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# MANUAL OF INSTRUCTIONS

ON

## SERVICE MATTERS



### PART—II

NIEPA DC



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**HARYANA GOVERNMENT GENERAL ADMINISTRATION DEPARTMENT**

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**PART XV**  
**PENSION CLEARANCE CERTIFICATE**



**Copy of U.O. No. 10873-GII-57 dated the January, 1958 from the Chief Secretary to Government, Punjab, to all Administrative Secretaries to Government, Punjab.**

**Subject :—Pension Clearance Certificates from the Anti-Corruption Department.**

In U.O. No. 3508-GII-56, dated the 15th/28th December, 1956 Administrative Secretaries were instructed not to pass orders allowing pension to Gazetted officer's with out first obtaining a clearance certificate from the Anti Corruption Department. In U.O. No. 6520-GII-(c)—57, dated the 28th June/3rd July, 1957 they were further instructed to ensure that such cases were referred to the Anti Corruption Department, three months before the retirement of an officer, so as to ensure that formalities were completed in good time.

2. The actual practice in carrying out these instructions has created certain difficulties, and the anti corruption Department has, in fact, been delaying the issue of clearance certificates till after the date of retirement of an officer, which creates consequential inconvenience. Government has reconsidered the whole matter in the background of the experience gained, and the instructions now given should be considered as cancelling previous directions on this subject.

3. Government is quite clear and categorical in its view that Officers with a suspicious record in regard to integrity, or whose actions have resulted in charges being framed against them, should not obtain a pension till the position in regard to them had been cleared on the other hand, it is also quite definite in this view that in the large majority of cases, where officers have a blameless record as far as integrity goes, no avoidable delay in the grant of pension to them should be permitted. The instructions below endeavour to reconcile these two needs.

4. Rules require that normally the pension case of an officer should be taken up for consideration about a year before his date of retirement so as to ensure that all formalities are completed, so that he can draw pension from the 1st day of retirement. Within the terms of these instructions, Government have decided that the Administrative Department concerned should, when the pension case of an Officer is initially taken up, about a year before the date of his retirement, make a reference to the Anti-corruption Department whether that Department has any material on its record or otherwise to suggest that pension to should not be given. When such a reference is made to the Anti-Corruption Department, there will generally be three classes of cases :—

- (a) where the Anti Corruption Department has not material of any kind against the Officer.
- (b) Where the anti Corruption Department has some material or information against the Officer concerned, but this is still not at a final stage of decision regarding the possibility of action against him.
- (c) Where the Anti Corruption Department has definite material against an Officer, and this is either in process of investigation or in process of enquiry, as a result of charge-sheeting or otherwise. Each One of these cases is considered below.

5. With regard to cases falling under (a) above the Anti Corruption Department should within a month of the receipt of an enquiry from the Administrative Department issue a letter to it stating that there is nothing against the officer, and his pension case may be taken up and put through in the normal manner. Normally, it is hoped that cases of this kind will end at this stage, but should anything emerge against the Officer between the grant of the above certificate and the date of his retirement, it will be open to the Anti Corruption Department, and the initiative will rest with it, to bring to the notice of the Administrative Department that material against the Officer has now come, to notice and suggest to that Department not to allow the pension cause to be put through all degrees of finality. In this event, the administrative Department will hold up a final grant of pension till the matter has been cleared. It is, however open to the Department to grant a provisional anticipatory pension under the normal rules in hard cases, but in doing so, it will take into consideration the views of the Anti Corruption Department.

With regard to cases which all fall under class (b) above, the Anti Corruption Department will inform the Administrative Department within a month of the receipt of an enquiry from it, that there is material against the officer and his pension case should therefore, not be finally approved. In such event, the Administrative Department will not grant a final pension it may give an anticipatory pension under the rules, but in doing so will take into consideration the views of the Anti Corruption Department in regard to such anticipatory pension.

With regard to cases under (C) above, action as at (b) will be taken, though in such cases where there is definite evidence/against an officer on the basis of which inquiry is proceeding an anticipatory pension will not normally be granted, unless there are circumstances of extreme hardship involved, in which even the orders of Chief Secretary and Chief Minister should be obtained.

6. Government wish to emphasise also that where cases are held up in classes (b) and (c) above, or as a result of subsequent information coming in regard to an officer under class (a) above there is a definite responsibility with the Anti Corruption Department endeavour to get the matter settled one way or the other, as speedily as possible, so that a final decision does not get postponed too long after the date of retirement. Such cases, where an officer is on the eve of retirement, should therefore, be dealt with by the Anti Corruption Department with speed.

Copy of U.O. Circular letter No. 6994-2GS-63, dated 18th June, 1963 from the Chief Secretary to Government, Punjab to All the Administrative Secretaries to Government, Punjab.

**Subject :—Pension clearance Certificate from the Vigilance Department.**

Will—

- (i) All Financial Commissioners, Punjab.
- (ii) All Administrative Secretaries to Government, Punjab.

Please refer to the instructions issued with this department U.O. reference No. 10873-GII-57, dated the January, 1958 to all Administrative Secretaries saying that the pension cases of the Gazetted Officers should not be finalised without first obtaining a clearance certificate from the Anti-Corruption (now Vigilance) Department?

2. It has been pointed out by the Vigilance Department that while asking for the issue of a clearance certificate, the Administrative Departments generally intimate only the date of retirement of the officer concerned and not the details of his service and posting(s). This makes the checking of the relevant records difficult. It has, therefore, been decided that in future while requesting for the issue of a clearance certificate the Departments should invariably supply the following information to the Vigilance Department :—

- (i) the details of service and posting of the officer for the last five years; and
- (ii) the details of any misconduct of the officer which might have been brought to the notice of the Administrative Department earlier.

विषय:— पेंशन मंजूर करने के लिये चौकसी विभाग से शोधन-पत्र प्राप्त करना ।

नया वित्तायुक्त राजस्व तथा सभी प्रशासकीय सचिव, हरियाणा उपरोक्त विषय पर संयुक्त पंजाब सरकार के अंश 0 क्रमांक 10873-जी-II-57 दिनांक जनवरी, 1958 (प्रति संलग्न) की ओर ध्यान देने की कृपा करेंगे ?

2. उपरोक्त पत्र में दिये अनुदेशों के अनुसार राजपत्रित अधिकारियों की पेंशन मंजूर करने से पहले चौकसी विभाग से शोधन पत्र प्राप्त करना आवश्यक है । इन अनुदेशों के अनुसार ऐसे अधिकारियों की एंटीसीपेटरी पेंशन देते समय भी चौकसी विभाग की राय प्राप्त करना चाहिए तथा उसे ध्यान में रखना चाहिए ।

3. इस मुआमले पर पुनः विचार कर, अब यह निर्णय किया गया है कि एंटीसीपेटरी पेंशन/ग्रेज्युटी की मंजूरी में देरी को रोकने के लिये सम्बन्धित विभाग, अधिकारी की सेवा निवृत्ति से छः मास पूर्व चौकसी विभाग को यह सूचना प्राप्त करने के लिये लिखें कि अधिकारी को पेंशन आदि देने के लिये क्या उस विभाग को कोई आपत्ति है । जो सूचना चौकसी विभाग से प्राप्त होती है उस पर विचार कर फैसला किया जाए और यदि चौकसी विभाग से अधिकारी की सेवा निवृत्ति की तिथि तक कोई उत्तर नहीं होता, तो यह समझ लेना चाहिए कि अधिकारी के रिकार्ड में कोई आपत्तिजनक बात नहीं है और एंटीसीपेटरी पेंशन/ग्रेज्युटी की मंजूरी देने में उन्हें कोई आपत्ति नहीं है ।

4. कृपया इस पत्र की पाबती भेजी जाए ।

हस्ता/—

उप सचिव, सामान्य प्रशासन

कृते : मुख्य सचिव, हरियाणा सरकार ।

संवा में

1. वित्तायुक्त राजस्व, हरियाणा
2. सभी प्रशासकीय सचिव, हरियाणा

आशा 0 क्रमांक 3198-4 जी एस II-71 दिनांक चण्डीगढ़ 22 जुलाई, 1971

English Version of U.O. Circular No. 5429-4GSII-72, Dated, the 9th October, 1972.

Subject :—Pension clearance Certificate from the Vigilance Department.

Will the

- (i) Financial Commitssioner, Revenue, Haryana; and
- (ii) all the Administrative Secretaries to Government, Haryana.

Kindly refer to this Department U.O. reference No. 6994-2GS-63, dated the 18th June, 1963, (copy enclosed) on the subject noted above?

2. It has been noticed that in some cases, the pension cases of officers/officials linger on for months after the retirement of the officers for want of Clearance Certificate in respect of the retiree from the Vigilance Department. It has been pointed out by the Vigilance Department that some of the Departments while asking for the issue of a Clearance Certificate do not supply the necessary information in complete form in the first instance. It has, therefore, been decided that in future the departments concerned should invariably supply the following information to the Vigilance Department at least *six months* prior to the retirement of an officer/officials :—

- (1) the date of retirement of the officer/officials;
- (2) the details of service during the last five years i.e. the post held by him and places of his posting during the period;
- (3) the details of any misconduct of the officer/official which might have been brought to the notice of the Administrative Department earlier.

If, however, no recommendation/reference is received from the Vigilance Department even after two months from the date of retirement of the officer/official inspite that a complete reference was made to them, it should be presumed that there is nothing adverse against the officer/official. It should, therefore be ensured that the reference to Vigilance Department are made well in time and complete in all respects, failing which the officer concerned in the department will be personally held responsible.

3. Above instructions may please be brought to the notice of all concerned for strict compliance and its receipt may please be acknowledged.

नं 0 1418-2 जी एस- II-77/7884

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

खेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल,
2. सभी उपायुक्त तथा उप मण्डल अधिकारी (ना) हरियाणा,
3. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट तथा
3. सभी जिला सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़ 25-3-1977

विषय : पेंशन/प्रेच्युटी मंजूर करने के लिए चौकसी विभाग से शोधन पत्र प्राप्त करना ।

सहोदय,

मुझे आदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान इस विभाग के अशः क्रमांक 5429-2 जी एस-II-72/दिनांक 9-10-72 की ओर दिलाऊँ जिसमें अन्य बातों के अतिरिक्त यह भी बताया गया था कि अधिकारियों के पेंशन कसों में चौकसी विभाग द्वारा शोधन पत्र जारी करने के लिये उन्हें अधिकारियों से सम्बन्धित वाञ्छित सूचना/रिकार्ड अधिकारियों के सेवा निवृत्त होने के 6 मास पूर्व चौकसी विभाग को भेज दिया जाना चाहिए । यह देखने में आया है कि इन हिदायतों की पूर्ण रूप से पालना नहीं की जा रही है । अतः इस कठिनाई को दूर करने के लिये यह निर्णय लिया गया है कि भविष्य में अधिकारियों के सेवा निवृत्त होने की तिथि से एक वर्ष पूर्व प्रात्येक विभाग चौकसी विभाग को शोधन पत्र जारी करने के लिये लिख दें तथा चौकसी विभाग अधिकारी की सेवा निवृत्ति की तिथि से 7 मास पूर्व शोधन पत्र अवश्य जारी कर दें ।

भवदीय,

हस्ता-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

उपरोक्त की एक प्रति :-

वित्तायुक्त राजस्व, हरियाणा । हरियाणा के सभी प्रशासकीय सचिव । को सूचनार्थ तथा आवश्यक कार्य-वाही हेतु भेजी जाती है ।

**Copy of letter No. 11029-G-54/67098, dated the 8th December, 1954, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject :—Grant of pension under rule 5.32 of Punjab Civil Services Rules, Volume II—Use of rule 6.4 *ibid*.**

I am directed to invite a reference to rule 5.32 of the Punjab Civil Services Rules, Volume II, under which a retiring pension is allowed to a Government servant who is made to retire, in public interest, after he has completed 25 years qualifying service, and to say that Government have considered the question whether under rule 6.4 *ibid*, according to which full pension admissible under the rules is to be allowed only if the service of the Government servant concerned has been really approved, a reduction in pension should be made in cases where the Government servant concerned has been retired compulsorily. There appears to be an impression that a reduction in pension in such a case would involve double punishment to the Government servant, but such an impression is erroneous. A Government servant is retired prematurely because Government do not consider it in public interest to allow him to continue in office. His pension, however, is to be granted after applying the provision of rule 6.4 *ibid* to his case and it may be reduced on the basis of the quality of work done by him during the period he had been in office. Reduction in his pension, as a result of his poor record of service, therefore, has nothing to do with the reduction in pension which may automatically result on account of his premature retirement. The mere fact to compulsory retirement is no reason, therefore, for not examining each case of grant of pension on merits. In other words the Government servants who are retired compulsorily from service under rule 5.32 should not be considered to be exempt from the application of the Rule 6.4 *ibid*, the provisions of which are quite independent of those of the former. I am, therefore, to say that in future the case of every Government servant retired compulsorily should be examined on merits with reference to the provisions of the rule 6.4 *ibid* and appropriate reduction made when justified by the record of his service.

**Copy of Punjab Government Circular letter No. 12693-G-54/37937, dated 30th June, 1955 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.**

**Subject :—Grant of pension to retired Government servants and the application of rules 6.4 of the Punjab Civil Services Rules, Volume II, in case of Government servants whose reputation for honesty has been bad.**

I am directed to invite a reference to paragraph 32 of the review on the action taken against corrupt officials and other measures adopted in the State to root out corruption during the year 1953, copy forwarded to you with Punjab Government endorsement No. 3074-ACC-54/806, dated the 20th November, 1954, in which it was pointed out that a suitable reduction in pension has, under rule 6.4 of the Punjab Civil Services Rules, Volume II, to be made if the service of the Government servant concerned was not thoroughly satisfactory. I am also to draw your attention to the instructions communicated to you in Punjab Government of circular letter No. 11029-G-54/67098, dated the 8th December, 1954, in which it was explained that Government servants who are retired compulsorily from service under rule 5.32 of the Punjab Civil Services Rules, Volume II, should not be considered to be exempt from the application of rule 6.4 *ibid*. Government are anxious that the provisions of this rule should not be lost sight of and an suitable reduction in pension should be made in appropriate cases. They have recently ordered reduction in the pension of two P.C.S. officers. Rs. 36-40 out of a pension of Rs. 276-40 in the case of an officer who has been retired compulsorily and Rs. 53-40 out of a pension of Rs. 353-40 in the case of an officer who has retired on superannuation, and trust that each case of pension will be examined carefully with a view to ordering a reduction if justified by the record of service of the Government servant concerned.

2. I am also to invite a reference to the instructions issued with the Joint Punjab Government letter No. 2124-G-39/18878-(H-Gaz.), dated the 25th May, 1939 (copy enclosed), in which great emphasis has been laid on effecting a reduction in the pension of retired Government servants whose reputation for honesty during their service had not been satisfactory, by applying the provisions of Article 470(b) of Civil Service Regulations, which are analogous to those of rule 6.4 of the Punjab Civil Services Rules, Volume II, referred to above. These instructions should be followed a carefully and a suitable reduction ordered in the pension of those Government servants whose reputation for honesty has not been satisfactory.

**Copy of Circular letter No. 10937-GII-57/2306, dated the 20th January, 1958, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc', etc.**

**Subject :—Grant of pensions to retiring Government servants and application of rule 6.4 of the Punjab Civil Services Rules, Volume II.**

Government have had under consideration for sometime as to whether it was possible or desirable to adopt a uniform set of rules and practice, applicable to all Government servants regarding any cuts in pension to be made under the above pension rule, and I am to convey Government's decision on his point. After careful consideration, Government is of the view that it is not desirable to apply a uniform set of principles, as the assessment as to whether a cut should be made must vary with different cases. For example, one officer may have several entries suspecting dishonesty. None of these entries may, however, have come to a stage of a definite conclusion. Obviously, this kind of case will have to be dealt with quite differently from a case where an officer has even a single instance where corruption had definitely been proved. The application of a rigid set of rules would, it is felt, lead to a technical assessment of the position, rather than a real one. It has, therefore, been decided that uniformity should not be attempted in assessing an officer's career.

2. Nevertheless, Government are anxious that all Department should exercise their responsibilities in respect of rule 6.4 carefully before passing a pension case, and I am to suggest that all cases should be examined within the provisions of this rule for suitable action, where necessary.

3. Government are also advised that it is open to the State in respect of All India Services to scrutinise the record of service of the officer concerned before recommending pension to the sanctioning authority, which, in a case of these officers, would be the Government of India. This should also be kept in mind in respect of cases relating to this class of officers.

Copy of Circular letter No. 277-IGS-61/8679, dated 17th March, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

**Subject :—**Grant of pensions to retiring Government servants and application of rule 6.4 of the Punjab Civil Services Rules, Volume II—Observance of procedure and criteria therefor.

I am directed to invite a reference to Punjab Government letter No. 10937-GII-57/2306, dated the 22nd January, 1958, on the subject cited above, in which it was considered desirable not to adopt a rigid set of rules and practice while assessing a Government servant's service record for the purpose of reduction in pension under rule 6.4 of the Civil Services Rules, Volume II, as that would lead to technical assessment of the position rather than a real one. It was also stated that the assessment as to whether a cut should be made will vary with different cases and that no uniformity should be attempted in assessing an officer's career. Government have, however, observed that too many different standards in regard to cuts in pension are being followed in the departments. Whereas some departments are very strict in imposing these cuts for bad reputation and poor record of service, other departments are not so strict and are in fact quite lenient. Thus the real object of the Government that all departments should carefully exercise their responsibilities in respect of rule 6.4 of the Punjab C.S.R., Volume II, before sanctioning a pension case, has not been achieved.

2. After careful consideration, Government have decided that in order to ensure fair and objective consideration of such cases and to accumulate specialised experience in dealing with them, a procedure should be prescribed. As regards Gazetted Government servants, a Committee to be called the Standing Committee for cuts in pensions consisting of the Chief Secretary, the Finance Secretary and the Administrative Secretary of the Department concerned in each case has been set up of screen cases of reduction in pension,—vide Punjab Government Notification No. 277-IGS-61/18675, dated the 16th/17th March, 1961, a copy of which has been endorsed to all Heads of Departments. The following procedure is prescribed for referring these cases to the Standing Committee :—

- (1) Cases of nominal cuts in pension may continue to be decided finally by the competent authority as at present. Nominal cut may be defined as a cut up to Rs. 5 per month in pension and/or a lump sum deduction from his death-cum-retirement gratuity up to Rs. 500.
- (2) In cases not covered by (1) above, the Administrative Department should first come to an independent conclusion on the merits of the case and then refer it to the Chief Secretary for consideration by the Standing Committee. The pension cut proposed in such cases should be mainly on the ground of corruption, doubtful integrity, bad entries regarding moral turpitude and protracted poor performance through the officer's career or grossly unsatisfactory performance at important positions relevant to the officer's career.
- (3) The Committee will consider the merits of the case taking into account the Administrative Department's view and make a suitable recommendation to the Chief Minister whose orders will be final.

3. So far as non-gazetted Government servants are concerned, Government have decided that.—

- (1) the competent authority shall decide the cases of cuts in pension in the light of any general instructions which may be formulated as experience is gained by the Standing Committee.
- (2) where the competent authority decides to impose cuts in pensions on grounds of corruption or/and doubtful integrity, the cases shall be referred to the Standing Committee for approval. If the pension cuts are imposed by the competent authority on account of inefficiency, or loss of Government funds, these will merely be reported to the Committee for information.

4. I am further to state that for the submission of the cases to the Standing Committee, the Administrative Department concerned should send a complete self-contained memorandum, summary of service record along with the personal file of the officer, the clearance certificate from Vigilance Department and other relevant documents which have a bearing on the subject. Five sets of all these documents (except the personal file) will be required for this purpose.

5. I am to request that these instructions should be followed carefully and brought to the notice of all officers/officials.

6. The receipt of this letter may please be acknowledged.

## HOME DEPARTMENT

## Notification

The 16th/17th March, 1961

**No. 277-IGS-6/18675.**—The Governor of Punjab is pleased to constitute a Standing Committee to consider cuts in pension consisting of the following members and Secretary with a view to introducing an element of uniformity in imposing such cuts :—

- |  |              |
|--|--------------|
| (1) Chief Secretary                          | .. Chairman  |
| (2) Finance Secretary                        | .. Member    |
| (3) Administrative Secretary concerned       | .. Member    |
| (4) Deputy Secretary, General Administration | .. Secretary |
2. The function of the committee will be
- (1) to draw up rules of procedure for the imposition of cuts in pension;
  - (2) to make recommendations to the Chief Minister for final decision in cases of Gazetted Government Servants;
  - (3) to grant approval in cases of non-gazetted Government servants, where it has been decided to impose cuts in pension for reasons of corruption and doubtful integrity.

E.N.MANGAT RAI

Chief Secretary to Government, Punjab.

Copy of letter No. 6831-6GS-61/23653, dated the 3rd July, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

*Subject* :—Grant of Pension to Retiring Government Servants and application of Rules 6.4 of the Punjab Civil Services Rules, Volume II, observance of procedure and criteria thereof.

I am directed to refer to the Punjab Government letter No. 277-IGS-61/8679, dated the 16th/17th March, 1961, on the subject cited above, according to which all the departments are required to consider a particular proposal for cut in pension and when they feel that a more than nominal cut is necessary, to send the case to the Standing Committee for cuts in pensions which will then make suitable recommendations to the Chief Minister whose orders will be final. A point has been raised as to what procedure should be followed where the Chief Minister himself is the Minister-in-charge of the Department. It is felt that any orders passed by the Chief Minister on any departmental file as to reduction in pension may embarrass the Standing Committee in its deliberations and even the Chief Minister at the final stage. The matter has been considered by Government and it has been decided that where Chief Minister is the Minister-in-charge of a Department, he would at the initial stage merely commit himself to accept in principle that a more than nominal cut is justified, and not to any particular figure. A similar procedure shall be followed where he has to pass such orders on any other departmental file. The case would thereafter go to the Standing Committee which would propose a definite cut and after this stage, the Chief Minister shall pass final orders regarding acceptance of the proposal or its modification. I am to request that these instructions may kindly be kept in view while dealing with cases relating to cuts in pension.

**Copy of Circular letter No. 10019-6GS-61/32534, dated 13th September, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject :—Grant of pension to retiring Government servants and application of rule 6.4 of the Punjab Civil Services Rules, Volume-II—Observance of procedure and Criteria therefor.**

I am directed to invite reference to Punjab Government letter No. 277-IGS-61/8679, dated the 16th/17th March, 1961, on the subject cited above, wherein the procedure for referring cases of cuts in pension/gratuity to the Standing Committee set up for this purpose was laid down and to say that doubt has arisen whether or not the cases of nominal cuts in pension/gratuity of non-gazetted officers, are referable to the Standing Committee. With a view to clarify the position, I am to state that as is the case in respect of gazetted officers, the cases of nominal cuts in pension/gratuity of non-gazetted officers are not referable to the Standing Committee. I am further to clarify that the procedure laid down in paragraph 3(2) of the instructions referred to above, is required to be followed only in cases where a cut exceeding the nominal cut is to be imposed.

2. These instructions may please be brought to the notice of all concerned.
3. The receipt of this letter may please be acknowledged.

**Copy of Punjab Government Circular letter No. 821-6GS-62/7587, dated 13th March, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.**

**Subject :—Grant of pension to retiring Government servants and application of Rule 6.4 of the Punjab Civil Services Rules, Volume II—Observance of procedure and Criteria therefor.**

I am directed to invite a reference to Punjab Government letter No. 277-IGS-61/8679, dated the 16th/17th March, 1961, on the subject stating inter alia that the competent authority shall itself decide the cases of cuts in pension of the non-gazetted Government Servants and shall merely report those cases to the Standing Committee where the cuts are imposed on account of inefficiency or loss of Government funds. On reconsideration, it has been decided that while reporting these cases for the information of the Standing Committee, the competent authority should also furnish a brief but comprehensive statement of the facts of each case.

2. I am to request that these instructions should be followed carefully. The receipt of this letter may please be acknowledged.

**Copy of letter No. 3578-2GSI-66/15840, dated 24th June, 1966, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.**

**Subject :—Cut in pension of the Government employees who are retired compulsorily from service under rule 5.32 of the Punjab Civil Service Rules, Vol. II.**

I am directed to invite a reference to Punjab Government letter No. 11029-G-54/67098, dated the 8th December, 1954 and No. 12693-G-54/37937, dated the 30th June, 1955 on the subject cited above and to say the Government have now been advised by their Legal Remembrancer that where a Government employee is retired compulsorily under rule 5.32 of the Punjab Civil Services Rules, Vol. II, no cut in pension should be imposed. The instructions under reference may, therefore, be considered to have been modified to this extent.

2. These instructions may please be brought to the notice of all concerned.

(Published in the Punjab Government Gazette, Legislative Supplement Ordinary, dated the 15th July, 1966 and circulated among all Heads of Departments etc.,—vide No. 5050-3GSI-66/22742, dated 29th August, 1966, No. 2609-SII(3)-71, dated 6th May, 1971, and No. 7178-2SII-76/33718, dated 6th August, 1976.)



सं० 3931-1 जी० एस० -70/15374

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) सभी विभागाध्यक्ष आयुक्त अम्बाला मण्डल,  
सभी उपायुक्त तथा उप मण्डल अधिकारी हरियाणा।
  - (2) रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय और हरियाणा के सभी जिला तथा सत्रन्यायाधीश
- दिनांक चण्डीगढ़, 25 जन, 70

**विषय:-** सेवा निवृत्त होने वाले सरकारी कर्मचारियों को पेंशन देना और पंजाब सिविल सेवा नियमावली खण्ड 1 के नियम 6-4 का प्रवर्तन इस के लिये क्रियाविधि और कसौटी का अनुपालन।

महोदय,

मुझे उपर्युक्त विषय पर संयुक्त पंजाब सरकार पत्र सं० 277-1 जी० एस० -61/8679, दिनांक 16/17 मार्च 1961 जिस में अन्य बातों के अलावा उस प्रयोजन के लिए गठित स्थायी समिति को प्रस्तुत करने के लिये पेंशन आदि में कटौतियों के कसों के विशेष वर्गों सम्बन्धी अनुदेश शामिल हैं, की ओर ध्यान दिलाने और यह कहने का निदेश हुआ है कि इस विषय सम्बन्धी स्थिति पर सरकार द्वारा पुनर्विलोकन किया गया है इस का मुख्य कारण यह है कि उच्च न्यायालय के हाल ही के फैसले अनुसार यह आवश्यक है कि ऐसे कसों में जिन में पेंशन और या उपदान में कटौती करना प्रस्तावित हो वहां सम्बन्धित कर्मचारी को कारण बताओ नोटिस दिया जाना चाहिए और अन्तिम निर्णय सरकारी कर्मचारी द्वारा दिए गए स्पष्टीकरण पर उचित विचार करने के बाद ही लिया जाना चाहिए इस परिवर्तित स्थिति को दृष्टि में रखते हुए यह विचार किया जाता है कि स्थायी समिति द्वारा कसों के परीक्षण सम्बन्धी पिछली क्रिया विधि को जारी रखने से कोई लाभ नहीं होगा अतः यह निर्णय किया गया है कि ऐसे कसों का निपटान सक्षम प्राधिकारियों द्वारा विभागों में अपने ही स्तर पर किया जाना चाहिए और स्थायी समिति को समाप्त कर देना चाहिए।

2 तथापि यह उल्लेख किया जाता है कि कसों के विभिन्न वर्गों में लगाई जानी वाली कटौती को निर्धारित करने में अपनाई जाने वाली नीति वर्तमान की तरह जारी रहेगी। नाम मात्र कटौती नामतः 5 रुपये प्रति मास तक की कटौतियां और या 500 रुपये तक की मृत्यु तथा निवृत्ति उपदान से एक मुश्त कटौतियां, सेवा के दौरान सामान्यतः असन्तोषजनक कार्य के कसों में लगाई जा सकती है। जहां तक अधिक कटौतियों, अर्थात् नाममात्र कटौतियों से भिन्न बड़ी कटौतियों का सम्बन्ध है, ये भ्रष्टाचार संदिग्ध निष्ठा अथवा नैतिक पतन और कर्मचारी के सेवा कार्य से सम्बन्धित महत्वपूर्ण स्थानों पर लम्बे अरसे से ठीक ढंग से काम न करने या बिल्कुल असन्तोषजनक काम के कारण लगाई जा सकती हैं।

3. इस संदर्भ में एक और प्रश्न जो उठाया गया है वह यह है कि क्या किसी ऐसे कर्मचारी के कस में पेंशन और उपदान में कटौती लगाई जा सकती है जिसे पंजाब सिविल सेवा नियमावली खंड 11 के नियम 5-32 के अधीन 58 वर्ष की आयु पूरी करने से पहले सेवा निवृत्त किया जाता है। इस मामले की छानबीन की गई है और जहां तक कानूनी स्थिति का सम्बन्ध है इस प्रश्न का उत्तर हां में है। इस के साथ यह भी स्पष्ट है कि प्रात्यक्ष कारणों से पूर्व समय निवृत्ति कसों में कटौतियों के बल तभी लगाई जानी चाहिए, यदि परिस्थितियां हों और कटौतियों को गुण दोषों के आधार पर पूर्ण रूपसे व्यक्तिगत ठहराया जाता है।

4. जैसा कि पहले निर्दिष्ट किया जा चुका है अब यह आवश्यक है कि सरकारी कर्मचारी की पेंशन और/या उपदान में कटौती लगाने के सभी कसों में उसे सब से पहले कारण बताओ नोटिस दिया जाए और इस विषय में उसे स्पष्टीकरण देने का अवसर दिया जाए। इस के अतिरिक्त अन्तिम निर्णय उस के स्पष्टीकरण पर उचित विचार करने के बाद ही लिया जाना चाहिए। यह अनुरोध किया जाता है कि यह क्रियाविधि ऐसे सभी कसों में अपनाई जानी चाहिए और यह सुनिश्चित किया जाना चाहिए कि इस विषय में किसी प्रकार की अवहेलना न की जाए। क्यों कि ऐसी चक करने से पास किए गए कोई भी आदेश दूषित हो जाएंगे।

5. यह अनुरोध किया जाता है कि इन अनुदेशों का अनुपालन ठीक तरह से हो और इन को अपने अधीन काम करने वाले सभी कर्मचारियों को नोटिस में लाया जाये ।

6. कृपया इस पत्र की पानती भेजें ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक तथा सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार राजनैतिक विभाग

**PART XVI**  
**PROBATION**



**Copy of Circular letter No. 15574-GI-56/8603, dated the 19th November, 1956 from Shri Nakul Sen, I.C.S. Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.**

**Subject :—Pay to be allowed to direct recruits to various services during the period of probation.**

I am directed to say that it has come to the notice of Government that there is no uniform practice in allowing the pay to candidates appointed to various services during the period of probation and training in as much as in some departments the new recruits start at the minimum of the time scale of pay prescribed, while in others some sort of allowance is allowed during the period of probation, which is much less than the time scale of the officers concerned. This state of affairs is unsatisfactory and causes heart burning among the services. Accordingly the matter has been considered at length by Government and after a careful examination, it has been decided that a uniform policy should be followed in all departments and that the direct recruit should be given the minimum of the time scale of pay of the post during the period of training and probation. In order, however, to ensure successful completion of training by the probationers within the prescribed period, it has been further decided that such candidates should not be allowed to draw the first increment till they have completed all training and passed the departmental examinations, whichever required under the existing rules.

2. The above decision will come into force immediately and the existing direct recruits who are undergoing training or are on probation should be allowed the pay at a rate equal to the minimum of the time scale of the service to which they belong with effect from 1st November, 1956.

3. I am to request that action may be taken in accordance with these orders and the service rules may be amended wherever necessary.

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**Copy of Circular letter No. 7978-G(II)-57/21306, dated the 25th October, 1957 from the Chief Secretary to Government, Punjab to all Heads of Departments et., etc.**

**Subject :—Amendment of Service Rules so as to made provision for probationary period at all stages of promotion.**

I am directed to say that the procedure regarding the confirmation of the Chief Engineers in the three branches of the P.W.D. has not been uniform. While in some cases, proposals regarding the confirmation of a Chief Engineer are put up to Government after, say one year of appointment of an individual as such, in other cases, such proposals are put up soon after a Superintending Engineer is promoted as Chief Engineer.

2. To ensure uniformity of practice in the matter, the question has been examined in detail and it has been decided that a probationary period of one year should be provided in the Service Rules of all the Departments under the Punjab Government at all stages of promotion. I am to request that to give effect to this decision of Government, immediately steps should be taken to make necessary provision in the relevant Service Rules.

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**Copy of letter No. 8605-GIII-59/17447, dated the 13th October, 1959, from the Chief Secretary to Government, Punjab, to all Heads of Departments, Commissioners, of Divisions, Deputy Commissioners etc.**

**Subject :—Pay to be allowed to Direct Recruits to various Services during the period of probation and Training.**

I am directed to invite a reference to Punjab Government letter No. 15574-GI-56/8603, dated the 19th November, 1956, allowing the direct recruits to various services/posts the minimum of the time scale of pay of the post during the period of training and probation. The last sentence of paragraph I of this letter said that "in order, however, to ensure successful completion of training by the probationers within the prescribed period, it has further been decided that such candidates should not be allowed to draw the first increment till they have completed all training and passed the departmental examination, wherever required under the existing rules."

2. It has been brought to the notice of Government that the condition of completion of training for drawing the first increment is causing considerable hardship to direct recruits because training is arranged by Government and sometimes Government are unable to provide within reasonable time the prescribed training to officers/officials for various reasons. It is, therefore, unfair to direct recruits to be deprived of their increments for non-completion of training. Government have reconsidered the matter and decided that the first increment should be allowed even if the prescribed training has not been undergone by direct recruits, unless the relevant service rules on this point have specially made the grant of the first increment contingent on completion of certain trainings. The conditions regarding the completion of training for the grant of the first increment occurring in Punjab Government letter dated the 19th November, 1956, should, therefore, be deemed to have been dropped with retrospective effect from the 1st November, 1956. Direct recruits should accordingly be allowed the first increment on completion of the departmental examination, if any, prescribed under the rules, and after one year's service, whichever is later. The future increments should normally be admissible on the anniversary of the date on which the first increment is drawn.

3. I am to advise you to bring the service rules in accordance with the above instructions with such modifications as may be considered necessary in the light of the circumstances of any particular post of service. For example, if a department has laid down certain examinations for its officers/officials but has not made grant of an increment contingent on passing the examination the department will have to revise its service rules to accord with these instructions. But where no departmental examination is prescribed, the departments are not required, under these instructions, to prescribe a new examination.

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**Copy of Circular letter No. 1070-GIII-60/11995, dated the 1st April, 1960 from the Secretary to Government, Punjab to all Heads of Departments, etc., etc.**

**Subject :—Pay to be allowed to direct recruits to various services during the period of probation and training.**

I am directed to invite a reference to the instructions contained in Punjab Government letter No. 15574-G-I-56/8603, dated the 19th November, 1956, as subsequently amplified, particularly in Punjab Government letter No. 8605-GIII-59/47447, dated the 13th October, 1959, on the subject noted above.

2. The question whether the concession allowed under these instructions is admissible only to new recruits, appointed against temporary vacancies has been considered by Government and it has been decided that :

- (i) all direct recruits appointed to Government service, whether against temporary or permanent posts, should receive the minimum of the prescribed pay scale; and
- (ii) this concession will not be admissible to personnel recruited as apprentices, who will receive the pay applicable to apprentices.

3. These instructions will take effect from the 1st November, 1956, i.e. the date when the original instructions, referred to above became operative.

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**Copy of Circular letter No. 14602-7GS-60/46745, dated the 22nd December, 1960, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.**

**Subject :—Amendment of Service Rules so as to make provision for probationary period at all stages of promotion.**

I am directed to invite a reference to the Punjab Government letter No. 7978-G(II)-57/21306, dated the 25th October, 1957 which indicates that at all stages of promotion a probationary period of one year should be provided in the service Rules of all the Departments under the Punjab Government. In this context, it is clarified that one year should be treated as the minimum period of probation. In cases, where the Department considers necessary, a probationary period may be prescribed for more than one year. For instance, in the case of Chief Engineers, a period of probation of two years instead of one year has been fixed. As already requested in the letter mentioned above, necessary provision should be made in the relevant Service Rules for the purpose of prescribing a suitable probationary period at all stages of promotion.

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No. 4183-2GS-I-71/34032

From The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments; the Commissioner, Ambala, Division; all Deputy Commissioners; and Sub-Divisional Officers in Haryana;
- (2) The Registrar, Punjab & Haryana High Court, and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 15th December, 1971.

Subject :—Probation

Sir,

I am directed to refer to the provisions contained in the Modal Service Rules and in the Service Rules of different Services about probation, which provisions are to the effect that a person will, on appointment to service, remain on probation for a specified period which can be extended in special cases provided the total period of probation including extension, if any, does not exceed three years. There is also the provision in certain Service Rules that the confirmation of an employee will be made only after he has passed the departmental examinations prescribed under the rules or has been exempted from the requirement of passing the departmental examinations.

2. It has come to the notice that in many instances the department do not take up at the appropriate time the question as to whether a Government employee has or has not completed his probation satisfactorily, and consequently the question of his confirmation is also not examined in time. The Accountant General has drawn attention to the fact that difficulty is also being experienced in allowing increments because intimation about satisfactory completion of probation and about passing departmental examinations is not received in his office in time or is received with heavy delay.

3. In order to overcome these difficulties it has been decided that as soon as an officer/official, placed on probation in accordance with the service rules applicable to him has completed the period of his probation, and in any case within 3 months thereof, a decision should be taken whether the probation was completed satisfactorily or not, and if the probation was not completed satisfactorily, whether the original period should be extended or whether Government employee concerned should be discharged from service/reverted to his substantive post. Where it is decided to extend the period of probation, a similar decision should be taken directly after the completion of extended period and in any case within 3 months thereof. If more than 3 months lapse after the expiry of the maximum period of probation permissible under Service Rules, then it can result in a presumption being drawn in favour of Government employee concerned that he has completed his probation satisfactorily; and if a permanent vacancy is available, then it will be presumed (subject to the exception indicated in para 4 below) that he has been confirmed against that vacancy even though a formal order of confirmation has not been issued. In this context a copy of the judgement of the Supreme Court in "State of Punjab versus Shri Dharam Singh" (Civil Appeal No. 1017 of 1966) is enclosed for reference.

4. The exception referred to in para 3 above arises if there is a provision in the relevant Service Rules that a Government employee will not be confirmed unless he has passed the prescribed departmental examinations, or has been exempted from passing them. In that case a Government employee who has completed the period of probation/extended period of probation/maximum period of probation without a decision having been taken within the specified period as to whether the probation was completed satisfactorily or otherwise, but has not passed the prescribed departmental examinations, then his confirmation will not be presumed (although the presumption will have to be drawn that he has completed the probation satisfactorily). In such cases confirmation can take place only after the departmental examination have been passed, or exempted from passing them has been allowed and not otherwise. Further more, if there is failure to pass the departmental examinations (and there is no exemption from passing them) action by way of discharge from service or reversion to substantive rank can also be taken on that ground provided that that is permissible under the relevant Service Rules.

5. It has also been decided that the Accountant General's office should release any increment which becomes due to a Government Employees if within 3 months of the increment becoming due, the department does not inform that office that the period of probation (or the extended period) has not been completed satisfactorily. This will however be subject to the condition that the Accountant General's



office has verified that the relevant increment is not required to be with-held because the Government employee concerned has not passed the departmental examinations.

6. It may be noted in this connection that cases have occurred in which confidential reports pertaining to periods after the completion of the probationary period were taken into account in examining the question of confirmation which came up at a later stage. It has to be observed that the correct position in this regard is that only those confidential reports which relate to any part of the probationary period should be considered for that purpose and not any subsequent report or reports.

7. It is requested that the above instructions may be brought to the notice of all concerned for strict compliance. It may also be made clear that any lapse in regard to following them will be viewed seriously.

8. The receipt of this communication may please be acknowledged.

Yours faithfully,

Sd./-  
Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

No. 4183-2GS-I-71/34033, dated Chandigarh, the 15th December, 1971.

A copy is forwarded to the Accountant General, Haryana., with reference to his letter No. TM/ 2 2/69-70/1812, dated the 23rd December, 1969. All Financial Commissioners. All Administrative Secretaries in Haryana.

## SUPREME COURT OF INDIA

Before : K.K. Manchoo C.J.R.S. Bachawat J.J.M.

Shelat J.G.K. Mitter J. and C.A. Vaidialingam J.  
Civil Appeal No. 787 of 1966.  
Decided on 2-1-1968.

THE STATE OF PUNJAB (appellant)

*Versus*

DHARAM SINGH (respondant)

Civil Appeal No. 1017 of 1966  
Decided on 2-1-1963.Director of Public Instructions—(*Appellant*)

Punjab

Dev Raj

*Versus*

(Respondent)

Punjab Educational (Provincialised Cadre) III Rules 1961 Rule 6(3)—Constitution of India,, Article 311—Automatic confirmation of probationers—Confirmation by implication—Formal order of confirmation not necessary on expiry of maximum period of probation prescribed under rules.

Period of three years prescribed as maximum period of probation under rule 6(3) Respondents appointed as teachers on the year probation against permanent posts—No orders with regards to their confirmation or extension of probation period passed by Government. Their services, however, terminated on expiry of 3 years treating them as temporary employees—Termination order quashed Held :

- (i) Though appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed orders of confirmation by allowing them to continue in service after three years:
- (ii) After such confirmation the authority had no power to dispense with their services on the ground that their work or conduct during period of probation was unsatisfactory—The impugned orders amounted to removal from service by way of punishment.

In the present case, Rule No. 6(3) forbid extension of the period of probation beyond three years. Where as in the present case, the service rules fix a certain period of time beyond which the probationary period cannot be extended, and an employee appointed or promoted to a post on probation is allowed to continue in that post after completion of the maximum period of probation without an express order of confirmation, he cannot be deemed to continue in that post as a probationer by implication. The reason forbidding extension of the probationary period beyond the maximum period fixed by it. In such case, it is permissible to draw the inference that the employee allowed to continue in the post on completion of the maximum period of probation has been confirmed in the post by implication.

Though the appointing authority did not pass formal order of confirmation in writing it should be presumed to have passed orders of confirmation by so allowing them to continue in their post after October, 1960. After such confirmation, the authority had to power to dispense with their services under Rule 6(3) on the ground that their work or conduct during the period of probation was unsatisfactory. It follows that on the dates of the impugned orders the respondent had the right to hold their to the impugned orders deprived them of this right and mounted to removal from service by way of punishment. The removal from service could not be made without following the procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1952 and without confirming to the Constitutional requirement of Article 311 of the constitution. As the procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1952 was not followed and as the constitutional protection of Article 311 was violated, the impugned orders were rightly set aside by the High Court.

*Cases referred.*

- (1) Sukhbans Singh *Versus* the State of Punjab, 1962 (1) S.C.R.416, 424-426.
- (2) G.S. Ramaswami *Versus* The Inspector General of Police Mysore State 1964 (6) S.C.R. 278, 288-89.

- (3) The Accountant General Madhya Pradesh, Gwalior *Versus* Beni Prasad Bhatnagar, C.A. No. 548 of 1962 decided by Supreme Court on 22-1-1964.
- (4) D.A. Iyall *Versus* the Chief Conservator of Forests, U.P. and other, C.A. No. 259 of 1963 decided by Supreme Court on 24-2-1965.
- (5) The State of U.P. *Versus* Akbar Ali, 1966 (3) S.C.R. 821, 825-826.
- (6) Narain Singh Ahluwalia *Versus* State of Punjab and another C.A. No. 492 of 1963 decided by Supreme Court on 29-1-1964.

### JUDGEMENT

**Bachawa T.J.**

These two connected appeals raise a common question of construction of Rule 6 of the Punjab Educational Service (Provincialised Cadre) Class III Rules, 1961. Before October 1, 1957 Dharam Singh and Dev Raj, the respondents to these appeals, were junior teachers in District Board Schools. The District Board Schools were provincialised, and the service of the respondents were taken over by the Punjab State with effect from October, 1957 in pursuance of scheme of provincialisation of Local Bodies schools in the State. On February 13, 1961 the Governor of Punjab in exercise of the powers conferred by the proviso to Article 309 of the Constitution framed the Punjab Educational Service (Provincialised Cadre) Class III, Rules 1961 regulating the conditions of service of the teaching staff taken over by the State Government from the local authorities, Rule I provides that the rules will be deemed to have come into force with effect from October, 1, 1957. Rule 3 created the Punjab Educational (Provincialised Cadre) Class III Service consisting of the posts shown in Appendix A. It is common case that the posts held by the respondents are included in Appendix A and carry time scales of pay. Rule 6 is in these terms :—

- “6(1) Members of the Service, officiating or to be promoted against permanent posts, shall be on probation in the first instance for one year.
- (2) Officiating service shall be reckoned as period spent on probation, but no member who has officiated in any appointment for one year shall be entitled to be confirmed unless he is appointed against a permanent vacancy.
- (3) On the completion of the period of probation the authority competent to make appointment may confirm the member in his appointment or if in his opinion his work or conduct during the period of probation has been unsatisfactory he may dispense with his services or may extend his period of probation by such period as he may deem fit or revert him to his former post if he was promoted from some lower post. Provided that the total period of probation including extension, if any, shall not exceed three years.
- (4) Service spent on deputation to a corresponding or higher post may be allowed to count towards the period of probation, if there is a permanent vacancy against which such member can be confirmed.

The respondents were officiating in permanent posts and under Rules—(3) they continued to hold those posts on probation in the first instance for one year. The maximum period of probation fixed by the rules was three years which expired on October 1, 1960. The respondents continued to hold their posts after October, 1960, but formal orders confirming them in their posts were not passed. Under Rule 7 the Director Public Instruction Punjab was the appointing Authority. By two separate orders passed on February 10, 1963 and April 4, 1963, the Director terminated their services. The order in each case stated that the services of the respondent concerned “are hereby terminated in accordance with the terms of his employment. The order shall take effect after one month from the date it is served on him. Rule 12 provides that in matters relating to discipline punishment and appeals, members of the service shall be governed by the Punjab Civil Service (Punishment and Appeal) Rules 1952. The orders dated February 10, 1963 were passed without holding any departmental enquiry and without giving the respondents any opportunity of making representation against the action taken against them. The respondents filed separate writ petitions in the Punjab High Court challenging the aforesaid orders on the ground that they had acquired substantive rights to their posts and that the orders amounting to removal from service, and were passed in violation of Articles 311 of the Constitution. The appellant pleaded that the respondents were temporary employees that their services terminated in accordance with the terms of their employment and that the impugned orders did not amount to removal from service and were not in violation of Articles 311. Learned Single Judges of the High Court refused the respondents contention and dismissed the writ petitions. The respondents filed separate letters patent appeals against those judgements. The appellate court allowed the appeals and set aside the impugned orders. The appellate Court held that the respon-

dents were not temporary employees, that they held the posts on probation, that on the expiry of three years' period of probation, they must be deemed to have been confirmed in their posts, that the impugned orders having deprived them of their rights of those posts amounted to removal from service by way of punishment and were passed in violation of Article 311 and the Punjab Civil Services (Punishment and Appeal) Rules, 1952. It is against these appellate orders that the present appeals have been filed after obtaining special leave.

2. The High Court found that the respondents were officiating in permanent posts against permanent vacancies as contemplated by Rule 6(1), and that on the coming into force of the rules, they must be deemed to have held their posts under rule 6(a) on probation in the first instance for one year from October, 1957. The correctness of these findings is not disputances of these cases, on the completion of three years, period of probation on October 1, 1960, the respondents must be deemed to have been confirmed in their appointments. The appellants attack this findings. They submit that in the absence of formal orders of confirmation the respondents must be deemed to have continued in their posts as probationers. In the alternative, they submit that on completion of three year's period of probation the respondents must be deemed to have been discharged from service and re-employed as temporary employees. We are unable to accept these contentions.

3. This court has consistently held that when a first appointment or promotion is made on probation for a specific period and the employee is allowed to continue in the post after the expiry of the period without any specific order of confirmation, he should be deemed to continue in his post as a probationer only, in the absence of any indication to the contrary in the original orders of appointment or promotion or the service rules. In such a case an express order of confirmation is necessary to give the employee a substantive right to the post, and from the mere fact that he is allowed to continue in the post after the expiry of the specified period of probation it is not possible to hold that he should be deemed to have been confirmed. This view was taken in 1, Sukhbans Singh *Versus* The State of Punjab, 2 G.S. Ramaswamy *Versus*. The Inspector General of Police Mysore State, Bangalore, 2, The Accountant General, Madhya Pradesh Gawalior V. Beni Prasad Bhatnagar, 4 D.A. Lyall V. the Chief Conservator of Forests, U.P. and others and 5. State U.P. V. Akbarali. The reason for this conclusion is that where on the completion of the specific period of probation the employee is allowed to continue in the post without an order of confirmation, the only possible view to be taken in absence of any thing to the contrary in the original order of appointment or promotion or the service rules, is that the initial period of cases. the conditions of service of the employees permitted extension of the probationary period for an indefinite time and there was no service rule forbidding its extension beyond a certain maximum period.

4. The same view was taken in 6 Narain Singh Ahluwalia V. State of Punjab and another. It was suggested before us that the service rules in that case provided for a maximum period of probation of two years beyond which the probationary period could not be extended. The Judgement in that case does not refer to such a rule, nor does it appear from the judgement that before the appellant was reverted to his substantive post, the maximum period of probation in the post to which he had been promoted had expired. A reference to the paper book in that case shows that in November, 1957, the appellant was promoted as Superintendent and on June 26, 1959 before the expiry of the maximum period of probation he was reverted to his substantive post. He thus continued to hold the post of superintendent as a probationer he was reverted to his substantive post. He thus continued to hold the post of superintendent as a probation when the order of reversion was passed.

5. In the present case, Rule No. 6(3) forbids extension of the period of probation beyond three years. Where as in the present case, the service rules fix certain period of time beyond which the probationary period cannot be extended and an employee appointed or promoted to a post on probation is allowed to continue in that post after completion of the maximum period of probation without an express order of confirmation, he cannot be deemed to continue in that post as probationer by implication. The reason is that such an implication is negated by the service rule forbidding extension of the probationary period beyond the maximum period fixed by it. In such a case it is permissible to draw the inference that the employee allowed to continue in the post on completion of the maximum period of probation has been confirmed in the post by implication.

6. The employees referred to in rule 6(1) held their posts in the first instance on probation for one year commencing from October, 1, 1957. On completion of the one year period of probation of the employee four courses of action were open to the appointing authority under rule 6(3). The authority could either (a) extend the period of probation provided the total period of probation including extension would not exceed three years, or (b) revert the employee to his former post if he was promoted from some lower post. or (c) dispense with his services if his work or conduct during the period of probation was unsatisfactory, or (d) confirm him in his appointment. It could pass one of these orders in respect of the respondents on completion of their one year period of probation. But the authority allowed them to continue in their posts thereafter without passing any order in writing and rule 6(3). In the absence of any formal order, the question is whether by necessary implication from the proved facts of these cases, the authority would be presumed to have passed some order under rule 6(3) in respect of the respondent, and if so, what order could be presumed to have been passed.

7. The respondents were not prompted from lower posts and there was no question of their reversion to such posts at any time under rule 6(2).

8. The initial period of probation of the respondents ended on October 1, 1958. By allowing the respondents to continue in their posts thereafter without any express order of confirmation the competent authority must be taken to have extended the period of probation up to October 1, 1960 by implication. But under the proviso October 1, 1960. In view of the proviso to rule 6(3), it is not possible to presume that the competent authority extended the probationary period after October 1, 1960 or that thereafter the Respondents continued to hold their posts as probationers.

9. Immediately upon completion of the extended period of probation on October 1, 1960, the appointing authority could dispense with the services of the respondents if their work or conduct during the period of probation was in the opinion of the authority unsatisfactory. Instead of dispensing with their services on completion of the extended period of probation, the authority continued therein increments of salary including the increment which fell due on October 1, 1962. The rules did not require them to pass any test or to fulfil any other condition before confirmation. There was no compelling reason for dispensing with their services and re-employing them as temporary employees on October 1, 1969, and the High Court rightly refused to draw the inference that they were so discharged from services and re-employed. In these circumstances the High Court rightly held that the respondents must be deemed to have been confirmed in their posts. Though the appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed orders of confirmation by so allowing them to continue in their posts after October 1, 1960. After such confirmation, the authority had no power to dispense with their services under Rule 6(3) on the ground that their work or conduct during the period of probation was unsatisfactory. It follows that on the dates of the impugned orders the respondents had the right to hold their posts. The impugned orders deprived them of this right and amounted to removal from service by way of punishment. The removal from service would not be made without following the procedures laid down in the Punjab Civil Services (Punishment and appeal) Rules, 1952 and without confirming to the constitutional requirement of Article 311 of the constitution. The procedure laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1952 was not followed and the constitutional protection of Article 311 was violated, the impugned orders were rightly set aside by the High Court.

In the result, the appeal are dismissed with costs. There will be one hearing.

Appeal dismissed.

क्रमांक 6766-1 जी० एस० 1-75/1762

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा सभी जिला तथा सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 30 जनवरी, 1976.

विषय : तदर्थ आधार पर की गई सेवा को प्रोबेशन पीरियड पूरा करने के लिए गिने जाने के बारे में स्पष्टीकरण ।

महोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय की ओर आपका ध्यान दिलाऊँ और कहूँ कि हरियाणा सरकार के परिपत्र क्रमांक 5700-2 जी० एस० 1-73/27522, दिनांक 16 नवम्बर, 1973 द्वारा जारी की गई हिदायतों में यह तो स्पष्ट किया हुआ है कि तदर्थ आधार पर की गई सेवा को पदोन्नति के लिए तजुव के तौर पर नहीं गिना जाना है । परन्तु कहीं भी यह स्पष्ट नहीं है कि ऐसी सेवा को प्रोबेशन पीरियड पूरा करने के लिए गिना जाना है या नहीं । यह प्रश्न कुछ समय से सरकार के विचाराधीन था तथा इस बारे में यह निर्णय लिया गया है कि तदर्थ आधार पर की गई सेवा का नाम प्रोबेशन पीरियड पूरा करने के लिए भी नहीं दिया जाना है ।

2. कृपया प्रोबेशन पीरियड के मामलों पर विचार करते समय इन हिदायतों का दृढ़ता से पालन किया जाए तथा इस पत्र की पावती भी भेजी जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :—

1. वित्तायुक्त राजस्व, हरियाणा ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशासकीय क्रमांक 6766-जी०एस० 1-75, दिनांक चण्डीगढ़, 30 जनवरी, 1976

No. 116-IGSI-77/1735

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, The Commissioners, Ambala and Hissar Division, all Deputy Commissioners, and Sub Divisional Officers in Haryana.
2. The Registrar, Punjab & Haryana High Court, and All District and Sessions Judges in Haryana.

Dated Chandigarh, the 25th January, 1977.

**Subject :—Probation.**

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 4183-2GSI-71/34032, dated the 15th December, 1971 wherein it was stated that decision regarding the completion of the period of probation should be taken expeditiously after the expiry of the prescribed period of probation. It was also laid down that if such a decision was not taken within the prescribed time-limit, the satisfactory completion of probation will be presumed and if a permanent post is available, confirmation will also be presumed.

2. The matter has been reconsidered in the light of the judgement of the Supreme Court in cases "Binoy Kumar Mukherjee versus State of Bihar and others" (Civil Appeal No. 1268 of 1967) and "Kedar Nath Bahl versus State of Punjab and others" (Civil Appeal No. 1836 of 1968). It has been decided that even if a permanent post is available, confirmation cannot be presumed and a specific order to this effect will have to be passed. Instructions dated 15-12-1971 should be considered to have been modified to this extent.

Yours faithfully,

Sd./-  
Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 116-IGSI-77/1736 dated Chandigarh, the

January, 1977.

A copy is forwarded to the Accountant General, Haryana, with reference to Haryana Government endorsement No. 4183-2GSI-71/34033 dated the 15th December, 1971.

Sd./-  
Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to :—

(i) The Financial Commissioner, Haryana, and All Administrative Secretaries to Government, Haryana with reference to this Department U.O. No. 4183-2GSI-71/dated 15-12-1971.

**No. 3/4/82-IGS-I**

**From**

The Chief Secretary to Government Haryana.

**To**

All Heads of Departments,  
Commissioners, Ambala & Hissar Divisions,  
All Deputy Commissioners and Sub Divisional Officers.

Dated Chandigarh, the 12th May, 1982.

**Subject :—Probation.**

Sir,

I am directed to invite a reference to Haryana Government circulated letters No's 4183-2GSI-71//34032, dated the 15th December, 1971 and 116-IGSI-77/1735, dated the 25th January, 1977 on the subject noted above.

2. The matter has been further considered in the light of the judgement of Punjab and Haryana High Court in the case "O.P. Behl versus State of Haryana and others" (Civil Writ Petition No. 1012 of 1978). It has been decided that in cases, where after the expiry of the probation period, it has been decided to revert an officer/official for his/her unsatisfactory probation period, and the reversion is attributed to such remarks/action which tantamounts to punishment to official/officer, then, action regarding reversion should be taken according to the provision made in the Punishment and Appeal Rules, 1952.

Yours faithfully,

Sd./-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana..

A copy is forwarded to :—

The Financial Commissioner, Revenue Haryana and All Administrative Secretaries to Government Haryana, for information and necessary action.



**No. 3-4-82/IGS-1**

**From**

**The Chief Secretary to Government, Haryana.**

**To**

All Heads of Departments,  
Commissioner, Ambala and Hissar Divisions,  
All Deputy Commissioners and Sub Divisional Officers.

Dated Chandigarh the 26th May, 1983.

**Subject : Probation.**

Sir,

I am directed to invite a reference to Haryana Government circular No. 3-4-82-IGSI, dated the 12th May, 1982, wherein it has been provided that in cases where, after the expiry of the probation period, it is decided to revert an officer/official owing to his/her unsatisfactory probation period and the reversion is attributed to such remarks/action as tantamount to punishment to that officer/official, then action regarding reversion should be taken according to the provisions made in the Punjab Civil Services (Punishment and Appeal) Rules, 1952.

2. The matter has further been considered in the light of the judgement of Punjab and Haryana High Court in the case of "O.P. Behl *Versus* State of Haryana and others (Civil Writ Petition No. 1012 of 1978) and the judgement of the Supreme Court in the case of Union of India and others *Versus* P. S. Bhatt (Civil Appeal No. 2973 of 1979)." It is hereby clarified that where simpliciter order of reversion or termination of the services of the probationer is to be issued (without attaching any stigma to the conduct of the officer, which would indicate punishment) it is not necessary to take action in accordance with the provisions of Punjab Civil Services (Punishment and Appeal) Rules, 1952. If, however, the order of reversion/termination of the services of the probationer is to be passed as punishment, the procedure as laid down in the Punjab Civil Services (Punishment and Appeal) Rules, 1952, for awarding punishment shall have to be followed.

Yours faithfully,

Sd./-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to :—

The Financial Commissioner, Revenue, Haryana and All Administrative Secretaries to Government Haryana, for information and necessary action.



**PART XVII**  
**PROMOTIONS**



**Copy of Punjab Government Circular letter No. 8638-G-53/85910, dated the 28th October, 1953, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc., etc.**

**Subject :—Consultation with the Public Service Commission in connection with officiating promotions, etc.**

I am directed to invite a reference to clause (c) in regulation 5 of the Punjab and North-West Frontier Province Joint Public Service Commission (Limitation of Functions) Regulations which provides that consultation with the Commission shall not be necessary in the case of officiating promotion or transfers to any service or post when at the time of making the promotion or transfer there is reason to suppose that the officiating promotion or transfer will be for not more than six months. In other words the Commission should be consulted as soon as it becomes evident that the vacancy will last for more than six months, or immediately after six months are over. The Commission have reported that they have noticed a tendency on the part of some departments to make appointments without previous reference to the Commission even where the vacancies are known from the beginning to be likely to last for more than six months. They have further pointed out that in some cases the advice of the Commission is not sought at all, and in others after a year or so of the appointment. In cases of sudden vacancies caused by unforeseen circumstances such as the death or resignation of the previous incumbent, it may be necessary to make temporary arrangements for the carrying out of the duties of the post vacated, before approaching the Commission, but in normal cases it should be possible for the departments to anticipate their requirements well in time so as to be able to ask the Commission to make their recommendations. The appointment of an officer long before a reference is made to the Commission may create an erroneous and undesirable impression in the public mind that selection has already been made and that the advertisement is intended merely to comply with a formality. I am, therefore, to impress upon you the desirability of strict observance of the regulations and, of timely references to the Public Service Commission in matters of officiating promotions and transfer and direct recruitment.

**Copy of U.O. Circular letter No. 3937-G-54, dated 1st July, 1954, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab.**

**Subject :—Procedure to be adopted by Administrative Departments of the Punjab Government in their dealing with the Punjab Public Service Commission.**

Reference this Department un-official reference No. 4095-G-49, dated the 18th July, 1949, on the subject noted above.

2. In accordance with the instructions contained in this reference the Punjab Public Service Commission are required to give their views on the suitability of persons considered fit for promotion by an Administrative Department and while doing so, the Personal Files of officers, if any, whose supersession is involved in the proposal are also forwarded to the Commission for reference. It has been noticed that the Commission opined that some officers proposed to be superseded are also fit for promotion, and since the advice of the Commission is generally accepted this results in promotions of officers who in the opinion of the Administrative Department are unfit. The matter has been carefully considered and it has been decided that the Administrative Departments should, while forwarding such cases to the Punjab Public Service Commission invariably state all the reasons on the basis of which it is proposed that a certain officer should be superseded. The Public Service Commission would thus have before them not merely the Personal file of the officer concerned but also all the other considerations which may have been responsible for the Administrative Department's proposal. I am to request that these instructions should be carefully followed in future.

**Copy of letter No. 8588-G-55/44186 dated 25th July, 1955 from the Chief Secretary to Government, Punjab to All Heads of Department, etc., etc.**

**Subject :—Promotions.**

I am directed to say that it has been noticed by Government that there is a provision in some of the service rules laying down that certain promotions will be made on grounds other than selection. The matter has been given careful consideration by Government and it has been decided that such a provision should not remain in the service rules as promotion should always be by selection. I am accordingly to request you to amend the service rules, where such a provision exists, so as to provide that all promotions, whether from one grade to another or from one class of service to another, should be on the basis of selection

**Copy of letter No. 2185-G-56/27029, dated the 11th April, 1956 from Chief Secretary to Government Punjab to All Heads of Department etc., etc.**

**Subject :—Promotion to Selection Grade posts.**

In connection with the subject noted above, I am directed to say that it has come to the notice of Government that posts in the selection grades of various cadres are allowed to remain vacant for long periods with the result that the prospective candidates are put to unnecessary and avoidable hardship. The Government have examined the question and it has been decided that in future selection grade should invariably be granted to deserving officers within three months of the occurrence of a vacancy. I am to request that this decision may please be put into practice immediately.

**Copy of Circular letter No. 9129-G-56/3964, dated the 17th September, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority.**

I am directed to refer to the correspondence resting with Punjab Government letter No. 2334-51/1-2152, dated the 6th April, 1951, regarding the maintenance of Ranking lists for the purpose of promotion and to state that the question of laying greater emphasis on merit rather than seniority has been engaging the attention of Government for sometime past. Although theoretically, the principle is recognised that promotion to selection posts implies a conscious act of selection, Government are convinced that, in practice, promotion is primarily made not on the basis of merit but on the basis of seniority-cum-fitness. It cannot be ignored that selection for the purpose of promotion also affords chances of abuse and therefore some method has to be found which would safeguard against this. It is also necessary to ensure that, in an effort to widen the scope of eligibility for promotion to higher posts immature officers/officials are not included and due weight is given to experience.

Taking all the above mentioned points into consideration it has been decided to adopt the following revised procedure for selecting officers/officials for promotion to selection posts :—

- (i) A standard of required minimum experience in respect of each kind of higher post should be laid down in terms of years of service in consultation with the Public Service Commission/Subordinate Services Selection Board, except in cases, where a reference to the Commission/Board is not under the rules, required for making such appointments.
- (ii) A list should then be drawn up of officers/officials possessing the requisite minimum length of service as laid down above.
- (iii) Out of the lists so prepared, selection for filling the vacancies which may have arisen, will be confined to first three candidates for each vacancy. For every vacancy a slab of three suitable officers/officials is to be formed and unless a junior among them happens to be of exceptional merit and suitability, the senior-most will be selected. This does not mean that after selection has been made the other two become unsuitable. For the next vacancy another slab of three will be formed and the two who were not selected for the first vacancy will necessarily have to be included in that slab. It is quite possible that one of them may be selected for the second vacancy. In effect, therefore, after one slab has been formed for the first vacancy, every subsequent slab will necessarily contain two candidates of the slab preceding it.
- (iv) The criteria to be observed for making the final selection of officers/officials for the vacancies in question will be :—
  - (a) An officer known to be dishonest will not be promoted. For the rest, each officer/official would have to be judged on the basis of ability, industry, personality and bearing, experience and aptitude. It is difficult to lay down generally what importance should be attached to each of these qualities. This would have to depend on the nature of the posts in question.
  - (b) While making selection for purposes of promotion to higher selection posts, out of the three suitable candidates for each post, seniority would be ignored only

in favour of that junior candidate who is considered to be of exceptional merit. No Selection Committee need be formed or a written test or an interview need be introduced for the purposes of selection.

3. In respect of selection to gazetted posts, appeals against non-selection will be disposed of by the Council of Ministers, if they lie to Government. In other cases, where no appeals lie, or where the appeal lies to an authority subordinate to Government, a representation against rejection of the appeal by the latter authority for non-selection will also lie to the Council of Ministers. The period for such appeals/representations to the Council of the Ministers shall be one month from the date of the receipt of the orders represented against. These appeals/representation will normally be disposed of by the Council of Ministers within two months of their receipt. It will not be necessary for the Council of Ministers to consult the Public Service Commission in these cases.

The following procedure in putting up the case to the Council of Ministers would be followed. The memorandum, will in addition to the facts of the case, describe the history of service of the officers/officials concerned and also include summary of their personal files. The personal files of the officers/officials concerned would also be made available to the Council of Ministers for reference if necessary. The Administrative Secretary will put up such memoranda through the Chief Secretary, in the Gazette Branch, who would examine the case and make such revisions in the draft, as may be necessary, with a view to ensuring that the case of the representing officer does not go by default.

4. It is intended that the new principles to be adopted for the selection of officers/officials should apply to all posts to be filled by selection, whether within the cadre of the same service or from one service to another even if consultation with the Public Service Commission/Subordinate Services Selection Board, as the case may be, is required. Where a reference to the Commission/Board is required under the rules, a list containing the names of officers/officials with the requisite minimum length of service, weeding out the unsuitables, should be prepared and forwarded to the Commission/Board keeping in view the fact that if there is one vacancy, three names; if two, four names and if three, five names and so on are recommended. In doing so, the character rolls of the officers recommended and also of those with the prescribed minimum length of service, who are not recommended, will be forwarded to the Commission/Board.

5. These instructions supersede all previous instructions, if any, on the subject and shall come into force with immediate effect. They should be brought to the notice of all concerned for information and guidance.

**Copy of letter No. 1018-GII-57/2675, dated 12-2-1957 from the Chief Secretary to Government, Punjab to All Heads of Deptt. etc. etc.**

**Subject :—Procedure to be followed for selection of officers for promotion to higher selection posts—Greater emphasis on Merit than on Seniority.**

I am directed to invite a reference a para 2(iv)(b) of Punjab Government letter No. 9129-G-56/1965, dated the 4th/17th September, 1956, according to which no Selection Committee need be formed or a written test or interview need be introduced for purposes of Selection of officers/officials for promotion to higher selection posts. Some doubts have arisen and advice of Government has been sought whether or not a written test or interview where it is already in vogue should be dispensed with. This has been carefully considered and it is felt that the tests which are already held in the Punjab Civil Secretariat for the selection of Assistants/Stenographers from amongst Clerk and Steno-typists etc. have worked very successfully and ensured the recruitment of right type of officials. Government have accordingly decided that such tests should continue. I am, therefore, to request you that where a written test or an interview is already in vogue it need not necessarily be dispensed with.

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**Copy of Punjab Government letter No. 1980-GII-58/31343, dated the 16th/25th April, 1958, from Chief Secretary to Government, Punjab, to all Heads of Deptt. etc. etc.**

**Subject :—Procedure to be followed for selection of officers/officials for promotion to higher posts greater emphasis on Merit than on Seniority.**

I am directed to invite a reference to Punjab Government circular letter No. 9129-G-56/3964, dated the 4th/17th September, 1956, on the subject noted above and to say that the words, 'Subordinate Services Selection Board' and 'Board' occurring in line 4 and 5 respectively of sub para 2(1) thereof may be considered to have been deleted.

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**Copy of letter No. 3110-GII 58-46049, dated the 9th/14th June, 1958, from the Chief Secretary to Government, Punjab, Simla-2; to all Heads of Departments.**

**Subject :—Procedure to be followed for the selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority**

I am directed to invite a reference to Punjab Govt. letter No. 9129-G-56/3964, dated the 4th/17th September, 1956 on the subject noted above and to say that these instructions do not expressly make any mention whether the officers/officials are to be specifically and officially informed of their non-selection for promotion to higher posts and subsequent supersession. The matter has been given careful consideration and it has been decided by Government that officers/officials not considered fit for promotion after selection should invariably be informed at least by endorsing a copy of the orders appointing their juniors to them. The time-limit of one month fixed for appeals in para 3 of the instructions referred to above will count from the date of the receipt of such orders.

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**Copy of Punjab Government letter No. 6468-GS-60/20806, dated Chandigarh, the 17th June, 1960 from Chief Secretary to Government, Punjab, addressed to all Heads of Departments.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—  
Greater emphasis on merit than on seniority.**

I am directed to refer to letter No. 9129-G-56/3964, dated the 17th September, 1956, from the Chief Secretary to Government, Punjab to your address on this subject and to inform you that a question has been put to Government as to whether the executive instructions, conveyed in this letter override the provisions of Service Rules, where these exist, laying down that promotions to a particular class of posts shall be strictly on merits and seniority alone shall confer no claim to a particular promotion. I am to clarify the position in this matter.

2. The executive instructions referred to above provide procedure for considering names for promotion, the general rule being that three names should be considered for each post. Where a service rule lays down that within a particular service, promotion shall be made by selection, on the basis of merit and suitability in all respects and no member of the Service shall have any claim to such promotion as a matter of right or mere seniority or has provision somewhat to this effect, namely making it quite clear that promotions are a matter of merit and not merely of seniority, Government is advised that the Department making the selection is not limited to choosing between three fit persons for a single post. It may apply such criteria for suitable competitive selection as it wishes and considers fair and appropriate and in doing so need not limit it self to three names for each post. In other words, the executive instructions do not override or restrict the provisions of a statutory service rules which distinctly provides for selection on merit without necessary reference to seniority.

3. I might add also that the above clarification is within terms of Government policy in which the emphasis increasingly must be towards selection on merit rather than merely on seniority. This does not mean that seniority will not be a consideration at all in assessing the suitability and merits of candidates because other things being equal or near equal, a person who is senior has certainly to be regarded as more suitable from the point of view of experience and maturity. It would follow therefore, that even where Service Rules categorically provide for selection entirely on merits, seniority would still be one of the considerations in making an assessment on merits regarding a particular case, though in the final selection, it will not necessarily be the determining factor.

Copy of letter No. 4175-7-GS-61/13942, dated 17th/18th April, 1961, from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

**Subject :—Premature promotion to higher selections posts—starting salary.**

I am directed to address you on the subject noted above and to say that in Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956, the department's were asked to lay down a standard of required minimum experience in terms of years of service on a lower post, for purposes of eligibility to promotion to the next higher selection post, with a view to ensure that due weight is given to experience and immature officers/officials are not promoted to such posts. Accordingly in most of the departmental rules, governing promotion of officers from one rank to the other, service for a minimum number of years in the lower rank has been provided. In some cases where this condition is not fulfilled, relaxation from the rule is sought to be given.

2. A question has arisen as to what salary should be given to an officer, who is promoted to a higher post, but does not fulfil the condition regarding the minimum number of years of service in the lower rank. It seems reasonable that in such a case the officer concerned should not be given the full benefit of the salary attached to the higher post till he has completed prescribed minimum length of qualifying service. Government has given careful thought to the whole matter and decided that the starting salary in such cases should be the minimum of the grade of the higher post, less the amount due from increments which have not been earned by the officer concerned in the lower grade for the period he is short of the minimum prescribed. As a concrete case, if an Executive Engineer in the PWD B&R Branch who according to the rules, can be promoted as a Superintending Engineer only after minimum 7 years of service as an Executive Engineer, is actually promoted after 5 years' service, he should be given a starting salary of Rs. 1,500 the minimum of Superintending Engineer's grade, less Rs. 80 representing two increments of Rs. 40 each of the Executive Engineer's scale. The point in this illustration is that whereas the sudden in the salary on account of promotion remains intact, the officer, with less than minimum number of years of qualified service in the lower grade, does not start with the same starting salary in the higher grade, as the officer, who satisfied the rule in respect of the minimum period.

3. I am to request that in future the pay in the type of cases mentioned above may be suitably fixed below the minimum of the relevant scales according to the formula above. All the pending cases should also be decided accordingly. For the sake of uniformity such cases of fixation of pay be channelised to Finance Department through Chief Secretary in the General Services Branch. These instructions would be applicable to superior posts, e.g. those of district or Deputy Secretary level or Deputy Director level and above and not to ordinary ministerial posts and the like. I am to add that in all cases of premature promotions, the written consent of the promoted officers to receive a particular pay to be fixed according to the above formula should be obtained before-hand and stipulation also laid down in the promotion order which should not be passed in his favour if he is unwilling to give such consent.

4. These instructions do not apply to the All India Services, and the staffs of the Secretariats of the Punjab Vidhan Sabha/Punjab Legislative Council, the Punjab High Court, Punjab Public Service Commission.

5. The receipt of this letter may please be acknowledged.

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Copy of letter No. 2243-4GS-63/21181, dated the 19th June, 1961 from the Chief Secretary to Government, Punjab to All Heads of Departments etc. etc.

**Subject :—**Procedure to be followed in selection of officers/officials for promotion to Higher posts—  
Greater emphasis on Merits than on Seniority.

I am directed to invite a reference to the Punjab Government's letter No. 9129-G-56/3964, dated the 17th September 1956, on the subject noted above and to state that it has been brought to the notice of the Government by the Punjab Public Service Commission that the instructions contained therein are not being followed properly by various Departments. In some cases the references from the Departments are silent on the point of seniority i.e. it is not categorically stated whether any supersession is involved in the proposed promotions. The files containing annual confidential reports which are sent to the commission are also very often not complete.

2. I am, therefore, to request you that the instructions referred to above should rigidly be followed by the Departments and due attention should also be paid to removing the defects now pointed out by the Commission.

Copy of Punjab Government Circular letter No. 4044-5GS-61/23179, dated the 28th June, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

**Subject :—**Procedure to be followed in selection of officers/officials for promotion to higher posts—  
Greater emphasis on merit than on seniority.

