Anil Kumar Gupta, Principal Secretary, Department of Home, Government of Uttar Pradesh, Civil Secretariat, Lucknow, with similar prayers was also placed before the Court. The Division Bench, after having gone through the order dated 01.04.2014, passed by another Division Bench presided over by Uma Nath Singh and Zaki Ullah Khan, JJ. and after hearing learned counsel for the applicants, found substance in the contentions urged on their behalf and in paragraphs 5, 6, 7 and 10 of the order dated 16.04.2014 made the following observations, which occasioned constitution of the larger Bench which formulated the aforestated question for its opinion:

“5. We have gone through the order passed by the Division Bench on 1.4.2014 and find substance in the contention of Shri Jaideep Mathur that there were no allegations in the pleadings nor there were any prayers made in the writ petition with regard to any larger enquiry to be made, in the matter of constructions and other financial matters in award of contracts, relating to construction of the new High Court building. The writ petition was filed for quashing the FIR dated 15.3.2014 registered vide Case Crime No.59 of 2014 under Sections 353, 323, 504, 506 and 427 IPC at Police Station Vibhuti Khand, District Lucknow and for issuance of a writ of mandamus restraining the police authorities from arresting the petitioner. This Court after summoning the officers of the Metro Rail Corporation, Senior Superintendent of Police, Managing Director, U.P. Rajkiya Nirman Nigam Ltd, who had no concern with the allegations, has made certain observations which are injurious to reputation of the agency and its officers. **The observations and suggestion of investigation of the matters relating to allegations that only such contractors and sub contractors are being given jobs, who are related to people in**

power, be it executive or judiciary, create strong ground of suspicion about the quality of construction of new High Court building as well as the buildings of subordinate judiciary, already constructed or are still under construction at various places in UP, have no connection with the matter for quashing a FIR which was brought before the Court.

6. We also do not find that any prayer was made or any material was available before the Bench to consider as to whether the investigation shall be given to any independent agency or the CBI and further there could be no reason as to why the orders on such enquiry for which no prayer was made by any person appearing in the matter were reserved.

7. We also find that there are some insinuations and remarks in the order with regard to Committees of Hon'ble Judges of the Court, which have been entrusted by Hon'ble the Chief Justice the task to look after the quality of constructions.

10. We are of the view that on the facts and special circumstances placed before us we following the judicial discipline and traditions of the Court and the judgment of the Apex Court in **State of Uttar Pradesh and others vs. Neeraj Chaubey and others** (supra) it is appropriate to refer the entire matter to Hon'ble Chief Justice for constituting a larger bench to hear and decide the writ petition. The larger bench may formulate the question as may be necessary to be decided by it. The registry will place the entire record of the case before Hon'ble Chief Justice for appropriate orders, forthwith and latest by **tomorrow** for appropriate orders.”

(emphasis supplied)

5. In view of the above, it becomes relevant to also note and understand the background against which the order dated 01.10.2014 was passed. The writ petition was filed by one Dinesh Kumar Singh @ Sonu for quashment of a First Information Report dated 15.03.2014, registered

vide Case Crime No. 59 of 2014, under Sections 353, 323, 504, 506 and 427 of the Indian Penal Code at Police Station Vibhuti Khand, District Lucknow, and for issuance of a writ of mandamus restraining the police authorities from arresting him. We do not deem it necessary to make further reference to the FIR and the facts disclosed therein, since that may not be relevant for addressing the question formulated by the Full Bench and for expressing our opinion.

6. It appears from the order dated 01.04.2014 that when the writ petition was placed before the very same Division Bench on 31.03.2014, learned counsel for the parties had submitted that the allegations related to the demand of bribe by a Junior Engineer of the UPRNN, a government construction agency, which had also been assigned the job of construction of a new High Court building at Lucknow and buildings of the subordinate Courts at various places in the State. It was, therefore, urged that the entire matter be enquired into by an independent agency under the supervision of that Bench (Uma Nath Singh and Zaki Ullah Khan, JJ). The Division Bench in the order dated 01.04.2014, referring to several orders passed in Writ Petition No. 10089 of 2010 (MB) (PIL) [Oudh Bar Association of High Court, Lucknow Bench Lucknow Vs. State of U.P. & Ors.] and after noticing the order passed in the instant writ petition on 31.03.2014, observed thus:

“Now, towards our aforesaid order dated 31.3.2014, Shri Rajiv Agarwal, Managing Director, Lucknow, Metro Rail Corporation, Shri Pravin Kumar, Senior Superintendent of Police, Lucknow, Managing Director, U.P. Rajkiya Nirman Nigam Ltd., the petitioner as well as Junior Engineer Shri Rajendra

Yadav and Station Officer, Police Station Vibhuti Khand, are present in Court.

