

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 for 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.

شری عبدالغنی : کیا وزیر صاحب

فرمائیں گے سپریم کورٹ کے فیصلہ کے مطابق کہ کوئی اسٹیٹ گورنمنٹ کسی آئی - سی - ایس - آفیسر کو سسپنڈ نہیں کر سکتی - تو جب سسپنڈ 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 -

†[شری عبدالغنی : کیا جج صاحب فرمائیں گے سپریم کورٹ کے فیصلے کے مطابق کہ کوئی اسٹیٹ گورنمنٹ کسی آئی - سی - ایس - آفیسر کو سسپنڈ نہیں کر سکتی تو جب سسپنڈ 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 ?]

شری جیسوخلال ہاٹی : ابھی تک جو رول ہے وہ وہی ہے جو سپریم کورٹ کا فیصلہ ہے کہ آئی - سی - ایس - آفیسر کو جب سسپنڈ کرنا ہو تب سسپنڈ گورنمنٹ کی مداخلت کرنی چاہیے اور سسپنڈ گورنمنٹ ان کے بارے میں جو ریکارڈ رکھتا ہے اس کو دیکھ کر سسپنشن کے لیے آرڈر دیتی ہے ۔

شری عبدالغنی : مسٹر جیسوخلال

میرا سوال تھا کہ جب سپریم کورٹ کا فیصلہ آیا اور وہ فیصلہ یہ تھا ...

†[شری عبدالغنی : مسٹر جیسوخلال میرا سوال تھا کہ جب سپریم کورٹ کا فیصلہ آیا اور وہ فیصلہ یہ تھا ...]

श्री सी० डी० पांडे : कैंरों साहब पर आयेंगे ।

श्री عبدالغनी : हाں - کہوں

صاحب نہیں کر سکتے تھے - یہ یونہی
مجھے چھوڑتے ہیں - ان کو پتہ ہونا
چاہئے کہ سپریم کورٹ نے، ہائی کورٹ
نے کہا کہ جتنے چارجز ہیں جن
کی بنیاد پر ان پر مقدمہ چلا
وہ سارے فالس تھے جھوٹے تھے بالکل
بے ایمانی سے بنائے گئے تھے - میں پوچھنا
چاہتا ہوں سپریم کورٹ کے فیصلہ کے
بعد جب سنٹرل سرکار نے ان کو سسپینڈ
کیا تو سسپینڈ کرنے سے پہلے انہوں
نے کوئی چارج شٹ دیا یا نہیں دیا -
ان کا جواب لیا تو جواب کہا تھا ارر آیا
سنٹرل گورنمنٹ کو تسلی ہو گئی تھی
کہ ان چارج شیٹ کے دیلمے کے بعد ان
کو سسپینڈ کرنا چاہئے ؟

†[श्री अब्दुल गनी : हां। कैंरों साहब नहीं
कर सकते थे। ये यूही 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 हूं, सुप्रीम कोर्ट के फ़ैमले
के बाद अब सैन्ट्रल सरकार ने उनको सस्पेंड

किया तो सस्पेंड करने से पहले उन्होंने कोई
चार्जशीट दिया या नहीं दिया ? उनका
जवाब लिया तो जवाब क्या था और आया
सैन्ट्रल गवर्नमेंट को तसल्ली हो गई थी कि
इन चार्ज शीट के देने के बाद उनको सस्पेंड
करना चाहिए ?]

श्री सी० डी० पांडे : किसने किया ?

श्री عبدالغنی : سنٹرل گورنمنٹ
نے کیا۔ پہلے کہا تھا اسٹیٹ سرکار نے -

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

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

श्री जयसुखलाल हाथी : जब इन्क्वायरी
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
देखी और उसके बाद इजाजत दी ।

श्री عبدالغنی : کیا وزیر صاحب
فرمائیں گے کہ جو پوزیشن انہوں نے
هاوس میں لی ہے کیا وہ سپریم کورٹ نے
بھی لی ہے ؟ چارج شٹ کو دیکھ
کر انہوں نے اسٹوٹ گورنمنٹ کو اجازت
دی کیا اس پوزیشن کو انہوں نے سپریم
کورٹ میں لیا تھا ؟

†[श्री अब्दुल उनी : क्या वजीर साहब क्रमार्थे कि जो पोजीशन 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, पोजीशन 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 pending 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

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 Government, 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.

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 कैस के खिलाफ नहीं हुआ था। जो फैसला हुआ वह . . .

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

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 بھپش گپتا : ددطالبہ :

میں یہ جاننا چاہتا ہوں کہ گورنر کے فیصلہ کے بعد جب سلیڈرل گورنمنٹ نے ان کو سسپینڈ کیا تو پرانے چارج شہت پر کیا یا نئے پر کیا ؟

†[श्री प्यारेलाल कुरील 'तालिब' : मैं यह जानना चाहता हूँ कि कोर्ट के फैसले के बाद जब सैन्ट्रल 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 بھپش گپتا : ددطالبہ :

کہا انہوں نے سسپینڈ کرنے کے لئے نئے چارج شہت کے مطابق اجازت دی گئی تھی یا پرانے چارج شہت کے مطابق ہی انہوں نے سسپینڈ کیا تھا ؟

†[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, unless 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 that it is retrospective.

SHRI BHUPESH GUPTA: What about the salary amount?

MR. CHAIRMAN: Next question.

BLACK-MARKETING OF PETROL IN HIMACHAL PRADESH

*211. SHRI SHIVA NAND RAMAUL: Will the Minister of HOME AFFAIRS 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 विमलकुमार मन्नालालजी चौरडिया :
क्या श्रीमान यह बतलायेंगे कि यह इन्वैस्टी-
गेशन कब सं प्रारम्भ हुआ ?

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

श्री विमलकुमार मन्नालालजी चौरडिया :
अभी जवाब में बतलाया गया कि
इन्वैस्टीगेशन के परिणामस्वरूप कुछ लॉस
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 the Ministers and Government officials tea without sugar.

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