I am directed to invite a reference to Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956, on the subject noted above, and to say that some doubts have arisen and Government have been approached to clarify as to whether in accordance with sub-para 2(iii) of these instructions, the officers/officials who are prima facie unsuitable for promotion are to be included in the slab of 3 in making selection for promotion to higher posts. It has also been enquired as to what is the correct interpretation of the word "suitable" occurring in that sub-paragraph. In this connection, I am to make it clear that, in fact, in the first instance, a list of eligible officers/officials who fulfil the prescribed experience etc. for promotion is to be drawn up in accordance with sub-paras 2(i) and (ii) of the letter referred to above. Then out of this list, such officers/officials as are considered unsuitable for promotion are to be weeded out and a list of only those who are suitable for promotion has to be drawn up. Selection thereafter is to be confined to the 3 suitable officers/officials of the latter list if there are three posts and so on. Unsuitable officers/officials are those who on the basis of their service record, general reputation etc. are definitely not considered fit for promotion by the department. Selection for every vacancy has, therefore, to be made from the slab of 3 officers/officials who are considered fit for promotion and unless a junior among them happens to be of exceptional merit and suitability the senior-most will be selected.

2. I am to request that the above clarification may please be brought to the notice of all concerned for information and guidance.

Sub-  
110016  
Date.....

No. 6254-4GS-61/27363

From

Shri Saroop Krishan, I.C.S.  
Additional Chief Secretary to Government, Punjab.

To

All Heads of Departments, the Registrar,  
Punjab High Court, Commissioners of Divisions,  
all Distt. and Sessions Judges and Deputy  
Commissioners in the Punjab.

Dated, Chandigarh the 1st August, 1961.

**Subject :—**Procedure to be followed in making selections of officers/officials for promotion to higher posts—Test for the promotion of clerks to the post of Assistant.

Sir,

I am directed to invite a reference to Punjab Government letter No. 4119-GII-58/71202, dated the 5th September, 1958, with which a copy of the orders prescribing procedure to be followed in making promotion of clerks to the posts of Assistants in the Secretariat was forwarded to you for issuing similar instructions in respect of your Department. It has been observed that no provision exists in these orders to cover the cases of clerks who are unable to take the test for reasons beyond their control, viz. sickness etc. The actual position is that the officials who are required to take the test but do not avail of the chance should ordinarily be deemed to have failed in the test and to have lost that chance within the terms of the instructions framed by the Departments. Government have however decided that if such officials prove to the satisfaction of the competent authority which would be the same as permits him to take the test that for reasons beyond human capacity and control, they were unable to take a particular test, they will not be considered to have lost that chance but would be treated as having been exempted from taking that test. It need hardly be stressed that the competent authority should exercise its discretion only in genuine and hard cases.

2. In cases where exemption is allowed by the competent authority from appearing in a particular test as explained above, the seniority of the official concerned as well as the number of chances to which he is entitled, would not be affected.

3. These instructions may be brought to the notice of all concerned for information and guidance.

Yours faithfully,

Sd/-  
Deputy Secretary General Administration,  
for Additional Chief Secretary to Government, Punjab

No. 6254-4GS-61/27364, dated Chandigarh, the 1st August, 1961.

A copy is forwarded to the Revenue Secretary to the Financial Commissioners, Punjab for information with reference to his letter No. 11255-III-Admn. 1-60/140, dated the 4th January, 1961.

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**No. 8697-4GS-61/29364**

**From**

Shri Saroop Krishan, I.C.S., Additional Chief Secretary to Government, Punjab.

**To**

All Heads of Departments in the Punjab.

Dated, Chandigarh, the 14th August, 1961.

**Subject :—Procedure to be followed in selection of Officers/Officials for promotion to higher posts—greater emphasis on merit than on seniority.**

Sir,

I am directed to refer to para 2(i) of Punjab Government Circular letter No. 9129-G-56/3964, dated the 4/17th September, 1956, wherein all the Departments of Government were required to lay down a standard of required minimum experience for promotion to higher post in terms of years of service in consultation with the Public Service Commission, except in cases, where a reference to them is not required under regulation 5(f) of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955.

2. It has been reported by the Commission that while some of the departments have laid down the said standard of experience in consultation with them, several others have not yet complied with the requirements of the letter under reference although a period of 4 years has elapsed. It has further been pointed out by the Commission that some departments send their proposals for fixation of length of service experience simultaneously with the cases recommending the promotion of officers on the basis of the experience proposed by them, and very often it gives the impression that this has been done so as to suit the particular officers. The Commission have desired that the prescription of requisite length of service experience and the actual promotion cases should not only be sent separately to the Commission but the former should precede the latter reference. Government fully agree with the views of the Commission and also desire that in accordance with the instructions contained in para 2(i) of the letter referred to in para I, the standard of required minimum experience for promotion in respect of each kind of higher post, should be laid down, immediately, if it has not been done already, in terms of years of service, in consultation with the Public Service Commission, under advice to Punjab Government.

3. A copy of the statement furnished by the Commission showing the names of posts/services/Departments, in respect of which the minimum length of experience does not appear to have been prescribed is enclosed.

4. The action taken on this communication should please be reported within a month without fail.

Yours faithfully,  
Sd/-

Deputy Secretary General Administration,  
for Addl. Chief Secretary to Government, Punjab.

**No. 8697-4GS-61/29365 Dated, Chandigarh, the 14th August, 1961.**

A copy is forwarded to the Secretary, Punjab Public Service Commission, Patiala, and all the Administrative Secretaries to Government, Punjab, for information, with reference to his letter No. B.F. 401/60-SAP/32981, dated the 22nd July, 1961.

List of Departments/Services/Posts in respect of which the minimum length of service has been prescribed in consultation with the Commission as required by Punjab Government letter No. 9129-G-56/3964, dated 17-9-1956.

1. Punjab cooperative Service, Class III.
2. All posts in Class I and Class II of the Veterinary Service.

3. Transport Department.
4. Printing and Stationery Department.
5. Planning Department (Economic and Statistical Organisation).
6. Department of Jails.
7. All Gazetted posts in the Irrigation and Power Department of Punjab, P.W.D.
8. All gazetted posts in the B & R/P.H. Branches of Punjab P.W.D.
9. All non-gazetted posts in Irrigation/B&R/P.H. Branches of Punjab P.W.D.
10. Elections Department.
11. Class II and Class I of Punjab Forest Services.
12. Industries Department (Class I and Class II) Services.
13. Divisional Accountants and Accounts Officers under the Finance Department.
14. P.E.S. Class I & II (Men's and Women's Branches) (School Cadre and College Cadre).
15. Posts in Class III of F.C.'s Office, Office of the Director, Consolidation of Holdings, Punjab and other connected Offices.
16. For posts in Class I, II, & III of the Punjab Industrial Services.
17. Welfare Department.
18. All Gazetted and non-gazetted posts in the Department of Architecture.
19. Punjab Secretariat Service (Class II and Class III) Law and Legislative Department Rules.

**Copy of letter No. 8401-4GS-61/33117, dated Chandigarh, the 8th/11th September, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority.**

I am directed to invite a reference to Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956, and No. 4044-5GS-61/23179, dated the 28th June, 1961, on this subject, and to clarify the following points about which doubts have been expressed :—

**Point I.**—Officials A, B, C and D are eligible for promotion. B, C and D are suitable; but A is not quite suitable. Can A be provisionally promoted subject to a subsequent special report on his performance on the higher post ?

**Clarification.**—It would be wrong to provisionally promote an official about whose suitability doubt is entertained by the appointing authority. Only those officials are required to be considered for promotion who are suitable at the time of selection. There is, therefore, no justification to promote 'A' with the stipulation indicated.

**Point II.**—Officials A, B, C, D, E, F and G are eligible for promotion. A is unsuitable and only B, C, D, and E are approved for promotion. B, C and D are promoted but before E can be promoted a satisfactory report is received about the work of A.

(i) Will the next vacancy go to E or will he be considered afresh along with A and F for it ?

(ii) How many annual good reports should A earn before he can be considered suitable for promotion ?

**Clarification.**—(i) As E established his suitability earlier, the next vacancy should go to him, unless a fairly long period (say two years or more) has passed since the original list was made in which case the matter should be considered on over all merits as to whether A has established his competence so clearly as to take precedence over E.

(ii) The number of annual reports cannot be fixed for universal application but in any case normally at least one fresh annual report should come in before the question of an ignored official's suitability is reopened.

**Point III.**—Official A is considered unsuitable and official B is suitable for promotion. B is promoted but later on, has to revert for want of a vacancy. By the time a vacancy arises again, A too has become suitable. Will this vacancy go to B ?

**Clarification.**—As the claim of B for the vacancy has been established earlier and he has also officiated in the higher post for some time, B should normally get the vacancy in preference to A.

**Point IV.**—Official A is promoted from a lower to a higher post. His performance on the higher post is adjudged unsatisfactory and he is reverted to the lower post.

(i) For how long should A put in satisfactory work in the lower post before he can be considered suitable for promotion ?

(ii) By the time A is considered suitable for promotion, B and C have been promoted. Will A on promotion rank senior or junior to B and C in the higher post ?

**Clarification.**—(i) All though no hard and fast policy as to the period for which official A should wait for being considered for promotion to a higher post again, can be laid down it is necessary to exercise caution on each occasion. It will be necessary to first of all decide whether he is at the particular time fit for promotion or not. If he is considered fit by the competent authority, his name should be considered in a panel of three for one post.

(ii) It would be manifestly wrong to reassign A his old seniority in the higher post. The fact of his reversion on account of unsatisfactory work will decidedly go against him. A should, therefore, rank junior to B and C in the higher post on his re-appointment, unless there are specific rules to the contrary for the particular service.

2. I am to request that these clarifications may please be brought to the notice of all concerned.

**Copy of Circular letter No. 11057-4GS-61/34501, dated the 25th September, 1961 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority.**

I am directed to refer to the correspondence resting with Punjab Government letter No. 8697-4GS-61/29364, dated the 11th August, 1961 on the subject noted above and to say that it has been reported by some of the Departments that the standard of required minimum experience for promotion to higher posts in terms of years of service will be provided in the Service Rules when formulated. As it may entail considerable delay, it is suggested that minimum experience for promotion to higher posts in terms of years of service may be laid down immediately, in consultation with the Public Service Commission and the decision in this respect may later on be incorporated in the Service Rules as and when finalised.

2. The action taken in this regard may kindly be reported to Government within a month at the latest.

**Copy of letter No. 12912-4GS-61/41813, dated the 20th November, 1961, from the Chief Secretary to Government, Punjab to All Heads of Deptt. etc. etc.**

**Subject :—Procedure to be followed for selection of officers/officials for promotion to higher selection posts—Greater emphasis on merit than on seniority.**

In continuation of Punjab Government letter No. 11911-GII-59/1136, dated the 21st January, 1960, on the subject noted above, I am directed to inform you that the question of raising the standard of qualifying test for purposes of promotion of clerks in 'A' class offices to the posts of Assistants has been considered by Government and it has been decided that whereas the Subordinate Services Selection Board will continue to conduct a single qualifying test for all offices, the pass percentage of marks in the case of 'A' class office will be 40% in each subject and 60% in the aggregate and in respect of 'B' and 'C' class offices it will remain as at present, namely 33% in individual subjects including the Character Roll assessment and 50% in the aggregate.

2. These instructions may please be brought to the notice of all concerned for information and necessary action.

3. The receipt of this letter may please be acknowledged.

**Copy of Punjab Government Circular letter No. 13951-8GS-61/42227, dated 1st December, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.**

**Subject.—Departmental Examinations to be conducted by the Commission/Board for Promotion to higher posts.**

I am directed to invite a reference to Punjab Government letter No. 5568-GII-58/787365 dated the 6th October, 1958, with which the candidates required to appear in the tests to be conducted by the Punjab Public Service Commission/Subordinate Services Selection Board, for promotion to the posts of Assistants were, in view of the departmental nature of the examinations, exempted from the payment of examination fee. This concession was further extended to the candidates required by the Departments to pass similar tests to be conducted by the Commission/Board for promotion to other higher selection posts,—vide Punjab Government letter No. 6550-GS-60/26233, dated the 25th July, 1960. A question has arisen whether this concession should also be allowed to Departmental candidates from Sub-offices who may be required to pass the competitive/qualifying tests conducted by the Commission/Board for promotion to higher posts in their Head Offices. After careful consideration, it has been decided that such candidates should be exempted from the payment of examination fees where departmental rules or Government instructions provide for such tests.



[Published in the Punjab Government Gazette, Legislative Supplement, Ordinary, dated the 29th December, 1961]

### Part III

## HOME DEPARTMENT

### Notification

The 26th December, 1961

**No. G.S.R. 10/Const/Art. 309/61.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Punjab is pleased to make the following rules regulating the promotion of Stenographers and Stenotypists, in the civil services of the State to higher posts on clerical side, namely :—

#### *Short title, extent and commencement*

1. (1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961.

(2) They shall apply to all Stenographers and Stenotypists of all the Departments of the State excepting those of the Punjab Civil Secretariat, the Punjab Legislative Council Secretariat and the Punjab High Court.

(3) They shall come into force at once.

#### *Eligibility for promotion*

2. Stenographers and Steno-typists shall be eligible for promotion to the post of Assistant, Head Assistant, Deputy Superintendent or Superintendent as the case may be, in accordance with the provisions hereinafter appearing.

#### *Promotion of Stenographers in offices where their scale of pay is identical to that of Assistants*

3. (1) In offices where the scale of pay of Stenographers is identical to that of Assistants, the Stenographers shall, before becoming eligible for promotion to a higher post on the clerical side, have to—

- (i) qualify in the departmental test prescribed for the post of Assistant, and
- (ii) work as Assistant for a period of two years on some existing vacancy or by sharing the work of an Assistant :

#### *Provided that—*

- (a) no Stenographer shall be allowed to take the test unless he has put in one year's service as Stenographer,
- (b) nothing in this sub-rule shall be deemed to require the Stenographers, who stand exempted from passing the test by virtue of the instructions already issued by the Government from time to time to pass the Assistant's test prescribed in this sub-rule,
- (c) no Stenographer will be put to work as an Assistant for the required period of two years unless he has qualified in the test.

**Explanation 1.**—The period during which a Stenographer has, before the date of issue of these rules, performed the duties of Assistant whether in addition to his own duties or otherwise will be taken into consideration in computing the period of his training as Assistant.

**Explanation 2.**—Where there is no available vacancy of the post of Assistant for imparting training to the Stenographer he shall be given at least one-third of the work of some Assistant in addition to his own duties. The assistant who is thus relieved of some of his work will in turn help the Stenographer in his routine duties.

(2) The seniority of the Stenographers, who successfully complete the period of two years' training specified in sub-rule (1), *vis-a-vis* Assistants, shall be determined by the dates of their continuous appointment against the post of Stenographer or Assistant, as the case may be and if the dates of their appointment be the same, the one drawing higher pay shall be senior to the other and if the rates of pay drawn by them be also the same the older shall be senior to the younger.

*Promotion of Stenographers in offices where their scale of pay is lower than that of Assistants*

4. (1) In offices, where the scale of pay of Stenographers is lower than that of Assistants, the Stenographers shall be eligible along with Clerks for promotion to the post of Assistant, after they have qualified in the departmental test prescribed for the post of Assistant. On their appointment as Assistants they shall, like other Assistants be eligible for promotion to higher posts on the clerical side on the basis of their seniority in the Assistants cadre.

(2) The *inter-se* seniority of such Stenographers *vis-a-vis* Clerks shall be determined by the dates of their continuous appointment against the post of Stenographer or Clerk, as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger.

*Promotion of Junior Scale Stenographers and Stenotypists*

5. (1) The Junior Scale-Stenographers and Steno-typists shall, along with Clerks, be eligible for promotion to the post of Assistant, after they have qualified in the test prescribed for the post of Assistants. On their appointment as Assistants they shall, like other Assistants be eligible for promotion to higher posts on the clerical side on the basis of their seniority in the Assistants cadre.

(2) The *inter-se* seniority of such Junior Scale Stenographers and Steno-typists *vis-a-vis* Clerks shall be determined by the dates of their continuous appointment against the post of Junior Scale Stenographer or Steno-typist or Clerk, as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger.

*Promotion of Stenographers in offices where there is no post of Assistant*

6. (1) In offices where there is no post of Assistant the Stenographers shall along with Clerks, be eligible for promotion to higher post on the clerical side :

Provided that if the Clerks before being eligible for promotion to higher posts are required to qualify in any departmental test the Stenographers will also be required to qualify that test before becoming eligible for promotion.

(2) The *inter-se* seniority of Stenographers *vis-a-vis* Clerks shall be determined by the dates of their continuous appointments as Stenographers or Clerks, as the case may be, and if the dates of their appointment be the same the older shall be senior to the younger.

*Seniority in respective cadres not to be disturbed*

7. Except for the purpose of promotion to higher posts on clerical side, the *inter-se* seniority determined under sub-rule (2) of rule 4, sub-rule (2) of rule 5 and sub-rule (2) of rule 6, will not affect the seniority of persons in their respective cadres.

*Overriding effect*

8. The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any rules for the time being in force regulating the recruitment and conditions of service of persons appointed to public service and posts, in connection with the affairs of the State.

E.N. MANGAT RAI,  
Chief Secretary to Government,,  
Punjab.

**No. 9906-4GS-61/45956**

**From**

**Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab.**

**To**

**All Heads of Departments, the Registrar, Punjab High Court, the Commissioners of Divisions, all District & Sessions Judges and Deputy Commissioners in the Punjab.**

**Dated Chandigarh, the 30th December, 1961.**

**Subject :—Procedure to be followed in making selection of officers/officials for promotion to higher selection posts—Greater emphasis on merit than on seniority.**

**Sir,**

In continuation of Punjab Government letter No. 12912-4GS-61/41813, dated the 20th November, 1961, on the subject noted above, I am directed to say that instances, where candidates with unsatisfactory service record have been declared successful in the Assistants Grade test conducted by the Subordinate Services Selection Board, have been brought to the notice of Government by some Departments who have urged that they should be authorised to withhold the promotion of such officials.

2. After careful consideration of the whole position, Government have come to the conclusion that this complaint is mainly due to the fact that an inadequate pass percentage has been prescribed for Character Roll assessment. Accordingly, with a view to minimising the chances of candidates with unsatisfactory service record emerging successful in the test and thereby becoming eligible for promotion to the posts of Assistants, Government have decided to raise the pass percentage for Character Roll assessment from 33% and 40% as already prescribed for candidates from 'B' & 'C' and 'A' class offices respectively, to 50% in the case of all offices. Government are convinced that this will ensure adequate safeguard against the selection of candidates whose service record manifestly renders them unfit for promotion.

3. I am, however, to make it clear that since the process of selection has been entrusted to the Subordinate Services Selection Board, the convention of accepting their recommendations should invariably be followed and the candidates declared successful by them should be promoted without any reluctance as and when their turn comes up. It will, however, be open to the Head of Department not to make the appointment, if between the time of selection of a person as suitable for appointment and his actual appointment, anything comes to light in regard to his character and integrity or in regard to his efficiency, which renders him unsuitable for appointment and refer the matter to the Subordinate Services Selection Board for their approval.

4. These instructions shall come into force immediately. These may please be acknowledged and brought to the notice of all concerned for information and compliance.

5. (For Inspector General of Police, only) This disposes of his memorandum No. 18853/B, dated the 18th August, 1961.

Yours faithfully,  
Sd/-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Punjab.

**No. 9906-4GS-61/45957, dated Chandigarh, the 30th December, 1961.**

**A copy is forwarded to the Secretary, Subordinate Services Selection Board, Punjab, for information and necessary action.**

## PART III

## HOME DEPARTMENT

## Notification

The 20th January, 1962

No. G.S.R. 19-Const./Art. 309/62.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Punjab is pleased to make the following rules regulating the recruitment by promotion to certain posts in the Civil Services of the States, namely :—

## RULES

1. *Short title.*—These rules may be called the Punjab Services (Appointment by Promotion) Rules, 1962.

2. *Definitions.*—In these rules—

(a) “Scheduled Post” means a post specified in the Schedule appended to these rules; and

(b) “Service Rules” means the rules made or deemed to be made under Article 309 of the Constitution of India in relation to any Scheduled Post or the Service in which any such post is included.

3. *Appointment by promotion to be by merit.*—Where appointment to any Scheduled post is required under the Service Rules to be made by promotion, then, notwithstanding anything to the contrary contained in such rules, the appointment by promotion to such post shall be made by selection on merit and no person shall be entitled to claim as of right promotion to such post on the basis of seniority.

## SCHEDULE

Serial No.	Name of the Department	List of posts
1	Administration of Justice (Office of Administrator General and Official Trustee, Punjab)	1. Administrator-General and Official Trustee, Punjab. 2. Advocate-General, Punjab. 3. Deputy Advocate-Generals. 4. Assistant Advocate-General.
2	Administration of Justice (Punjab High Court)	District and Sessions Judges.
3	Agriculture	1. Director, Agriculture, Punjab. 2. Joint Director (Extension). 3. Deputy Directors of Agriculture. 4. Deputy Director, Seed (Seed Farm). 5. Deputy Director (R. and E.) 6. District Agriculture Officers.
4	Agriculture (Animal Husbandry)	1. Director, Animal Husbandry and Warden of Fisheries, Punjab. 2. Joint Director, Fisheries, Punjab. 3. Deputy Director, Fisheries, Punjab. 4. Deputy Director, Key Village Scheme, Punjab. 5. Planning Officer, Animal Husbandry Department. 6. Poultry Development Officer, Punjab. 7. Rinderpest Eradication Officer, Punjab. 8. Deputy Directors, Animal Husbandry. 9. Gaushala Development Officer, Punjab. 10. Deputy Wardens of Fisheries. 11. Cattle Development Officer, Patiala Division.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
4	Agriculture (Animal Husbandry)— <i>concl.</i>	12. Disease Investigation Officer, Punjab, Livestock Farm, Hissar. 13. District Animal Husbandry Officers. 14. Assistant Wardens of Fisheries. 15. Dairy Inspectors.
5	Agriculture (Colonization)	The Colonization Officer, Punjab.
6	Architecture	1. Chief Architect. 2. Senior Architect. 3. Architect. 4. Assistant Architect.
7	Consolidation	1. Assistant Directors, Consolidation of Holdings. 2. Settlement Officers.
8	Co-operation	1. Assistant Registrars, Co-operative Societies. 2. Joint Registrar, Co-operative Societies, Punjab. 3. Chief Auditor, Co-operative Societies, Punjab. 4. Deputy Registrar, Co-operative Societies, Punjab. 5. Statistical Officer. 6. Officer Incharge, Co-operative Farming, Punjab. 7. Officer on Special Duty (Fertilizer), Co-operative Societies. 8. Information Officer, Co-operative Department, Punjab. 9. Education Officer, Co-operative Department.
9	Development and Panchayat	1. Assistant Directors of Panchayats. 2. Physical Panchayat Officers. 3. Educational Panchayat Officer. 4. Assistant District Development Panchayat Officers. 5. Deputy Director, Evaluation. 6. Deputy Director, Panchayat. 7. Planning Officers.
10	Development (Office of the Economic and Statistical Adviser to Government, Punjab)	1. Economic and Statistical Adviser to Government, Punjab. 2. Deputy Economic and Statistical Advisers to Government, Punjab. 3. Inquiry Officer. 4. Research Officers. 5. Officer on Special Duty (Training). 6. District Statistical Officers.
11	Education	1. Director of Public Instruction, Punjab. 2. Administrative Officer. 3. State Social Education Organiser. 4. Harijan Welfare Officer. 5. Co-ordinator, Secondary Education. 6. Officer Incharge, National Discipline Scheme. 7. Youth Welfare Officer (Girls). 8. District/Additional District/Inspectors/Inspectresses of Schools. 9. Inspectors/Inspectresses/Additional Inspectors/Inspectresses of Schools. 10. Circle Social Education Officers. 11. Special Officer, Primary Education. 12. Deputy Directors. 13. Assistant Directors. 14. Deputy Inspector of Schools for Agriculture, Punjab. 15. Assistant Inspectresses of Schools for Domestic Science.
12	Excise & Taxation	1. Deputy Excise & Taxation Commissioners, Punjab. 2. Additional Deputy Excise & Taxation Commissioner, Punjab.

Serial No.	Name of the Department	List of Posts
12	Excise & Taxation—concl'd.	3. Assistant Excise & Taxation Commissioner, Punjab. 4. Additional Assistant Excise & Taxation Commissioner, Punjab. 5. Senior Excise & Taxation Officer, Amritsar. 6. Excise & Taxation Officer. 7. Assistant Excise & Taxation Officers.
13	Finance (Treasury & Accounts Branch)	1. Chief Accounts Officer, Bhakra-Nangal Project, Nangal. 2. Chief Accounts Officer, Capital Project, Chandigarh. 3. Examiner, Local Fund Accounts, Punjab. 4. Accounts Officer, Finance Department. 5. Treasury Officers. 6. Superintendent (T. and A. Branch) .
14	Food & Supplies	1. Director, Food & Supplies and Deputy Secretary to Government, Punjab. 2. Joint Director, Food & Supplies and Under-Secretary to Government, Punjab. 3. Controller of Food Accounts. 4. Deputy Director (Food). 5. Deputy Controller of Food Accounts. 6. Administrative Officer. 7. District Organiser, Food & Supplies. 8. District Food & Supplies Controller. 9. District Food & Supplies Officer. 10. District Food & Supplies Controller (H.Q.) 11. Fumigation Officer. 12. Accounts Officer, Procurement and Stores.
15	Forests	1. Chief Conservator of Forests, Punjab. 2. Deputy Chief Conservator of Forests, Punjab. 3. Conservator of Forests, Punjab. 4. Divisional Forest Officers.
16	General Administration(Public Relations and Tourism)	1. Director, Public Relations, Punjab. 2. Deputy Directors. 3. Technical Officer. 4. District Public Relations Officers.
17	General Administration (Welfare of Scheduled Castes and Backward Classes)	1. Director, Welfare of Scheduled Castes and Backward Classes, Punjab. 2. Deputy Director, Welfare of Scheduled Castes and Backward Classes, Punjab. 3. Lady Welfare Officer (Non-Gazetted). 4. District Welfare Officers of Scheduled Castes and Backward Classes in each District (Except Kapurthala District) (Non-Gazetted Posts).
18	Health	1. Director of Health Services, Punjab. 2. Deputy Director, Health Services(M), Punjab. 3. Deputy Director, Health Services, Punjab. 4. Civil Surgeons. 5. Director of Ayurveda. 6. Assistant Director of Ayurveda. 7. Assistant Director, Health Services. 8. Public Analyst, Punjab. 9. Assistant Director, Maternity and Child Welfare. 10. Assistant Director, Health Services(Nursing), 11. Transport Officers. 12. Deputy Director, Malaria Punjab. 13. Deputy Public Analyst, Punjab. 14. Statistical Officer, Punjab.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of post</i>
18	Health— <i>contd.</i>	15. Epidemiologist. 16. Provincial Leprosy Officer. 17. Zonal Officer. 18. Malaria Officers. 19. District Medical Officers of Health.
19	Health (Office of the Director, Research & Medical Education)	1. Director, Research and Medical Education, Punjab. 2. Deputy Director, Research and Medical Education, Punjab.
20	Housing	Executive Engineer.
21	Industries	1. Controller, Weights and Measures, Punjab. 2. Assistant Controller, Weights and Measures, Punjab. 3. Inspectors, Weights and Measures, Punjab.
22	Irrigation and Power	1. Director, Irrigation and Power Research Institute, Punjab. 2. Deputy Director, Land Reclamation. 3. Research Officers. 4. Executive Engineers. 5. Chief Engineers. 6. Director, Central Design. 7. General Managers, Bhakra Dam and Beas Projects. 8. Superintending Engineers. 9. Secretary, Bhakra Control Board. 10. Land Reclamation Officers. 11. Director, Land Reclamation. 12. Deputy Director, Beas Project.
23	Irrigation and Power (Electricity)	1. Chief Electrical Inspectorate. 2. Electrical Inspectors.
24	Jails(Office of the Inspector-General of Prisons, Punjab).	1. Superintendents of Jails. 2. Inspector-General of Prisons(G) and (I), Punjab. 3. Officer on Special Duty(Jail Agriculture).
25	Labour and Employment	1. Presiding Officer, Industrial Tribunal, Punjab, Patiala. 2. Presiding Officer, Labour Court, Rohtak. 3. Presiding Officer, Labour Court, Jullundur. 4. Labour Commissioner. 5. Joint Labour Commissioner. 6. Deputy Labour Commissioner. 7. Officer on Special Duty. 8. Field Investigator. 9. Factory Inspectors. 10. Labour Officers. 11. Medical Inspectors of Factories. 12. Deputy Chief inspectors of Shops.
26	Labour and Employment (Employees State Insurance Scheme)	Assistant Director, Health Services, (Social Insurance) Punjab.
27	Labour and Employment (National Employment Service Employment Exchanges)	1. Director, National Employment Services, Punjab. 2. Employment Market Information Officer. 3. State Vocational Guidance Officer. 4. Regional Employment Officers. 5. District Employment Officers.
28	Language	1. Director-General, Language Department. 2. Director, Hindi Department. 3. Director, Punjabi Department. 4. Assistant Directors, Hindi and Punjabi Departments.

**Sr. No. Name of the Department****List of Post**

29 Law and Order (Elections)	<ol style="list-style-type: none"> <li>1. Deputy Chief Electoral Officer, Punjab.</li> <li>2. Electoral Officer, Punjab.</li> <li>3. Assistant Chief Electoral Officer, Punjab.</li> </ol>
30 Law and Order (Police)	<ol style="list-style-type: none"> <li>1. Superintendents of Police on Non-I.P.S. Cadre Posts.</li> <li>2. Deputy Superintendent of Police.</li> <li>3. Deputy Superintendent of Police, Lahaul and Spiti.</li> <li>4. Prosecuting Deputy Superintendent of Police.</li> <li>5. Deputy Superintendent of Police, C.I.D.</li> <li>6. Inspector of Police, C.I.D.</li> <li>7. District Inspector of Police.</li> <li>8. Inspector of Police, C.I.A.</li> <li>9. Inspector of Police, Vigilance.</li> </ol>
31 Miscellaneous (Charitable Endowments, Punjab)	Treasurer, Charitable Endowments, Punjab.
32 Legislative	<ol style="list-style-type: none"> <li>1. Legal Remembrancer and Secretary to Government Legislative Department.</li> <li>2. Assistant Legal Remembrancers and Under-Secretaries Legislative Department.</li> <li>3. District Attorneys Grades I and II.</li> <li>4. Assistant District Attorneys.</li> </ol>
33 Local Government	<ol style="list-style-type: none"> <li>1. Divisional Inspectors, Local Bodies.</li> <li>2. Assistant Director of Elections (Local Bodies), Punjab.</li> </ol>
34 Public Works (Buildings and Roads)	<ol style="list-style-type: none"> <li>1. Chief Engineer.</li> <li>2. Superintending Engineer.</li> <li>3. Executive Engineer.</li> <li>4. Sub-Divisional Officer.</li> </ol>
35 Public Works(Public Health)	<ol style="list-style-type: none"> <li>1. Chief Engineer.</li> <li>2. Superintending Engineer.</li> <li>3. Executive Engineer.</li> <li>4. Sub-Divisional Officer.</li> </ol>
36 Technical Education	<ol style="list-style-type: none"> <li>1. Director</li> <li>2. Deputy Director.</li> <li>3. Principal, Punjab Engineering College, Chandigarh.</li> <li>4. Professor, Punjab Engineering College, Chandigarh.</li> <li>5. Associate Professor, Punjab Engineering College, Chandigarh.</li> <li>6. Assistant Professor, Punjab Engineering College, Chandigarh.</li> <li>7. Principal of Polytechnic.</li> <li>8. Head of Department in a Polytechnic.</li> <li>9. Principal, College of Architecture, Chandigarh.</li> </ol>
37. Rehabilitation	<ol style="list-style-type: none"> <li>1. Inspectors Rehabilitation.</li> <li>2. Tehsildars Sales.</li> <li>3. Managing Officers.</li> </ol>
38 Revenue Department	<ol style="list-style-type: none"> <li>1. Inspector-General of Registration.</li> </ol>
39 Social Welfare	<ol style="list-style-type: none"> <li>1. Director Social Welfare and Deputy Secretary to Government, Punjab.</li> <li>2. Social Welfare Officer (Inspectorate).</li> <li>3. Research Officer.</li> <li>4. Divisional Social Welfare Officers.</li> </ol>
40 Sports	<ol style="list-style-type: none"> <li>1. Director of Sports, Youth Programme, Punjab.</li> <li>2. Deputy Director of Sports, Punjab.</li> <li>3. Assistant Director Sports, Punjab.</li> <li>4. Sports Officers.</li> </ol>
41. Transport	<ol style="list-style-type: none"> <li>1. Deputy Transport Controller.</li> <li>2. Motor Accidents Claims Tribunal.</li> <li>3. Secretary Regional Transport Authorities.</li> <li>4. Deputy Transport Controller (T. and C.)</li> <li>5. General Managers.</li> <li>6. Works Managers.</li> <li>7. Traffic Managers.</li> </ol>

**E.N. MANGAT RAI,**  
Chief Secretary to Government, Punjab



Copy of Punjab Government Circular letter No. 1497-4GS-62/4059, dated 13th February, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

**Subject :—**Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an enquiry, comes up for retirement or promotion to higher posts.

I am directed to refer you to the subject cited above and to state that at present there are no clear instructions as to how the cases of officials/officers whose conduct is subject of any enquiry, should be dealt with when they become due for promotion to higher posts or reach the date of superannuation.

2. It has been noticed by Government that when employees are about to retire or are due for promotion, quite often a number of complaints are received against them which are presumably inspired by interested persons and more often than not, on enquiry, are found baseless. With a view to ensure that honest and diligent officers are not unnecessarily harassed, it has been considered desirable that ways and means should be devised to safeguard their interests. After careful consideration of the whole matter, it has been decided by Government that the following procedure should be followed henceforth in dealing with complaints against officers/officials who are due for promotion/retirement :—

**(a) Complaints under consideration at the time of promotion.—**

- (i) Where anonymous and unsigned complaints are received against an officer on the eve of his promotion, they should be ignored.
- (ii) Promotion should not be withheld if no *prima facie* case has been established by the date the official/officer is due for promotion.
- (iii) Where it is suspected that an enquiry has been initiated *mala fide* because likely to affect the promotion of an officer, such an enquiry should be dropped and should not affect the promotion.
- (iv) Where a *prima facie* case has been established, i.e., on a preliminary investigation of the complaint, a actionable material under rule 7 or 8 of the Punishment and Appeal Rules, or any other relevant punishment rules applicable to the official/officer concerned has been brought out and it is intended to take action against him under the above mentioned rules, he should not be promoted. However, if on the completion of the enquiry he is found not guilty and is exonerated of all the charges, he should be given promotion with retrospective effect (i.e., the date from which he was due for promotion) and where there is no vacancy, a temporary post may be created for that period in consultation with Finance Department and the juniormost promoted official should be reverted, if necessary.

**(Note.—**The above instructions assume that the officer concerned is otherwise considered in every way fit for promotion).

**(b) Complaints under consideration before retirement of officials/officers.—**

- (i) All complaints should be settled as far as possible one month before the retirement of the Government servant concerned.
- (ii) In cases where *minor complaints* are pending at preliminary investigation stage and no final decision has been taken to proceed against the official/officer till the date of his retirement, he may be allowed to retire. His pension case, however, should be decided after taking into account the result of the investigation, and if any actionable material of minor nature comes to light, the question of cut in pension according to the gravity of the established default may be considered.
- (iii) In cases, where complaints alleging grave charges, which if established, would expose the official/officer to the penalty of dismissal, removal or reduction are pending in a preliminary investigation stage on the date of retirement the official should not be retired. He will be continued in service on extension till the setting of the investigation and later enquiry, if necessary and may be placed under suspension.
- (iv) In cases where a preliminary investigation has established a *prima facie* case, i.e., the material brought out in the investigation is such as is considered damaging enough to expose the official/officer to the penalty of dismissal, removal or reduction, but it is not possible to complete the enquiry before the date of his retirement, he should not be allowed to retire till the completion of the enquiry and an all out effort should be made to complete it as early as possible. If he is not already under suspension, he may be suspended and not permitted to retire as provided in rule 3.26 (a) of the Punjab Civil Services Rules, Volume I, Part I.

3. I am to request that the above instructions may please be brought to the notice of all concerned for strict compliance. The receipt of this letter may also be acknowledged.

**Copy of letter No. 16357-3GS-62/41102, dated 24-11-1962 from the Chief Secretary to Government, Punjab to All Heads of Deptt. etc. etc.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority.**

I am directed to invite a reference to Punjab Government letter No. 2243-4GS-61/211811, dated the 19th June, 1961 on the subject noted above, and to say that the Punjab Public Service Commission have again observed that cases for promotion referred to them still continue to be incomplete in one respect or the other, necessitating back references which result in avoidable work and delay. The Commission feel that in some cases this is due to lack of information on the part of the departments as to what is exactly required by the Commission in such cases. I am, therefore, to request that in future information in respect of the various points mentioned in the enclosed statement must be supplied to the Commission meticulously while making references to them in the light of Government instructions on this subject.

**Copy of letter No. 36-IGS(I)-65/5977, dated the 9th March, 1965 from the Chief Secretary to Government Punjab, to all Heads of Deptt. etc. etc.**

**Subject :—Procedure to be followed in selection of officers/officials for promotion to higher posts—Greater emphasis on merit than on seniority.**

I am directed to invite a reference to Punjab Government circular letter No. 8697-4GSS-61/29364, dated the 11th August, 1961, wherein all the Departments of Government were required to lay down a standard of minimum experience required for promotion to higher post in terms of years of service in consultation with the Punjab Public Service Commission except in cases, where a reference to them is not required under regulation 5(f) of the Punjab Public Service Commission (Limitation of functions) Regulations, 1955 before referring promotion cases to the Commission.

2. It has now been reported by the Commission that in some Departments higher academic qualifications are also laid down in addition to the experience for certain technical posts under them. Quite often proposals for the prescription of such qualifications, etc. are not made separately but are referred to them simultaneously in the letter asking for their advice regarding promotion proposed by the Department. It gives the impression that this has been done so as to suit the particular officer(S). The Government agree with the Commission and desire that in future the prescription of requisite length of service experience/academic qualifications and the actual promotion cases should not only be sent separately to the Punjab Public Service Commission but the former should precede the latter reference.

3. The receipt of this letter may kindly be acknowledged.

**Copy of Punjab Government Circular letter No. 5912-IGS-II-65, dated 20th August, 1965, from the Chief Secretary to Government Punjab, to all Heads of Departments etc., etc.**

**Subject :—Promotion of Steno-typists and Stenographers to higher posts on clerical side.**

I am directed to invite a reference to Punjab Government Notification No. G.S.R. 10-Const. Art. 309/61, dated the 26th December, 1961, wherein detailed rules regarding the promotion of Steno-typists and Stenographers to higher posts on clerical side were laid down and to say that enquiries have been received from different quarters as to how many chances should be given to a steno-typist or Stenographer for qualifying the Assistant's grade test. I am to say that this issue has been considered in detail and it has been decided that the instructions contained in clause(g) of Punjab Government letter No. 4119-GII-58/71202, dated the 5th September, 1958, and letter No. 1035-IGS(I)-65/5416, dated the 8th February, 1965, are also applicable to Steno-typists and Stenographers *mutatis mutandis*.

2. These instructions may please be brought to the notice of all concerned and their receipt acknowledged.

**Copy of Letter No. 10874-IGSI-65/1653, dated 8-2-1966 from the Chief Secretary to Government Punjab, to all Heads of Department etc., etc.**

**Subject :** Premature promotions to higher selection posts—starting salary.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 4175-7GS-61/13942, dated the 17th/20th April, 1961 on the subject cited above, which, in accordance with the contents of para 4 of the circular, would be applicable only to superior posts e.g. those of district level or Deputy Secretary level and above and not to ordinary ministerial posts and the like, it has been decided that these instructions shall hereinafter be applicable to such posts as are listed in the scheduled appended to the Punjab Services (Appointment by Promotion) Rules, 1962, as amended from time to time, in respect of promotion to which minimum experience in terms of years of service on a lower post has been laid down in the departmental rules governing such promotion.

2. In such cases, the relevant departmental service rules should be suitably amended to give statutory force to these instructions and till such time as this is done, the written consent of the officer proposed to be promoted prematurely to receive a particular pay, to be fixed in accordance with the formula contained in the circular under reference, should be obtained before hand and a stipulation also laid down in the promotion order, which should not be passed in his favour if he is unwilling to give such consent.

**Copy of Punjab Government Circular letter No. 584-IGS(I)-66/2807, dated 8-2-1966 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.**

**Subject :—**Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an enquiry comes up for promotion to a higher post.

I am directed to invite your attention to the instructions contained in the General Administration Department circular No. 1497-4GS-62/4059, dated Chandigarh the 13th February, 1962 on the subject cited above and to say that in accordance with para 2(a) (iv) of this circular, if the promotion of an employee has been withheld because of an enquiry about complaints against him and if on the completion of the enquiry he is exonerated of all the charges, he should be given promotion with respective effect (i.e.) with effect from the date on which he was due for promotion, by reverting the junior most promoted employee and/or by creating a temporary post for the relevant period, in consultation with the Finance Department, as may be warranted by the circumstances of the case. It appears that the reference to the creation of temporary posts has been interpreted by the departments, in some cases, to mean that so long as an enquiry is being held into complaints against a particular employee, his junior in his cadre or the Service may be promoted against all available substantive vacancies, and a supernumerary post may be got created to provide for the employee under enquiries, if he is ultimately exonerated. I am directed to clarify by that the intention behind the issue of these instructions was to safeguard the interests of the employees, without at the same time incurring unnecessary financial liability. Thus, whereas every officiating vacancy may have to be filled immediately after it has arisen in the interest of administration, there is no such compelling necessity in the case of substantive vacancies and these should invariably be kept reserved for the employees, against whom enquiries are in progress, and a final decision taken on the completion of the enquiry. Of course, only one substantive vacancy need be reserved for each employee under enquiry and subsequent vacancies may and should be filled up with his juniors, if they are otherwise fit, without waiting for the result of the enquiry.

2. I am to request you that these instructions may kindly be brought to the notice of all concerned for strict compliance.

क्रमांक 2025—5 जी०एस० 71/12277

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, प्रायुक्त अम्बाला मण्डल, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी ।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 24 मई, 1971 ।

विषय : उन केसिज में पदोन्नति की कार्यविधि जब अधिकारी के विरुद्ध अनुशासनिक कार्यवाही की जा रही है, और पड़ताल चल रही हो ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर आपका ध्यान संयुक्त पंजाब के परिपत्र क्रमांक 1497-4 जी०एस० 62/4059 दिनांक 13-2-62 की ओर आकर्षित करूं और कहूं कि उपर दिये गये पत्र के साथ साथ यह लिखा गया था कि जिन केस में जांच पड़ताल के बाद प्रतिवादी के विरुद्ध प्रत्यक्षत ( prima facie ) केस साबित हो चुका हो या कि यदि दोषी के विरुद्ध पंजाब सिविल सेवाएं (दण्ड तथा अपील) नियम 1952 के उप नियम 7 तथा 8 के अधीन कार्यवाही कराने के लिये ठोस सामग्री पाई जाए और उसके विरुद्ध नियम अनुसार कार्यवाही करने का निश्चय हो चुका हो तो इस प्रकार के अधिकारियों को ऊंचे पदों पर तब तक तरक्की न दी जावे, जब तक कि अनुशासनिक कार्यवाही पूरी न हो जाये। यह मामला सरकार के नोटिस में लाया गया है कि एक केस में प्रशासकीय विभाग ने ऐसे अधिकारी को पदोन्नत कर दिया जिसके विरुद्ध नियम 7 आफ पंजाब सिविल सेवाएं (दण्ड तथा अपील) नियम 1952 के अधीन प्रत्यक्षत ( prima facie ) केस साबित होने पर जांच पड़ताल आरम्भ हो चुकी थी और पूरी नहीं हुई थी। इस प्रकार की कार्यवाही सरकार द्वारा जारी की गई। उपर्युक्त हिदायतों की उल्लंघना है तथा स्पष्ट तौर पर आपत्तिजनक है।

2. तदनुसार, यह निर्णय किया गया है कि पूर्वोक्त हिदायतों को एक बार फिर कठोरता से अनुपालन करने के लिए तमाम विभागों को बता दी जाये तथा इन को पालना न करने के मामले पर गंभीरता से विचार किया जाए। यह भी निबेदन किया जाता है कि यह हिदायतें आपके अधीन कार्य करने वाले अधिकारी/कर्मचारियों के नोटिस में लाई जाएं और यह सुनिश्चित कर लिया जाए कि उनकी ओर से इन हिदायतों को पालना करने में कोई चूक न होगी।

3. कृपया इसको पावती भेजने का कष्ट करें।

भवदीय,

ह०/-

उप सचिव, राजनैतिक एवं सेवाएं  
कृते. मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति वित्तीयक राजस्व हरियाणा तथा हरियाणा के सभी प्रशासकीय सचिवों को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है।

Copy of letter No. 4044-2GS1-71/23800, dated Chandigarh, the 17th August, 1971 from The Chief Secretary to Government, Haryana to the all Heads of Departments etc., etc.

**Subject :—Premature promotion to higher selection posts starting salary.**

Sir,

I am directed to invite reference to the instructions issued vide composite Punjab Government letter No. 4175-7GS-61/13942, dated 17/20-4-1961 and No. 10874-1GS1-65/1653, dated 8-2-1966 on the subject noted above and to say that the matter has been reconsidered by the Government and it has been decided to modify the earlier instructions as indicated below.

2. The aforesaid instructions are that when minimum experience in terms of years of service has been laid down in the departmental rules/conditions of service governing promotion to posts included in the Punjab Services (Appointment by promotion) Rules, 1962 but the officer promoted to such a post does not fulfil the condition regarding the minimum number of years of service in the lower rank then he should be allowed the minimum of the grade of the higher posts less the amount of the increment(s) he would have earned in the lower grade if he had completed the minimum period prescribed for promotion. In other words increments which would have been admissible during the period by which his service is short of the prescribed minimum should be reduced from the minimum of the higher grade.

3. In this connection it has to be observed that the provisions contained in the India Administrative Service (pay) Rules, 1954 are that senior scale to members of the I.A.S. is admissible in the sixth year of service or under but the increments are regulated with reference to the length of Service as follows :—

Year of service	Junior scale	Senior scale
1st	400	900
2nd	400	900
3rd	500	900
4th	540	900
5th	580	900
6th	620	900
7th	660	950

It is considered that it will be appropriate if similar principles are also made applicable to officers promoted to posts included in the Punjab services (Appointment by promotion) Rules, 1962 and they are allowed the minimum of the grade of the higher post but are given increments only when they have completed the deficiency in the minimum period of service and thereafter completed one year of service in the higher scale. For instance, if an Assistant Engineer in the Public Works Department (B & R Branch) who can be promoted as Executive Engineer only after a minimum of 8 years service as Assistant Engineer, is actually promoted as Executive Engineer after 6 years service, he should be given the minimum of the grade of the post of Executive Engineer but should be allowed an increment in that grade only after he has completed 9 years service in all.

4. It has therefore been decided that in such cases increments should be allowed accordingly. Further more, the order of promotion should in each case specifically indicate the manner in which the increments in question will become due.

5. The concurrence of the Finance Department has been accorded vide their U.O. No. 2655-4FR-71, dated 14-7-71.

6. The receipt of this communication may please be acknowledged.

**English Version of letter No. 6034-2GS-I-71/32498, dated 18-11-71**

**Subject :—**Procedure to be followed in cases where the turn of an official whose conduct is the subject of an enquiry comes for promotion to a higher post.

I am directed to refer to the composite. Punjab Government letter No. 1497-4GS-62/4059, dated 13-2-1962, (and to the Haryana Government letter No. 2025-5GS-71/12277, dated 24-5-71) wherein it is provided inter alia that where on a preliminary investigation of a complaint a prima facie case is found to exist against a Government employee and it is proposed to take action against him under rule 7 or 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, then he should not be promoted to a higher post until after disciplinary action against him has been completed.

2. I am to say that in that connection the Government has considered the matter further and it has been decided to substitute para 2(a)(iv) of the instructions dated 13-2-1962 by the following :—

**Para (a)(iv)**

Where on a preliminary investigation of the complaint a prima facie case has been established against a Government employee and he has been served a charge sheet and an Enquiry Officer has been appointed to hold a regular departmental enquiry under rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, or any comparable rule applicable to the Govt. employee concerned, then he should not be promoted until the enquiry has been completed and he has been exonerated. In a case in which a charge-sheet has been served but the explanation in response to the charge-sheet has not been received (and as a result if an Enquiry Officer has not been appointed), the case of promotion should be kept pending until decision has been taken as to whether a regular departmental enquiry should or should not be held. If it is decided that such an enquiry should be held, then the Govt. employee should not be promoted until he has been exonerated in the enquiry. If he is ultimately exonerated of all the charges without the imposition of any penalty or is only administered a warning (whether with a copy on the personal file or not) then he should, if otherwise fit for promotion in every respect, be promoted with retrospective effect i.e. from the date on which he was due for promotion and an official junior to him was promoted. In case no vacancy was available for the period in question a temporary post should be created in consultation with the Finance Department and the junior most promoted official should be reverted, if necessary.

In the case of a Govt. employee against whom action is proposed to be taken under rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 or any rule comparable thereto, the matter should be considered in the light of the nature of allegations and the quantum of the penalty that is proposed to be awarded. The criterion should be whether or not if the allegations were to be proved and the proposed penalty were to be imposed, then the promotion of the employee would still be justified on the basis of his entire record. In other words promotion should not be withheld only because disciplinary action under rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 or any comparable rule is contemplated or is pending against a Government employee and instead in such cases the decision should be taken keeping in view the nature of the allegations, the quantum of the penalty proposed and the overall record. Furthermore, if promotion is withheld on that basis, but subsequently on the completion of the departmental proceedings the Govt. employee is exonerated without the imposition of a penalty or is only administered a warning (whether with a copy on the personal file or not) then he should if he is otherwise fit for promotion in every respect be promoted with retrospective effect i.e. from the date on which he was due for promotion and an official junior to him was promoted. Where no vacancy is available a temporary post may be created for that purpose in consultation with the Finance Department and the junior most promoted official should be reverted, if necessary.

3. It is requested that the above instructions may be brought to the notice of all concerned for strict compliance. The receipt of this communication may also be acknowledged.

Copy of letter No. 931-4GS-72/10308, dated Chandigarh, the 13th April, 1972 from the Chief Secretary to Government, Haryana to (1) All Heads of Departments, Commissioner, Ambala Division, Deputy Commissioners and sub-Divisional Officers in Haryana. (2) The Registrar, Punjab & Haryana High Court, and All District and Sessions Judges in Haryana.

**Subject :—**Procedure to be followed in selection of officials/officers for promotion to higher posts—  
Greater emphasis on merit than on seniority.

Sir,

I am directed to invite a reference to the composite Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956 and the clarifications issued thereafter vide letters No. 4044-5GS-61/23109, dated the 28th June, 1961 and No. 8401-4GS-61/33117, dated the 8th/11th September, 1961, on the subject noted above, wherein it was emphasised that since promotion to selection posts implies a conscious act of selection, greater emphasis should be laid on merit while making promotions against these posts. In these instructions it has been provided that an official/officer known to be dishonest will not be promoted, Regarding the rest, it was laid down that each official/officer would have to be judged on the basis of ability, industry, personality, bearing experience and aptitudes, it being difficult to lay down generally what importance should be attached to each of these qualities. Since for officials/officers other than those known to be dishonest no strict standard of determining their suitability for promotion to selection posts has been laid down, different criteria is being observed in various departments of the Govt. and officials/officers with only average record of service are also being included in the slab of three suitable officers and, consequently, promoted unless the junior officer(s) included in the slab happened to be of exceptional merit.

2. The matter has been carefully considered by the State Govt. with a view to laying down definite standard for considering persons suit for being placed in the slab of suitable officials/officers at the time of making promotion to the selection posts. It has been decided that only such officials/officers who have obtained at least 50% 'Good' or 'better' than average reports on the posts from which they are being considered for further promotion, and the overall assessment can be classified as better than 'Average' should be placed in the slab of suitable officials/officers. If in any particular case, the total number of reports earned on the post from which the official/officer is being considered for further promotion are for less than 10 years, then the reports earned on the lower post/posts should also be considered so that he reports for a period of 10 years are kept in view for determining suitability. However, in such case, greater weightage shall be given to the reports earned on the higher post from which further promotion is being considered.

3. It is requested that these instructions may kindly be noted for careful compliance in future and should also be brought to the notice of all concerned for necessary compliance.

Copy of letter No. 2251-2GSI-72/14234 dated 12/15-5-1972 to all Head of the Departments and etc. etc., from the Chief Secretary to Government, Haryana.

**Subject :—Premature promotion to higher selection posts—starting salary.**

Sir,

I am directed to refer to the subject cited above and to say that in accordance with the instructions contain in composite Punjab Govt. circular letter No. 4175-7GS-61/13942 dated the 17th/20th April, 1961, all cases relating to the fixation of pay on premature promotion to higher selection posts are required to be referred to the Finance Department through the Chief Secretary (in the General Services Branch). Later instructions contained in letter No. 4044-2GSI-71/23800 dated 17-8-71 provide that an officer promoted prematurely to a higher selection post should be given the minimum scale of the pay of the post to which he is promoted and should be granted grade increments only after he completes the deficiency in the minimum period of service necessary for promotion plus one year of service in the higher scale. Since the manner in which the starting salary in cases of premature promotion to higher selection posts is to be calculated has been clearly laid down in the instruction dated 17-8-1971, it has been decided that infuture it will not be necessary to refer such cases either to the Finance Department or to the Chief Secretary in (General Services Br.)

2. I am, therefore, to request you that all cases regarding the fixation of pay or grant of increments which are covered by the instructions contained in the circular letter dated 17-8-71, referred to above, should henceforth be referred to the Deputy Accountant General, Haryana, direct, cases pertaining to the fixation of pay for the period prior to the 17th August, 1971 will however, continue to be referred to the Finance Department through the Chief Secretary (in the General Services) Branch as hithertofore.

3. This issues with the concurrence of the Finance Department, vide their U.O. No. 1276-4FR-72, dated the 11th April, 1972.

4. The receipt of this communication may please be acknowledged.

**English version of Haryana Government letter No. 2759-4GSI-73/12854, dated the 21st May, 1973.**

**Subject :—Policy regarding Promotion of Officers/Officials to the Higher Posts.**

Sir,

I am directed to invite your attention to the instructions contained in joint Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956 and Haryana Government letter No. 931-4GSI-72/10308, dated the 13th April, 1972, on the subject noted above, and to say that it was inter-alia provided in these instructions that the Officers/Officials whose integrity is considered to be doubtful should not be brought on the slab of suitable officers/Officials and should not be promoted.

2. Government have considered the matter further and have decided that the criteria to determine the honesty/integrity also of an officer/Official should be that if in reports for the preceeding ten years in respect of the post from which he is to be promoted, a doubt has been expressed regarding his honesty, he should not be promoted. If the total number of annual confidential reports in respect of the post from which he is to be promoted is less than ten then the reports in respect of the next lower post should be examined so that the total number of reports taken into consideration are *at least for a period of ten years*. In case th total number of annual reports in respect of the post from which he is to be promoted is more than ten and a doubt has been express regarding his honesty in any report which is more then ten years old, then keeping in view his over all performance in the latest ten reports, *it will be open to the appointing authority to ignore the adverse remarks relating to doubtful integrity in reports which are more than ten years old*, and to include the name in the slab of three suitable officers/officials if the concerned officer/official fulfils other conditions with regard to suitability. The above criteria for judging the honesty of officers/officials will be also applicable in these cases where promotion is made to posts or higher scale of pay (such as selection grade of Haryana Civil Services (Executive Branch) not on the principle of slab of three suitable officer/official but strictly by selection, according to the provision made in the relevant service rules.

3. It is accordingly requested that the above instructions should be noted for strict compliance by you and also brought to the notice of all officers/officials. working under your control.

4. The receipt of these instructions may kindly be acknowledged.



क्रमांक 3508-4 जी०एस०-1-73/18540

श्रेणिक

मुख्य सचिव, हरियाणा सरकार ।

बेचा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप-मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा सभी जिला तथा सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 19 जुलाई, 1973 ।

विषय : उच्च पदों पर कर्मचारियों/अधिकारियों की पदोन्नति के लिये अपनाई गई नीति ।

सहोदय,

मुझे निदेश हुआ है, कि उपरोक्त विषय पर आपका ध्यान दिलाऊँ और कहूँ कि उच्च पदों पर कर्मचारियों की पदोन्नति के लिये अपनाई जाने वाली नीति के बारे में विस्तारपूर्वक हिदायतों सरकार के परिपत्र क्रमांक 931-4 जी०एस०-1-72/10308, दिनांक 13-4-1972 तथा 2759-4 जी०एस०-1-73/12854, दिनांक 21-5-1973 द्वारा जारी की हुई है । जिन कर्मचारियों का आचरण जांच का विषय हो उनकी पदोन्नति के लिये बारी आने पर अपनाई जाने वाली नीति भी विस्तारपूर्वक सरकार की हिदायतों क्रमांक 6034-2 जी०एस०-1-32498, दिनांक 18-11-71 द्वारा स्पष्ट की हुई हैं । जिन कर्मचारियों की सजा मिल चुकी हो उनके मामलों को पदोन्नति के समय विचारने के बारे में सरकार ने यह उचित समझा है कि ऐसे केसों में नियुक्ति प्राधिकारी/प्रशासकीय विभाग स्वयं (equity & rules of natural justice) को ध्यान में रखते हुए निर्णय लिया करें तथा निम्नलिखित बातें विभिन्न सजायें प्राप्त किये कर्मचारियों के बारे में ध्यान में रखा करें:—

- (1) **Censure or warning with a copy on the A.C.R.** :—ये सजाएं साधारणतः इतनी बड़ी नहीं कि उनके आधार पर किसी कर्मचारी की पदोन्नति रोकੀ जाये और इन सजाओं को कर्मचारी के पूरे रिकार्ड का भाग समझकर उसको (overall suitability judge) जानी चाहिये ।
- (2) **Stoppage at an Efficiency Bar** :—साधारणतः जो कर्मचारी (Efficiency Bar) पर रोका जाता है वह अपने आपमें ही पदोन्नति के काबिल नहीं होता और उसकी पदोन्नति का तब तक प्रश्न नहीं उठना चाहिये जब तक कि वह (Efficiency Bar cross) न कर लें ।
- (3) **Withholding of increments or promotion** :—जिस कर्मचारी को पदोन्नति आदेशों द्वारा किसी खास अवधि के लिये रोकी जा चुकी है उस बारे में किसी स्पष्टीकरण की आवश्यकता प्रतीत नहीं होती । जिस कर्मचारी को एक या एक से अधिक (grade increments) रोकी हुई हैं, उस कर्मचारी की यदि (during the currency of the stoppage of grade increment/increments) पदोन्नति की बारी आ जाती है तो उसके समूचे रिकार्ड पर । विचार कर ही इस बात पर फैसला किया जाना चाहिये कि वह पदोन्नति के काबिल है या नहीं । यह ठीक है कि यदि उसे पदोन्नति देने का फैसला लिया जाता है तो उसे (grade increments) पर रोकने वाली सजा (ineffective) हो जाती है परन्तु उन मामलों का ध्यान रखा जाना आवश्यक है जिनमें किसी कर्मचारी का बाकी सारा रिकार्ड बहुत अच्छा हो और पदोन्नति का मामला विचाराधीन न हो तो उससे कुछ समय पहले उसे (stoppage of grade increments) की सजा मिल जाये । अगर ऐसे कर्मचारी को (stoppage of grade increments) के

समय के दौरान पदोन्नति से वंचित रखा जाता है तो उसका असर यह हो सकता है कि एक दूसरा कर्मचारी को पिछले समय में (grade increments) पर रोका गया था और जिसके केस में सजा का समय समाप्त हो चुका है, वह पहले वाले कर्मचारी की वनिस्वत फायदे में रहेगा, चाहे उसका रिकार्ड कुल मिलाकर पहले वाले कर्मचारी के मुकाबले में बहुत कम अच्छा हो। इसलिये (grade increments) पर रोका हुआ कर्मचारी (grade increments) की (stoppage) दौरान भी पदोन्नति के काबिल समझा जाना चाहिये यदि उसका (overall record) उसको पदोन्नति के योग्य बनाता हो।

- (4) **Recovery from pay** :—यह सजा किसी समय तक (extend) नहीं करती। अतः इस प्रकार की सजा का पदोन्नति के समय समूचे रिकार्ड का भाग समझकर ध्यान में रखा जाना चाहिये।
- (5) **Reduction in rank** :—जिस अधिकारी को (reduction in rank) की बड़ी सजा दी गई हो तो उसे पुनः प्रमोशन के लिये काफी समय के बाद (consider) किया जाना चाहिये जब यह समझा जाये कि इतना समय गुजर गया है कि पहले की गई सजा को नजर भन्दाज करके fresh opportunity दी जा सकती है।

उपरोक्त सभी सजाओं पर विचार करते समय एक बात हरेक सजा के बारे में ध्यान रखने वाली है। यदि सजा lack of integrity से संबंध रखती है तो उस हालत में पदोन्नति सरकार की हिदायतों क्रमांक 2769-4जी0एस0-1-73/12854 दिनांक 21-5-1973 को ध्यान में रखकर ही की जाए।

कृपया इस पत्र की पावती भेजें।

भवदीय,

हस्ता 0/-

सप सचिव, राजनैतिक एवं सैनिक,  
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 3508-4 जी0एस0-1-73/दिनांक चण्डीगढ़, 19 जुलाई, 1973।

एक प्रति सचिव, हरियाणा राज्य विजली बोर्ड को उनके पत्र क्रमांक 80921/एम0जी0आई0/की0 दिनांक 7-6-73 के संदर्भ में वित्तायुक्त राजस्व, हरियाणा। सभी प्रामुखीय सचिव, हरियाणा सरकार। प्रधान सचिव/सचिव। निजी सचिव, मुख्य मन्त्री/मन्त्रीगण, राज्य मन्त्री, हरियाणा सरकार को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

Copy of circular letter No. 5901-4GSII-73/23071, dated the 11th September, 1973, from the Chief Secretary to Government, Haryana to all Heads of Department etc., etc.

**Subject** :—Selection of clerks for promotion to the posts of Assistants through a test.

As you are aware that in composite Punjab executive instructions were issued by the Government on the 21st June, 1958 that all promotions of Clerks, to the posts of Assistants in the Civil Secretariat will be made on the basis of a prescribed test. All the Heads of Departments were asked to issue similar instructions vide composite Punjab Government circular letter No. 4119-GII-58/71202, dated the 5th September, 1958, subject to suitable modifications by the departments.

2. As a result of the above instructions the Clerks who were unable to qualify the test were not promoted as Assistants and those promoted provisionally were reverted on the ground of their failure to qualify the test. A few out of the above had, however, filed civil suits in courts and challenged the validity of the instructions. Their suits were decreed against the Government. Some cases went upto the Supreme Court and in two cases the appeals were decided on merits by the Supreme Court vide judgement dated 19-4-72. It was held by the Supreme Court that the Government was not competent to alter the service rules framed under article 309 of the Constitution of India by issuance of administrative instructions regarding taking of test. Further it was held that even any rule affecting the right of promotion of a person related to his conditions of service and, therefore, unless the same was framed with the prior approval of the Central Government in terms of proviso to sub-section (7) of section 115 of the State Reorganisation Act, 1956, it was invalid as it violated sub-section (7) of section 115 of the aforesaid Act.

3. The matter has been under the consideration of the State Government as how best to implement the judgements of the Supreme Court. It has now been decided that the benefit should be given only to those officials who went to the courts and get decrees in their favour. Accordingly they should be given due seniority as if there was no requirement of passing the test in their cases, in pursuance of the instructions issued by the Government in the year 1958 or the service rules which were framed without getting the prior approval of the Government of India as required under section 115 of the states Reorganisation Act, 1956.

4. As regards the arrears of pay and allowances in respect of these officials who are to be given due seniority they should be paid the arrears for a period not exceeding three years and two months from the date of issuance of these instructions.

5. Services in respect of which no rules were in existence at the time of holding the test, any action taken in pursuance of Punjab Government instructions issued in 1958 shall not be disturbed as in the absence of service rules, the executive instructions carry the sanctity of rules.

6. Where the service rules of any department framed before 1956, contain a specific provision for the holding of a qualifying tests for promotion to the post of an Assistant, tests should continue to be held and promotion and seniority should be regulated accordingly. If the service rules of a department do not contain any such provision for the holding of a qualifying test for promotion to the posts of Assistants, the departments should continue to make provisional promotions as hithertofore, till instructions are issued in this behalf.

7. These instructions may please be brought to the notice of all concerned for meticulous compliance and the receipt of this communication may be acknowledged.

क्रमांक 5700-2 जी0एस0-1-73/27522

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल,  
सभी उपायुक्त तथा उप-मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा  
सभी जिला तथा सब न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 16 नवम्बर, 1973 ।

विषय : तदर्थ आधार पर की गई सेवा को बतौर तजुर्बा के पदोन्नति के समझ गिने जाने के बारे में ।

नहीवब,

उपर्युक्त विषय पर आपको संबोधित करते हुए मुझे यह कहने का निवेदन हुआ है कि इस समय संयुक्त पंजाब सरकार के परिपत्र क्रमांक 8398-एफ0आर0-56/6156, दिनांक 14-9-56 तथा 1028-जी-11-27804, दिनांक 29-3-1957 में जारी की गई हिदायतों के अनुसार तदर्थ सेवा का लाभ कर्मचारियों को वार्षिक वेतन-वृद्धि तथा छुट्टी की ओर दिया जाता है और बरिष्ठता की ओर नहीं दिया जाता । इस बारे में अब यह प्रश्न उठाया गया है कि क्या तदर्थ आधार पर की गई सेवा का लाभ बतौर तजुर्बा के पदोन्नति की ओर दिया जा सकता है या नहीं । इस मामले की जांच की गई है और यह स्पष्ट किया जाता है कि तदर्थ आधार पर की गई सेवा को पदोन्नति के लिए तजुर्बा के बौर पर नहीं बिना जा सकता ।

भवदीय,

हस्ता 0/-

उप सचिव, राजनैतिक एवं सेवाएं,  
उत्ते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित अधिकारियों को सूचनाार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है:—

वित्तायुक्त राजस्व, हरियाणा, सभी प्रशासकीय सचिव, हरियाणा सरकार ।

No. 257-4GSI-75/963

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments, Commissioners, Ambala and Hissar Divisions. All Deputy Commissioners and Sub Divisional Officers in Haryana.

Registrar, Punjab and Haryana High Court and All District and Session Judges in Haryana.

Dated Chandigarh, the 15th January, 1975.

**Subject :—Policy regarding promotion of officials to the Higher posts.**

Sir,

I am directed to invite your attention to the instructions contained in Joint Punjab Government letter No. 9129-G-55/3964, dated the 17-9-56 and Haryana Government No. 931-4GSI-72/10308, dated the 13-4-72 on the subject noted above, wherein it was provided inter alia that the officials who *have earned 50% or more good or better than average reports during the last ten years of service should alone be considered eligible for promotion to a higher post.* A question has arisen whether an official who has earned adverse remarks and whose representation for expunction of adverse remarks is pending final decision of the competent authority, should be considered eligible for being placed in the slab of three suitable officials for promotion.

On consideration of the matter it has been decided that whenever a proposal for promotion to a higher post is under consideration of the appointing authority the fact as to whether any representation from the official concerned against the adverse remarks in his A.C.R. is pending final decision, should be kept in view. In the case of those Departments where a Selection Committee has to consider the promotion cases, the fact as to whether any representation from the concerned official against the adverse remarks is pending a decision of the competent authority, should be brought to the notice of the Committee. The appointing authority/Selection Committee may defer a decision on the case it is considered necessary to do so till a decision has been taken on the representation. In case where adverse remarks are permitted to be toned down or expunged by the competent authority the matter should be brought to the notice of the appointing authority/Selection Committee for a decision whether having regard to the nature of the adverse remarks and extent to which these have been toned down/expunged, a review is justified in the case of the official. If a review is found to be justified the appointing authority/Selection Committee may take a suitable decision on the question of promotion. It is, however, stressed that all representations against adverse remarks should be decided by the competent authority within three months of the receipt of the representation to ensure that a decision on the promotion cases is not unduly delayed. Attention in this connection is invited to the provisions of the consolidated instructions regarding A.C.Rs. Which have been issued by the Government wherein such a time limit has been specified. By adhering to this time limit it should be possible to take a decision in such promotion cases without loss of time.

These instructions may please be brought to the notice of all officials for strict compliance.

Yours faithfully,

Sd/-  
Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to :—

All Financial Commissioners; and All Administrative Secretaries to Govt., Haryana.

No. 4374-2GSI-75/24791

From

The Chief Secretary to Govt. Haryana.

To

1. All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and all Sub Divisional Officers in Haryana.
2. The Registrar, Punjab & Haryana High Court and All Districts & Sessions Judges in Haryana.

Dated Chandigarh, the 25th Aug., 1975.

*Subject :- Premature promotion to higher selection posts starting salary.*

Sir,

I am directed to invite your attention to the instructions contained in Haryana Govt., letter No. 4044-2GSI-71/23800, dated the 17th August, 1971, on the subject noted above, in which it was laid down that when an officer who has been promoted to a post does not fulfil the condition regarding the minimum number of years service in the lower rank provided for promotion to that post, he should be allowed the minimum of the grade of the higher post and is given increments in that grade only when he has completed the deficiency in the minimum period of service prescribed for the lower post and thereafter completed one year's service in the higher scale to which he has been promoted. These instructions were made applicable to officers promoted to posts included in the Punjab Services (Appointment by promotion) Rules, 1962. These rules as well as the subsequent rules i.e. the Haryana Services (Appointment by Promotion) Rules, 1974 have been repealed vide Haryana Govt.'s Notification No. G.S.R. 33/Const./Art./309/75, dated the 4th April, 1975. It has, accordingly, been decided that after the repeal of these rules the above instructions will be applicable to promotion to posts in the department in respect of which it has been provided that an officer should possess a minimum number of years of service in the lower grade before he becomes eligible for promotion to the higher post.

2. The instructions issued vide Haryana Govt. letter No. 4044-2GSI-71/23800, dated the 17th August, 1971, should be considered to have been modified to this extent.

3. The concurrence of the Finance Department in the above mentioned modification has been obtained vide their U.O.No. 3942-1FGI-75, dated the 27th July, 1975.

4. The receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Govt. Haryana.

No. 4374-2GSI-75/24792 Dated Chandigarh, the 25th Aug., 1975.

A copy is forwarded to the Accountant General, Haryana, Chandigarh, for information.

A copy is forwarded for information and necessary action to :-

The Financial Commissioner, Haryana; and All Administrative Secretaries to Govt, Haryana.

**English version of letter No. 5232-2GSI-75/**

Dated the 21st October, 1975.

**Subject :--Counting of period of deputation towards experience in the parent department for promotion to the next higher post.**

Sir,

I am directed to address you on the subject noted above and to inform you that it has come to the notice of the Government that in a department a senior employee had gone on deputation to a department of another State Govt. The Junior employee in his Parent department was promoted in his place. The senior employee remained on deputation and the employee junior to him continued working in the parent department. In the meantime the question of making promotion to the next higher post cropped up in the parent department, for which post it was necessary to have experience of a prescribed number of years on the lower post. The junior employee who had remained in the department had completed the prescribed experience and thus became eligible for promotion to the next higher post. A question then arose whether the period of deputation, should also be counted towards such an experience or not. The State Government has considered this point carefully and has decided that if the concerned employee is not permitted to report to his parent department from deputation in public interest and he reverts to his parent department after the completion of period of his deputation, then the period of deputation on an equivalent or a higher post, should be counted towards experience and if thereby he completes the prescribed period of experience he should be promoted to the next higher post in his parent department.

क्रमांक 2211-2 जी० एस०-II-77/15761

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला तथा हिसार मण्डल  
सभी उपायुक्त तथा उप मण्डल अधिकारी(ना) हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा  
सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

चण्डीगढ़, दिनांक 8 जून, 1977 ।

विषय : परीक्षा द्वारा लिपिकों की सहायक के पदों पर पदोन्नति ।

महोदय,

मुझे निदेश हुआ है उपरोक्त विषय पर आपका ध्यान इस विभाग के पृ०-क्रमांक 603-2 जी०एस०-II-77/2760, दिनांक 28-1-77 की ओर आकर्षित करूँ और सूचित करूँ कि सरकार के ध्यान में यह लाया गया है कि कुछ ऐसे विभाग हैं, जिनके सेवा नियमों में सहायक ग्रेड परीक्षा का उपबन्ध था किन्तु वे लिपिकों को सहायक के पदों पर बिना परीक्षा लिए तदर्थ आधार पर पदोन्नत करते रहे हैं ।

यह निर्णय लिया गया है कि ऐसे केसों में 21-1-77 से पूर्व लिपिकों से सहायक के पदों पर हुई पदोन्नतियाँ इस तदर्थ पदोन्नति की विधि से नियमित कर दी जाए ।

सभी विभागों के सेवा नियमों में ( power of relaxation ) का उपबन्ध होता है। अतः इस उपबन्ध का प्रयोग करके वे सभी विभाग जिनके सेवा नियमों में सहायक ग्रेड परीक्षा का उपबन्ध है, उन सहायकों की पदोन्नतियाँ जो 21-1-77 से पहले पदोन्नत हुए थे, पदोन्नति की तिथि से नियमित कर दें ।

इन आदेशों को विधिवत पालना के लिए नोट किया जाये ।

भवदीय,

हस्ता 0/-

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी एक प्रति निम्नलिखित

वित्तायुक्त राजस्व, हरियाणा । सभी प्रशासकीय सचिव, हरियाणा सरकार को सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।



**HARYANA GOVERNMENT**  
**GENERAL ADMINISTRATION DEPARTMENT**

**Notification**

The June , 1977.

In exercise of the powers conferred by the proviso to rule 2 of the Haryana Civil Service (Promotion of Clerks) First Amendment Rules 1977, the Governor of Haryana hereby specifies under Secretary to Government, Haryana Secretariat Establishment, as the authority Competent to Conduct the Assistants' Grade Examination for the entire State.

S.D. Bhambri,  
Chief Secretary to Govt., Haryana.

Endst. No. 5860-2 GSII-77/17755 dated Chandigarh, the 29-6-77.

A copy each is forwarded to :—

All Heads of Departments, Commissioner Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers (Civil) Haryana.

Registrar Punjab and Haryana High Court and all District and Sessions Judges in Haryana, for information and necessary action in continuation to this department endst. No. 4757-2GSII-77/13129 dated 13-5-77.

Sd/-  
Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to :—

Financial Commissioner Revenue, All Administrative Secretaries to Govt., Haryana, for information, in continuation to this department U.O. No. 4757-2GSII-77/dated 13-5-77.

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No. 26/59/80-1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions, all Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana, High Court, Chandigarh.

Dated Chandigarh, the 22nd September, 1980.

**Subject :—Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an enquiry comes up for promotion to a higher post.**

Sir,

I am directed to invite a reference to erstwhile Punjab Government circular letter No. 584-1GSI-66/2807 dated, the 8th February, 1966 which *inter alia* provides as under —

“Whereas every officiating vacancy may have to be filled immediately after it has arisen in the interest of administration, there is no such compelling necessity in the case of substantive vacancies and these should invariably be kept reserved for the employees, against whom enquiries are in progress, and a final decision taken on the completion of the enquiry. Of course, only one substantive vacancy need be reserved for each employee under enquiry and subsequent vacancies may and should be filled up with his juniors, if they are otherwise fit, without waiting for the result of the enquiry”.

