

stand in the way of giving relief to these people.

REINSTATEMENT OF SHRI R. P. KAPUR, I.C.S.

*416. { SHRI ABDUL GHANI:
SHRI P. L. KUREEL URF
TALIB:†

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether, in view of the recent judgment of the Supreme Court declaring his suspension null and void, Shri R. P. Kapur, I.C.S., former Commissioner of Patiala Division, has been reinstated by the Punjab Government; and

(b) if not, what are the reasons for not reinstating him till now and whether the Central Government has issued any instructions to the Punjab Government in this matter?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI L. N. MISHRA): (a) No, Sir.

(b) After the Supreme Court declared on 19th November 1963 that the Central Government alone can suspend, as an interim measure, a member of the former Secretary of State Services, the question whether Shri Kapur should be placed under suspension was under consideration till 18th February 1964, when the Central Government passed orders placing Shri Kapur under suspension.

شہری پیارے لال کوریل دے طالب ۴۴ :

کیا یہ بات صحیح ہے کہ مسٹر کپور کے خلاف کوئی نئے چارجز لگائے گئے ہیں -

†The question was actually asked on the floor of the House by Shri P. L. Kureel Urf Talib.

†[श्री प्यारे लाल कुरील 'ताल्लिब' : क्या यह बात सही है कि मिस्टर कपूर के खिलाफ कोई नये चार्जेज लगाये गये हैं ?]

श्री आर० एम० हजरनबीस : नए चार्जेज का तो नहीं मालूम । पंजाब गवर्नमेंट ने जो चार्जेज भेजे उन पर गौर किया गया और यह फिर तय किया कि इन चार्जेज को देखते हुए उनको सस्पेंड करना चाहिये ।

شہری پیارے لال کوریل دے طالب ۴۴ :

جو ان کا بقایا رویہ تھا تلخواہ کا وہ ان کو دیا جائے گا یا نہیں دیا جائے گا اس ججمنٹ کے بعد ؟

†[श्री प्यारे लाल कुरील 'ताल्लिब' : जो उनका बकाया रुपया था तन्खाह का वह उनको दिया जायगा या नहीं दिया जायेगा इस जजमेंट के बाद ?]

श्री आर० एम० हजरनबीस : वह तो मुझे मालूम नहीं लेकिन जब तक सस्पेंड नहीं हुए हैं तब तक के लिये तन्खाह पाने का उन को अख्तियार है और मैं नहीं समझता कि वह उन को नहीं दिया जायेगा ।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : क्या श्रीमान् यह बतलायेंगे कि इन अधिकारी के खिलाफ जो पंजाब सरकार ने जांच की थी उस जांच के आधार पर उन्होंने उनको सस्पेंड किया था किन्तु सुप्रीम कोर्ट ने उसे ठीक नहीं समझा क्योंकि केन्द्रीय सरकार को उसे करना चाहिये था । तो क्या केन्द्रीय सरकार ने जो सस्पेंशन का आर्डर दिया वह जांच कर के, दोनों पक्षों को सुनकर के, किया अथवा पंजाब सरकार की सिफारिश के आधार पर और जिस आधार पर उन्होंने सस्पेंड किया उसी आधार पर किया ?

†[] Hindi transliteration.

श्री आर० एम० हजरनवीस: सस्पेन्शन जब होता है तब उसमें देखा जाता है कि कौन से अपराध का चार्ज लगाया गया है, उस का स्वरूप क्या है। एन्क्वायरी तो आगे होने वाली है। इसलिये मैं नहीं कह सकता कि उनके खिलाफ जो चार्जेज हैं वे साबित होते हैं या नहीं साबित होते हैं।

श्री विमलकुमार मन्नालालजी चौरड़िया : केन्द्रीय सरकार ने क्या कोई चार्ज शीट उन को दिया है अथवा नहीं या जवाब उनका लिया है अथवा नहीं ?

MR. CHAIRMAN: You are not supposed to give a charge-sheet. You have only suspended.

SHRI R. M. HAJARNAVIS: I do not know whether we have suspended without giving the charge-sheet. If that is so, charge-sheet will follow. I wonder whether the charge-sheet has not been given. But we have certainly taken into consideration the allegations against him.

SHRI BHUPESH GUPTA: He says that the charge-sheet will follow, I do not know . . .

MR. CHAIRMAN: He does not know.

