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MOOT COURT ASSOCIATION

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COMMON ELIMINATION VIII

MOOT PROPOSITION

The Union of Sasan is the federal republic nation which consists of 14 states and 5 union territories whose capital is situated at Aztec. The constitution and laws of Union of Sasan are on the lines of India. The Attila is the north eastern state of the union of Sasan. The State of Attila is being ruled by the United Democratic Front (UDF) government under the chief minister-ship of Mr. Magellan.

Mr. Abel Tasman is the officer of the Sasan administrative service (Attila cadre), 1973 batch where he served in different capacities before his appointment as secretary, department of food and civil supplies (DoFCS), State of Attila in 1996.

During his tenure the State of Attila decided to import 30 thousand MT of edible oil. The Govt. of Sasan granted the permission to State of Attila for the same on the condition that an escrow account be opened and import clearance be granted as per the rules of Govt. of Sasan.

Thereafter the comptroller and auditor general (CAG) in his report dated 2-2-99 for the year ended 31-3-98 took exception to the procedure adopted for the import of edible oil by State of Attila. This report of CAG was placed before the estimates committee of Attila assembly. The estimates committee in his report referred to alleged irregularities that the DoFCS had not invited the tenders and placed import order on M/S Diemen's export corporation, also that there was delay in opening escrow account and fixation of price was not proper which resulted into the loss to the exchequer of Govt. of Sasan.

The one Mr. Ottoman filed a writ petition in Attila High court praying that the directions be issued to the State of Attila to register the FIR against the guilty on the ground that the corrupt practices has been used in importing the edible oil. The writ was dismissed by the learned single judge of the Attila HC and even appeal against that order was also dismissed by the division bench of the same court vide order dated 27-9-99.

Elections were held in the State of Attila on 20-3-01 and left democratic front (LDF) formed the government. The FIR was registered against then CM Mr. Magellan and secretary, DoFCS, Mr. Abel Tasman u/sec 13(2) r/w sec 13(1)d, of Prevention Of Corrupt Practices Act, 1988 and u/sec.120B of SPC in edible oil scam case. The State of Attila accorded its sanction to prosecute both above charged persons. Further the state Govt. requested the Dept. of personnel and training (DoPT) of Govt. of Sasan to grant the required sanction to prosecute Mr. Abel Tasman.

The DoPT made reference to Directorate of Vigilance (DoV) which rendered advice to the DoPT that the case has been examined and commission has observed that no case is made out against Mr. Abel Tasman and granted him the vigilance clearance.

The Govt. of Attila appointed Mr. Abel Tasman as the chief secretary on 18-9-07. Thereafter he was appointed as secretary, Dept. of telecommunication, wherein the spectrum allocation scam was unfolded by the report of the CAG.

The DoPT empanelled three officers on 25-1-2012 along with the brief, the matter was put up to the High Powered Committee (HPC) for selection of the Vigilance Director (VD) as provided under the DoV Act, 2003. In the meeting of HPC, disagreement was recorded by the leader of opposition in lower house, despite which name of Mr. Abel Tasman was recommended for the appointment to the post of VD. The recommendation was placed before Prime minister which was approved and was further submitted to president who also approved it. Consequently Mr. Abel Tasman was appointed as VD and he took oath to the office.

Following this, the Writ petition was filed before the Hon'ble Supreme Court of Sasan, challenging legality of appointment of Mr. Abel Tasman to the post of VD by Club of Public Interest Protection.

The matter is before Hon'ble Supreme Court of Sasan and parties are to argue accordingly.