The Government has considered the matter further and it has been decided that the substantive vacancies, too, need not necessarily be kept reserved for the employees against whom enquiries are in progress and these may be filled, if necessary in the interest of administration, by promoting their juniors by imposing the following condition in their promotion orders :—

“the promotion of (insert the name of the employee to be promoted) is subject to the final decision in the disciplinary proceedings/criminal proceedings that are pending against (insert the name of the senior employee) and (insert the name of the junior employee promoted) who is being promoted shall have no right on the post if (insert the name of the senior employee) is found fit for promotion after the decision of the disciplinary/criminal proceedings.”

The State Law Department has advised that such a condition as referred to above in the promotion order will be quite valid and legal and the junior employee will not be in a position to claim confirmation after the expiry of the probation period.

2. It is requested that action in such matters should be taken in accordance with the above decision.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner (Revenue) and all Administrative Secretaries to Government, Haryana for information and necessary action.

No. 26/3/81-GS-I

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners  
Ambala/Hissar Divisions, Deputy Commissioners  
and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court,  
Chandigarh.

Dated Chandigarh, the 12th March, 1981.

**Subject :** Procedure to be followed in cases where the turn of an official whose conduct is the subject of inquiry comes for promotion to higher post.

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 6034-2GSI-71/32498, dated 18-11-71 on the subject noted above and to state that the question of grant of selection grade to a Government servant against whom disciplinary action is under contemplation/pending or where representation against adverse remarks in the Confidential report is pending has been under consideration of the Government for some time past. After careful consideration it has been decided that in the aforesaid circumstances the question of grant of selection grade to such a Government servant should be deferred till a final decision has been arrived at in the matter of disciplinary proceedings or on the representation made against adverse remarks in the Confidential report. While deferring the case, a post of selection grade should be reserved for such a Government servant. The case should however, be reconsidered for grant of selection grade on the finalisation of the disciplinary proceedings or a decision on the representation against adverse remarks in the Confidential report. If the Government servant concerned is ultimately exonerated of the charges or the adverse remarks in the confidential report are expunged or toned down to such an extent as do not stand in the way of his promotion, then he should be considered for grant of selection grade on the basis of record with retrospective effect i.e. from the date on which he was due for selection grade.

2. It is requested that the above instructions may be brought to the notice of all concerned for strict compliance. The receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-  
Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to :

All Financial Commissioners, Haryana, and All Administrative Secretaries to Government, Haryana for information.

No. 13/1/78-2-GS II

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Hissar & Ambala Divisions and All Deputy Commissioners and S.D.Os.(Civil) in Haryana, and
2. The Registrar, Punjab and Haryana High Court and All District and Sessions Judges in Haryana.

Dated Chandigarh, the 1st June, 1983.

**Subject : Assistant Grade Examination—Instructions regarding-held ultra vires-action required to be taken in consequence thereof in regard to promotions, seniority, confirmation etc.**

Sir,

I am directed to invite your attention to the composite Punjab Government instructions noted in the margin-*vide* which a qualifying test, namely, Assistant Grade Examination, *inter alia*, for purposes of promotion from Clerk to Assistant was required to be introduced in all the Departments and a broad pattern (subject to suitable modifications by the Departments) for regulating appointments to the cadre of Assistants in vogue in the composite Punjab Civil Secretariat was required to be followed. This condition of passing Assistant Grade Examination for being eligible for promotion to the rank of Assistant has been a subject of litigation which has ultimately come to close with the judgement of the Supreme Court in the case of State of Haryana, etc. versus Shamsher Jung Bahadur, as reported in 1972 S.L.R. 441—444. For facility of reference the following extracts from the relevant Judgement are quoted :—

(1) No. 4809-GII-57/21176, dated 23rd October, 1957.)

(2.) No. 4119-GII-58/71202, dated 5th September, 1958.)

Extract from the Judgement of Sub-Judge 1st Class, Sangrur, in the case of Harnam Singh, son of Shri Ram Narain Singh of Barnala versus the State of Punjab.

“I see force in this argument, according to the provisions of Article 309 of the Constitution of India, it is only the Governor of State or the persons to whom he delegates the authority, who can make rules regulating the recruitment and the conditions of Service of the persons appointed to services and posts in connection with the affairs of that State. In the present case, there is nothing on the record to show that the Governor had delegated this authority of his to the Chief Secretary in the composite Punjab Government or to the Commissioner of this Division for issuing the said instructions. Therefore, the Chief Secretary to the Government of this State could not direct the Commissioner of this Division to make rules or issue the said instructions for filling the vacancies in the cadre of Assistants in the offices of the Deputy Commissioners of this Division.”

(The High Court dismissed the appeal of the State of Punjab against the above judgement on 18th September, 1964.)

Extract from the judgement 1972 S.L.R. 441—444 of the Supreme Court in the case referred to above :

“the first question arising for decision is whether the Government was competent to add by means of administrative instructions to the qualifications prescribed under the rules framed under Article 309. The High Court and Courts below have come to the conclusion that the Government was incompetent to do so.

The instructions issued by the Govt. undoubtedly effect the promotion of concerned officials, and therefore, they relate to their conditions of service. The Govt. is

not competent to alter the rules framed under Article 309 by means of administrative instructions. We are unable to agree with the contention of the State that by issuing the instructions, in question, the Govt. had merely filled up a gap in the rules. These rules can be implemented without any difficulty. We see no gap in the rules."

2. During the period this matter remained under consideration of the Supreme Court, promotions to the rank of Assistant were required to be made as under, vide Haryana Govt. Circular No. 8073-2GS-70, dated 27-10-1970 :—

- (1) Services in respect of which rules contain a specific provision for the holding of a qualifying test for promotion to the post of an Assistant, tests should continue to be held and promotion and seniority should be regulated accordingly.
- (2) If the service Rules of a department do not contain any such provision for the holding of a qualifying test for promotion to the posts of Assistants and the tests are held on the basis of executive instructions, further promotion should be made without any test. The promotions should be made provisionally and it should be made clear to the promotees that their promotions are subject to condition that they will have to qualify the test when required to do so by the Govt.

3. Consequent upon the above mentioned instructions, relating to the condition of passing Assistant Grade examination having been declared ultra-vires of the Constitution by the Supreme Court, it was decided by Haryana Govt., vide para 3 of the circular letter No. 5901-4GS-II-73/23071, dated the 11th September, 1973, that the benefit should be given only to those officials who went to the Courts and got decrees in their favour and they should be given due seniority as if there was no requirement of passing the test in their cases, in pursuance of the instructions issued by the Government in the year 1958 or the service Rules which were framed without getting the prior approval of the Govt. of India as required under Section 115 of the State Reorganisation Act, 1956. Government have reconsidered the whole matter thoroughly and have now decided that the steps enumerated in the succeeding paras may be taken by all the Departments, where ever required.

#### **Rescinding of Instructions**

4. The instructions dated the 23rd October, 1957 and the 5th September, 1958, referred to above and any subsequent instructions, issued with a view to elaborating the policy with regard to promotion as Assistant including circular letter dated the 11th September, 1973 referred to above should be deemed to have been rescinded. Accordingly, the benefit is now to be given to all officials irrespective of the fact whether or not they went to the Courts and got decrees in their favour.

#### **Vacating the Direct or Indirect effect of Instructions**

5. The departments who were acting directly on the basis of the aforesaid instructions for imposing the condition of passing the Assistant Grade Examination before promotion or were indirectly relying upon these instructions, while giving effect to general provisions in their respective service rules that for promotion to the rank of Assistant, it shall be necessary to pass such Assistant Grade Examination as specified by Government, shall also vacate the effect of the instructions in question, unless the departments concerned had made specific provision in the form of Rules under Article 309 of the Constitution for holding such an examination.

#### **Independent condition of Assistant Grade Examination not valid without the order of the competent Authority.**

6. In services in respect of which no rules have been framed so far and in respect of which no order of the competent authority providing for holding of Assistant Grade Examination in the manner specified in Article 309 or 320 of the Constitution of India or independent terms and conditions relating to certain posts have been issued, the condition of Assistant Grade Examination imposed so far shall also not be valid.

#### **Partial review of Promotion Regulated under Punjab Civil Services (Promotion of Steno-Graphers and Steno-typists) Rules, 1961.**

7. In regard to promotions of Steno-typists to the posts of Head Assistant and of Stenographers to the posts of Head Assistants, Deputy Superintendents and Superintendents, as the case may be, which are regulated under the Punjab Civil Services (Promotion of Stenographers

and Steno-typists) Rules, 1961, approval of the Government of India was considered necessary to be obtained in cases where it involved departure to the this advantage from a specific condition of service of an employee of the erstwhile State of Punjab and Pepsu in terms of sub-section (7) of section 115 of the State Re-organisation Act, 1956. In other cases, the said rules will have their due operation and effect without any prejudice because they guarantee in general, an additional chance of promotion to the Stenographers and Steno-typists, as the case may be. But a promotee of this category should not supersede any person who would have been entitled to promotion on a particular date without the condition of passing the Assistant Grade Examination.

8. The action outlined above would result in the complete review of promotions made in the Light of instructions dated 23rd October, 1957 or subsequent thereto whether by direct application or otherwise.

#### **Adjustment of Promotions**

9. The following principles may be adopted in regard to adjustment of promotions :—

- (i) Those who were ignored for promotion in the Assistant Grade on the date they would have been otherwise due for promotion, on the basis of seniority-cum-merit formula, enjoined in composite Punjab Government instructions No. 9129-C-56/3964, dated the 17th September, 1956 will have to be considered and if they are found fit on the basis of the said formula on that particular date and if they fulfil the condition of experience wherever prescribed, order of promotion be issued in their case treating them to have been promoted on the said date and their pay fixed accordingly.
- (ii) Those who were promoted on the date they were due for promotion on the basis of their seniority without passing the Assistant Grade Examination but subject to the condition that they will have to pass the examination and on their failure to fulfil this condition were reverted. their reversions will have to be undone, subject of course, to their fitness on the relevant date (the date of promotion to be assigned to them on the basis of seniority) keeping in view their record of service and experience prescribed, if any. Similar treatment will have to be given to those whose promotions were made in the rank of Assistants on temporary/adhoc basis (due according to their seniority) although with no express condition of passing the Assistant Grade Examination irrespective of the fact whether they had to be reverted subsequently on the availability of persons qualified in this examination or the arrangement continued impliedly on the assumption condition that they will stand reverted as soon as candidates qualified in this examination would be available.
- (iii) While making readjustments of promotions as outlined at items (i) and (ii) above, obviously the relevant dates of promotions will have to be calculated on the basis of the dates of promotions of officials who, regardless of their junior position in the respective seniority list were promoted on qualifying the examination, and the promotions will be adjusted according to the seniority and in the order in which vacancies become available, the junior person going down in the list of promotees to the stage till his immediate senior (in the seniority list of Clerks) is adjusted and a vacancy is available for the former's promotion.

10. The condition of qualifying the said examination having become in valid and the supersession caused by junior qualified candidates being untenable the former would revert unless by virtue of their own seniority, they become entitled to promotion against available vacancies as Assistants in the meantime.

#### **Protection of emoluments**

11. Emoluments of those persons who have to revert in the above eventuality either as Clerk or of those who become too junior to hold a higher rank of Head Assistant, Deputy Superintendent, Superintendent etc., as the case may be, will stand protected, if such emoluments are drawn in any of the following cases :—

“(i) promotions made in terms of instructions No. 4809-GII-57/21176, dated 23rd October, 1957 as in vogue till 27-10-1970 i.e. the date when the revised instructions were issued vide circular letter No. 8073-2GS-70 dated 27th October, 1970.

(ii) promotions made by way of any administrative arrangements (despite instructions

dated 27-10-1970 referred to above) till 19th April, 1972 *i.e.* the date on which the Supreme Court judgement was announced.

As a net result of the above, the emoluments drawn up to 19th April, 1972 will stand protected."

### Seniority

12. Adjustment of promotions on the above lines will obviously necessitate recasting of the Seniority lists. Action may be taken as follows :—

- (i) Seniority of the officials in the cadre of Assistants, Head Assistant, Deputy Superintendent, Superintendents, etc., as the case may be, should be recast by restoring the *inter se* seniority as in the cadre of clerks subject of course to their suitability for the higher rank as explained in paragraph 9(i) above. This may be done without taking into consideration the effect of the instructions regarding Assistant Grade Examination now struck down by the High/Supreme Court. The protection in respect of emoluments in terms of para 11 above, if given will not, however, be of any advantage in the seniority, whatsoever.
- (ii) The *inter se* seniority of Steno-graphers and Steno-typists who were promoted to other ranks vis-a-vis promotee from clerical line, will continue to be such as in the ranks from which they were promoted because their promotions to senior ranks have not been struck down by the Court.
- (iii) The persons who were recruited as Assistants either by transfer or direct appointment, in accordance with the provisions of various service Rules, will not be affected in any manner in their seniority vis-a-vis promotees, which should normally as determined with reference to the date of continuous officiation. No supersession in their case should take place merely by recasting the seniority list. Thus the seniority list shall be recast firstly keeping in view the formula of one for one and secondly by bringing down to correct places the persons who were promoted by getting a jump in the seniority simply by passing the Assistant Grade Examination.
- (iv) The revised provisional lists in the promoted cadre(s) should be circulated by the Departments among the employees concerned and they should invite objections within a period of two months.
- (v) The Departments while inviting objections on the provisional seniority lists, should make it clear that the seniority lists, would be further subject to approval by the Government of India according to the States Reorganisation Act, wherever applicable, e.g. where the recasting of the seniority involves changes in those seniority lists which were framed in consultation with the Government of India in terms of the States Reorganisation Act, 1956. The reference to Government of India in this behalf should be made in a lucid manner giving complete background of the matter especially the Supreme Court judgement.
- (vi) The operation of the revised provisional seniority list should, however, be commenced immediately and should not be deferred till the approval of the Government of India.

### Confirmation

13. Confirmations too will have to be regulated in order of seniority as recast above, firstly keeping in view the provision existing in most of the service Rules for determining seniority on the basis of the dates of confirmation and secondly because this is a major service benefit which should have accrued according to seniority. Of course, the successful performance of duties during the period of probation or officiation, as the case may be, according to the nature of post will be necessary. Consequently, those who become junior in the promoted rank shall have to be deconfirmed after giving them an opportunity if no substantive vacancy is available to shift their lien, or in the alternative additional supernumerary posts will have to be created. Readjustment of confirmations and the need for additional posts should be assessed according to the position in each Department.

### Subsequent Promotions to Higher Ranks

14. Subsequent promotions may be made on the basis of seniority lists recast as above,

subject, of course, to any rules inter alia, those which might be framed for the purpose separately. Those promoted so far on the basis of the seniority framed as a result of passing Assistant Grade Examination, shall vacate places in the higher ranks for the senior persons to step-in-and adjusted according to their turn only if vacancies are available.

### Benefits to Retired Persons

15. Those who have already been retired from service without having been promoted or promoted later than the date they were entitled to be considered for promotion according to their seniority as clerks without passing the Assistant Grade Examination, would also be entitled to benefit of promotion according to the above instructions. Their cases should be reviewed and benefit of promotion and consequently raising of emoluments should form the basis of amount of pension/death-cum-retirement gratuity to be afforded to them. There would be no effect of these instructions on those who have already been retired after having been promoted on the basis of Assistant Grade Examination because of the legal implication involved in the reduction of their pension etc.

### Illustration

16. In order to facilitate the examination of cases by different departments, an elaboration of Government's policy as explained in the preceding paragraphs is given in the form of an illustration in Annexure 'A'.

### Scope of these Instructions Vis-a-Vis Previous Cases

17. As is clear from the background in which these instructions are being issued, their scope is directly related to the cases of promotion, seniority, confirmation etc., arising out of Government's general instructions issued,—vide Circular letter dated 23rd October, 1957, and subsequent thereto,—vide which the Assistant Grade Examination was required to be prescribed in all the Departments of the State. Accordingly these revised instructions would amount to vacating the condition of Assistant Grade Examination as if the instructions dated 23rd October, 1957 were not there and as such seniority in the clerical cadre alone would form the basis for the promotion, seniority and confirmations, except in cases regulated by the rules validly framed as explained in para 5.

18. The Assistant Grade Examination/Test held in certain departments prior to the issue of the aforesaid policy instructions dated 23rd October, 1957, are of course, not directly hit by the Rulings in question. It is a different matter, if the judgements kept in view while issuing these instructions may have indirect bearing up to the practice adopted by the Department prior to 23rd October, 1957. The Administrative Departments concerned are in a better position to appreciate such cases and to make a realistic assessment about the legality of the practices adopted by way of framing any rules or by issuing any instructions/an order of an executive nature. This assessment be made in the context of the principles enunciated in the judgement referred to in paragraph 1 of this letter. The Departments may, therefore, decide such cases in consultation with Legal Remembrancer after taking into consideration the above principles as also the effect of the orders having been challenged or otherwise. Since, this may entail revisions of the seniority lists as notified under Sections 115 of the States Reorganisation Act, 1956, the departments should also take the approval of the Government of India, wherever necessary.

### Saving

19. These instructions have been issued subject to the following understanding and conditions which should be carefully noted by all concerned for strict compliance :—

- (i) that the grant of retrospective seniority and promotions to \*non-petitioners is not a legal obligation of the State Government;
- (ii) that Government wish to be fair with the \*non-petitioners within the administrative limitations; and at the same time do not wish to create a hardship by placing the junior petitioners above these non-petitioners as well as suppressing the latter by those who were promoted earlier on passing the Assistant Grade Examination;
- (iii) that Government have decided to give seniority on presumptive basis according to criteria of seniority-cum-merit and by ignoring the condition of Assistant Grade Examination in cases in which this condition was imposed without framing rules or without issuing an order in a legally appropriate manner (as explained in para 5 above);



(iv) that Government would give the above seniority to \*non-petitioners without any liability of the payment of arrears of salary; and

(v) that Government would give the above mentioned benefits only on the undertaking to be given by each employee concerned as per Annexure 'B'.

\*Those who have not obtained any decree/judgement from the Court in their favour.

#### Gist of Instructions

20. Within limitations explained above and on the requisite undertaking in Annexure 'B', the net effect of these instructions would be to give the benefit of seniority to all Assistants including those who have since retired from service, without giving the arrears of pay.

However the arrears of pay already allowed to those who had gone in writ or obtained a decree from the court in terms of the decree or judgement, as the case may be, will not be recovered.

21. For facility of uniformity of action and liaison, the General Services Department may please be kept informed of the action taken in this direction.

22. In view of the importance/urgency of the matter, necessary action as outlined above may please be taken on priority basis.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

(KULWANT SINGH)  
Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

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A copy is forwarded to the Financial Commissioner and Administrative Secretaries to Government, Revenue, Haryana, for information and similar necessary action.

Sd/-

(V.M. CHADHA)

Superintendent General Services-II  
for Chief Secretary to Government, Haryana.

The Financial Commissioner, Haryana and the Administrative Secretaries to Govt., Haryana.

D.O. No. 13/1/78-2 GS II dated Chandigarh, the 1st June, 1983.

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## ANNEXURE 'A'

A, B, C, E, F, H and I were working as Clerks in the same order of seniority prior to the issue of Government Instructions dated 23rd October, 1957. B and E qualified the Assistants Grade Examination and were promoted as Assistants on 12th September, 1958 and 15th October, 1958 respectively on the availability of vacancies. A, C, F, H and I were not promoted as they could not pass the said examination. F and I qualified the examination on subsequent occasions and were promoted as Assistants on 3rd December, 1960 and 10th January, 1962 respectively. D and G were taken as Assistants by transfer and direct appointment on 4th November 1958 and 15th April, 1962 respectively. A and C have not been able to qualify the examination upto now, but have been promoted as Assistants on adhoc basis. H, who also could not pass the Assistant Grade Examination, is still working as Clerk. Their present seniority stands as under :—

Sr. No.	Name of official	Date of promotion	Remarks
Assistants			
1.	Mr. 'B'	12.9.1958	Promotee
2.	Mr. 'E'	15.10.1958	Promotee
3.	Mr. 'D'	4.11.1958	On transfer
4.	Mr. 'F'	3.12.1960	Promotee
5.	Mr. 'I'	10.1.1962	Promotee
6.	Mr. 'G'	15.4.1962	Direct
7.	Mr. 'A'	10.12.1963	Adhoc
8.	Mr. 'C'	8.1.1964	Adhoc
Clerk			
1.	Mr. 'H'		

Now the seniority list of Assistants is to be revised. 'A' being the senior most clerk will have to be placed at Serial No. 1 and considered to have been promoted with effect from 12th September, 1958. 'B' will thus come down to Sr. No. 2 and take the place of 'E' on the basis of his own seniority and considered to have been promoted with effect from 15th October, 1958. 'D' is a transferee and as such will not be affected. He will remain at Serial No. 3. 'C' being the next senior most Clerk is to be placed at Sr. No. 4 but his record prior to 3rd December, 1960 (the Date on which next vacancy became available) being not satisfactory having been ignored, his place will be taken by 'E' who is found fit and will be considered to have been promoted with effect from 3rd December, 1960. 'F' who now vacates the post at Sr. No. 4 will be placed at Sr. No. 5 and considered to have been promoted with effect from 10th January, 1962 provided 'C' is again considered unfit on seniority-cum-merit basis and 'F' is considered fit for promotion prior to 'C'. 'G' being a direct recruit will maintain his position at Sr. No. 6. 'C' who was ignored for promotion earlier, is now for promotion for the vacancy became available on 10th December, 1963 and will thus be placed at Sr. No. 7.

'H' who is still working as Clerk will get promotion on the basis of his seniority as clerk and will be placed at Serial No. 8. Since there are in all 8 posts, I, who was at Sr. No. 5 will have to be reverted as Clerk. The revised seniority list would, therefore, be as under :—

Sr. No.	Name of the official	Date of promotion
1.	Mr. 'A'	12.9.1958
2.	Mr. 'B'	15.10.1958
3.	Mr. 'D'	1.11.1958
4.	Mr. 'E'	3.12.1960
5.	Mr. 'F'	10.1.1962
6.	Mr. 'G'	15.4.1962
7.	Mr. 'C'	10.12.1963
8.	Mr. 'H'	8.1.1964
Clerk		
1.	Mr. 'I'	(Subject to protection of emoluments as in para 12 of these instructions).

## ANNEXURE 'B'

I \_\_\_\_\_, son of \_\_\_\_\_  
 at present employed as \_\_\_\_\_ in the department of \_\_\_\_\_  
 under the Government of the State of Haryana  
 do hereby undertake that in case I am promoted to the post of Assistant with retrospective effect in terms of Haryana Government Instructions No. 13/1/78-2-GSII, dated 1-6-1983. I will not claim any arrears of pay becoming payable on account of such retrospective promotion. I also agree that the said date of promotion as an Assistant may be treated only presumptive for the purposes of grant of benefits of seniority and I do hereby voluntarily forego all rights as aforesaid.

I hereby further declare that I have given this undertaking of my own free will without any extraneous influence.

Dated :

Signature \_\_\_\_\_

Designation \_\_\_\_\_

Full address \_\_\_\_\_

No. 12/4/82-2GS-I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments.
- (2) Commissioners, Ambala/Hissar Divisions & All Deputy Commissioners, and Sub Divisional Officers (Civil) in Haryana.
- (3) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 26th March, 1984.

*Subject : Grant of Selection Grade to Clerks before passing type test.*

Sir,

I am directed to refer to the subject noted above and to say that cases have come to notice of Haryana Government where the Clerks have been granted Selection Grade before passing the type test. It is clarified that Selection Grade has higher pay but in the same cadre. The Selection Grade is intended to ensure that capable employees who may not get chance of promotion on account of limited outlets to promotion, should at least be placed in the selection grade to prevent stagnation on the maximum of scale. The clerks who were to pass the type test in accordance with the conditions of their appointment/Service Rules and to get increment thereafter only but have not passed this test, will, therefore, be not eligible to get a Selection Grade. The Selection Grade presently is only to be granted to an official who fulfills all the terms and conditions of his appointment and becomes eligible for further promotion. The grant of Selection Grade is a sort of promotion.

2. These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Joint Secretary General Administration,  
 for Chief Secretary to Government, Haryana.

No. 12/4/82-2GS-I.

Dated, Chandigarh, 26-3-1984.

A copy is forwarded to the Accountant General, Haryana, Chandigarh for information and necessary action.

All Financial Commissioners, Haryana and all Administrative Secretaries to Government, Haryana.

Copy of letter No. 7386-8-GS-63/20345, dated the 29th May, 1963 from Shri Saroop Krishan, I.C.S. Financial Commissioner Planning and Additional Chief Secretary to Government, Punjab, to the address of All Heads of Departments, etc.

*Subject* : Recruitment through the Subordinate Services Selection Board.

I am directed to invite a reference to the Punjab Government letter No. 4832-GS-60/34308, dated the 16th September, 1960 on the subject noted above and to say that it has been suggested that in order to provide an impetus to matriculate peons to improve their prospects, they may be appointed as clerks on temporary basis till the candidates recommended by the Subordinate Services Selection Board, Punjab become available or for a period of six months whichever is earlier. After consultation with the Subordinate Services Selection Board, it has been decided that matriculate peons may be so appointed on the temporary basis against the permanent vacancies in emergent cases till candidates recommended by the Board report for duty or for a period of six months whichever is earlier. A requisition in such cases should also be placed with the Board simultaneously and copies of the orders making appointments on temporary basis should invariably be forwarded to the Board for information.

2. The question has also risen whether a peon appointed as Clerk should be allowed usual pay of a clerk on his initial appointment. I am to state that the appointment of a peon as a Clerk is strictly not a case of promotion, as the two posts belong to different services, i.e. Class IV and Class III respectively. Such cases are not therefore, covered by para 1(v) of the instructions contained in P.G. Letter No. 15055-1GS-61/44784, dated the 15th December, 1961. They will be taken on apprenticeship basis for two months at a stipend of Rs. 40 p.m.

3. The receipt of this communication may kindly be acknowledged.

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संख्या 1507-5 जी०एस०-1-73/8724

प्रेषक,

मुख्य सचिव, हरियाणा सरकार

सेवा में

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 30 मार्च, 1973 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 7386-8 जी०एस०-63/20345, दिनांक 29-5-63 (प्रति संलग्न है) की आर दिलाऊँ और कहूँ कि कुछ समय से सरकार यह विचार कर रही है कि चतुर्थ श्रेणी के कर्मचारी जो अपनी योग्यताएँ (improve) कर लें और जिनका कार्य तथा आचरण संतोषजनक हो उन्हें उत्साह मिलना चाहिए । सरकार ने इस मामले पर विचार करने के बाद यह निर्णय लिया है कि श्रेणी-IV के कर्मचारियों को प्रोत्साहन देने के लिए उन्हें लिपिक के पद पर पदोन्नत किया जाए परन्तु उनको निम्नलिखित शर्तें पूरी करनी होंगी :—

- (1) वह मैट्रिक हो ।
- (2) उसने क्लास IV के किसी पद पर कम से कम 2 साल काम किया हो ।
- (3) ऐसी पदोन्नति विभाग तदर्थ आधार पर 6 महीने के लिए कर सकता है । यदि इस समय में कर्मचारी का काम संतोषजनक हो तो उसकी रैगुलर नियुक्ति का अनुमोदन बोर्ड से प्राप्त कर लिया जाए, परन्तु रैगुलर नियुक्ति के बाद उसे एक साल के लिए प्रोबेशन पर रखा जाए और यदि प्रोबेशन काल में उसका काम संतोषजनक हो तो स्थाई पद उपलब्ध होने पर नियुक्ति स्थाई रूप में कर दी जाए । यदि प्रोबेशन के समय में उसका काम ठीक न हो तो उसी श्रेणी के पद पर रिवर्ट कर दिया जाए ।
- (4) ऐसे कर्मचारी को बोर्ड द्वारा लिपिक के पद के लिए ली जाने वाली परीक्षा पास करनी जरूरी नहीं होगी ।
- (5) जब श्रेणी IV के कर्मचारी को तदर्थ आधार पर लिपिक के पद पर पदोन्नत किया जाए तो भी उसे लिपिक के पद का वेतनमान दिया जाना चाहिए तथा जितनी सेवा वह लिपिक के पद पर करता है वह इन्क्रीमेंट के लिए ग्युमार की जानी चाहिए ।
- (6) ऐसी पदोन्नति सीनियोरिटी-कम-फिटनेस के आधार पर की जाए ।

2. सरकार ने यह भी निर्णय लिया है कि उपरोक्त पैरा में बताई गई स्थिति के अनुसार विभाग अपने सेवा नियमों में भी उपबन्ध कर लें यदि पहले ऐसा नहीं किया गया हो तथा जितने प्रतिशत पद इस प्रकार पदोन्नति द्वारा भरे जाने हों उनका भी प्रोबेशन नियमों में कर लें ।

3. आपसे अनुरोध है कि यह अनुरोध कृपया सावधानी से नोट कर लिये जायें तथा दृढ़तापूर्वक पालना के लिए सभी संबंधित कर्मचारियों के ध्यान में लाई जायें । इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवायें,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनायें तथा आग्रह कार्रवाई के लिए भेजी जाती हैं:—

विभागाध्यक्ष, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

संख्या 3049-5 जी०एस०-1-73/14393

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा सभी उप-मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़, तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़ 5 जून, 1973 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्ति करने बारे ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के पत्र क्रमांक 1507-5 जी०एस०-1-73/8724, दिनांक 30-3-73 द्वारा जारी की गई हिदायतों की ओर दिनांक और कहूँ कि सरकार ने इस मामले पर आगे विचार किया है और यह निर्णय लिया है कि यह हिदायतें श्रेणी III के पदों पर काम कर रहे उन कर्मचारियों के केसों में भी लागू होंगी जिनका वेतनमान लिपिक के वेतनमान से कम है । उदाहरण के तौर पर स्पष्ट किया जाता है कि रैस्टोरर, गैस्टेल्डनर अप्रेंटिस आदि के पद भी इन्हीं हिदायतों के तहत आयेंगे ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवार्थ,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को हरियाणा सरकार के अशा: क्रमांक 1507-5 जी०एस०-1-73, दिनांक 30-3-73 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जानी है ।

वित्तायुक्त, राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

क्रमांक 3077-5 जी०एस०-1-74/13841

सेवा में,

1. सभी विभागाध्यक्ष अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा सभी उपमण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा, उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 13-6-74 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 1507-5 जी०एस०-1-73/8724, दिनांक 30 मार्च, 1973 की ओर दिलाऊँ जिसमें कि यह हिदायतें जारी की गई थीं कि चतुर्थ श्रेणी के कर्मचारी जो अपनी योग्यताएं improve कर लें और जिनका काम तथा आचरण संतोषजनक हो उन्हें उत्साह देने के लिए लिपिक के पद पर पदोन्नत किया जाये यदि वे मैट्रिक पास हों तथा उन्होंने श्रेणी चार के किसी पद पर कम से कम दो वर्ष काम किया हो । बाद में यह हिदायतें हरियाणा सरकार के पत्र क्रमांक 3049-5 जी०एस०-1-73/14393, दिनांक 5-6-73 द्वारा श्रेणी III के उन कर्मचारियों (रैस्टोरर, गैस्टेटनर अप्रेटर आदि) के केशों में भी लागू की गई, जिनका वेतनमान लिपिक के वेतन मान से कम है ।

2. इस बारे में सरकार ने पुनः विचार किया है तथा अब यह निर्णय लिया है कि ऐसे श्रेणी तीन तथा श्रेणी चार के कर्मचारियों को लिपिक के पद पर पदोन्नति तभी दी जाए यदि उन्होंने ऐसे किसी पद पर कम से कम पांच वर्ष काम किया हो, दूसरे शब्दों में 2 वर्ष के अनुभव की शर्त को 5 वर्ष के अनुभव में बदल दिया गया है । हरियाणा सरकार के परिपत्र दिनांक 30-3-73 में जारी की गई हिदायतों को इस हद तक ही संशोधित समझा जाए तथा इस बारे में दूसरी निर्धारित शर्तें पहले की ही भांति लागू रहेंगी ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवायें,

कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 1259-5 जी0एस0-1-74/13840

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. हरियाणा के सभी त्रिभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 13 जून, 1974 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 1507-5 जी0एस0-1-73/8724, दिनांक 30 मार्च, 1973 तथा 3049-5 जी0एस0-1-73/14393 दिनांक 5 जून, 1973 में जारी की गई हिदायतों की ओर दिलाऊँ जिनमें कि यह कहा गया था कि श्रेणी तीन के पदों पर काम कर रहे उन कर्मचारियों को जिनके वेतनमान लिपिकों के वेतनमान से कम हैं या चतुर्थ श्रेणी के कर्मचारियों को जो अपनी योग्यताएं बढ़ा लेते हैं और जिनका काम तथा आचरण संतोषजनक हो, उन्हें प्रोत्साहन देने के लिए लिपिक के पद पर पदोन्नत किया जाये जिसके लिए हरियाणा सरकार के पत्र दिनांक 30 मार्च, 1973 में कुछ शर्तें निर्धारित की गई थीं ।

2. इस बारे में कुछ विभागों द्वारा कई प्रश्न उठाये गये हैं जिन्हें कि जांचा गया है तथा उनके बारे में स्थिति निम्न प्रकार से स्पष्ट की जाती है :—

1. यह प्रश्न उठाया गया है कि क्या ऐसे श्रेणी तीन तथा श्रेणी चार के कर्मचारियों को लिपिक के पद पर पदोन्नति तीन वरिष्ठ कर्मचारियों का सलैब बनाकर सीनियोरिटी-कम-मैरिट के आधार पर की जाये ।

इस संबंध में यह स्पष्ट किया जाता है कि ऐसे कर्मचारियों की पदोन्नति सीनियोरिटी-कम-फिटनेस के आधार पर की जानी है जिसका अर्थ यह कि यदि उनका सेवा रिकार्ड ठीक है और वह पदोन्नति के लिये निर्धारित योग्यताएँ रखते हैं तो उन्हें पदोन्नत किया जा सकता है और ऐसा करने के लिये तीन वरिष्ठ कर्मचारियों का सलैब बनाने की आवश्यकता नहीं है ।

2. यह प्रश्न उठाया गया है कि ऐसे श्रेणी-3 तथा 4 के कर्मचारियों की किस प्रतिशत के आधार पर लिपिक के पद पर पदोन्नत किया जाये । संदर्भित पत्र में यह पहले ही बताया जा चुका है कि जितने प्रतिशत पद इन कर्मचारियों की पदोन्नति द्वारा भरे जाने हैं उनकी व्यवस्था विभागीय सेवा नियमों में कर ली जाये । इस मामले पर आगे विचार कर यह निर्णय लिया गया है कि यदि पहले नियमों में प्रमोशन द्वारा भरे जाने वाले पदों की प्रतिशतता 20 प्रतिशत से ज्यादा नहीं है तो इसे 20 प्रतिशत तक ही सीमित रखा जाये ।

3. यह प्रश्न उठाया गया है कि जहां किसी ऐसे कर्मचारी ने सेवा में आने के पश्चात दसवीं पास की हो तो क्या यह जरूरी है कि पदोन्नति के योग्य बनाने के लिए यह दसवीं पास करने के बाद ऐसे पद पर काम से कम दो वर्ष के लिए काम करे या कि दसवीं पास करने से पहले की गई सेवा की भी अनुभव के लिये गिना जा सकता है ।

अलग से हिदायतें जारी कर मूल हिदायतों में यह तबदीली की गई है कि 2 साल के स्थान पर आइंदा



5 साल के अनुभव की शर्त लागू होगी। इस बारे में यह भी स्पष्ट किया जाता है कि यदि वह 5 वर्ष की सेवा का अनुभव दसवीं पास करने के पहले का हो तो भी पदोन्नति दी जा सकती है।

4. यह प्रश्न उठाया गया है कि क्या सेवा नियमों में संशोधन करने से पूर्व श्रेणी-4 के कर्मचारियों को लिपिक के पद पर पदोन्नत किया जा सकता है या नहीं।

इस बारे में हरियाणा सरकार के उपरोक्त वर्णित पत्र दिनांक 30 मार्च, 1973 के पैरा-2 में हिदायतें जारी की जा चुकी हैं कि लिपिकों के पद पर श्रेणी-4 या श्रेणी-3 के कर्मचारियों की पदोन्नति के बारे में विभाग अपने सेवा नियमों में उपबन्ध कर लें यदि पहले ऐसा न किया गया हो। जहां विभागों के सेवा नियमों में पहले ऐसा कोई उपबन्ध नहीं है जो कि एंसे श्रेणी-3 या श्रेणी-4 के कर्मचारियों की लिपिक के पद पर पदोन्नति के विरुद्ध है तो इन हिदायतों के अनुसार एंसे कर्मचारियों की सेवा नियमों में संशोधन करने से पहले ही पदोन्नत किया जा सकता है। जहां सेवा नियमों में एंसी कोई व्यवस्था है जैसे कि क्लर्क के पद केवल सीधी भर्ती से ही भरे जा सकते हैं या उन पर केवल रैस्टोरर ही पदोन्नत किये जा सकते हैं आदि वह कार्यवाही करने से पहले सेवा नियमों में संशोधन किया जाना होगा।

5. यह प्रश्न उठाया गया है कि क्या संदर्भित 30 मार्च, 1973 की हिदायतों का फायदा उन कर्मचारियों को भी दिया जा सकता है जिन्होंने सेवा में आने से पहले ही मैट्रिक पास कर लिया हो।

इस संबंध में विचार किया गया है। यद्यपि 30-3-73 की हिदायतों में योग्यतायें improve करने वाली बात का जिक्र किया गया है परन्तु एंसे कर्मचारियों, जो सेवा में आने से पहले ही मैट्रिक पास कर चुके थे, के साथ discrimination बचाने के लिये यह फैसला किया गया है कि इन हिदायतों का फायदा उन कर्मचारियों को भी दिया जायें जो सेवामें आने से पहले ही मैट्रिक पास कर चुके हैं।

भवदीय,

हस्ता 0

उप सचिव, राजनैतिक एवं सेवायें,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है:—

वित्तियुक्त राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव।

क्रमांक 2407-5 जी0एस0-1-75/16971

प्रपक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा सभी उपमण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।  
दिनांक चण्डीगढ़, 25 जून, 1975 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे ।

महोदय, मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 1507-5 जी0 एस0-1-73/8724, दिनांक 30 मार्च, 1973 क्रमांक 3049-5 जी0एस0-1-73/14393, दिनांक 5 जून, 1973 तथा क्रमांक 3077-5 जी0एस0-1-74/13841, दिनांक 13 जून, 1974 द्वारा जारी की गई हिदायतों को ओर दिलाऊँ जिन में यह बताया गया था कि चतुर्थ श्रेणी के कर्मचारियों तथा तीसरी श्रेणी के उन कर्मचारियों को जिन के पद का बेतनमान लिपिक के पद के बेतनमान से कम है जो मैट्रिक पास हों, और उसका काम तथा आचरण संतोषजनक हो, उन्हें उत्साह देने के लिए लिपिक के पद पर पदोन्नत किया जाए, यदि उन्होंने ऐसे किसी पद पर कम से कम 5 वर्ष (13-6-74 से पहले 2 वर्ष) तक कार्य किया हो ।

2. हरियाणा सरकार के परिपत्र दिनांक 30-3-73 में बताई गई शर्त के अनुसार विभागों को ऐसे कर्मचारियों को लिपिकों के पद पर पदोन्नति पहले 6 मास के लिए तदर्थ आधार पर करनी होती है । यदि इस समय में कर्मचारी का काम संतोषजनक हो, तो उसकी नियमित नियुक्ति का अनुमोदन अधीन सेवाएं प्रवरण मण्डल, हरियाणा से प्राप्त करता होता है । अधीन सेवाएं प्रवरण मण्डल, हरियाणा ने यह सरकार के ध्यान में लाया है कि विभाग जब मण्डल की ऐसे कर्मचारियों को लिपिकों के पदों पर नियमित नियुक्ति के प्रस्ताव अनुमोदनार्थ भेजते हैं तो उनमें कई प्रकार की त्रुटियाँ पाई जाती हैं ॥ कई प्रस्ताव अधूरे होते हैं जिसमें मण्डल को अनुमोदन प्रदान करना कठिन होता है । ऐसे प्रस्तावों में समानता रखने के लिए सरकार ने विचार करके यह निर्णय किया है कि विभाग जब ऐसे कर्मचारियों की लिपिकों के पदों पर नियमित पदोन्नति के प्रस्ताव मण्डल को भेजते हैं तो उस प्रस्ताव में मण्डल को निम्नलिखित सूचना भी अवश्य भेजी जाए :—

- (1) विशेष नियम या नियमों जिनके अन्तर्गत पदोन्नति की जाती है ।
- (2) क्या संबंधित नियमों में सीधी भर्ती तथा पदोन्नति के अनुपात की व्यवस्था को ध्यान में रखा गया है ।
- (3) पदोन्नति के लिए जो शैक्षणिक योग्यताएं तथा अनुभव की न्यूनतम अवधि रखी गई है, उनको या तो सेवा नियमों में व्यवस्था हो, या वह मण्डल द्वारा अनुमोदित हो ।
- (4)(क) पदोन्नति के लिए विचारार्थ कर्मचारियों के नाम  
(ख) वरिष्ठता, सूची में उनका स्थान  
(ग) क्या वे उक्त पैरा (3) में दिए गए शैक्षणिक योग्यताओं, अनुभव तथा सेवा नियमों की दूसरी बातों को पूरा करते हैं ।
- (5) क्या उक्त पैरा (4) के प्रस्ताव में कोई सुपर सैशन (supersession) इन बालबड (involved) तो नहीं है । यदि है तो ऐसे कर्मचारियों के नाम वरिष्ठता सूची में उनका स्थान तथा सुपर सैशन के ठोस कारण बताए जाएं ।
- (6) कर्मचारियों के upto date character rolls ।

3. कृपया सुनिश्चित करें कि आप के अधीन कार्य करने वाले सभी कर्मचारियों द्वारा उपरोक्त हिदायतों का दृढ़ता से पालन किया जाए ।

भवदीय,

हस्ता 0

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है :—

वित्तायुक्त, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

क्रमांक 5462-5 जी0एस0-1-75/28285

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. हरियाणा राज्य के सभी विभागाध्यक्ष, भ्रम्बाला तथा हिसार मण्डलों के आयुक्त, सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 17 सितम्बर, 1975 ।

विषय :—चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपर्युक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 1507-5 जी0 एस0-1-73/8724 दिनांक 30 मार्च, 1973; क्रमांक 3049-5 जी0एस0-1-73/14393, दिनांक 5 जून, 1973 तथा क्रमांक 3077-5 जी0एस0-1-74/13811 दिनांक 13 जून, 1974 में जारी की गई हिदायतों की ओर आकर्षित करूँ तथा यह बताऊँ कि हरियाणा सरकार ने इस प्रश्न पर विचार किया है कि क्या किसी एं से चतुर्थ/तृतीय श्रेणी (जिनका वेतनमान लिपिक के वेतनमान से कम है) के कर्मचारियों को जो कि मैट्रिक तक हिन्दी भाषा का ज्ञान न रखते हों, उपरोक्त हिदायतों के अनुसार लिपिक के पद पर पदोन्नत किया जा सकता है अथवा नहीं? सरकार ने इस बारे में पूर्ण रूप से विचार करके यह निर्णय किया है कि चतुर्थ/तृतीय श्रेणी (जिनका वेतनमान लिपिक के वेतनमान से कम है) के कर्मचारियों जो कि मैट्रिक तक हिन्दी भाषा का ज्ञान न रखते हों, को सरकार की उपरोक्त हिदायतों के अनुसार यदि वह दूसरी सभी निर्धारित शर्तें पूरी करते हों, उन्हें लिपिक के पद पर पदोन्नत किया जाए ।

कृपया हरियाणा सरकार के उक्त निर्णय को अपने अधीन कार्य करने वाले सभी संबंधित कर्मचारियों के ध्यान में लाया जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनाार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है:—

वित्तायुक्त, हरियाणा सरकार तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

क्रमांक 774-5 जी०एस०-1-77/10594

प्रेषक,

सेवा में,

मुख्य सचिव, हरियाणा सरकार ।

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डलों के आयुक्त,  
[सभी उपायुक्त तथा उप मण्डल अधिकारी (सिविल), हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ तथा  
सभी जिला तथा सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़, 20 अप्रैल, 1977 ।

विषय : चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे ।

महोदय,

मुझे निदेश हुआ है कि मैं आप का ध्यान उपर्युक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 1507-5 जी०एस०-1-73/8724, दिनांक 30 मार्च, 1973, क्रमांक 3049-5 जी०एस०-1-73/14393, दिनांक 5 जून, 1973 तथा क्रमांक 3077-5 जी०एस०-1-74/13841, दिनांक 13 जून, 1974 से जारी की गई हिदायतों की ओर आकर्षित करूँ और यह सूचित करूँ कि अधीन सेवाएं प्रवर्ण मण्डल, हरियाणा ने सरकार के ध्यान में लाया है कि बहुत से विभागों ने सरकार की उपरोक्त हिदायतों अनुसार तृतीय/चतुर्थ श्रेणी के कर्मचारियों को लिपिक के पदों पर पदोन्नत करने हेतु अपने विभागीय सेवा नियमों में अभी तक आवश्यक संशोधन नहीं किए हैं तथा इस के विपरीत अपने तृतीय/चतुर्थ श्रेणी के कर्मचारियों के लिपिक के पदों पर पदोन्नति के आदेश जारी कर रहे हैं । इस बारे में हरियाणा सरकार के परिपत्र क्रमांक 1259-5 जी०एस०-11-74/13840 दिनांक 13 जून, 1974 के पैरा 4 में भी स्थिति स्पष्ट की गई थी । सरकार ने पुनः ध्यानपूर्वक विचार किया है कि और यह पाया गया है कि उपरोक्त हिदायतों अनुसार विभागीय सेवा नियमों में आवश्यक संशोधन किए बिना किसी तृतीय/चतुर्थ श्रेणी के कर्मचारी को लिपिक के पद पर पदोन्नत करना ठीक नहीं है । इस लिये आप से अनुरोध किया जाता है कि सरकार के उपरोक्त हिदायतों अनुसार तृतीय/चतुर्थ श्रेणी के कर्मचारियों की लिपिक के पद पर पदोन्नति करने वाले अपने विभागीय सेवा नियमों में आवश्यक संशोधन गीघ्राअतिशीघ्र कर लिया जाए तथा ऐसा करने से पूर्व किसी तृतीय/चतुर्थ श्रेणी के कर्मचारी को लिपिक के पद पर पदोन्नति न किया जाए ।

2. यह हिदायतें सभी संबंधित व्यक्तियों के ध्यान में जा दी जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :—

वित्तायुक्त, हरियाणा सरकार तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

क्रमांक 34/23/81-6 जी0एस0-1  
 प्रेषक,  
 सेवा में,  
 मुख्य सचिव, हरियाणा सरकार ।

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा उप मण्डल अधिकारी (नागरिक), हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक चण्डीगढ़, 21 मई, 1981 ।

विषय :—चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियामन रूप से नियुक्त करने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के हाशिये में अंकित परिपत्रों में निहित अनुदेशों की ओर दिलाऊँ जिन द्वारा श्रेणी 4 तथा श्रेणी 3 के ऐसे पदों पर नियुक्त कर्मचारियों (जिन का वेतनमान लिपिकों के वेतनमान से कम है जैसा कि रैस्टोरर तथा गैस्टेटनर अप्रेंटि आदि) को लिपिकों के पदों पर पदोन्नति बाये नीति निर्धारित की हुई है ।

2. जिस समय परिपत्र क्रमांक 3049-5जी0 एस0-1-73/14393, दिनांक 5-6-73 जारी किया गया था उस समय रैस्टोरर तथा गैस्टेटनर अप्रेंटि आदि जो श्रेणी 3 के पद हैं का वेतनमान (100-160) लिपिक के पद के वेतनमान (110-225) से कम था परन्तु 1-4-79 से ऐसे श्रेणी 3 के पदों का वेतनमान संशोधित हो कर लिपिक के पद के टाईम स्केल (400-660) के सामान हो गया है । इस कारण वर्तमान नीति के अनुसार रैस्टोरर, गैस्टेटनर अप्रेंटि आदि श्रेणी -3 के कर्मचारियों के लिपिकों के पदों पर पदोन्नति के अवसर समाप्त हो गए हैं । इनको बनाये रखने के लिये सरकार ने उपर्युक्त परिपत्र दिनांक 5-6-73 में निहित अनुदेशों में दिनांक 1-4-79 संशोधन करने का निर्णय लिया है कि यह अनुदेश श्रेणी-III के पदों पर नियुक्त उन कर्मचारियों के मामलों में भी लागू होंगे जिनका टाईम स्केल चाहे लिपिक के पद के

हाशिया

1. क्रमांक 1507-5जी: एस: I-73/87 24, दिनांक 30-3-1973 ।
2. क्रमांक 3049-5 जी: एस: I-73/14393, दिनांक 5-6-73 ।
3. क्रमांक 3077-5 जी: एस: -I-74/13841, दिनांक 13-6-74 ।

टाईम स्केल के बराबर ही क्यों न हो परन्तु उनके कर्त्तव्य और जिम्मेदारियाँ लिपिक के पद के कर्त्तव्य और जिम्मेदारियों से कम हों ।

आपसे अनुरोध है कि कृपया इन अनुदेशों के अनुसार कार्यवाही की जाए और विभागीय सेवा नियमों में बांछित संशोधन 1-4-79 से कर लिया जाए ।

4. कृपया इस पत्र की पावती भेजें ।

भवदीय,

हस्ता/-

अवर सचिव, सामान्य प्रशासन,  
 कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है :-  
 विस्तार्युक्त राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव, ।

क्रमांक 34/106/81-1 जी: एस: I

प्रांक :

मुख्य सचिव, हरियाणा सरकार ।

सा में,

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, सभी उपायुक्त सभी उपमण्डल अधिकारी हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक, चण्डीगढ़, 10-12-1981

विषय:- चतुर्थ श्रेणी के कर्मचारियों को लिपिकों के पदों पर नियमित रूप से नियुक्त करने के बारे में ।

श्रीदश,

मुझे यह कहने का निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 1259-5 जी: एस: I/74-13840, दिनांक, 13 जून, 1974 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ, जिसमें अन्य बातों के अतिरिक्त यह भी कहा गया था कि यदि विभागीय सेवा नियमों में लिपिकों के प्रमोशन द्वारा भरे जाने वाले पदों की प्रतिशतता 20 प्रतिशत से ज्यादा नहीं है, तो इसे 20 प्रतिशत तक ही सीमित रखा जाये ।

2. इस निमित्त यह स्पष्ट किया जाता है कि तृतीय तथा चतुर्थ श्रेणी के कर्मचारियों द्वारा लिपिकों के पदों पर पदोन्नति का लाभ निर्धारित प्रतिशतता के अनुसार पदों तथा रिक्तियों दोनों में दिया जाता है, जिसे बँडर में स्वीकृत पदों की निर्धारित प्रतिशतता तक सीमित रखा जाये । ऐसा सुनिश्चित करने के लिये यह आवश्यक होगा कि लिपिकों की 20 प्रतिशत या जो प्रतिशतता निर्धारित की गई है, के अनुसार जो पद रिक्तियाँ तृतीय तथा चतुर्थ श्रेणी के कर्मचारियों से भरी जायें, इसके लिये संबंधित नियुक्ति प्राधिकारी द्वारा एक रोस्टर बना लेना चाहिये और उसके अनुसार पात्र तथा उपायुक्त कर्मचारियों को लिपिकों के पदों पर पदोन्नत किया जाये । यदि इन श्रेणियों के पात्र और उपयुक्त कर्मचारी उपलब्ध न हों तो उनके लिये उपलब्ध/रिक्तियों को "रिरी फारवर्ड" करने की आवश्यकता नहीं है, बल्कि उन्हें नियमानुसार अन्य साधनों से भर लिया जाये ।

3 कृपया ये हिदायतें सभी संबंधित अधिकारियों/कर्मचारियों के ध्यान में ला दी जायें ।

भवदीय,

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

विल्लायुक्त हरियाणा सरकार तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

क्रमांक 5/9/83-1 जी० एस० I

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी, हरियाणा, चण्डीगढ़।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश हरियाणा।

दिनांक 19-5-83

विषय :- चतुर्थ श्रेणी के कर्मचारियों को लिपिक के पदों पर पदोन्नत करने बारे की गई हिदायतों की पालना बारे।

महोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आप का ध्यान हरियाणा सरकार द्वारा हाशियों में अंकित हिदायतों की ओर दिलाऊँ और यह कहूँ कि सरकार के ध्यान में यह लाया गया है कि कई विभाग इन हिदायतों की पालना नहीं कर रहे। सरकार द्वारा जारी की गई हिदायतों की पालना न करना एक गम्भीर बात है। आप से अतः अनुरोध है कि इन हिदायतों की दृढ़ता से पालना की जाए।

भवदीय,

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार

हाशिया :

1. क्रमांक 1507-5 जी० एस०-I-73/8724, दिनांक, 30-3-73।
2. क्रमांक 3049-जी० एस-I-73/14393, दिनांक 5-6-73।
3. क्रमांक 3077-5 जी एस० -I-74/13841, दिनांक 13-6-74।
4. क्रमांक 1259-5 जी० एस०-I-74/13840, दिनांक 13-6-74।
5. क्रमांक 774-5 जी० एस-I-77/10594, दिनांक 20-4-77।
6. क्रमांक 34-23/81-6 जी० एस० -I, दिनांक 21-5-83।
7. क्रमांक 34/106/81-I जी० एस०-I दिनांक, 10-12-81।





# PART XVIII



Copy of P. G. Letter No. 6888-G-55/16642, dated the 15th June, 1955, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.

*Subject* :—The Punjab Departmental Enquiries (Powers) Act, 1955.

I am directed to forward a copy of the Act cited as subject for information and guidance and to say that one of the important causes of delay in the conduct of departmental enquiries against Government servants was the difficulty in securing the attendance of witnesses. The Enquiry Officer had no authority under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, to compel the attendance of any witness and it frequently happened that witnesses were unwilling to appear in departmental proceedings. This Act empowers the enquiring officer or authority to compel the attendance of witnesses and the production of documents in departmental proceedings on the lines of Section 8 of the Public Servants (Inquiries) Act, 1850.

## THE PUNJAB DEPARTMENTAL, ENQUIRIES (POWERS) ACT, 1955

AN

ACT

*to confer certain powers on the officers conducting enquiries under the Punjab Civil Services (Punishment and Appeal) Rules*

Be it enacted by the Legislature of the State of Punjab in the sixth year of the Republic of India as follows :—

*Short title, extent and commencement.*

1. (1) This Act may be called the Punjab Departmental Enquiries (Powers) Act, 1955.
- (2) It shall extend to the whole of the State of Punjab.
- (3) It shall come into force at once.

*Summoning of witnesses and production of documents.*

2. For the purposes of an enquiry under the Punjab Civil Services (Punishment and Appeal) Rules, for the time being in force, the officer conducting such an enquiry shall be competent to exercise the same powers for the summoning of witnesses and for compelling the production of documents as are exercisable by a commission appointed for an enquiry under the Public Servants (Inquiries) Act, 1850 (Act XXXVII of 1850), and all persons disobeying any process issued by such officer in this behalf shall be liable to the same penalties as if the same had issued from a court.

Copy of Punjab Government Circular Letter No. 2053-ACD-55/753, dated 22nd August, 1955 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc., etc.

**Subject :—Fixation of the quantum of punishment in cases relating to false drawal of Travelling Allowance.**

It has been noticed that different punishments are awarded to different officers for similar offences relating to preparation and submission of wrong Travelling Allowance Bills which arise in various departments of Government on the strength of the recommendations made by their respective Departments. Thus while some Government servants are let off with a warning or with the recovery of the amount charged in excess, others are punished by stoppage of increments for a certain period and some are even removed or dismissed. In the circumstances, the question of evolving some uniform policy regarding the nature and quantum of punishment in these cases has been under the consideration of Government for some time past.

2. It is the settled policy of Government that in all proved cases of corruption, no punishment short of dismissal, should be awarded,—*vide* Punjab Government letter No. 122-ACC-48/38539, dated the 19th July, 1948. Government are, therefore, of the view that in the following category of cases relating to false drawal of travelling allowance, the normal punishment should be dismissal.

- (i) Charging travelling allowance for a journey not actually performed.
- (ii) Charging by a higher class to which one is entitled according to status for a journey performed in a lower class.
- (iii) Charging travelling allowance on transfer by submitting false certificates and bogus receipts in respect of transportation of luggage.
- (iv) Charging travelling allowance for the carriage of Camp equipment when actually it is not carried.

I am to request that these orders should be brought to the notice of all concerned for strict compliance.

3. There is another class of cases relating to false drawal of travelling allowance, viz. charging conveyance or permanent travelling allowance without maintaining a conveyance as prescribed under the rules. Government have considered this matter also. They are of the view that the question whether horses can be dispensed with altogether should be examined by the departments concerned. Where this can be done, the keeping of a horse and the horse allowance should both be dispensed with. Where, however, it is considered that the keeping of a horse is essential for the proper performance of duties, the horse allowance should be made adequate. Government would like to know, in due course, the action taken in the matter.

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Copy of Punjab Government Circular Letter No. 4819-G-II-57/11919, dated 8th July, 1957 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments etc., etc.

*Subject* :—Dismissal of Government servants on conviction.

I am directed to address you on the subject noted above and to say that an instance has come to the notice of the State Government in which a Government servant who had been convicted by a court on a charge involving moral turpitude was dismissed from service nearly a year after the date of his conviction. Consequently Government had to pay him subsistence allowance for the whole of the intervening period. The instructions already issued in Punjab Government letters No. 1048-ACC-51/940, dated the 6th August, 1951 and No. 8789-51/1/8129, dated the 6th November, 1951 on the subject are clear enough. If these had been carefully followed, this unnecessary expenditure would have been avoided. For the sake of clarification, I am to issue detailed instructions on the subject.

2. Rule 7.6 of the Punjab Civil Services Rules, Volume I, Part I, requires that a Government servant against whom a criminal charge is pending should be placed under suspension, if (i) the charge is connected with his position as a Government servant or (ii) is likely to prove embarrassing in the discharge of his duties as such, or (iii) involves moral turpitude. The implication of this rule is that if the criminal charge does not fall under any of these three categories, it will not be necessary to suspend the Government servant. It follows that on conviction in the case of such a charge, it will also not be necessary that the Government servant should be dismissed or removed from service. Thus rule 7.6 of the Punjab Civil Services Rules, Volume I, Part I had the effect of dividing cases in which Government servants have been convicted of criminal charges into two classes :—

- (i) Cases in which dismissal or removal from service should follow automatically :
- (ii) cases in which it need not so follow.

3. In cases falling under class (i) under proviso (b) to sub rule (2) of Rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, read with rule 7.6 of the Punjab Civil Services Rules, Volume I, Part I, the convicted Government servants should be dismissed or removed from service immediately on receipt of intimation of conviction without waiting for appeal or revision. It will not be necessary in such cases to follow the procedure laid down in Rule 7(1) of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, regarding the holding of departmental enquiries. All that the Administrative Department need examine is whether the order passed should be one of dismissal or removal. If, however, on appeal or revision, the conviction of the Government servant, is set aside, he should be immediately reinstated. In case it is decided to subject him to departmental proceedings after his acquittal or discharge by the appellate court, such action could as well be taken after reinstating him. The mere fact that an appeal has been filed by the Government servant against his conviction should not deter the punishing authority from inflicting a suitable punishment him as provided in proviso (b) to sub-rule (2) of Rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952.

In cases falling under class (ii) action should be taken on the merits of each case. In some cases, it may not be necessary to take any departmental action at all.

4. Under Rules 1 to 3 of Chapter VI-A of the High Court Rules and Orders, a Magistrate taking cognizance of an alleged offence against a Government servant is bound to report without delay to the District Magistrate about the commencement of such proceedings together with brief details of the case. On receipt of such a report the District Magistrate is required to forward a copy thereof to the local Head of the Department to which the accused officer belongs. A further report is required to be sent in the same way on the termination of the proceedings stating whether they have terminated in conviction, discharge or acquittal. In cases of conviction a copy of the judgement must also be forwarded to the Head of the Department concerned. Further, in Punjab Government letter No. 8589-G-51/1/8/189, dated the 6th November, 1951, instructions were issued to all Heads of Departments etc. that the prosecuting officers conducting cases against Government officers in courts should be directed to ensure that prompt intimation was sent to the Administrative authorities concerned wherever orders convicting any Government servant of a criminal offence were passed in cases handled by them. It seems that these instructions are not being carefully observed by courts prosecuting officers and District Magistrate and I am to request that the Head of Departments concerned to ensure their compliance for the future. Prompt intimation of conviction to the authority empowered to dismiss the Government servant is an obvious and essential pre-requisite to the prompt dismissal or removal of that Government servant.

5. I am directed to emphasize that the instructions contained in this letter should be strictly followed in future. They supersede all previous instructions issued on the subject.

Copy of Punjab Government Circular Letter No. 6613-GI-58/20259, dated the 7th July, 1958 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments etc., etc.

*Subject* :—Treatment of cases of Government servants not fully exonerated in departmental enquiries.

Sir,

I am directed to say that three types of situations arise when a Government servant is charge-sheeted and subjected to a departmental enquiry, whether under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, or under any other rules applicable to the Government servant concerned.

- (i) *Either* the charge is fully proved;
- (ii) *Or* the Government servant is fully exonerated;
- (iii) *Or*, as most frequently happens, the case falls in the area between (i) and (ii).

Cases coming under category (iii) may be described as 'doubtful cases.'

2. No difficulty is experienced in respect of cases of category (i), in case there is an element of corruption or dishonesty in the charge, instructions already exist that the only right penalty in such cases is dismissal. Punjab Government letter No. 122-ACC-48/38539, dated the 19th July, 1948 may be referred to in this connection.

3. Similarly, cases of category (ii) also present no difficulty. If the Government servant was under suspension prior to the date on which the competent authority holds him to have been fully exonerated, he is immediately reinstated and under sub-rule (2) of rule 7.3 of the Punjab Civil Services Rules, Volume I, Part I, he is entitled to full pay and allowances for the period of suspension. Further under sub-rule (4) of the same rule, he is entitled to have the period of his absence from duty treated as duty for all purposes.

4. Cases falling under category (iii) present certain difficulties and it is the object of this letter to clarify the policy of Government about how such cases should be treated. Difficulties arise in 'doubtful cases' for the following reasons :—

- (a) It is not always clear from the Inquiry Officer's report that the case is a doubtful one, and the tendency is for punishing authorities to treat all unproved cases as cases of exoneration, unless there is specific finding from the Inquiry Officer, in so many words, that the case is a doubtful one.
- (b) Where a case does get identified as doubtful whether at the level of the Inquiry Officer or at the level of the punishing authority, no attempt is made to classify the degree of doubt with the result that when any action is taken, it tends to be somewhat unjust in that no distinction is made between cases in which there is a high degree of doubt and cases in which this is not so.
- (c) Generally, no action is taken in doubtful cases because of a mistaken impression that on the analogy of criminal cases, where acquittal is the only alternative to conviction, exoneration and consequent reinstatement (if necessary) are the only alternatives to a finding of guilty in departmental enquiries.
- (d) Where this impression is not present, the question as to what action should be taken in doubtful cases not having been covered by any specific instructions of Government, the action actually taken has tended to vary according to how strongly the particular punishing authority feels about inflicting penalties in doubtful cases.

5. Regarding (a) and (b), I am to emphasize that it is the duty of every punishing authority to satisfy himself on the following issues while considering the report of an Inquiry Officer :—

- (i) Whether the charge has been proved;
- (ii) If not, whether there is case for fully exonerating the Government servant concerned;
- (iii) If not, what is the degree of doubt.

The effort should be to arrive at definite conclusions on these issues. Some difficulty may be

experienced about issue No. (iii), as there can obviously not be a mathematical valuation of the degree of doubt in any particular case. However, Government are satisfied that, applying broad principles of judgment: some reasonable assessment can be made. On one extreme, there would be causes in which the hypothesis of guilt is only a possible one. On the other extreme there may be cases in which it can be said that the hypothesis of guilt is a highly probable one or that the conduct of the charge-sheeted officer is highly suspicious.

6. Rule 7(2) of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, requires Inquiry Officers to include in the proceedings a statement of their findings and the grounds thereof. Similar provisions exist in other rules applicable to special categories of Government servants who are not governed by the Punjab Civil Services Rules. For the future Government desire that, in order to assist punishing authorities in arriving at definite conclusions on the issues mentioned in para 5, Inquiry Officers should in respect of each charge, express their findings and the grounds thereof clearly on the lines indicated in the preceding paragraph.

7. Regarding (c) in para 4, I am to clarify that the analogy of criminal cases is not applicable to departmental enquiries. The structure of the criminal law rests on the right of every citizen to enjoy individual liberty, and it follows from this that, is the event of a case not being proved, the accused must be immediately set at liberty. The principle on which the concept of departmental enquiries rests is not this. It is simply the right of the public to have reliable reasons in public service. In departmental cases, therefore, it is necessary for the punishing authority to ensure justice not only to the charge-sheeted Government servant but also to the public, who have a right to see that no officer continues in service in respect of whose reliability there is serious doubt. It follows from this that all doubtful cases in which the degree of doubt is substantial should result in some penalty being inflicted on the Government servant concerned. The assumption that has prevailed that the only option with Government or other punishing authorities in all doubtful cases is to reinstate the officer being proceeded against is incorrect, and the principle that the "benefit of doubt" must always go to the charge-sheeted Government servant does not hold good in the same manner in departmental enquiries as it does in criminal trials. Government desire that, in future, there should be no misunderstanding on this point.

8. Regarding (d) in para 4, Government wish to lay down certain broad principles indicating the action that should be taken in 'doubtful cases'. In this connection, I am first to invite your attention to the provisions of sub-rules (3) and (5) of Rule 7.3 of the Punjab Civil Services Rules, Volume I, Part I, according to which, when a suspended Government servant is reinstated following a departmental enquiry, in which he has not been fully exonerated, he is to be given such proportion of his pay and allowances for the period of suspension as the competent authority may prescribe. His period of absence from duty is not to be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purposes. I am to point out that these provisions only deal with such doubtful cases as merit reinstatement, and there too, they deal only with the question of pay and allowances during the suspension period and the nature of the service rendered during the same period. It must not be assumed from this rule that in doubtful cases, reinstatement is invariably to be ordered, or that where reinstatement is justified on merit, no action other than the one contemplated in sub-rules (3) and (5) can be taken. Government are of the view that, where the punishing authority is satisfied after going through the papers of the departmental enquiry, that the hypothesis of guilt is a probable one or that the conduct of the charge-sheeted officer is definitely suspicious some penalty short of dismissal should be inflicted. Its severity will depend on the facts of each case. In the worst cases, where dishonesty or corruption is involved, and the finding is one of the hypothesis of guilt being a highly probable one or the most probable one, or that the conduct of the charge-sheeted officer is highly suspicious, the penalty should be as severe as possible. No Government servant who has a bad reputation and abundant suspicion against him has any right to be kept in service and in such cases, therefore, the possibility of ordering removal should also be considered. In other cases, less severe penalties should be considered, taking all the circumstances of each case into account. When penalties other than removal are inflicted, the Government servant concerned would be reinstated (if under suspension) and the penalty to be imposed would be over and above the action to be taken in pursuance of sub-rules (3) and (5) of rule 7.3 *ibid*.

9. I am to add that, although the policy explained in this letter is a departure from the present practice in some departments, Government are advised that it is entirely within the law and in accordance with the principles governing questions of punishment and discipline amongst Government servants. I am to request that the instructions now being conveyed should be strictly followed by all concerned,

**Copy of Punjab Government Circular Letter No. 5222-GIII-59/15305, dated the 17th September, 1959, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc., etc.**

**Subject :—Reimbursement to Government servants of the cost of investigation into their conduct.**

I am directed to say that Government have reviewed the procedure detailed in—

- (1) Mr. Emerson's letter No. 5881(H-Gaz.), dated February, 1928;
- (2) Punjab Government letter No. 1202-G-56/21150, dated the 20th/22nd March, 1956; and
- (3) Punjab Government letter No. 4319-GI-58/16255, dated the 30th May, 1958,

regarding reimbursement to Government servants of the cost of investigation when their conduct has been the subject of inquiry either by an authority appointed under the Public Servants (Inquiries) Act (XXXVII of 1850) or by a departmental agency (including that of the Vigilance Department) under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, and the Departmental Enquiries (Powers) Act, 1955.

2. Government consider that in this matter of reimbursement there should be no discrimination between Government servants whose conduct is the subject of investigation under the Public Servants (Inquiries) Act, 1850, and those whose conduct is being investigated under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, and the Department Enquiries (Powers) Act, 1955.

According to the existing instructions the cost of defence witnesses is to be met by the Government in the case of investigation only under the Public Servants (Inquiries) Act, 1850, whether the officer or official under suspicion succeeds in clearing himself or not, provided that the charges of those witnesses only are to be paid whom the commission declares to be necessary witnesses. But in the case of enquiries under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, Government have the discretion of granting or withholding sanction to these charges. In this connection, it is observed that when an Inquiry Officer is appointed, his duties are, as an agent of Government to assist them in arriving at the truth regarding various allegations. The rules do not necessarily require an Inquiry Officer to be appointed. It is only a convenience and has to be resorted to in complicated cases. Moreover, the Inquiry Officer has discretion to refuse the summoning of a particular defence witness though he has to record his reasons for doing so. In other words, the control rests with him and he can exercise it to prevent wasteful evidence. In these circumstances, it seems only fair that Government should bear the cost of defence witnesses in the case of investigation under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, also.

Keeping these factors in view Government hereby prescribe the following procedure in the matter :

(1) Expenses of defence witnesses whether in connection with investigation by an authority under the Public Servants (Inquiries) Act, 1850 or an inquiry under the Punjab Civil Services (Punishment and Appeal) Rules, 1952. The expenses of defence witnesses should be met by Government in accordance with the prescribed scales as explained in clauses (a) and (b) of sub-paragraph 3 below whether the Government servant under suspicion succeeds in clearing himself or not, provided that the charges of those witnesses only should be paid whom the Commission or the Inquiry Officer declares to be necessary witnesses. Further the witnesses should be directly paid by the Commission/Enquiry Officer.

(2) Request for reimbursement of the fees of the counsel whether in the matter of investigation by an authority under the Public Servants (Inquiries) Act, 1850, or in the matter of an inquiry under the Punjab Civil Services (Punishment and Appeal) Rules, 1952. When the officer or official is allowed to be represented by a counsel, reimbursement of the fees of the counsel should be allowed in cases where the officer or official under suspicion is successful in clearing himself. In other cases the request for the reimbursement of the fees of the counsel should be considered on its merits. Reimbursement of fees of the counsel should be done at the rates laid down in chapter II of the Punjab Law Department Manual for payment of fees to counsel in criminal cases.

(3) (a) Payment of expenses to non-official witnesses, summoned for the prosecution or Defence should be made according to the rates specified in Chapter 5-C of Volume I of the High Court Rules and Orders in respect of witnesses attending Civil Courts.

(b) Government servants summoned as witnesses should be given the usual certificates of attendance to enable them to draw their normal Travelling Allowance and the Daily Allowance to which they are entitled in accordance with the provisions of the Punjab Civil Services Rules, Volume III, Travelling Allowance Rules.

(c) The expenditure on non-official witnesses should be debited to the same head of account to which the pay of the officer/official concerned is debitable when an enquiry is proceeding against him.

(d) Payment to non-official witnesses should be made out of the contingent grants of the offices/departments concerned.

3. The three letters quoted in the first paragraph of this communication are hereby cancelled.



**Copy of Circular letter No. 12277-V(1)-59/13470, dated the 10th December, 1959, from the Secretary to Government, Punjab, Vigilance Department, addressed to all Heads of Departments, Registrar, Punjab High Court, etc.**

**Subject :—Departmental enquiries—time-limit.**

I am directed to say, that the question of prescribing some time-limit to complete processes of investigation and enquiry in departmental proceedings came up for discussion in the Conference of Commissioners and Deputy Commissioners etc. held at Simla in September, 1959.

2. Government feels that officials are often harassed by the length of time taken to complete the processes of investigation and enquiry even in cases, which do not eventually result in a charge-sheet, often the official concerned is subjected to anxiety by the knowledge that an investigation is proceeding against him. Government accordingly realise that there should be a very strict limit to the time an official is subjected to such process.

3. In this background, keeping in view practical considerations, as far as possible, Government have taken the following decisions:—

- (1) The whole process of investigation and enquiry should be completed within six months (excluding period of reference to the Public Service Commission and period where proceedings are stopped owing to a reference to a court of law).
- (2) An extension of the period by another three months may be obtained under the orders of the Minister-in-charge.
- (3) If extension beyond nine months (i.e. period (i) and (ii) above, is needed, full facts and justification must be placed before the Cabinet and their approval taken.
- (4) I am to request that these instructions may be kept in view by all concerned for strict observance.
- (5) This supersedes all the previous instructions on the subject.

**Copy of Circular letter No. 3591-GS-61/14511, dated the 24th April, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject :—Departmental action in cases referable to Law Courts.**

I am directed to inform you that instances have come to the notice of Government where Government servants, held guilty in departmental proceedings, succeed in Courts of Law on technical grounds and thus escape punishment of dismissal, etc., and consequently are also given full pay and allowances due to them under the orders of the Courts. Government feel that this is mainly due to the fact that these cases are dealt with in the Departments concerned by officials who were not fully acquainted with rules and procedure on the subject. Such cases not only bring a bad name to Government but also enable the guilty persons to escape proper punishment. With a view to avoid recurrence of such cases in future, Government have decided that whenever a new official comes into a Department and occupies a position where he has to deal with these cases, he should be specifically asked to make himself fully acquainted with rules and procedures relating to these cases. It has further been decided that the senior officers should occasionally collect officials of the Department and make them aware of the relevant rules. It is hoped that if this system is strictly adhered to, it will save Government from bad name and at the same time make escape for a guilty person on mere technical grounds impossible. These instructions may be brought to the notice of all Government servants working under you for strict compliance.

Copy of Punjab Government Circular No. 5078-GS-61/21489, dated the 20th June, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

*Subject* :—Distinction between 'Warning' and 'Censure'.

I am directed to say that certain doubts and misapprehensions have been raised regarding distinction between 'Warning' and 'Censure' as these have nowhere been defined in clear terms. The position, therefore, has been examined and is explained in the following paragraphs for the guidance of all Departments.

2. The foremost aspect to bear in mind is the fundamental and formal distinction between the two terms. An order of 'Censure' is a *formal* and *public* act intended to convey that the person concerned has been held guilty of some blame-worthy act or omission for which it has been found necessary to award him a formal punishment. Nothing can amount to a 'Censure' unless it is intended to be such a formal punishment and imposed for 'good and sufficient reasons' after following the prescribed procedure. A record of the punishment so imposed is kept on the officer's confidential roll and the fact that he has been 'censured' will have its bearing on the assessment of his merit or suitability for promotion to higher posts.

3. There may be occasions, on the other hand, when a superior officer may find it necessary to criticise adversely the work of an Officer working under him (e.g. point out negligence, carelessness, lack of thoroughness, delays, etc.) or he may call for an explanation for some act or omission and taking all circumstances into consideration, it may be felt that, while the matter is not serious enough to justify the imposition of the formal punishment of 'Censure', it calls for some in-formal action, such as the communication of a written warning, admonition or reprimand. If the circumstances justify it, a mention may also be made of such a warning etc. in the officer's confidential rule. However, the mere fact that it is so mentioned in the character roll does not convert the warning etc. into a 'Censure'. Although such comments, remarks, warning etc. also would have the effect of making it apparent or known to the person concerned that he has done something blame worthy and, to some extent, may also affect the assessment of his merit and suitability for promotion, they do not amount to the imposition of the penalty of 'Censure' because it was not intended that any *formal* punishment should be inflicted.