It is submitted on behalf of the State that the impugned F.I.R. has been registered on the complaint of Junior Engineer, Rajendra Singh Yadav against the petitioner, who is a sub-contractor. Instead of passing any direction for investigation by any other agency, the Senior Superintendent of Police, Lucknow, may be directed to look into the correctness of cross allegations and submit a report. The U.P. Rajkiya Nirman Nigam, is headed by Shri R.N.Yadav, Managing Director, who states that Sri Rajendra Singh Yadav, Junior Engineer, against whom there is allegation of demand of bribe is presently under transfer from this project and till the investigation is completed, he may not be assigned any job.

In the facts and circumstances set out hereinabove, particularly, repeated assertion on affidavit as well as in complaint by the petitioner that 30 % amount of the payment due is being demanded as kick back to clear the bills and the Infrastructure Committee of the High Court, which alone is supervising the construction works is also feeling disgusted with the allegations of rampant corruption in the construction works of New High Court building and subordinate Courts premises throughout the State by the State Construction Agencies, **we do not think that any useful purpose will be served by handing over the investigation to the local police ...**

Further, there is also a lot of murmuring among the Judges of High Court, who have local roots about corruption, undue favour in giving contracts/sub contracts and kick back etc.

Moreover, as it also appears from the complaint of petitioner that the U.P.Rajkiya Nirman Nigam, through its Engineering Wing is also fostering and promoting mafias, apart from indulging in corruption with impunity, we think it expedient to consider the submissions that such matter may require thorough investigation. Besides, the allegations that only such Contractors and sub-contractors are being given jobs, who are related to people in power, be it executive or judiciary, also create strong ground of suspicion

about the quality of construction of new High Court building as well as the buildings of subordinate judiciary, already constructed or are still under construction at various places in U.P.

As noticed hereinabove, since the Engineers are also claiming patronage of the State Government in earning illegal money, this Court may have no option but to consider as to whether the investigation should be given to C.B.I. to find out the veracity of allegations as well as other areas where the funds allocated for construction of High Court buildings and buildings of subordinate courts in the State have been illegally utilized or diverted for private/personal use like the one relating to construction and maintenance of private buildings of persons, presently, directly or indirectly, positioned in the helm of affairs.

Thus, we stay the arrest of petitioner in the aforesaid case crime.

However, looking to serious consequence and fall out that might follow if we direct inquiry by SIT or CBI or any other independent agency into the alleged demand of bribe, passing of kick backs, diversion of funds, high payment, pilferage of construction materials and showing favours in the engagement of Contractor/sub contractors or suppliers of materials etc. etc. relating to new High Court building and other buildings of subordinate courts, we think it appropriate and thus reserve the order on the question of investigation by C.B.I. or any other independent agency.”

(emphasis supplied)

7. Having noticed the observations made in the order dated 01.04.2014 by the Division Bench presided over by Uma Nath Singh, J., the Division Bench presided over by Sunil Ambwani, J., in the reference order dated 16.04.2014, after having noticed the judgment of the Supreme Court in **State of Uttar Pradesh & Ors. Vs. Neeraj Chaubey & Ors., (2010) 10 SCC 320** and the Full Bench judgment of this Court in **Smt.**

Maya Dixit Vs. State of U.P. & Ors., [2010 (83) ALR 664], made a reference to the Full Bench.

In this backdrop, we would straightaway like to refer to the judgment of the Supreme Court in **Neeraj Chaubey** (supra) and the judgment of the Full Bench of this Court in **Maya Dixit** (supra). We shall also refer to other judgments which, in our opinion, squarely cover the question formulated by the Full Bench for opinion and which, in our opinion, deserves to be answered in the negative.

