

LOK SABHA DEBATES

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LOK SABHA

Wednesday, April 5, 1978/Chaitra 15,
1900 (Saka)

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair.]

OBITUARY REFERENCE

MR. SPEAKER: I have to inform the House of the sad demise of Shri A. Ibrahim, a former Member of this House, who passed away at Doranda (Ranchi) on March 27, 1978 at the age of 63.

Shri A. Ibrahim was a Member of the Provisional Parliament during the years 1950 to 1952 and of the First Lok Sabha during the years 1952 to 1957. During First Lok Sabha, he represented Ranchi Constituency in Bihar.

A lawyer and a social worker, Shri Ibrahim devoted much of his time and energy to the upliftment of the backward communities of Chota Nagpur in Bihar. He was also associated with a large number of organisations working for the welfare of the backward classes. A widely travelled person, he attended the World Assembly of Youths in New York in 1951.

We deeply mourn the loss of this friend and I am sure, the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while as a mark of respect to the memory of the departed soul.

*The hon. Members then stood in
silence for a short while.*

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ORAL ANSWERS TO QUESTIONS Persons retired compulsorily during Emergency

*594. SHRI MOHAN LAL PIPIL:
Will the Minister of HOME AFFAIRS
be pleased to state:

(a) the total number of Government servants, non-Gazetted and Gazetted, who were compulsorily retired from service under F.R. 56(j) and Rule 48 of Central Civil Services (Pension) Rules, 1972, arbitrarily during the emergency without giving them any chance to explain or defend themselves;

(b) whether it is a fact that out of the retired persons only those employees have been reinstated who were detained under MISA or having their association with banned organisations;

(c) whether Government have decided to reinstate all such compulsorily retired Government servants without prior review; and

(d) if not, the reasons thereof?

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI S. D. PATIL): (a) to (d). A
statement is laid on the Table of the
House.

Statement

5477 Central Govt. employees were prematurely retired during emergency. Their group-wise break-up is given below:

Group A	118
Group B	292
Group C	3129
Group D	1938

5477

In addition, 71 Central Govt. employees were also either dismissed or removed from service under proviso (c) to Article 311 (2) of the Constitution during the same period.

2. In regard to the Central Govt. employees who were prematurely retired, instructions have been issued to all the appropriate authorities that the representations of such employees be considered by a committee of Officers of appropriate status unconnected with the original decision to retire the employees prematurely, with special care to see that overrigorous standards were not applied at the time of the original review or that such premature retirement was not resorted to as a means of political or personal victimisation. According to the information available so far, orders have been issued for the reinstatement of 3307 employees.

3. As regards the Central Govt. employees against whom action was taken under Article 311 (2) (c) of the Constitution for their alleged link with the previously banned organisations, instructions have already been issued for their immediate reinstatement. These instructions are, however, not applicable to those Government employees who were involved in espionage or other similar objectionable and illegal activities.

श्री मोहन लाल पिपिल : अध्यक्ष महोदय, पिछली सरकार द्वारा सैकड़ों केन्द्रीय कर्मचारियों और अधिकारियों को निकाल दिया गया था, उस से जो पीड़ित हुए, उन में से बहुत मर गये, बहुत से पागल हो गये, बहुतों की पत्नियां मर गईं, बहुतों की पत्नियां ने छोड़ दिया, अधिकतर बच्चों की शिक्षा समाप्त हो गई। ऐसी हलात में क्या सरकार विचार करेगी कि उन को कुछ सजा दी जाय और लोग अभी भी नौकरी में प्रोत्साहित हैं उन को नौकरी में लिया जाय ?

SHRI S. D. PATIL: These questions have not come specifically to the notice of the Government. If these questions are received by the Government, then it will be examined on merit.

श्री मोहन लाल पिपिल : जो लोग अभी 58 वर्ष के नहीं हुए हैं, क्या सरकार उन को फिर से नौकरी में लेने के लिये तैयार है ? यदि नहीं, तो क्यों नहीं ?

MR. SPEAKER: The statement has given all the details. Probably, the hon. Member has not got the statement.

SHRI MOHAN LAL PIPIL: I am asking about those persons who have not yet completed 50 years of age.

SHRI S. D. PATIL: There is no compulsory retirement as such, but there is a premature retirement and that is done on two accounts. (1) The ineffectiveness of the incumbent. The other is doubtful integrity. In such cases, we are examining the cases during the emergency and some of the cases are being reviewed and they are reinstated. Such of the persons who do not deserve reinstatement their cases are rejected.