4. The fact that a mere informal 'warning' cannot be equated to a formal 'censure' should not however, be taken as tantamount to suggesting that a written warning may be freely given without caring whether or not it is really justified. It is a matter of simple natural justice that written warnings, reprimands etc. should not be administered or placed on an officer's confidential record unless the authority doing so is satisfied that there is good and sufficient reason to do so. It may be reiterated here that in the discharge of the responsible task of recording the confidential reports, every reporting officer should be conscious of the fact that it is his duty not only to make an objective assessment of his subordinates' work and qualities but also to see that he gives to his subordinates at all times the advice, guidance and assistance to correct their faults and deficiencies. If this part of the reporting officers' duty has been properly performed there should be no difficulty about recording adverse entries because they would normally refer to the defects which have persisted in spite of the reporting officers' efforts to have been corrected. If after having taken such care the reporting officer finds that for the purpose of a truly objective assessment mention should be made of any warning admonition etc. issued especially those which have not produced the desired improvement, it is his right and duty to so mention them.

5. I am to request that these instructions may be brought to the notice of all Government Servants working under you. The receipt of this letter may please be acknowledged.

Copy of Punjab Government Circular letter No. 7820-6GS-63/21608, dated the 27th June, 1963 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

*Subject* :—Expeditious disposal of cases involving financial liability of Government Delays in taking disciplinary action.

I am directed to invite your attention to the instructions contained in Punjab Government letter No. 5356-G(C)-56/1986, dated the 26th/31st July, 1965 and No. 6757-6GS-60/31334, dated the 27th September, 1960, which inter alia laid down that cases involving financial liability of Government should receive your personal attention for fixing responsibility on the Government servants concerned, taking timely action against all the delinquents and that it should be handled at all levels at the highest possible priority so as to eliminate any chance of loss owing to delayed action against those who are found guilty of negligence of duty in this behalf. The Public Accounts Committee have again pointed out that notwithstanding their repeated observations regarding inordinate delays in undertaking investigations into the irregularities immediately after they come to notice, inordinate delays continue to occur in regard to investigation and fixation of responsibility for various lapses. Such a state of affairs cannot be viewed with equanimity. They have further observed that in the Engineering Departments in particular, investigation and departmental proceedings have been allowed to drag on by which Government might find itself handicapped in taking action against the officials concerned either because they might retire or the relevant records might not be available. The Committee have noticed a general tendency, particularly on the part of Engineering Departments to cover up lapses on the part of the officials/officers and to give evasive or equivocal explanations. Government have taken a very serious view of such state of affairs.

2. All Departments are expected to investigate the irregularities as soon as they come to their notice and to take prompt and suitable action against the delinquent officials so that the decision taken could be fully implemented. With a view to remedy the situation to which the Committee has drawn attention, it has again been considered necessary to impress upon you (especially the Engineering Departments) to ensure speedy investigation of all cases involving financial irregularities committed by Government employees and timely action against all lapses.

3. The receipt of this Communication may kindly be acknowledged.

Copy of letter No. 5213-5GS-63/23036, dated the 8th/16th July, 1963, from the Financial Commissioner, Planning and Additional Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

*Subject* :—Admissibility of pay and allowances to Government employees on reinstatement.

I am directed to say that the provisions contained in sub-rules (2) and (4) of rule 7.3 of Punjab C.S.R., Volume I, Part I lay down inter alia that when a Government employee who was dismissed, removed or suspended from service is reinstated after he has been fully exonerated or, in the case of suspension after it has been held that the suspension was wholly unjustified, the Government employee shall be given full pay and allowances to which he would have been entitled, had he not been dismissed, removed or suspended from service as the case may be, and that the period of absence from duty shall be treated as period spent on duty for all purposes. The question regarding the admissibility of pay and allowances to such reinstated Government employees as secured employment during any period between dismissal, removal, discharge or termination of service and reinstatement, has been under the consideration of the Government, and it has been decided that the pay and allowances admissible to them for the period prior to their reinstatement shall be reduced by the emoluments earned by them during such employment if the pay and allowances exceed such emoluments. If the pay and allowances admissible to them are equal to or less than the emoluments earned by them, no amount shall be paid to them.

2. These instructions will take effect from the date of issue. The receipt of this communication may be acknowledged.

No. 6987-5GS-69/30299.

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments, the Commissioner Ambala Division and all Deputy Commissioners and Sub-Divisional Officers in Haryana.  
The Registrar, Punjab and Haryana High Court and all District & Sessions Judges in Haryana.  
Dated Chandigarh, the 16th December, 1969.

**Subject :—Procedure for imposing penalties under Rule 8 of Punjab Civil Services (Punishment & Appeal) Rules, 1952.**

Sir,

I am directed to address you about the interpretation to be placed on Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 which is to the effect that no order imposing any of the following minor penalties on a Government employees shall be passed, unless he has been given an adequate opportunity of making any representation that he may desire to make, and such representation had been taken into consideration—

- (i) Censure;
- (ii) with-holding of increments or promotion, including stoppage at an efficiency bar, if any and
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

In this connection attention is invited to the observations made by the Punjab and Haryana High Court in the case Kalyan Singh Vs. the State of Punjab (Civil Writ No. 2523 of 1965) an extract of which is given below :—

“The difference between rules 7 and 8 is this whereas under rule 7 Alike Article 311(2) of the Constitution, two opportunities have to be afforded to a delinquent officer the requirement of the first opportunity is not mandatory in case of imposition of penalties referred to in rule 8. The enquiry envisaged in the first part of clause (2) of Article 311 in which the delinquent Officer has to be given a reasonable opportunity of being heard in respect of those charges is not made obligatory under rule 8. In the Constitutional provision, the imposition of the relevant penalties is prohibited without giving a reasonable opportunity of making representation against the penalty proposed. This requirement has been interpreted as to entitle the delinquent official to represent not only against the quantum of punishment, but also against alleged guilt, irrespective of the earlier opportunity which the official may have availed of. The very language of rule 8 of the disciplinary rules shows that the ‘adequate opportunity’ of making any representation envisaged by that rule has in the nature of things to be a real opportunity to represent against the alleged guilt of the official as well as against the quantum of the punishment proposed, if any, such proposal has been made in the Show Cause Notice.”

2. The position is that in cases involving the imposition of minor penalties under rule 8 of the rules *ibid* it is sufficient if a statement of allegations is forwarded to the Government employee concerned along with intimation as to the penalty proposed to be imposed on him, and after considering the representation submitted by the Government employee, the punishing authority passes final orders in the case. The issue of a separate second show cause notice about the proposed penalty is thus not necessary as in the case of the imposition of a major penalty. If however the proposed penalty is not for any reason intimated to the Government employee when the statement of allegations is sent to him then a further show cause notice indicating the proposed penalty must also be issued to him before final orders are passed against him.

3. It is requested that these instructions may be noted for careful compliance.

Yours faithfully,

Sd./-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to :—

The Financial Commissioner, Revenue, Haryana All Administrative Secretaries to Government, Haryana, for information and guidance.

Sd./-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

To

1. The Financial Commissioner, Revenue, Haryana & All Administrative Secretaries to Government, Haryana.

U.O. No. 6987-5GS-69, Dated Chandigarh, the 16th December, 1969.

क्रमांक 4000-5 जी० एस०-70/12875

प्रेषक,

1. समस्त विभागीय अध्यक्ष,  
कमिश्नर अम्बाला मण्डल,  
समस्त उपायुक्त और उप मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय और  
जिला और सत्र न्यायाधीश हरियाणा ।

दिनांक चण्डीगढ़ 30-5-1970

**विषय:-** Departmental Proceedings--Extracts from the Judgments of the High Court and Supreme Court.

महोदय,

मुझे निदेश हुआ है कि उपरोक्त विषय पर मैं आपको भारत सरकार, गृह मन्त्रालय के पत्र क्रमांक 7-3-70 ए०आई० एस० (II) दिनांक 6-4-70 को इसके संलग्न पत्र क्रमांक 106/18/69 ए०वी०डी० दिनांक 24-2-70 के अतुल्यगनक सहित आपको सूचना तथा मार्गदर्शन के लिये भेजूं ।

2. कृपया इस पत्र की पावनी दे दें ।

भवदीय

हस्ता/-

उप सचिव, राजनैतिक तथा सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति सेवा में भेजी जाती है :-

वित्त आयुक्त राजस्व हरियाणा, सभी प्रशासकीय सचिव हरियाणा सरकार :

मुख्य मन्त्री, मन्त्रीगण, समस्त संसदीय सचिवों की सूचना के लिये ।

हस्ता/-

उप सचिव राजनैतिक तथा सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

प्रधान सचिव, मुख्य मन्त्री हरियाणा, समस्त सचिव/निजी सचिव मन्त्रीगण/संसदीय सचिव

प्रशासकीय पत्र क्रमांक 4000-5 जी० एस०-70. 30-5-1970

**Copy of letter No. 7/3/70-AIS(II), dated 6th April, 1970 from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi to the Chief Secretaries of all State Governments, except Tamilnadu.**

**Subject : Departmental proceedings--Extracts from the Judgements of the High Courts and Supreme Court.**

I am directed to forward herewith a copy of this Ministry's O.M. No. 106/18/69--AVD dated the 24th February, 1970, on the above subject, for information and guidance.

**Confidential**

No. 106/18/69-AVD

**GOVERNMENT OF INDIA**  
**MINISTRY OF HOME AFFAIRS**

New Delhi-1 the 24th February, 1970.  
5th Phalgun, 1891.

**OFFICE MEMORANDUM**

An officer of the Indian Administrative Service was removed from service as a result of disciplinary proceedings taken against him by a State Government. The officer filed a writ petition in the High Court and the Court set aside the order of removal from service on the ground that the finding of the Board of Inquiry about the guilt of the officer had been affected to a significant extent by surmises and conjectures, and that the finding was given without due weight to crucial points of fact as well as law, which had a vital bearing on the charges. The Court observed that the Board of Inquiry being a Tribunal was expected to follow the principles of natural justice and the Court had to see that the proceedings against the delinquent had been held in a manner consistent with the rules of natural justice and that there was no violation of the statutory rules prescribing the mode of enquiry or a palpable error of law. The finding of guilt must be on the basis of proof which must be such as to create belief and not mere suspicion. In this connection extracts of certain judgements of some Courts are also enclosed. The essential point is that a conclusion must be based on satisfactory evidence so that there is now failure of natural justice. This is circulated for information.

Authorised for issue.

Sd/-  
(B.S. Kohli)  
Section Officer To

Sd/-  
(R.C. JOSHI)  
Under Secretary to the Govt. of India.

All the Ministries of the Government of India  
(Chief Vigilance Officer)  
New Delhi.

No. 106/18/69-AVD

dated the 24th February, 1970.

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## DEPARTMENT PROCEEDINGS—THEIR NATURE

## Extracts from the Judgements of the High Courts and Supreme Court

“It is alleged that the respondent took out from his pocket a wallet and from it produced what appeared to Mr. Rajagopalan to be a folded hundred rupee note. Mr. Rajagopalan showed his stern disapproval of this conduct, whereupon the respondent said ‘No’ and put the wallet with the note in his pocket. After a few minutes the interview ended and the respondent left Mr. Rajgopalan’s place.”

It remains to be considered whether the respondent is not right when he contends that in the circumstances of this case, the conclusion of the Government is based on no evidence whatever. It is a conclusion which is perverse and, therefore, suffers from such an obvious and patent error on the face of the record that the High Court would be justified in quashing it. In dealing with writ petitions filed by public servants who have been dismissed, or otherwise dealt with so as to attract art. 311(2), the High under Art. 226 has jurisdiction to enquire whether the conclusion of the Government on which the impugned order of dismissal rests is not supported by any evidence at all. It is true that the order of dismissal which may be passed against a Government servant found guilty of misconduct, can be described as an administration order; nevertheless, the proceedings held against such a public servant under the statutory rules to determine whether he is guilty of the charges framed against him are in the nature of quasi-judicial proceedings and there can be little doubt that a writ of certiorari, for instance, can be claimed by a public servant, if he is able to satisfy the High Court that the ultimate conclusion of the Government in the said proceedings, which is the basis of his dismissal, is based on no evidence. In fact, in fairness to the learned Attorney-General, we ought to add that he did not seriously dispute this position in law.

*High Court can issue writ if it is satisfied that the order of dismissal is based on no evidence.*

He, however, attempted to argue that if the appellant acted bona-fide, then the High Court would not be justified in interfering with its conclusions though the High Court may feel that the conclusion is based on no evidence. His contention was that cases where conclusions are reached by the Government without any evidence, could not in law be, distinguish from the cases of mala fide; and so he suggested that perverse conclusions of fact may be and can be attacked only on the ground that they are mala fide, and since mala fides were not alleged in the present case, it was not open to the respondent to contend that the view taken by the the appellant can be corrected in writ proceedings.

We are not prepared to accept this contention. Mala fide exercise of power can be attacked independently on the ground that it is mala fide. Such an exercise of power is always liable to be quashed on the main ground that it is not a bona fide exercise of power. But we are not prepared to hold that if mala fides are not alleged and bona fides are assumed in favour of the appellant, its conclusion on a question of fact cannot be successfully challenged even if it is mani fest that there is no evidence to support it. The two infirmities are separate and distinct though, conceivably, in some cases both may be present. There may be cases of no evidence even where the Government is acting bonafide; the said infirmity may also exist where the Government is acting malafide and in that case the conclusion of the Government not supported by any evidence may be the result of malafides but that does not mean that if it is proved that there is no evidence to support the conclusion of the Government, a writ of certiorary will not issue without further proof of malafides.

*When the Order of dismissal is based on no evidence writ can be issued without proof of mala fide.*

That takes us to the merits of the respondents contention that the conclusion of the appellant that the charge framed against the respondent had been proved, is based on no evidence. The learned Attorney General has stressed before us that in dealing with this question, we ought to bear in mind the fact that the appellant is acting with the determination to root out corruption, and so, if it is shown that the view taken by the appellant is a reasonably possible view this Court should not sit in appeal over that decision and seek to decide whether this Court would have taken the same view or not. This contention is no doubt absolutely sound. The only test which we can legitimately apply in dealing with this part of the respondent’s case is there any evidence on which a finding can be made against the respondent that charge was proved against him. In exercising its jurisdiction under Art. 226 on such a plea, the High Court cannot consider the question about the sufficiency or adequacy of evidence in support of

particular conclusion. That is a matter which is within the competence of the authority which deals with the question; but the High Court can and must enquire whether there is any evidence at all in support of the impugned conclusion.

*High Court cannot consider the question of sufficiency or adequacy or evidence while exercising jurisdiction under Art, 226. That is a matter within the competence of the disciplinary authority. But the High Court must enquire whether there is any evidence at all.*

Now, in this state of the evidence, how can it be said that the respondent even attempted to offer a bribe to Mr. Rajgopalan? Mr. Rajgopalan makes a definite statement that the respondent did not offer him a bribe. He merely refers to the fact that the respondent took out a paper from his wallet and the said paper appeared to him like a hundred rupee note double folded. Undoubtedly, Mr. Rajgopalan suspected the respondent's conduct, and so, made a report immediately. But the suspicion entertained by Mr. Rajgopalan cannot in law, be treated as evidence against the respondent even though there is no doubt that Mr. Rajgopalan is a straight forward and an honest officer. Though we fully appreciate the anxiety of the appellant to root out corruption from public service, we cannot ignore the fact that in carrying out the said purpose, mere suspicion should not be allowed to take the place of proof even in domestic enquiries. It may be that the technical rules which govern criminal trials in courts may not necessarily apply to disciplinary proceedings, but nevertheless, the principle that in punishing the guilty scrupulous care must be taken to see that the innocent are not punished, applies as much to regular criminal trials as to disciplinary enquiries held under the statutory rules. (Union of India Vs. H.C. Goel, A.I.R. 1964-S.C. 364).

*Where suspicion can not take the place of proof.*

"It is true that so far as departmental proceedings are concerned, they are not governed by the Indian Evidence Act. In other words, the strict provisions laid down in the Indian Evidence Act are not applicable to departmental proceedings. Nevertheless the proceedings are subject to rules of natural justice. The question, therefore, is as to what a principle of natural justice is involved in such a case. The rules of natural justice are not codified and cannot be stated with exactitude. In departmental proceedings, it is unnecessary to import the strict procedure applicable to judicial trials. But where the departmental enquiry consists of the trial of a charge in which the punishing authority either by himself or through his delegate has a statutory duty to hear the delinquent or his witnesses, the procedure adopted is to a certain extent like a judicial trial and it is an open question as to whether such proceedings are purely administrative or are to be considered as quasi-judicial." (Amulya Kumar Vs. L.M. Bakshi, A.I.R. 1958 Calcutta 470).

*Departmental proceedings though not governed by the Indian Evidence Act are subject to the rules of natural justice.*

"Generally when a fact finding Tribunal arrives at its own conclusions of fact after due consideration of the evidence before it the High Court will not interfere. It is necessary, however, that every fact for and against the person proceeded against must have been considered with due care and the Tribunal must have given its finding in a manner which would clearly indicate what were the questions which arose for determination, what was the evidence pro and contra in regard to each one of them and what were the findings reached on the evidence before it. The conclusions reached by the Tribunal should not be coloured by any irrelevant considerations or matters of prejudice and if there are any circumstances which required to be explained by the person charged, he should be given an opportunity of doing so. On no account whatever should the Tribunal base its findings on suspicious, conjectures or surmises nor should it act on no evidence at all or on improper rejection of material and relevant evidence partly on evidence and partly on suspicious conjectures and surmises and if it does any thing of the sort, its findings even though on questions of fact will be liable to be set aside by the High Court.)

*Conclusions of Tribunal should not be coloured by any irrelevant considerations or matter of prejudice. Fact finding Tribuna.*

In order to find a person guilty on circumstance trial evidence, the circumstance or the circumstances must be such as would irresistibly lead to an inference of the guilt of the person charged with the offence. Thus where in a disciplinary action against a public servant, the inference of guilt drawn by the Tribunal from the circumstances is not the only irresistibly inference, then there is an error of law committed which may merit rectification by a writ court.



*Should not base its findings on suspicion, conjectures and surmises nor should it act on no evidence*

Held on facts that the conclusions of the inquiring officer in a disciplinary action against a public servant were not based on evidence but on wrong inferences drawn from evidence and that he did not exhibit the proper sense of responsibility, as a fact finding Tribunal, in arriving at his conclusions and therefore his report was quashed under Art. 226. (Golam Mohiuddin *Versus* State of West Bengal, A.I.R. 1964 Calcutta 503).

*Circumstantial evidence must be such as to irresistibly lead to inference of guilt. Conclusions bases on wrong inferences from evidence*

"In the present appeal it has been urged before us by Mr. Viswanath Sastri on behalf of the appellants that the view taken by the High Court that the findings of the Tribunal were not supported by any evidence is obviously incorrect and that the High Court has in fact purported to reappreciate the evidence which it had no jurisdiction to do. It is common-ground that in proceedings under Arts. 226 and 227 the High Court cannot sit in appeal over the findings recorded by a competent tribunal in a departmental enquiry so that if we are satisfied that in the present case the High Court has purported to reappreciate the evidence for itself that would be outside its jurisdiction. It is also common-ground that if it is shown that the impugned findings recorded by the Administrative Tribunal are not supported by any evidence the High Court would be justified in setting aside the said findings. That is how the narrow question which falls for our decision in the present appeal is : Was the High Court right in holding that there was no evidence on which the findings of the Administrative Tribunal could be sustained ?....

*Inquiry Report can be quashed. High Court can not reappreciate the evidence for itself and sit in appeal over the findings recorded by a competent Tribunal in Departmental Enquiry*

There are two other considerations to which reference must be made. In its judgment the High Court has observed that the oral evidence admittedly did not support the case against the respondent. The use of the word "admittedly", in our opinion amounts, somewhat to an overstatement; and the discussion that follows this overstatement in the judgment indicates an attempt to appreciate the evidence which it would ordinarily not be open to the High Court to do in writ proceedings. The same comment falls to be made in regard to the discussion in the judgment of the High Court where it considered the question about the interpretation of the word "Chatrapur Saheb". The High Court has observed that "in the absence of a clear evidence on the point the inference drawn by the Tribunal that Chatrapur Saheb meant the respondent would not be justified. This observation clearly indicates that the High Court was attempting to appreciate evidence. The judgment of the Tribunal shows that it considered several facts and circumstances in dealing with the question about the identity of the individual indicated by the expression "Chatrapur Saheb". Whether or not the evidence on which the Tribunal relied was satisfactory and sufficient for justifying its conclusion would not fall to be considered in a writ petition. That in effect is the approach initially adopted by the High Court at the beginning of its judgment. However, in the subsequent part of the judgment the High Court appears to have been persuaded to appreciate the evidence for itself, and that, in our opinion, is not reasonable or legitimate.

*Whether or not the evidence on which the Tribunal relied was satisfactory & sufficient for justifying its conclusion cannot be considered in writ petition*

The High Court has also commented on the fact that the Tribunal should have examined Banjorji before relying upon statements made by him in his letter addressed to Mr. Patnaik. There is some force in this argument; but the finding of the Tribunal in regard to the purchase of the Austin car is based on several other considerations all of which have been duly proved. In fact about the main features of this transaction there was no serious controversy between the parties. The parties were at issue on the question as to the effect of these broad features but that clearly is a question of fact which fell within the jurisdiction of the Tribunal. We have carefully considered the reasons given by the High Court in its judgment under appeal but we are unable to accept the contention pressed before us by Mr. Sinha for the respondent, that the conclusion of the High Court is right when it says that the Tribunal's findings against the respondent were based on no evidence. Whether or not the High Court or this court agrees with the conclusions of the Tribunal is another matter. The question to be considered is whether the said conclusions could be set aside on narrow ground that they are not supported by any evidence. In our opinion, it is difficult to accept the view that there is no evidence in support of the conclusions recorded by the Tribunal against the respondent." (State of Orissa *Versus* Murlidhar Jena, A.I.R. 1963 S.C. 404).

"In considering whether a public officer is guilty of the misconduct charged against him,

the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the court, does not apply and even if that rule is not applied, the High Court in a petition under Art. 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not constituted in a proceeding under Art. 26 of the Constitution a Court of appeal over the decision of the authorities holding a departmental enquiry against a public servant; it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Art. 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very fact of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Art 236 of the Constitution.....

*In a petition under Art. 226 High Court is not a Court of Appeal over the decisions of the departmental authorities. It is not the function of the High Court to review the evidence & arrive at an independent finding on evidence. Departmental authorities are the sole judges of facts if inquiry is otherwise properly held.*

In our judgment the proceedings before the departmental authorities were regular and were not vitiated on account of any breach of the rules of natural justice. The conclusions of the departmental officers were fully borne out by the evidence before them and the High Court had no jurisdiction to set aside the orders either on the ground that the "approach to the evidence was not consistent with the approach in a criminal case," nor on the ground that the High Court would have on that evidence come to a different conclusion. The respondent had also ample opportunity of examining his witnesses after he was informed of the charge against him. The conclusion recorded by the punishing authority was therefore not open to be canvassed nor was the liability of the respondent to be punished by removal from service open to question before the High Court." (State of Andhra Pradesh *Versus* S. Sree Rama Rao, A.I.R. 1963 S.C 1723).

*High Court can not set aside an order on the ground that the Court would have come to a different conclusion on the evidence*

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क्रमांक 720-5 जी० एस० -70/7100

प्रेषक

मुख्य सचिव, हरियाणा सरकार

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल  
सभी उपायुक्त और उप मण्डल अधिकारी ।

2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट और हरियाणा के सभी जिला सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 2-4-1971

विषय :- निलम्बित कर्मचारियों को पंजाब सी. एस. आर. वाल्यूम 1 पार्ट 1 के नियम 7.3 के अधीन समय तथा वेतन का निर्णय करना ।

सहोदय,

मुझे उपर्युक्त विषय पर आपका ध्यान दिलाने और यह कहने का आदेश हुआ है कि निलम्बित कर्मचारियों को बहाल करने समय पंजाब सी. एस. आर. वाल्यूम 1 पार्ट 1 के नियम 7.3 के अधीन निम्नलिखित बातों पर आदेश जारी करने आवश्यक है :-

(क) क्या वेतन तथा भत्ता निलम्बित समय के दौरान कर्मचारी को मिलेगा और यह किस हिसाब से दिया जाएगा ।

(ख) क्या निलम्बन का समय डियुटी समझा जावेगा अथवा नहीं ।

2. उपर्युक्त विषय पर निर्णय सक्षम दण्डीय प्राधिकारी (competent punishing authority) दे करना होता है ।

3. उपरोक्त नियम के तहत निलम्बन के समय में वेतन तथा भत्ते में कटौती करने के लिये तथा निलम्बन के समय की किसी purpose के लिये डियुटी न मानने के लिये अपनाये जाने वाली कार्यविधि पर सरकार ने कानूनी दृष्टि से विचार किया है और यह निर्णय लिया है कि किसी कर्मचारी के निलम्बन समय के दौरान वेतन तथा भत्ते में कटौती करने अथवा निलम्बन के समय को किसी purpose के लिये डियुटी न मानने का आदेश जारी करने से पहले कर्मचारी को "कारण बताओ नोटिस" अवश्य दिया जाना चाहिए। उस नोटिस में प्रस्तावित कार्यवाही का वर्णन किया जाये ताकि कर्मचारी अपना स्पष्टीकरण दे सके। उस स्पष्टीकरण का निरीक्षण करने के बाद ही इन मामलों पर अन्तिम आदेश जारी किये जायें। इस कार्यविधि का दृढ़ता से अनुपालन किया जाये ।

4. इस पत्र की पावती भेजने का अनुरोध किया जाता है ।

भवदीय,

हस्ताः

उप सचिव राजनैतिक सेवाएं,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित कीसेवा में सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है ।

सभी विन्यायुक्त हरियाणा सरकार, सभी प्रशासकीय सचिव, हरियाणा सरकार ।

आशा० क्रमांक 720-5 जी० एस० -70, दिनांक चण्डीगढ़ 2-4-1971

Copy of letter No. 1362-5GS-71/18190, dated 19-4-71 from the Chief Secretary to Government, Haryana, to all heads of Departments etc.

**Subject :—**Passing of orders of a quasi judicial nature in speaking orders.

I am directed to invite reference to the subject noted above and to say that several instances have been brought to notice in which writ petitions filed by Government employees have been decided by the courts against the Government for the reason that the impugned orders by the authorities concerned were not in the form in which they should have been and did not meet the requirements of law. In this connection your attention is invited to the following extract from the judgement dated 17-9-1970 in the civil writ No. 2790 of 1969 K.K. Jagia *Versus* Haryana State :—

“In this petition, the petitioner has challenged the order dated March 5, 1969 and the order of rejection of his memorial by the Governor. The order dated March 5, 1969, deserves to be quashed on the ground that it is not a speaking order. The disciplinary proceedings against the petitioner were taken for punishing him in respect of the misconduct alleged against him and those proceedings were quasi judicial in nature. The order of punishment was also quasi-judicial as has been held by their Lordships of the Supreme Court in *Bachhittar Singh Versus State of Punjab* and another A.I.R. 1963 S.C. 393. The order dated March 5, 1969 as communicated to the petitioner, does not contain any reasons nor does it indicate even outlines of the process of reasoning of the punishing authority while finding his explanation to the show cause notice as unsatisfactory. In his writ petition, the petitioner has set out the objections that he raised to the findings or adverse-remarks of the Inquiry Officer which required careful study by the punishing authority. The punishing authority had also to state as to why the objections raised by the petitioner could not be entertained or were found to be unsatisfactory. The proceedings and the order being quasi judicial in nature, the petitioner had the right to file a memorial to the Governor, a writ petition under Article 226 of the constitution in this Court and an appeal to the Supreme Court under Article 136 of the Constitution. It was, therefore, necessary for the punishing authority to state its reasons in support of the order. The reasons had to be stated in the order itself or should have been communicated to the petitioner by way of an annexure to that order.”

2. In view of the position indicated in the judgement mentioned it is obviously essential that whatever orders of a quasi-judicial nature are passed under the Punjab Civil Services (Punishment and Appeal) Rules, 1952 or any other Rules or Acts should invariably be sufficiently detailed ones and should indicate inter-alia the plea taken by the employee concerned and the reasons on account of which they are considered unsatisfactory and are rejected. The detailed reasons may however either be set out in the orders themselves or may as an alternative be included in an annexure with the order.

3. It will be appreciated that the matter is of great importance because if orders are not passed in the correct form as required under the law, decisions will be given against the Government in such cases which will involve heavy financial liability and also raise administrative difficulties. It is therefore, requested that these instructions should be complied with strictly and should be brought specifically to the notice of all the authorities concerned for similar compliance by them. It may be added that in the event of failure to follow the instructions a very serious view of the matter will be taken by Government.

4. It is requested that the receipt of this communication may please be acknowledged

क्रमांक 964-2 जी एस 0 -11-71/12773

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला सभी उपायुक्त तथा सभी उप-मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, सभी जिला स्तर न्यायधीश, हरियाणा ।

दिनांक चण्डीगढ़ 29 मई, 1971

विषय:- विभागाध्यक्षों को प्रशासन तथा वित्त सम्बन्धि शक्तियों का प्रत्यायोजन ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर आपको सम्बन्धित करते हुए लिख कि प्रशासकीय तथा वित्तीय शक्तियों का विभागाध्यक्षों को प्रत्यायोजन का प्रश्न सरकार के विचाराधीन रहा तथा इस पर अब यह निर्णय किया गया है कि निम्नलिखित और शक्तियाँ विभागाध्यक्षों को सौंप दी जाएँ :-

- (1) श्रेणी III के सभी पदों पर नियुक्ति का अधिकार चाहे वह पद तकनीकी अथवा अतकनीकी और चाहे उन पर नियुक्ति पदान्तरित द्वारा की गई हो अथवा अन्य किसी तरह ;
- (2) विभागाध्यक्षों द्वारा नियुक्त किए गए श्रेणी III के सरकारी कर्मचारियों को हर प्रकार का दण्ड "मेजर या माइनर" देने का अधिकार उस अवस्था में जहाँ श्रेणी III के कर्मचारी सरकार द्वारा भर्ती किए गए हों, विभागाध्यक्षों को प्राधिकार उन्हें केवल माइनर दण्ड देने का होगा ;
- (3) श्रेणी II के राजपत्रित पदों पर पदस्त अधिकारियों को एक स्टेशन से दूसरे स्टेशन पर स्थानांतर करने का अधिकार, तथा
- (4) श्रेणी II के अधिकारियों को माइनर (छोटे) दण्ड देने का अधिकार जहाँ तक मेजर दण्ड देने का प्रश्न है उसका अधिकार वर्तमान की तरह, सरकार में ही रहेगा ।

आप से निवेदन है कि उपरोक्त निर्णय पर ध्यान रखते हुए जहाँ कहीं वर्तमान नियमों में संशोधन वांछनीय हो किया जाए ताकि उपरोक्त निर्णय कार्यान्वित हो सके । यहाँ यह भी सूचित किया जाता है कि पंजाब पुनर्गठन एक्ट 1966 की धारा 82 (6) के अन्तर्गत भारत सरकार को इस विषय में मजूरी ले ली गई है ।

2. विभागाध्यक्षों द्वारा उक्त प्रत्यायोजन हुई शक्तियों का प्रयोग करना तभी सम्भव होगा जब कि सम्बन्धित सेवा नियमों में विधि-अनुसार संशोधन कर लिया जायेगा ।

इस कार्य के लिये अवश्यक कार्यवाही जितनी शीघ्र हो सके की जाए ।

इस पत्र की पावती भेजने की भी कृपा करें ।

भवदीय,

हस्ता

(ल०म० गोयल)

उप सचिव सचिवालय स्थापना  
हरियाणा सरकार ।

पृ० क्रमांक 964-2 जी०एस० 11-71/12774 दिनांक चण्डीगढ़ 29 मई, 1971

एक प्रति महालेखापाल हरियाणा को सूचनार्थ भेजी जाती है । वित्तायुक्त (राजस्व) हरियाणा सरकार, सभी प्रशासकीय/हरियाणा सरकार को आवश्यक कार्यवाही हेतु भेजी जाती है ।

क्रमांक 3610-3 जी० ए० 1-71/21438

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, प्रायुक्त अम्बाला मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी
2. रजिस्ट्रार उच्च न्यायालय, पंजाब तथा हरियाणा चण्डीगढ़ तथा जिला और सब न्यायाधीश ।

दिनांक चण्डीगढ़ 21 जुलाई, 1971

विषय:- विधान के नियम 311(2) की शर्त (सी) -राज्य की सुरक्षा के हित में जांच का करवाना ठीक नहीं है-  
राष्ट्रपति के आदेश प्राप्त करना ।

महोदय,

मुझे निदेश हुआ है कि सरदारी लाल बनाम भारत सरकार तथा दूसरे के केस में सर्वोच्च न्यायालय के निर्णय दिनांक 21-1-71 (सिविल अपील नं 576 आफ 1969) को प्रति भेजें और कहें कि जैसा इस निर्णय पता चलता है सर्वोच्च न्यायालय ने निर्णय दिया है, कि विधान के नियम 311(2) की शर्त (सी) की धारा में जो functions दिए हुए हैं, राष्ट्रपति उसे किसी दूसरे को नहीं सौंप सकते तथा उन्हें निजी रूप में इस बात पर सन्तुष्ट होना चाहिए कि जो जांच नियम 311(2) के अधीन निर्धारित है, वह राज्य की सुरक्षा के हित में करना ठीक नहीं है । इस निर्णय का आशय यह होगा कि राज्य के सरकारी कर्मचारियों के केसों में नियम 311 (2) की शर्त (सी) के अधीन जब कभी कार्यवाही करनी हो, तो राज्यपाल को इस बारे में निजी रूप से सन्तुष्ट होना चाहिए ।

2. उपर दी गई कानूनी व्यवस्था को ध्यान में रखते हुए यह निर्णय लिया गया है कि जब कभी राज्य के किसी सरकारी कर्मचारी को नियम 311(2) की शर्त (सी) के अधीन बिना जांच के सेवा से पदच्युत करना हो, हटाना हो या जबरदस्ती रिटायर करना हो, तो राज्यपाल के आदेश आवश्यक प्राप्त करने चाहिए । इस प्रयोजन के लिए स्वतः स्पष्ट नोट तैयार करके राज्यपाल को कार्यभारी मन्त्री तथा मुख्य मन्त्री की मारफत भेजा जाए । इस स्वतः स्पष्ट नोट के साथ सब कागजात जिन में हर प्रकार के आवश्यक तथ्य हों, राज्यपाल को भेजा जाए जिसके आधार पर उनकी तसल्ली हो सके कि कानून की सारी आवश्यकता पूरी होती है और इस केम में जांच का किया जाना राज्य की सुरक्षा के हित में नहीं है ।

3. मैं निवेदन करता हूँ कि यह हिदायतें दृढ़तापूर्वक अमल में लाने के लिए नोट कर ली जाएं, और इस पत्र की पावती भी भेजें ।

भवदीय

हस्ता:

उप सचिव राजनैतिक एवं सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही के लिये भेजी जाती है ।

वित्तायुक्त राजस्व, सभी प्रशासकीय सचिव, हरियाणा ।

क्रमांक 7743-5 जी० एस० 1-71/36993

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला मण्डल,  
हरियाणा के सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय,  
तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 28 दिसम्बर, 1981 ।

विषय :- विभागाध्यक्षों को वित्तीय एवं प्रशासकीय शक्तियां देना ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपर्युक्त विषय पर हरियाणा सरकार के पत्र संख्या 964-2 जी० एस० II-71112773, दिनांक 29 मई, 1971 की ओर दिलाऊं जिसमें अन्य बातों के साथ साथ यह भी बताया गया है कि विभागाध्यक्ष वर्ग II के राजपत्रित अधिकारियों को लघु दण्ड देने के लिये सक्षम हैं। अब आगे यह भी निणय लिया गया है कि विभागाध्यक्ष वर्ग II के राजपत्रित अधिकारियों को चेतावनी देने तथा चेतावनी की एक प्रति सम्बद्ध अधिकारी की वैयक्तिक फाइल में लगाने के निदेश देने के लिये भी सक्षम होंगे ।

2. कृपया इस पत्र की पावती भेजिए ।

भवदीय

हस्ता:

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनार्थ भेजी जाती है :-

सभी वित्तायुक्त तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

संख्या 727-1 जी: एस: 1-72/7138

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला मण्डल, हरियाणा के सभी उपायुक्त तथा सभी उप मण्डल अधिकारी ।
2. रजिस्ट्रार पंजाब एवं हरियाणा उच्च न्यायालय, तथा हरियाणा के सभी जिला तथा सेशन न्यायाधीश ।

चण्डीगढ़, दिनांक 20 मार्च, 1972

विषय:- पंजाब प्रशासन सुधार आयोग की सिफारिशों को लागू करना—सिफारिश नम्बर 16—मेजर दण्ड देने के लिये अदक्षता को कारण मानना ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय के सम्बन्ध में आपको लिखू तथा आपका ध्यान पंजाब सिविल सेवाएं (दण्ड एवं अपील) नियमावली 1952, के नियम 7(5) के नीचे लिखे नोट (1) में दिए गए निम्नलिखित उपबन्ध की ओर दिलाऊ:-

“...When reports received against an officer or a preliminary inquiry shows that he has failed to reach or maintain a reasonable standard of efficiency, he may and should be charged accordingly and a finding on such a charge may be valid ground for infliction of any authorised departmental punishment which may be considered suitable in the circumstances of the case..”

इस सम्बन्ध में यह देखने में आया है कि विभागों द्वारा आमतौर पर उपयुक्त उपबन्ध का प्रयोग नहीं किया जा रहा है तथा अदक्षता के आधार पर अनुशासनिक कार्यवाही नहीं की जा रही है । उपरोक्त उपबन्ध के अनुसार कार्यवाही का किया जाना अति आवश्यक है और इस बात पर जितना भी बल दिया जाए वह कम है । इसलिये अनुरोध है कि जब भी परिस्थितियों के अनुसार आवश्यक हो, उपरोक्त उपबन्ध को पूर्णतः प्रयोग में लाया जाए ।

2. आपसे अनुरोध है कि आप कृपया इन हिदायतों को ध्यान पूर्वक नोट कर लें और उन की पालना के लिये इन हिदायतों को सभी सम्बन्धित अधिकारियों/कर्मचारियों के भी ध्यान में ला दें । कृपया इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता:

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ भेजी जाती है :-

हरियाणा के सभी वित्तायुक्तों, तथा सभी प्रशासनिक सचिवों, मुख्य मन्त्री. का प्रधान सचिव, मुख्य मन्त्री/मन्त्रियों/उप मन्त्रियों के सचिवों/निजी सचिवों ।



क्रमांक 2770-1 जी.एस. 1-72/14511

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा राज्य के सभी विभागाध्यक्ष ।

2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।

दिनांक चण्डीगढ़ 10 मई, 1972

विषय :- श्रेणी I तथा II के अधिकारियों के विरुद्ध विभागीय जांच ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान दिलाऊँ और कहूँ कि ऐसा देखने में आया है कि कई सरकारी कर्मचारियों के विरुद्ध की गई विभागीय जांच के सम्बन्ध में जो कार्यविधि अपनाई जाती है उसमें कुछ त्रुटियाँ रह जाने के कारण से उनकी अपीलें उच्च न्यायालय में स्वीकार हो जाती हैं। अतः उपरोक्त तथ्य को ध्यान में रखते हुए यह निर्णय लिया गया है कि श्रेणी I तथा II के अधिकारियों के विरुद्ध विभागीय जांच के सम्बन्ध में यदि चार्ज शीट जारी करनी हो या जांच के पश्चात् सजा देनी हो तो उपरोक्त दोनों प्रकार की कार्यवाही करने से पहले विधि प्रामर्शी से मन्त्रणा प्राप्त कर ली जाए कि क्या प्रस्तावित कार्यवाही कानून के अनुसार है। यदि उपरोक्त दोनों प्रकार के केसों में विधि प्रामर्शी की राय लिए बिना ही आवश्यक कार्यवाही कर ली गई तो ऐसी कार्यवाही का सरकार द्वारा गम्भीर नोटिस लिया जाएगा।

2. यह अनुरोध किया जाता है कि भविष्य में उपरोक्त आदेशों का दृढ़ता से पालन किया जाए तथा इस पत्र की पावती भी भेजी जाए ।

भवदीय,

हस्ता:

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित कोसूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है और अनुरोध किया जाता है कि भविष्य में सरकार के उपरोक्त आदेशों का दृढ़ता से पालन किया जाए :-

सभी विल्नायुक्त, तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

No. 3128-IGSI-72/18132

From

The Chief Secretary to Government, Haryana

To

1. All Heads of Departments ; the Commissioner Ambala Division ; all Deputy Commissioners ; and all Sub Divisional Officer (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District and Session Judges, Haryana.

Dated Chandigarh, the 16th June, 1972,

Subject

**Passing of orders of a quasi judicial nature in speaking orders**

Sir,

I am directed to refer to the Haryana Government Circular letter No. 1362-5GS-71/18190, dated the 19th April, 1971. Copy enclosed for ready reference) on the subject noted above, vide which your attention was invited to an extract from the Judgement dated 17-9-1970 in Civil Writ No. 2790 of 1969 "K. K. Jagia v/s Haryana State. In view of the position indicated in the said judgement, you were requested that whatever orders of a quasi-judicial nature were passed under the Punjab Services (Punishment and Appeal) Rules, 1952 or any other Rules or Acts they should invariably be sufficiently detailed orders and could indicate, inter-alia, the pleas taken by the employee concerned and the reasons on account of which they were considered unsatisfactory and were rejected.

2. The Government of India had set up a Committee to go into the problem of arrears in the High Courts and to suggest remedial measures. The Committee, while submitting its report, has expressed its "strong" view that Tribunals and Heads of Departments exercising quasi judicial functions should make "speaking orders" i. e, they should indicate in their orders the grounds on which the orders are made. It has been considered that if speaking orders are passed, it might facilitate quicker disposal of cases, and the need for making speaking orders in matters affecting rights of the parties has been repeatedly pointed out by the Supreme Court and the High Courts in a number of cases. In fact, it is now being regarded as a principle of natural justice that such orders should contain reasons. Keeping in view the above suggestions of the 'High Courts Arrears Committee' the State Government once again reiterate the instructions contained in their letter No. 1362-5GS-71/18190, dated the 19th April, 1971 and strongly emphasise that various authorities exercising quasi-judicial functions under any Rules or Acts should make speaking orders in all matters affecting rights of the parties.

3. It should be appreciated that this matter is of great importance and any failure in this regard an authority exercising quasi judicial functions may result in reversal of the decisions in the courts of law resulting in financial liability and also administrative difficulty for the State Government. It is therefore requested that these instructions and the instructions.

Issued vide Haryana Government letter No. dated 19-4-71 referred to above should be complied with strictly and should be brought specifically to the notice of all concerned for similar compliance by them. It may be added that in the event of failure to follow the instructions, a very serious view of the matter will be taken by the Government.

4. It is requested that the receipt of this communication may please be acknowledged.

Yours faithfully,

Deputy Secretary Political  
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners and Administrative Secretaries for information and ensuring strict compliance of these instructions.

क्रमांक 5179-I जी: एस-I-72/228576

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा सं

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 28-9-72

विषय:- अनुशासनिक मामलों में इन्कवायरी आफिसर द्वारा रिपोर्ट प्रस्तुत किए जाने के बारे में अनुदेश ।

महोदय

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय की ओर आपका ध्यान दिलाऊँ और कहूँ कि जब सरकारी कर्मचारियों को पैनलमेंट एण्ड अपील रूलज के तहत शो-काज नोटिस दिया जाता है तो कई दफा वह रजिस्ट्री द्वारा उनको भेजा जाता है । इसी प्रकार दूसरे जरूरी आदेश भी सम्बन्धित कर्मचारियों को कई दफा रजिस्ट्री द्वारा भेजे जाते हैं जिसके लिये सरकारी फाईल में इस प्रकार का प्रमाण होता है कि ऐसा शो-काज नोटिस या जरूरी पत्र इत्यादि कर्मचारियों को रजिस्ट्री द्वारा भेजे गए हैं और जहाँ रजिस्ट्रार पत्रों को अकनॉलिजमेंट ड्यू कर दिया जाता है तो उस स्थिति में प्राप्तकर्ता का हस्ताक्षर इत्यादि भी सम्बन्धित फाईल पर या कार्यालय में मौजूद रहता है जिस से यह पता चल जाता है कि उन्हें पत्र प्राप्त हो गया है तथा ऐसा किस तिथि को हुआ ।

2. सरकार के नोटिस में यह बात आई है कि जब किसी अधिकारी के विरुद्ध जांच चल रही हो और उसे शो-काज नोटिस इत्यादि भेजा गया हो तो जांच अधिकारी इस बात की पुष्टि नहीं करते कि क्या कर्मचारियों को वास्तव में शो-काज नोटिस द्वारा भेजा गया था तथा क्या इसका प्रमाण फाईल में मौजूद है या कि नहीं । वे केवल इस बात को परिज्यूम कर लेते हैं कि उन्हें शो-काज नोटिस इत्यादि रजिस्ट्री द्वारा भेजा जाना क्योंकि बताया गया है इसलिये रजिस्ट्री जरूर कर दी गई होगी तथा सम्बन्धित कर्मचारी को अवश्य मिल गई होगी ।

3. सरकार ने इस स्थिति पर विचार किया है और यह निर्णय लिया गया है कि जब भी जांच अधिकारी किसी कर्मचारी के विरुद्ध जांच करें तो वह इस बात को अवश्य देखे कि क्या वास्तव में उन्हें शो-काज नोटिस रजिस्ट्री द्वारा जारी कर दिया गया है और इसका प्रमाण सम्बन्धित फाईल में मौजूद है । इस बात की परिज्यूम नहीं किया जाना चाहिए कि शो-काज नोटिस रजिस्ट्री द्वारा जारी कर दिया गया होगा ।

4. इसके अतिरिक्त यह भी ध्यान में लाया जाना है कि ऐसा परिज्यूम करना गैर कानूनी भी है । हाल ही में पंजाब तथा हरियाणा हाई कोर्ट द्वारा 1967 वर्ष की सिविल रिट नम्बर 2846 में इस बारे में निर्णय लिया गया है तथा इस निर्णय में हाई कोर्ट ने निम्नलिखित ओबजरवेशन की है :-

“It is really regrettable that neither the Enquiry Officer nor the Collector, nor the Commissioner applied his mind to the requirements of law to find out whether the letters alleged to have been sent to the petitioner by registered post had in fact been posted, as in the absence of the proof of that fact no presumption could be drawn that the letters had reached him because they were not received back undelivered. The Enquiry Officer based his conclusions on that presumption and so did the Collector, but the Commissioner did not deal with the matter.”

5. इसलिये आपसे अनुरोध किया जाता है कि भविष्य में जांच अधिकारी जांच करते समय या विभागीय कार्यवाही करते समय उपरोक्त हिदायतों को और खासतौर पर पंजाब तथा हरियाणा हाईकोर्ट द्वारा की गई आलोचना को ध्यान में रखें तथा स्थिति की पूरी तरह जांच करके ही कार्यवाही की जाए और कोई परिज्यूमपेशन draw की जाये । यह हिदायतें सभी सम्बन्धित अधिकारियों/कर्मचारियों के नोटिस में ला दी जाएँ ताकि इनका दृढ़तापूर्वक पालन किया जाए ।

6. आपसे यह भी अनुरोध किया जाता है कि इस पत्र की पाबती भेजी जाए ।

भवदीय,

हस्ता-

उप सचिव, राजनीतिक एवं सेवाएं,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है :-

विल्लायुक्त तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

No. 7252-IGS-72/1885

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments; the Commissioner, Ambala Division, all Deputy Commissioners; and all Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges, Haryana.

Dated Chandigarh, the 23rd January, 1973.

**Subject :—Disciplinary action against the Government Employee under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as applicable to the State of Haryana.**

Sir,

I am directed to refer to the judgement delivered by the Supreme Court on 18-9-1972 in Civil Appeal No. 2129 (N) of 1969 Shri B.D. Gupta *Verus* the State of Haryana (copy enclosed) and to draw attention to the following observations contained in it :—

- (a) "It is to our mind essential for a "Show Cause Notice" to indicate the precise scope of the notice and also to indicate the points on which the officer concerned is expected to give a reply."
- (b) "We have no doubt in our minds that in this case also justice and fair play demand that the Govt. should have given the appellant a reasonable opportunity to show cause why an order affecting his pay and emoluments to his prejudice should not be made."

2. As regards (a) above, it may be noted that whenever a "Show Notice" is to be served upon an employee under rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 or under any other provision the precise scope of the notice should be indicated therein and also the points on which the employee concerned is expected to furnish a reply or explanation. In other words, the "Show Cause Notice" should contain the allegations in detail so that the delinquent employee becomes aware of them and has the opportunity of defending himself against each of the allegations.

3. As regards (b) above, instructions have already been issued *vide* Haryana Government Circular letter No. 720-5GS-70/7100, dated 2-4-1971 that condition when any cut in the pay and allowances during the period of suspension is to be imposed in the terms of rules 7.3. of C.S.R. Vol. I, Part I, a "Show Cause Notice" should be served upon the delinquent employee and final orders should be passed only after receipt of his reply in response to the notice.

4. Attention in this connection may also be drawn to the Government instructions contained in Circular letters No. 1362-5GS-71/18190, dated 19-4-1971 and No. 3128-IGSI-72/18132, dated 16-6-1972 which provide that the final orders in all disciplinary cases should be "Speaking orders" as specified therein.

5. I am to request that these instructions should be complied with strictly and should also be brought specifically to the notice of all the authorities under you for similar compliance by them. It may also be noted that in the event of failure to follow these instructions, a very serious view of the matter will be taken by the Government.

6. The receipt of this communication may also be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary, Political & Services,  
for Chief Secretary to Government, Haryana

A copy is forwarded to the Financial Commissioner, Revenue and all the Administrative Secretaries to Government, Haryana, for information and ensuring strict compliance of these instructions.

B.D. GUPTA *Versus* STATE OF HARYANA (S.C.)

## Supreme Court of India

Before :—A.N. Grover, M.H. Beg and A.K. Mukherjea, JJ. Civil Appeal No. 2129(N) of 1969 Decided on 18-9-72.

Shri B.D. Gupta, (Appellant)

*Versus*

State of Haryana (Respondent)

- A. Constitution of India, Article 311 Punjab Civil Services (Punishment and Appeal) Rules, 1952, Rule 7.2—Departmental Enquiry—Show cause notice merely stated that reply of delinquent officer to charges and allegations was unsatisfactory—*Held*, notice was vague. It did not indicate which part of explanation and on what material it was unsatisfactory—The notice should indicate the points on which the officer is expected to give reply. The notice denied real opportunity to officer to defend himself.

The show cause notice to the delinquent officer merely stated in vague general terms that officer's reply to the charges and allegations was unsatisfactory. As one read the notice, the questions that at once assailed one's mind were many. In what way was the explanation unsatisfactory? Which part of the explanation was unsatisfactory? On what materials did the Government think that the explanation was unsatisfactory. It is essential for a show cause notice to indicate the points on which the officer concerned was expected to give a reply.

(Para 9)

- B. Punjab Civil Services Rules, Col. 1, Rule 7.3—Suspension pending enquiry—Only subsistence allowance paid during suspension. On reinstatement, order passed withholding any payment in excess of subsistence allowance already paid—*Held*, order seriously prejudiced the delinquent officer. Opportunity to show cause before passing an order affecting pay and emoluments be given.

*Held*, before passing an order under Rule 7.3 of the Punjab Civil Services Rules, Vol. 1, the authority concerned has to form an opinion as to whether the Government servant has been fully exonerated and, also whether in the case of suspension, the order of suspension was wholly unjustified. Justice and fair play demanded that the Government should have given the appellant a reasonable opportunity to show cause why order affecting his pay and emoluments to his prejudice should not be made (Paras 13 and 16).

- C. Natural justice—Order adversely affecting the employee financially—Order be passed after objective consideration and after full opportunity.

If an order affects the employees financially it must be passed after an objective consideration and assessment of all relevant facts and circumstances and after giving the person concerned full opportunity to make out his own case about that order. (Para 17)

Cases referred.

1. M. Gopala Krishna Naidu *Versus* State of Madhya Pradesh 1967 Services Law Reporter 100 . (1968) ISCR 355.
2. State of Assam and anr *Versus* Raghava Rajagopalachari Civil Appeals Nos. 1561 and 1562 of 1966 decided by Supreme Court on 6-10-1967.

## JUDGMENT

Mukherjea, J. This appeal on special leave is from an order of the Division Bench of the Punjab and Haryana High Court dismissing summarily an appeal directed against a judgment and order of a Single Judge of that Court by which a petition of the appellant under Art. 226 of the Constitution of India was dismissed. The matter arises in connection with disciplinary proceeding under the Punjab Civil Services (Punishment and Appeal) Rules, 1952 which had a very chequered career.

2. For a proper appreciation of the points raised in this case it is necessary to set out some of the salient facts. The appellants joined the Punjab Irrigation Department as a temporary

Engineer in 1939 and in course of time became an Executive Engineer in that department. In December, 1954 he was arrested in connection with a case under Sec. 5(2) of the Prevention of Corruption Act which had been registered against one K.R. Sharma, Superintending Engineer, with whom the appellant had been working as a Personal Assistant. The appellant was however enlarged in bails about the same time. The appellant was suspended with effect from 13 December, 1954 and certain departmental proceedings were started against him. In November, 1956 the appellant was served with a charge sheet under Rule 7.2 of the Punjab Civil Service (Punishment and Appeal) Rules, 1952. There was two distinct charges made against the appellant which will, for the sake of convenience, be described hereinafter as Charge No. 1(a) and Charge No. 1(b). Both the charges were based on allegations that the appellant had taken illegal gratification. We are not concerned for the purposes of this appeal with the details of the charges. On 18th December, 1956 the appellant submitted a reply to the charge sheet to which he added certain supplementary replies between May and July, 1957. On 18 February, 1958 the appellant was reverted from the post of Executive Engineer (under suspension) to that of an Assistant Engineer (under suspension). In May, 1958 Government decided to defer the enquiry in respect of charge 1(b) until there was a decision in regard to Charge 1(a). In October, 1958 the Enquiry Officer submitted to Government a report in respect of Charge 1(a) which exonerated the appellant completely. The Government then waited for another six months before appointing another Enquiry Officer to conduct the enquiry in regard to Charge 1(b). The appellant, it appears, asked Government on more than one occasion to supply him with a copy of the report of the first Enquiry officer in respect of Charge 1(a). Government, however, declined to supply any copy. In December, 1960 the criminal case which had been started against the appellant in 1954 ended in discharge of the appellant. On 19 April, 1961 the appellant was dismissed from service on the basis of a report of the second Enquiry Officer regarding Charge 1(b). This order of dismissal was, however, quashed in March, 1963 by the High Court of Punjab and Haryana. The appellant was, thereafter, reinstated and forthwith placed under another order of suspension in May, 1963. A third Enquiry Officer was appointed simultaneously for a fresh enquiry into charge 1(b). In February, 1965 the appellant got a decree in a civil suit by which he was allowed to recover the balance of his pay and allowances for the period of suspension and for quashing the order of occasions. Between 1963 and 1964 the appellant made various attempts through what was apparently a high powered board called the Establishment Board to bring about a closure of the Enquiry proceedings initiated against him. Nothing happened until 15 December, 1965 when, once again Government appointed a new Enquiry Officer to replace the earlier officer who had been appointed in February, 1965. In January, 1966 the appellant was reinstated as Executive Engineer and in October, the same year, the entire enquiry against the appellant was withdrawn. One would have thought that this would be the end of the unusually protracted proceedings against the appellant. On the contrary, however, on 26 October, 1966 Government served a fresh "Show Cause notice" on the appellant by which the appellant was told that his explanation of 18 December, 1956 in reply to the charges and allegations levelled against him had been found unsatisfactory by Government and that Government proposed to censure his conduct.

3. Immediately upon receipt of the said "Show Cause notice" the appellant asked for a copy of the statement made by one S.D. Khanna, Sub-Divisional Officer under sec. 164 of the Code of Criminal Procedure. The appellant justified his demand for a copy of S.D. Khanna's statement by reference to two facts. First, Charge No. 1(b) related to an alleged demand by the appellant for illegal gratification in the presence of S.D. Khanna and he was, therefore, entitled to have a copy of the statements made by S.D. Khanna before the police and the Magistrate. Secondly, the appellant pointed out, under the order of the High Court he was expecting a copy of Khanna's statement to be supplied to him on 27 October, 1966. He did not, however, receive a copy because the Government withdrew the charge sheet against him on 18 October, 1966. If, therefore, by a fresh "Show Cause notice" the appellant was called upon vindicate his earlier reply to the charge sheet, he was, he claimed, entitled to a copy of the statement of S.D. Khanna. On 24 November, 1966, however, the Secretary to the Government of Haryana turned down the appellant's request for a copy of Khanna's statement. Therefore, on 16 December, 1966 the appellant submitted a reply to the "Show Cause notice".

4. On 27 February, 1967 the Government passed an order imposing the penalty of censure on the appellant. The substantive part of the order is in the following terms :—

"Your explanation has been duly considered and the same has been found to be unsatisfactory. The Governor of Haryana is accordingly pleased to order that the penalty of censure be imposed on you. Your conduct is, therefore, censured."

5. On the same day another order was communicated to the appellant by which the Governor of Haryana had directed that under Rule 7.3(3) of the Punjab Civil Services Rules, Volume I, Part I, the appellant should not be allowed anything more than what had already been paid to him as subsistence allowance during the period of his suspension from 31 May,

1963 to 6 January, 1966. The order included also a direction that the entire period of absence from duty of the appellant on account of suspension from 31 May, 1963 to 6, January, 1966 was to be treated as a period spent on duty for all other purposes.

6. In June, 1967 the appellant was given a notice of compulsory retirement which was subsequently withdrawn. In October, 1968, however, the appellant was compulsorily retired. In the meantime, however, in November, 1967 the appellant had filed a writ petition in the High Court of Punjab and Haryana challenging the validity of the two orders dated 27 February, 1967—one inflicting on him the punishment of censure and the other withholding from him his usual pay and allowances beyond what had been paid to him as subsistence allowance during the period of suspension. The writ petition was dismissed by a Single Judge of the High Court on 6 November, 1968 the appellant went in appeal before a division bench of High Court. The appellant was, however, dismissed in limine. Upon being refused a certificate for appeal to this Court, the appellant asked for special leave which was granted to him on 3 October, 1969.

7. Only two contentions were raised on behalf of the appellant before us. First, it was contended that the appellant did not get a reasonable opportunity to reply to the "Show Cause notice" dated 26 October, 1966 on the basis of which he had been censured by the Government inasmuch as the notice was too vague to enable him to give an effective reply. Secondly, it was contended that the order of 27 February, 1967 which withheld from the appellant any payment in excess of the subsistence allowance he had drawn during the period of his suspension was liable to be struck down on the ground that it had been passed without giving him any opportunity to make a representation against it. We shall now deal with these contentions one by one.

8. The appellant's complaint about the "Show Cause notice" of 26 October, 1966 is one that has to be accepted as substantial. For a proper appreciation of the appellant's contention, the Memorandum containing the "Show Cause notice" may be set out in extenso. It was in the following terms :

"Your explanation dated the 18th December, 1956 in reply to the statements of charges and allegations has been considered and found to be unsatisfactory. The president of India, after taking a lenient view, has tentatively decided to Censure your conduct and also to place a copy thereof on your personal file.

2. Before the proposed punishment is inflicted, you are given an opportunity of making representation against the action proposed to be taken. Any representation which you make in this connection will be considered before taking the proposed action. Such representation, if any, should be made in writing and submitted so as to reach me not later than the 7th day from the receipt of this communication by you. In case no reply is received within the aforesaid period it will be presumed that you have no explanation to offer."

9. The only ground on which the Government proposed to censure the appellant is the fact that the appellant's explanation dated 18 December, 1956 in reply to the Statement of charges and allegations had been found unsatisfactory by Government. By the expression "Charges and allegations" in this "Show Cause notice", reference obviously is to the letter of 22 October, 1956. That letter, it will be remembered, contains two charges, namely, Charge 1(a) and Charge 1(b). The appellant's explanation of 18 December, 1956 which is said to have been found unsatisfactory by Government was a reply not only to Charge 1(a) but also to Charge 1(b). Of these two charges so far as Charge 1(a) is concerned the appellant had been completely exonerated in October, 1958. There is nothing, however, in the "Show Cause notice" of 26 October, 1966 to indicate clearly that the dissatisfaction of Government with the appellant's reply of 18 December, 1956 had nothing to do with Charge 1(a). The "Show Cause notice" merely states in vague general terms that the appellant's reply to the charges and allegations was unsatisfactory. Even if we were to assume, though there is no reasonable ground for this assumption, that Government did not have in mind the contents of Charge 1(a) while serving this "Show Cause notice", there is nothing in the "Show Cause notice" to give an indication that the particular allegations regarding which the appellant had failed to furnish a satisfactory explanation were referable only Charge 1(b). The notice is vague on other grounds as well. As one reads the first paragraph of the notice, the questions that at once assail one's mind are many. In what way was the explanation of the appellant unsatisfactory? Which part of the appellant's explanation was so unsatisfactory? On what materials did the Government think that the appellant's explanation was unsatisfactory. It is to our mind essential for a "Show Cause notice" to indicate the precise scope of the notice and also to indicate the points on which the officer concerned is expected to give a reply. We have no manner of doubt that the "Show Cause notice" in the instant case did not give the appellant any real opportunity to defend himself against the complaint that his pre-

vicious explanation of 18 December, 1956 had been unsatisfactory. The appellant did not, therefore, get any chance at all to show that he did not deserve a censure upon his conduct.

10. We were told that since the appellant was aware of the charge and also aware the reply he had given to the charges made against him, it was enough for Government to tell him that his answer was unsatisfactory. It was argued that since the "Show Cause notice" really pointed this out and mentioned that the very lenient sentence of censure upon the appellants conduct was going to be imposed, there was nothing further that Government could be expected to do in this case. We have no hesitation in rejecting this contention made out on behalf of the State. It is manifestly clear that the "Show Cause notice" was too vague to permit the appellant to deal with it effectively and that consequently the order of censure passed on him is bad and liable to be struck down.

11. We now come to the second contention raised on behalf of the appellant that the order passed by the Governor of Haryana which directed the with-holding from the appellant any payment in excess of the subsistence allowance he had already received during the period of his suspension between 31 May, 1963 and 6 January 1966 was bad in so far as the appellant had not been given a prior opportunity to make a representation against such order.

12. The relevant order was passed under rule 7.3 of the Punjab Civil Services Rules (Vol. I Part I) which is in the following terms :—

"7.3(1) When a Government servant, who has been dismissed, removed or suspended, is reinstated the authority competent to order the reinstatement shall consider and make a specific order :—

- (a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty; and
  - (b) Whether or not the said period shall be treated as a period spent on duty.
- (2) Where the authority mentioned in sub rule (1) is of opinion that the Government servant has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Government servant shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or suspended, as the case may be.
- (3) In other cases, the Government servant shall be given such proportion of such pay and allowances as such competent authority may prescribe;

Provided that the payment of allowances under clause (2) or clause (3) shall be subject to all other conditions under which such allowances are admissible.

(4) In a case falling under (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.

(5) In a case falling under clause 3 the period of absence from duty shall not be treated as a period spent on duty, unless such competent authority specifically directs that it shall be so treated for any specified purpose.

Provided that if the Government servant so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the Government servant."

13. It is clear that before passing an order under Rule 7.3 the authority concerned has to form an opinion as to whether the Government servant has been fully exonerated and, also, whether, in the case of suspension, the order of suspension was wholly unjustified.

14. It was urged on behalf of the appellant that before the authority formed such an opinion, it was incumbent upon it to afford him an opportunity, to make suitable representations in this behalf. Reliance was placed upon the judgment of this Court in *M. Gopala Krishna Naidu Versus State of Madhya Pradesh* (1). The appellant in that case had been exonerated of the charges framed against him in a departmental enquiry. Government held, however, that the appellant's suspension and the departmental enquiry instituted against him "were not wholly unjustified." The relevant order, after reinstating the appellant with effect from the date of the order and directing the appellant's retirement from the same date on the ground that he had already attained the age of superannuation contained a further direction that the entire period of



the appellant's absence from duty should be treated as a period of the appellant's duty should be treated as a period spent on duty under Fundamental Rule 54(5) for the purpose of pension only, but that "he should not be allowed any pay beyond what he had actually received or were allowed to him by way of subsistence allowance during the period of his suspension." The appellant in that case contended that his case really came under Fundamental Rule 52(2) and not under Fundamental Rule 54(5) and that the Government should have granted him an opportunity to be heard before deciding as to the rule which applied to his case. It was contended on behalf of the Government that the order regarding allowances was a mere consequential order and in passing such an order it was not necessary to give a hearing to the party affected by the order. This Court, however, held that an order passed under Fundamental Rule 54 is not always a consequential order of a mere continuation of the departmental proceeding taken against the employee. Since consideration under Fundamental Rule 54 depends on facts and circumstances in their entirety and since the order may result in pecuniary loss to the Government servant, consideration under the Rule "must be held to be an objective rather than a subjective function." Shelat, J. who delivered the judgment of the court went on to observe: "The very nature of the function implies the duty to act judicially. In such a case if an opportunity to show cause against the action proposed is not afforded, as admittedly it was not done in the present case, the order is liable to be struck down as invalid on the ground that it is one in breach of the principles of natural justice."

15. We have no doubt in our minds that in this case also justice and fairplay demand that the Government should have given the appellant a reasonable opportunity to show cause why an order affecting his pay and emoluments to his prejudice should not be made.

16. The decision in M. Gopala Krishna Naidu's (1) case had been cited before the High Court. The High Court, however, sought to distinguish that case from the instant case on facts. The High Court held that since in M. Gopala Krishna Naidu's (1) case the proceedings had been dropped and the officer concerned reinstated. He never got an opportunity to show to the appointing authority that his suspension had been unjustified and that he was entitled to full pay and allowances, while in the instant case the appellant has already, according to the High Court, received all reasonable opportunity to show cause against the punishment that has been meted out against him. With respect, we do not think that there is any real difference in substance between the facts of the instant case and those in M. Gopala Krishna Naidu's (1) case. The appellant in that instant case did not really get an opportunity to defend himself against charge 1(b). It will be remembered that in this case also the Government abandoned the proceedings against the appellant with regard to charge 1(b). Had the proceedings been completed, it is not altogether impossible that the appellant would have been exonerated also of that charge just as he had been exonerated of Charge 1(a) earlier. To that extent the appellant did not get any opportunity to show that the suspension order against him had been unjustified and that he was, therefore, entitled to full pay and allowances. From this point of view, there is really no difference between the instant case and the case of M. Gopala Krishna Naidu (1).

17. Besides, the real ratio in M. Gopala Krishna Naidu's (1) case was that if an order affects the employee financially, it must be passed after an objective consideration and assessment of all relevant facts and circumstances and after giving the person concerned full opportunity to make out his own case about that order. In the instant case the order unquestionably is one that seriously prejudices the appellant. We would further like to add that the fact that even the order of punishment was made without giving the appellant a real opportunity to make an effective representation against it make the second order affecting his pay and allowances still more vulnerable.

18. Mr. Mahajan appearing for the State sought to rely in this connection upon an unreported decision of this Court in the State of Assam and Anr. *Versus* Raghava Rajagopalchari (2). That case was a case dealing with Fundamental Rule 54 which is more or less similar to Rule 7.3 of the Punjab Civil Services Rules, under which this second order of 27 February, 1967 had been passed by the Governor. The relevant portion of Fundamental Rule 54 is in the following terms :

"F.R. 54 when the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable; or

When a Government servant who had been dismissed, removed or suspended is reinstated; the revising or appellate authority may grant to him for the period of his absence from duty—

(a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended and, by an order to be

separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension; or

- (b) if otherwise such proportion of such pay and allowances as the revising or appellate authority may prescribe. In a case falling under clause (a) the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (b) it will not be treated as a period spent on duty unless the revising or appellate authority so direct."

19. This Court held that clause (b) of the Fundamental Rule 54 would be applicable in all cases where the officer concerned is not honourably acquitted. Since in that case the Government Servant had clearly not been fully exonerated of the charges levelled against him it was open to Government to decide what period of absence from duty during the period of suspension should be treated on duty and, also what proportion of should be treated as periods pent on duty and, also what proportion of pay and allowances should be given to him. This decision cannot apply to the instant case for the simple reason that Government, by withdrawing the proceedings initiated against the appellant in respect of Charge 1(b) made it impossible for the appellant to get himself fully exonerated. Since the appellant had been exonerated of Charge 1(a) and since Charge 1(b) was withdrawn, it is impossible for Government to proceed on the basis as if the appellant has not been fully exonerated or to assume that the order of suspension was one which was not wholly unjustified. In that view of the matter, we do not think that the case of the State of Assam and Anr. vs. Raghav Rajgopalachari (2) can be of any assistance to the respondents.

20. In the result this appeal succeeds. The judgement and order of the High Court are set aside. The orders dated 27 February, 1967 impugned in the appellant's petition before the High Court are quashed. The appellant will get the costs of this appeal as well, as costs incurred below.

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(English Version of letter No. 1283-5GSI-73/8185 dated 27-3-73)

**Subject : List Showing the names and particulars of persons dismissed/debarred from Government Service.**

I am directed to refer to the provision Contained in notes (1) and (2) under rule 4 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 according to which the Punishing authorities have full discretion to publish in the Gazette reasons for dismissal where such publication is Considered desirable in the public interest. Furthermore, the authority passing an order of dismissal is required to intimate the name and other relevant particulars of an person dismissed to the Deputy Inspector General of Police C.I.D., Punjab (now Haryana) as well as to the Deputy Commissioner and the Superintendent of Police of the district where such person was) a permanent resident, in order to guard against the in advertant re-employment of persons dismissed from Government Service.

2. The matter has been considered further by Government and it has been decided that in future the Departments should also supply similar information to the Chief Secretary to Government (in General Service I Branch) directly after an order of dismissal has been passed by any punishing authority. The information so received from various departments will then be compiled and circulated quarterly by the State Government to all the departments and corporate bodies in Haryana and also to the Central Government and to the other State Governments.

3. I am to request that these instructions may please be noted carefully and brought to the notice of all concerned for strict compliance. The receipt of this letter may also be acknowledged.

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No. 504-IGSI-73/7866

From

The Chief Secretary to Govt., Haryana

To

1. All Heads of Departments; Commissioners, Ambala and Hissar Divisions; All Deputy Commissioners; and All Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and All District and Session Judges, Haryana.

Dated, Chandigarh, the 27th March, 1973.

**Subject : The Punjab Departmental Enquiries (Powers) Act, 1955**

Sir,

I am directed to say that it has come to the notice of Government that departmental enquiries conducted by Enquiry Officers appointed under the Punjab Civil Services (Punishment & Appeal) Rules, 1952, or any other similar rules applicable to other services, are quite often delayed inordinately on account of the failure of the witnesses to appear before the Enquiry Officers despite the issue of repeated summons. One reason appears to be that the provisions of section 2 of the Punjab Departmental Enquiries (Powers) Act, 1955 (copy enclosed) which empower Enquiry Officers to compel the attendance of witnesses and the production of documents are not within their notices or are not availed of by them in appropriate cases.

2. I am to point out that Government attach great importance to the expeditious completion of departmental enquiries and there can be no justification for the aforementioned provisions not being utilised when necessary. You are, therefore, requested to take due note of these provisions for appropriate use and also to bring them to the notice of all officers/officials working under you for use when they are appointed Enquiry Officers so that there is no avoidable delay in departmental enquiries on account of failure of witnesses to appear or because of non-production of documents.

3. It is requested that the receipt of this communication may please be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioner Revenue, and all Administrative Secretaries to Government, Haryana, for information and necessary action.

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**Extracts of Section 2 of Punjab Departmental Enquiries (Powers) Act, 1955.**

2. For the purposes of an enquiry under the Punjab Civil Services (Punishment and Appeal) Rules, for the time being in force, the officer conducting such an enquiry shall be competent to exercise the same powers for the summoning of witnesses, and for compelling the production of documents as are exercisable by a commission appointed for an enquiry under the Public Servants (Inquiries) Act, 1850 (Act XXXVII of 1850), and all persons disobeying any process issued by such officer in this behalf shall be liable to the same penalties as if the same had issued from a Court.

*Summoning of Witnesses and production of documents.*

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क्रमांक 4985-1 जी: एस: 1-73/23997

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा सभी उप मण्डल, अधिकारी ।
2. रजिस्ट्रार उच्च न्यायालय पंजाब तथा हरियाणा, चण्डीगढ़ तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 24 सितम्बर, 1973 ।

विषय :- पंजाब सिविल सेवा (दण्ड तथा अपील) नियमावली, 1952 के नियम 8 के अधीन लघु दण्ड देने के लिए कार्यविधि ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 6987-5 जी एस -69/30299, दिनांक 16-12-69 द्वारा जारी की गई हिदायतों की ओर दिलाउं जिनमें पंजाब सिविल सेवा (दण्ड तथा अपील) नियमावली, 1952 के नियम 8 के अन्तर्गत किसी दोषी सरकारी कर्मचारी के खिलाफ जाने वाली कार्यविधि की व्याख्या की गई थी । इन हिदायतों में कल्याण सिंह बनाम पंजाब राज्य, 1965 की सिविल याचिका संख्या 2523 के केस में पंजाब तथा हरियाणा उच्च न्यायालय द्वारा दिए गए निर्णय को ओर ध्यान दिलाते हुए यह कहा गया था कि यदि नियम 8 के अधीन किसी सरकारी कर्मचारी की कोई लघु दण्ड ( Minor Punishment ) दिया जाना हो तो दोषी कर्मचारी को आरोप पत्र भेजते समय प्रस्तावित लघु दण्ड ( Minor Punishment ) बताया जाना चाहिए और यदि आरोप पत्र के साथ प्रस्तावित दण्ड कर्मचारी को न बताया गया तो प्रस्तावित लघु दण्ड देने से पहले सम्बन्धित कर्मचारी को एक दूसरा "कारण बताओ नोटिस" आवश्यक दिया जाना चाहिए जिसमें कि प्रस्तावित दण्ड बताया गया हो ।

2. पंजाब तथा हरियाणा उच्च न्यायालय के उपरोक्त निर्णय को सुप्रीम कोर्ट ने शादी लाल बनाम पंजाब राज्य (ए0आई0आर0 1973एस0सी0 1124) के केस में आवर हल कर दिया है सुप्रीम कोर्ट के निर्णय के सम्बन्धित भाग की एक प्रति संलग्न है )। सुप्रीम कोर्ट के इस निर्णय में स्पष्ट किया गया है कि उपरोक्त नियमावली का नियम 8, जिसके तहत लघु दण्ड ( Minor Punishment ) दिए जाते हैं, केवल इतना ही चाहता है कि जिन आरोपों के आधार पर किसी कर्मचारी के विरुद्ध कार्यवाही की जा रही हो वे उसे बता दिए जाएं । सम्बन्धित कर्मचारी को प्रस्तावित लघु दण्ड ( Minor Punishment ) से सूचित करने की किसी स्टेज पर आवश्यकता नहीं है । उपरोक्त नियमावली के नियम 7 के तहत बड़ा दण्ड देने की कार्यवाही करने के लिये जो दो बार कारण बताओ नोटिस देने वाली व्यवस्था है वह संविधान की धारा 311(2) के आधार पर है और नियम 8 के तहत कार्यवाही करते समय उपरोक्त धारा कोई अड़चन नहीं डालती ।

3. अतः सुप्रीम कोर्ट के उपरोक्त निर्णय को ध्यान में रखते हुए हरियाणा सरकार की उपरोक्त दिनांक 16-12-69 की हिदायतों को रद्द समझा जाए । यह स्पष्ट किया जाता है कि नियम 8 के तहत कार्यवाही करते समय प्रस्तावित लघु दण्ड ( Minor Punishment ) सम्बन्धित कर्मचारी को बताने की आवश्यकता न हो कारण बताओ नोटिस जारी करते समय है और न ही उसका जवाब प्राप्त होने पर उसे प्रस्तावित लघु दण्ड बताने के लिए "शो काज नोटिस" जारी करने की आवश्यकता है । दूसरे शब्दों में दोषी कर्मचारी को लगाए गए आरोपों के बारे में उत्तर प्राप्त होने पर नियुक्ति प्राधिकारी जो भी लघु दण्ड ( Minor Punishment ) उचित समझें वह सीधे दे सकते हैं तथा प्रस्तावित लघु दण्ड, दोषी कर्मचारी को किसी स्टेज पर भी (आरोप पत्र के साथ या "शो काज नोटिस द्वारा" बताये जाने की आवश्यकता नहीं है ।

4. अनुरोध है कि भविष्य में उपरोक्त हिदायतों के अनुसार कार्यवाही की जाए ।

भवदीय,

हस्ता:

उप सचिव, राजनैतिक एवं सेवाएं

कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी एक प्रति निम्नलिखित को सूचना और मार्गदर्शन के लिये भेजी जाती है :-  
वित्तायुक्त राजस्व, तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

No. 8495-29-SII-73/545

From

The Chief Secretary to Govt., Haryana.

