

MR. CHAIRMAN: Please sit down, Mr. Kureel. It is extremely bad. I allow as many supplementaries as I possibly can. When I have passed on to the next question after dozens of supplementaries, you still insist on putting another. Next question.

\*208. [The questioner (Shri M. C. Shah) was absent. For answer vide col. 1570 infra.]

\*209. [The questioner (Shri R. S. Khandekar) was absent. For answer vide cols. 1570-71 infra.]

#### CHARGE-SHEETS FOR I.C.S. OFFICERS WHO WERE SUSPENDED

\*210. SHRI ABDUL GHANI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that charge-sheets were served on all those Indian Civil Service officers who were suspended during the years 1960, 1963 and 1964;

(b) if so, whether the charge-sheets were forwarded to the Central Government by the State Governments concerned before serving them on those officers before their suspension; and

(c) the number of the Indian Civil Service officers who were given charge-sheets before their suspension during the years mentioned in part (a) above?

THE MINISTER OF STATE in THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): (a) Only one Indian Civil Service officer was suspended during these three years. The articles of charge were served on him before the suspension order dated 5-4-1963.

(b) No, Sir. It is not necessary (or the State Government to forward the charge-sheet to the Central Government before serving it on an officer before suspension.

(c) One, Sir. There was no other case of an Indian Civil Service Officer being suspended during these three years.

श्री عبدالغनी : کیا وزیر صاحب فرمائیں گے سپریم کورٹ کے فیصلہ کے مطابق کہ کوئی اسٹیت گورنمنٹ کسی آئی - سی - ایس - آفیسر کو سسپنڈ نہیں کر سکتی - تو جب سینٹرل گورنمنٹ نے اس آفیسر کو سسپنڈ کیا تو کیا کوئی اپنی طرف سے اس کو چارج شیٹ دیا اور اس کا جواب لیا سسپنشن سے پہلے یا نہیں لیا -

†[श्री अब्दुल गनी : क्या वजीर साहब फरमायेंगे सुप्रीम कोर्ट के फेसले के मुताबिक कि कोई स्टेट गवर्नमेंट किसी आई० सी० एस० ऑफिसर को सस्पेंड नहीं कर सकती तो जब सेंट्रल गवर्नमेंट ने उस ऑफिसर को सस्पेंड किया तो क्या कोई अपनी तरफ से उसको चार्ज शीट दिया और उसका जवाब लिया सस्पेंशन से पहले या नहीं लिया ?]

श्री जयसुखलाल हाथी : अभी तक जो फैल है वह वही है जो सुप्रीम कोर्ट का फैसला है कि आई० सी० एस० ऑफिसर को जब सस्पेंड करना हो तब सेंट्रल गवर्नमेंट की सेवशन लेनी चाहिये और सेंट्रल गवर्नमेंट उनके बारे में जो कुछ रिकार्ड वगैरह होता है उसको देखकर सस्पेंशन के लिये आर्डर देती है ।

श्री عبدالغنی : مسٹر چھرمہن - مہرا سوال تھا کہ جب سپریم کورٹ کا فیصلہ آیا اور وہ فیصلہ یہ تھا . . .

†[श्री अब्दुल गनी : मिस्टर चैयरमन, मेरा सवाल था कि जब सुप्रीम कोर्ट का फैसला आया और वह फैसला यह था . . .]

†[ ] Hindi transliteration.

श्री सी० डी० पांडे : कैरों साहब पर आयेंगे ।

श्री मदनगुप्ता : हाँ - कौनों

साहब नहीं कर सकते थे - ये योनीय  
सर्वे चहोते हैं - उन को पत्ते होना  
चाहते थे सौरिम कोर्ट ने, हाँ कोर्ट  
ने कहा कि जल्द चार्ज हो जायें  
की बलियाँ पर उन पर मन्त्र चला  
ये सारे फाल्स थे चहोते थे बालक  
प्रेमिनी से बलियाँ कूँते थे - मेहनत  
चाहता हूँ सौरिम कोर्ट के फलसे के  
बद जब सल्लु सरकार ने उन को ससपेण्ड  
किया तो ससपेण्ड करने से पहले उन्होंने कोई  
चार्जशीट दिया या नहीं दिया ? उनका  
जवाब लिया तो जवाब क्या था और भाया  
सैन्ट्रल गवर्नमेंट को तसल्ली हो गई थी कि  
इन चार्ज शीट के देने के बाद उनको ससपेण्ड  
करना चाहिए ?]