SHRI BHUPESH GUPTA: He gives the information that he has been suspended by the Central Government. In the same breath he says whether the charge-sheet has been given he does not know. May I know what exactly will be the amount that he will be entitled to as a result of the invalid order of suspension—the total amount—and whether the Government has anything to do with regard to the huge loss suffered by the public exchequer for a wrong act or improper act or invalid act on the part of the Punjab Government?

SHRI R. M. HAJARNAVIS: I do not have the figure?

SHRI BHUPESH GUPTA: It is a strange thing. He does not have anything. How is it that the Government, on 18th February while considering this matter, did not take into account exactly the manner in which he had been suspended or charge-sheeted—he does not look into the charge-sheet because he does not know—and secondly, also did not take into consideration that so much money is going to be lost for the misjudgment or an invalid act of the Punjab Government? Is it not for the Government, when a Member of the Central Services was being suspended there, to take up with the Punjab authorities or the State Government concerned, the merits and ask if there have been any lapse in carrying out the administrative responsibility?

SHRI R. M. HAJARNAVIS: As I have said, at this stage we are merely concerned with the nature of the allegation, those allegations that are made against the person against whom action is being taken. We certainly have taken into consideration those allegations. Whether they are proved, whether there is a *prima facie* case or not, it would not be proper for me to express an opinion on that, because, there is going to be an enquiry, a quasi-judicial enquiry. Therefore, I am not expected to express an opinion.

SHRI BHUPESH GUPTA: We are concerned with the facts on which the Central Government have suspended without prejudice to the case against him. I am not going into it. We do not know of any such thing.

SHRI R. M. HAJARNAVIS: The order of suspension was passed by the Punjab Government and it was held to be invalid. The Punjab Government approached us for making a fresh suspension order and we are taking into consideration those allegations which have not been enquired into. That enquiry will be held.

SHRI BHUPESH GUPTA: De novo?

DR. GOPAL SINGH: Is it a fact that the Supreme Court full bench decided in 1954 in the case of Sardar Kapoor Singh, who was also of the I.C.S., that the State Government had the right to suspend an I.C.S. Officer?

SHRI R. M. HAJARNAVIS: It is not for me to interpret the law and the various decisions.

DR. GOPAL SINGH: The Supreme Court had decided it, and said in that case that the State Government had the right to suspend the officer.

MR. CHAIRMAN: The State Government has now asked, the Central Government to do it and they have done so.

SHRI BHUPESH GUPTA: You will find also, Sir, that he said that the allegations of the State Government were taken into account and on the basis of that he was suspended. Now they are found invalid. So have they now suspended him on the basis of allegations which have not been gone into by the State Government?

SHRI R. M. HAJARNAVIS: No, no.

SHRI BHUPESH GUPTA: They were allegations and they did not form part of the charge-sheet.

MR. CHAIRMAN: The question is whether new allegations were made by the Punjab Government, besides what had been made before, and whether you have taken them into consideration and given your permission.

SHRI R. M. HAJARNAVIS: There are various charges. One of the charges relates to a criminal case . . .

MR. CHAIRMAN: No, no, don't give their list. The point is this. Some charges were made and on the basis of those charges suspension was ordered. That was ruled out by the Supreme Court. Have any fresh allegations been made?

SHRI R. M. HAJARNAVIS: If I may submit, Sir, the suspension order was set aside on the ground that the State Government had no authority.

MR. CHAIRMAN: Did the State Government, while passing on the case for your action, add any new allegations?

SHRI R. M. HAJARNAVIS: I do not know whether the State Government added to the previous charges, whether the same material was given or whether they gave fresh material.

SHRI BHUPESH GUPTA: How did the allegations emanate on the basis of which you acted?

MR. CHAIRMAN: From the State Government.

SHRI BHUPESH GUPTA: Therefore, did you ask the State Government—not you Sir—did they enquire from the State Government whether part of the charge-sheet had been taken into account when the charges were being framed?

SHRI R. M. HAJARNAVIS: We are told that all these are the allegations which are being enquired into.

SHRI BHUPESH GUPTA: Has a charge-sheet been framed at all?

SHRI R. M. HAJARNAVIS: All these are the allegations on the basis of which the enquiry is being made.

*417. [The questioner (Shri Krishan Dutt) was absent. For answer, vide vide cols. 3241-3242 infra.]

*418 [The questioner (Shri Sitaram Jaipuria) was absent. For answer vide cols. 3241-42 infra.]