To

All the Head of Departments,  
Commissioners, Ambala and Hissar etc. etc.

Dated : Chandigarh, 15-1-1974.

**Subject : Delegation of Financial and Administrative powers to the Head of Departments.**

I am directed to refer you on the subject noted above and to say that Govt. has decided to delegate the following powers to the Head of Departments to impose minor punishment in the cases of Class II officers working under them :—

1. Censure.
2. With-holding of increments or promotion including stoppage of efficiency bar for a period of not more than one year.
3. Recovery from pay of the whole, promotions including stoppage, loss caused to Government by negligence or breach of order upto the extent of Rs. 1000/-.

Kindly acknowledge the receipt of this letter.

Sd/  
Joint Secretary General, Administration,  
for Chief Secretary to Government, Haryana.

क्रमांक 4500-1 जी० एम 0-1-75125009

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिमाल मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 22 अगस्त, 1975 ।

विषय:- पंजाब सिविल सर्विसिज रुलज वाल्यूम-II के रुल 2.2 (बी) में दी गई व्यवस्था के अन्तर्गत सरकारी कर्मचारी/अधिकारी के विरुद्ध उसकी रिटायरमेंट से पहले आरम्भ की गई विभागीय कार्यवाही की रिटायरमेंट के बाद भी जारी रखने के लिए कराइटेरिया का अपनाना ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय की ओर आपका ध्यान दिलाऊँ और कहूँ कि पंजाब सिविल सर्विसिज रुलज, वाल्यूम-II के रुल 2.2 (बी) में वित्त विभाग की अधिसूचना क्रमांक 3548-2 एफ० आर०-72/24080, दिनांक 24-7-1972 द्वारा संशोधित) यह व्यवस्था है कि किसी सरकारी अधिकारी/कर्मचारी के विरुद्ध उसके द्वारा किये गये मिसकण्डक्ट के कारण या सरकार को पहुँचाई गई वित्तीय हानि के कारण उसकी रिटायरमेंट से पहले आरम्भ की गई विभागीय कार्यवाही को उसकी रिटायरमेंट के बाद भी पेंशन में कटौती के लिये उसी प्रकार जारी रखी जा सकती है जैसे उसकी सेवा में होते हुए रखी जानी है चाहे यह विभागीय कार्यवाही पंजाब सिविल सर्विसिज पनिशमेंट एण्ड अपील) रुलज, 1952 के रुल 7 (जो मेजर पैनल्टी के लिये होती है) या रुल 8 (जो माईनर पैनल्टी के लिये होता है) के तहत आरम्भ की गई हो व इस बारे में कोई distinction नहीं है। पेंशन में कटौती के लिये अधिकारी कर्मचारी के विरुद्ध उसकी रिटायरमेंट के बाद जारी रखी जाने वाली विभागीय कार्यवाही के बारे में कोई कराइटेरिया अपनाने के लिये प्रश्न सरकार के विचाराधीन था अतः सरकार ने ध्यान पूर्वक विचार करके समानता के लिये यह निर्णय लिया है कि उपरोक्त रुल 2.2 (बी) के तहत पेंशन में कटौती के लिये किसी अधिकारी कर्मचारी के विरुद्ध उसकी रिटायरमेंट से पहले आरम्भ की गई केवल ऐसी विभागीय कार्यवाही की उसकी रिटायरमेंट के बाद जारी रखा जाये जो कि पंजाब सिविल सर्विसिज (पनिशमेंट एण्ड अपील) रुलज 1952 के नियम 7 (जो मेजर पैनल्टी के लिये होता है) के अन्तर्गत आरम्भ की गई थी तथा नियम 8 (जो माईनर पैनल्टी के लिये होता है) के तहत आरम्भ की गई विभागीय कार्यवाही को रिटायरमेंट के बाद जारी न रखा जाये। इन हिदायतों के बारे में वित्त विभाग की सहमति भी प्राप्त कर ली गई है। आपसे अनुरोध है कि भविष्य में उपरोक्त हिदायतों को ध्यान में रखा जाये तथा अपने अधीन कार्य कर रहे अधिकारियों/कर्मचारियों के ध्यान में भी ला दी जायें।

2. कृपया इस पत्र की पावती भेजी जाये ।

भवदीय,

हस्ता-

उप सचिव, राजनैतिक एवं सेवायें,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

वित्तायुक्त तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

No. 6545-4GSI-75/37934

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments, Commissioners, Ambala and Hissar Division, All Deputy Commissioners and Sub-Divisional Officers in Haryana.

2. The Registrar, Punjab and Haryana High Court and all the District & Sessions Judges in Haryana.

Dated Chandigarh, the 31st December, 1975.

**Subject :—**Proviso (c) to Article 311(2) of the Constitution —Rule 7(2) of the Punjab Civil Services (Punishment and Appeal) Rules, 1952—satisfaction of the Governor that in the interest of the security of the State it is not expedient to hold an enquiry.

Sir,

I am directed to invite your attention to Haryana Government letter No. 3610-5GSI-71/21438, dated the 21st July, 1971 on the subject noted above and to say that in a recent judgement in Shamsher Singh's case (AIR 1974 SC 2192), the Supreme Court has over-rules their earlier decision taken in the case of Sardari Lal vs. Union of India (Civil Appeal No. 576 of 1969). The Supreme Court has now pointed out that "the rules of business and the allocation among the Ministers of the said business indicate that the decision of any Minister or officers under the Rules of Business made under these two articles viz. Article 77(3) in the case of President and Article 166(3) in the case of a Governor of the State, is the decision of the President or the Governor respectively." In the said judgement it has been held that neither the said judgement it has been held that neither the President nor the Governor has to exercise executive functions personally.

2. It would thus be clear that the requirements of proviso (c) to Article 311(2) of the Constitution would be satisfied if the matter is submitted to the Minister-in-charge under the rules of business and receives his approval. Accordingly, it has been decided that in so far as the employees of the State Government are concerned, the procedure indicated in para 2 of the letter referred to in para 1 above need not be followed hereafter. However, all cases coming within the proviso (c) to Article 311 (2) of the Constitution and the corresponding provision of rule 7(2) (b) of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 should invariably be submitted to the Minister-in-charge for necessary orders.

3. I am to request that these instructions may be brought to the notice of all concerned for strict compliance and the receipt of this letter may also be acknowledged.

Yours faithfully,

Sd./-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to the :—

Financial Commissioner, Haryana and All Administrative Secretaries to Govt. Haryana.

Sd./-

Deputy Secretary General Administration  
for Chief Secretary to Government, Haryana.

To

The Financial Commissioner, Haryana and All Administrative Secretaries to Govt. Haryana.

U.O. No, 6545-4GSI-75,

Dated, Chandigarh, the 31st December, 1975,

क्रमांक 3874-6 जी० एस० -1-76/17089

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त भम्बाला तथा हिसार मण्डल,  
सभी उप उपायुक्त तथा मण्डल, अधिकारी ।

दिनांक, चण्डीगढ़ 29 जून, 1976 ।

विषय:- विभागीय जांचों के सिलसिले में अधिकारियों/कर्मचारियों को आरोप पत्र देने में विलम्ब ।

महोदय,

सरकार के नोटिस में आया है कि विभागीय जांचों के सम्बन्ध में बहुत केसों में निलम्बित कर्मचारियों/अधिकारियों को चार्जशीट करने में बहुत विलम्ब हुआ है । इससे एक तो सम्बन्धित अधिकारी/कर्मचारी को बहुत कठिनाई होती है, दूसरे मामले के अन्तिम निपटान में भी विलम्ब होता है ।

2. ऐसे निलम्बित अधिकारियों/कर्मचारियों को आरोप-पत्र देने में विलम्ब लोक हित में नहीं है । इस-लिये आपसे अनुरोध किया जाता है कि ऐसे मामलों में जहां कार्यवाही के लिये प्रथम-दृष्ट्या केस बनता हो, आरोप-पत्र तत्काल जारी किया जाए । वैसे भी सरकार की हिदायतों के अनुसार निम्बन काल की अर्वाध्र कम से कम समय के लिए होनी चाहिए और इस उद्देश्य की पूर्ति के लिये यह भी आवश्यक हो जाता है कि ऐसे निलम्बित कर्मचारियों को "कारण बताओ नोटिस" इत्यादि परम आग्रता से जारी किया जाए ताकि उनके विरुद्ध कार्यवाही पूरी करने में अनावश्यक देरी न हो ।

3. अतः आपसे अनुरोध है कि भविष्य में अधिकारियों/कर्मचारियों खास तौर पर निलम्बनाधीन अधिकारियों/कर्मचारियों को आरोप-पत्र देने में देरी न होने दी जाए और प्रथम दृष्ट्या केस होने पर आरोप-पत्र तत्काल दिया जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृत: मुख्य सचिव, हरियाणा सरकार ।



क्रमांक 78-6 जी० एस०-1-77/1118

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, हरियाणा के सभी उपायुक्त और उप मण्डल अधिकारी ।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय, और हरियाणा के सभी जिला एवं सेशन न्यायाधीश ।

चण्डीगढ़, दिनांक 25 जनवरी, 1977

विषय :- विभागीय जांचों के सिलसिले में अधिकारियों/कर्मचारियों को आरोप पत्र देने में विलम्ब ।

महोदय,

उपर्युक्त विषय पर सरकार के परिपत्र क्रमांक 3874-6 जी० एस०-1-76/17089, दिनांक 29-6-76 की ओर आपका ध्यान आकर्षित करते हुए मुझे यह कहने का निदेश हुआ है कि प्रायः विभागीय जांचों को पूर्ण करने में बहुत विलम्ब हो जाता है और कई केसों में संबंधित अधिकारियों/कर्मचारियों की सेवानिवृत्ति के कई वर्ष पश्चात तक भी जांचें पूर्ण नहीं होती हैं । इससे एक तो संबंधित अधिकारी/कर्मचारी को बहुत कठिनाई होती है, दूसरे मामले के अन्तिम निपटान में विलम्ब लोक हित में भी नहीं है ।

2. अतः आप से अनुरोध है कि भविष्य में विभागीय जांचों पूर्ण किया जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति -

विस्तार्युक्त तथा हरियाणा सरकार के सभी प्रशासकीय सचिवों को इस विभाग के आशा० क्र० 3874-6 जी० एस०-1-76, दिनांक 29-6-76 के क्रम में सूचना तथा आवश्यक कार्यवाही के लिये प्रेषित की जाती है ।

क्रमांक 25/33/78-जी0 एस-1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट ।

दिनांक, चण्डीगढ़ 10 नवम्बर, 1978

विषय:- पंजाब सिविल सेवा नियमावली, जिल्द-II के रूल 2.2 (बी) में दी गई व्यवस्था के अन्तर्गत सरकारी कर्मचारी/अधिकारी के विरुद्ध उसकी सेवा निवृत्ति से पहले आरम्भ की गई विभागीय कार्यवाही का सेवा निवृत्ति के बाद भी जारी रखने के लिए मान-दण्ड का अपनाना ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर हरियाणा सरकार के अनुदेश क्रमांक 4500-1 जी0 एस0-75/25009, दिनांक 22 अगस्त, 1975 की ओर दिलाऊं जिसमें सरकार ने यह निर्णय किया था कि पंजाब सिविल सेवा नियमावली, जिल्द-II के रूल, 2.2 (बी) के तहत पैन्शन में कटौती के लिए किसी अधिकारी/कर्मचारी के विरुद्ध उसकी सेवा निवृत्ति से पहले आरम्भ की गई केवल ऐसी विभागीय कार्यवाही को उसकी सेवा-निवृत्ति के बाद जारी रखा जाए जो कि पंजाब सिविल सेवाएं (दण्ड तथा अपील) नियमावली, 1952 के नियम 7 (जो बड़े दण्ड के लिये होता है) के अन्तर्गत आरम्भ की गई हो तथा नियम 8 (जो लघु दण्ड के लिये होता है) के तहत आरम्भ की गई विभागीय कार्यवाही को सेवा-निवृत्ति के बाद जारी रखा जाए ।

2. अब सरकार ने यह निर्णय लिया है कि यदि वित्तीय हानि किसी गत कार्यवाही या गफलत के कारण हो और उसकी सीधी जिम्मेवारी सेवा-निवृत्त कर्मचारी पर आती हो तो विभागीय कार्यवाही जो चाहे रूल 8 के अन्तर्गत आरम्भ हो की गई हो, को सेवानिवृत्ति के बाद भी जारी रखा जाए ताकि वित्तीय हानि की वसूली पैन्शन से की जा सके ।

3. उपर्युक्त हिदायतें इस सीमा तक संशोधित समझी जायें ।

4. आपसे अनुरोध है कि भविष्य में इन हिदायतों को ध्यान में रखा जाए तथा अपने अधीन कार्य कर रहे सभी अधिकारियों/कर्मचारियों के ध्यान में भी ला दी जाए ।

5. कृपया इसकी पावती भेजी जाए ।

भवदीय,  
हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

वित्तायुक्त, तथा सभी प्रशासकीय सचिव, हरियाणा सरकार ।

विषय :- अधिकारियों/कर्मचारियों के विरुद्ध पंजाब दण्ड एवं अपील नियमावली, 1952 के अधीन कार्यवाही करते समय विभागीय जांच के लिए जांच अधिकारी नियुक्त करना ।

क्या हरियाणा सरकार के सभी प्रशासकीय सचिव, उपर्युक्त विषय की ओर ध्यान देने का कष्ट करेंगे ?

2. राज्य सरकार के कर्मचारियों/अधिकारियों के विरुद्ध पंजाब दण्ड एवं अपील नियमावली, 1952 के अन्तर्गत विभागीय जांच के लिये चौकसी विभाग में आई:ए:एस: काडर के एक अधिकारी, जांच अधिकारी (चौकसी) नियुक्त है तथा उनके कार्यालय में जिला न्यायवादी तथा रीडर सहित पूरा अमला उपलब्ध किया गया है, जिससे कि जांच सुचारु रूप से हो सके। इस समय जांच अधिकारी के पास किसी भी विभाग की नियमित जांच लम्बित नहीं है ।

3. उपरोक्त स्थिति को ध्यान में रखते हुए यह निर्णय लिया गया है कि जिन श्रेणी-I तथा II के अधिकारियों के विरुद्ध नियमित विभागीय जांच प्रस्तावित हो तो वह सभी केस उपर्युक्त अधिकारी को भेज दिये जाएं । इसके अतिरिक्त भविष्य में जिन केस में (केवल श्रेणी-I तथा II से सम्बन्धित) विभागीय जांच बारं निर्णय लिया जाए तो जांच अधिकारी (चौकसी) को ही इस कार्य हेतु नामित किया जाए ।

4 यह हिदायतें, जो कि अग्रिम आदेशों तक लागू रहेंगी, सभी सम्बन्धित के ध्यान में कठोरतापूर्वक कार्यवाही हेतु ला दी जाए ।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सभी प्रशासकीय सचिव, हरियाणा सरकार ।

भाषा 0 क्रमांक 2511179-जी एस । दिनांक, चण्डीगढ़ 30-4-79



## PART XIX



**Copy of letter No. 509-G-50/1-668 dated 17.2.50, from the C. S. to all Heads of Deptts. etc. etc.**

**Subject :—Grant of extension of Service and re-employment of Govt. servants both gazetted and non-gazetted after the age of Superannuation.**

In continuation of Punjab Govt. letter No. 7663-G-49/70531, dated the 10-11-1949. I am directed to say that the Governor of Punjab has decided to terminate the services of all re-employed officers/officials for with and in any case by the 31st March, 1950 at the latest unless in any particular case re-employment after that period has been agreed to already and cannot be terminated immediately under the terms of re-employment.

2. Similarly officers/officials, who have been granted extensions of service after attaining the age of Superannuation should be retired by the 31st March, 1950 unless the extension has been agreed to already in which case the services of persons concerned should be terminated on the expiry of the present term of extension.

3. The Governor of Punjab has further decided that in future no person, whether holding a gazetted or a non-gazetted posts, should be retained in service after he has attained the age of Superannuation viz. 55 years, save in cases of exceptional cases nature and on the over-riding grounds of public interest, which must be recorded in writing as required by Rule 3.26(a) of the Civil Service Rules (Pb) Volume I Part I. The power to retain in service in exceptional circumstances, a non-gazetted Govt. servant after the age of 55 years has been delegated to Heads of department vide F.D. notification No. 4760-FR-49/2499 dated the 21st September, 1949. In order to ensure that an effective check is maintained and a uniform policy followed in all deptts. in respect of granting extensions in service to superannuate Govt. servants, the Governor of Punjab has decided that delegation referred to above should be considered to have been held in abeyance and every case of extension of service should be referred in advance for the approval of government.

I am to add that cases of re-employment or extensions of service should be referred to Govt. well in advance (say 3 months) from the crucial date, Govt. would ordinarily decline to entertain any such proposals submitted at the eleventh hour.

**Copy of letter No. 2068-G-50/11251, dated the 1st April, 1950, from the Chief Secretary to Government, Punjab to All Heads of Deptts.**

**Subject :—Grant of extensions of service and re-employment of Government servants, both Gazetted and Non-Gazetted after the age of superannuation.**

In continuation of Punjab Government letter No. 509-G-50/1668, the dated 17th Februnry, 1950 on the subject cited above. I am directed to say that according to the practice prevailing in most of the Departments the question of selection of a successor to a retiring officer/official is taken up just a few months before his retirement. Very often the process of selection cases the leave preparatory to retirement applied for by the retiring Government servant to be refused in public interest.

2. In accordance with the provisions of rule 8.21 of the Civil Services Rules (Punjab), Volume I, the refusal of leave preparatory to retirement entails the grant of leave after the date of superannuation. This leave carries with it the grant of an automatic extension in service for the stipulated period of subject to a maximum of 6 months. In some cases the services of a retiring officers are utilized by re-employing him pending the selection of his successor. In order to obviate the necessity of granting extensions of service or-employing officers after the date of superannuation in the circumstances explained above the Governor of the Punjab is pleased to direct that in future Heads of Departments should prepare every month a list of all officers/officials who are due to retire with in the next 12 month and take up the question of appointing their successors well in advance so that all the formalities (e.g. Consultation with the Public Service Commission, where necessary under the rule are completed long before an officer is due to retire or intends to proceed on leave preparatory to retirement,

**Copy of letter No. 1993-G-56/18774, dated 29-3-56 from the Chief Secretary to Government, Punjab to All Heads of Deptts. etc.**

**Subject :—Grant of extension of service and re-employment of Government servants both gazetted and non-gazetted after the age of superannuation.**

I am directed to invite a reference to sub para to para 3 of Punjab Government letter No. 509-G-50/1668, dated the 17th Feb., 1950, on the subject noted above wherein you were informed that in future no Government servant, whether gazetted or non-gazetted should be re-employed without the previous approval of Government and to say that it has now been decided that approval of Government is required not for the re-employment of persons who are below the age of superannuation, viz. 55 years, e.g. ex-Army doctor below the age of 55 years and that the competent authority would be quite within its rights to pass orders in such cases without referring the matter to the Chief Secretary to Government, Punjab (in Gazette Branch).

**Copy of letter No. 329-GII-57/1850, dated 22-2-57 from the Chief Secretary to Government, Punjab to All Heads of Departments, etc., etc.**

**Subject : Grant of extension of service and re-employment to Government servants both gazetted and non-gazetted after the age of superannuation.**

I am directed to invite a reference to Punjab Government letter No. 509-G-50/1668, dated the 17th February, 1950, on the above subject, and to say that instances have come to the notice of Government where the instructions contained in this letter have been contravened. In a particular instances a Government servant after the age of his superannuation was re-employed on work-charged basis and Government approached for post fact approval long after the lapse of the period of re-employment of the official concerned. It appears that some departments are under the erroneous impression that the instructions referred to above do not apply in the case of work-charged establishment/staff paid out of contingencies as this establishment/staff is generally not governed by the Punjab Civil Service Rules. In this connection it seems necessary to make it quite clear that Govt. are averse to the re-employment of superannuated personal in any manner without prior approval and in order to ensure an effective check against the re-employment of retired Govt. Servants even on work-charged basis. It has been decided that the instructions already issued by Government from time to time in this behalf should mutatis mutandis cover the cases of re-employment on work-charged basis also. I am accordingly to stress that in future no retired Government servant should be re-employed even on work charged establishment/staff paid out of contingencies without the prior approval of Government.

**Copy of letter No. 2538-WGII-57/38228, dated 7/18-5-57 from the Additional Chief Secretary to Government, Punjab to all Heads of Departments etc.**

**Subject : Concession to candidates who took part in National Movements.**

I am directed to refer to the correspondence resting with Punjab Government letter No. 8791-WG-58/83351, dated the 14th October, 53, on the subject, noted above, where in the concession regarding relaxation of age limit for entry into Government service upto and including the age of 45 years, was granted, in the case of persons who rendered national or social service before independence.

The question of extending further concession to political sufferers, who rendered national or social service before independence, has been engaging the attention of Government. It has now been decided that in the individual case of political sufferers in Government service when efficiency continues unimpaired after the normal age of retirement re-employment upto 60 years of age should be sanctioned liberally whenever the exigencies of public service so required.



**Conv**  
**Subject : Re-employment of Government servants both Gazetted and non-gazetted after the age of superannuation.**

In accordance with the present procedure all cases in which departments wish to re-employ retired personnel are referred to Finance Department through the Chief Secretary to Government, Punjab, who is co-ordination authority for this purpose. This procedure was introduced to ensure a uniform policy in all the departments and to ensure that re-employment of Government servants both gazetted and non gazetted after the age of superannuation was resorted to in very exceptional cases on the over-riding grounds on public interest. The present procedure seems too highly centralized and in view of the experienced gainen, may now be suitably relaxed to some extent. Some of departments have been approached Government to delegate powers to sanction to re-employment of superannuated personnel to them. With a view to simplify the subject has been reconsidered and it has been decided that in future while the policy will be laid down by Chief Secretary under orders of Chief Minister, and where necessary the Council of Ministers, individual cases of re-employment of retired Government servants may be decided by the respective Administrative Secretaries in consultation with the Finance Deptt. as long as those fall within the policy laid down. A reference to Chief Secretary will be necessary when the departments wished, for reason to be stated, to re-employment against the terms of the policy so prescribed. The course will be adopted for a period of one year for the present on an experimental basis and will then be reviewed.

(This was made as permanent feature vide U. O. No. 2012-GII-59, dt. the 21/22nd February, 1959).

2. It is hardly necessary to emphasis the need to exercise very careful scrutiny and discretion in all such cases and ensure that the conditions laid down by Government from time to time for this purpose are strictly observed. The present policy and procedure to govern such cases is laid down below :

- A. In all such cases the reason for resorting to re-employment must be reduced to writing as required under rule 3.26 of Civil Services Rules, Vol. I, Part I,
- B. The Administrative Department are requested to send quarterly Statements of cases sanctioned by them to the Chief Secretary (in Gazette II Br.) in the enclosed form. These statement should be sent for the previous quarter by April 15, July 15, October 15, and January 15.
- C. (i) Non-availability certificate should be obtained from the Punjab Public Service Commission or the Subordinate Services Selection Board, Punjab as the case may be and forwarded to Govt. to the effect that persons with suitable qualifications and experience are not available in the open market or that it has not been possible for the Commission/Board to arrange to substitute with the requisite qualifications or experience.
- (ii) In regard to the posts which are out of the purview of the Public Service Commission or the S.S.S. Board Punjab, the Deptt. concerned with the appointment may give such a certificate indicating definitely the efforts made to find a substitute.
- (iii) For obtaining a certificate referred to under (i) above, the Public Service Commission or the S.S.S. Board, Punjab should be approached at least four months before the vacancy is likely to occur. This is necessary to ensure that bonafide efforts are made to find a suitable substitute for the persons due to retire,
- (iv) The age of the Officer/Official to be re-employed must be below 60 years except in case of Patwaris who may be re-employed up to the age of 70 years.
- (v) Officers/Officials concerned should be asked to furnish a Medical Certificate from the Civil Surgeon regarding his physical and mental fitness before he is actually re-employed.
- (vi) The case for re-employment continued/re-employment must reach the Administrative Secretary concerned at least three months before the crucial date.
- (vii) When a Department is facing shortage of experienced hands and there is no

alternative but re-employment everyone who attains the age of superannuation should be considered for re-employment except these who are physically and mentally unfit to continue in service or have a bad service records. A policy of pick and choose should be avoided as far as possible.

(viii) The Administrative Department should certify that the proposed re-employment will not, adversely affect the interest of other connected officers of comparable seniority in the Department concerned.

3. All cases regarding the grant of extension in service and refusal of leave preparatory to retirement to Govt. servant will continue to be referred to the Chief Secretary (in Gazette II bRa.) as hit-her-tofore.

4. Those orders take effect from the 25th January, 1958.

As Finance Department will in any case examine these cases they will please ensure that as required in Para I, II cases which does not fall within the procedure and policy laid down at para 2 are referred to the Chief Secretary even where the department has failed to do so.

Sd/-  
Chief Secretary to Government,  
Punjab.

To

All Administrative Secretaries to Govt. Punjab, U.O. No. 9246-GII-57, dated 8th January, 1958.

FORM

Sr. No.	Name of re-employed Govt. servant	Post held before retirement substantive with pay	post on which re-employed	payment re-employed	period of re-employment
1	2	3	4	5	6

Copy of letter No. 2225-GII-58, dated 14/27-5-1958 from the Chief Secretary to Government, Punjab to All Administrative Secretaries.

*Subject* : Re-employment of Government servants both gazetted and non-gazetted after the age of superannuation.

Will the Administrative Secretaries to Government, Punjab, kindly refer to this Department U. O. No. 9246-GII-57, dated 8/2-nd January, 1958 on the subject noted above with which the Administrative Secretaries were authorised to deal with the sanction re-employment of retired Government servants in consultation with Finance Department, provided these were covered by the policy laid down by government in this behalf. These instructions do not say expressly anything about cases in which ex-post facto sanction is required. It is therefore, clarified that such cases should continue to be referred to Chief Secretary invariably.

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Copy of letter No. 4185-GII-58 dated 18-10-1958 from Chief Secretary to Govt. Punjab to All Administrative Secretaries.

*Subject* : Re-employment of Government Servants both gazetted and non-gazetted after the age of superannuation.

Will the Assistant Secretary to Government, Punjab, Finance Department, please refer to his U.O. reference No. 3054-F.D.-II-58, dated the 15th/18th July, 1958 on the subject noted above.

So far as the issue raised by him in para 4 of his communication referred to above is concerned the position has been examined by this Department. In this connection his attention is invited particularly to the provisions of note I(a) under rules 3.3(6) and rule 3.5A of C. S. R. Vol. I part I. The former gives discretion to appointing authority to ask a person to produce a medical certificate of fitness when he is to be re-employed in circumstances other than after resignation or forfeiture of past service and the latter confers unfettered powers to have a Government Servant medically examined at any time during the period of his service, when there is reasons to believe that he is not physically fit and carry out his duties satisfactorily. In view of this Government at the time of re-employing a superannuated person are undoubtedly competent to require him to furnish a medical certificate of fitness.

Government have, however, reviewed the whole matter and decided that after a medical examination for the first term of extension in service/re-employment, there should not be any necessity to ask the officer for a medical certificate for each extension thereof until he reaches the age of 58 years. Thereafter an annual check would be necessary. Even before 58 years, Government will have every right to get the officer medically examined if it so desires before granting him further extension.

Instructions issued with this Department dated 8/22-1 1958 may be considered to have been modified to the extent indicated above. If as a result of this revised policy Finance Department consider it at all necessary to amend rules 3.3(6) Chief Secretary in Gazetted II would like to see draft amendment.

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**Copy of letter No. 4970-58-GII/33660, dated 13th November, 1958 from the Chief Secretary to Government, Punjab to the All Heads of Deptt. etc. etc.**

**Subject : Grant of extension in service and re-employment of Government servant both Gazetted and non-Gazetted after the age of Supperannuation.**

I am directed to invite a reference to Punjab Government Circular No. 2068-G-50/1-1251 dated the 1st April, 1950 on the subject noted above and to observe that the instructions issued therewith are not being strictly complied with by the Heads of Department with the result that in some cases officers/officials continuation service beyond the age of superannuation. Every now and then Government are presented with a fait accompli in cases. Government consider this State of affairs most unsatisfactory and in order to eliminate chances of recurrences and to ensure an effective check against such contingencies which a rose very frequently. I am to ask you to follow these instructions strictly in future.

**Copy of letter U.O. No. 6212-GII-58, dated the 6th January, 1959 from the Chief Secretary to Government, Punjab to All Administrative Secretaries to Government Punjab.**

**Subject :—Re-employment of Government servants both gazetted and non-gazetted after the age of superannuation.**

Will All Administrative Secretaries to Government, Punjab, refer to Chief Secretary to Government, Punjab U. O. No. 9246-GII-57, dated 8th/22nd January, 1958, with which certain powers of re-employment were delegated to Administrative Secretaries.

It was laid-down in these instructions that individual cases of re-employment of retired Government Servants could be decided by their respective Administrative Secretaries in consultation with the Finance Department without reference to the Chief Secretary to Government, Punjab as long as these fell within the policy laid-down. These instructions however did not say anything specific about employment of part time Government servants being the age of 55. After consideration it has not been decided that the Administrative Secretaries need not refer such cases to the Chief Secretary to Government, Punjab for approval where part time employment is proposed to be given to a person below the age of 60. Part time employment however should not normally be given to a person, who crossed 60. If for any exceptional reason any department proposed to give such part time employment to a person over 60 years of age the case must inevitably be referred to the Chief Secretary, Punjab for approval.

3. The approval of the F.D. wherever necessary at present should continue to be taken.

**Subject :—Re-employment of Government servants both Gazetted and Non-Gazetted after the age of Superannuation.**

Will all the Administrative Secretaries to Govt., Punjab, please refer to this Department U. O. No. 9246-GII-57, dated 8/24th January, 1958 on the above subject ?

2. It was laid down therein that the revised procedure would be adopted for one year on an experimental basis. Now, upon the expiry of one year, Government have considered the matter and decided to adopt the procedure laid down therein as a permanent feature.

3. In some cases the quarterly reports asked for in para 8(B) of the above quoted instructions were not received regularly despite reminders. Government do not view this state of affairs as satisfactory. All the administrative Secretaries are accordingly requested to ensure that effective steps are taken to furnish the requisite returns to Government in future on the due dates.

Sd/—

Additional Chief Secretary to Govt.,  
Punjab.

To

All Administrative Secretary to Govt., Punjab.

U. O. No. 2012-GII-59, dated Chandigarh, the 21st/26th Feb., 1959.

Copy of letter No. 10461-3GS-62/25290 dated 1-8-1962 from The Chief Secretary to Govt., Punjab to All Heads of Deptt. etc, etc.

**Subject:—Re-employment of Government servants both Gazetted and non-Gazetted after the age of superannuation.**

I am directed to say that a doubt has arisen whether the Administrative Department are themselves competent to decide the cases of re-employment of political sufferers which fall within the frame-work of the instructions contained in Punjab Government letter No. 2538-WG-II-57/38228, dated the 18th May, 1957, and whether these instructions are independent of the instructions contained in Punjab Govt. U.O. Circular No. 9246-GII-57, dated the 8-1-1958. The matter has been considered by Govt. and I am to elucidate that the instructions contained in U.O. Circular dated the 8th January, 1958 represent Government policy regarding re-employments and all instructions issued prior to this date are subject to the policy laid down in the said Circular. Thus, all cases of re-employment of Government servants including those of Political sufferers which do not fall with the policy laid down in the U.O. Circular dated 8-1-1958, will be referable to the Chief Secretary (in General Services Branch) who will convey approval of Government after obtaining concurrence of the Finance Department in the matter. The cases of re-employment of the Political sufferers should be considered in the light of the instructions contained in Punjab Government letter No. 2538-WG-II 657/38228 dated the 15th May, 1957.

The receipt of this letter may please be acknowledged.

**Subject:—Re-employment of Govt. Servants both Gazetted and non Gazetted after the age of superannuation.**

Will the Administrative Secretaries to Government, Punjab, kindly refer to Punjab Government circular U.O. No. 2225-GII-58, dated the 27th May, 1958, on the subject noted above.

2. It has been observed by Government that cases of irregular overstay in service beyond the date of superannuation are rampant. It has therefore, become necessary to adopt measure to check the recurrence of such cases in future. The main reason for such irregularities appears to be due to improper/incomplete maintenance of the service records by the staff entrusted with this job. Government have, therefore, decided that normally such cases, should not be entertained for regularising the overstay in service unless and until the person (s) at fault are punished.

3. The Administrative secretaries are, accordingly, requested that while referring the cases to this Department for regularising such irregularities, they should invariably indicate the action taken against the persons at fault.

4. The receipt of this U.O. reference may kindly be acknowledged.

Sd/-  
Deputy Secretary General Administration.  
for Chief Secretary to Government, Haryana.

To

The Financial Commissioner etc.

U.O. No. 14261-3GS-62, dated Chandigarh the 21st September, 1962.

(To be substituted for the office Memorandum Bearing the same Number and date)

No. 33/11/62—Ests. (A)  
Government of India  
Ministry of Home Affairs.

New Delhi-ii, the 12th June, 1962.

**OFFICE MEMORANDUM**

**Subject :—** Deputation of State Govt. employees to the Central Govt.—Question of their retention after attaining the age of superannuation.

A question has been raised as to what would be the procedure for retention in service of State Govt. officers on deputation to the Govt. of India who, while on deputation, attain the age of superannuation. At present, if the administrative Ministry considers that in the public interest it is necessary to retain in service a deputationist from a State Govt. after he has attained the age of superannuation the State Govt. is moved in time to grant an extension of service to the officer. After receiving such a sanction all the formalities prescribed for the grant of an extension beyond the age of superannuation to an officer of the Central Govt. are observed on the analogy of this Ministry's O.M. No. 33/3/58 Estts. (A) dated 7th July, 1958 relating to deputationist's from the State of Uttar Pradesh.

2. In accordance with para (3) of this Ministry's O. M. No. 33/2/58-Ests. (A) dated 20th September, 1958, the continuance of such officers in the Central Govt. should normally be on a re-employment basis as the officers on deputation are evidently holding posts outside their cadre. This position is far from satisfactory. It is odd to ask an officer to continue on re-employment basis under the Central Govt. after the State Govt., where he holds lien, has agreed to grant him an extension of service. It is equally inappropriate to sponsor the case of an officer on deputation under the Central Govt. to the State Govt. for the grant of extension of service when it is known that, during the extension period of services, of the officer will not be available to the State Govt. and the State Govt. cannot confirm another officer in this place. In view of these considerations, it has been decided that, in future, in cases where the Central Government want to retain in the public interest, even after the date of superannuation, the services of a State Govt. officer on deputation to the Central Govt. and who is about to superannuate, the Central Govt. should write to the State Govt. concerned that the services of the officer would be continued under the Central Govt. on the existing deputation terms if the parent Govt. does not grant him an extension the Central Govt. would consider the question of continuing him on re-employment terms. If the State Govt. grants extension to the officer, he should be retained on the existing terms of deputation, otherwise, he should be appointed on re-employment basis. The continued extension/re-employment of the officer under the Central Government will, however, be subject to the compliance of the orders of this Ministry issued from time to time in respect of all other matters.

3. In so far as the personnel of the Indian Audit & Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General of India.

A copy is forwarded to all Financial Commissioners/  
Government, Punjab for information and guidance.

Sd/-  
Deputy Secretary to Govt. of India  
All Administrative Secretaries to

Sd/-  
S.G.S.  
for Chief Secretary to Government,  
Punjab

To,

All Financial Commissioners,  
All Administrative Secretaries to Govt., Punjab.  
U.O. No. 18912-3GS-62, dated Chandigarh, the 28th December, 1962,

**Copy of U.O. Circular Letter No. 5142—3GS—63, dated 25th May, 1963 from the Chief Secretary to Government, Punjab to All the Administrative Secretaries to Government, Punjab.**

**Subject :— Grant of extension in service and re-employment of Government servants both gazetted and non gazetted after the age of retirement.**

The existing instructions as contained in para 2 (vii) of this Department un-official circular No. 9246-GII-57, dated the 8th January, 1958 are that cases for re-employment/contained re-employment/grant of extension in services should reach the Administrative Secretary at least three months before the crucial date i.e. the date of superannuation or the date on which the term of re-employment/grant of extension in service expires. It has been observed that this time limit does not provide sufficient time for the cases being scrutinised and processed, properly. It has therefore, been decided that in future all cases of re-employment/contained re-employment/grant of extension in service should reach the Administrative Secretary concerned at least four months before the date of superannuation or the date on which the terms of re-employment/extension in service expires, as the case may be and the Administrative Secretaries should forward them to the Chief Secretary (in the General Services Branch), three months before that date.

2. Similarly, Punjab Government letter No. 1417—3GS—64/4884, dated the 13th February, 1963, provides that in cases for refusal of leave preparatory to retirement, Government employees should, as a rule, intimate in writing his intention with regard to leave preparatory to retirement to his head of the Department with an advance copy to the Administrative Department concerned, three months before the date on which he proposed to proceed on leave or three months from the date from which ordinarily the leave preparatory to retirement would commence in his case. It has now been decided that this period should also be increased to four months as in the case of re-employment/extension in service. The instructions in question should therefore be considered to have been modified to this extent. Furthermore, all cases pertaining to requests for grant of benefit of refused leave preparatory to retirement should reach the Chief Secretary (in the General Services Branch) within a month of the receipt of leave application.

3. It is requested that these instructions should be complied with strictly in future. In the event of default the Government may not find possible to allow the request for re-employment, continued re-employment/extension in service after the date of superannuation, with the result that the officer concerned might lose the leave as well as the benefit of refused leave after the date of superannuation.

4. The receipt of this communication may kindly be acknowledged.

**Copy of letter No. 3095—3GSI—7/19295/dated 15-7-1971 from the Chief Secretary to Government, Haryana to all Heads of Department, etc., etc.,**

**Subject:—Over-stay in service beyond the age of superannuation—Recovery to be made from the officer/officials at fault in connection with over-stay.**

I am directed to invite reference to composite Punjab Government U.O. circular No. 14261—3GS—62, dated the 21st Sept., 1962 (copy enclosed) in which it is laid down inter alia that Administrative Departments should not normally entertain cases for regularisation of over-stay in service beyond the date of superannuation unless and until the officials responsible for the default have been duly punished for it. Furthermore, it was requested that while referring such cases of irregular over-stay for regularisation to the Chief Secretary, the action taken against the persons at fault should invariably be indicated in the reference.

2. It has to be pointed out with regret that instances have again come to notice in which Government employees were allowed to over stay in service beyond the age of superannuation irregularly. It has to be observed that Government takes a very serious view of such defaults, and it has therefore been decided that pay and allowances which are paid to such Government employees as over-stay in service irregularly will be recovered from the official (s) whose negligence is instrumental in the occurrence of such over-stay.

3. These instructions may please be noted for careful compliance and may also be brought to the notice of all the other officials concerned working under you for similar compliance.

4. The receipt of this communication may please be acknowledged.



प्रतिलिपि क्रमांक 1606-3जी0 एस0-1-75, दिनांक 24-4-1975 मुख्य सचिव हरियाणा की ओर से वित्तीययुक्त राजस्व तथा सभी प्रशासकीय सचिव, हरियाणा को प्रेषित।

विषय :—सेवा निवृत्त उपरान्त सरकारी कर्मचारियों/अधिकारियों की पुनः नियुक्ति।

क्या वित्तीययुक्त, राजस्व तथा हरियाणा सरकार के सभी प्रशासकीय सचिव, उपरोक्त विषय पर संयुक्त पंजाब के अशा0 क्रमांक 9246-जी 11-57 दिनांक 8 जनवरी 1958 द्वारा जारी की गई हिदायतों की ओर ध्यान देंगे।

2. ऐसा देखने में आया है कि पुनः नियुक्ति सम्बन्धी मामले बड़ी संख्या में मुख्य सचिव, (समान्य सेवाएं शाखा -I) को प्रशासनिक विभागों द्वारा भेजे जाते हैं जिनमें पुनः नियुक्ति के लिए लोकहित में नितान्त आवश्यकता नहीं होती है। पुनः नियुक्ति के लिए हिदायतों के परा 2 (सी) में कुछ शर्तें लगाई गई हैं जिनकी रोशनी में प्रत्येक विभाग को अपने पुनः नियुक्ति सम्बन्धी मामलों की जांच करना होता है। यहां पर ये सभी शर्तें पूरी होती हैं वहां पर प्रशासनिक विभाग बिल्व विभाग की सहमति से पुनः नियुक्ति सम्बन्धी मामलों में आदेश जारी कर सकते हैं। जिन मामलों में इन शर्तों में से कुछ शर्तें पूरी नहीं होती हैं उनके बारे में प्रशासकीय विभागों को पूर्ण औचित्य देना होता है तथा इनको पूरा न होने के लिए डील के लिए प्रस्ताव भेजना होता है। लेकिन साधारण तथा यह देखने में आया है कि इन शर्तों की रोशनी में मामलों की जांच नहीं की जाती है और चास तौर पूर्ण औचित्य सहित यह नहीं बताया जाता है कि अमुक शर्त में इस कारण डील की आवश्यकता है।

3. अतः उनसे अनुरोध है कि प्रथम तो पुनः नियुक्ति संबंधी मामलों में नितान्त आवश्यकता होने पर और केवल लोकहित में ही विचार किया जाए। दूसरे इन हिदायतों के अनुसार उनकी जांच की जाये तथा चास तौर पर उन शर्तों के पूरा न होने पर उनके बारे में पूर्ण औचित्य तथा डील का प्रस्ताव किया जाये। इसके अतिरिक्त प्रत्येक मामलों को स्वतः स्पष्ट रूप में (एक कालतू प्रति सहित) केवल संबंधित प्रशासकीय सचिव के माध्यम से ही मुख्य सचिव को मंजुरा के लिये भेजा जाए। ऐसा न होने पर प्रत्येक प्रस्ताव को बिना किसी प्रकार की मंजुरा संबंधित विभाग को लौटा दिया जायेगा और इस प्रकार सारी देरी के लिये वे ही जिम्मेदार होंगे।

4. यह भी अनुरोध किया जाता है कि पुनः नियुक्ति संबंधी त्रिमासिक रिपोर्टें बिना कुछ तथा समय वक्रे भेजी जाएं। ऐसा देखने में आया है कि इस रिपोर्ट को बहुत से विभाग नियमानुसार नहीं भेज रहे। अतः कृपया सुनिश्चित किया जाए कि आगे से यह नियमित रूप से भेजी जायेगी।

5. कृपया इसकी पावती भेजने का कष्ट करें।

No. 32/226/4GSI

From

The Chief Secretary to Govt. Haryana.

To

1. All Heads of Departments,  
Commissioners, Ambala and Hissar Divisions,  
All Deputy Commissioners & P.S.D.Os. (C) in  
Haryana.
2. Registrar of Punjab & Haryana High Court.

Dated Chandigarh, the 16th. August 1983.

**Subject :—Grant of extension in service to/re-employment of Haryana Govt. employees after the age of 58 years.**

Sir,

I am directed to refer to the subject noted above and to say that the question regarding grant of extension in service to/re-employment of employees has been engaging the attention of the Govt. some time past. It has now been decided that no employee should henceforth be granted extension in service or be re-employed after the age of 58 years. However, it is made clear that such of the employees as have already been granted extension in service or re-employed may be allowed to complete the present term of their extension or re-employment.

2. These instructions may be brought to the notice of all concerned for compliance.

Yours faithfully

Under Secretary, General Administration,  
for Chief Secretary to Government Haryana.

A copy is forwarded to the:—

All Financial Commissioner and all Administrative Secretaries to Government Haryana, for information and necessary action.

Under Secretary; General Administration,  
for Chief Secretary to Govt. Haryana,



# PART XX



**PUNJAB GOVERNMENT HOME GAZETTE**

**Notification**

12th February, 1952

(As amended upto the 1st January, 1960)

No. 9369-G-51/681.—The following instructions for the submission of receipt and transmission of memorials and petitions to His Excellency the Governor or Government of the Punjab State are published for general information, in so far as they relate to memorials and petitions from persons who are, or have been, in the Civil Service of the Punjab State :—

**PART—I PRELIMINARY**

*1. Definitions.—In these instructions—*

- (1) "Head of Department" means the authority shown in column 5 of the Appendix D to the Punjab Budget Manual (4th Edition) in respect of the Government servants whose pay is charged to the corresponding head of account in column 2 of that Appendix.
- (2) "Memorial" includes petitions, letters and applications of the nature of memorials.
- (3) "Governor" means the Governor of the Punjab State.
- (4) "Government" means the Punjab Government in the Administrative Department.

*2. Scope of Instructions.*

- (1) These instructions shall apply to memorials addressed to the Governor of Punjab or the State Government by persons who are, or have been in the civil service of the Punjab State in respect of matters arising out of such employment or in respect of the termination of such employment and who are or were subject to the rule making power of the Governor.
- (2) These instructions shall not affect any rules or orders made by competent authority in respect of representations submitted by recognised associations of Government servants and shall be in addition to and not in derogation of the rules governing the conditions of service of the memorialist.

**PART-II- FORM AND MANNER OF SUBMISSION OF MEMORIALS**

*3. Form of memorial.*

- (1) A memorial may be either in manuscript, typewritten or in print.
- (2) Every memorial shall be authenticated by the signatures of the memorialist and submitted by the memorialist on his own behalf, or when the memorialists are numerous, every person preferring the memorial shall so separately and in his own name unless the subject matter of the memorial is with respect to or arises out of one and the same order affecting them jointly, in which case it may be signed jointly,
- (3) Every memorial, and the papers connected therewith, shall be accompanied by a rendering of it in the language for the time being authorised for use in the State for official purposes duly authenticated in the manner aforesaid.

*4. Contents of memorial.*

Every memorial shall—

- (a) contain all material statements and arguments relied upon by the memorialist;
- (b) be complete in itself;
- (c) contain copies of the orders passed by the original as well as the other appellate authority against which the memorial has been preferred together with copies of his applications and/or appeal to such authorities ;

- (d) mention in cases of dismissal, removal or reduction in rank or any such penalty, whether a reasonable opportunity was given to show cause against the action taken, as laid down in the Punjab Civil Services (Punishment and Appeal) Rules, or such other Rules which are applicable to the facts of the case in regard to him; and
- (e) end with a specific prayer or relief sought.

5. *Method of submission.*

- (1) Every memorial shall be submitted to the Head of the Department to which the memorialist belongs or last belonged; and through the authority from whose order the appeal or application for revision was preferred and rejected. It shall be accompanied by a letter requesting the Head of the Department, or the authority concerned to transmit the memorial to the Government or the Governor, as the case may be.
- (2) The Head of the Department, on receipt of any memorial submitted through him in accordance with rule 5(1)—
  - (i) shall acknowledge its receipt;
  - (ii) shall, as soon as may be, forward the memorial, through the usual official channel, to the Government and inform the memorialist. The Government shall examine the same and submit to the Governor, through the Minister concerned, if prayed for in the memorial or if considered necessary.
- (3) The memorialist may forward an advance copy of the memorial to the Governor or Government. The advance copy shall not be acknowledged.

**PART—III—WITHHOLDING OF MEMORIALS BY HEADS OF DEPARTMENTS**

6. *Circumstances in which memorials addressed to the Governor or the Government may be withheld.*

If the Head of a Department to whom a memorial is presented or forwarded decides to withhold it, he shall inform the memorialist giving reasons therefor. A memorial may be withheld only on any one or more of the following grounds :—

- (i) The memorialist has not complied in full with the provisions of Part II of these instructions.
- (ii) The memorial is illegible or unintelligible, or contains language which is, in the opinion of the Head of the Department, disloyal, disrespectful, or improper.
- (iii) A previous memorial from the memorialist on the same subject has been disposed of by the Government or Governor, and also the memorial, in the opinion of the Head of the Department, discloses no new facts or circumstances which afford ground for a reconsideration of the subject.
- (iv) The memorial is—
  - (a) an application for employment in Government service not made in pursuance of any rule or any advertisement regarding applications for such employment; or
  - (b) a request for exemption from or relaxation of the provisions of any law or rules prescribing the qualifications to be possessed by persons in the service of Government; or
  - (c) the memorial relates to a subject on which the Head of the Department is or was competent to pass orders and no application for redress has or had been made by the memorialist to the Head of the Department, in which case the memorialist will be informed as to his forum for redress.
- (v) The memorial is a representation against an order communicated to the memorialist more than six months before the submission of the memorial, and no satisfactory explanation of the delay is given.
- (vi) The memorial is a representation against the discharge by competent authority of a person—
  - (a) Appointed on probation, during or at the end of the period of probation in accordance with the terms of appointment and rules governing the probationary service, or
  - (b) who as a temporary Government servant is appointed otherwise than under contract, on the expiration of period of the appointment, or

(c) engaged under contract in accordance with the terms of such contract.

(vii) The memorial is a representation against an order from which the memorialist possesses a right of appeal under :—

- (1) rule or orders regulating his conditions of service, or
- (2) the terms of his contract or service.

(viii) The memorial is a representation against an order of a competent authority refusing to grant or recommend :—

- (i) a special pension or,
- (ii) any pecuniary or other concession to which the petitioner is not entitled under any rules or orders or contract regulating his conditions of service.

Provided that the memorial withheld on account of failure to comply with the instructions provided in Part-II may be resubmitted at any time within one month of the date on which the memorialist has been informed of the reasons for withholding of the memorial and if resubmitted in a form which complies with instructions referred to above, shall not be withheld.

#### 7. List of memorials Withheld.

The Heads of Departments shall send a quarterly return in the form given at Annexure on the 15th day of April, July, October and January to Government specifying all memorials withheld by them under instructions 6. during the proceeding quarter, and the reasons for withholding the same.

8. Notwithstanding any thing contained in the foregoing rules, the Governor or the Government, as the case may be, may of his or its own motion, or on application made, call for the records of any proceedings or orders relating to the memorial withheld by a subordinate authority, for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order in reference thereto as he or it may be consider fit.

9. As soon as may be after a decision has been taken on the memorial, the authority making the order thereon shall communicate the same to the memorialist and forward a copy of the same to the Subordinate authority for such action as may be considered appropriate in the circumstances of each case.

#### ANNEXURE

(See Rule 7)

(a) List of memorials withheld during the quarter ending the \_\_\_\_\_

(b) Name of Department \_\_\_\_\_

#### FORM (See Rule 7)

Sr. No	Name and Particulars of Govt. Servant who memorialised	Brief subject of the memorial	Date of the submission of the memorial	Head of Deptt. who withheld the memorial	Reasons with date of order withholding the memorial

Copy of Punjab Government Circular letter No. 2180 -4GSI-66, dated 10th May, 1966 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

I am directed to refer to Punjab Government letter No. 9369-G-51/1881, dated the 12th February, 1952, which lays down the instructions for the submission and receipt of memorials and petitions from persons who are, or have been in the Civil service of the Punjab State. Under para 2(1) of these instructions a Government employee is competent to file a memorial to the Governor in respect of matters arising out of such employment. The question whether a memorial against adverse remarks in the Confidential reports of Government employees is admissible or not has been considered at length and it has now been decided that no memorial lies against adverse remarks communicated to the employees on the basis of his confidential report. Accordingly para 2(I) of the memorial instructions may be amended to read as follows ;—

“These instructions shall apply to memorials addressed to the Governor of Punjab or the State Government by persons who are or have been in the Civil service of the Punjab State in respect of matters arising out of such employment: or in respect of the termination of such employment and who or were subject to the rule making power of the Governor”. However these instructions will not apply to representations made against adverse remarks, communicated on the basis of annual confidential reports.

संख्या 3267-5 जी० ए०स-1-73/15224

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवामें

- 1) सभी विभाग अध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा उप-मण्डल अधिकारी हरियाणा ।
- 2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्चन्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायधीस हरियाणा ।

दिनांक - चण्डीगढ़ 15 जून, 1973

विषय :- दूसरा मैमोरियल प्रस्तुत करने के बारे में अवधि ।

महोदय,

मुझे निर्देश हुआ है कि मैं आप का ध्यान संयुक्त पंजाब सरकार को अधि सूचना क्रमांक 9369-जी०-51/681, दिनांक 12-5-52 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ और कहूँ कि इन हिदायतों के पैरा - 6 (III) के अनुसार दूसरा मैमोरियल उसमें कोई नये तथा महत्वपूर्ण तथ्य शामिल किये गये हैं, दिया जा सकता है । इन हिदायतों के पैरा 6(V) के अनुसार मैमोरियल सम्बन्धित आदेश के जारी होने की तिथि के बाद 6 महीने के अन्दर किया जा सकता है हिदायतों में दूसरा मैमोरियल दिये जाने के लिए कोई अवधि निश्चित नहीं की गई है । सरकार ने इस बारे में विचार का निर्णय लिया है कि दूसरा मैमोरियल पहले मैमोरियल पर निर्णय लिये जाने के बाद 6 मास के अन्दर-अन्दर प्रस्तुत किया जा सकता है ।

S/d-

उप-सचिव, राजनैतिक एवं सेवाएं,  
इसे मुख्यसचिव, हरियाणा सरकार

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक काबंवाही के लिये भेजी जाती है :-

वित्तायुक्त राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रकासकीय सचिव ।



प्रतिलिपि क्रमांक 23/3/78-5जी0एस0-1, दिनांक 1-12-78 जो मुख्य सचिव, हरियाणा की ओर से वित्तायुक्त, राजस्व और सभी प्रशासकीय सचिवों, सभी विभागाध्यक्षों, आयुक्त अम्बाला तथा हिसार मण्डल तथा राज्यपाल के सचिव को भी प्रेषित है।

विषय :- मैमोरियल के निपटान के बारे में अवधि।

क्या वित्तायुक्त राजस्व, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा कृपया उपर्युक्त विषय पर संयुक्त पंजाब सरकार के गृह विभाग को अधिसूचना क्रमांक 9369-जी0-51/681 दिनांक 12-5-1952 (जिसको प्रति हरियाणा सरकार के परिपत्र क्रमांक 3267-5जी0एस0-1-75/15224 के साथ सभी विभागाध्यक्ष आदि को भेजी गई थी जिसमें मैमोरियल सम्बन्धि हिदायतें रखी हैं, की ओर ध्यान देंगे ?

2. राज्यपाल के सचिव ने सरकार के ध्यान में यह लाया है कि उन के कार्यालय में बहुत से मैमोरियल जिनकी सूची संलग्न है निपटान हेतु काफी समय से लम्बित पड़े हैं। क्योंकि सभी सम्बन्धित विभागों द्वारा निर्धारित माध्यम से उनके बारे में कोई टिप्पणी नहीं भेजी गई थी। इस सूची के अध्ययन से पता चलेगा कि बहुत से मैमोरियल काफी पुराने हो चुके हैं। सम्भवतः इनमें से कुछ मैमोरियलों को विभागाध्यक्षों द्वारा उपरोक्त अधिसूचना में दी गई हिदायतों को पैरा-6 के तहत रोक लिया होगा, परन्तु पैरा 7 के तहत रोके गए मैमोरियलों का ब्यौरा त्रैमासिक सूची द्वारा सम्बन्धित प्रशासकीय विभाग तथा राज्यपाल के सचिव की नहीं भेजा गया। यह अनुभव किया जाता है कि यदि किसी मैमोरियल पर उचित अवधि में निश्चय नहीं लिया जाता तो उसका प्रयोजन ही समाप्त हो जाता है। अतः अनुरोध है कि यह सुनिश्चित किया जाए कि :-

(1) लम्बित मैमोरियल जिनका ब्यौरा संलग्न सूची में दिया गया है, का निपटान हिदायतों के अनुसार बिना और विलम्ब के हो। इन में से जो मैमोरियल विभागाध्यक्ष द्वारा रोके गये हों उनका ब्यौरा एक विशेष सूची द्वारा निर्धारित प्रोफार्मा में राज्यपाल के सचिव को शीघ्रतः भेजे जाए और।

(2) अविष्य के लिए प्रशासकीय विभाग मैमोरियलों पर अपनी टिप्पणी निर्धारित माध्यम से राज्यपाल महोदय को मैमोरियल प्राप्त होने की तिथि से 3 मास के अन्दर-अन्दर भेजे और रोके गए मैमोरियलों को त्रैमासिक रिपोर्ट नियमित रूप से राज्यपाल के सचिव को नियत तिथि तक आवश्यक भेजा जाए।

3. कृपया उपरोक्त हिदायतों को सभी सम्बन्धित के ध्यान में तत्काल अनुपालना हेतु ला दिया जाए।

No. 21/1/83-1GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions, All Dupty Commissioners and S.D.O's (Civil) in Haryana; and
2. The Registrar, Punjab and Haryana High Court, and All District and Sessions Judges in Haryana.

Dated Chandigarh, the 6th July, 1983.

*Subject* :— Submission of memorial-Instructions regarding.

Sir,

I am directed to refer to the Composite Punjab Government Gazette Notification No. 9369-G-51/1-681, dated the 12th February, 1952 which lays down the instructions for submission and receipt of the memorials and petitions from persons who are or have been in the Civil Service of the State and to enclose a copy of the amendments to be made therein. These amendments should be inserted in the rules by the departments themselves so that the rules are brought upto date.

Yours faithfully,

Sd/-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to all Financial Commissioners and Administrative Secretary to Government, Haryana for information and necessary action.

Sd/-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

All Financial Commissioners and Administrative Secretaries to Government, Haryana.

U.O. No. 21/1/83-1GSIII Dated Chandigarh, the 6th July, 1983.

For clause (ii) of sub-para (2) of para (5), the following shall be substituted :—

“(ii) Shall, as soon as may be forward the memorial through the usual official channel to the Government and inform thh memorialist. The Government shall examine the same and submit with their comments on the memorial, within three months of the receipt of the memorial, to the Governor, through the Minister concerned, if prayed for in the memorial, of if considered necessary.”

After para 6, the following para shall be inserted :—

“6A: The second memorial can be submitted within six months from the date of the communication of the decision of the first memorial, in case some important new facts or circumstances which may merit reconsideration on the subject, are brought out in the second, memorial,”

[Extract from Haryana Government Gazette, dated the 19th July, 1983]

**HARYANA GOVERNMENT**

**GENERAL SERVICES**

**Notification**

The 6th July, 1983

**No. 21/1/83-1GSIII**—The Governor of Haryana hereby makes the following amendments in the instructions issued, —vide Punjab Government Notification No. 9369-G-51/1-681, dated the 12th February, 1952, for the submission, receipt and transmission of memorials and petitions is so far as the relate to memorials and petitions from persons who are, or have been in the Civil Service of the Haryana State:—

**AMENDMENT**

For clause (ii) of sub-para (2) of para (5), the following shall be substituted :—

“(ii) shall, as soon as may be, forward the memorial through the usual official channel to the Government and inform the memorialist. The Government shall examine the same and submit, with their comments on the memorial, within three months of the receipt of the memorial, to the Governor, through the Minister concerned, if prayed for in the memorial, or if considered necessary.”

After Para 6, the following para shall be inserted :—

“6A. The second memorial can be submitted within six months from the date of the communication of the decision of the first memorial, in case some important new facts or circumstances which may merit reconsideration on the subject, are brought out in the second memorial.”

P.P. CAPRIHAN,  
Chief Secretary to Government,  
Haryana.

Copy of letter No. 2297-P-56/18392 dated 4.5.56 from Chief Secretary to Government, Punjab to all Heads of Departments.

*Subject: Channel of correspondence*

I am directed to refer to paragraph 37 of the Punjab Govt. Consolidated Circular No. 5 which interalia lays down that subordinate officers should always address higher authorities/Government through their superior and any body infringing this rule and writing other to higher authorities or attempting in other ways to bring his wishes to the notice of Govt. will be liable to disciplinary action. Instances have come to the notice of Govt. where these instructions have not been observed by Govt. servants and where higher authorities have been approached over the head of their immediate superiors. This tendency shows indiscipline on the part of the Govt. servants and is required to be firmly curbed. I am accordingly to request you to warn all Government servants working under you not to write or approach otherwise the higher authorities or Govt. except through the proper channel viz. the Head of the office, Head of Department, etc. as the case may be, and that any Govt. servant infringing this rule will render himself of disciplinary action.

**Copy of Circular letter No. 2247-AUL-59/33366, dated 20th/24th November, 1959 from Chief Secretary to Government, Punjab to All heads of the departments etc. etc.**

**Subject :** Taking of decision by the lowest level empowered and authorised as such.

During the conference of Commissioners and Deputy Commissioner held at Simla in September, 1959, the question of the proper and full use of the powers delegated different stages of the hierarchy in State Departments was discussed. It was the view that officials often did not or were not allowed by higher authority, to exercise powers which they were, in fact, competent to exercise. This tendency not only led to unnecessary delays but also undermined the effectiveness of the various executives working in Government and created a certain amount of confusion. To check this tendency, therefore, the State Government has taken the following decisions :—

- (a) Decisions should be allowed to be made at the lowest empowered and authorised to make these and it should normally be left to processes of appeal and representation available to the parties concerned to get such decisions reconsidered.
  - (b) Where a decision taken by a lower authority is not approved by the higher authority, it should not be revised without taken into consideration, by obtaining through the proper channel, the views of the authority who has made the decision.
  - (c) Individual cases or classes of cases where a particular authority is empowered to take a decision should not be removed from the purview of that authority to a higher authority, However, the latter may, if it so wishes, issue any policy directions with regard to how a particular decision or policy is to be implemented.
2. Government would like to emphasise again that these instructions should be conveyed to all officers under you and should be complied with strictly so that interference with the functioning of a lower authority by higher authority does not take place, except for good reason, and in a regular authorised manner.

**Copy of letter No. 9523-PI-59/37149, dated 27.11.1959 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject :— Channel of correspondence.**

I am directed to say that as a step towards toning up discipline at all levels, it was decided in the Conference of Commissioners and Deputy Commissioners held at Simla in September, 1959 that it is imperative that the normal channels of correspondence should be observed in all Government Administration even though this may cause some delay in individual cases. I am to request that this decision may be brought to the notice of all Government servants under you for strict compliance.

Copy of letter No. 921—GII—60, dated 4.2.1960 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

*Subject* :—Circumventing immediate Superior Officers by Government employees.

I am directed to invite a reference to Punjab Government circular letter No. 2247—AUJ—59/36366, dated the 20th/24th November, 1959, in which it has been made clear that decisions should be allowed to be made at the lowest level empowered and authorised to make these and it should normally be left to processes of appeal and representation available to the parties concerned to get such decisions reconsidered. There is, however, a growing tendency among Government servants at all levels to feel that they are able to circumvent their superiors at various stages of the hierarchy and thus flout their authority. This matter was discussed in the Conference of Commissioners and Deputy Commissioners held at Simla in September, 1959. Government has decided that persons in Government service should accept the authority and control of their immediate superiors subject of course to any rights of appeal and representation available to them under the rules.

2. With a view to counteract this tendency further, Government would suggest the adoption of a strict convention that the Civil Services, through authority set up for this purpose in the various Departments, should have final control on all matters of discipline, promotion, transfer etc., for employees who are below district level, both officers and officials. In regard to personnel at or above district level, Government should exercise the necessary functions, normally on the advice of the relevant Secretariat. The suitable level in the Secretariat would be below Deputy Secretary and a corresponding level should be defined for other headquarters offices. It should, however, be made clear that the idea is not to create new rule-making or disciplinary authorities, but to ensure as a matter of executive practice that the authorities empowered under the rules or executive instructions to deal with matters of discipline, promotion transfer etc., are in fact left effectively in charge of them and the higher authorities should not generally interfere. It should also be stated that it would not mean depriving Government of any powers that it has, but as a broad matter of policy, it would ensure that personnel below district level are dealt with under orders of officers and personnel at or above district level, under orders of the Government.

3. These instructions should be brought to the notice of all Government working under you for strict observance.

Copy of Circular letter No. 5201—8GS—62/12393, dated the 24th April, 1962, from Shri E.N. Mangat

Rai, I.C.S. Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

*Subject* :—Representations from wives/parents of Officers/officials

I am directed to say that there is fairly widely current practice that a large number of letters/representations are addressed to the higher authorities by the wives or members of the families of Government servants for redressing their grievances, thus short circuiting all usual channels through which a case should normally pass. Government consider that it is not correct on the part of Government employees to forward representations under the cloak of wives or members of their family and not come out directly themselves to their departmental authorities. Therefore, I am to inform you that it has been decided that all such letters/representations should be ignored, unless there are unusual circumstances such as illness of an acute type where the official cannot normally be expected to write a letter or explain the position himself.

2. These instructions may kindly be brought to the notice of all Government Servants under your control for information. The receipt of this communication may also be acknowledged.

Copy of Punjab Government Circular letter No. 9872-5GS-62/29821, dated 28th August, 1962 from the Chief Secretary to Government. Punjab to all Heads of Departments, etc. etc.

*Subject*.—Submission of representations and advance copies thereof by Government servants in respect of matters connected with their conditions of service.

I am directed to point out that rules 10 and 12 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 provide for a restricted number of appeals in case, which are appealable under these rules. There are, however no specific instructions to govern the representations and petitions submitted by Government servants in cases which are not covered by the Punishment and Appeal Rules. As a result, it has been noticed that whenever any officer in a key position is transferred, certain Government servants think that it is a good opportunity to reopen finally settled cases connected with their conditions of service or disciplinary matters, which may be even several years old. There is also a growing tendency among Government servants to send advance copies of representations to all higher authorities without giving an opportunity to the officers to whom these are addressed to examine the cases and without waiting for their reply. All this leads to unnecessary increase in work at all levels, which could be cut down. But it is realised that whereas it is necessary to ensure a check on the creation of unnecessary extra work in all departments, it is also necessary to ensure a fair chance of representation to Government employees. To meet this situation, it has been considered necessary to lay down clear instructions governing the submission of representations and petitions and the sending of advance copies thereof, by Government servants. After careful consideration the following procedure is laid down for the guidance of all departments :—

- (a) Whenever in any matter connected with his service rights or conditions, a Government servant wishes to press his claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or the Head of office or such other authority at the lowest level, as is competent to deal with the matter. When a case has thus been decided by the lowest competent authority, one representation should be allowed to the next higher authority. Where the lowest competent authority is Government itself, one representation should be allowed, asking for a review of Government orders.
- (b) If an official sends up a representation in addition to those permitted under (a) above, on the ground that certain new facts have come to light, that representation will be considered by the original deciding authority, who will be competent to withhold it and reject it if he finds that in fact no new data has been given which would provide any material ground for reconsideration.
- (c) Every representation should be submitted within six months of the order against which it represents.
- (d) In addition to the representation allowed under (a) above one memorial shall be allowed as at present, which shall be decided at Government level as laid down in the memorial instructions published with the Punjab Government notification No. 9369-G-51/1-681, dated the 12th February, 1952.
- (e) According to instruction 6 of the said memorial instructions, a second memorial can be submitted if it furnishes new material grounds which urge reconsideration. The second memorial can be withheld by the Head of a Department if he considers that in fact no new grounds have been furnished which call for reconsideration. These instructions may continue because an official who has been unjustly dealt with under clause (b) above, can seek relief here.
- (f) An advance copy of a representation can only be sent to the authority to whom it is addressed. An official can, however, send an advance copy of a representation to the next higher authority if he does not hear from the authority originally addressed about the disposal of his representation for a period of 4 months. This would imply that no action need be taken by an authority normally not expected to deal with a representation as the original authority, on a representation which does not contain a specific statement that the official concerned has not heard for 4 months from the authority to whom he had made his representation. If the Government servant persists in prematurely addressing the next higher authority, suitable disciplinary action should be taken against him.
- (g) If the advance copy of representation contains a specific statement that four months have elapsed from the submission of representation to the original authority, it should be examined by the next higher authority to ascertain whether on the facts as stated, some grounds appear to exist *prima facie* for interference or for further consideration. Where no such grounds

appear to exist, the advance copy of the representation may be ignored or summarily rejected and the reasons communicated briefly to the Government servant through the original authority.

- (h) Even where some grounds for interference or further consideration appear to exist to the highest authority referred to in (g) above, the authority originally addressed about the disposal of the representation should be asked within a reasonable time to forward the original representation, with its report and comments on the points urged. There should ordinarily be no justification for the passing of any orders on an advance copy of the representation without thus ascertaining the comments of the original authority.

2. Some Government servants, it has been noticed sent copies of their representations to outside authorities, i.e. authorities which are not directly concerned with the consideration thereof (e.g. another Minister, Secretary etc.) In some cases Government servants have even addressed their representations to such other quarters not directly concerned. This is a most objectionable practice contrary to official propriety and subversive of good discipline, and all Government servants are expected scrupulously to eschew it.

3. I am to request that the instructions detailed above should be brought to the notice of all State Government servants under you, for strict compliance and a certificate to that effect should be forwarded to Government in due course. I am to add that these instructions do not apply to All India Services who are governed by separate instructions relating to them.

**Copy of Circular Letter No. 8482-DSGSI-65/34106, dated the 19th October, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.**

**Subject :—Submission of representations and advance copies there by Government servants in respect of matters connected with their condition of service.**

I am directed to say that in para I of Punjab Government, Circular letter No. 9872-5GS-62/29821, dated the 28th August, 1962, on the subject cited above, it was, inter alia, mentioned that there were no specific instructions to govern the representations and petitions submitted by Government Servants in cases which were not covered by the Punishment and Appeals. It has now been brought to the notice of this department that there are specific instructions of the Government for making representations/appeals against non-selection for a selection post, adverse remarks in confidential reports and fixation of interse seniority with effect from 1st November, 1956, as a result of intergation of the Pepsu and the Punjab State services, which are some of the matters connected with the conditions of service for which no provision has been made in the punishment and Appeal Rules. In this context, a question has arisen whether the instructions dated 28th August, 1962 referred to above, subersede all such instructions on the subject. In this respect, I am to clarigy that the instructions dated 28th August, 1962 are applicable only to representation and petitions by Government employees in respect of matters connected with their conditions of service such as posting and transfer, probation confirmation, senicrity, fixation of pay, leave etc. for which no specific right of appeal/representation has been provided, in the relevant Service Rules/Government instructions. Therefore, these instructions do not supersede the instructions contained in Punjab Government Circular letter No. 9129-G-56/3962, dated the 17the September, 1956, No. 2334-ASI-60/15708, dated the 3rd May, 1960 and the instructions issued by the various Administrative Departments for inviting appeals of Government employees against the fixation of inter-se-seniority with effect from 1st November, 1956 as a result of integration of the Pepsu and the Punjab State Services.

2. These instructions may be brought to the notice of all Government employees under your administrative control for future guidance.

**Copy of letter No. 2029-5GS-69/9077 dated 8-5-1969 from the Chief Secretary to Govt. Haryana to all Heads of Departments etc.**

**Subject :—Submission of representations and advance copies thereof by Govt. employees in respect of matters connected with their conditions of service.**

Sir,

I am directed to invite reference to composite Punjab Govt. letter No. 9872-5GS-62/29821, dated 28th August, 1962 (copy enclosed) on the subject noted above, which lays down the procedure for the submission of redrepresentations and advance copies there of by Government employees in respect of matters connected with their conditions of service. It has been observed that there have been instances of contravention of these instructions and Government employees have forwarded their representations in connection with their promotion, fixation of seniority and other service matters through Members of Haryana Vidhan Sabha or other influentia persons. It may be pointed out that such action on the part of Government employees is subversive of discipline and also invelva a violation of Rule 20 (copy enclosed) of the Punjab Govt. Employees (Conduct) Rules, 1966. It is, therefore, requested that the Govt. instructions and rules referred to above may be brought to the notice of all Govt. employees working under you and it may be made clear to them that contravention of these instructions will be viewed seriously and that the defaulting employees will render themselves liable to severe disciplinary action.



विषय :—सरकारी कार्य निपटान में विलम्ब की समाप्ति शाखाओं में पुराने विलम्बित मामलों के आंकड़ों का संग्रह करना ।

क्या सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपया उपरलिखित विषय पर ध्यान देंगे ?