8. In **Maya Dixit**, the Full Bench among others also considered the question, whether a Bench conferred/assigned a particular work in terms of Chapter V of the Allahabad High Court Rules, can hear matters assigned to another Bench, and in paragraphs 17 and 17-A, observed thus:

“17. From the law as earlier quoted, it would be clear that the Division Bench assigned with a particular work can only do the work assigned and cannot do the work assigned to another Division Bench even in respect of earlier matter which it was hearing when the Chief Justice had assigned work to that Bench to take up the matter. After the assignment has changed, unless specifically ordered the previous Bench cannot hear the matter. Even in respect of tied up matters, in terms of the rule quoted above, the matter may ordinarily be laid before the same Bench for disposal. The expression "ordinarily" would mean that the authority empowered to assigning matters must exercise that power to place the matter before the Bench, which earlier had heard the matter. This can be done in individual cases or by a general order. This rule is based on the principle that a Bench having substantially heard the matter and spent valuable judicial time, must be allowed to ordinarily hear and dispose of the matter. This power, therefore, could only be exercised by the Chief Justice who constitutes the Benches and not by the Registry of the Court, nor can a Bench hold that it can proceed with the matter as a part heard matter.

17.A. The order of the learned Bench in Noor Mohammad (supra) dated 06.03.2009 was the subject-matter of an SLP, which was disposed of on 06.04.2009 and a further clarification was issued on 28.08.2009, which reads as under:-

"An application has been filed seeking clarification of our order dated 6.4.2009. By the said order the SLP filed by the petitioner was dismissed. While dismissing the SLP, we did not hold that the matter before the High Court was a PIL. We only stated that if the writ petition had been converted into a PIL by the impugned order, the Registry will do the needful by placing the matter before appropriate Bench dealing with PILs as per rules and guidelines. If the order of the High Court did not convert the writ petition into a PIL then obviously the said observation will not apply. If there was any doubt regarding posting, the matter ought to be placed before learned Chief Justice of the High Court. With the said observation, I.A. No.3 is disposed of."

Thus, this would make it clear that even if a Bench was hearing a matter assigned to it as per the assignment and if in the course of hearing it proceeds to consider reliefs not sought in the petition, but which will fall within the PIL jurisdiction, then the Bench is bound to direct the Registry to place the matter before the learned Chief Justice for appropriate directions or before the appropriate P.I.L Bench. In other words, if that Bench is not assigned PIL work, it cannot proceed to hear the matter."

(emphasis supplied)

9. In **Neeraj Chaubey** (supra), the Supreme Court considered the matter relating to the new building of the High Court at Lucknow. The matter before the Supreme Court arose from the orders dated 16.07.2010 and 25.08.2010 passed in Writ Petition No. 1872 of 1986. While dealing with the impugned orders on merit, the Supreme Court also observed that "we are concerned about the procedure adopted by the Division Bench

issuing such directions in an unconnected matter treating it as a PIL and keeping the issue before the same Bench.” It appears that the Division Bench, vide order dated 16.07.2010, had directed the State Government to submit a status report about sanctioning of funds for construction of new High Court Building Complex at Gomti Nagar, Lucknow. Having noticed those directions, the Supreme Court also observed that directions regarding construction of a new High Court building and early sanction of required funds for execution of the work cannot be faulted, and having so observed, made the observation as aforementioned, that the procedure adopted by the Division Bench issuing such directions in an unconnected matter treating it as a PIL was not proper. The observations made by the Supreme Court in paragraphs 9 and 10 which are relevant for our purpose, read thus:

“9. The High Court had taken note of various judgments of this Court including *State of Mahasashtra v. Narayan Shamrao Puranik*¹, *Inder Mani v. Matheshwari Prasad*², *State of Rajasthan v. Prakash Chand*³, *R. Rathinam v. State*⁴ and *Jasbir Singh v. State of Punjab*⁵ and various judgments of the High Courts and came to the conclusion that the Chief Justice is the master of roster. The Chief Justice has full power, authority and jurisdiction in the matter of allocation of business of the High Court which flows not only from the provisions contained in sub-section (3) of Section 51 of the States Reorganisation Act, 1956, but inheres in him in the very nature of things. **The Chief Justice enjoys a special status and he alone can assign work to a Judge sitting alone and to the Judges sitting in Division Bench or Full Bench. He has jurisdiction to decide which case**

1 (1982) 2 SCC 440 : AIR 1982 SC 1198

2 (1996) 6 SCC 587

3 (1998) 1 SCC 1

4 (2000) 2 SCC 391 : 2000 SCC (Cri) 958

5 (2006) 8 SCC 294 : (2006) 3 SCC (Cri) 470

will be heard by which Bench. If the Judges were free to choose their jurisdiction or any choice was given to them to do whatever case they may like to hear and decide, the machinery of the Court would collapse and the judicial work of the Court would cease by generation of internal strife on account of hankering for a particular jurisdiction or a particular case. The Court held that a Judge or a Bench of Judges can assume jurisdiction in a case pending in the High Court only if the case is allotted to him or them by the Chief Justice. Strict adherence of this procedure is essential for maintaining judicial discipline and proper functioning of the Court. No departure from this procedure is permissible.