श्री सी० डी० पांडे : किसने किया ?

श्री मदनगुप्ता : सल्लु सरकार ने

ने कहा - पहले कहा था सल्लु सरकार ने -

†[श्री मदनगुप्ता : सैन्ट्रल गवर्नमेंट ने  
किया । पहले किया था स्टेट सरकार ने ।]

MR. CHAIRMAN: No explanation.  
You have to put a question.

श्री जयसुखलाल हाथी : अब इन्फार्मरी  
हुई तब ही चार्ज शीट दी गई ।

श्री सभापति : वे पूछते हैं कि सैन्ट्रल  
गवर्नमेंट ने दी या स्टेट गवर्नमेंट ने ।

श्री जयसुखलाल हाथी : स्टेट गवर्नमेंट  
ने दी ।

श्री सभापति : स्टेट गवर्नमेंट ने दी और  
आपने इजाजत दी ।

श्री जयसुखलाल हाथी : पहले चार्जशीट  
देवी और उसके बाद इजाजत दी ।

श्री मदनगुप्ता : क्या उरुष साहब

फरमानें के के जो प्रोव्हेनशन् उन  
हाउस में ली है क्या वे सौरिम कोर्ट ने  
भी ली है ? चार्ज शीट को दिक  
को उन ने सल्लु सरकार को इजाजत  
दी क्या इस प्रोव्हेनशन् को उन ने सौरिम  
कोर्ट में लिया था ?

†[श्री मदनगुप्ता : हाँ । कैरों साहब नहीं  
कर सकते थे । ये यही मुझे छेड़ते हैं । उनको  
पता होना चाहिए कि सुप्रीम कोर्ट ने, हाई कोर्ट  
ने कहा कि जितने चार्ज हैं जिनकी बुनियाद  
पर उन पर मुकदमा चला वह सारे फाल्स थे,  
झूठे थे और बिल्कुल बेईमानी से बनाये गये  
थे । मैं पूछना चाहता हूँ, सुप्रीम कोर्ट के फैसले  
के बाद अब सैन्ट्रल सरकार ने उनको ससपेण्ड

†[श्री अम्बुल गनी : क्या वजीर साहब  
क्रमशः कहेंगे कि जो पोबीशन उन्होंने हाउस में  
ली है क्या वह सुप्रीम कोर्ट में भी ली है ?  
चार्ज शीट को देख कर उन्होंने स्टेट गवर्नमेंट  
को इजाजत दी—क्या इस, पोबीशन को  
सुप्रीम कोर्ट में लिया था ?]

श्री जयसुखलाल हाथी : अभी उन्हें जो  
सस्पेंशन आर्डर दिये गये हैं उसके बारे में  
उन्होंने आर्टिकल २२६ के अनुसार एक रिट  
पिटीशन दी है और उसकी हियरिंग  
११ मई को है। तो मेरे काल में वे सारी  
बातें यहां पर दौहराना मुश्किल होगा।  
*It is sub judice; the matter is pend-  
ing before the Supreme Court.*

SHRI BHUPESH GUPTA: Mr.  
Ghani has taken the name of Mr.  
Kairon, we can proceed with the  
other aspect of it.

MR. CHAIRMAN: Others anticipated it.

SHRI BHUPESH GUPTA: Yes, Mr. Kairon  
is all right. We are having it. But we are  
concerned with the large aspect of the  
question. From what the hon. Minister has  
said, it appears that the suspension in such  
cases would be subject to the approval of the  
Central Government. May I know from the  
hon. Minister exactly at what point the State  
Government is supposed to consult the  
Central Government in the matter and  
whether the suspension can take effect even  
before the Central Government has approved  
of the suspension?