2. मामलों के निपटान में देरी को समाप्त करने तथा प्रशासकीय सचिवों को उनकी शाखाओं में लम्बित मामलों से उन्हें बूझित रखने के उद्देश्य से जनवरी 1961 में ये अनुदेश जारी किए गए थे कि लम्बित केसों का विवरण निर्धारित प्रपत्र में एकत्रित करके प्रशासकीय सचिवों के नोटिस में लाया जाय करे। यह देखने में आया है कि इन अनुदेशों का पालन नहीं किया जा रहा है और आवश्यक विवरण तैयार नहीं किए जा रहे हैं। यह एक गम्भीर चूक है और अब यह निर्णय किया गया है कि भविष्य में संलग्न प्रपत्र तैयार किए जायें तथा एक अतिरिक्त प्रति सहित प्रत्येक मास की 7 तारीख तक सम्बन्धित प्रशासकीय सचिव को प्रस्तुत किए जायें। तत्पश्चात् प्रशासकीय सचिव द्वारा दूसरी प्रति मुख्य सचिव, (प्रशासनिक सुधार शाखा में) को मुख्य मंत्री महोदय की सूचना के लिए भेजी जानी चाहिए।

3 यह निवेदन किया जाता है कि उपर्युक्त अनुदेशों का बृद्धता से पालन किया जाए।

4 कृपया इस पत्र की पावती भेजें।

उप सचिव, सचिवालय स्थापना,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में,

सभी प्रशासकीय सचिव, हरियाणा सरकार।

प्रशा: क्रमांक 1250-5 ए. आर.-70,

दिनांक, चंडीगढ़ 5 अक्टूबर, 1970

एक प्रति सभी वित्त आयुक्तों को सूचना तथा वैसी ही कार्यवाही के लिए भेजी जाती है।

उप सचिव, सचिवालय स्थापना,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में,

सभी वित्तायुक्त हरियाणा।

प्रशा: क्रमांक 1250-5 ए. आर.-70,

दिनांक, चंडीगढ़ 5 अक्टूबर, 1970

क्रमांक 3178-5 जी. एस. I-76/13162

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त, अम्बाला तथा हिनार मंडल, सभी उपायुक्त तथा उप मंडल अधिकारी, हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चंडीगढ़ तथा जिला एवं सत्र न्यायाधीश, हरियाणा।

दिनांक चंडीगढ़ 24 मई, 1976

विषय :—अभिवेदकों को personal hearing का अनसर देने के बारे में।

महोदय,

मुझे निदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान आकर्षित करूं और कहूं कि सरकार के ध्यान में यह आया है कि जब किसी कर्मचारी द्वारा कोई अभिवेदन दिया जाता है जिस में personal hearing का अनसर दिये जाने के लिये अनुरोध किया गया हो तो विभागों द्वारा ऐसे अभिवेदन पत्र पर विचार करते समय कर्मचारी को personal hearing दिये जाने के बारे में कोई टिप्पणी नहीं दी जाती। कृपया भविष्य में सुनिश्चित करें कि ऐसे प्रत्येक केस में आवश्यक टिप्पणी दी जावे और यदि संबंधित कर्मचारी को personal hearing नहीं दी जाती हो तो इसके स्पष्ट आदेश संबंधित फाइल पर हों।

2 कृपया इन दिशायतों को दृढ़ता से पालना हेतु अपने अधीन कार्य करने वाले कर्मचारियों के ध्यान में लाया जायें।

भवदीय,

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :—

1. वित्तायुक्त, हरियाणा सरकार सभी प्रशासकीय सचिव, हरियाणा सरकार।

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार।

सेवा में,

1. वित्तायुक्त हरियाणा सरकार सभी प्रशासकीय सचिव, हरियाणा सरकार।

प्रशा: क्रमांक 3178-5 जी. एस.-76/ दिनांक चंडीगढ़ 24 मई 1976

क्रमांक 4970-3 जी.एस. 1-77/23097

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

हरियाणा के सभी विभागाध्यक्ष,  
ग्रामाला तथा हिसार के प्रायुक्त,

सभी उपायुक्त तथा उप-मण्डल

दिनांक, चंडीगढ़, 26 अगस्त, 1977

विषय :—सरकारी कर्मचारियों के प्रति वेदन/अपीलों के निपटाने में अनावश्यक देरी।

महोदय,

मुझे निवेश हुआ है कि मैं उपरोक्त विषय की ओर आप का ध्यान दिलाऊँ और कहूँ कि राज्य सरकार के ध्यान में यह बात लाई है कि विभिन्न विभागों में काम करने वाले सरकारी कर्मचारियों के प्रतिवेदनों तथा अपीलों के निपटान में अनावश्यक देरी की जाती है जिसके फलस्वरूप सम्बन्धित कर्मचारी परेशान रहते हैं और सरकारी काम सुचारूँ रूप से नहीं हो पाता। सरकार इस स्थिति को गम्भीरता से देखती है। कृपया ऐसी अपीलों/प्रतिवेदनों का निपटान करने हेतु विशेष ध्यान दिया जाए। इस बारे में मासिक लम्बित मामलों की सूचना सरकार के पत्र क्रमांक 1250-5 ए.आर.-70, दिनांक 5-10-70 के अन्तर्गत प्रस्तुत करते समय इन मामलों की विशेष रूप से समीक्षा की जाए।

2. कृपया इस पत्र की पावती भेजें।

भवदीय,

हस्ता/-

उपसचिव, सामान्य सेवाएं,

कृते : मुख्य सचिव, हरियाणा सरकार।

एक प्रति वित्तायुक्त, राजस्व तथा हरियाणा के सभी प्रशासकीय सचिवों को सूचना तथा आवश्यक कार्यवाही के लिए भेजी जाती है।

2. उनसे अनुरोध किया जाता है कि लम्बित प्रतिवेदनों/अपीलों के शीघ्र निपटान की ओर विशेष ध्यान दिया जाए।

3. कृपया इस पत्र की पावती दें।

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार।

सेवा में,

वित्तायुक्त, राजस्व हरियाणा, हरियाणा के सभी प्रशासकीय सचिव।

अर्थात: क्रमांक 4970-3जी. एस. 1-77

दिनांक 26 अगस्त, 1977



# PART XXI



**Copy of U.O. letter No. 1276-G-52, dated the 5th March, 1952, from the Chief Secretary to Government, Punjab to all Administrative Secretaries to Government, Punjab, etc.**

According to rule 2.4(b) of the Civil Services Rules (Punjab), Volume II, the employment of temporary Government servants can be terminated by Government by giving them one month's notice and by paying them wages for any period by which such a notice falls short of a month. It has been brought to the notice of Government that appointment letters issued to persons in some departments of Government contain a clause to the effect that the officials/officers concerned will have to give one month's notice or deposit their pay etc. for such a period, in case they intend to resign their posts, while in some other departments such a stipulation is not made. After carefully considering the matter, Government have decided that with a view to having a uniformity of procedure reciprocal arrangements in this respect should exist between the employer, i.e., Government and the employee. Will the Administrative Secretaries to Government, Punjab, please ensure that the procedure laid down above is followed invariably by all appointing authorities under their Administrative control.

**Copy of letter No. 8845-G-54/29154, dated 19th October, 1954 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc.**

**Subject :—Termination of employment of temporary Government servants.**

I am directed to address you on the subject noted above and to state that in most temporary Departments case is taken to provide in terms of employment that employment is terminable on one month's notice on either side. In some cases, the period of notice may, however, be longer than one month. In order to observe uniformity in this important matter, it has now been decided to adopt it as a general rule that future recruitment of temporary officers and staff, whether technical or other, should take place on the basis that service of the official concerned will be terminable on notice of one month on either side provided that it will be open to Government, to pay in lieu of notice, the official's salary and allowances, in respect of the period by which the notice given by him falls short of one month. A specific provision in this behalf should, therefore, invariably be made, in future in the terms of appointment of temporary officials.

**Copy of letter No. 2727-G-55/31719, dated 4th June, 1955, from Chief Secretary to Government, Punjab, to all Heads of Departments in the Punjab, etc., etc.**

**Subject :—Termination of employment of temporary Government servants.**

I am directed to invite a reference to Punjab Government letter No. 8845-G-54/29154, dated the 19th October, 1954, on the subject cited above and to say that enquiries have been made from Government whether or not the instructions contained in this letter over-ride the provisions made in some service rules specifying the period of notice which a temporary employee is required to give before he intends to leave service. I am to say that the essential point in the decision conveyed in these instructions was that in case Government wished to get rid of any temporary employee, whether technical or non-technical, it should be possible for them to do so after issuing one month's notice. What the notice should be in case the temporary employee concerned wishes to leave service is a point on which Government do not want to insist on any uniformity. If the service rules in any department provide for periods of notice other than one month, Government would allow the provisions of such rules to prevail. I am accordingly to inform you that the instructions already issued on the subject may be considered to have been amplified to this extent.

Copy of Circular letter No. 4971-GII-58/74171, dated the 22nd September, 1958 from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government Punjab, to all Heads of Departments, etc. etc.

**Subject :—Resignation by permanent Government servants—Period of notice.**

I am directed to invite your attention to the subject of resignation by permanent Government servants and the period of notice required to be given by them when submitting their resignation. Rule 5.9 of the Punjab Civil Services Rules, Volume II, while laying down that a notice of 3 months is to be given to an officer in permanent employ before his services are dispensed with on the abolition of his office, is silent about the notice that is to be given by a permanent Government servant tendering resignation of his appointment. There is no other rule that deals with the subject. This being the position the resignation of a permanent Government servant becomes legally effective only when it is accepted by the appropriate authority. In other words it is not open to the Government servant to tender his resignation and quit service forthwith or at any time afterwards as he will continue to be in Government service until his resignation is accepted and he is relieved of his duties. It is for the appropriate authority to decide on receipt of a letter of resignation from a permanent Government servant whether or not to accept the resignation.

2. While the legal position is as stated above, I am directed to add that resignations should normally be accepted and unless there are specific reasons which would justify the non-possible, as it would not be in the interest of Government to continue to retain by force the services of a reluctant employee. A resignation must in any case be accepted within three months of the date of the receipt of the letter of resignation. In the light of these instructions resignation of temporary Government servants should be accepted even more speedily than in other cases. Exceptions to this general rule could be made in appropriate cases e.g. cases in which Government has already incurred expenditure on the higher education or training of the Government servant is under liability to serve Government for a fixed term of years or cases in which the conduct of a Government servant is under investigation and there is likelihood of the institution of a departmental enquiry against him. These exceptions are by no means exhaustive. Such cases however, in which Government decides to exercise its right to withhold a resignation or refuse acceptance of it should be very rare and should invariably be referred to the Chief Secretary to Government, Punjab, for orders. I am, therefore, to request that in future all cases in which acceptance of resignation by a permanent Government servant is to be refused should be referred to Government i.e., Chief Secretary to Government, Punjab, giving complete justification for the recommended refusal.

3. These instructions do not take away the powers at present enjoyed by an Administrative Department or other competent authority under the Essential Services Act.

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Copy of Punjab Government letter No. 7464-GII-58/8003, dated the 3rd April, 1959, from Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

**Subject :—Termination of Employment of temporary Government servants—Requirement of one month's notice.**

I am directed to refer to Punjab Government letter No. 8845-G-54/2954, dated the 19th October, 1954 on the subject noted above and to say that the condition of one month's notice on either side shall operate in all cases where a temporary employee serving in Punjab State either wishes to resign his post or to join a new appointment under the Government of India/Punjab State/or any where else irrespective of the fact that he applied for the new appointment through the department in which he is serving or that he has been appointed to the new post on the recommendation of the Union Public Service Commission, Punjab Public Service Commission/Subordinate Services Selection Board/any other such body.

2. A temporary employee who is appointed to a new post within the department in which he is serving may however be exempted from the operation of this condition at the discretion of the competent departmental authority.

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Copy of letter No. 12545-GII-60/2339, dated the 20th/25th January, 1960 from the Chief Secretary to Government, Punjab to all the Heads of Departments, etc., etc.

*Subject* :—Termination of employment of temporary Government servants—Requirement of one month's notice.

I am directed to invite a reference to the instructions issued,—vide Punjab Government circular letter No. 7464-GII-58/8003, dated 3rd April, 1959 on the subject cited above and to say that the question whether or not the notice to be given by a temporary Government servant to enable him to join a new appointment under another department/State, should be treated as resignation, which will entail forfeiture of his past service, has been under consideration of this department. After careful consideration of the matter, it has been decided that in cases where a temporary Government servant applies for a new appointment through the Head of his Department in which he is serving and the new appointment is within the State Government the notice to be given by him in accordance with the instructions under reference should not operate as a prelude to resignation.

Copy of letter No. 2073-GII-60/9530 dated the 24th March, 1960, from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

*Subject* :—Termination of employment of temporary Government servants—Requirement of one month's notice.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 12545-GII-60/2339, dated the 20th/25th January, 1960 on the subject cited above and to clarify further that, as a temporary Government servant, who has given one month's notice to take up another appointment under the Punjab Government, is not treated as having resigned his post; similarly, in cases where a temporary Government servant applies for a new appointment through the Head of his department in which he is serving and the new appointment is under the State Government the payment of one month's pay and allowances made by him in lieu of notice or for the period by which the notice falls short of one month should also not be treated as resignation.

2. The receipt of this communication may please be acknowledged.

Copy of Circular letter No. 3936-GII-60/15056, dated 4-5-1960 from Chief Secretary to Government, Punjab to All Heads of Department etc. etc.

*Subject* :— Re-appointment of Government employees, who resign their posts to contest elections.

I am directed to address you on this subject and to inform you that the question whether or not employees who resign their posts to contest elections should be re-appointed to posts from which they resigned, has been considered by Government. It has been decided that, as a matter of policy, employees who leave Government service in order to take part in elections would not be re-appointed to their original service there after. As ordinary citizens they will, of course, be eligible for applying for job in the Government, but they will not enjoy continuity of services from their previous employment.

2. I am accordingly to request you to bring these instructions to the notice of all Government employees under your control for their information.

**Copy of Punjab Government Circular Letter No. 6023-7GS-60/25338, dated 26th July, 1960 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.**

**Subject :—Termination of Employment of Temporary Government Servants—Requirement of one month's notice.**

With reference to the instructions issued under Punjab Government circular letters No. 12545-GII-60/2339, dated the 20th January, 1960 and No. 2073-7GII-60/9530, dated the 24th March, 1960, on the subject cited above, I am directed to say that a question has arisen as to the date from which these instructions should be operative. In this connection, I am to say that these instructions were issued by way of clarification of the original instructions contained in Punjab Government Circular letter No. 7464-GII-58/8003, dated the 3rd April, 1959 and as such, would also take effect from the 3rd April, 1959.

**Copy of Punjab Circular letter No. 3497-IGS-62/7965, dated 9th March, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject :—Termination of employment of temporary Government Servants—Requirement of one months, notice.**

I am directed to refer, to the instructions issued with Punjab Government circular letters Nos. 7464-GII-58/8003, dated the 3rd April, 1959, 12545-GII-60/2339, dated the 20th January, 1960 and 2073-7GII-60/9530, dated the 24th, March, 1960, on the subject noted above, and to say that after careful consideration, Government have decided that temporary Government employees seeking employment within the State Government with the proper permission of the Head of the Department in which they are serving need not be asked either to give one month's notice or surrender one month's pay in lieu thereof before joining the new Department.

2. These orders are effective from the date of issue and the pending cases may be disposed of in accordance with these instructions.

**Copy of Punjab Government Circular letter No. 6772-10GS-64/1923 dated the 18th January, 1965 from the Chief Secretary to Government, Punjab to all Heads of Departments etc.**

**Subject :—Termination of employment of temporary Government servants—Provision of notice.**

I am directed to invite a reference to Punjab Government letter No. 8845-G-54/29154, dated the 19th October, 1954 on the subject noted above and to state that a number of references are being received from time to time from various Departments as to whether or not a provision in regard to one month's notice from either side, need be made in the terms of appointments made on adhoc basis, for a specific period, on stop-gap arrangements. It has been decided by the Government that as the appointments in such cases are made on purely temporary basis, no provision for one month's notice from the either side need be made in the terms of appointment of such a candidate. It should be indicated in such cases that the services of the official(s) concerned would be liable to be terminated at any time without any prior notice.

2. The receipt of this letter may please be acknowledged.

Copy of letter No. 4455-IGII-65/26145, dated the 12th August, 1965, from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

**Subject :—Resignation from service.**

It has been observed by Government that Government officials after giving notice to resign from Government service apply for leave with a view to consuming as much leave as possible before leaving service. Government take a serious view of this trend and are, thereof the opinion that in order to curb this tendency no official should be granted leave during the course of the period of the notice for resigning his service. In case, however, such a Government servant avails of leave during the notice period, it would be deemed to have been extended by the days he remains on leave or would be considered to have fallen short of the days of such leave. In such cases the pay along with allowances may be recovered from the person concerned for the period which falls short of the prescribed notice period. These instructions should please be followed strictly in future.

Copy of Punjab Government Circular letter No. 7868-IGS-65 dated 23rd November, 1965 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

**Subject :—Resignation from Service by temporary Government servants—Giving of one month's notice or refund of one month's emoluments in lieu thereof.**

I am directed to address you on the subject noted above and to state that it has come to the notice of Government that there is a tendency among the officials who are temporarily employed in Government Departments to abruptly resign the service as soon as they find some better jobs. After submitting their resignations they do not attend office and go on applying for leave till their resignations are accepted. Before their resignations are accepted by the competent authority they are required to deposit one month's pay with allowances as required under the terms of their appointment and to fulfil certain other conditions e.g. production of "No Demand" certificate from the Capital Project Authorities, furnishing a surety of a permanent employee who should undertake the responsibility of depositing all the dues found outstanding against them at a later date etc. etc. It has been observed that some times the Government Servants concerned take a considerable time in completing these formalities with the result that their resignations are accepted long after the actual date of tendering the resignations. A question has been raised whether the recovery of one month's emoluments in such cases should be effected at the rate of pay and allowances a Government servant draws at the time of submitting the resignation or at the rate he would have drawn had he been in service at the time of acceptance of his resignation. After a careful consideration it has been decided by Government that the recovery in such cases should be effected from a Government servant at either of the rates indicated above whichever is higher.

2. These instructions may kindly be brought to the notice of all concerned for information and guidance.

3. These instructions may be brought to the notice of all Government employees under your administrative control for future guidance.

Copy of letter No. 2907-IGSI-66/dated, 23-5-1966 from the Chief Secretary to Govt. Punjab to All Heads of Departments etc. etc.

**Subject :—Condonation of break in service of Government employees who became surplus as a result of reduction of posts due to the present emergency.**

I am directed to invite a reference to Punjab Government Circular No. 2295-B&C-63/2831, dated the 23rd March, 1963 regarding economy in expenditure-reduction in ministerial Staff etc., and to say that the question of condonation of break in service on re-appointment of such employees as were retrenched in the year 1963 as a result of present emergency in pursuance of the instructions under reference, has been engaging the attention of Government for sometime past. After careful consideration of the whole matter and in consultation with the Finance Department, it has been now decided that the break in service of the employee who were retrenched as a result of the present emergency and were subsequently re-appointed in their parent Department, should be condoned.

2. These instructions may please be brought to the notice of all concerned.

Copy of letter No. 2050-2GS-68/1950 dated 12th/19th August, 1968 from the Chief Secretary to Government, Haryana to 1. All Heads of Departments, the Commissiouer, Ambala Division; and all Deputy Commissioners and Sub Divisional Officers in Haryana 2. The Registrar, Punjab and Haryana High Court; and all District & Sessions Judges in Haryana and copy to Accountant General, Haryana, Simla etc. etc.

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*Subject ;*           **Condonation of break in service of Government employees who became surplus as a result of reduction of posts due to Emergency.**

Sir,

I am directed to invite reference to the instructions contained in Haryana Government letter No. 681-2GS-67/3215, dated the 20th/21st February, 1967, on the subject noted above, wherein it was specified that the break in service of such Government employees as were retrenched as a result of the reduction of posts due to the Emergency or to economy measures, should be condoned in the event of their re-appointment in their parent Departments. The question of extending this benefit to employees who are subsequently re-appointed in Departments other than their parent Departments has now been considered and it has been decided that the break in service should also be condoned in respect of the latter category of employees that is those who are re-appointed in Departments other than their parent Departments. The seniority of such employees will, however, count from the date they join service in the new Departments and the condonation of the break will thus benefit them only in respect of emoluments and pension.

2. These instructions may please be brought to the notice of all concerned.

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No. 681-2GS-67/3215

From

The Chief Secretary to Government Haryana.

To

All Heads of Departments, Commissioner, .  
Ambala Division, District & Sessions Judges  
and Deputy Commissioners and Sub-Divisional officers (Civil)  
in Haryana.

Dated Chandigarh the 20th/21st February, 1967.

**Subject** ;—Condonation of break in service of Government employees who became surplus as a result of reduction of posts due to the present emergency.

Sir,

Government have had under consideration for some time the question of extending the instructions contained in Punjab Government letter No. 2907-1 GSI-66, dated the 28th May, 1966 to cover the case of those employees as well who were retrenched as part of the economy measures that were to be adopted and which were circularised vide F.D. letters No. 6806-B&C-65/19042, dated the 15th/16th October 1965 and No. 7286-B&C-65/20525, dated the 4th November, 1965, in cases where these employees were subsequently reappointed in their parent departments. It has now been decided that such employees should also be allowed the benefit of the instructions contained in Punjab Government letter of the 28th May, 1966, that is, their break in service is to be condoned in terms of that letter.

2. These instructions may also be brought to the notice of all concerned.

Yours faithfully,

Sd./-  
U.S.P.  
for CS

No. 681-1GSI-67/3216, dated Chandigarh the 29th/21st February, 1967.

A copy is forwarded to the Accountant General, Haryana Simla, for guidance. This communication issues with the concurrence of the F.D. vide their U.O. No. 260-2 F.R.-67, dated the 16th February, 1967.

No. 5510-2GSI-71/28244

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, the Commissioner Ambala Division, Ambala; All Deputy Commissioners, and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana.

Dated , Chandigarh the 5th September, 1971.

*Subject* :—Absence from duty by a temporary Government servant on the expiry of maximum period of extraordinary leave admissible to him amounts to automatic resignation.

Sir,

I am directed to invite reference to the provisions contained in note 4 of rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, which provides that "where a Government servant who is not in permanent employ or quasi permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Government servant, who is granted a lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which, together with the extraordinary leave granted, exceeds the limit up to which he could have been granted such leave under this rule, he shall be deemed to have resigned his appointment and shall accordingly cease to be in Government employ."

2. In this connection I am to forward herewith a copy of the judgement of the Supreme Court delivered in Civil Appeal No. 575 of 1964—Jai Shankar vs State of Rajasthan wherein it has been observed that action taken under similar provisions as contained in Rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, amounts to removal from the service and such an action without affording opportunity of showing cause amounts to violation of clause (2) of Article 311 of the Constitution of India.

3. In view of the legal position indicated above it has been decided that in future no action should be taken under the provisions of note 4 of Rule 8.137 of the Punjab Civil Services Rules Volume I, Part I and , in such cases, action should be taken in accordance with the procedure as prescribed in rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 against the concerned Government Employees.

4. Receipt of this communication may please be acknowledged.

Yours faithfully,

Sd./-  
Deputy Secretary Political and Services,  
for Chief Secretary to Government, Haryana.

A copy alongwith a copy of the judgement is forwarded for information and necessary action to the :—

Financial Commissioner Revenue, All Administrative Secretaries in Haryana.

No. 4348-2GSI-72/22271

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments;  
the Commissioner, Ambala Division  
Ambala Cantt., All Deputy Commissioners  
and all Sub-Divisional Officers in Haryana.
2. The Registrar,  
Punjab and Haryana, High Court and  
all District & Sessions Judges in Haryana.

Dated , Chandigarh, the 28th July, 1972.

**Subject :—Termination of employment of temporary Government servants—Requirement of one month's notice.**

Sir,

I am directed to refer to the instructions contained in composite Punjab Government letter No. 3497-1GS-62/7965 dated 9-3-1962 wherein it was decided that temporary Government employees seeking employment within the State Government with the proper permission of the Head of the Department in which they are serving need not be asked either to give one month's notice or to surrender one month's pay in lieu thereof before joining the new Department. This matter has been further considered and it has been decided that the scope of the above instructions should be extended. So as to cover the temporary Government servants seeking employment under the Government of India with the proper permission of the Head of Department etc. Such temporary Government Servants should also not be asked either to give one month's notice or to surrender one month's pay in lieu thereof before joining the service under the Government of India.

2. These instructions are being issued with the approval of the Finance Department conveyed vide their U.O.No. 2258-2FR-72, dated the 19th July, 1972.

3. (For Commandant General, Home Guards and Director Civil Defence, Haryana Only). This also disposes of his memo No. M-72/55 2603, dated the 18th February, 1972.

Sd./-  
Deputy Secretary Political and Services,  
for Chief Secretary to Government, Haryana.

No. 2067-2GSI-72/22272 dated, Chandigarh, the 28th July, 1972.

A copy is forwarded to the Accountant General, Haryana, Simla for information.

No. 6277-2GSI-72/30745

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments; the Commissioner Ambala Division, Ambala; all Deputy Commissioners, and all Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 24th October, 1972.

**Subject :—Absence from duty by a Government servant on the expiry of maximum period of five years amounts automatic resignation.**

Sir,

I am directed to invite a reference to the provisions contained in Rule 3.25 of the Punjab Civil Services Rules, Volume I, Part I, which provide as under :—

- (1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years.
- (2) Where a Government servant does not resume duty after remaining on leave for a continuous period of five years, or where a Government servant after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of the leave granted to him, exceeds five years, he shall, unless the competent authority in view of the exceptional circumstances of the case, otherwise determine be deemed to have resigned and shall accordingly cease to be in Government employ.

2. In this connection, attention is invited to Haryana Government letter No. 5510-2GSI-71/28244, dated the 14th October, 1971 with which a copy of the judgement of the Supreme-Court delivered in Civil Appeal No. 575 of 1964—Jai Shankar vs. State of Rajasthan was forwarded to you and wherein it was observed that action taken under similar provisions as contained in Rule 8.137 of the Punjab Civil Services Rules, Volume I, Part I, amounts to removal from the service and such an action, without affording opportunity of showing cause amounts to violation of clause (2) of Article 311 of the constitution of India. Keeping in view the legal position indicated above, it was decided that, in future, no action should be taken under the provisions of note 4 below Rule 8.137 of the Punjab Civil Services Rules Volume I, Part I, and that, in such cases, action against the concerned Government servant should be taken in accordance with the procedure as prescribed in rule 7 of the Punjab Civil Services (Punishment & Appeal) Rules, 1952.

3. Government have now been advised that the judgement of the Supreme Court referred to in para 2 above will also have to be kept in view while taking action under Rule 3.25 of the Punjab Civil Services Volume I, Part I, particularly, in view of the Supreme Court Judgement in Writ Petition 217—of 1968 Deokinandan Prasad V/s the State of Bihar—AIR 1971—S.C. 1409 (Extract from the Judgement enclosed for ready reference). The Supreme Court had announced this Judgement with reference to the provisions of Rule 76 of Bihar Service Code (1972), which are similar to the provisions contained in Rule 3.25 of Punjab Civil Services Rules Volume I, Part I. Accordingly it has been decided that in future, while taking action under the provisions of rule 3.25 of the Punjab Civil Services Rules Volume I, Part I, the procedure, as laid down in rule 7 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952, should be strictly followed.

4. These instructions may kindly be noted for careful compliance and should be brought to the notice of all concerned Receipt of this communication may also be acknowledged.

Yours faithfully,

Sd./-

Deputy Secretary Political and Services,  
for Chief Secretary to Government Haryana.



**Extract taken from AIR 1971 Supreme Court 1409 (v 58 c 20)**

Deokinandan Prasad, Petitioner vs. The State of Bihar and other Writ Petition No. 217 of 1968.  
Dated the 4th May, 1971.

(A) Civil Services-Bihar Service Code (1952), Rule 76-Though the rule prescribe automatic termination of service for continuous absence for 5 years an order passed to that effect without giving opportunity to Government servant offends Article 311 of Constitution —(X-Ref :—Constitution of India, Article 311). (para 25)

23. A contention has been taken by the petitioner that the order dated August 5, 1966 is an order removing him from service and it has been passed in violation of Art. 311 of the constitution. According to the respondents there is no violation of Art. 311. On the other hand, there is an automatic termination of the petitioner's employment under rule 76 of the Service Code. It may not be necessary to investigate this aspect further because on facts we have found that rule 76 of the Service Code has no application. Even if it is a question of automatic termination of service for being continuously absent for over a period of five years, Art. 311 applies to such cases as is laid down by this Court in *Jai Shankar vs State of Rajasthan* 1966-SCR 825 (AIR 1966) Sc. 492. In that Connection this court had to consider Regulation No. 13 of the Jodhpur Service Regulations, which is as follows :—

An individual who absents himself with permission or remains absent without permission for one month or longer after the end of his leave should be considered to have sacrificed his appointment and may only be reinstated with the sanction of the Competent authority.

24. It was contended on behalf of the State of Rajasthan that the above regulation operated automatically and there was no question of removal from service because the officer ceased to be in the service after the period mentioned in the regulations. This court rejected the said contention and hold that an opportunity must be given to a person against whom such an order was proposed to be passed, no matter how the regulation described it. It was further held to give no opportunity is to go against Art 311 and this is what has happened here.

25. In the case before us even according to the respondents a continuous absence from duty for over five years, apart from resulting in the forfeiture of the office also amounts to misconduct under rule 46 of the Pension. It is admitted by the respondents that no opportunity was given to the petitioner to show cause against the order proposed. Hence there is a clear violation of Article 311. Therefore, it follows even on this ground the order has to be quashed.

No. 468-2GSI-75/1858

From The Chief Secretary to Government, Haryana.

- To
1. All Heads of Departments.  
Commissioners Hissar and Ambala Divisions;  
All Deputy Commissioners and Sub Divisional  
Officers (Civil) in Haryana.
  2. Registrar, Punjab and Haryana High Court and  
All District & Sessions Judges in Haryana.

Dated, Chandigarh, the 28th January, 1975.

*Subject* :—Condonation of break in service of Government employees.

Sir,

I am directed to invite your attention to the instructions issued by the Finance Department in their letter No. 5634-2FR-I-63/10588 dated the 8th October, 1963 on the subject noted above (copy enclosed) in which concern of Government was expressed with regard to the tendency on the part of Government, employees to resign their jobs on flimsy grounds and seek appointment after elsewhere in continuation of previous service. It was considered that this not only hampered smooth working in Government offices, but raised various complications on their re-appointment in Government service, such as, condonation of break of Government service caused as a result of resignation, for purpose of maintaining continuity in service in order to get a benefit of their pre-interruption period of service towards pay, leave and pension. It was therefore laid down in these instructions that when it may become expedient to re-appoint the incumbents against the same post, it might be done by treating him as a fresh entrant because the previous service stood forfeited under rule 4.19 of the Punjab Civil Services Rules Vol. II. If, however, there were over whelming reasons for condonation of resignation as well as break in service, the proposal was to be referred to the Finance Department for their acceptance.

2. The matter has been further examined by the Government and it has been decided that cases of the type mentioned in Finance Department letter dated the 8th October, 1963 should be referred to the Chief Secretary to Government, Haryana, in General Services (I) Branch, giving complete justification for the proposal, for advice, before they are sent to the Finance Department for their approval.

3. The above instructions may kindly be brought to the notice of all concerned for strict compliance in future. Receipt of these instructions may also kindly be acknowledged.

Yours faithfully,

Sd./-

Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to the :—

Financial Commissioner, Revenue, All Administrative Secretaries to Govt. Haryana.

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A Copy of letter No. 5634-2FRI-63/10588, dated the 8th October, 1963, from the Secretary to Government, Punjab, Finance Department, to all Heads of Departments, etc.

*Subject* :—Condonation of break in the service of Government employees under rule 4.23 of Punjab Civil Services Rules, Vol. II.

I am directed to address you on the above subject and to state that the Finance Department have received a number of cases from the Departments embodying proposals for the condonation of breaks by relaxing rule 4.23 of the Punjab Civil Services Rules, Vol. II or commuting the period of break into extraordinary leave or leave of the kind due of those Government employees who tendered resignations due to domestic reasons and sought re-appointment. Government view with grave concern the tendency on the part of the Government employees to resign their jobs on flimsy grounds and seek appointment elsewhere in continuation of previous service. This not only hampers smooth working in Government offices, but raises various complications on their reappointment in Government service, such as condonation of break in service caused as a result of resignation for purpose of maintaining continuity in service in order to get a benefit of their pre-interruption period of service towards pay, leave and pension. The State Government have, therefore, considered the whole matter and would like to stress that the growing tendency on the part of Government employees to resign their jobs and subsequently ask for reappointment should be curbed and such cases of re-appointment should be examined with care because resignation from public service entails forfeiture of past service in accordance with rule 4.19(a) of the Punjab Civil Services Rules, Vol. II. It is pertinent to note here that in such cases the condonation of interruption should not be considered as a simple question so as to be regularised by grant of extraordinary leave or leave of the kind due. A lenient view of the matter would encourage the prevailing tendency. Even otherwise regularisation in the said manner would run counter to the spirit of Note 7 of rule 4.23 *ibid*.

2. It is felt that when it may become expedient to reappoint the incumbent against the same post, it may be done by treating him as a fresh entrant because the previous service already stands forfeited under rule 4.19(b) *ibid*. If, however, there are overwhelming reasons for condonation of resignation as well as break in service, the proposal should be referred to the Finance Department.

3. The case for the condonation of breaks in service should be examined by the authorities concerned, under Note 7 below rule 4.23 *ibid*, inserted with Punjab Government Finance Department Notification No. 9462-5FRI-61/10726, dated the 4th October, 1961. It is further clarified that interruption condoned under rule 4.23 *ibid* would carry with it the benefit of linking the pre-interrupted service for purposes of pensionary benefits only without conferring any right for the fixation of pay, accumulation of leave etc. Separate orders will, therefore, be required to be issued by the competent authority for purposes other than pension.

4. The question of break in service should be considered for condonation not at the time of re-appointment but soon after the employee has been confirmed in service after reappointment for the reasons that temporary service rendered before confirmation counts only if it is followed by confirmation in terms of rule 3.17 *ibid*. In other words, it should not be left over for consideration at the time of retirement for the reason that such a course would run counter to the Government policy regarding expeditious disposal of pension cases.

5. The receipt of this communication may please be acknowledged.

क्रमांक 5045-2 जी एस 1-76/22038

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मंडल अधिकारी ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 17 अगस्त, 1976

विषय :— अंतर्राष्ट्रीय संस्थानों विदेशी सरकारों के अधीन पदों पर राज्य सरकार के अधिकारियों की नियुक्ति-विदेश नियुक्ति के दौरान उनके त्याग पत्र स्वीकार किये जाने के बारे में ।

महोदय,

उपरोक्त विषय पर आप को सम्बोधित करते हुए मुझे यह कहने का निदेश हुआ है कि राज्य सरकार के अधिकारियों कर्मचारियों को अंतर्राष्ट्रीय संस्थाओं विदेशी सरकारों के अधीन प्रतिनियुक्ति पर इस कारण भेजा जाता है ताकि अधिकारियों कर्मचारियों द्वारा विदेश में प्राप्त किए गए अनुभव का राज्य सरकार में सदुपयोग किया जा सके, परन्तु इस बारे में सरकार के नोटिस में यह बात आई है कि कई बार विदेशी नियुक्ति के दौरान राज्य सरकार के अधिकारी कर्मचारी अपने सेवा से त्याग पत्र दे देते हैं जिसे विभागों द्वारा स्वीकार कर लिया जाता है। इस बारे में ध्यान पूर्वक विचार करने के पश्चात् सरकार ने यह निर्णय लिया है कि यदि राज्य सरकार का कोई अधिकारी कर्मचारी विदेशी नियुक्ति के दौरान अपने पद से त्यागपत्र देता है तो उस के त्याग पत्र को स्वीकृत करने से पहले सम्बन्धित अधिकारी कर्मचारी को देश लौटकर पैतृक विभाग में अपने पद का कार्यभार सम्भालने के लिये कहा जाए तथा ऐसा किए जाने के बाद ही उसके त्यागपत्र को स्वीकार करने पर विचार किया जाए। यहां पर यह भी स्पष्ट किया जाता है कि इन हिदायतों के अनुसार किसी अधिकारी द्वारा स्वेच्छा से रिटायर होने के उसके हक पर कोई रोक नहीं है, यदि वह स्वेच्छा से रिटायर होने का पत्र है।

2. आप से अनुरोध किया जाता है कि उपरोक्त हिदायतों को अपने अधीन कार्य कर रहे सभी अधिकारियों के नोटिस में लाया जाए तथा इन हिदायतों का कठोरता से पालन किया जाए।

3. कृपया इस पत्र की पाबली भेजी जाए।

भवदीय,

हस्ता 0/-

उप सचिव सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति—

वित्तायुक्त, सभी प्रशासकीय सचिव, हरियाणा सरकार ।

को भेजी जाती है तथा अनुरोध किया जाता है कि उन से सम्बन्धित अर्ध-सरकारी संस्थाओं तथा अटानोमस बाडीज आदि को इसी प्रकार की हिदायतें जारी की जाएं ।

No. 13(1)80-2GSIII

From  
To

The Chief Secretary to Government, Haryana.

1. All Heads of Department,  
Commissioners, Hissar and Ambala Divisions,  
All Deputy Commissioner and  
Sub Divisional Officers (Civil) in Haryana.
2. The Registrar,  
Punjab and Haryana High Court.  
Chandigarh.

Dated Chandigarh, the 21st October, 1980.

**Subject :—Withdrawal of Resignation/Condonation of break in service of Government employees.**

Sir,

I am directed to refer to the instructions contained in Finance Department letter No. 5634-2FRI-62/10588, dated the 8th October, 1963 wherein it has been laid down that :—

- (i) when it may become expedient to re-appoint an incumbent who has resigned his job, against the same post, it may be done by treating him as a fresh entrant because the previous service stands for feited under ryule 4.19 (b) of Punjab Civil Service Rules Volume II;
- (ii) if there are over-whelming reasons for condonation of resignation as well as break in service, the proposal should be referred to the Finance Department;
- (iii) the question of break in service should be considered for dondonation not at the time of re-appointment but soon after the employee has been confirmed in service after re-appointni-ment for the reasons that temporary service rendered before confirmation counts only if it is followed by confirmation in terms of rule 3.17 of Punjab Civil Services Rules Vo.. H.

2. It was further laid down in Haryana Government circular letter No. 468-2GSI-75/1858, dated 8-1-75 that cases of the type mentioned in Finance Department circular letter dated the 8th October, 1963 should be referred to the Chief Secretary to Government, Haryana, giving complete justification for the proposal, for advice before they are sent to the Finance Department for their approval.

3. For some time past, the entire matter has been under the consideration of the Government and the following clarifications are issued in this behalf :-

- (i) Re-appointment of an incumbent against the same post without condoning the break in service should be made only when it becomes expedient to do so and a reference by the appointing authority either to the Chief Secretary (General Services Branch) or to the Finance Department is not necessary. However, in such cases approval of the Haryana Public Service Commission/S.S.S.Board, as the case may be, should be obtained. The instructions/rules with regard to age, medical fitness verification of antecedent etc., issued by the Government from time to time, should also be maticulously followed in such cases.
  - (ii) In cases where fresh appointment is not to be made and break in service is proposed to be condoned for over- whelming reasons, the above action would not be necessary and the cases should be submitted to this department in accordance with the instructions contained in the Haryana Government letter No. 468-2GSI-75/1858, dated 28-1-1975.
4. The above instructions may kindly be brought to the notice of all concerned for compliance.
  5. Receipt of this letter may please be acknowledged.

Yours faithfully,  
Sd./-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 13(1)80-2GSIII, dated Chandigarh, the 21st October, 1980.

A copy is forwarded for information to the Secretary to Government, Haryana, Finance Depart-ment with reference to his U.O. Nos. 1/2/(8)-80-2FRII, dated 1-4-80 and 1/2/(8)-80-2FRII, dated 15-7-80.



## PART XXII





Copy of letter No. 8562-G 55/16922, dated the 29th June, 1955 from the Chief Secretary to Government, Punjab, to all Heads of Departments in the Punjab, etc., etc.

**Subject** — Finding ways and means to deal with unsuitable Officers in a more expeditious manner than at present.

I am directed to invite a reference to Note I to rule 5.32 of the Punjab Civil Services Rules Volume II, under which Government retains an absolute right to retire any Government servant after he has completed 25 years' qualifying service without giving any reasons, etc., and to say that with a view to dealing with unsuitable Government servants in a more expeditious manner than at present, it has been decided to amend this rule so as to enable Government to examine the record of a Government servant, first on completion of ten years' qualifying service, then at the completion of fifteen years' qualifying service and thereafter at any time, with the object of retiring an unsuitable Government servant compulsorily from service. The powers, thus assumed by Government will not be exercised, except when it is in public interest to dispense with the further services of a Government servant such as on account of inefficiency or dishonesty. Thus, these powers are intended for use—

- (i) against a Government servant whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully (i.e., when a Government servant's value is clearly incommensurate with the pay he draws) but not to such a degree as to warrant his retirement on a compassionate allowance. It is not the intention to use these powers as a financial weapon, that is to say, the powers should be used only in the case of Government servants who are considered unfit for retention on personal as opposed to financial grounds.
- (ii) in cases where reputation of corruption is clearly established even though no specific instance is likely to be proved under the Punjab Civil Services (Punishment and Appeal) Rules Appendix 24 of Volume I, Part II, or the Public Service (Inquiries) Act, XXXVII of 1850.

2. Compulsory retirement effected in pursuance of this decision does not amount to "dismissal" or "removal" within the meaning of Article 311(2) of the Constitution of India and it is not, therefore, necessary to give the Government servant concerned an opportunity to show cause against the proposed action. No gazetted Government servant shall, however, be retired without the approval of the Council of Ministers. In all cases of compulsory retirement of gazetted Government servants belonging to the State Services, the Punjab Public Service Commission shall be consulted. In the case of non-gazetted Government servants, the Heads of Departments might effect such retirement with the previous approval of the State Government.

3. This decision will apply to all employees under the rule making control of the Punjab Government, whether existing or future.

4. Necessary amendment to rule 5.32 of the Punjab Civil Services Rules, Volume II, will issue in due course.

5. I am to request that these instructions may be brought to the notice of all officers/officials working under you, and necessary action may be taken in appropriate cases.

Copy of Punjab Government Circular letter No. 1707-G II(C)-58/9255 dated 1st April, 1958 from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments etc., etc.

*Subject* :—Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.

Sir,

I am directed to refer to Punjab Government letter No. 5980-G-II(C)-57/10/10778, dated the 19th June, 1957, on this subject where it was decided that no one should be finally retired from service under the instructions contained in Punjab Government letter dated the 29th June, 1955, till the actual amendment of rule 5.32 of the Punjab Civil Services Rules, Volume II, has been carried out. Necessary amendment of rule 5.32 *ibid* has since been made,—*vide* Punjab Government notification, dated the 30th September, 1957, a copy of which was endorsed to all Head of the Departments,—*vide* Punjab Government endorsement No. 6755-FR-I-57/10285, dated the 30th September, 1957. Action can now, therefore, be taken against officers/officials found unsuitable for retention in service after considering their record of service and reputation according to the instructions contained in Punjab Government letter No. 8562-G-55/16922, dated the 29th June, 1955.

2. Government have also decided that in order to ensure fair and objective consideration of such cases, a regular procedure should be prescribed. Accordingly a Committee to be called the Standing Committee for Compulsory Retirement, to screen all cases of compulsory retirement has been set up, and orders will be found in Punjab Government notification No. 1707-G-II(C)-58/9257, dated the 1st April, 1958, which has been endorsed to all Heads of Departments separately. Following procedure should be followed in referring cases to the Standing Committee :—

*In the case of gazetted Government servants*

- (i) A case against a gazetted Government servant should first be thoroughly dealt with in the Administrative Department concerned. They will examine the personal file of the officer concerned, consider his reputation and serve him with a notice and call an explanation from him. In case they come to a tentative decision that the compulsory retirement of the officer is necessary, they will refer the case to the Punjab Public Service Commission for advice. On receipt of the Commission's advice, the case will then be put up to the Chief Secretary for consideration by the Standing Committee for Compulsory Retirement. After the Standing Committee have given their recommendation, the case will be routed to the Cabinet through the Minister concerned.

*In the case of non-gazetted Government servants*

- (ii) The Head of Department and the administrative Department should complete all preliminaries. When a case is completed in all respects, e.g., the serving of a show cause notice, calling for an explanation, etc., and the Administrative Department proposes to take action under the amended rule, the matter will be referred to the Standing Committee for their advice. It will not be necessary in the case of non-gazetted Government servants to refer the matter to the Council of Ministers. In case where the case does not have to go the Minister concerned, the decision of the Standing Committee should be final, but where the case is required to go the Minister it should be submitted to him with the recommendation of the Standing Committee.

Instructions contained in Punjab Government letter No. 8562-G-55/16922, dated the 29th June, 1955, should be deemed to have been modified to the extent indicated in this letter.

3. I am to request that these instructions may be brought to the notice of all officers/officials working under you and necessary action may now be taken in appropriate cases.

**Copy of Punjab Government Circular letter No. 55-GII-59/1344, dated 3rd January, 1959 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.**

**Subject :—Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.**

I am directed to refer to Punjab Government letter No. 1707-GII(C) 58/9255, dated the 1st April 1958, on the subject cited above, where the procedure for referring cases of unsuitable officers intended to be compulsorily retired, to the Standing Committee was laid down and to say that whenever an Administrative Department sends up a case of compulsory retirement to the Standing Committee of compulsory retirement for consideration, the Administrative Department concerned should send a complete self-contained memorandum along with the show-cause notice, the explanation of the officer/official concerned, a complete statement showing the full service record of the officer, his personal file and all other relevant documents, e.g., advice of Public Service Commission, etc., which have a bearing on the subject. Six sets of all these documents (except the actual personal file which may be forwarded in original) will be required for the members of the Standing Committee and the Secretary of the Committee. Administrative Department's own memorandum as finalized by them, with the relevant documents will be put up to the Standing Committee for consideration along with the comments of the Secretary to the Committee, if necessary.

(2) Its receipt may please be acknowledged.

**Copy of Circular letter No. 3741-8GS-63/9352, dated the 19th March, 1963 from Shri Saroop Krishan, I.C.S., Finance Commission, Planning and Additional Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.**

**Subject.—Revised System of Earned Leave, Holidays and Working Hours.**

In continuation of Punjab Government letter No. 7365-GS-60/30440, dated the 29th August, 1960 on the subject noted above, I am directed to clarify that in the matter of earned leave all temporary employees whether appointed for a period of less than six months or more will unless there are specific conditions in the terms of their appointment to the contrary, be governed by leave rules applicable to temporary employees as contained in Part C of Section III of Chapter VIII of the Punjab Civil Services Rules, Volume I, Part I.

2. These instructions are brought to the notice of all concerned for guidance. The receipt of this communication may also be acknowledged.

**Copy of Punjab Government Circular Letter No. 5410-3GS-63/11926, dated 28th March, 1963 from the Chief Secretary to Government, Punjab, to all Head of Departments, etc., etc.**

**Subject : Age of compulsory retirement—raising of.**

1. I am directed to say that the question of raising the age of compulsory retirement has been considered by the Government and it has been decided to raise the age of compulsory retirement of State Government employees from 55 years to 58 years with effect from the 1st December, 1962, subject to the exception that, the age of retirement of Patwaris, ministerial staff and Class IV Government employees, including new entrants will remain 60 years in case this practice is being followed according to the rules governing their service conditions.

2. A Government employee who attained the age of compulsory retirement on or after 1st December, 1962 or who was on leave preparatory to retirement or proceeded on such leave on or after 1st December, 1962, will not be entitled to the benefit of the increased age of compulsory retirement unless he is permitted to resume duty after the appointing authority is satisfied that he is efficient and physically fit.

3. Government employees who had already retired before 1st December, 1962, or who were on refused leave on 1st December, 1962, beyond the date of compulsory retirement are not entitled to resume duty under these orders. Those employees, however, who on 1st December 1962, were on refused leave beyond the date of compulsory retirement may be re-employed, if.

4. Government employees who are on extension in service on the date of the issue of these orders may be allowed to continue in service up to the age of 58 years.

5. Scientific and technical personnel may be given extension in service or re-employment beyond 58 years subject to the instructions issued in the matter from time to time.

*Amendment made,—vide Punjab Government Circular letter No. 5599-3GS-63/12652 dated 8th April, 1963.*

6. Notwithstanding any thing contained in the foregoing paragraphs, the appointing authority may require a Government employee to retire after he attains the age of 55 years on three months notice without assigning any reason. This will be in addition to provisions already contained in rule 5.32 of the Punjab C.S.R., Volume II, to retire an officer who has completed 10 years qualifying service and will normally be exercised to weed out unsuitable employees after they have attained the age of 55 years. A Government employee may also, after attaining the age of 55 years, voluntarily retire after giving three months' notice to the appointing authority.

7. Detailed instructions for regulating the period between the date of compulsory retirement of the Government employees who have already attained the age of compulsory retirement and the date they are permitted to resume duty by the appointing authority under paragraph 2 above, and other conditions, will follow.

8. The orders shall apply to all Government employees in the integrated State.

9. Necessary amendments to the rules will be issued separately, in due course.

10. These orders issue in consultation with the Finance Department,—*vide* their U.O. No. 723-(2)-FRI-63, dated the 8th March, 1963 and U.O. No. 3736-FRI-63, dated the 28th March 1963.

[Published in the PUNJAB GOVERNMENT GAZETTE, Legislative Supplement Ordinary, dated the 31st May, 1963]

PART III  
HOME DEPARTMENT

NOTIFICATION

The 23rd May, 1963

**No. G.S.R. 123/Const./Art. 309/63.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf and in supersession of all the corresponding rules issued in this behalf, and in force for the time being, the Governor of Punjab is pleased to make the following rules for regulating the appointment and conditions of service of persons appointed to the Punjab State (Class IV) Service ;—

1. (1) These rules may be called the Punjab State (Class IV) Service Rules, 1963,

*Short title, commencement and application.*

(2) They shall come into force from the date of their publication in the PUNJAB GOVERNMENT GAZETTE.

(3) They shall not apply to any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

2. In these rules, unless the context otherwise requires—

*Definitions*

(a) "Direct appointment" means an appointment made otherwise than by promotion with in the service or by transfer of an official already in the service of the Government of a State or the Government of India.

(b) "Government" means the Punjab Government in the Administrative Department;

(c) "Head of Department" means the authority as defined in rule 2.25 of the Punjab Civil Services Rules, Volume I, Part I, and includes any other authority who is specially appointed by the Government to exercise the powers of a Head of Department for the purposes of these rules;

(d) "Head of Office" means the authority as defined in rule 2.26 of the Punjab Civil Services Rules, Volume I, Part I; and

(e) "Service" means the Punjab State (Class IV) Service.

8. All appointments to posts in the Service shall be made by the Heads of Departments and Heads of Offices, as the case may be; provided that the Heads of Departments or the Heads of Offices may delegate these powers to their subordinate officers in respect of appointments to posts in their offices, for the purpose of this rule.

*Authorities empowered to make appointments.*

4. (I) No person shall be appointed to the Service, unless he is—

(i) a citizen of India; or

(ii) a subject of Sikkim; or

(iii) a subject of the State of Pondichery; or

(iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently settling in India—

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal or a Tibetan who cameover to India before the 1st January, 1962, with

the intention of permanently settling in India, may also be appointed to any post in the service :

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

*Nationality and domicile.*

(2) A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority.

5. No person shall be recruited to the Service by direct appointment unless he—

*Character*

- (a) produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;
- (b) is not less than 16 years and not more than 35 years of age on the date of appointment;

*Age and other qualifications.*

- (c) has not more than one wife living and in the case of a woman, is not married to a person already having a living wife ;

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this clause; and

- (d) possesses the requisite knowledge of the regional languages and of English as may be prescribed by the Government from time to time

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualification prescribed under this clause.

*Method of appointment*

6. (1) Posts in the service shall be filled—

- (a) in the case of posts carrying the grades of Rs. 30— $\frac{1}{2}$ —35;
  - (i) by direct appointment; or
  - (ii) by transfer or deputation of an official already in the service of the Government; and
- (b) in the case of other posts in the Service carrying higher grades—
  - (i) by direct appointment; or
  - (ii) by promotion from the officials working in the next lower grades; or
  - (iii) by transfer or deputation of an official already in the service of the Government;

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy itself about the capability of the official to perform the duties of the posts for which he is selected.

(2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

(3) When any vacancy occurs or is about to occur in the service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (2) above.

(4) No official shall have any claim to appointment by promotion or transfer as of right.

*Number and character of posts*

7. The Service shall comprise the posts classified as Class IV, within the meaning of rule 1.2 of Punjab Civil Service Rules, Volume I, Part I, and nothing in these rules shall affect the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

*Probation of member of the service*

8. (1) Persons appointed to the Service shall remain on probation for a period of two years :

Provided that—

- (a) any period, after appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule ;
- (b) in the case of an appointment by transfer, any period of work in similar rank or above, prior to appointment to the Service may, at the discretion of the Government, be allowed to count towards the period of probation fixed under this rule; and
- (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) If the work or conduct of a person appointed to the Service during the period of probation is, in the opinion of the appointing authority, not satisfactory, it may—

- (a) dispense with his services, if recruited by direct appointment; or
- (b) if recruited otherwise—
  - (i) revert him to his former post; or
  - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may—

- (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed, confirm him from any date following such appointment from which a permanent vacancy exists; or
- (b) if there is no permanent vacancy, declare that he has completed his probation satisfactorily; or
- (c) if his work or conduct has, in its opinion, not been satisfactory, (i) dispense with his services, if recruited by direct appointment; or (ii) if recruited otherwise revert him to his former post, or (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit; or
- (d) extend his period of probation and thereafter pass such orders as it would have passed on the expiry on of the first period of probation :

Provided that the total period of probation, including extension, if any, shall not exceed three years.

9. The seniority *inter se* of members of the Service holding the posts in the same grade shall be determined with reference to the date of their appointment to such posts :

Provided that after joining they have continuously served on such posts; and

Provided further that if two or more members are appointed in the same grade on the same date, their seniority shall be determined as follows—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member recruited by promotion shall be senior to a person recruited by transfer;
- (c) in the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments from which they are promoted;
- (d) in the case of members recruited by transfer from the same office, seniority shall be determined according to seniority in the appointments previously held in the cadre;
- (e) in the case of members who are recruited by transfer from different departments or offices of the Government, seniority shall be determined according to pay preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rate of pay drawn be the same, an older member shall be senior to a younger member; and
- (f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member:

Provided that in the case of members recruited by direct appointment the order of merit if any, drawn up at the time of the selection shall not be disbursed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection;

Provided further that in the case of members whose period of probation is extended under rule 7, the date of appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

10. Members of the Service shall be entitled to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed.

*Pay of members of the service.*

11. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by the Punjab Civil Services Rules or such other rules as are from time to time framed or issued under the proviso to Article 309 of the Constitution of India.

*Leave, Pension, etc.*

12. Every member of the service shall be liable to transfer under the orders of the appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also any where within the jurisdiction of such authority.

*Liability to transfer.*

13. (1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952 :

*Authorities empowered to impose penalties and right of appeal.*

Provided that the nature of penalties which may be imposed the authority empowered to impose such penalties and the appellate authority shall, subject to the provisions of any law or rules made under Article 309 of the Constitution of India, be as specified in Appendix 'A' to these rules;



(2) the authority competent to pass an order reducing or withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise than upon reaching the age fixed for superannuation and the appellate authority shall be as specified in Appendix 'B' to these rules.

*Liability for vaccination and revaccination*

14. Every member of the Service shall have himself vaccinated or revaccinated when the Government so directs by a special or general order.

*Oath of allegiance*

15. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

*Power to relax*

16. Where the Government is satisfied that the operation of any of the rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

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## APPENDIX 'A'

[See Rule 13(I) ]

Designation of officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
All Class IV servants employed in Government Department	Head of Department concerned	(a) Censure; (b) withholding of increments or promotion; (c) Recovery from pay of whole or part of any pecuniary loss caused to Government by negligency of breach of order; (d) Reduction to a lower post or time scale or to a lower stage in a time scale; (e) Suspension; (f) Removal from Service which does not disqualify for future employment; (g) Dismissal from service which ordinarily disqualifies from future employment	Head of Department concerned	Government
All Class IV Servants employed in Government Offices	Head of Office concerned	All the above penalties from (a) to (g)	Head of Office concerned	Head of Department concerned

## APPENDIX 'B'

[See Rule 13 (2) ]

Designation of Officials	Appointing Authority	Name of Order	Authority empowered to pass original orders	Appellate authority
All Class IV Servants employed in Government Department	Head of Department concerned	(i) Reducing the maximum amount of ordinary pension admissible under the rules governing pensions  (ii) Termination of appointment otherwise than upon reaching the age fixed for superannuation	Head of Department concerned	Government
All Class IV servants employed in Government Offices	Head of Office concerned	Above orders(i-ii)	Head of Office concerned	Head of Department concerned

Copy of Punjab Government Circular letter No. 14089-3GS-63/35196, dated 16th September, 1963 from the Chief Secretary to Government, Punjab to All Heads of Departments etc., etc.

*Subject* : Age of compulsory retirement—raising of.

I am directed to invite reference to Punjab Government letter No. 5410-3GS-63/11926, dated the 28th March, 1963, on the subject noted above and to set out the following clarifications in respect of it.

1. (i) In the terms of para 2 of that letter a Government employee who attained the age of compulsory retirement on or after 1st December, 1962, or who was on leave preparatory to retirement or proceeded on such leave on or after 1st December, 1962, is entitled to the benefit of the increased age of compulsory retirement only if he is permitted to resume duty after the appointing authority is satisfied that he is efficient and physically fit. In respect of physical fitness, it will be sufficient if a certificate to that effect from a Civil Surgeon is furnished and examination by a Board, etc. will not be necessary.

(ii) As regards the period between the date of compulsory retirement (at 55 years) and the date he was permitted to resume duty, this period will be treated as leave of the kind due. The amount of pension, death-cum-retirement gratuity and Provident Fund, already drawn by the Government employee will, however, have to be refunded by him together with interest, within two months of the issue of these orders.

(iii) A Government employee whose date of birth is 1st December, 1907 and who was due to retire on 1st December, 1962, on attaining the age of 55 years is eligible for the benefit of the enhanced age of compulsory retirement. It is immaterial in such a case whether he finally relinquished or handed over charge on the afternoon of 30th November, 1962, or on 1st December, 1962.

2. (i) In accordance with rule 8.21 of C.S.R., Volume I, Part I, the leave due to a Government employee would be treated as lapsed on his attaining the age of 55 years which has hitherto been the date of superannuation. The leave which has been treated as lapsed or would have so lapsed will now be revived and furthermore such a Government employee will continue to earn and enjoy leave under the normal rules till he reaches the age of 58 years.

(ii) The leave that could be carried forward by such a Government employee beyond the age of 55 years in the terms of 8.21 of C.S.R., Volume I, Part I, will cease to have the attributes of refused leave and will not automatically be granted to him, on his attaining the age of 58 years. For purposes of that rule, therefore, it will be necessary for him to apply again for leave preparatory to retirement, in sufficient time, before he attains the age of 58 years. If the leave so applied for, is refused in the public interest, he may be granted such refused leave after the age of 58 years. In view, however, of the extended age of retirement, the leave preparatory to retirement will now be refused most sparingly.

(iii) In the case, however, of a Government employee who has after 1st December, 1962 already retired after attaining the age of 58 years or who has less than six months to attain such age from the date of issue of these orders, the refused leave, if any.

Copy of letter No. 4776-3GS(I)-64/15823, dated the 19th/21st May, 1964, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

**Subject :—Age of compulsory retirement-raising of.**

I am directed to invite reference to para 6 of Punjab Government letter No. 5410-3GS-63/11926, dated the 28th March, 1963, according to which the appointing authority may require a Government employee to retire after he attains the age of 55 years on 3 months notice without assigning any reason. In order to ensure uniformity in the operation of this provision and also equitable treatment in all cases, it has been decided to observe the following criteria and procedure for the purpose.

- (i) Six months before a Government employee attains the age of 55 years, his record should be carefully examined by the appointing authority, and a provisional judgement formed as to whether he should be retired on attaining the age of 55 years. This decision should be made well in advance so that in the event of retirement being finally decided upon, a notice could be given to the Government employee concerned, at least 3 months before the date on which he is to attain the age of 55 years and his retirement, given effect to at that age.
- (ii) When the appointing authority has reasonable cause to believe that a Government employee is lacking in integrity, it would be appropriate to consider him for premature retirement, irrespective of an assessment of ability or efficiency in work.
- (iii) In a case in which a Government employee's integrity is not in doubt but his physical or mental condition is such as to make him inefficient for further service, it would be appropriate to consider him for premature retirement.
- (iv) A Government employee who has been assessed as "average" should not be retired at the age of 55 years. The test whether a Government employee should be allowed to continue upto the age of 58 years should not, for obvious reasons, be as rigorous as the one applied in consideration when extension in service is allowed beyond the age of superannuation otherwise the power to grant extension would have been sufficient and there would have been no need to raise the age of retirement itself. In considering whether an officer/official falls below the average standard, the question may sometimes arise as to whether he should be judged with reference to the requirements of his substantive grade or those of the grade in which he has been officiating. It is not unusual, for instance, for a Government employee who has earned good reports in his substantive grade to prove inadequate in his officiating grade. Ordinarily his fitness to continue in service upto the age of 58 years may be judged in relation to his substantive grade, and if he is good enough for that grade but not for the higher grade in which he has been officiating, he may be reverted to his substantive grade but retained in service. There may be difficulties when a Government employee has been officiating in a higher grade for a long time and it appears unlikely that he would put his heart into his work after reversion. This, however, is a question on which no hard and fast rules can be laid down and each case will have to be considered on its own merits.
- (v) Once it is decided to retain Government a employee beyond the age of 55 years he should be allowed to continue upto the age of 58 without any fresh review unless this is justified by any exceptional reasons, such as his subsequent work or conduct or the state of his physical health, which may make earlier retirement clearly desirable. It is felt that in order that a Government employee who is cleared for continuance at a stage of attaining the age of 55 years may settle down to another three years of work with a sense of security and those working under him accept his control and discipline without any reservation an annual review between the age of 55 years and 58 years would not be desirable.

2. Government further observe as under in continuation of Punjab Government letter No. 18790-3 GS(I)-64/5569, dated the 19th February, 1964 :—

- (a) Government employees who are permitted to resume duty under para 2 of Punjab Government circular letter No. 5410-2GS-62/11926, dated the 28th March, 1963 on account of extension of age of superannuation from 55 to 58 years, should be allowed actual expenses incurred by them on travelling both ways, subject to the condition that these should in no case exceed the amount of travelling allowance, ordinarily admissible under the Rules to such employee without prejudice to their claim to T.A. on final retirement at the age of 58 years in conformity with Government instructions contained in Punjab Government letter No. 9219-FR(1)60/1625, dated the 9th February, 1961.
- (b) It has been laid down in para 1 (ii) of Punjab Government circular letter No. 14089-3GS-(I)-63/35196 dated the 13th/16th September, 1963 that the period between the date of

compulsory retirement of a Government employee (at 55 years) and the date on which he was permitted to resume duty, would be treated as leave of the kind due. A point has been raised as to how the leave preparatory, to retirement already availed of by such a Government employee would be treated. In this connection it is stated that the leave preparatory to retirement already enjoyed in such cases will have to be re-classified as earned leave upto the extent of 120 days and the balance as half pay leave. The remaining gap upto the date of joining if any, will also have to be covered by the grant of half pay leave or extraordinary leave as the case may be, in terms of Punjab Government circular letter referred to above.

These orders issues in consultation with the Finance Department vide their U.O. reference No. 2298-IFRI-64, dated the 13th/14th April, 1964 and No. 3467-(5)-FRII-64 dated the 7th/8th April, 1964,

3. The receipt of this letter may kindly be acknowledged.
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Copy of circular letter No. 5582-3GSI-65/21354, dated the 11th June, 1965, from Chief Secretary to Government, Punjab addressed to all Heads of Departments etc.- etc.

**Subject** :—Age of compulsory retirement raising of.

I am directed to invite a reference to para 3 of the Government letter No. 14089-3GS-63/35196, dated 13th/16th September, 1963, where it was mentioned that a Government employee who was required to retire or who himself chose to retire under para 6 of the Punjab Government letter No. 5410-3GS-63/11926, dated the 28th March, 1963, might be allowed the leave due and admissible to him provided it did not extend beyond the date on which he attained the age of 58 years. In this respect, a further question has arisen whether a Government employee who is required to retire or who himself chooses to retire under para 6 of Punjab Government letter No. 5410-63/11962, dated the 28th March, 1963 could also be granted leave preparatory to retirement under rule 8.116 (iii) of the Punjab Civil Services Rules, Vol. I, Part-I. Since leave applied for and granted before retirement ending with the date of retirement should be treated as leave preparatory to retirement irrespective of the Government employee retiring at the age of 55 years or 58 years, it has been decided that the leave applied for by such Government employees should be regulated under rule 8.116 (iii) of the Punjab CSR. Volume I, Part I.

3. The receipt of this communication may be acknowledged.

No. 4449-2GS-68/22951

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of departments, Deputy Commissioners and Sub-Divisional Officers in Haryana,
2. The Registrar, Punjab and Haryana High Court, and all District and Sessions Judges in Haryana.

Dated Chandigarh, the 3rd September, 1968.

**Subject** :—Age of compulsory retirement—Change in the criteria for retention of Government employees in service beyond the age of 55 years.

Sir,

I am directed to invite reference to composite Punjab Government letter No. 4776-3GS(1)-64/15823, dated the 19th/21st May, 1964, on the subject noted above (copy enclosed) wherein detailed instructions were issued for dealing with the cases of Government employees for retention in service beyond the age of 55 years and to say that the matter has been considered further by Government. The aforesaid instructions provide *inter alia* that a Government employee whose record of service is assessed as "average" or (better) should not be retired at the age of 55 years but should be allowed to continue in service beyond that age, the different categories of records being (i) outstanding (ii) very good (iii) good (iv) average and (v) below average. It has now been decided that those instructions should be modified to the extent that only employees with "good" (or better) records, that is categories higher than "average", should be retained in service beyond 55 years and those with "average" records should not be permitted to remain in service beyond that age. In other words, "average" should be substituted by "good" at all the relevant places in the instructions which were issued in May, 1964.

2. As in the case of the original orders, the modified instructions are applicable to all Departments of Government and may be noted for careful compliance.

3. The receipt of this letter may please be acknowledged.

Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

Copy of U.O. No. 4689-IGS-69 dated 26-8-69

**Subject :—Age of compulsory retirement—Change in the criteria of Government employees in service beyond the age of 55 years.**

Will the Financial Commissioner Revenue and all Administrative Secretaries to the Government Haryana, kindly refer to the subject cited above and to instructions contained in letter No. 4449-2GS-68/22951 dated 3-9-1968, which lay down *inter alia* that employees with good or (better) records of service only should be retained in service beyond the age of 55 years.

2. It has been observed that these instructions are not being applied uniformly by the various departments and there have been instances in which decision in respect of officials with similar records of service have been entirely different, as it is essential to maintain a measure of uniformity in the assessment of the record of officials for the purpose of retention in service beyond the age of 55 years, it has been decided that in this matter the advice of the Chief Secretary (in General Services Branch) should invariably be obtained in all cases where as decision is to be taken at the Secretariat level. It is, therefore, requested that all such cases should be referred to the Chief Secretary for advice well in advance of the date final decision is due to be taken.

The receipt of this communication may kindly be acknowledged.

सरकार के परिपत्र क्रमांक 4406-4 जी0 एस0- 1-70-13634, दिनांक 4-6-70 की प्रति, सभी विभागाध्यक्षों को सम्बन्धित इत्यादि. इत्यादि ।

विषय : अनिवार्य सेवा निवृत्ति की आयु बढ़ाना ।

श्री मान जी,

मुझे उपर्युक्त विषय पर सरकारी परिपत्र संख्या 4776-3 जी0 एस0-64/15823, दिनांक 19/21 मई, 1964 (सरकारी परिपत्र संख्या 4449-2 जी0 एस0-68/22951, दिनांक 3 दिसम्बर, 1968 द्वारा संशोधित) की ओर ध्यान दिलाने तथा यह कहने का निर्देश हुआ है कि कर्मचारी के अभिलेख का निर्धारण करते समय उसकी सरकारी सेवा में प्रवेश करने से लेकर सभी वार्षिक गोपनीय रिपोर्टों पर विचार किया जाता है। ऐसा विचार है कि यह पद्धति असंतोषजनक है, विशेषतया ऐसी स्थिति में जब कर्मचारी विशेष के पिछले 9 या 10 वर्ष का कार्य आरम्भ के वर्षों के कार्य से बहुत भिन्न स्तर का हो। क्योंकि ऐसे निर्धारण का मुख्य उद्देश्य निर्धारण अधिकारी द्वारा यह निर्णय लेना है कि क्या सम्बन्धित कर्मचारी राज्य सरकार के लिए अगले तीन वर्षों में उपयोगी सिद्ध हो सकता है (जब उसने 55 वर्ष की आयु पूरी की हो) इसलिये पहली रिपोर्ट की अपेक्षा हाल ही की रिपोर्ट अधिक उपयुक्त और सार्थक होंगी। जिसमें से बहुत सी रिपोर्टें कर्मचारियों के निरुद्देश से भी सम्बन्धित हो सकती हैं। अतः यह निश्चित किया गया है कि जब तक अन्यथा कार्यवाही करने के लिये विशेष और आपवादिक कारण न हों, साधारणतया भविष्य में ऐसा निर्धारण कर्मचारी की पिछली केवल 10 वर्षों की वार्षिक गोपनीय रिपोर्टों पर आधारित होना चाहिए। ऐसे केस हो सकते हैं जहां किसी कर्मचारी का कार्य उच्चतर स्थानापन्न वेतनमान में असंतोषजनक रहा हो और यह देखा जाना उचित हो कि क्या उसे सेवा निवृत्त किया जाना चाहिए या उसे मूल निचले वेतनमान में प्रत्यवर्तित किया जाना चाहिए। ऐसे केसों में अभिलेख के सभी सम्बन्धित इन्दराजों का निरीक्षण करना स्पष्ट रूप से आवश्यक होगा, चाहे वे दस वर्ष से पहले के समय से सम्बन्धित हो

2. कृपया इस पत्र की पावती भेजी जाए और इसमें उल्लिखित अनुदेशों को विधिवत पालनायें नोट किया जाए ।



Copy of letter No. 4658-1GS-70/20719, dated 6-8-1970 from the Chief Secretary to Government, Haryana to all Heads of Departments.

**Subject :—Age of Compulsory retirement raising of.**

I am directed to invite reference to the composite Punjab Government letter No. 14089-3GS-63/33196, dated the 13/16th September, 1963 and to say that in the terms of para 3 of that letter a Government employee who is required to retire or who himself chooses to retire under Rule 5.32 of the C.S.R. Volume II may be granted the leave due and admissible to him provided it does not extend beyond the date on which the employees concerned attains the age of 55 years. The matter has been examined further and it has to be made clear that the term "the leave due and admissible" in this context should be taken to mean not all kinds of leave due and admissible to the employee but only leave preparatory to retirement, which in the terms of Rule 8.116 (III) of the Punjab C.S.R. Volume I Part I is limited to 180 days. This clarification may please be noted for strict observance and may also be brought to the notice of all the officials working under you. As regards cases, if any, in which Government employee have already been allowed leave in excess of the leave preparatory to retirement as provided under the rules, these should be regularised in consultation with the Finance Department.

2. The receipt of this letter may kindly be acknowledged

No. 113-4GSI-73/1611

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments ; the Commissioner Ambala Division ; all Deputy Commissioners ; and all Sub Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court ; and all District & Sessions Judges in Haryana.

Dated Chandigarh, the 18th January, 1973

**Subject :— Age of compulsory retirement-change in the criteria of Govt. employees in service beyond the age of 55 years.**

Sir,

I am directed to refer to the instructions issued vide Haryana Government U.O. No. 4689-1GS-69, dated 26-8-69 (copy enclosed) which are to the effect that all cases regarding retention in service beyond the age of 55 years in which the decision has to be taken at the Secretariat level, should be referred to the Chief Secretary, for advice before passing orders, while the other cases should be decided by the Heads of Departments concerned. In that connection I am to say that the matter has been reviewed and it has been decided that whereas the procedure for dealing with cases in which the decision has to be taken at the Secretariat level should be maintained without any change, the other cases namely the cases of all Class III officials should be decided by the Heads of Departments after obtaining the advice of the Administrative Secretaries concerned and not otherwise.

2. These instructions may please be complied with strictly and may also be brought to the notice of all officers/officials working under you.

3. The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

No. 113-4GSI-72/1612 dated Chandigarh, the 18th Jan., 1977.

A copy is forwarded to the Accountant, General, Haryana Chandigarh, for information.

प्रतिलिपि क्रमांक 1287-4जी0एस01-73/7365 दिनांक 22-3-73 राजनैतिक एवं सेवायें कृते: मुख्य सचिव, हरियाणा सरकार द्वारा सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल आदि को सम्बोधित है ।

विषय : अनिवार्य सेवा निवृत्ति की आयु-55 वर्ष आयु से आगे सरकारी कर्मचारी की सेवा में रखने की कसौटी में परिवर्तन ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान सरकार की हिदायतों क्रमांक 113-4 जी0 एस0 I-73/1611, दिनांक 18-1-73 (जिसमें यह निहित है कि भविष्य में सभी श्रेणी III के कर्मचारियों को 55 वर्ष से आगे सेवा में रखने का निर्णय विभागाध्यक्ष प्रशासकीय सचिव की राय लेने के बाद किया करें तथा उसके बगैर नहीं) की ओर दिलाऊं और कहूँ कि इस मामले की आगे जांच की ओर गई निम्नलिखित निर्णय लिया गया है । उपरोक्त हिदायतें केवल उन श्रेणी III के कर्मचारियों पर लागू होंगी जिनके नियुक्ति प्राधिकारी विभागाध्यक्ष है, और जिनको 55 वर्ष आयु से आगे सेवा में रखने का निर्णय सम्बन्धित विभागाध्यक्ष ही लिया करते थे । दूसरे श्रेणी III कर्मचारियों, जिनके नियुक्ति प्राधिकारी विभागाध्यक्ष से नीचे के स्तर के अधिकारी है, को 55 वर्ष आयु से आगे सेवा में रखने का निर्णय उनके नियुक्ति प्राधिकारी अपने से उपर के स्तर के प्राधिकारी की मंत्रणा प्राप्त करने के बाद तथा उस मंत्रणा के अनुसार लेंगे ।

2. आपसे अनुरोध है कि इन हिदायतों को ध्यान पूर्वक नोट कर लिया जाये तथा इनकी दृढ़ता से अनुपालना के लिये इनको अपने अधीन सभी अधिकारियों/कर्मचारियों के नोटिस में लाया जाये ।

3. कृपया इस पत्र की पावती भेजें ।

संख्या 5663-4 जी० ए० ए० I-73/26498

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, सभी उपायुक्त तथा उप मण्डल अधिकारी।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश।

दिनांक चण्डीगढ़ 23 अक्तूबर, 1973

विषय:- अनिवार्य सेवा निवृत्ति की आयु-सरकारी कर्मचारियों का 55 वर्ष के बाद सेवा में रखा जाना।

महोदय,

मझे निदेश है कि मैं संयुक्त पंजाब सरकार के परिपत्र क्रमांक 4776-3 जी० ए० ए० (I) -64/15823, दिनांक 21-5-64 में जारी की गई हिदायतों की और आपका ध्यान दिनांक 1। इस हिदायतों में और बातों के साथ यह भी व्यवस्था की गई थी कि जहां नियुक्ति प्राधिकारी की ऐसा समझाने का कारण हो कि एक सरकारी कर्मचारी की इमानदारी पर शक है तो उसे समय से पूर्व सेवा से रिटायर करने के बारे में विचार करना चाहिए और ऐसा करते समय इस बात से कोई भ्रंश नहीं पड़ना चाहिए कि वह अच्छा काम करने की क्षमता रखता है। इसके पश्चात् हरियाणा सरकार के परिपत्र क्रमांक 4406-4 जी० ए० ए० -I-70/13634, दिनांक 4-6-70 द्वारा यह हिदायतें जारी की गई थी कि इस प्रश्न पर निर्णय, कि क्या एक सरकारी कर्मचारी उस पद पर जिस पर वह उस समय नियुक्त था सेवा में 55 वर्ष की आयु की प्राप्ति के बाद रखा जायेगा, कि उसे निचले पद पर रिवर्ट कर दिया जाये, उसके पिछले 10 वर्षों के सेवा रिकार्ड के आधार पर किया जाये।

2. इस मामले की आगे जांच की गई है और अब सरकार ने यह निर्णय किया है कि जहां तक सरकारी कर्मचारी की इमानदारी का सम्बन्ध है उसकी सारी सेवा के रिकार्ड पर विचार किया जाना चाहिए और जिस सरकारी कर्मचारी की इमानदारी पर कभी भी उसकी सेवा के दौरान शक प्रकट किया गया तो उसे 55 वर्ष की आयु के पश्चात् सेवा में नहीं रखा जाना चाहिए।

3. उपरोक्त स्थिति के अनुसार आचरण पंजी में प्रतिकूल टिप्पणियों को जांचते समय उन हिदायतों का अवश्य ध्यान रखा जाए जिनके अनुसार यह जरूरी है कि प्रतिकूल टिप्पणी को विचार में लाने से पहले उन्हें कर्मचारी को सूचित किया गया हो, तथा उन हिदायतों की भी ध्यान में रखा जाये जिनमें यह व्यवस्था की गई है कि प्रतिकूल टिप्पणी कम से कम दो अधिकारियों द्वारा लिखी जानी चाहिए (कर्मचारी जो कि केवल एक ही प्राधिकारी के मातहत काम करते हैं वह इन हिदायतों के तहत नहीं आते)।

(परिपत्र क्रमांक 5515-ए० ए० ए० I-61/25297, दिनांक 11-7-61, कन्सोलीडेटेड इन्स्ट्रक्शन के पैरा 5 तथा 6 तथा 10) केवल वही प्रतिकूल टिप्पणियां जो कि उपरोक्त वर्णित हिदायतों के अनुसार हो, सरकारी कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखते समय विचार में लाया जाए।

4. कृपया इस पत्र की पावती भेजी जाए।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

पू: क्र: 5663-4 जी० ए० ए० 73/26499, दिनांक चण्डीगढ़ 23 अक्तूबर, 1973।

एक प्रति महालेखाकार वित्तायुक्त राजस्व, हरियाणा, हरियाणा सरकार के सभी प्रशासकीय सचिव, प्रधान सचिव/सचिव/निजी सचिव मुख्य मंत्री/मंत्रीगण राज्य मंत्री हरियाणा सरकार चण्डीगढ़ को को सूचनाएं भेजी जाती है।

क्रमांक 185-4 जी० एस० I-74/941

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार, मंडल, सभी उपायुक्त तथा उप मण्डल अधिकारी ।

2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 11 जनवरी, 1974

विषय :- अनिवार्य सेवा निवृत्ति की आयु सरकारी कर्मचारी का 55 वर्ष के बाद सेवा में रखा जाना ।

महोदय,

मुझे निर्देश हुआ है कि मैं आपका ध्यान संयुक्त पंजाब सरकार के पत्र क्रमांक 4776-3 जी० एस० (I) -64/15823 बिनांक 21-5-64 के पैरा 1 (V) में जारी की गई हिदायतों की ओर दिलाऊँ जिनमें यह व्यवस्था की गई थी कि जब एक बार किसी कर्मचारी को 55 वर्ष की आयु के बाद सेवा में रखने का निर्णय किया जाता है तो उसे 58 वर्ष की आयु तक सेवा में बिना किसी रिज्यू के रहने दिया जाए जब तक कि ऐसे रिज्यू के लिए विशेष औचित्य न हो जैसे कि उसका बाद का कार्य या आचरण या उसके स्वास्थ्य की स्थिति आदि ।

2. इस बारे में अब यह स्पष्ट किया जाता है कि ऐसे केसों में 55 वर्ष की आयु की प्राप्ति के बाद यदि रिज्यू करना जरूरी हो तो ऐसा निम्नलिखित में से किसी कारण के आधार पर किया जाना चाहिए ।

1. 55 वर्ष की आयु की प्राप्ति पर सेवा में रखे जाने के बारे में निर्णय लेने के पश्चात् बददयानती की शिकायत नोटिस में आना ।
2. बीमारी जो कि बहुत गंभीर हो या जिसके कारण वह चल फिर न सके ।
3. काम में बहुत ज्यादा खराबी ।
4. 55 वर्ष की आयु की प्राप्ति पर सेवा में रखे जाने के निर्णय के पश्चात् पहली रिपोर्ट का सामान्य स्तर से नीचे का होना ।

3. यह हिदायतें आपके नीचे काम करने वाले अधिकारियों के नोटिस में दृढ़ता से पालन करने के लिए ला दी जाए और इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 185-4 जी० एस० :-I-74/942 दिनांक

एक प्रति महालेखाकार हरियाणा, चण्डीगढ़ को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।  
बिल्लायुक्त राजस्व, हरियाणा ।

हरियाणा के सभी प्रशासकीय सचिव, प्रधान सचिव/सचिव/निजि सचिव/मुख्य मन्त्री/मन्त्रिगण/राज्य मन्त्री, हरियाणा सरकार ।

No. 4884-4GSI-74/22627

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers in Haryana.
- (2) The Registrar, Punjab and Haryana, High Court, and All District & Sessions Judges in Haryana.