10. In case an application is filed and the Bench comes to the conclusion that it involves some issues relating to public interest, the Bench may not entertain it as a public interest litigation but the court has its option to convert it into a public interest litigation and ask the Registry to place it before a Bench which has jurisdiction to entertain the PIL as per the Rules, guidelines or by the roster fixed by the Chief Justice but the Bench cannot convert itself into a PIL and proceed with the matter itself.”

(emphasis supplied)

10. In **Kishore Samrite Vs. State of Uttar Pradesh & Ors., (2013) 2 SCC 398**, the Supreme Court, while dealing with a somewhat similar controversy, after referring to the judgment in **Neeraj Chaubey**, in paragraph 29 observed thus:

“29. Judicial discipline and propriety are the two significant facets of administration of justice. Every court is obliged to adhere to these principles to ensure hierarchical discipline on the one hand and proper dispensation of justice on the other. Settled canons of law prescribe adherence to the rule of law with due regard to the prescribed procedures. Violation thereof may not always result in invalidation of the judicial action but normally it may cast a shadow of improper exercise of judicial discretion. **Where extraordinary jurisdiction, like the writ jurisdiction, is very vast in its scope and magnitude, there it imposes a**

greater obligation upon the courts to observe due caution while exercising such powers. This is to ensure that the principles of natural justice are not violated and there is no occasion of impertinent exercise of judicial discretion.”

(emphasis supplied)

11. In **State of Rajasthan Vs. Prakash Chand & Ors., (1998) 1 SCC 1**, a three-Judge Bench of the Supreme Court, dealt with the requirement of constitution of Benches, issuance of daily cause list and the powers of the Chief Justice in terms of the Rajasthan High Court Ordinance, 1949 read with Article 225 of the Constitution of India. After considering the relevant provisions of the Rajasthan High Court Ordinance, 1949 and Article 225 of the Constitution, the Supreme Court has drawn the following conclusions:

“(1) That the administrative control of the High Court vests in the Chief Justice alone. On the judicial side, however, he is only the first amongst the equals.

(2) That the Chief Justice is the master of the roster. He *alone* has the prerogative to constitute benches of the court and allocate cases to the benches so constituted.

(3) That the puisne Judges can only do that work as is allotted to them by the Chief Justice or under his directions.

(4) That till any determination made by the Chief Justice lasts, no Judge who is to sit singly can sit in a Division Bench and no Division Bench can be split up by the Judges constituting the Bench themselves and one or both the Judges constituting such bench sit singly and take up any other kind of judicial business not otherwise assigned to them by or under the directions of the Chief Justice.”

12. This Court in **Prof. Y.C. Simhadri, Vice Chancellor, B.H.U. & Ors. Vs. Deen Bandhu Pathak, Student, 2001 (4) AWC 2688**, after

considering Rule 1 of Chapter V of the Allahabad High Court Rules, in paragraphs 16, 17 and 18 observed thus:

“16. Thus, the following principles emerge from the foregoing discussions:

(1) The administrative control of the High Court vests in the Chief Justice alone and it is his prerogative to distribute business of the High Court both judicial and administrative.

(2) The Chief Justice alone has the right and power to decide how the Benches of the High Court are to be constituted : which Judge is to sit alone and which cases he can and is required to hear as also which Judges shall constitute a Division Bench and what work those Benches shall do.

(3) The puisne Judges can only do that work which is allotted to them by the Chief Justice or under his directions. No Judge or a Bench of Judges can assume jurisdiction in a case pending in the High Court unless the case is allotted to him or them by the Chief Justice.

(4) Any order which a Bench or a single Judge may choose to make a case that is not placed before them or him by the Chief Justice or in accordance with his direction is an order without jurisdiction and void.

