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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4680/2021 & CM APPL. 7141/2022, 21651/2022**

ALOK INDUSTRIES LIMITED

..... Petitioner

Through: Ms. Pallavi Pratap, Mr. Shivam Goel,
Ms. Petrusha Dasgupta, Mr. Mridul
Yadav, Ms. Nasrin Shaikh, Advocates
(M:9999990078)

versus

**ASSISTANT DIRECTOR, ENFORCEMENT
DIRECTORATE**

..... Respondent

Through: Mr. Ravi Prakash, Mr. Farman Ali,
Ms. Shruti, Mr. Taha Yasin,
Advocates (M:9795309119)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 01.06.2022

1. This hearing has been done through hybrid mode.
2. Ld. Counsel for the Petitioner wishes to withdraw the present petition.
Thus, the petition is dismissed as withdrawn.
3. This petition is part of a batch of petitions which were disposed of by this Court vide judgment dated 27th October, 2021. The lead matter in the batch of 17 petitions was **WP(C) 5713/2020** titled ***J.K. Tyre and Industries v. Directorate of Enforcement***. The present matter was kept pending, *inter alia*, to receive the status report *qua* the issue of appointments and vacancies in the Adjudicatory Authority under the PMLA (*hereinafter* 'AA-PMLA'). Thereafter, the matter has been listed from time to time before the Court.

Various status reports have been filed by the Respondent apprising the Court of the steps taken for filling up of vacancies. On the last date of hearing, Id. Counsel for the Petitioner sought permission of the Court to withdraw the petition. However, Id. Counsel for the Respondent sought time to seek instructions in respect of vacancies in AA-PMLA.

4. The Respondent has now filed an Affidavit of Ms. Sampada Mehta, Director-HQ-Department of Revenue dated 31st May, 2022. The updated status of the appointments as given in the Affidavit is set out below:

(a) Vacancy Position in AA-PMLA:

S.No	Name of Post	Name of Officer	Date of Appointment	Completion of tenure/Date of Creation of vacancy where the post is vacant.
1.	Chairperson	Shri Vinodanand Jha	20.02.2022	22.06.2023
2.	Member (Administration)	Vacant	-----	31.08.2020
3.	Member (Law)	Vacant	-----	14.02.2021
4.	Member (Finance or Accountancy)	Shri Vinodanand Jha	24.10.2018	22.06.2023 (65 years)
5.	Administrative Officer	Vacant	-----	13.04.2020

6.	Registrar	Vacant	-----	Vacant since the creation of post. (21.10.2011)
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(b) Efforts made for filling the vacant positions in AA-PMLA:

S.No.	Name of post	Efforts has been made so far
1.	Chairperson	Shri Vinodanand Jha has assumed the charge of Chairperson, AA-PMLA on 20th February, 2022
2.	Member (Administration)	Vacancy circular has been published in the Employment News in their subscription dated 9th Oct 15 Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 7th Dec, 2021. In response to the vacancy circular applications have been received and a meeting of the Selection Committee is being arranged to consider the applications.
3.	Member (Law)	Vacancy circular has been published in the Employment News in their subscription dated 9th Oct - 15th Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 7th Dec, 2021. In response to the vacancy circular applications have been received and a meeting of the Selection Committee is being arranged to consider the applications.

4.	Administrative Officer	<p>Due to receiving of only incomplete applications and ineligible candidates applications for the last vacancy circular (Employment News subscription dated 16th Oct-22nd Oct, 2021), we decided to recirculate the vacancy circular. The new vacancy circular has been published in the Employment News in their subscription dated 19th March-25th March, 2022. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post was 18.05.2022. We have received 4 applications.</p> <p><u>However, Shri P. Subba Rao, an officer of CBDT has been working at the post of Administrative officer since 30.11.2021 on loan basis till the regular incumbent joined.</u></p>
5.	Registrar	<p>Vacancy circular has been published in the Employment News in their subscription dated 9th Oct - 15th Oct, 2021. The advertisement has also uploaded on the Department of Revenue official website. Last date for applying the post is 7th Dec, 2021.</p> <p>We went to UPSC with the proposal on 07.04.2022 but they rejected the proposal by saying that the post has fallen under the category of 'abolished'. So, in order to submit the proposal again to UPSC, we have to first revive the proposal. The file has been moved for revival of the post from Department of Expenditure.</p> <p><u>However, Shri Amar Singh, was assigned additional charge of Registrar in AA PMLA since 28.07.2020 till the regular incumbent joined the post.</u></p>

5. From the above tables, it is clear that as far as the posts of Member (Administration) and Member (Law) are concerned, vacancies have been advertised and the meeting of the Selection Committee is to be held. Mr. Ravi Prakash, Id. CGSC submits that the meeting is likely to be held shortly and the Union of India is also interested in filling up these posts on an expeditious basis.

6. The posts of Administrative Officer and Registrar are still vacant. However, two officials from other Departments have been posted on these posts. Insofar as the post of Member (Finance or Accountancy) is concerned, the said position has also fallen vacant due to the fact that Shri. Vinodanand Jha, who was earlier holding the said position has been appointed as Chairperson, AA-PMLA.

7. In view of the above Affidavit and submissions made today, it is directed that steps shall be taken for filling up all the vacant posts, especially, Member (Administration), Member (Law) and Member (Finance or Accountancy) on an expeditious basis and in any case within a period of four months from today. Insofar as the posts of Administrative Officer and Registrar are concerned, steps shall also be taken to fill the said posts on an expeditious basis.

8. As per the Affidavit, the post of Registrar has fallen under the category of 'abolished'. An application is stated to have been moved by the Department of Expenditure with the UPSC for revival of the proposal for the said post. If the post of the Registrar is required in the AA-PMLA, an application shall be moved again for the revival of the said post within a period of four months from today.

9. Since the main petition has been dismissed as withdrawn, let the

present order be placed before the Id. Division Bench which is currently dealing with *LPA No. 117/2022* titled *Directorate of Enforcement v. J.K. Tyre and Industries* which was the lead matter in the batch matters which this Court was hearing along with the present writ petition. The Respondent shall place the next Status Report before the Id. Division Bench.

10. This matter need not be listed further and is dismissed as withdrawn.

11. All the pending applications are also disposed of.

PRATHIBA M. SINGH, J.

JUNE 1, 2022/aman/SK