Dated Chandigarh, the 24th September, 1974.

**Subject :—Retention in service of Class I and Class II Officers in the State beyond the age of 50 years.**

Sir,

I am directed to invite your attention to the Finance Department Notification No. 4118-2FR-74/24848, dated 12th July, 1974, according to which part (C) of Rules 5.32 and 5.32-A of the C.S.R. Volume II has been amended to the effect that the officers in Class I or Class II Service of the Haryana Government, who entered Government Service before attaining the age of thirty-five years, can be retired from service on or after they have attained the age of fifty years, by the appointing authority, on serving three months notice, and without assigning any reason. In order to ensure uniformity and equitable treatment in all cases covered by the rules (as amended), it has been decided to observe the following procedure and criteria in this regard :—

- (i) All instructions issued by Government from time to time regarding review of cases of Government employees for retention in service beyond the age of 55 years will become applicable in the cases of retention of Government officers in service beyond 50 years of age.
- (ii) Advice of the Chief Secretary (in the General Service 1 Branch) should invariably be obtained before a final decision is taken by the appointing authority to retain or retire a person on attaining the age of 50 years.
- (iii) Henceforth, in the case of Government Officers covered by the above referred amended rule, there will be two reviews' one at the age of 50 years and the other at the age of 55 years.
- (iv) Once it is decided to retain an officer in service beyond the age of 50 years, he should be allowed to continue upto 55 years of age without any further review during the intervening period unless :—
  - (1) reports or facts have come to notice which reflect adversely upon the integrity of the officer; or
  - (2) his health has deteriorated to an extent that it renders him unfit to work efficiently on the post; or
  - (3) there has been a marked deterioration in his work.

What has been said above in regard to period between 50-55 years of age shall similarly be applicable in respect of the period between 55—58 years of age after the second review at the age of 55 years.

2. The condition laid down in para 2(4) of Haryana Government letter No. 185-4GS-I-74/941, dated the 11th January, 1974 that a review can be made after 55 years of age if the first confidential report obtained by the officer after it has been decided to retain him in service beyond 55 years of age is below average, is hereby withdrawn and will henceforth not be applicable.

3. The cases of the officers who have already crossed 50 years age and are between 50-53 age group should be reviewed immediately. Cases of those officers who are between 53-55 years age group should also be reviewed now but there will be no second review in their case at the age of 55 years.

4. These instructions may please be noted for careful compliance.
5. The receipt of this letter may also please be acknowledged.

Yours faithfully,  
Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Govt., Haryana.

No. 4884-4GSI-74/22628, Dated Chandigarh, the 24th Sept., 1974.

A copy is forwarded to the Accountant General, Haryana, Chandigarh for information and necessary action.

No. 5846-4GS-I-74/27622

From

The Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments, Commissioners, Ambala/Hissar Divisions, All Deputy Commissioners and All Sub-Divisional Officer (Civil) in Haryana.
- (ii) The Registrar, Punjab and Haryana High Court and All District and Session Judges in Haryana.

Dated Chandigarh, the 22nd November, 1974.

**Subject :—Age of compulsory retirement—retention of Government employee in Service beyond the age of 50/55 years.**

Sir,

I am directed to invite your attention to the instructions contained in Haryana Government letter No. 5663-4GS-I-73/26498, dated the 23th October, 1973, on the subject noted above, in which it was laid down that as far as integrity of an employee is concerned, the record of his whole career should be taken into consideration and a Govt. employee whose integrity has been suspect at any stage of his career should not be retained in service beyond the age of 55 years. These instructions have now also been made applicable in the case of such Class I and Class II Officers whose cases for retention in service have now to be reviewed on attaining the age of 50 years (Chief Secretary to Govt., Haryana's letter No. 4884-4GS-I-74/22627 dated the 24th September, 1974).

2. The matter has been further considered and it has now been decided that while the above instructions regarding retention of Govt. employees in service beyond the age of 50/55 years, whose integrity has been suspect, would continue to be in force, such cases would be placed before an Officers Committee consisting of the Chief Secretary to Govt. Haryana, the Financial Commissioner, and the Administrative Secretary and Head of Department concerned. This Committee will examine the complete record of such officers and will make its recommendations to the Department concerned.

3. In order to implement the above decision it has been decided that;

- (i) Cases of retention of Govt. employees beyond the age of 50/55 years shall, as at present, be examined by the Administrative Secretary/Head of Department/Appointing Authority concerned, as per instructions contained in Haryana Govt.'s letter No. 113-4GSI-73/1611 dated the 18th January, 1973 as further amended vide instruction contained in Haryana Govt. letter No. 1287-4GS-I-73/7365 dated the 22nd March, 1973.
- (ii) Cases of Class I and Class II Officers shall thereafter be referred by the Administrative Deptt. to Chief Secretary (in General Services Branch) and action to place such cases before the Officers Committee shall be taken by the Administrative Deptt. if the Chief Secretary advises them to do so. Similarly in respect of non-gazetted employees the Administrative Deptt. Head of Department shall advise the appointing authority after examining the case whether it should be placed before the Officers Committee. Where it is decided to place such a case before the Officers Committee the procedure outlined below shall be followed.
- (iii) Cases of such employees, both gazetted and non-gazetted, who are fit to be retained in service beyond the age of 50/55 years on the basis of their service record, but whose integrity has been considered to be doubtful at any stage of their career, should be referred by the Administrative Department/concerned to the Chief Secretary to Govt., Haryana (in General Services I Branch) for placing the same before the officers Committee. In such cases 5 copies of a memorandum explaining in brief, facts of the case alongwith a summary of their service record as well as their ACRs in original should be forwarded to the Chief Secretary to Govt. Haryana (in G.S. I Branch) for the above purpose.

4. Cases of employees both Gazetted and non-gazetted, who are not considered fit for retention beyond the age of 50/55 years on the basis of their previous 10 years record of service shall be disposed of with the advice of the competent authority, as therefore, notwithstanding the fact that the integrity of such an employee has also been suspected.

5. These instructions may please be complied with strictly and also be brought to the notice of all officials working under you.

The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

G. Madhavan,

Deputy Secretary General Admn.  
for Chief Secretary to Govt., Haryana.

No. 5846-4GSI-74/27623, Dated Chandigarh, the 22-11-1974.

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विषय :- अनिवार्य सेवा निवृत्ति की आयु-श्रेणी I तथा II के अधिकारियों को 50/55 की वर्ष की आयु से आगे सेवा में रखना ।

क्या वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपया उपर्युक्त विषय पर इस विभाग के अशा 0 क्रमांक 4884-4 जी 0 एस 0 I-74, दिनांक 24 सितम्बर, 1974 की ओर ध्यान देंगे जिसमें अन्य बातों के साथ-साथ यह कहा गया था कि श्रेणी I तथा II के अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने के अथवा निवृत्त करने के बारे में नियुक्ति प्राधिकारी द्वारा अन्तिम निर्णय लेने से पूर्व प्रत्येक केस में मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा-I) की मन्त्रणा प्राप्त की जानी चाहिए ?

2. तदनुसार श्रेणी-I तथा II के अधिकारियों के जो केस प्रशासकीय विभागों द्वारा मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा-I) की मन्त्रणा के लिए भेजे गए हैं उनकी जांच करने पर यह देखा गया है कि उनमें सारी स्थिति का ठीक प्रकार से वर्णन नहीं किया जाता जिससे केसों की जांच करने में कठिनाई होती है और कई बार (Back reference) करने पड़ते हैं। इसलिये अब यह निर्णय किया गया है कि भविष्य में जितने भी प्रस्ताव अधिकारियों को 50/55 वर्ष की आयु की प्राप्ति के पश्चात् सेवा में रखने के बारे में मुख्य सचिव, हरियाणा सरकार (सामान्य सेवायें शाखा-I) की मन्त्रणा के लिए भेजे जायें उनका ब्यौरा संलग्न प्रोफार्मा में दिया जाना चाहिए। यदि कोई प्रस्ताव इस प्रोफार्मा में प्राप्त नहीं होगा तो उसे विभाग को ऐसा करने के लिए लौटा दिया जायेगा।

3. उनसे अनुरोध किया जाता है कि इन अनुरोधों का दृढ़ता से पालन किये जाने के लिए इन्हें अपने अधीनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
छुते : मुख्य सचिव, हरियाणा सरकार।

सेवा में

वित्तायुक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा 0 क्रमांक 3556-4 जी 0 एस 0 I-75, दिनांक, चण्डीगढ़ 30 जून, 1975

प्रेषक

अशा 0 क्रमांक

दिनांक

विषय:-

- (1) अधिकारी का नाम तथा पद संज्ञा।
- (2) किस श्रेणी से सम्बन्ध रखता है।
- (3) विभाग तथा कार्यालय का नाम।
- (4) सरकारी सेवा में प्रवेश की तिथि।
- (5) क्या वह 35 वर्ष की आयु से पहले भर्ती हुआ था ?
- (6) जन्म तिथि।
- (7) आयु तथा ऐज ग्रुप

(8) (क) क्या अधिकारी का समस्त सेवा रिकार्ड उपलब्ध है यदि नहीं तो किस वर्ष की रिपोर्ट उपलब्ध नहीं है और उसका क्या कारण है ।

(ख) (1) यदि कोई रिपोर्ट (स) उपलब्ध नहीं तो यह प्रमाणित किया जाता है कि इस अधिकारी की वर्ष —————की गोपनीय रिपोर्ट/रिपोर्ट्स लिखी नहीं गई को उपलब्ध करने के लिए भरसक प्रयत्न किया गया परन्तु यह रिपोर्ट/रिपोर्ट्स उपलब्ध नहीं हो सकी है ।

(ख) (2) यह भी प्रमाणित किया जाता है कि जिस अवधि की गोपनीय रिपोर्ट्स उपलब्ध नहीं है विभाग/कार्यालय के ज्ञान में ऐसा कोई तथ्य नहीं है जिसके अनुसार इस अवधि में इस अधिकारी की ईमानदारी पर कोई सन्देह प्रकट किया गया हो ।

(9) पिछले दस वर्षों के सेवा रिकार्ड की औसतसमैट ।

- (क) उत्कृष्ट  
(ख) बहुत अच्छी  
(ग) अच्छी  
(घ) सामान्य  
(ङ) सामान्य से नीचे

(10) क्या अधिकारी की 50% रिपोर्ट्स अच्छी हैं ?

हां/नहीं

(11) रिपोर्ट में प्रतिकूल टिप्पणी का ब्यौरा

(12) (क) क्या सेवा में कभी ईमानदारी पर शक प्रकट किया गया ?

हां/नहीं

(ख) यदि हां, तो दी गई टिप्पणी का ब्यौरा ।

(13) सेवा रिकार्ड का समस्त निर्धारण ।

(14) विभाग/कार्यालय की सिफारिश

(i) 50/55 वर्ष की आयु से आगे सरकारी सेवा में वृद्धि दे दी जाए/ न दी जाए।

(ii) केस की ईमानदारी सन्दिग्ध होने की सूरत में अधिकारी समिति के समक्ष प्रस्तुत कर दिया जाए ।

(15) अन्य टिप्पणी यदि कोई हो ।

**ORDER**

Whereas it is considered necessary that all cases of Class I and those Class II officers, whose appointing authority is the State Government, regarding their retention in service beyond the age of fifty/fifty five years be put up to me for orders;

Now, therefore, in exercise of the powers conferred on me by clause (xxix) of sub-rule (1) of rule 28 of the Rules of Business of the Government of Haryana, 1968, I hereby order that the above cases should be put up to me for orders;

Further, in exercise of the powers conferred by sub-rule (3) of rule 28, I hereby direct that all cases mentioned above should be submitted to me through the Chief Secretary.

Dated : Camp Delhi  
the 4th August, 1975.

(BANSI LAL)  
CHIEF MINISTER

A copy is forwarded for information to the :—

Secretary to Governor, Haryana; and Principal Secretary to Chief Minister, Haryana.

Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Govt., Haryana.

U.O.No. 4627-4GSI-75      Dated Chandigarh, the 8th August, 1975.

क्रमांक 3575-4 जी0 एस0-I-75/24237

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक, चण्डीगढ़ 9 अगस्त, 1975,

विषय :- अनिवार्य सेवा निवृत्ति की आयु-सरकारी कर्मचारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन ।

महोदय,

मुझे आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 1287-4 जी0 एस0-I-73/7365, दिनांक 22 मार्च, 1973 तथा 4884-4 जी0 एस0-I-74/22627, दिनांक 24 सितम्बर, 1974 की ओर दिलाने तथा यह कहने का निदेश हुआ है कि सरकार ने इस मामले पर आगे विचार किया है और अब यह निर्णय लिया गया है कि श्रेणी -II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार नहीं है अर्थात् सरकार से नीचे के प्राधिकारी हैं, को 50/55 वर्ष तथा श्रेणी-III के कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखने के बारे में निर्णय उन के नियुक्ति प्राधिकारी द्वारा स्वयं लिया जायेगा। उन्हें इस सम्बन्ध में अपने से ऊपर के स्तर के प्राधिकारी की मन्त्रणा प्राप्त करने की आवश्यकता नहीं होगी। परन्तु ऐसे अधिकारियों/कर्मचारियों के मामले जो रिकार्ड के आधार पर तो सेवा में रखने योग्य हों पर उन की ईमानदारी कभी सन्देहजनक रही हो, अन्तिम निर्णय लेने से पूर्व इस सम्बन्ध में संघटित अधिकारी-समिति के विचारार्थ प्रस्तुत किये जायेंगे। अधिकारी-समिति के विचारार्थ प्रस्तुत किये जाने वाले वे सभी प्रलेख जिन का वर्णन हरियाणा सरकार के परिपत्र क्रमांक 5846-4 जी0 एस0-I-74/27622, दिनांक 22 नवम्बर, 1974 के पैरा 3 के अन्त में दिया गया था, सम्बन्धित नियुक्ति प्राधिकारी द्वारा अपने प्रशासकीय विभाग की भेजे जायेंगे तथा प्रशासकीय विभाग द्वारा वे प्रलेख मुख्य सचिव, हरियाणा सरकार (सामान्य सेवाएं शाखा-I) को अधिकारी-समिति के विचारार्थ प्रस्तुत करने के लिये अग्रेणित किये जायेंगे। अधिकारी-समिति की सिफारिश सम्बन्धित प्रशासकीय विभाग के माध्यम से नियुक्ति प्राधिकारी को भेज दी जायेगी ।

2. श्रेणी-I तथा श्रेणी-II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, के केस उसी प्रकार निपटायेंगे जायेंगे जिस प्रकार वे इस समय निपटाये जा रहे हैं ।

3. आप से अनुरोध किया जाता है कि इन अनुदेशों की पालना किये जाने के लिए इन्हें अपने अधीनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस से ला दिया जाये ।

4. कृपया इस पत्र की पावती भेजें ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 3575-4 जी0 एस0-I-75/24238 दिनांक 9 अगस्त, 1975

एक प्रति महालेखाकार हरियाणा वित्तायुक्त, हरियाणा, तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, चण्डीगढ़ को सूचनार्थ भजी जाती है ।

विषय :- अनिवार्य सेवा निवृत्ति की आयु-श्रेणी-I तथा श्रेणी-II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रिया विधि में परिवर्तन।

क्या विस्तार्युक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपया मुख्य मन्त्री, हरियाणा, द्वारा हरियाणा सरकार की कार्य संचालन नियमावली 1968 नियम 28 (1)(XXIX) तथा 28(3) के अन्तर्गत दिये गये आदेशों जिन की प्रति उन्हें इस विभाग के अशा0 क्रमांक 4627-4 जी0 एस0-I-75, दिनांक 8 अगस्त, 1975 द्वारा भेजी गई थी, की ओर ध्यान देंगे ?

2. पैरा-1 में सन्दर्भित आदेशों के अन्तर्गत आने वाले सभी श्रेणी-I तथा श्रेणी-II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, को 50/50 वर्ष की आयु से आगे सेवा में रखने से सम्बन्धित केस मुख्य सचिव, हरियाणा सरकार, के माध्यम से मुख्य मन्त्री महोदय को आदेशार्थ प्रस्तुत किये जायेंगे। अतः इस सम्बन्ध में एकरूपता बनाये रखने तथा विलम्ब परिहार के उद्देश्यों से यह निर्णय लिया गया है कि जब इस प्रकार के सभी केस इस विभाग के अशा0 क्रमांक 3556-4 जी0 एस0-I-75, दिनांक 30 जून, 1975 द्वारा निर्धारित प्रोफार्मा (नोटिंग ही प्रोफार्मा से की जानी चाहिए) में कार्यभारी मन्त्री के विचार प्राप्त करने के बाद ही मुख्य सचिव, हरियाणा सरकार (सामान्य सेवाएं शाखा-I) को मुख्य मन्त्री महोदय के आदेश प्राप्त करने के लिए भेजे जाया करें।

3. उन से अनुरोध किया जाता है कि इन अनुदेशों की पालना किये जाने के लिए इन्हें अपने अधीनस्थ सभी अधिकारियों/कर्मचारियों के नोटिस में ला दिया जाये।

हस्त/-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार।

सेवा में

विस्तार्युक्त, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार।

(English version of U.O.No. 5167-4GSI-75, dated 12-9-1975.)

Will the Financial Commissioner and all Administrative Secretaries to Government, Haryana, kindly refer to the orders passed by the Chief Minister, Haryana, under clause (xxix) of sub-rule (1) and sub-rule (3) of rule 28 of the Rules of Business of the Government of Haryana, 1968, a copy of which was sent to them vide this Department's U.O.No. 4627-4GSI-75/dated the 8th August, 1975 ?

2. The cases covered under the orders referred to in para I above, i.e. the cases of all Class I and those Class II officers whose appointing authority is the State Government, regarding their retention in service beyond the age of 50/55 years are now required to be submitted to the Chief Minister for orders through the Chief Secretary to Government Haryana. With a view to maintaining uniformity in this respect and to avoid delay, it has been decided that all such cases should, henceforth, be sent to the Chief Secretary to Government Haryana (General Services I Br.) in the proforma prescribed vide this Department's U.O.No. 3536-4GSI-75, dated the 30th June, 1975. (noting should be done in the proforma), after obtaining the views of the Minister concerned, for obtaining the orders of the Chief Minister.

3. It is requested that these instructions may be brought to the notice of all officers/officials working under them for compliance.

क्रमांक 28/117-79-4 जी० एस०-1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक, चण्डीगढ़ 15 जून, 1979

विषय :- अनिवार्य सेवा निवृत्ति की आयु, सरकारी कर्मचारियों को 50/55 वर्ष की आयु सेवा आगे से में रखने की क्रियाविधि में परिवर्तन ।

महोदय,

मुझे यह कहने का निदेश हुआ है कि हरियाणा सरकार के पत्र क्रमांक 953-3 एस०-75, दिनांक 1 मई, 1975 द्वारा निर्णय लिया गया था कि वर्ष 1971-72 से पूर्व समय की गोपनीय रिपोर्टों में दी गई प्रतिकूल टिप्पणियों से, जो कर्मचारियों/अधिकारियों को सूचित नहीं की गई, उन्हें अब सूचित न किया जाये और इन पर बिना विचार किये उनके पदोन्नति, वक्षतारोध तथा 50/55 वर्ष की आयु के पश्चात् सेवा में रहने के केसों पर निर्णय लिया जाये। परन्तु हरियाणा सरकार के पत्र क्रमांक 3575-4 जी० एस०-1-75/24237, दिनांक, 9 अगस्त, 1975 के अनुसार श्रेणी-III तथा श्रेणी -II के कर्मचारियों/अधिकारियों (जो रिकार्ड के आधार पर 50/55 वर्ष की आयु के बाद सेवा में रखने योग्य हों पर उनकी ईमानदारी कभी संदेहजनक रही हो) के मामले अन्तिम निर्णय लेने से पूर्व इंटैगरीटी कमेटी के विचारार्थ प्रस्तुत किये जायें। अतः सामान्य प्रशासन विभाग में ऐसे कर्मचारियों/अधिकारियों के केस भी इंटैगरीटी समिति के विचारार्थ रखने हेतु प्राप्त हो रहे हैं जिनको 1971-72 से पूर्व समय की रिपोर्टों में ईमानदारी के बारे में दी गई प्रतिकूल टिप्पणियों से सूचित नहीं किया गया था ।

2. पुनः स्पष्ट किया जाता है कि उक्त सरकारी आदेश दिनांक 1 मई, 1975 के अनुसार, 1971-72 से पूर्व समय की गोपनीय रिपोर्टों में ईमानदारी के बारे में दी गई प्रतिकूल टिप्पणियों, जो कर्मचारियों/अधिकारियों को सूचित नहीं की गई, पर विचार न किया जाये और उनके 50/55 वर्ष की आयु के बाद सेवा में रखने के केस सक्षम अधिकारी द्वारा सेवा रिकार्ड के आधार पर निपटायें जायें और यह इंटैगरीटी कमेटी के सम्मुख रखने हेतु सामान्य प्रशासन विभाग की न भेजे जायें ।

भवदीय,

हस्ता/-

अवर सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

**ORDER**

Whereas it is considered necessary that all cases of Class I and those Class II Officers, whose appointing authority is the State Government, regarding their retention in service beyond the age of fifty/fifty five years be put up to me for orders;

Now, therefore, in exercise of the powers conferred on me by clause (XXIX) of sub-rule (1) of rule 28 of the Rules of Business of the Government of Haryana, 1977, I hereby order that the above cases should be put up to me for orders;

Further, in exercise of the powers conferred by sub-rule (3) of rule 28, I hereby direct that all cases mentioned above should be submitted to me through the Chief Secretary.

Dated Chandigarh  
the 19th August, 1979.

**BHAJAN LAL**  
**CHIEF MINISTER.**

A copy is forwarded for information to the :—

Secretary to Governor, Haryana; Principal Secretary to Chief Minister, Haryana, Deputy Principal Secretary to Chief Minister, Haryana, Officer on Special Duty to Chief Minister, Haryana.

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

J.O.No. 1686-Cabinet-79, Dated, Chandigarh the 4-9-1979.

क्रमांक 28/138/81-जी० एस०-1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, हरियाणा ।
2. सभी उपायुक्त तथा मण्डल अधिकारी (सिविल) हरियाणा ।
3. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 4 सितम्बर, 1981

विषय : अनिवार्य सेवा निवृत्ति-सरकारी कर्मचारियों/अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की विधि में परिवर्तन ।

महोदय,

मुझे आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 3575-4 जी०एस० I-75/24237, दिनांक 9 1975 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इस पत्र में दी गई हिदायतों के अनुसार श्रेणी-II अधिकारियों जिनका नियुक्ति प्राधिकारी सरकार नहीं है अर्थात् सरकार से नीचे के प्राधिकारी हैं, को 50/55 तथा श्रेणी-III के कर्मचारियों को 55 वर्ष की आयु से आगे सेवा में रखने के बारे में निर्णय उनके नियुक्ति प्राधिकारी द्वारा स्वयं लिया जाना है । उन्हें इस सम्बन्ध में अपने से उपर के स्तर के प्राधिकारी की मन्त्रणा प्राप्त कर आवश्यकता नहीं है । परन्तु ऐसे अधिकारियों/कर्मचारियों के मामले जो रिकार्ड के आधार पर तो सेवा में रखने हों पर उनकी ईमानदारी कभी भी संदेहजनक रही हो की अन्तिम निर्णय लेने से पूर्व इस सम्बन्ध में संगठित अधिकारी समिति के विचारार्थ रखे जाने हैं ।

2. यह देखने में आया है कि उपर्युक्त हिदायतों की पूर्णतया पालना नहीं की जा रही है । विभिन्न विभागों से बहुत से ऐसे मामले सामान्य सेवाएं शाखा-I में अधिकारी समिति के समक्ष प्रस्तुत करने के लिए प्राप्त होते हैं जिन्हें हिदायतों के अनुसार अधिकारी समिति के विचारार्थ रखे जाने की कोई आवश्यकता नहीं होती । अतः अनुरोध है कि सरकार की हिदायतों के अनुसार ही मामले अधिकारी समिति को प्रस्तुत करने हेतु भेजे जाएं ।

3. संयुक्त पंजाब के पत्र क्रमांक 4776-3 जी०एस० (I)-64/15823 दिनांक 19/21 मई 1964 में हिदायतों के अनुसार किसी अधिकारी/कर्मचारी को निश्चित आयु के बाद सेवा में कायम रखने के का फैसला काफी पहले होना चाहिए ताकि आवश्यकता पड़ने पर सम्बन्धित कर्मचारी/अधिकारी को तीन मास का नोटिस उचित समय दिया जा सके । परन्तु यह देखने में आया है कि बहुत से मामले मुख्य सचिव (सामान्य सेवाएं शाखा-I) को सीधे अधिकारी/कर्मचारी द्वारा निश्चित आयु प्राप्त करने के काफी समय के बाद भेजे जाते हैं । स्पष्टः ऐसे मामलों में उद्देश्य की पूर्ति नहीं होती । इसलिए आपका ध्यान इन हिदायतों की ओर पुनः दिलाने हेतु अनुरोध किया जाता है कि इस विभाग को भेजे जाने वाले सम्बन्धित अधिकारियों/कर्मचारियों के मामले उन द्वारा निर्धारित आयु प्राप्त करने से कम से कम 6 मास पूर्व भेजे जाएं ताकि निर्णय उपरान्त यदि आवश्यक हो तो सम्बन्धित कर्मचारी/अधिकारी को निश्चित आयु पूरी होने से पहले 3 मास का नोटिस उचित समय पर दिया जा सके ।

4. आपसे अनुरोध किया जाता है कि कृपया उपर्युक्त हिदायतों की दृढ़ता से पालना को जाएँ और हिदायतें अपने अधीन सभी अधिकारियों के ध्यान में ला दी जाएँ ।

हस्त/

अवर सचिव, सामान्य प्रशासन ;  
कृते : मुख्य सचिव, हरियाणा सरकार

एक प्रति सभी विभागाध्यक्षों तथा प्रशासनिक सचिवों को सूचनाार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है। वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।



क्रमांक 32/95/82-4जी0 एस0

मुख्य सचिव, हरियाणा सरकार ।

में

- (1) सभी विभागाध्यक्ष आयुक्त अम्बाला तथा हिसार मंडल हरियाणा,
- (2) सभी उपायुक्त तथा सिविल मण्डल अधिकारी, हरियाणा ।
- (3) रजिस्ट्रार पंजाब तथा हरियाणा हाईकोर्ट और हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 24 अगस्त, 1982

यः 50/55 वर्ष की आयु से आगे सेवा में रखना—अधिकारी समिति में भेजे जाने वाले केसों में सिफारिश करने के बारे ।

द्वय,

मुझे आपका ध्यान हरियाणा सरकार के अशा0 क्रमांक 5846-4 जी0 एस0 I-74/27623, दिनांक 22-11-74 28/138/81-4 जी0एस0I, दिनांक 4-9-81 की ओर दिला कर यह कहने का निदेश हुआ है कि राज्य सरकार महसूस करती है कि इन पत्रों में निहित हिदायतों की पूर्ण रूप से पालना नहीं की जा रही जिसके फलस्वरूप किसी प्रकार की कठिनाई उत्पन्न हो सकती है । अतः सरकार ने निर्णय लिया है कि ऐसे केसों को जहां अधिकारी सेवा ग्रैंड के आधार पर दो सेवा में रखे रहने योग्य हों परन्तु उसकी ईमानदारी पर समस्त सेवा के दौरान किसी समय संदेह व्यक्त किया गया हो, मुख्य सचिव (सामान्य सेवाएं शाखा-1) के माध्यम से, गठित अधिकारी समिति प्रमुख प्रस्तुत किये जावें । परन्तु मुख्य सचिव (सामान्य सेवाएं शाखा-1) को ऐसे केसों को भेजने से पूर्व नियुक्ति अधिकारी अपनी सिफारिश करते समय स्वयं अपना ( mind apply ) करें और अधिकारी समिति की सिफारिश होने के बाद भी नियुक्ति प्राधिकारी आदेश ( mechanically ) पारित न करें बल्कि अधिकारी समिति की सिफारिश पर अपना ( mind apply ) करके स्वयं निर्णय लें कि क्या अमुक अधिकारी/कर्मचारी 50/55 वर्ष की आयु आगे सेवा में रखा जा सकता है या नहीं ।

कृपया इन हिदायतों की दृढ़ता से पालना की जाये और सभी सम्बन्धित के ध्यान में ला दें ।

हस्त/-

अवर सचिव, सामान्य प्रशासन ;  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी चिन्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिये भेजी जाती है कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

क्रमांक 32/65/82-4 जी० एस० -I

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, हरियाणा सरकार, आयुक्त हिसार तथा अम्बाला मंडल, हरियाणा ।
2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।

दिनांक, चण्डीगढ़, 27 दिसम्बर, 1982 :

विषय :- 50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना—केसों को भेजने में अनावश्यक विलम्ब रोकना ।

श्री मान जी,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 28/138/81-4 जी० एस०-1, दिनांक 4 सितम्बर, 1982 की ओर दिलाने और यह कहने का निर्देश हुआ है कि इस पत्र के पैरा 3 में निहित हिदायतों की कड़ाई से पालनी नहीं की जा रही है जबकि यह स्पष्ट किया गया था कि केस इस विभाग को अमुक अधिकारी/कर्मचारी की 50/55 वर्ष की आयु की प्राप्ति से 6 मास पहले भेजा जाए क्योंकि यदि आवश्यक हो तो अधिकारी को सेवा निवृत्ति 3 मास का नोटिस दिया जा सके ।

2. यह भी अनुभव किया गया है कि ऐसे केसों में देरी इसलिए भी हो जाती है क्योंकि प्रशासकीय सचिव तथा विभागाध्यक्षों के कार्यालयों में ऐसी कोई सूची या सारणी maintain नहीं की जाती है जिससे यह पता चल सके कि विभाग के कितने कर्मचारी/अधिकारी कौन से वर्ष, कौन सी तिथि को 50/55 वर्ष की आयु पूरी कर लेंगे । यदि ऐसी सूची पहले ही बना कर रखी गई हो तो प्रत्येक कर्मचारी/अधिकारी के केस को समय पर रिव्यू करने में सुविधा होगी । यह निर्णय लिया गया है कि वे संलग्न सूची के नमूने के अनुसार अपने कार्यालयों में सूचीयां/सारणी बनवाएं जिनमें प्रत्येक 2 वर्षों में 50/55 वर्ष की आयु प्राप्त करने वाले अधिकारियों/कर्मचारियों के केसों का रिव्यू किया जाना हो । इस सूची के सारणी की एक प्रति अपने प्रशासकीय सचिवों को भी भेजी जाए ताकि वे भी इस सूची के अनुसार प्रत्येक केस पर नजर रख सकें । यह सूची हर वर्ष जनवरी के महीने में तैयार कर ली जावे ।

3. इसके अतिरिक्त यह भी स्पष्ट किया जाता है कि ऐसे केसों की तिथि बढ़ाकर किया जाए ताकि वे स्तर पर केस को डील करने में देरी न हो और यदि स्मरण पत्र भी जारी करना पड़े तो वह भी अर्ध मरकब पत्र ही जारी किया जाए ताकि अमुक केस सरकार को (सामान्य सेवाएं शाखा-I) में Crucial तिथि से 6 मास पहले पहुंच सके ।

कृपया यह हिदायतें सभी सम्बन्धित के ध्यान में ला ली जाएं ।

भवदीय

हस्ता/-

संयुक्त सचिव, सामान्य प्रशासन विभाग  
कृते: मुख्य सचिव, हरियाणा सरकार

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनाएं एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

## सभी विभागाध्यक्षों द्वारा सेनटेन की जाने वाली सूची/ सारणी

क्रम संख्या	कर्मचारी का नाम तथा जन्म तिथि	50 वर्ष की आयु प्राप्त करने की तिथि	50 वर्ष की आयु प्राप्त करने से पूर्व 6 मास की तिथि जब केस सरकार को भवश्य भेजा जाना है	55 वर्ष की आयु प्राप्त करने की तिथि	55 वर्ष की आयु प्राप्त करने से पूर्व जब केस सरकार को भवश्य में भेजा जाना है।
1	2	3	4	5	6

क्रमांक 32/198/83-4 जी० एस०-1

पत्र

मुख्य सचिव, हरियाणा सरकार ।

वा में

सभी विभागाध्यक्ष, हरियाणा सरकार ।

आयुक्त भम्बाला तथा हिसार मण्डल, हरियाणा, उप मण्डल अधिकारी (नागरिक) हरियाणा ।

रजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट, चण्डीगढ़ ।

दिनांक 16 अगस्त, 1983

वषय:- 50/55 वर्ष की आयु के बाद सेवा में रखना—55 वर्ष की आयु के बाद सेवा में वृद्धि देने की पद्धति में परिवर्तन करना ।

श्रीमान जी,

मुझे आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 3556-4 जी० एस० I-75, दिनांक 30-6-75 तथा पत्र क्रमांक 3575-4 जी० एस० -I-75/24237, दिनांक 9-8-1975 की ओर दिलाने और यह कहने का निवेश हुआ है कि पत्र क्रमांक 30-6-75 के साथ संलग्न प्रोफार्मा की मद 10 अनुसार यह जानकारी देनी होती है कि क्या अधिकारी की 50 प्रतिशत गोपनीय रिपोर्ट्स अच्छी है ।

2. अब सरकार ने मामले पर पुनर्विचार करके यह निर्णय लिया है कि 55 वर्ष की आयु के बाद तर्जुमारियों/अधिकारियों को सेवा वृद्धि उसी सूरत में दी जाये जब कि उनकी अन्तिम 10 वर्ष की गोपनीय रिपोर्ट्स में 70 प्रतिशत या इन से अधिक का वर्गीकरण अच्छा या बेहतर हो । तदनुसार संशोधित प्रोफार्मा नत्थी किया जाता है ।

3. राजपत्रित अधिकारियों को 50 वर्ष की आयु के बाद सेवा वृद्धि देने हेतु मामला विचार करते समय पहले ही अन्तिम 10 वर्ष की रिपोर्ट्स का 50 प्रतिशत अच्छा या बेहतर होना जरूरी है । "एवरेज रिपोर्ट्स" को अधिकारी को सूचित किया जावे और यदि कोई प्रतिवेदन, ऐसी रिपोर्ट के विरुद्ध 6 महीने के अन्दर आवे तो उस का फैसला किया जावे ।

4. कृपया इन हिदायतों के अनुसार भविष्य में कार्यवाही की जाये तथा इन को सभी संबन्धित के नोटिस में ला दिया जाए ।

भवदीय

हस्त/-

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सभी वित्तायुक्तों तथा प्रशासनिक सचिवों को सूचनार्थ एवं आवश्यक कार्यवाही के लिए भेजी जाती है । वे कृपया इन हिदायतों को अपने अधीन सभी सम्बन्धित के ध्यान में ला दें ।

हस्त/-

[अवर सचिव सामान्य प्रशासन;  
कृते: मुख्य सचिव हरियाणा, सरकार ।

## PART XXIV



**Copy of letter No. 764-G-53/10895, dated Simla-2, the 20th February, 1953 from Nawab Singh, Esquire, I.C.S., Chief Secretary to Govt., Punjab addressed to All Heads of Departments, Registrar, Punjab High Court, Commissioner of Divisions, District and Sessions Judges and all Deputy Commissioners in Punjab and the Administrator, Simla.**

**Subject :—Relaxation of age-limit for the purpose of recruitment to services in the Punjab State.**

I am directed to invite a reference to Punjab Government letter No. 10403-G-52/22574, dated the 25th November, 1952, on the subject noted above, in which the maximum age limit for purposes of recruitment to services was raised from 25 years to 27 years for the period up to and including the 31st December, 1953. The question of extending this concession further has been engaging the attention of Government and it has been decided that the maximum age limit for entry into Government Service in Punjab will be 27 years till the 31st Dec., 1954. As heretofore this concession will be applicable to all residents whether displaced or otherwise of the Punjab State. (To the Director, Public Relation, Punjab only). You may please give wide publicity to this decision of Government.

**Copy of letter. No. 11224-G-52/13631 dated, 3.3.1953 from the Chief Secretary to Government, Punjab to All Heads of Departments, etc. etc.**

**Subject :—Relaxation of age-limit for the purpose of recruitment to services in the Punjab.**

I am directed to invite a reference to Punjab Government letters No. 10403-G-52/22574, dated the 25th November, 1952 and No. 764-G-53/10895, dated the 20th February, 1953 on the subject noted above and to say that a question has arisen whether the concession raising the age-limit for entry into service under the Punjab Government from 25 years to 27 years is also applicable to the residents of the Delhi State. According to the instructions contained in the letters under reference, this concession is applicable to all residents, whether displaced or otherwise, of the Punjab State only. The residents of the Delhi State are, however, eligible for recruitment to some services or posts in the Punjab State under the recruitment rules of these services or posts. In view of this it has been decided that if the service rules of a particular service or services allow the recruitment of the residents of the Delhi State in the Punjab State, the concession mentioned above will be applicable to such residents of the Delhi State in respect of recruitment to those services.

Copy of letter No. 4599-P-53/39464, dated 5th June, 1953 from Chief Secretary, Punjab to All Heads of departments etc. etc.

**Subject :—Absorption of the retrenched/likely to be retrenched staff of the Civil Supplies Department, Punjab,**

I am directed to address you on the subject noted above and to say that consequent upon the recent decision of the Government to de-control wheat and to withdraw monopoly procurement and rationing in the Punjab, over a thousand employees of the Civil Supplies Department are likely to be retrenched shortly and many more a little later. Such persons will include District Food Controllers, Rationing and Ward Rationing Officers of gazetted rank, Assistant Food Controllers, Enquiry officers, Foodgrains Inspectors, Sub-Inspectors and clerical staff of non-gazetted rank. Many of these officers have several years of temporary service to their credit and the impending retrenchment is bound to cause much suffering.

2. Government have been considering ways and means to meet this situation and the decisions which they have now taken in this respect are as follows :—

- (i) These orders will apply to :—
  - (a) every person who is in the temporary employ of the Civil Supplies Department and has at least 4 years continuous service to his credit in the Department ;
  - (b) every retrenched employee of the Civil Supplies Department whose retrenchment took place after the 31st March, 1952, or who may be retrenched hereafter only on the ground that his services are no longer required due to lack of work.
- (ii) Fifty percent of all vacancies existing on the date of this letter or occurring thereafter in each Department shall be reserved for absorption of the staff of the Civil Supplies Department described above after existing reservations in favour of Harijan and backward classes etc. have been made. This will not apply to vacancies to be filled by competitive examination by the Public Service Commission.
- (iii) The age limit for purposes of recruitment shall be waived in favour of the above staff of the Civil Supplies Department for the period for which it has been in the continuous employment of that Department. In the case of employees who were retrenched in 1948, due merely to decontrol and re-employed, this period of break in their service shall be condoned.
- (iv) There will be no relaxation in qualifications for the posts in question in favour of these employees.
- (v) By virtue of these relaxations or concessions no person shall be entitled to consideration for a post, the pay or grade of which is higher than the pay or grade of the last appointment held by him in the Civil Supplies Department.
- (vi) These orders shall remain in force till the 31st May, 1955 only.

3. A list of the staff of the Civil Supplies Department and the retrenched staff eligible for appointment under these orders will be prepared by the Civil Supplies Department and circulated to all other Departments of Government. They will be responsible for seeing that no person with doubtful reputation or who had doubtful reputation is brought on this list. (They will also ensure that no person whose services have been or are retrenched in reality for other reasons is put on the list. The list should be revised from time to time to keep it up-to-date. The recruiting Department will see that no person who is not on the list and whose antecedents etc. have not been properly verified by the Civil Supplies Department is entitled to take advantage of any of these concessions.

4. It is requested that the above orders should be complied with strictly and a quarterly statement in the following form should be submitted to Government for their information punctually :—

The first statement for the quarter ending the 30th September, 1953 should reach Government by the 7th October, 1953 and similarly, the subsequent quarterly statements should be submitted by the last day of the week of the month following the quarter.



No. 1212-G-54/5973

From

Nawab Singh, Esquire, I.C.S.,  
Chief Secretary to Government, Punjab.

To

All Heads of Departments, the Registrar, High Court  
Punjab, Commissioner, Ambala and Jullundur Divisions,  
Sessions Judge in the Punjab.

Dated the 13th February, 1954.

**Subject :—Subordinate Services Selection Board.**

In continuation of Punjab Government letter No. 9348-G-53/948799 dated the 16th December, 1953, on the subject noted above, I am directed to convey the following decisions of Government for guidance and strict compliance :—

- (i) The appointing authorities will be competent to fill temporary vacancies which are not expected to last for more than six months and even permanent vacancies on temporary basis for the same period pending references to the Selection Board;
- (ii) In cases of appointments to be made by promotion or by transfer the Subordinate Services Selection Board should be consulted regarding the suitability of the official proposed for promotion or appointment by transfer as in the case of Public Service Commission. If the fact should be clearly pointed out in the reference to the Board and the confidential reports files of the officials proposed to be superseded, should also be forwarded to the Board.
- (iii) The Department proposing to exclude a post or category of posts from the purview of the Subordinate Services Selection Board should make a reference to the Administrative Secretary concerned giving full justification in support of the proposal. The Administrative Secretary after obtaining the orders of the Minister Incharge of the Department should refer the case to the Chief Secretary to Govt. Punjab, in the Gazette Branch, who will obtain the orders of the Chief Minister.

Yours faithfully,

Nawab Singh  
Chief Secretary to Govt., Punjab.

No. 1212-G-54/5975, dated the 13th February, 1954.

A copy is forwarded to the Chairman, Subordinate Services Selection Board, Simla, for information.

By Order,

Nawab Singh  
Chief Secretary to Government, Punjab.

Copies are forwarded to all Administrative Secretaries to Government, Punjab, for information and guidance.

Nawab Singh  
Chief Secretary to Government, Punjab.

To

All Administrative Secretaries to Govt.,  
Punjab.

U.O.No. 1212-G-54, dated the 13th February, 1954.

**Copy of letter No. 15240-WG-54/34912 dated, 6.12.54 from the Chief Secretary to Government, Punjab to All Heads of Departments, etc. etc.**

**Subject :—Concession to candidates who took part in National Movements.**

I am directed to refer you to Punjab Government letter No. 8791-WG-53/833351, dated the 14th October, 1953, on the subject noted above wherein it has been laid down that the Punjab Government have decided that in the case of persons who rendered national or social service before independence, the age limit for entry into Government service may be relaxed upto and including the age of 45 years. Participation in certain movements which qualify for national or social service was also laid down. It was further stated that this concession will be allowed upto 31.12.54 and will only relate to direct appointments. I am to add that the Punjab Government has decided that this concession should be extended for a further period of two years. Accordingly, it should now be given upto the 31st December, 1956.

**Copy of letter No. 12360-G-54/35016 dated, 6.12.54 from the Chief Secretary to Government, Punjab to All Heads of departments etc. etc.**

**Subject :—Relaxation of age-limit for the purpose of recruitment to services in the Punjab State.**

I am directed to invite a reference to Punjab Government letter No. 764-G-53/10895, dated the 20th February, 1953, on the subject noted above, in which the maximum age-limit for purposes of recruitment to services was raised from 25 years to 27 years for the period up to and including the 31st December, 1954. The question of extending this concession further has been engaging the attention of Government and it has been decided that the maximum age-limit for entry into Government service in this State will be 27 years till the 31st December, 1955. As heretofore this concession will be applicable to all residents, whether displaced or otherwise of the Punjab State.

**Copy of letter No. 15003-G-55/75504, dated 23.11.1955 from Shri Nawab Singh Esquire, I.C.S., Chief Secretary to Govt. Pb. to All Heads of Departments in the Punjab and the Registrar, Punjab and Haryana High Court at Chandigarh, Commissioners of Ambala and Jullundur Divisions, District and Sessions Judges and All Deputy Commissioners in the Punjab.**

**Subject :—Relaxation of age-limit for entry into Government Service for certain categories of married women.**

I am directed to say that Government had for sometime under consideration on the question of relaxing age limit for entry into service under the Punjab Government for married women of the under-mentioned categories, provided they are otherwise eligible for the posts in question :—

- (i) Widows,
- (ii) Women who are legally separated from their husbands or have been divorced.
- (iii) Women whose husbands have been ordered by Civil or Criminal Courts to pay maintenance to them.
- (iv) Women who have because of their desertion, been living separately from their husbands for more than two years ; and
- (v) Women whose husbands have re-married.

Government consider that the lot of such women is generally very hard in the present stage of our social development, they should be specially provided for to enable them to earn bread for themselves and their unfortunate children if any. As such women may quite often be above the prescribed minimum age for entry into Government service when they find it necessary to seek employment under Government it has been decided that the maximum age limit in the case of such women should be raised to 35 years.

2. I am to add that a women falling in category (iv) above will be required to submit with her application an affidavit to the effect that she has been deserted by her husband and has been living separately from him for more than two years and this affidavit should be countersigned by two respectable persons such as members of the Legislature, Local Bodies including Panchayats and the Bar. Where however, a woman has re-married on the relevant date she would not be eligible for the above concession in the matter of age.

Copy of letter No. 32542-WG-56/85110, dated 20-11-56 from Chief Secretary to Govt. Punjab to All Heads of Departments etc. etc.

**Subject :—Concession to candidates who took part in National Movements.**

I am directed to refer you to Punjab Government, Letter No. 8791-WG-53/83351, dated the 14th October, 1953, on the subject noted above, wherein it has been laid down that the Punjab Government have decided that in the case of persons who rendered national or social service before independence, the age limit for entry into Government service may be relaxed upto and including the age of 45 (forty-five) years. Participation in certain movements which qualify for national or social service was also laid down. It was further stated that this concession will be allowed upto 31-12-54 and will only for a further period of two years, i.e. upto 31st December, 1956, vide Punjab Government letter No. 15240-WG-54/34912, dated the 6th December, 1954.

2. I am to add that the Punjab Government have now decided that this concession should be extended for a further period of one year. Accordingly, it should now be given upto the 31st December, 1957.

Copy of letter No. 2416-P-II-58/41282 dated the 20th May, 1958 from the Chief Secretary to Government Punjab, Chandigarh to the All Heads of Departments etc. etc.

**Subject :—Absorption of the retrenched/likely to be retrenched staff of the Civil Supplies Department Punjab.**

I am directed to invite a reference to the orders contained in Punjab Government circular letters No. 4599-P-53/39464, dated the 5th June, 1953, No. 5076-P-55/18733, dated the 21st July, 1955, 6115-A-P (C)-55/65418 dated the 8th October, 1955, 3927-P- (C)-55/3801 dated the 18th November, 1955 and No. 3367-P-55/57867, dated the 16th July, 1956 on the subject noted above and to say that Government have decided that the orders in question should continue to remain in force upto the *end of March, 1960*.

U.O. Circular letter No. 2751-GII-58, dated the 3rd July, 1958, from the Additional Chief Secretary to Government, Punjab, to all Administrative Secretaries to Government, Punjab.

**Subject :—Qualifications of age for recruitment to Services/posts under the State-Provision in Service Rules**

In a number of service rules for recruitment the maximum age limit is determined from the date of appointment to the service concerned, with the result that cases have arisen where a candidate, who at the time of applying for a post, was well within the age limit had to be ignored as age-barred at the time of actually appointing him. Such a provision, in such cases causes, undue hardship to candidates. It has been considered necessary, therefore, to evolve a uniform procedure for the choice of a reference date on which a candidate for services should be considered to be within age limits, unmindful of the actual date of appointment.

2. Government, have in view of the above, decided that all Rules of Recruitment to services under the State should be so modified as to provide for the *date of examination/interview/selection* as, the case may be, as the date of reference with regard to the qualifications of age required of candidates. All Administrative Departments are requested to take immediate necessary steps in this direction. As the examination is not held on exactly the same date every year the rules may have a fixed date which should be in the vicinity of the approximate dates of the examination. Thus if the examination is normally held in January early or late, or in the early February there would be no harm in fixing the 1st January, as the date of reference.

3. It would not be necessary to refer draft amendments in this behalf to the undersigned for scrutiny as required by instructions embodied in U.O. reference No. 4886-G-52, dated the 21st July, 1952, since they are being incorporated in the relevant rules, already had the approval of this Department.

Copy of Circular letter No. 4629-GII-58/67584, dated the 25th August, 1958 from Shri E. N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab to all Heads of Departments in the Punjab etc. etc.

**Subject** :—Relaxation of age limit for entry into Government service for certain categories of married women.

In continuation of Punjab Government letter No. 15003-G-55/75504, dated the 23rd November, 1955 on the subject noted above, I am directed to say that the question of extending the concession of maximum age limit to those married women whose husbands have been incapacitated by serious ailments or accidents and are not able to earn their livelihood and have to look to their wives for treatment and bread, had been under the consideration of the matter Government have decided to raise the maximum age limit in the case of such women to 35 years.

2. I am to add that a women falling in this category will be required to submit with her application an affidavit to the effect that her husband has become incapable of earning his livelihood due to serious ailment or accident. The affidavit will be further supported by a medical certificate from a registered medical practitioner certifying the correctness of the contents of the affidavit.

Copy of letter No. 869 (Ch)-2WG-II-59/11308 dated 23rd March, 1959 from the Special Secretary to Government, Punjab to all Heads of Department etc. etc.

**Subject** :—Concession to candidates who took part in National Movements.

I am directed to refer you to Punjab Government Letter No. 8791-WG-53/833351, dated the 14th October, 1953 on the subject noted above, wherein it has been laid down that the Punjab Government have decided that in the case of persons who rendered national or social service before independence, the age limit for entry into Government service may be relaxed upto and including the age of 45 (Forty five) years. Participation in certain movements which qualify for national or social service was also laid down. It was further stated that this concession would be allowed upto 31st December, 1954 and would only relate to direct appointments. This concession was extended for a further period of four years, i.e. upto 31st December, 1956 vide Punjab Government letter No. 15240-WG-54/34912, dated the 6th December, 1954 upto 31st December, 1957, vide Punjab Government letter No. 32542-WG-56/85110 dated the 20th November, 1956 and upto 31st December, 1958 vide Punjab Government letter No. 1817-WG-II (C)-57/25901, dated the 20th December, 1957.

2. I am add that the Punjab Government have now decided that this concession should be extended for further period of one year. Accordingly, it would now be given upto the 31st December, 1959.

Copy of letter No. 11616-4GS-60/36079, dated the 3rd October, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

**Subject** :—Relaxation of age limit for the purpose of recruitment of Services in the Punjab State.

I am directed to invite a reference to Punjab Government letter No. 8295-GII-59/12984, dated the 29th August, 1959, on the subject noted above and to inform you that Government have decided to further extend the concession, viz. raising of the maximum age limit for entry into Government service in this State by two years over the normal age limits prescribed in the Service Rules, till the 21st December, 1961. As heretofore, this concession will be applicable to all residents, whether displaced or otherwise, of the Punjab State.

Copy of letter No. 9962-ASII-60/44300, dated 6th December, 1960 From Chief Secretary to Government, Punjab to all heads of department, etc. etc.

**Subject :— State Trading in foodgrains-appointment of staff.**

I am directed to invite a reference to Punjab Government letter No. 3216-GIII-59/11653, dated the 20th April, 1959.

2. Government have decided that the concessions mentioned in the letter referred to above should be confined to the officials of other Departments who have already been appointed in the Civil Supplies Department by transfer. They will not accordingly be applicable to persons appointed in the Civil Supplies Department after the date of issue of this letter as the emergency for which they were given is now over. Deputations to that department should now take the normal course and procedure applicable to your organisation.

(To be substituted for the letter bearing same number and date)

No. 9916-3GS-61/31279

From

Shri E. N. Mangat Rai, I.C.S.  
Chief Secretary to Government, Punjab.

To

All Heads of Departments etc.

Dated Chandigarh, the 28th August, 1961.

**Subject :— Relaxation of age limit for the purpose of recruitment to services in the Punjab State.**

Sir,

I am directed to invite a reference to Punjab Government letter No. 11616-4GS-61/36079, dated the 3rd October, 1960, on the subject noted above and to state that Government have decided not to extend the age concession for entry into Government Service in this State beyond the 31st December, 1961.

Yours faithfully

*Sd/-*  
Deputy Secretary, General Administration,  
for Chief Secretary to Government, Punjab.

Copies are forwarded to the :—

- (i) Financial Commissioner, Development, Punjab.
- (ii) Financial Commissioner, Punjab.
- (iii) Financial Commissioner, Revenue, Punjab; and
- (iv) All Administrative Secretaries to Government, Punjab for information and guidance in continuation of this Department U. O. endorsement No. 11616-4GS-60, dated the 3rd October 1960.

*Sd/-*  
Deputy Secretary General Administration,  
for Chief Secretary to Government, Punjab.

To

- (i) Financial Commissioner, Development, Punjab.
- (ii) Financial Commissioner, Punjab.
- (iii) Financial Commissioner, Revenue, Punjab.
- (iv) All Administrative Secretaries to Government, Punjab.

U. O. No. 9916-3GS-61, dated Chandigarh, the 28th August, 1961.

**Copy of letter No. 6158-8PP61/22005 dated 12-9-61 from the Chief Secretary to Government, Punjab to All Heads of Departments, etc. etc.**

**Subject :—Absorption of the retrenched/likely to be retrenched staff of the Civil Supplies/Rehabilitation Departments.**

I am directed to invite a reference to the order contained in Punjab Government Circular letters No. 4599-P-53/39464, dated the 5th June, 1953, No. 5076-P-53/18733, dated the 21st July, 1955, No. 6514-A-P(C)-55/65418, dated the 8th October, 1955, No. 3927-P-(C)-55/73801, dated the 18th November, 1955, No. 3367-P-56/57867, dated the 16th July, 1956, No. 2416-PII-58/41282 dated the 20th May, 1958 and No. 899-PII 60/6826, dated the 14th March, 1960 on the subject noted above and to say that the Government have decided that the orders in question should continue to remain in force upto 31st March, 1962.

2. It is further pointed out that these concessions will be admissible beyond the 31st March, 1961, only to the retrenched likely to be retrenched employees of the Civil Supplies and Rehabilitation Departments.

**Copy of letter No. 13979-3GS-61/41034, dated 18th November, 1961 from Chief Secretary, Punjab to all heads of departments, etc. etc.**

**Subject :—Relaxation of age limit for the purpose of recruitment to Services in the Punjab State.**

I am directed to invite a reference to Punjab Government letter No. 9916-3GS-61/31279, dated the 28th August, 1961 on the subject noted above and to inform you that Government have on reconsideration decided to further extend the concession of raising the maximum age limit for entry into Government Service in this State by two years over the normal age limit prescribed in the Service Rules, till the 31st March, 1965. As heretofore, this concession will be applicable to all residents whether displace or otherwise of the Punjab State.

No. 15055-IGS-61/44784,

From

Shri E. N. Mangat Rai, I.C.S.,  
Chief Secretary to Government, Punjab.

To

All Heads of Departments, the Registrar Punjab High Court, Commissioners of Ambala, Patiala and Jullundur Divisions, District and Sessions Judges and all Deputy Commissioners in the Punjab.

Dated, Chandigarh, the 15th December, 1961.

**Subject :** Training of Clerks-initial Recruitment of Clerks on an Apprenticeship Basis.

Sir,

I am directed to invite a reference to Punjab Government circular letter No. 8522-GS-61/27256, dated the 1st August, 1961, on the subject noted above, and to clarify as follows :—

- (i) Apprenticeship instructions are applicable to all clerical posts of typists, steno-typist, stenographers, store-keeper, librarian, etc., carrying the same/identical scale of pay of a clerk.
- (ii) The training of two months at a stipend of Rs. 40.00 p.m. is necessary for all clerks, whether recruited by the Departments themselves or through the Local Employment Exchanges or the Subordinate Services Selection Board, Punjab and also in cases where the posts are taken out of the purview of the Subordinates Services Selection Board, Punjab, on a temporary or a regular basis.
- (iii) All clerks recruited after issue of the instructions on the 1st August, 1961, must work on a stipend of Rs. 40.00 p.m. once for two months irrespective of whether they have had any experience before. On a second time appointment as a clerk elsewhere, the person will get normal pay of the post.
- (iv) When a persons subsequently recruited as a regular clerk through the Subordinate Services Selection Board, Punjab and he has already had the apprenticeship training for two months on a stipend of Rs. 40.00 p.m. as a temporary hand, he need not be required to undergo that training again and should be paid full pay.
- (v) Clerks appointed by transfer from other departments will get full pay provided their experience as clerks before appointment by transfer is not less than two months. Cases of appointment by promotion are, however, exempted from the operation of the instructions.

2. I am further to add that as already mentioned in para 3 of the letter dated the 1st August, 1961 under reference, the clerks to be appointed under this scheme will not strictly be taken as apprentices within the meaning of rule 2.6 of the Punjab Civil Services Rules, Volume I, Part I. Accordingly, they will be treated as normal temporary clerks for purposes of leave, etc. the only difference being that their leave salary will be admissible on the basis of the stipend paid to them. They will otherwise be treated as full-fledged Government servants.

Yours faithfully,

Deputy Secretary General Administration,  
for Chief Secretary to Govt., Punjab.

No. 15055-1—GS-61/44785 dated Chandigarh, the 15th Dec., 1961.

A copy is forwarded to the Accountant General, Punjab, Simla, for information, with reference to his letter No. TMII-5-7/61-62/Vol. I/1403, dated the 23rd Sept., 1961.

By order,  
Sd/- J. R. Dhingra,  
Under Secretary to Govt., Punjab  
Finance (G) Department.

No. 15055-IGS-61/44786 dated, Chandigarh, the 15th Dec., 1961.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Punjab, for information and necessary action in continuation of Punjab Govt. emdst. No. 8522-IGS-61/27258 dated the 1st August, 1961.

By order,

Deputy Secretary General Administration,  
for Chief Secretary to Govt., Punjab.

Copies are forwarded for information to :—

1. Financial Commissioner, Development, Punjab.
2. Financial Commissioner, Punjab.
3. Financial Commissioner, Revenue, Punjab.
4. All Administrative Secretaries to Govt., Punjab, in continuation of this Department U. O. No. 8522-GS-61, dated the 1st August, 1961.

Deputy Secretary General Administration,  
for Chief Secretary to Govt., Punjab.

To

1. Financial Commissioner, Development, Punjab.
2. Financial Commissioner, Punjab.
3. Financial Commissioner, Revenue, Punjab.
4. All Administrative Secretaries to Govt., Punjab.

U.O. No. 15055-IGS-61 dated Chandigarh, the 15th Dec., 1961.

Copies are forwarded to the Secretaries to the Chief Minister/Finance Minister/Revenue Minister/Industries Minister and Community and Development Minister, Private Secretaries/Personal Assistants to Ministers, Deputy Ministers and Chief Parliamentary Secretary for information of the Chief Minister, Ministers, Deputy Ministers and Chief Parliamentary Secretary in continuation of this department U.O. No. 8522-GS-61, dated the 1st August, 1961.

Deputy Superintendent General Services,  
for Chief Secretary to Govt., Punjab.

To

As above.

U.O. No. 15055-IGS-61, dated, Chandigarh, the 15th Dec., 1961.

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**Copy of letter No. 1143-3GS-62/3235, dated 3rd February, 1962 from Chief Secretary to Government Punjab to All heads of departments etc. etc.**

**Subject :—Relaxation of age limit for the purpose of recruitment to Services in the Punjab State.**

I am directed to invite a reference to Punjab Government letter No. 13979-3GS-61/41834, dated the 18th November, 1961 on the subject noted above and to inform you that the concession of raising the maximum age limit for entry into Government service in this State extend upto the 31st March, 1965, is also admissible to candidates from all states.

2. The receipt of this letter may kindly be acknowledged.

**Copy of Punjab Government Circular letter No. 2572-GS-62/8884, dated 21st March, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.**

D.O. No. 13036-3GS-61, dated 3-1-1962, from Sh. E. N. Mangat Rai, I.C.S., to all Heads of Department.

**Subject :—Need for employment of more women particularly in ministerial posts.**

I am directed to invite a reference to marginally noted communication on the subject cited above and to clarify that these instructions do not over-ride the instructions contained in Punjab Government letter No. 15003-G-55/75504, dated the 23rd November, 1955, by which the maximum age limit for entry into Government service in the case of the following categories of women was raised to 35 years :-

- (i) Widows ;
- (ii) Women who are legally separated from their husbands or have been divorced ;
- (iii) Women whose husband's have been ordered by Civil or Criminal to pay maintenance to them ;
- (iv) women who have, because of their desertion, been living separately from their husbands for more than two years ; and
- (v) women whose husbands have re-married.

2. Its receipt may be acknowledged.

**Copy of Punjab Government Circular letter No. 16781-3GS-62/39468, dated the 5th November, 1962 from the Chief Secretary to Govt., Punjab to all Heads of Department, etc. etc.**

**Subject :—Minimum age for entry into Government Service — Fixation of.**

I am directed to address you on the subject cited above and to say that the question regarding fixation of minimum age for entry into Government service has been engaging the attention of the Government for some time past. After careful consideration it has been decided to fix the minimum age limit for entry into Government service at 16 years in the case of class IV service and 17 years for class III service and other superior service subject to the condition that the service rendered by any person before, the age of 18 years will not qualify for pension, etc. as provided in rules 3.9 of the Punjab C.S.R. Volume II.

2. The Departments may amend their service rules accordingly unless exigencies of service in their particular field require a higher age limit.

Copy of Circular letter No. 19982-3GS-62/45907, dated the 27th December, 1962, from the Financial Commissioner, Planning and Additional Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

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*Subject* :—Relaxation of age-limit for entry into Government Service for the wives of serving military personnel.

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I am directed to say that the Government has, in view of the national emergency requiring the presence of a large number of military personnel in operation areas, examined the policy of the maximum age limit of entry into Government service enunciated in Government instructions issued,— vide letter No. 15003-G-55/75504, dated the 23rd November, 1955 with special reference to the case of wives of the serving military personnel. It is felt that the families of the military personnel may be experiencing monetary difficulties due to the setting-up of two establishments. Government has, therefore, agreed to raise the maximum age for entry into Government service in the case of the wives of serving military personnel to 45 years provided they are otherwise eligible for the posts in question.

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No. 20179-IGS-62/2582

From

Shri Saroop Krishan, I.C.S.,  
Financial Commissioner Planning and Addl.  
Chief Secretary to Government, Punjab.

To

All Heads of Departments, Rsgistrar,  
Punjab High Court, Commissioner of Ambala,  
Patiala and Jullundur Divisions, District and  
Sessions Judges and all Deputy Commissioners in  
Punjab.

Dated Chandigarh, the 22nd January, 1963

**Subject** —Training of Clerks-Initial recruitment of Clerks on an apprenticeship basis.

Sir,

I am directed to refer to Punjab Government letter No. 8522-GS-61/27256, dated the 1st August, 1961, on the subject cited above and to further clarify as under :—

- (i) the instructions contained therein shall not be applicable to Stenographers.
- (ii) the persons who had been appointed as Clerks, Stenotypists etc. before the 1st August, 1961, in any department and were, subsequently, appointed as such in the same or different department after the 1st August, 1961 without any break in service shall be exempted from the operation of these instructions.
- (iii) the period of apprenticeship shall in no case be extended beyond the period of two months including the period of apprenticeship spent in any other department of the Punjab Government prescribed under the instructions except that when a person appointed on apprenticeship basis proceeds on extra-ordinary leave, the period of apprenticeship shall be deemed to have been extended to that extent.

These clarifications will take effect from the 1st August, 1961 the date on which instructions referred to above were originally issued. The Finance Deptt. have concurred vide their U.O. No. reference No. 3477-3 FGI (DS)-62, dated 21-9-1962.

3. The receipt of these instructions may please be acknowledged.

Yours faithfully,

Deputy Secretary General Administration,  
for Financial Commissioner, Planning and Addl.  
Chief Secretary to Govt., Punjab.

No. 20179-IGS 62/2583, dated Chandigarh, the 22nd Jan., 1963.

A copy is forwarded to the Accountant General, Punjab, Simla, for information in continuation of Punjab Govt. endst. No. 15055-IGS-61/44785 dated the 15th December, 1961.

By Order,

Deputy Secretary General Administration,  
for Financial Commissioner, Planning and Addl.  
Chief Secretary to Govt., Punjab.

No. 20179-IGS-62/2584, dated Chandigarh, the 22nd Jan., 1963.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Punjab for information and necessary action in continuation of Punjab Govt. endst. No. 15045-IGS-61/44786, dated the 15th December, 1961.

By Order,

Deputy Superintendent General Services,  
for Financial Commissioner, Planning and Addl.  
Chief Secretary to Govt., Punjab.

Copies are forwarded for information to :—

- (i) Financial Commissioner, Development and Secretary to Government, Punjab, Development and Panchayat Deptt.,
- (ii) Financial Commissioner, Revenue,
- (iii) Financial Commissioner, Planning,
- (v) Financial Commissioner, Taxation,
- (v) All Administrative Secretaries to Govt., Punjab,

in continuation of this department U.O. No. 15055-IGS-61, dated the 15th December, 1961.

Deputy Superintendent General Services,  
for Financial Commissioner, Planning and Addl.  
Chief Secretary to Govt., Punjab.

To

- (i) Financial Commissioner Development and Secretary to Government, Punjab,
- (ii) Financial Commissioner, Revenue,
- (iii) Financial Commissioner, Planning and Secretary to Govt., Punjab, Planning Deptt.
- (iv) Financial Commissioner, Taxation
- (v) All Administrative Secretaries to Govt., Punjab.

U.O. No. 20179-IGS-62, dated Chandigarh, the 22nd Jan., 1963.

Copies are forwarded to the Secretaries/Private Secretaries/Personal Assistants to Ministers (including the Chief Minister) and the Chief Parliamentary Secretary for information.

Deputy Superintendent General Services,  
for Financial Commissioner, Planning and Addl.  
Chief Secretary to Govt., Punjab.

To

The Secretaries/Private Secretaries/Personal Assistants to Ministers (including the Chief Minister) and the Chief Parliamentary Secretary.

U.O. No. 20179-IGS-62, dated Chandigarh the 22nd Jan., 1963.

Copy of letter No. F. 3/3(S)/62-Est. B, dated the 4th October, 1963 from the Joint Secretary to the Government of India, Ministry of Home Affairs New Delhi-11 to the Chief Secretaries of all State Governments/Union Territories.

**Subject :—**Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India Procedure regarding.

I am directed to invite a reference to this Ministry's Secret letter of even number dated the 26th November, 1962 on the above subject and to paragraph 3 of Shri L.P. Singh's D.O. letter No. 20/25/62-AIS(I), dated the 12th March, 1963 and to say that a doubt has been expressed by some State Governments whether the District Magistrate/Deputy Commissioner should consult the police authorities and Deputy Inspector General, Criminal Investigation Department in each case before a report is sent to the appointing authority.

2. The matter has been examined further and it has been decided that as a fully documented political record of the undesirable political activities of an individual is only found with the Deputy Inspector General, Criminal Investigation Department, a confidential reference should invariably be made to the Deputy Inspector General, Criminal Investigation Department. Similarly, to check up the criminal record of a candidate, the District Superintendent of Police should invariably be consulted.

To the above extent the procedure suggested in paragraph 3 of Shri L.P. Singh's D.O. letter of 12th March, 1963, stands modified.

3. It is necessary to emphasize the difference between the District Magistrate submitting his report after making a reference to the Criminal Investigation Department and to the local police records, and getting local enquiries made either through his own agencies or through the superintendent of Police. There can be no legitimate objection to the Criminal Investigation Department and the local police records being consulted provided this is done confidentially, and provided further that it is clearly understood that the District Magistrate is free to exercise his own judgment. But enquiries made from individuals etc. in the locality, where a candidate resides or had resided are likely to cause offence and should be avoided except in the few cases in which they appear necessary in the light of entries in the Criminal Investigation Department/Police Records. Even these cases, enquiries should be made by a responsible officer and as discreetly as possible.

4. It has been brought to the notice of this Ministry that while forwarding the attestation form to the District Police authorities and the State Criminal Investigation Departments, the District Magistrates do not always mention the name of the appointing authority and the post for which the candidate is being considered for appointment. In the absence of this information, the police authorities find it difficult to make their recommendation regarding the suitability of the candidate, especially when there is some adverse information about him on record. If the appointments are to be made so sensitive posts, the police may have to adopt a stricter standard than in the case of appointments/posts involving lesser security risks. It is, therefore, necessary that the District Magistrate/Deputy Commissioner should always indicate in the reference to the District Police/Criminal Investigation Department authorities, the name of the appointing authority and the post for which the candidate is being considered. This information is generally given by the appointing authority at the time of making a reference to the District authorities.

#### PUNJAB GOVERNMENT

No. 9155-ASII-63/2366, dated Chandigarh, the 31st January, 1964.

A copy alongwith a copy of letter No. 2023/62-AIS(I) dated the 12th March, 1963 forwarded to :—

- (1) All Heads of Departments in the Punjab;
- (2) All Administrative Secretaries to Government Punjab;
- (3) The Registrar, Punjab High Court, Chandigarh;
- (4) Commissioners of Divisions in the Punjab;
- (5) All District Magistrates in the Punjab;
- (6) All District & Sessions Judges in the Punjab; and
- (7) Deputy Inspector General of Police, CID, Punjab

for information and guidance in continuation of Punjab Government endorsement No. 5181-ASII-63/2367, dated the 20th June, 1963.

For District Magistrates only :—It may kindly be ensure that the verification forms are returned within one month of their receipt from the Union Public Service Commission.

*Sd/—*

J. C. Khanna,  
Superintendent Administrative Services II  
for Chief Secretary to Government, Punjab.

No. 9155-ASII-63/2367, Dated Chandigarh, 31st January, 1964.

Copy with a copy of the enclosure forwarded to all Financial Commissioners in the Punjab, for information, in continuation of Punjab Government U.O. Endorsement No. 3181-ASII-63, dated the 5th July, 1963.

*Sd/—*

J. C. Khanna,  
Superintendent Administrative Services II,  
for Chief Secretary to Government, Punjab.

No. 9155-ASII-63/2367-A, dated Chandigarh, the 31st January, 1964.

Copy forwarded to the Joint Secretary to Government of India, Ministry of Home Affairs, New Delhi, for information.

*Sd/—*

J. C. Khanna,  
Superintendent Administrative Services II  
for Chief Secretary to Government, Punjab.

Copy of Punjab Government Circular letter No. 510-5GSII-66/4597 dated 8-3-1966 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

*Subject* :—Question of admissibility of age and other concessions to persons holding Government posts on adhoc basis.

I am directed to say that it has been brought to the notice of the Government by the Punjab Public Service Commission and the Subordinate Services Selection Board that in the re-quisitions received by them from the Departments for re-recruitment from the open Market, the usual provision regarding the relaxability/non-applicability of the upper age limit in the case of Government employees does not distinguish between the permanent and temporary Government employees working on a regular basis on the one hand and the employees appointed by the Departments on temporary adhoc basis, pending the appointment of candidates recommended by the Commission/the Board, on the other. The question whether the adhoc appointees should be treated at par with other Government employees in the matter of upper age limit has been carefully considered by Government and it has been decided that the adhoc appointees should not be made eligible for this concession as otherwise persons above the prescribed age can, by securing adhoc appointments, circumvent the condition regarding upper age limit. I am, accordingly, to request that while placing requisitions with the Commission/the Board for recruitment to posts in your department, this decision of the Government may be kept in view.