(5) Contempt jurisdiction is an independent jurisdiction of original nature whether emanating from the Contempt of Courts Act or under Article 215 of the Constitution of India.

(6) For exercising the jurisdiction under Article 215 of the Constitution of India, the procedure prescribed by law has to be followed.

17. It appears that on 26.3.2001, when the learned Judge passed the said order, he was allotted and assigned the determination with regard to the following matters by the Chief Justice as appears from the printed cause list:

"Fresh writs in educational matters (except

service writs) for orders, admission and hearing and all single Judge writ-C for order, admission and hearing including bunch cases".

The learned Judge on the face of the record, therefore, had no determination assigned to him by the Chief Justice with regard to the matters relating to contempt and the said jurisdiction had been assigned to another Hon'ble single Judge.

18. In view of the rule as already noted that the power to constitute Benches and allotment of work to the learned Judges vests absolutely in the Chief Justice and the Rules 1, 6 and 17 of Chapter V and Rule 2 of Chapter VIII of the Allahabad High Court Rules also clearly provide for the same. In that view of the matter, the order passed by the learned single Judge in the instant case appears to us to be without jurisdiction and void."

(emphasis supplied)

13. The legal position that emerges from the above judgments, is that the roster and placing of cases before different Benches of the High Court is unquestionably the prerogative of the Chief Justice of the High Court. In the absence of the Chief Justice, the seniormost Judge may pass directions in regard to the roster of the Judges and listing of cases. Primarily, it is the exclusively prerogative of the Chief Justice and does not admit of any ambiguity or doubt in this regard. A Judge of the High Court can sit alone or in Division Benches and do such work only as may be allotted to him by an order of or in accordance with the directions of the Chief Justice. As observed in **Prakash Chand (supra)**, it is not within the the competence or domain of any Judge sitting alone or in Division Bench to give any direction to the Registry in that behalf which may run contrary to the directions of the Chief Justice. Therefore, in the scheme of things, judicial discipline demands that in the event a Single Judge or a

Division Bench considers that a particular case requires to be listed before it for valid reasons, it should direct the Registry to obtain appropriate orders from the Chief Justice. The puisne Judges are not expected to entertain any request from the Advocates of the parties for listing of a case which does not strictly fall within the determined roster. In such cases, it is appropriate to direct the counsel to make a mention before the Chief Justice and obtain appropriate orders. This is undoubtedly essential for the smooth functioning of the Court. In other words, if a Bench was hearing a matter assigned to it as per the assignment and if, in the course of hearing, it proceeds to consider reliefs not sought in the petition but which would fall within the PIL jurisdiction, then the Bench is bound to direct the Registry to place the matter before the Chief Justice for appropriate directions or before the appropriate PIL Bench and, in any case, it cannot proceed to hear the matter which is not assigned to it, as observed by the Full Bench in **Maya Dixit**.

14. In the present case, the Division Bench was dealing with a writ petition that was filed only for quashment of an FIR and, therefore, the scope was limited. The Division Bench, in our opinion, traveled beyond the scope of the writ petition and not only passed orders which were not within its determined roster but made unnecessary and unwarranted observations against those who were not even parties to the petition. The Division Bench virtually converted the writ petition for quashment of an FIR under Article 226 of the Constitution read with Section 482 of the Criminal Procedure Code, into a PIL when an independent PIL was

pending before this Court wherein such questions could have been raised. In our opinion, the Bench, whether it is a Single Judge or a Division Bench, should observe some restraint while making observations, of the nature as made in the order dated 01.04.2014, which are wholly unconnected with the subject matter of the petition, in the nature of insinuations and/or remarks/observations against unconnected parties and the prayers made in the petition.

15. In the circumstances, we hold that a Judge of the High Court sitting alone or Judges sitting in a Division Bench, hearing any matter in his/their determination assigned by the Chief Justice, cannot overstep into the determination of another Judge sitting alone or in a Division Bench. If any such issue or question arises in the matter including a question in public interest which is not connected with the matter before him/them and which in his/their opinion is necessary to be decided, in that situation the only option open to the learned Judge or the Division Bench is to direct the Registry to place the matter before the Chief Justice for appropriate directions or before the appropriate PIL Bench and, in any case, should not convert such a writ petition into a PIL. The question is, thus, answered accordingly in the negative.