श्री राघवजी : अध्यक्ष महोदय, कुछ ऐसे प्रकरण सामने आये हैं कि जिन कर्मचारियों को मीसा में बन्द कर दिया गया था, बाद में उन को सेवा में ले लिया गया, लेकिन इस दौरान में जो इन्कीमेन्ट हुए या जो प्रमोशन हुए—इस का उन को नुकसान पहुंचा है। क्या सरकार उन को इन्कीमेन्ट्स और प्रमोशन देने के बारे में विचार करेगी ?

SHRI S. D. PATIL: That is a matter of policy and we will examine it on merit.

SHRI M. RAM GOPAL REDDY: Resently, in Andhra Pradesh, the Chief Minister has announced that he is taking all non-gazetted people on duty who were removed during the emergency. I want to know whether the Government is in a position to make such sort of a gesture in the case of Central Government employees.

SHRI S. D. PATIL: We cannot do that. We have laid down certain policy matters. This is reflected in the memorandum dated 15-10-1977, and there

we have laid down certain guidelines. Where the standards applied are over-strict or as a matter of fact, in the case of victimisation, we took into the matter and also assess the overall working as regards the effectiveness of the persons and those guidelines are quite clear.

श्रीधरजी बलबोर सिंह : अध्यक्ष महोदय, जिन लोगों को निकाला गया है, उस की वजह यह दी गई है कि उनकी इन्टीग्रिटी डाउटफुल थी। आपने यह भी कहा है कि यह कम्पनसरी रिटायरमेंट नहीं है, बल्कि प्रीमिच्योर रिटायरमेंट है। मैं जानना चाहता हूँ कि इन दोनों रिटायरमेंट्स में क्या फर्क है ? इमर्जेंसी के दौरान वे जिन आफिसर्स के गलत घाईबों को मानने के लिये तैयार नहीं थे, उन्होंने उन पर इन्टीग्रिटी डाउटफुल का इल्जाम लगाकर नौकरी से निकाल दिया या उनको प्रीमिच्योर रिटायरमेंट लेने के लिये मजबूर किया गया। मैं चाहता हूँ कि सरकार इन लोगों के केसेज पर गौर करने के लिये कोई ऐसी कमेटी मुकर्रर करे, जो सारे केसेज को देख कर, उन को ठीक कर के, उन लोगों को बहाल करे।

SHRI S. D. PATIL: In the statement itself we have already said about the Committee; it is an independent committee which applies its mind with an objective test. This Committee is a Committee of responsible Secretaries and it is headed by the Cabinet Secretary.

MR. SPEAKER: Out of 5,477 cases, already 3,307 persons have been taken back.

SHRI S. D. PATIL: Yes, Sir. The cases of those whose cases are rejected on overall assessment of their working, not that we considered their integrity during Emergency; there was no question of judging their integrity during the Emergency but prior to that—if their integrity was doubtful and that had been noted in the CRs of those officers.

स्वतंत्रता सेनानी पेंशन पाने वाले नकली व्यक्ति

* 595. श्री राजेन्द्र कुमार शर्मा : क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस प्रकार की जानकारी प्राप्त हुई है कि कुछ नकली व्यक्ति झूठे प्रमाणपत्र पेश करके स्वतंत्रता सेनानी पेंशन योजना के अर्धीन पेंशन प्राप्त कर रहे हैं;

(ख) क्या सरकार ने इस मामले की जांच की है ; और

(ग) यदि हां, तो उक्त प्रकार के झूठे मामलों की कुल संख्या क्या है और उनमें से कितने व्यक्तियों को दोषी पाया गया तथा उनके विरुद्ध क्या कार्रवाई की गई ?

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI DHANIK LAL MANDAL): (a)
and (b). Yes, Sir.

(c) The number of complaints received upto 28-2-1978 is 6745. After detailed investigation and consultation with State Governments, pension has been cancelled and recovery orders of payments already made in 433 cases. Criminal prosecution has been left to the State Governments to be undertaken in the light of facts and evidence available in each case. In 4744 cases, grant of pension has been suspended after preliminary examination. Detailed enquiries in consultation with the State Governments are in progress.

श्री राजेन्द्र कुमार शर्मा : सर्व प्रथम मैं इस बात पर आपात्स कस्य कि सचिवालय द्वारा प्रिंटिंग मिस्टेक्स की ओर ध्यान नहीं दिया जाता है। हिन्दी के एजेन्डा के अन्तर्गत मेरा नाम हलत दिया गया है। सचिवालय में ऐसी खबर नहीं होनी चाहिए।