SHRI JAISUKHLAL HATHI: The question  
cannot be effected, according to the judgment  
of the Supreme Court, unless the Central  
Government has sanctioned the suspension.  
That is the position. Therefore, it was, that the  
Supreme Court held that the suspension order  
issued by the Punjab Government was wrong,  
was not

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lawful, and it was therefore that they came  
here. The Government of India looked into  
the case whether it was a fit case for  
suspension or not and then they issued the  
sanction.

SHRI A. D. MANI: In answer to a previous  
question the Minister stated that the charge-  
sheet was not forwarded to the Central  
Government. Even though this charge-sheet  
was not forwarded to the Central Govern-  
ment, did the Government of India make at  
least a routine enquiry of the Punjab  
Government as to what the charges were or  
did they think that the sense of justice of the  
Punjab Government was so highly developed  
that such an interrogation was not necessary?

SHRI JAISUKHLAL HATHI: The charge-  
sheet was before the Central Government.

MR. CHAIRMAN: He did not say that.

SHRI JAISUKHLAL HATHI: I think Mr.  
Mani is not clear. The charge-sheet which  
was issued to him much earlier was already  
on the record; the Central Government had a  
look at it. It is not that it was not before the  
Government.

The validity of the order of suspension is in  
the jurisdiction of the Punjab Government but  
to sanction or to issue the order of suspension  
without

श्री जगत नारायण : क्या वजीर साहब  
बतलायेंगे कि जब सुप्रीम कोर्ट का फैसला  
पंजाब गवर्नमेंट के खिलाफ हो गया कि उन्होंने  
उनका हक तसलीम किया तो क्या सेन्ट्रल  
गवर्नमेंट इस फैसले के बाद कोर्ट एक्शन लेने  
की बात सोच रही है ?

श्री जयसुखलाल हाथी : जो सुप्रीम कोर्ट  
का फैसला हुआ था वह कोई केस के खिलाफ  
नहीं हुआ था। जो फैसला हुआ वह . . .

the sanction of the Central Government, that was held wrong and therefore we looked into the matter.

SHRI BHUPESH GUPTA: Is it not a fact that as a result of this irregularity on the part of the Punjab Government the Punjab Government would now have to pay the salaries and 'other allowances to this officer for the entire period of suspension, for the time of suspension by the Government, up to the Supreme Court's judgment? May I know the amount involved and whether the Central Government has sought an explanation from the State Government as to why it should have taken such a step which has meant such a loss to the exchequer?

SHRI JAISUKHLAL HATHI: It was a question of the interpretation of that rule. The Punjab Government thought that it had the power to suspend the officer concerned. The Supreme Court held that that issue was not correct, that this should have been done by the Central Government. Now, after this Supreme Court judgment, of course, they had issued an order of reinstatement.

شری بھارے لال گوپل ددطالبہ :  
میں یہ جاننا چاہتا ہوں کہ گورنر کے  
فصلہ کے بعد جب سٹیٹل گورنمنٹ  
نے ان کو سسپنڈ کیا تو پورے چارج  
شہت پر کیا یا نئے پر کیا؟

†[श्री प्यारेलाल कुरील 'तालिब' :  
मैं यह जानना चाहता हूँ कि कोर्ट के फैसले के  
बाद जब सेंट्रल गवर्नमेंट ने उनको सस्पेंड  
किया तो पुराने चार्ज शीट पर किया या नये  
पर किया ?]

श्री सभापति : सस्पेंड नहीं किया गया  
बल्कि सस्पेंड करने की इजाजत दी गई।

شری بھارے لال گوپل ددطالبہ :  
کہا انہیں سسپنڈ کرنے کے لئے نئے  
چارج شہت کے مطابق اجازت دی گئی  
تھی یا پورے چارج شہت کے مطابق ہی  
انہیں سسپنڈ کیا گیا؟

†[श्री प्यारेलाल कुरील 'तालिब' :  
क्या उन्हें सस्पेंड करने के लिये नये चार्जशीट  
के मुताबिक इजाजत दी गई थी या पुराने  
चार्जशीट के मुताबिक ही उन्हें सस्पेंड किया  
गया ?]