16. It is not in dispute that during the pendency of the reference, a charge sheet has been filed against the accused petitioner – Dinesh Kumar Singh @ Sonu bearing Chargesheet No. 33 of 2014 on 14.04.2014 in Case Crime No. 59 of 2014, registered at Police Station Vibhuti Khand, Lucknow. In view thereof, it was submitted by leaned counsel for the

State that the writ petition deserves to be disposed of as rendered infructuous, may be with liberty to the petitioner to take appropriate remedy if he so desires or to face trial. Mr. Digvijai Singh, learned counsel for the petitioner could not and did not dispute the submission made on behalf of the State and submitted that all contentions of the petitioner may be kept open to be raised in appropriate proceedings. In the circumstances, we dispose of the writ petition also as rendered infructuous.

17. Insofar as the application filed by Ashok Pande for intervention in the writ petition is concerned, we reject the same outright for more than one reason. Firstly, he has absolutely no locus to address the Full Bench on merits of the writ petition, and secondly because he has refused to delete paragraphs 14 and 15 of his affidavit which the Division Bench vide order dated 28.04.2014 had directed him to consider. It would be relevant to reproduce those paragraphs so as to demonstrate that Mr. Ashok Pande has been wholly irresponsible and callous in his assertions. This, we note, is apart from the fact that this Court has observed, time and again, that he is in a habit of making unfounded and reckless allegations not only against the judiciary but against any person:

“14. That in view of it the constitution of the three judges bench to hear this matter is highly illegal and unconstitutional. This amounts to indictment, insult and misbehavior with the Sri Uma Nath and Sri Zaki Ulla. Though the Chief Justice is master of the roster but that does not give an authority to the Chief Justice to insult and misbehave the good, honest, bold judges.

15. That one more fact the applicant intends to

bring on the record of the matter is that a friend of mine Sri R.N.S. Chauhan advocate who is also a close friend of Sri Imtiaz Murtaza J. informed me that some contractor approached him with a offer of 25 lakh rupees in case he is able to manage a contract in his favor with the Ashirvad/blessing of Sri Imtiaz Murtaza J. Sri R.N.S. Chauhan denied the offer but even then later on he was informed that the same person has got the contract. This shows that the contractors are moving around the High Court, the resident of the judges and the resident of their nears and dears with huge money for getting the contract. The question is why the judges are so involved in the award of contract? Whether it is judges work or it is work of the bureaucracy? The bribe which was offered to Mr. R.N.S. Chauhan Advocate went to whom? How many such more contracts were awarded and who received the bribe? On whose recommendations and directions the contract of Civil Court and High Court building are being awarded?"

18. When we commenced hearing, we once again requested Mr. Pande to consider the deletion of paragraphs 14 and 15 of his affidavit but he refused to do so. Further, he repeatedly made an attempt to make submissions in support of the observations made in the order dated 01.04.2014 and on the merits of the writ petition, and did not make any submission on the question formulated for the opinion of this Bench. In the circumstances, we reject his application for intervention on this ground as also on the ground that he advanced no submissions on the merits of the reference and continued to only repeat the allegations, as made in the aforesaid paragraphs 14 and 15.

19. The request made by Mr. J.N. Mathur, learned Senior Counsel appearing for UPRNN, that an action needs to be taken against Mr. Pande, who is appearing in person, for making irresponsible, baseless, reckless and unfounded allegations in paragraphs 14 and 15 of his affidavit, either

for having committed criminal contempt of this Court and/or to restrain him from entering the precincts of this Court at Lucknow and at Allahabad in exercise of the powers under Rule 11 falling in Chapter XXIV of the Allahabad High Court Rules, 1952, is kept open to be considered at an appropriate stage.

January 5, 2017
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(Dilip B Bhosale, CJ)

(D K Upadhyaya, J)

(Rajan Roy, J)

Writ Petition No. 2599 (M/B) of 2014

Dinesh Kumar Singh @ Sonu Vs State of U.P. & Ors.

Hon'ble Dilip B Bhosale, Chief Justice

Hon'ble Devendra Kumar Upadhyaya, J

Hon'ble Rajan Roy, J

Re: C.M. Application No. NIL of 2014 dated 28.04.2014 filed by Shri Asok Pande for intervention

Rejected.

For orders, see order of date passed on the writ petition.

January 5, 2017

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(Dilip B Bhosale, CJ)

(D K Upadhyaya, J)

(Rajan Roy, J)