

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:2351
ANSWERED ON:28.03.2012
DEPARTMENTAL ACTION
Singh Shri Pashupati Nath

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the Supreme Court of India has held that the permission of the Hon`ble Governor is not necessary for taking departmental action against Government employees;
- (b) if so, the details thereof;
- (c) the number of cases pending for departmental action prior to this verdict, State-wise; and
- (d) the number of cases on which departmental action has been initiated in the light of this order, State-wise?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(SHRIV. NARAYANASAMY)

(a) & (b): Yes Madam. The Supreme Court has, in its judgment dated 23.08.1974 in the case of Shamsheer Singh and Anr. Vs. State of Punjab, [1974 AIR 2192], held that the President as well as the Governor, exercises powers and functions conferred on him or under the constitution, on the aid and advice of his Council of Ministers, save in spheres where the Governor is required, by or under the Constitution, to exercise his functions in his discretion. The Supreme Court has also held that neither the President nor the Governor is to exercise the executive functions personally. The Supreme Court has in its judgment dated 04.12.1995 in the case of State of Madhya Pradesh & Ors Vs Dr. Yashwant Trimbak [1996 AIR 765], held that, excepting matter with respect to which the Governor is required, by or under the Constitution, to act in his discretion, the personal satisfaction of the Governor is not required and any function may be allocated to Ministers.

(c) & (d): The details of such cases are not centrally maintained.