SHRI BHUPESH GUPTA: I want to know the amount.

(Several hon. Members stood up)

MR. CHAIRMAN: Let Mr. Kureel's question be answered.

SHRI JAISUKHLAL HATHI: It was on the basis of the old charges and other material that the Central Government obtained.

SHRI A. M. TARIQ: Is it not a fact that in view of the treatment that this ICS officer got in Punjab some of the ICS officers at the Centre preferred to resign than to go to Punjab?

SHRI JAISUKHLAL HATHI: I think it is a general question, I will not be in a position to answer it.

SHRI M. R. SHERVANI: May I know whether after the Supreme Court's judgment, it is the intention of the Government to change the procedure for the IAS and IPC officers or whether they can still be suspended by the State Government?

SHRI JAISUKHLAL HATHI: The procedure is already there that in the case of an ICS officer, the State Government cannot suspend him, units, the sanction of the Central Government is obtained. That is already there.

SHRI M. R. SHERVANI: My question is not answered. I asked . .

(Interruptions.)

SHRI DAHYABHAI V. PATEL: The latter part of Mr. Gupta's question about how much extra amount was involved as a result of this wrong suspension order has not been clarified. Will the hon. Minister please tell us the amount involved?

SHRI JAISUKHLAL HATHI: I am sorry "that I have not got the information. I would require notice.

SHRI SYED MAHMUD: I want to know from the hon. Minister whether the sanction accorded by the Central Government was with retrospective effect?

SHRI BHUPESH GUPTA: How can it be?

SHRI JAISUKHLAL HATHI: The, sanction was issued on 8th February, 1964 and they have reinstated him from the date of the Supreme Court's judgment so that it means it is retrospective.

SHRI BHUPESH GUPTA: What about the salary amount? -

MR. CHAIRMAN: Next question

#### BLACK-MARKETING OF PETROL IN HIMACHAL PRADESH

\*211. SHRI SHIVANAND RAMAUEf Will the Minister of HOME AFF be' pleased to state:

(a) whether it is a fact, as reported in the Press, that the Special Police Establishment recently registered a case of blackmarketing of thousands

of litres of petrol against some persons serving in the Himachal Pradesh Administration; and

(b) if so, what is the result of investigations into this matter?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): (a) No case of black-marketing of petrol has been registered by the Special Police Establishment. However, one case relating to alleged misappropriation of petrol and diesel oil by some officials of P.W.D. of Himachal Pradesh Administration has been registered.-

(b) The case is still under investigation.

**श्री बिसलकुमार मन्नालालजी खौरड़िया :**  
क्या श्रीमान यह बतलायेंगे कि यह इन्वैस्टीगेशन कब से प्रारम्भ हुआ ?

SHRI JAISUKHLAL HATHI: It was started on the 9th December, 1963.

**श्री बिसलकुमार मन्नालालजी खौरड़िया :**  
अभी जवाब में बतलाया गया कि इन्वैस्टीगेशन के परिणामस्वरूप कुछ लोग पकड़े गये। तो मैं श्रीमान से यह जानना चाहता हूँ कि उनके खिलाफ कोई केस पाया गया या नहीं ? अगर पाया गया तो उनके खिलाफ कोई कार्यवाही की गई या नहीं ?

SHRI G. MURAHARI: I would like to know from the Minister whether any cases of blackmarketing in other commodities like sugar have been instituted by the Himachal Pradesh Administration because only yesterday I was in Simla and there was no sugar available and even the off-season quota was cut and all the hotels there have threatened to serve Ministers and Government officials without sugar.

MR. CHAIRMAN: How does this sugar come out of petrol?