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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 117/2016**

DR JAGDISH PRASAD GAUR

..... Petitioner

Through Mr.S.D.Singh with Mr.Jitender Singh,
Advocates.

versus

THE SECRETARY GENERAL RAJYA SABHA & ORS

..... Respondents

Through Ms.Zubeda Begum with Ms.Sana
Ansari, Advocates for R-1.

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Date of Decision: 18th January, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. The present writ petition has been filed seeking quashing of the order dated 11th February, 2015 passed by the Rajya Sabha Secretariat, by virtue of which, the petitioner's entry in the Parliament House Complex has been banned.
2. Learned counsel for the petitioner states that the impugned order has been passed in a mechanical manner without considering the defence put forth by the petitioner.
3. The relevant portion of the impugned order reads as under:-

“They had received a written complaint against Dr.Gaur from one Smt. Usha Rani, TAO (Phones), posted in Telecom

Centre, Parliament House. The Lok Sabha Secretariat conducted discrete enquiries including the said complaint which revealed that Dr.Gaur was habitual of interfering in the official functioning, intimidating and abusing the officers of the Secretariat as well as the allied agencies, working in the Parliament House Estate.

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This decision was taken in consultation and with the approval of Shri Ali Anwar Ansari.

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Under the scheme of things as they exist, the Member who recommends appointment of a person as his PA is responsible for his conduct while in the precincts of Parliament House. Therefore, once the Member agreed and consented to the non renewal of the entry pass of Dr. Gaur beyond 17.12.2011, there was no need for any further enquiry. Incidentally it is added here that the Security Division of the Lok Sabha Secretariat where the complaint had been received (Respondent Nos. 2 and 3 to the WP) had done necessary enquiry before arriving at the decision to stop the entry of Dr.Gaur in their Secretariat and before requesting the Rajya Sabha Secretariat to take action on similar lines. It may be worthwhile to point out that Security in the Parliament House precincts is unified at the apex level and is vested with the Lok Sabha Secretariat. Therefore, there was no occasion for any further enquiry in the Rajya Sabha Secretariat and the Member's consent and concurrence was sufficient for not renewing the entry pass of Dr.Gaur beyond 17.12.2011.

The action of Rajya Sabha Secretariat in stopping the entry of Dr.Gaur in to the Parliament House Estate beyond 17.12.2011 does not amount to any punishment or attach any stigma to Dr.Gaur as the decision to impose the ban was

implemented through internal circulation of instructions to the concerned divisions of the Secretariat and nothing went into the public domain which could have affected the image of Dr.Gaur as alleged by him.”

4. In the opinion of this Court, the entry into the Parliament House is in the nature of privilege and it is open to the Secretariat of the Two Houses to regulate the entry therein. After all, the Parliament House is not a public thoroughfare and the petitioner has no unfettered right to enter the same.

5. In the present case, after conducting discreet enquiries, it was found that the petitioner was in the habit of interfering in the official functioning, intimidating and abusing the officers of the Secretariat as well as the allied agencies working in the Parliament House.

6. Since the decision to ban the petitioner's entry into the Parliament House Complex has been taken by the Senior Officers of the Rajya Sabha Secretariat, and that too, in consultation with the Member of the Parliament for whom the petitioner was working, this Court finds no ground to interfere with the impugned order.

7. At this stage, learned counsel for the petitioner states that, in the event, petitioner were to apply afresh, his application should be considered on merits. However, this Court cannot consider and decide a hypothetical prayer. Consequently, the present writ petition is dismissed.

MANMOHAN, J

JANUARY 18, 2016
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