

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing it is not reasonably practicable to hold such inquiry ; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry. In its earlier decision in Divisional Personnel Officer, Southern Railways and another Vs. T.R. Challappan (AIR 1975 S.C. 2216), the Supreme Court while considering a rule similar to clause (a) of the second proviso to article 311 (2) held that removal from service of a railway employee without giving a hearing prior to imposition of penalty was bad. The Court did so by materially replying upon the expression "consider" in the relevant rule. By its latest judgement, the Supreme Court has over-ruled the view in Challappan's case whose soundness had even otherwise been doubted from the very beginning. In the context of the Constituent Assembly Debates and other relevant material, the Court came to the conclusion that the second proviso to article 311 (2) is based on public policy and is in public interest, in keeping with the intention of the Constitution-makers. The exclusion of inquiry in exceptional cases of the nature covered by clauses (a), (b) and (c) of the said proviso was thus held justified. The judgement also does not take away the right of an aggrieved Government servant to invoke the departmental remedies and seek judicial review in appropriate cases.

(c) Copies of the judgment are available and can be obtained from the Copying Agency of the Supreme Court. The judgment will also be published in various law reports in due course.

(d) Does not arise.

Encroachments on Defence Land

3347. SHRI BANWARI LAL PUROHIT : Will the Minister of DEFENCE be pleased to state :

(a) whether Government are aware that there are encroachments on the Army Cantonments land and Air Force stations in the country ; and

(b) the steps Government propose to take to remove these encroachments.

THE MINISTER OF DEFENCE (SHRI P.V. NARASIMHA RAO) : (a) Yes, Sir.

(b) Officers at the Field level have been designated as Estate Officers under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. As and when any encroachment on Defence land comes to their notice, action is taken by them for its removal under the Act *ibid*.

Expansion Programme to meet the increase demand of Petroleum Products

3348. SHRI JAI PRAKASH AGARWAL : Will the Minister of PETROLEUM be pleased to state :

(a) whether the expansion programme to meet the increased demand of petroleum products has been undertaken ;

(b) if so, the details thereof ;

(c) the estimated cost of these projects and the time of their completion ?

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM (SHRI NAWAL KISHORI SHARMA) : (a) to (c) Government propose to expand/debottle-neck a few refineries during 7th plan period to increase processing of on-shore crude. The details will be known after the 7th plan is finalised.

Agreement with Japanese firm for manufacture of Rural Radio Telephones

3349. SHRI JAI PRAKASH AGARWAL : Will the Minister of COMMUNICATIONS be pleased to state :

(a) whether it is proposed to have an agreement with a Japanese firm for manufacture of rural radio telephones and setting up of telecommunication network in India ; and

(b) if so, the details thereof ?

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI RAM NIWAS MIRDHA) : (a) and (b) An agreement has been signed between