क्रमांक 6476-5जी:एस-I-71/33370

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, सभी उपायुक्त और उप मण्डल अधिकारी ।
- (2) रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय और हरियाणा के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 25 नवम्बर, 1971

विषय:—विवाहित महिलाओं के कुछ वर्गों के लिए सरकारी सेवा में प्रवेश के लिए निर्धारित आयु-सीमा में छूट ।

महोदय,

मुझे निदेश हुआ है कि मैं आप का ध्यान उपर्युक्त विषय पर संयुक्त पंजाब सरकार के पत्र संख्यांक 15003-जी-55/75504, दिनांक 23-11-1955 के अनुदेशों की ओर दिलाऊँ और कहूँ कि सरकार ने राज्य रोजगार समिति की सिफारिशों के परिणाम स्वरूप निम्नलिखित वर्गों की स्त्रियों के सरकारी सेवा में प्रवेश के लिए निर्धारित आयु सीमा की नीति पर आगे विचार किया है :

- (1) विधवाएँ,
- (2) पतियों से कानूनी तौर पर अलग हुई महिलाएँ,
- (3) तलाक़ शूदा महिलाएँ, और
- (4) पतियों द्वारा छोड़ी हुई महिलाएँ ।

इस बात को ध्यान में रखते हुए कि ऐसी महिलाओं का जीवन आमतौर पर कष्टमय होता है, सरकार ने यह निर्णय किया है कि ऐसी महिलाओं के लिए सरकारी सेवा में प्रवेश के लिए अधिकतम आयु सीमा 45 वर्ष कर दी जाए ताकि वे सामाजिक तथा आर्थिक तौर पर आराम से जीवन बिता सकें ।

2 यह भी स्पष्ट किया जाता है कि जो महिला उपर्युक्त वर्ग (4) के अन्तर्गत आती हो उसे अपने आवेदन पत्र के साथ इस बात का शपथ-पत्र भी संलग्न करना होगा कि वह अपने पति द्वारा छोड़ी हुई है और वह दो वर्षों से अधिक समय से अलग रह रही है तथा इस शपथ-पत्र पर दो प्रतिष्ठित व्यक्तियों जैसे विधान सभा, स्थानीय निकायों, पंचायतों के सदस्य अथवा बकौल हो के प्रतिहस्ताक्षर होने चाहिए । तथापि यदि किसी महिला ने पुनर्विवाह कर लिया हो तो वह आयु के मामले में उपर्युक्त रियायत की पात्र नहीं होगी ।

3. कृपया इस पत्र की पावती भेजिए।

भवदीय,

हस्ता 0

उप सचिव, राजनैतिक एवं सेवाएँ,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक-ए 5 प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है:—

1. विस्तार्युक्त राजस्व, तथा
2. सभी प्रशासनिक सचिव । हरियाणा सरकार ।

क्रमांक 3399-1 जी: एस-1-72/18744

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- 1) हरियाणा के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला मण्डल,  
सभी उपायुक्त तथा उप मण्डल अधिकारी ।
- 2) रजिस्ट्रार पंजाब तथा हरियाणा  
उच्च न्यायालय तथा हरियाणा के सभी  
जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़ 19-6-72

विषय :—तदर्थ आधार पर नियुक्त सरकारी अधिकारियों/कर्मचारियों को आयु में ढील देने के बारे में ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4859-1 जी: एस-1-72/25313, दिनांक 25-8-71 की ओर दिलाऊँ जिसके द्वारा इस प्रश्न पर विचार किया गया था कि क्या तदर्थ आधार पर नियुक्त सरकारी अधिकारियों/कर्मचारियों को, जो कि अधिकतम आयु सीमा पार कर चुके हैं, आयु में ढील दी जाए ताकि वे नियमित रूप में सरकारी सेवा प्राप्त करने के लिए लोक सेवा आयोग/अधीन सेवार्थ प्रबरण मण्डल को अपने आवेदन पत्र भेज सकें तथा आपको यह निर्णय सूचित किया गया था कि तदर्थ आधार पर नियुक्त सरकारी अधिकारियों/कर्मचारियों की आयु में ढील न दी जाए और बोर्ड तथा आयोग द्वारा चुने हुए उम्मीदवार जब उपलब्ध हो जाएं तो तदर्थ आधार पर नियुक्त व्यक्तियों को सरकारी सेवा से फारिग कर दिया जाए ।

2. सरकार ने इस प्रश्न पर पुनः विचार किया है तथा यह निर्णय लिया गया है कि ऐसे सरकारी अधिकारी/कर्मचारी, जोकी किसी पद पर तदर्थ नियुक्त के समय ओवर-ऐज नहीं थे, किन्तु तदर्थ नियुक्ति के दौरान ओवर-ऐज हो गए और ओवर-ऐज होने तक आयोग/बोर्ड द्वारा उस पद पर रेगुलर नियुक्ति करने हेतु लिए जाने वाले एक भी टैस्ट/सलैक्शन का अवसर प्राप्त नहीं कर सके क्योंकि एक भी टैस्ट/सलैक्शन उस पीरियड में नहीं हुआ, उनकी आयु में ढील उतने समय के लिए दे दी जाए जितने समय में वे आयोग/बोर्ड से सलैक्शन कराने का एक अवसर ले सके दूसरे शब्दों में आयु में ढील केवल आयोग/बोर्ड से नियमित नियुक्ति के लिए कई बार सलैक्शन करवाने का मौका देने के लिए ही दी जानी है और यदि सरकारी अधिकारी/कर्मचारी एक अवसर पर फायदा नहीं उठाते या इस अवसर पर अपना सलैक्शन करवाने में असफल रहते हैं तो उन्हें पुनः सलैक्शन करवाने के लिए आयु में कोई ढील नहीं दी जानी है । यहां पर यह भी स्पष्ट किया जाता है कि केवल उन्हीं तदर्थ आधार पर नियुक्त सरकारी अधिकारियों/कर्मचारियों को प्रायु में ढील दी जाती है जो इस समय सरकारी सेवा में हैं और जो व्यक्ति आयोग/बोर्ड से रेगुलर उम्मीदवार प्राप्त होने के कारण सेवा से निकाले जा चुके हैं । उनको आयु में कोई ढील नहीं दी जानी है ।

3. आपसे अनुरोध किया जाता है कि भविष्य में इन अनुदेशों के अनुसार कार्यवाही की जाए और यह अनुदेश अपने अधीन कार्य कर रहे सभी अधिकारियों/कर्मचारियों के ध्यान में ला दिए जाएं। कृपया इस पत्र की पावती भी भेजी जाए ।

भवदीय,

ह 0

उप सचिव राजनैतिक एवं सेवायें  
कृते: मुख्य सचिव हरियाणा सरकार।



**Copy of letter No. 5641-IGSI-72/28717 Dated 29-9-72 from the Chief Secretary to Government Haryana to all heads of Department Commissioner Ambala Division all Deputy Commissioners and Sub-Divisional Officers in Haryana 2. The Registrar Punjab and Haryana High Court, Chandigarh.**

**Subject —Raising of upper age limit for recruitment to the Various Services under the Haryana Government**

Sir,

I am direct to address you on the subject noted above and to say that for the purpose of making recruitment to various services under the State Government the general upper age limit prescribed at present under rule 3.6 of Punjab Civil Services Rules, Volume I, part I, is 25 years. However, if in the relevant service rules, higher upper age limit is prescribed in some cases on special grounds, that limit prevails over the provision made in the Punjab Civil Services Rules, Volume I, Part I.

2. The State Government have considered that the general upper age limit prescribed at present is not adequate and a large number of candidates become over-age before they can enter into Government Service. Many candidates particularly with the rural background, take longer time to attain the requisite graduate and post-graduate qualifications and they do not get sufficient time to compete for the various Government services thereafter. It has also been observed that Government of India have already enhanced the upper age limit for entry into services under them keeping all these factors in view, it has been decided that the existing general upper age limit for entry into service under the State Government shall, not with standing any provision to the contrary that may be contained in respective rules be raised to 27 years subject to the following conditions.

- (a) The relaxation of years in the upper age limit recruitment in respect Scheduled Castes/ scheduled Tribes and Backward Classes will continue as heretofore. In other words, the, candidates of these classes may be recruited upto the age of 32 years (27+5)
- (b) The relaxation in upper age limited recruitment in respect of Ex-serviceman as contained in Haryana Government circular letter No. 4710-5GS-70/18998, dated the 15th July, 1979, will continue as heretofore. In other words, the candidates of this category may be recruited upto the age of 27 years plus continuous military service added by 3 years.
- (c) If in certain service rules, upper age limit higher than 27 years is permissible on account of special grounds or in certain circumstances those provisions shall continue to remain in force.
- (d) If for recruitment to any service, a competitive examination is prescribed and for appearing in such examination, certain number of chances have been fixed, then those will continue to remain in force.
- (e) In the case of engineering graduates and diploma holders, 5 years relaxation in general upper age limit of 25 years for entry into Government service has already been granted vide State Government instructions No. 3481 IGSI-72/18002, dated the 15th June, 1972 and this relaxations was made applicable for period of 2 years Those instructions shall continue to apply in the case of engineering graduates and diploma holders until they remain applicable (including their renewal, if any) and, whenever that special relaxation lapses, the general upper age limit in their cases shall also be 27 years.

3. It is requested that these instructions may be noted carefully for immediate compliance and amendment in the relevant service rules, where ever considered necessary, should also be made in accordance with the circumstances/conditions pertaining to each service under your control,

4. The receipt of this letter may kindly be acknowledged.

No. 2740-IGSI-75/13480

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments; Commissioners, Ambala and Hissar Divisions; all Deputy Commissioners; and all Sub-Divisional Officers in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District & Sessions Judges, Haryana.

Dated Chandigarh, the 19th May, 1975.

**Subject:—Maximum age limit for direct recruitment for Government Servants—Clarification regarding.**

Sir,

I am directed to refer to the instructions contained in Haryana Government circular letter No: 5641-IGSI-72/28717, dated 29/9/72 on the subject noted above and to say that as laid down in rule 3.6 of C.S.R., Vol. I, Part I, the normal maximum age limit prescribed for entry into Government service is 27 years (or such higher age limit as may be prescribed in the Service Rules relating to any particular post keeping in view the nature of duties of that post) unless relaxed by the Government in the case of any class or category of persons. As there is no specific provision to the effect that the above normal age limit of 27 years (or age prescribed in the relevant service rules) is applicable also in the case of persons already in the employment of Government it is sometimes wrongly presumed that it is not applicable to persons already in the employment of Government who apply for direct recruitment. This presumption is not correct. I am to clarify that the above maximum age limit of 27 years (or the age limit prescribed in the relevant service rules for direct recruitment) is also applicable to the persons already in the employment of Government unless the same has been relaxed by the Government by issue of suitable rules/instructions.

2. You are requested to ensure strict compliance of these instructions and acknowledge the receipt of this letter.

Yours faithfully,

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

No. 2740-IGSI-75/13481

Dated Chandigarh, the 16th May, 1975.

A copy is forwarded to Secretary, Haryana Public Service Commission Chandigarh and Secretary, Haryana Subordinate Services Selection Board, Chandigarh; for information and necessary action.

No. 5202-IGS-77/26053

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners  
Ambala & Hissar Divisions, Deputy Commissioners  
and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar,  
Punjab & Haryana High Court, Chandigarh.

Dated, Chandigarh, the 15th Sept. 1977.

**Subject :--Relaxation in maximum age limit to adhoc employees for appointment to Government service on regular basis.**

Sir,

I am directed to refer to Haryana Government order dated 9th Sept. 1977 circulated vide endorsement No. 5565-IGSI-77/25233, dated the 9th September, 1977 revoking the Government order dated the 10th June, 1977 circulated earlier vide endorsement No. 3840-IGSI-77/16898, dated the 17th June, 1977 and to say that the question of giving relaxation in the maximum age limit to the adhoc employees for appointment to Government service has been reconsidered in the context that some of them have become over-age for entry into Government service while working on adhoc basis. The Government has decided that adhoc employees should be given relaxation in age to the extent of their adhoc service in order to enable them to compete for future selections by the Subordinate Services Selection Board, Haryana. The adhoc employees will thus be given the relaxation in age for more than one opportunity for competing for selection through the Board for regular appointment. However, this relaxation in age is to be given only to those officials appointed on adhoc basis who are presently in Government service. It is clarified that such adhoc employees whose services may be terminated subsequently on the joining of regular candidates from the Board should also be given this relaxation in age limit.

2. There may be adhoc employees who have served in one or more Departments under the State Government and their service in adhoc capacity may not be continuous. It has been decided that for the purpose of counting the period for which relaxation in the maximum age limit will be admissible the latter most continuous period of adhoc service will be taken into account provided that each break upto 30 days will be condoned. The actual period (s) of break (s) will not however, be included while computing the total length of adhoc service.

3. The Government has also decided that where posts have already been advertised and applications invited by the Subordinate Services Selection Board, the Board should invite applications also from adhoc employees (who have not already applied.) These adhoc employees should also be given relaxation in age to the extent of their adhoc service.

4. It is requested that necessary action may kindly be taken in accordance with these instructions and these may be brought to the notice of all concerned.

Kindly acknowledge receipt of this letter.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 5202-IGSI-77/26054

dated Chandigarh, the 15th Sept. 1977.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, Chandigarh in continuation of Haryana Government endorsement No. 5565-IGSI-77/25234 dated 9.9.77.

2. It is requested that necessary action may please be taken in regard to para 3 of this letter.

प्रवेशक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा के सभी विभागाध्यक्ष,  
आयुक्त हिसार और अम्बाला मण्डल ।  
सभी उपायुक्त और उप-मण्डल अधिकारी ।
  - (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय  
और हरियाणा के सभी जिला एवं सेशन न्यायाधीश ।
- दिनांक चण्डीगढ़, 21 फरवरी, 1979

विषय :--विवाहित महिलाओं के कुछ वर्गों के लिए सरकारी सेवा में प्रवेश के लिये निर्धारित आयु सीमा में छूट ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 6476-5जी०एस०-1-71/33370, दिनांक 25 नवम्बर, 1971 (जिसकी प्रति संलग्न है) की ओर पुनः दिलाऊँ और कहूँ कि सरकार ने संलग्न हिदायतों के अनुसार निम्नलिखित वर्गों की स्त्रियों के लिए सरकारी सेवा में प्रवेश के लिए अधिकतम आयु सीमा 45 वर्ष निर्धारित की हुई है :—

- (1) विधवायें
- (2) पतियों से कानूनी तौर पर अलग हुई महिलाएँ
- (3) तलाक़ शुदा महिलायें; और
- (4) पतियों द्वारा छोड़ी हुई महिलायें ।

2. सरकार के ध्यान में आया है कि कई विभाग इन अनुदेशों की अवहेलना कर रहे हैं जिसके फलस्वरूप उपर्युक्त श्रेणी की महिलाओं को सेवा ग्रहण करने में कठिनाई हो रही है । अतः आपसे अनुरोध है कि इन अनुदेशों का दृढ़ता से पालन करें और अपने अधीन विभागों के ध्यान में भी यह बात पुनः ला दें ।

भवदीय

हस्ता/-

उप-सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी एक प्रति निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु भेजी जाती है :—

विस्तार्युक्त राजस्व, हरियाणा के सभी प्रशासकीय सचिव, हरियाणा सरकार ।

## No. 8 (5)-IGSIII-79

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of the Departments,  
Commissioners Ambala/Hissar Division;  
All Deputy Commissioners and  
Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab & Haryana High Court,  
Chandigarh.

Dated, the 7th December, 1979.

**Subject :—Raising of age limit for entry into Government Service.**

Sir,

I am directed to refer to Haryana Government letter No 5641-IGSI-72/28717, dated the 29th September, 1972, on the subject noted above and to say that for the purpose of making recruitment to various services under the State Government, the general upper age limit prescribed at present under rule 3.6 of Punjab Civil Services Rules, Vol I, Part I, is 27 year. However, if in the relevant service rules, a higher, upper age limit is prescribed in same cases on special grounds that limit prevails over the provision made in the Punjab Civil Services Rules, Vol. I, Part I.

2. The State Government has considered that the general upper age limit prescribed at present is not adequate and a large number of candidates become over age before they can enter into Govt. Service. It has, therefore, been decided that the existing general upper age limit or entry into service under the State Government shall, not with standing any provision to the contrary that may be contained in respective rules, be raised to 30 years subject to the following conditions :—

(a) The extant instructions in regard to the relaxation of 5 years in the upper age limit in respect of scheduled Castes, Scheduled Tribes and Backward Classes for appointment to gazetted as well as non-gazetted service or posts will continue to be in force.

(b) The relaxation in upper age limit for recruitment in respect of ex-servicemen as contained in Haryana Government circular letter No. 4710-5GS-70/18998, dated the 15th July, 1970, will continue as heretofore. In other words, the candidates of this category may be recruited upto the age of 30 years plus continuous military service added by 3 years.

(c) If in certain service rules, the upper age limit higher than 30 years is permissible on account of special grounds or in certain circumstances, those provisions shall continue to remain in force.

3. It is requested that these instructions may be noted carefully for immediate compliance and amendment in the relevant service rules, wherever considered necessary, should also be made in accordance with the circumstances/conditions pertaining to each service under your control.

4. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for similar action to :—

1. Financial Commissioner, Revenue, Haryana and all the Administrative Secretaries to Govt., Haryana, (except Finance Department).

Copy of circular letter No. 8522-GS-61/27256, dated the 1st August, 1961 from the Additional Chief Secretary to Govt. Punjab to all Heads of Departments etc., etc.

**Subject :— Training of clerks-Initial Recruitment of clerks on an apprenticeship basis.**

I am directed to state that Government have for some time past been considering the question regarding the training of clerks on their initial appointment to various offices of the State Government. The matter came up for discussion in the Conference of Commissioners and Deputy Commissioners held in September, 1959, at Simla which favoured the system of apprenticeship. Government have now decided that pending the establishing of a diploma of Secretariat Training by the Punjab University, which is under active consideration, recruitment to the posts of Clerks should be made on an apprenticeship basis, requiring the person selected by the Subordinate Services Selection Board, Punjab, to undergo two months' training in the office of appointment on a stipend of Rs. 40 per mensem. The recruit will receive training as an apprentice through the senior office hand available in the particular office and be appointed as a Clerk on regular basis if the appointing authority is satisfied that he has acquired the necessary preliminary knowledge to work as such. If he is not considered suitable at the end of this period of two months, he will not be appointed as a regular Clerk.

2. The following procedure is prescribed in this context :—

- (a) Recruitment to all posts of Clerks in the scale of Rs. 60—4—80/5—120/5—175 will continue to be made through the Subordinate Services Selection Board Punjab, as usual. The approved candidates will be taken against regular vacancies but they will initially join as apprentices for a period of two months on purely temporary basis on a fixed stipend of Rs. 40 per mensem only. A condition should be laid down in the appointment letter of a recruit to the effect that his services will be liable to be terminated during or after the apprenticeship period on account of his unsatisfactory work or conduct without any notice or pay in lieu of notice. The general condition of one month's notice will, however, be applicable after the regular appointment.
- (b) The apprenticeship period of two months will be in addition to the normal probationary period prescribed in the service rules of the department concerned. After completing the apprenticeship period to the satisfaction of the appointing authority, the recruit will be appointed as a regular clerk and thence entitled to the pay-scale attached to the post. Thereafter, he will complete the normal probationary period as prescribed in the relevant service rules.
- (c) There will be no departmental test on the expiry of the apprenticeship period. In order to watch the daily progress of the apprentice clerk during this period, a progress report should be drawn up in the enclosed *pro forma*. The assessment should be broad and practical and reasonably strict. It would not be merely formal and procedural. After two months, the Head of Office or the Department, as the case may be, should certify that the work and conduct of the apprentice concerned has been found to be satisfactory during that period. The assessment of the appointing authority should be made and conveyed in the form of orders of regular appointment or termination of services, as the case may be, positively in the last week of the 2nd month, so that if necessary, it may be possible to terminate the services of an apprentice within the period of apprenticeship to avoid any financial implications.

3. These clerks will not be strictly taken as apprentices within the meaning of rule 2.6 of the Punjab Civil Services Rules, Volume I, Part I. The Punjab Government letter No. 1070-GIII-60/1995, dated the 1st April, 1959, which provides that all direct recruits appointed to Government service, whether against temporary or permanent posts, should receive the minimum of the prescribed pay-scale, shall not be applicable to these persons. The service rules should be amended in the light of above instructions. These orders will come into effect immediately, and apply also to clerks who may be appointed on temporary basis by the Departments themselves.

4. The receipt of this letter may please be acknowledged.

## PROGRESS REPORT

Period \_\_\_\_\_  
 From \_\_\_\_\_  
 Name of Apprentice \_\_\_\_\_  
 Section/Branch in which working \_\_\_\_\_

Date	Details of work done	Initials of superintendent/ Head of Branch	Remark if any
1	2	3	4

Copy of Circular letter No. 7554-10GS-64/39008, dated the 8th December, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc.

*Subject* :—Training of Clerks-Initial recruitment of Clerks on apprenticeship basis.

I am directed to invite your attention to the instructions, contained in Punjab Government letter No. 8522-GS-61/27256, dated the 1st August, 1961 laying down that recruitment to posts of clerks should be made on an apprenticeship basis, and the person selected by the Subordinate Services Selection Board, Punjab should be required to undergo two month's training in the office of appointment on a stipend of Rs. 40.00 per mensem. It was clarified,—*vide* Punjab Government letter No. 15055-1GS-61/44784, dated the 15th December, 1961 that the apprenticeship instructions would be applicable to all clerical posts of typist, Steno-typist, Stenographer, Store-keeper, Librarian etc. carrying the same identical scale of pay of a clerk. In partial modification of these instructions the Government has decided to exempt the Steno-typists from the operation of these instructions. The steno-typists, will henceforth be allowed the regular scale of clerk, i.e. Rs. 60-4-80/5-120-5-175 plus usual allowances including stenograph allowance of Rs. 15/-p.m. from the date of joining the posts in the first instance.

2. These instructions will come into operation with immediate effect.

3. This issues with the concurrence of the Finance Department, *vide* their U.O. advice No. 8798-FGI-64, dated the 4th November, 1964.

4. The receipt of this communication may please be acknowledged.

Copy of Punjab Government Circular letter No. 1757-GSII-65/6393, dated 3rd March, 1965, from the Chief Secretary to Government Punjab, to all Heads of Departments, etc.

*Subject* :—Training of Clerks-Initial recruitment of Clerks on apprenticeship basis.

I am directed to invite your attention to Punjab Government letter No. 8522-GS-61/27256, dated the 1st August, 1961, on the subject noted above and to say that on reconsideration Government has abolished the scheme of apprentice clerks with effect from 1st January, 1965, from which date all freshly appointed clerks be paid regular pay and allowances.

2. Necessary action may please be taken accordingly,

**Copy of Punjab Government Circular letter No. 8069-10GS-64/11669, dated 6th April, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Departments. etc. etc.**

**Subject :—Training of Clerks Initial recruitment of Clerks, on apprenticeship basis.**

I am directed to invite a reference to Punjab Government letter No. 8522-GS-61/27256 dated the 1st August, 1961, and subsequent letters, Nos. 15055-10GS-61/44784, dated the 15th December, 1961, and 20179-10GS-62/2582, dated the 22nd January, 1963, on the subject noted above and to clarify further that the persons who were previously appointed as Clerks, typists, Stenotypists, Store-keepers, Librarians, in the scale of Rs. 60-4-80/5-120/5-175 through the Subordinate Services Selection Board and had worked as such for two months before their re-appointment on such clerical posts after 1st August, 1961 through the Subordinate Services Selection Board should be treated as exempted from the operation of the apprenticeship instructions.

2. This issues with the concurrence of the Finance Department conveyed vide their U. O. advice No. 3059-FGI-65, dated the 30th March, 1965.

3. The receipt of this letter may please be acknowledged.

**Copy of letter No. 5692-IGS-II-65/27838, dated the 9th August, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.**

**Subject :—Training of Clerks—Initial recruitment of Clerks on apprenticeship basis.**

I am directed to invite a reference to Punjab Government letter No. 8069-10GS-64/11668, dated the 6th April, 1965, on the subject noted above and to clarify further that the persons who were previously appointed as Clerks, Typists, Steno-typists, Storekeepers, Librarians, in the scale of Rs. 60-4-80/5-175 through the Employment Exchanges and had worked as such for two months before their re-appointment on such clerical posts after 1st August, 1961, through the Subordinate Services Selection Board should also be treated as exempted from the operation of the apprenticeship instructions.

2. This issues with the concurrence of the Finance Department,—vide their U. O. No. 7366-EGI-65, dated 26 July, 1965.

3. The receipt of this letter may please be acknowledged.

**Copy of Circular letter No. 5173-IGS-II-66/24953, dated the 19th September, 1966 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.**

**Subject :—Training of Clerks—Initial recruitment of clerks on apprenticeship basis.**

I am directed to invite a reference to Punjab Government letter No. 5692-IGS-II-66/27838, dated the 9th August 1965 and to clarify further that the persons who were previously appointed as Clerks, Typists, Steno typists, Storekeepers and Librarians in the scale of Rs. 60-4-80/5-120/5-175 through the Subordinate Services Selection Board/Employment Exchanges and had worked as such for two months and were subsequently re-appointed after 1st August, 1961 on such clerical posts through the Employment Exchanges and whose appointments were later on regularised by the Subordinate Services Selection Board should also be treated as exempted from the operation of the apprenticeship scheme.

2. This issues with the concurrence of the Finance Department,—vide their U. O. advice No. 8150-FGI 766, dated the 26th August, 1966.



प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा सरकार के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला तथा हिसार मण्डल तथा सभी जिलों के उपायुक्त ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक, चण्डीगढ़ 16 दिसम्बर, 1977 ।

**विषय:** Apprentice Clerks को प्रशिक्षण प्राप्त करने के उपरान्त तदर्थ आधार पर नियुक्त करने में प्राथमिकता देने बारे ।

महोदय,

मुझे निदेश हुआ है कि उपरोक्त विषय की ओर आपका ध्यान आकषित करते हुए सूचित करें कि जो Apprentice लिपिक राज्य के भिन्न-भिन्न कार्यालयों में Apprentice Act 1961 के अन्तर्गत निर्धारित अवधि के लिये नियुक्त किये जाते हैं । उनका संबन्ध प्रशिक्षण प्राप्त करने के पश्चात् उन कार्यालयों से नहीं रहता । नियमानुसार सम्बन्धित विभाग उन्हें तदर्थ रूप में नियुक्त करने के लिये भी बाध्य नहीं हैं । ऐसी परिस्थिति में उन्हें काफी कठिनाईयों का सामना करना पड़ता है । सरकार ने इस बारे ध्यान पूर्वक विचार किया है तथा यह निर्णय लिया है कि Apprentice लिपिकों को प्रशिक्षण प्राप्त करने के पश्चात् हरियाणा राज्य के कार्यालयों में, यदि वे विभागीय सेवा नियमों अनुसार लिपिक के पद के लिये निर्धारित योग्यताएं रखते हों, तदर्थ आधार पर नियुक्त करने के लिये प्राथमिकता दी जाये बशर्त कि उनके नाम रोजगार कार्यालयों द्वारा sponsor किये गये हों । रोजगार कार्यालयों को मांग पत्र भेजते समय इस निमित्त संकेत दे दिया जाय कि वह उसके अनुसार अपनी सिफारिश भेज सकें ।

भवदीय,

हस्ताक्षर

(ए० सी० अग्रवाल)

उप सचिव, हरियाणा सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सचिव, हरियाणा सरकार श्रम तथा रोजगार विभाग को सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है । उनसे अनुरोध किया जाता है कि राज्य में सभी रोजगार कार्यालयों को कृपया हिदायतें जारी की जायें कि लिपिकों के पद के लिये सिफारिश भेजते समय उन उम्मीदवारों को प्राथमिकता दी जाये जिन्होंने शिक्षा प्रशिक्षण प्राप्त किया हो ।

हस्ता/—

उप सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सचिव, हरियाणा सरकार,

श्रम तथा रोजगार विभाग ।

अज्ञा क्रमांक 7952-5जी:एस:-I 77,

दिनांक, चण्डीगढ़ 16 दिसम्बर, 1977

एक एक प्रति निम्नलिखित को :—

वित्तायुक्त, राजस्व, हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा के सभी विभागाध्यक्ष, आयुक्त, अम्बाला तथा हिसार मण्डल  
तथा सभी जिलों के उपायुक्त ।

रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।

दिनांक चण्डीगढ़, 16 अगस्त, 1978 ।

विषय :— Apprentice Clerk को प्रशिक्षण प्राप्त करने के उपरान्त तदर्थ आधार पर नियुक्त करने में प्राथमिकता देने बारे ।

महोदय,

मुझे निदेश हुआ है कि उपरोक्त विषय पर आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 7952-5 जी:एस-1-77/39316, दिनांक 16 दिसम्बर, 1977 (प्रति संलग्न है) में जारी की गई हिदायतों की ओर दिशाऊं । इन हिदायतों में यह कहा गया था कि Apprentice Clerks को प्रशिक्षण प्राप्त करने के पश्चात हरियाणा राज्य के कार्यालयों में यदि वे विभागीय सेवा नियमों अनुसार लिपिक के पद के लिये निर्धारित योग्यताएं रखते हों, तदर्थ आधार पर नियुक्त करने के लिये प्राथमिकता दी जाए बशर्ते कि उनके नाम रोजगार कार्यालयों द्वारा sponsor किये गए हों । यह भी अनुरोध किया गया था कि रोजगार कार्यालयों को मांग पत्र भेजते समय इस निमित्त संकेत दे दिया जाया करें ताकि वह उसके अनुसार अपनी सिफारिश भेज सकें । यह सरकार के ध्यान में लाया गया है कि विभागों द्वारा सरकार की उपरोक्त हिदायतों अनुसार कार्यवाही नहीं की जा रही है, क्योंकि रोजगार कार्यालयों को मांग पत्र भेजते समय इस निमित्त कोई संकेत नहीं देते । इसलिये आप से यह पुनः अनुरोध किया जाता है कि सरकार की उपरोक्त हिदायतों की दृढ़ता से पालना की जाए ।

भवदीय,

हस्ता/—

उप सचिव, सामान्य प्रशासन  
कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सचिव, हरियाणा सरकार, श्रम तथा रोजगार विभाग को इस विभाग के अशा: क्रमांक 7952-5 जी:एस-1-77, दिनांक, 16 दिसम्बर, 1977 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है । उनसे अनुरोध किया जाता है कि पुनः राज्य में सभी रोजगार कार्यालयों को कृपया पुनः हिदायतें जारी की जायें कि लिपिकों के पद के लिये सिफारिश भेजते समय उन उम्मीदवारों को प्राथमिकता दी जाए जिन्होंने शिक्षा प्रशिक्षण प्राप्त किया हो ।

हस्ता/—

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

सचिव, हरियाणा सरकार,  
श्रम तथा रोजगार विभाग ।

अशा: क्रमांक 34/20/78-जी:एस:-1,

दिनांक, चण्डीगढ़ 16 अगस्त, 1978

एक प्रति निम्नलिखित को :--

1. वित्तायुक्त राजस्व, हरियाणा तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार,

को इस विभाग के अशा: क्रमांक 7952-5 जी: एस:-I-77/दिनांक 16 दिसम्बर, 1977 के संदर्भ में सूचनायें तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

2. उनसे यह अनुरोध किया जाता है कि अपने अधीन सभी निगमों/बोर्डों को कृपया हिदायतें जारी करें कि Apprentice Clerks को प्रशिक्षण प्राप्त करने के पश्चात नियुक्तियों में सरकार के निर्णय अनुसार प्राथमिकता दी जाए।

हस्ता/---

उप सचिव, सामान्य प्रशासन  
द्वारे: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 34/20/78-जी:एस:-I

दिनांक चण्डीगढ़ 16 अगस्त, 1978

एक प्रति निम्नलिखित को सूचनायें भेजी जाती है :--

1. प्रधान सचिव/उपप्रधान सचिव, मुख्य मन्त्री, हरियाणा।
2. सचिव/निजी सचिव अन्य मन्त्रीगण तथा मुख्य संसदीय सचिव, हरियाणा।

हस्ता/---

उप सचिव सामान्य प्रशासन  
द्वारे: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. प्रधान सचिव/उप प्रधान सचिव, मुख्य मन्त्री, हरियाणा।
2. सचिव/निजी सचिव, अन्य मन्त्रीगण तथा मुख्य संसदीय सचिव, हरियाणा।

अशा: क्रमांक 34/20/78-जी:एस:-I

दिनांक, चण्डीगढ़ 16 अगस्त, 1978

क्रमांक 34/20/78-5 जी 0 एस 0-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल तथा सभी जिलों के उपायुक्त ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 17 नवम्बर, 1978

विषय :—Apprentice Clerks की सफलता पूर्वक प्रशिक्षण प्राप्त करने के उपरान्त तदर्थ आधार पर नियुक्त करने में प्राथमिकता देने बारे ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के पत्रों क्रमांक 7952-5 की 0एस 0 I-77/39316, दिनांक 16 दिसम्बर, 1977 तथा क्रमांक 34/20/78 जी 0एस 0-I, दिनांक 16 अगस्त, 1978 में जारी की गई हिदायतों की ओर दिलाऊँ जिन में यह कहा गया था कि Apprentice Clerks को प्रशिक्षण प्राप्त करने के पश्चात् हरियाणा राज्य के कार्यालयों में, यदि वे विभागीय सेवा नियमों अनुसार लिपिक के पद के लिये निर्धारित योग्यताएं रखते हैं, तदर्थ आधार पर नियुक्त करने के लिये प्राथमिकता दी जाए, बशर्ते कि उनके नाम रोजगार कार्यालयों द्वारा sponser किए गए हों । सरकार ने इस मामले पर पुनः ध्यानपूर्वक विचार करके अब यह निर्णय लिया है कि भविष्य में सभी प्रकार के Apprentice जो कि हरियाणा राज्य के विभिन्न विभागों तथा निगमों इत्यादि में Apprentice Act, 1961 के अन्तर्गत निर्धारित अवधि के लिये नियुक्त किये जाते हैं, में सफलतापूर्वक प्रशिक्षण प्राप्त करने के पश्चात् हरियाणा राज्य के सभी विभागों में यदि वे विभागीय सेवानियमों अनुसार उस पद के लिये निर्धारित योग्यताएं रखते हों, तदर्थ आधार पर नियुक्त करने के लिए प्राथमिकता दी जाए, बशर्ते कि उनके नाम विभाग को रोजगार कार्यालयों द्वारा sponser किए गए हों । किसी भी रिक्त पद जो भरने के लिये रोजगार कार्यालयों को मांग पत्र भेजते समय इस बारे संकेत आवश्यक दिया जाया करे ताकि रोजगार कार्यालय उसके अनुसार अपनी सिफारिश भेज सकें ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति सचिव, हरियाणा सरकार, श्रम तथा रोजगार विभाग को इस विभाग के अशा: क्रमांक 34/20/78-जी:एस:-I, दिनांक 16 अगस्त, 1978 के संदर्भ में भेजी जाती है । उनसे अनुरोध किया जाता है कि राज्य में सभी रोजगार कार्यालयों को कृपया हिदायतें जारी की जायें कि किसी भी रिक्त पद के लिये सिफारिश भेजते समय जब उम्मीदवारों को प्राथमिकता दी जाए जिन्होंने सफलतापूर्वक शिक्षु प्रशिक्षण प्राप्त किया हो । इस बारे जारी की गई हिदायतों की एक प्रति इस विभाग को सूचनार्थ भेजी जाए ।

एक-एक प्रति निम्नलिखित को वित्तायुक्त, राजस्व विभाग हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार को इस विभाग के अशा: क्रमांक 34/20/78-जी:एस:-I, दिनांक 16 अगस्त, 1978 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।

Copy of letter No. 2502-G-51/3389 dated the 11th June, 1951 from the Chief Secretary to Government, Punjab to all Heads of Departments etc.

Subject :— Verification of character and antecedents of persons before their first appointment to Government service.

In supersession of Punjab Government Secret endorsement No. 12201-PG-50/9395, dated the 30th October, 1950, on the subject of "Possibility of Muslims who opted finally for Pakistan joining service in the Indian Union under assumed names", I am directed to say that the State Government have had under consideration the question of the verification of the character and antecedents of candidates for appointment in civil posts under the Punjab Government and have decided that the Policy explained below should be adopted.

**2. Determination of suitability of a person for appointment to Government services :-** Every candidate for appointment to a post under the Punjab Government should, before he is appointed—whether in a permanent, temporary capacity, satisfy Government that his character is such as to render him, in all respects, suitable for appointment to the service or post to which he is to be appointed. It will be the responsibility of the appointing authority to satisfy it self on this point before making an appointment. Every case has to be decided on merit but the following principles are of general application and should be observed in determining a person's suitability for appointment :—

- (a) Persons convicted of offences involving moral turpitude or persons who have been dismissed from service by the Central or a State Government should be deemed ineligible for appointment under the Punjab Government.
- (b) While no person should be considered unfit for appointment solely because of his political opinions, care should be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Ordinarily persons who are actively engaged in subversive activities including members of any organisation the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Government. Participation in such activities at any time after attaining the age of 21 years and within 3 years of the date of enquiry should be considered as evidence that the person is still actively engaged in such activities, unless in the interval there is positive evidence of a change of attitude.

**3. Method of verification.** (a) Before a person is appointed in Government Service, whether against a gazetted or a non gazetted appointment, his character and antecedents must be verified by the appointing authority through the Superintendent of Police, or the District Magistrate of the district or locality of which he is a permanent resident. If within three years of the date of enquiry he has resided for more than a year in any other district or locality, a report should also be obtained from the District Magistrate concerned. Cases of complicated nature may, if considered necessary, be referred to the Deputy Inspector-General, Criminal Investigation Department, Punjab, for the verification of the antecedents of the persons concerned.

(b) As regards the verification of class IV Government servants it has been decided to leave the matter at the discretion of the appointing authority. The latter may either dispense with the verification of antecedents of these persons or have them verified as in the case of other Government servants or require the persons concerned to produce a certificate of good character in the enclosed form No. I, from a gazetted officer or a Magistrate. The appointing authority should, however, ensure that no person of an undesirable or questionable character is recruited to a class IV post (e.g. peon, etc.) in a Government office.

**4.** In order, however, to ensure that the policy regarding disqualification of persons for purposes of entry into Government service may be uniform, all cases in which it is proposed to, debar from appointment under Government should be referred to the Administrative Department concerned. The concurrence of the Administrative Department may, however, be assumed in respect of persons coming under paragraph 2(a) above and cases of such persons should not be referred to that Department unless it is proposed to treat the person concerned as eligible for appointment.

**5 Steps to ensure that a person debarred from employment does not secure employment under the State Government :** (1) In order to obviate the necessity for making full enquiries regarding the character and antecedents of undesirable candidates whose character and antecedents have already been verified by a department office, and to prevent a disqualified person from securing employment under the State Government, the department/office concerned should immediately communicate the fact to Government in the political Department giving detailed particulars of the persons concerned in the enclosed form (No. 2). A list of such persons will be maintained by Government and circulated half yearly to all Heads of Departments etc. The Heads of Departments, etc., should, on their part, consult such list each time selections are made in their respective departments in order to preclude the possibility of a disqualified person joining service in any department.

(2) In order to safeguard against the employment under the State Government of a disqualified person all candidates should be required to fill in the enclosed form (No. 3) before their appointment.

## FORM NO. 1

## Character Certificate

Certified that I know Shri \_\_\_\_\_  
son of Shri \_\_\_\_\_ for the last \_\_\_\_\_ years and \_\_\_\_\_  
months and that to the best of my knowledge and belief he bears a reputable character and has good  
antecedents and I consider him suitable in all respects for Government service.

2. Shri \_\_\_\_\_ is \_\_\_\_\_ related to me.  
\_\_\_\_\_ is not

Place \_\_\_\_\_  
Dated the \_\_\_\_\_

(Signature) \_\_\_\_\_  
Designation \_\_\_\_\_

## FORM NO. 2

## Statement showing the names and particulars of persons discharged/dissmised from Government service

S.No.	Name, father's name, caste, religion and residence	Age and date of birth	Description	Post held under Government	Reason for discharge/dissmial with date	Whether debarred from further employment under Government	Remark
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## FORM No. 3

## Verification form for candidates under consideration for appointment to a post under the Punjab Government

I, \_\_\_\_\_, a candidate for appointment to \_\_\_\_\_, hereby certify that my answers to the following questions are correct :—

(a) Have you previously been employed by the Central or a State Government.

\*No

Yes

Department or office in which previously employed	Designation of appointment	Reason for termination of appointment
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(b) Have you previously applied without success for an appointment under the Central or a State Government ?

\*No

Yes

Department or office in which an appointment was sought	Designation of appointment applied for
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I understand that if the above statement is false in any material respect my appointment is liable to be terminated.

Sd/ \_\_\_\_\_  
Date \_\_\_\_\_

\*Strike out whichever is not applicable.

Copy of Circular letter No. 9074-ASII-61/45279, dated the 28th December, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

**Subject :—Verification of character and antecedents of persons before their first appointment to Government service.**

I am directed to invite a reference to the instructions contained in Punjab Government letter No. 2502-G-51/3389, dated the 11th June, 1951, on the subject noted above. Government have been considering the question of determining the suitability of such persons for appointment to Government service who are reported to have indulged in anti-social vices including communalism and acts of violence. It has been decided that normally such persons should not be taken into Government service. Each case should, however, be examined and decided on its merits before taking a final decision. The Home Department will refer to the Chief Secretary for overall policy guidance. These instructions may be brought to the notice of all concerned for information and guidance.

2. The receipt of this communication may please be acknowledged.

No. 1387-5S-68/9115

The Chief Secretary to Government, Haryana.

To

All Heads of Departments,  
Registrar, High Court of Punjab and Haryana,  
Commissioner of Ambala Division,  
All District Magistrates and  
District and Sessions Judges in Haryana.

Dated Chandigarh, the 16th April, 1968.

**Subject :—Verification of character and antecedents of candidates for appointment to posts under the Central Government.**

Sir,

I am directed to invite a reference to the composite Punjab Government endorsement No. 9155-ASII-63/2366 dated the 31st January, 1964 on the subject noted above, and to forward herewith a copy of Government of India, Ministry of Home affairs' letter No. 3 (15) (S)/65-Ests. (B) dated the 8th March, 1968 for information and compliance.

Yours faithfully,

Sd/-

Section Officer (Services),

for Chief Secretary to Government, Haryana.

A copy, with a copy of the enclosure, is forwarded to the Financial Commissioners and the Administrative Secretaries to Government, Haryana, for information, in continuation of composite Punjab Government endorsement No. 9155-ASII-63/2366-67 dated the 31st January, 1964.

**\*SECRET\***

Copy of letter No. 3 (15) (S)/65-Ests. (B), dated the 8th March, 1968, from the Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi, to the Chief Secretaries of all State Governments; Administrations/Governments in the Union Territories.

*Subject* :--Verification of character and antecedents of candidates for appointment to posts under the Central Government,

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I am directed to refer to this Ministry's letter No. F. 56 (50/54-Ests. (B) dated the 25th September, 1954, modifying the procedure followed for the verification of character and antecedents candidates for employment under the Government of India to eliminate the requirement of interrogation of the candidates or other persons in his locality for the purpose of establishing his identity and verifying the particulars furnished by him and to say that the Government of India have reviewed the position. They consider that it is essential that the identity of candidates being considered for appointment under the Central Government should be clearly established, in order to avoid cases of impersonation and entry of unsuitable persons. With this purpose in view, candidates for employment under the Government of India, have been required to attach their photographs to the attestation form. It is requested that instructions may be issued to the District authorities to make local inquiries to establish the candidate's identity, that is, whether the candidate is, in fact, the person he claims to be, whenever requests to this effect are made by the appointing authorities concerned, while sending the attestation form of the candidates for verification of character and antecedents. The District authorities may also be requested to furnish a certificate while returning the attestation form to the appointing authorities to the effect that the candidate's identity has been established.

2. I am to add that in the case of appointments to posts under the Government of India where the Ministries/Departments specifically ask for local field inquiries to be conducted, the same should be conducted by responsible officers as already requested in this Ministry's letter No. 8/3 (S)/62-Ests. (B) dated the 4th October, 1963. The Ministries/Departments under the Government of India have been instructed to make a specific request to the District Authorities to this effect, while sending the attestation forms for verification of character and antecedents of candidates who are considered for appointment to posts where such enquiries are considered by them to be necessary. I am to request that the District authorities may be informed of the position and instructed to conduct field inquiries whenever requests to this effect are received from the appointing authorities along with the request for verification of character and antecedents.

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No. 566-S-69/

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments, Registrar  
High Court of Punjab and Haryana,  
Commissioner of Ambala Division,  
All Deputy Commissioners and  
District and Sessions Judges in Haryana.

Dated Chandigarh, the 7th February, 1969.

**Subject :—Verification of Character and antecedents of candidates selected for appointment to civil posts under Government of India.**

Sir,

Government of India's letter No. 3/8 (S)/67-Ests. (B) dated 27-9-1967 with enclosure. I am directed to enclose a copy of the marginally noted communication on the subject noted above, issued by the Government of India, Ministry of Home Affairs, for information, guidance and strict compliance.

2. I am also directed to invite a reference to para 2 (b) of the composite Punjab Government circular letter No. 2502-G-51/3389 dated the 11-6-1951, on the subject of "verification of character and antecedents of persons before their first appointment to Government service" and to say that the State Government have decided that the procedure adopted by the Government of India, as indicated in their communication referred to above, should be observed for candidates seeking employment under the State Government as well. These instructions may, therefore, please be followed in the case of appointments to posts under the Haryana Government also.

Yours faithfully,

Sd/-

Assistant Secretary (Administration),  
for Chief Secretary to Government, Haryana.

A copy, each with copies of enclosure, is forwarded to the Financial Commissioner, Revenue, Haryana and the Administrative Secretaries to Government, Haryana, for information and guidance.

Copy of O. M. No. 3/8 (S)/67-Ests. (B), dated the 27th September, 1967 from the Deputy Secretary to Government of India, Ministry of Home Affairs, New Delhi-11 to all Ministers/Departments of Government of India etc.

OFFICE MEMORANDUM

**Subject :—**Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India Review of the procedure and revision of instructions regarding

Attention is invited to the instructions contained in Home Department's O. M. No. 20/58/45-Ests. (S), dated 7th February, 1947, which lay down some of the Principles behind the practice of verification of character and antecedents of candidates selected for appointment under the Government of India. Certain apprehensions have been expressed regarding the interpretation of the criteria laid down in para 2 (b) of this O. M. and it has been represented that candidates might be discriminated against on the basis of their political opinions or affiliations. Government's policy has been that no person should be considered unfit for appointment solely because of his political opinions but care has to be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Ordinarily, persons who are actively engaged in subversive activities including members of any organisation, the avowed object of which is to change the existing order of society by violent means should be considered unfit for appointment under Government. In amplification of this criterion, it is hereby further clarified that an individual may be considered unsuitable for public employment only on the ground of his actual participation in or association with any objectionable activity or programme. Specifically, the following shall be considered undesirable for employment in civil posts in the public services ;—

- (a) those who are, or have been, members of, or associated with, any body or association declared unlawful after it was so declared or,
- (b) those who have participated in, or associated with, any activity or programme :—
  - (i) aimed at the subversion of the Constitution,
  - (ii) aimed at the organised breach or defiance of the law involving violence,
  - (iii) prejudicial to the interests of the sovereignty and integrity of India or the security of the State, or
  - (iv) which promotes on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people.

Participation in such activities at any time after attaining the age of 21 years and within three years of date of enquiry should be considered as evidence that the person is still actively engaged in such activities unless in the interval there is positive evidence of a change of attitude.

The competent authorities who make enquiries into the character and antecedents of candidates are being requested to specifically cover the above points in their report on the character and antecedents of candidate.

2. All Ministers are requested to bring the above instructions to the notice of all Heads of Departments/offices under their control including the quasi-Government Organisations, Public undertakings, Autonomous Bodies, etc., where the scheme of verification has been extended, and instruct all the appointing authorities to observe the above principles for the future. Cases decided in the past need not be reopened.

क्रमांक 1454-5 से-69/5803

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा के सभी विभाग अध्यक्ष, अम्बाला मण्डल के आयुक्त, तथा उप-आयुक्त।
2. रजिस्ट्रार, मुख्य न्यायालय, पंजाब तथा हरियाणा, एवं जिला और सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 28 मार्च, 1969

विषय :—सरकारी कर्मचारियों की सेवा में नियुक्ति से पहले उनके चरित्र तथा पूर्ववृत्त के सत्यापन के बारे में।

श्रीमान्

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर उत्तर प्रदेश सरकार के गोपनीय पत्र क्रमांक 4694(1)/11 बी-321/1947 दिनांक 6-6-1958 तथा इसके अनुलग्नकों की एक प्रति आपको एक बार फिर अग्रेषित करूँ और यह प्रार्थना करूँ कि भविष्य में उन प्राथियों के, जिन का घर उत्तर प्रदेश में है, चरित्र तथा पूर्ववृत्त का सत्यापन करते समय इन हिदायतों का पूर्णतया पालन किया जाए।

भवदीय,

हस्ता/-

सहायक सचिव, प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति सहपत्रों सहित, सूचना तथा आवश्यक कार्यवाही के लिए वित्तायुक्त एवं राजस्व सचिव, हरियाणा सभी प्रशासन सचिव, हरियाणा सरकार को भेजी जाती है।

Copy of Secret letter No. 4694(1)/IIB-321/1947 dated 6-6-1958 from the Chief Secretary to Govt., Uttar Pradesh to the Chief Secretaries to Governments of all States and Centrally Administered Areas.

Subject :—Verification of the character and antecedents of government servants before their first appointment.

Appointmet (B) Department. I am directed to say that references regarding varification of character and antecedents of candidates residing in Uttar Pradesh and selected for Government services under other State Governments/Administerations were, hitherto, made to the District Magistrate of the district of which the candidate happened to be a permanent resident, who after making necessary enquiries used to submit his report to the appointing authority. The procedure for verification of charactor and antecedents of candidates selected for service under this State Government has now been revised and a copy of circular No. 4694/IIB-321/1947, dated April 28, 1958 is enclosed herewith for the information of your Government. In the revised instructions. Government servents have been classified into several categories and different procedure for varification has been laid down for each category. The State Government have further decided that varification of character and antecedents of recruits to the services of other Stategovernments and Administrations from this State also will, henceforth, be done according to the procedure adopted in the case of recruits to different categories of services under this State Government. I am, therefore, to requested that these instructions may kindly be brought to the notice of all appointing authorities in your State and they may be advised to make future references in accordance with these instructions to the appropriate authorities in this State for verification of character and antecedents of the recruits to their services who have their homes in Uttar Pradesh.

Copy of Secret letter No. 4694/IIB-321-1947 dated April 28, 1958 from Mukhya Sachiva, Uttar Pradesh, Shasan to (1) All Heads of Departments and Principal Heads of Offices, Uttar Pradesh (2) All Commissioners of Divisions, Uttar Pradesh (3) All District Officers, Uttar Pradesh.

**Subject:—Verification of the character and antecedents of government servants before their first appointment.**

Appointment (B) Deptt. I am directed to refer to Appointment (B) Department secret G. O. No. 2712/IIB-321-1947, dated November 9th, 1953, in which detailed instructions were issued regarding the method of verifications of character and antecedents of candidates for appointment under the State Government, these instructions were later on revised in this Department Secret G. O. No. 4637/IIB-321-47, dated December 4, 1957. It has been noticed that difficulty is being experienced by some appointing authorities in correctly interpreting the instructions issued in the Government Order, dated December 4, 1957. It has also been found that these instructions are not fully comprehensive to cover all the cases. The Governor has therefore been pleased to lay down the following instructions in supersession of all the previous orders on the subject.

2. The rule regarding character of candidates for appointment under the State Government shall continue to be as follows :—

“The character of a candidate for direct appointment must be such as to render him suitable in all respects for employment in the Service for post to which he is to be appointed. It would be the duty of the appointing authority to satisfy itself on this point.

*Note:—* (a) A conviction need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has as its object the overthrow by violent means of Government as by law established in free India the mere conviction need not be regarded as disqualification. \*(Conviction of a person during his childhood should not necessarily operate as a bar to his entering Government service. The entire circumstances in which his conviction was recorded as well as the circumstance in which he is now placed should be taken into consideration. If he has completely reformed himself on attaining the age of understanding and discretion, mere conviction in childhood should not operate as a bar to his entering Government service).

(b) While no person should be considered unfit for appointment solely because of his political opinions, care should be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Ordinarily, persons who are actively engaged in subversive activities including members of any organization the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Government. Participation in such activities at any time after attaining the age of 21 years and within three years of the date of enquiry should be considered as evidence that the person is still actively engaged in such activities unless in the interval there is positive evidence of a change of attitude.

(c) Persons dismissed by the Central Government or by a State Government will also be deemed to be unfit for appointment to any service under this Government.

3. (a) Every direct recruit to any service under the Uttar Pradesh Government will be required to produce :

(i) A certificate of conduct and character from the head of the educational institution where he last studies (if he went to such an Institution).

(ii) Certificates of character from two persons. The appointing authority will lay down requirements as to kind of persons from whom it desires these certificates.

(b) In case of doubt, the appointing authority may either ask for further references, or may refer the case to the District Magistrate concerned. The District Magistrate may then make such further enquiries as he considers necessary.

\*(c) In the case of direct recruits to the State Services under the Uttar Pradesh Government besides requiring the candidates to submit the certificates mentioned in a paragraph 3(a)

above the appointing authority shall refer all cases simultaneously to the Deputy Inspector General of Police, Intelligence and the District Magistrate \*\* (of the home district and of the district(s) where the candidate has resided for more than a year within five years of the date of the inquiry), giving full particulars about the candidate. The District Magistrate shall get the reports in respect of the candidates from the Superintendent of Police who will consult District Police Records and records of the Local Intelligence Unit. The District Police or the District Intelligence Unit shall not make any enquiries on the spot, but shall report from their records whether there is anything against the candidate, but if in any specific case the District Magistrate, at the instance of the appointing authority asks for an enquiry on the spot, the local Police or the Local Intelligence Units will do so and report the result to him. The District Magistrate shall then report his own views to the appointing authority. Where the District Police or the Local Intelligence Units report adversely about a candidate, the District Magistrate may give the candidate a hearing before sending his report.

- (d) In the case of direct recruits (who are lower in rank than that of a State Service Officer) of :—
- (i) the police \*(including ministerial staff of Police Offices)
  - (ii) the Secretariat.
  - (iii) the staff employed in government factories.
  - (iv) power houses and dams,

besides requiring the candidates to submit the certificates mentioned in paragraph 3(a) above, the appointing authorities shall refer all cases simultaneously to the Deputy Inspector General, C. I. D. and the District Superintendent of Police \*\* (of the home district and of the district(s) where the candidate has resided for more than a year within five years of the date of the inquiry), giving full particulars about the candidate. The Superintendent of Police will send his report direct to the appointing authority if there is nothing adverse against the candidate. In cases where the report is unfavourable the Superintendent of Police will forward it to the Distt. Magistrate who will send for the candidate concern, give him a hearing and then form his own opinion. All the necessary papers (the Superintendent of Police's report, the candidate's statement and the District Magistrate's finding) will thereafter be sent to the appointing authority.

4. It will be seen that in case of direct recruits to services other than those mentioned in paragraphs 3(c) and 3(d) above, verification shall not be necessary as a matter of routine except in cases of doubt when the procedure mentioned in paragraph 3(b) shall be followed.

5. In the case of candidate for services mentioned in paragraphs 3(c) and 3(d) above :

- (i) If at the time of enquiry the candidate is residing in a locality situated outside Uttar Pradesh or if he has resided in such a locality at any time within five years of the date of enquiry for a period of one year or more it shall be the duty of the Deputy Inspector General, C. I. D. to consult also the C. I. D. of the State concerned in which the locality is situated before making his verification report;
- (ii) If the candidate was residing before partition in an area now comprising Pakistan the Deputy Inspector General C. I. D. shall also make a reference to the Director of Intelligence Bureau, Ministry of Home Affairs, Government of India, in addition to the usual enquiries as indicated above.

6. It has also been observed that where the District Magistrate are required to send the attestation forms they sometimes do not sign the forms themselves. Government consider it very desirable that the attestation forms should invariably be signed by the District Magistrate themselves in all such cases.

7. Other State Governments and Administrations are being informed separately that the verification of character and 'antecedents of recruits to their services from this State will henceforth be done according to the procedure adopt in the case of recruits to different categories of services under this State Government.

8. In order to prevent a candidate, who has been disqualified for Government Employment from securing employment in a Subordinate or inferior service other than those mentioned in paragraph 3(d), every person recruited to these services should be required at the time of joining his appointment to fill up the form appended as Annexure III to this letter. If he is found to have made a false statement in this connection, he should be discharged forthwith, without prejudice to any other action that may be considered necessary.

9. All questions arising from these orders shall be referred to Government in the Appointment (B) Department for decision.

10. A form each of (i) Particulars about the candidate, (ii) Character Certificate and (iii) Statement of candidates to be used by the enquiring officers is annexed to this letter.

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Copy of Enlist. No 4694(1)/IIB-321-1947 of even date made by the same officer.

Copy forwarded for information and necessary action to :—

all Departments of the Secretariat,

the Deputy Inspector General of Police, C.I.D., Uttar Pradesh, Allahabad.

the Secretary, Public Service Commission, Uttar Pradesh, Allahabad.

the Secretary to the Governor; and

the Registrar, High Court of Judicature at Allahabad.

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## ANNEXURE I

## Attestation Form\*

## Warning

(1) The furnishing of false information or suppression of any factual information in this form would be a disqualification, and is likely to render the candidate unfit for employment under the Government.

(2) If detained, convicted, debarred etc. subsequent to the completion and submission of this form, the details should be communicated to the U. P. Public Service Commission, failing which it will be deemed to be a suppression of factual information :

1. Name in full with aliases, if any \_\_\_\_\_

2. Father's Name in full with aliases, if any, and designation of service, if any \_\_\_\_\_

3. Nationality of :

Father \_\_\_\_\_

Mother \_\_\_\_\_

Husband \_\_\_\_\_

Wife \_\_\_\_\_

Place of birth of :

Husband \_\_\_\_\_

Wife \_\_\_\_\_

4. Home address in full :

(i.e. Village, Thana and District/Road, Street or Lane with House No.)

\_\_\_\_\_

\_\_\_\_\_

If originally a resident of Pakistan, the address in that Country and the date of migration to India should be stated here.

\_\_\_\_\_

5. Present address in full \_\_\_\_\_

6. Addresses during the preceding five years \_\_\_\_\_

7. Age and date of birth (if the candidate is a matriculate, his age at matriculation should be noted) \_\_\_\_\_

8. Educational qualifications showing places of education with years in schools and colleges since the 15th year of the candidate \_\_\_\_\_

Name of the School/ College with full address	Date of entry	Date of leaving	Examination passed
_____	_____	_____	_____

9. Offices or firms with full description and addresses where the candidate previously worked and where he is working at present, if any

Designation of the post held or description of work	Period		Full address of the office, firm or institution.	Full reasons for leaving the previous service.
	From	To		

10. Names of two responsible persons in the locality or two referees to whom the candidate is known

11. (a) Have you ever been arrested, prosecuted, kept in detention, or bound down, fined, convicted by a court of law for any offence or debarred/disqualified by any public Service Commission from appearing at the examination/Selections, or debarred from taking any examination rusticated by any other educational authority/Institution ?

(b) Is any case pending against you in any court of law, University or any other educational authority/Institution at the time of filling up this attestation form ?

If the answer to (a) or (b) is "yes" full particulars of the case, arrest, detention, fine, conviction, sentence, etc., and the nature of the case pending in the Court/University/Educational authority, etc. at the time of filling up this form, should be given

(Please also see the 'warning' at the top of the attestation form)

(Certificate to be signed by the candidate)

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Date

Signature of Candidate

Place

\*Substituted by G. O. No. 11/3/66 Appointment (B), dated may 31, 1967.



## ANNEXURE III

FORM OF STATEMENT OF CANDIDATES UNDER CONSIDERATION FOR APPOINTMENT  
TO A SUBORDINATE SERVICE UNDER GOVERNMENT.

I, \_\_\_\_\_ a candidate for appointment to \_\_\_\_\_  
\_\_\_\_\_ hereby certify that my answers to the following  
questions are correct.

(a) Have you previously been employed by the Central or a State Government ?

\*No

— See below :

\*Yes

Department or office in which previously employed	Designation of appointment	Reasons for termination of appointment.
--	----------------------------------	--

(b) Have you previously applied with success for an appointment under the Central or a  
State Government ?

\*No

— See below :

\*Yes

Department or office in which an appointment was sought	Designation of appointment applied for
--	---

I understand that if the above statement is false in any material respect my appointment is  
liable to be terminated without notice, and without my being entitled to claim any compensation and  
without prejudice to any other action that may be considered necessary by competent authority.

Date

Signature of candidate.

\*Strike out which ever is not applicable.

No. 1824-S-69/9201

From

The Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments; Commissioner, Ambala Division; and all Deputy Commissioners in Haryana.
- (ii) The Registrar High Court of Haryana and Punjab and all District & Sessions Judges in Haryana.

Dated Chandigarh the 22nd May, 1969.

**Subject :—**Procedure regarding the verification of character antecedents of persons recommended by the Haryana Public Service Commission for appointment to Government Service.

Sir,

I am directed to invite reference to the instructions issued by the composite Punjab Government about the procedure to be adopted for the verification of character and antecedents of persons prior to their first appointment to Government service. According to these instructions it is necessary that, before a person is appointed to Government service, his character and antecedents should be verified by the appointing authority through the District Magistrate of the district of which he is a permanent resident. Moreover, the District Magistrate is required, before making his report, to consult the Superintendent of Police and also the Deputy Inspector General of Police, Criminal Investigation Department.

2. The present procedure is that the Public Service Commission forwards to the appointing authority the list of the candidates recommended by it for appointment. On receipt of this list, the appointing authority addresses the successful candidates, requiring them inter alia to fill in and return the attestation forms. These forms are then forwarded by the appointing authority to the District Magistrate concerned who, after consulting the Superintendent of Police and the D.I.G. (CID), makes a report to the appointing authority about the suitability of the candidates. The instructions are that the District Magistrate should send this report within a period of one month, but ordinarily about three months are taken, and as the candidates cannot be appointed until the reports are received heavy delay occurs in their appointment.

3. In order to avoid such delay which for obvious reasons causes difficulty and is undesirable it has been decided that the procedure set out below, should be adopted in this respect :—

- (i) Two copies of the attestation form should be attached to the application form itself and all candidates should be required to fill in this form also when they make their applications.
- (ii) At the top of the attestation form, the words "Confidential" and "Date Bound" should be printed in red ink.
- (iii) The Commission should check up specifically whether the candidate has given the name of the Police Station in which his home is located in column 2 of the attestation form.
- (iv) The Commission should forward the application form including the attestation forms to the Departments concerned along with its recommendations.

If the candidate recommended is finally selected the Department should, besides completing the other formalities regarding medical test etc., address the District Magistrate concerned simultaneously for the verification of his character and antecedents. This letter should specifically mention the name, parentage and complete address of the candidate. A copy of the communication addressed to the District Magistrate, should be endorsed to the Superintendent of Police concerned and to the D.I.G. (CID) Haryana along with a copy each of the attestation form, and it should be requested that their verification reports should be sent to the District Magistrate according to the time schedule laid down in para 4 below. When subsequently the verification reports are forwarded to the District Magistrate, a copy of the covering letter should also be endorsed to the Department concerned. On receipt of the reports from the Superintendent

of Police/the D.I.G. (CID) Haryana, the District Magistrate should pass them on to the Department adding therein his own comments, if any, within a maximum period of 4 days. If the reports of Superintendent of Police/D.I.G. (CID) are not received within the prescribed period. The District Magistrate should pursue the matter with them. Moreover, while these reports are awaited, the District Magistrate may make his own independent inquiries in the matter, if he is so desires.

4. It may be noted that time to be taken at the various stages will be as given below and it should be ensured that the schedule is adhered to strictly :—

(1) Transit from the Head of the Department to the office of the D.M., the S.P. and the D.I.G. (CID).	....2 days.	
(2) Transit to the branches concerned of these offices.	....1 day.	
(3) (a) (For office of the D.M. only). Time allowed for independent enquiries, if necessary, by the D.M.	....9 days.	
(b) (For office of the DIG(CID) only. Time allowed for verification and for report reaching the D.M.'s office.	....9 days.	
(c) (i) (For office of S.P. only). Time allowed for despatch of the attestation form to S.H.O.(s) concerned.	....2 days.	} 20 days.
(ii) Time allowed to S.H.O.(s) for verification and for report reaching the S.P.'s office.	....15 days.	
(iii) Time allowed for the S.P.'s final report reaching the D.M.'s office.	....3 days.	
(4) Transit to the branch concerned in the D.M.'s Office.	....1 day.	
(5) Time allowed for the final reply of the District Magistrate reaching the Department concerned.	.....3 days.	
(6) Transit to Head of Department.	.....2 days.	
	<b>Total time</b>	<b>29 days.</b>

5. In case the Head of Department concerned does not receive the verification report from the District Magistrate within a period of one month, he should send him a reminder endorsing a copy thereof to the Commissioner, Ambala Division. Furthermore, in order to avoid the loss of attestation forms in transit, these forms should be sent under registered cover.

6. The Commissioner, Ambala Division and the D.I.G. of Police, Ambala range, are also requested to check up such cases at the time of inspection of the offices of the District Magistrates and the Superintendents of Police respectively, and to ensure that these are disposed of expeditiously and without delay.

7. Attention may also be invited to the instructions contained in paragraph 2 of Government of India, Ministry of Home Affairs' letter No. F. S. 3/6/60-B dated the 17.5.1960 circulated vide composite Punjab Government circular Memorandum No. 12861-12939/VDSB/MY dated the 9.6.1960, which instructions require that the verification should not be made by S.P./DIG(CID) direct and the District Magistrate should be the authority to consolidate the reports, and make independent enquiries and add his comments, if necessary. This is provided for in the present procedure according to which the Superintendent of Police and the DIG(CID) are required to forward their reports through the District Magistrate.

Yours faithfully,

Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to :—

- (i) The financial Commissioner (Revenue), Haryana;
- (ii) All Administrative Secretaries to Government, Haryana, for information,

प्रतिलिपि क्रमांक 4848-एस:-72/दिनांक 18 जुलाई, 1972, मुख्य सचिव, हरियाणा सरकार द्वारा सभी विभागाध्यक्ष, आयुक्त, अम्बाला मंडल, तथा राज्य के सभी उपायुक्त तथा रजिस्ट्रार पंजाब व हरियाणा उच्च न्यायालय तथा हरियाणा राज्य के सभी जिला एवं न्यायाधीश को सम्बोधित है।

**विषय:—**हरियाणा लोक सेवा आयोग/अधीनस्थ सेवाएं प्रवरण मण्डल द्वारा सरकारी सेवा में नियुक्ति के लिए संस्तुत किये गये व्यक्तियों के चरित्र तथा पूर्ववृत्त के सत्यापन के बारे में क्रियाविधि।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 1824-एस-69/0201, दिनांक 22-5-69 की ओर आकर्षित करूँ जिसमें व्यक्तियों की सरकारी सेवा में प्राथमिक नियुक्ति से पहले उनके चरित्र तथा पूर्ववृत्त के सत्यापन के बारे में क्रियाविधि निर्धारित की गई है और यह कहें कि सरकार के ध्यान में यह बात लाई गई है कि कई बार लोक सेवा आयोग/अधीनस्थ सेवाएं प्रवरण मंडल द्वारा विभिन्न सेवाओं/पदों के लिए ऐसे व्यक्तियों की भी संस्तुति की जाती है जो कि पहले ही हरियाणा सरकार या केन्द्रीय सरकार या अन्य राज्य सरकारों के सेवाधीन होते हैं। राज्य सरकार ने निर्णय किया है कि ऐसे व्यक्तियों के चरित्र तथा पूर्ववृत्त के सत्यापन के लिये जिलाधीश को रैफ़रेंस करने की आवश्यकता नहीं और ऐसे व्यक्तियों की नियुक्ति के सिलसिले में उनके पिछले नियोक्ताओं से निम्नलिखित सूचना मांग ली जाया करे और इसके बाद उचित निर्णय ले लिया जाया करे कि क्या सत्यापन कराने की आवश्यकता है या नहीं।

1. आया कि उनके विभाग में उक्त व्यक्ति की नियुक्ति के समय उसके चरित्र तथा पूर्ववृत्त का सत्यापन कराया गया था।
2. आया कि उनके विभाग में काम करते समय उक्त व्यक्ति का पूर्ववृत्त इत्यादि संतोषजनक रहा। यदि उसके विरुद्ध कोई आपत्तिजनक बात उदाहरणतयः मुअ्तली, जांच आदि है जो कि उसे नये पद पर नियुक्ति के अयोग्य बनाती है तो उसका ब्यौरा दिया जाए।

ऐसे सभी उम्मीदवार, पूर्व की भांति, आवेदन पत्र फार्म में संलग्न सत्यापन फार्म की दोनों प्रतियां भरेंगे और उसके पिछले नियोक्ताओं से उपरोक्त सूचना मंगवाते समय उक्त सत्यापन फार्म उन्हें इस प्रार्थना के साथ भेज दिया जाया करे कि वह अपने उत्तर के साथ इसे वापिस कर दें।

2. अनुरोध है कि इन अनुदेशों की सभी सम्बन्धित अधिकारियों को अनुपालन के लिये ध्यान में ला दिया जाए।

(केवल निदेशक, अनुसूचित जातियां तथा पिछड़े वर्ग कल्याण विभाग, हरियाणा के लिए)

इससे उनके यादी क्रमांक स 1/5872 दिनांक 25-4-72 का निपटान हो जाता है।

No. 2087-7-S-75/9680

From

Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments in Haryana, Commissioners Ambala & Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers,
- (2) Registrar, Punjab and Haryana High Court, Chandigarh and All District & Sessions Judges in Haryana.

Dated Chandigarh, the 16th April, 1975.

**Subject :** Verification of character and antecedents of persons before their first appointment to Government service.

Sir,

I am directed to invite your attention to the references quoted in the margin (copies enclosed) on the subject noted above and to say that it has come to the notice of the Government that instructions on the subject are not being followed by some departments. In many cases, the character and antecedents of persons appointed to Government service are not verified at all and in many other cases such verification is made after a person has been appointed. In the instructions referred to above, it has been made clear that such verification has to be made before a person is appointed to Government service. (Composite Punjab Govt.'s letter No. 2502-G-51/3389 dated 11.6.1951 Haryana Govt.'s letter No. 566 S-69, dt. 7.2.69. Govt. of India letter No. 3/8(S)67,-Ests. (B) dated 27th Sept., 1967. Haryana Govt.'s letter No. 1824-S-69/9201 dt. 22nd May, 1969.

2. I am to request you to ensure that Government instructions on the subject are strictly complied with by all concerned. Any lapses which come to the notice of the Government will be viewed seriously.

Yours faithfully,

Sd/-

Chief Secretary to Government, Haryana.

A copy alongwith the enclosures, is forwarded for information and necessary action to :-

Financial Commissioner,

All Administrative Secretaries to Government, Haryana.

क्रमांक 9393-7 एस-75/37726

प्रषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) सभी विभागाध्यक्ष, आयुक्त अम्बाला व हिसार मंडल,  
सभी उपायुक्त तथा उप-मण्डल अधिकारी, हरियाणा ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट तथा जिला  
एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक, चण्डीगढ़ 24 दिसम्बर, 1975

विषय :— तदर्थ आधार पर भर्ती किये जाने वाले कर्मचारियों के चरित्र एवं पूर्ववृत्त का सत्यापन ।

भहोदय,

उपरोक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 2087-7एस-75/9680, दिनांक 16-4-1975 के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि हरियाणा सरकार के कुछ विभागों द्वारा यह क्लैरिफिकेशन (clarification) मांगी गई है कि क्या उपरोक्त परिपत्र द्वारा जारी की गई हिदायतों में तदर्थ आधार पर नियुक्त किये गये कर्मचारियों/अधिकारियों को भी लागू होती है। इस संबंध में सरकार द्वारा विचार किया गया है और निर्णय किया गया है कि भारत सरकार के परिपत्र क्रमांक 56/39/54 स्था (बी), दिनांक 12-2-1955 (प्रति संलग्न है) द्वारा जारी की गई हिदायतें राज्य सरकार द्वारा भी कार्यान्वित की जायें और भविष्य में तदर्थ आधार पर भी नियुक्तियां संबंधित कर्मचारियों/अधिकारियों के चरित्र एवं पूर्ववृत्त के सत्यापन के पश्चात् ही की जाया करें और जो कर्मचारी/अधिकारी इस समय तदर्थ आधार पर कार्य कर रहे हैं उनके चरित्र एवं पूर्ववृत्त का सत्यापन तत्काल करवाया जाये तथा यदि किसी कर्मचारी/अधिकारी के antecedents को ठीक नहीं पाया जाता है तो उसको नियुक्ति की शर्तों के अनुसार तुरंत ही यदि आवश्यक हो एक मास का वेतन देकर भार-मुक्त कर दिया जाये ।

2. इस संबंध में यह भी वर्णन किया जाता है कि यदि किसी कर्मचारी/अधिकारी की सेवाएं पुलिस द्वारा प्रतिकूल रिपोर्ट प्राप्त होने के फलस्वरूप समाप्त की जानी आवश्यक हों पुलिस की रिपोर्ट के तथ्यों से संबंधित कर्मचारी/अधिकारी को किसी भी सूरत में अवगत नहीं किया जाना चाहिए और पुलिस द्वारा प्राप्त हुई रिपोर्ट को गोपनीय ही रखा जाये ।

3. अनुरोध है कि कृपया यह भी सुनिश्चित किया जाये कि सरकार की उपरोक्त हिदायतों का दृढ़ता से पालन हो ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

Copy of office Memorandum No. 56/39/54-Ests. (B), dated 12th February, 1955, from Government of India Ministry of Home Affairs, New Delhi, to all Ministeries etc.

**Subject :—Verification of character antecedents of those appointed to Central posts and Services—Procedure to be followed in emergent cases.**

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In this Ministry's office Memorandum No. 56/50/54-Ests.(B), dated the 25th September, 1954, it was reiterated that in cases where the requirement of verification had been prescribed, no appointment should be made except after the character and antecedents of the candidate had been verified and offers of appointments or provisional appointments subject to verification of character and antecedents should not be made.

It has been presented that in certain cases, where for example the appointment is itself likely to last for 2 or 3 months only, the public interest and practical considerations make it essential to appoint the candidate forthwith and that in such cases deferment of the appointment till the candidate has been verified would not be desirable. The matter has been carefully considered and this Ministry are of the view that while prior verification, when required, should be the normal rule, even if it involves a certain amount of inevitable delay, in exceptional cases only the Ministries concerned may make appointments on a purely provisional basis and simultaneously take steps to verify them. If the result of the verification is adverse to the candidate his services should be terminated on the grant of a month's pay and allowances in lieu of notice. No such appointment should be made even on probation against a permanent or long-term vacancy.

2. In cases where it may become necessary to terminate the services on account of adverse report, the fact that action is being taken on the results of a police report should not be divulged to the employee, nor should the nature or substance of the reports received from the police be communicated under any circumstances to the employee.

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Copy of letter No. 7473-7S-75/14433 dated 8th June, 1976 from the Chief Secretary to Government Haryana, Chandigarh, addressed to all Heads of Departments in Haryana. Commissioner, Ambala & Hissar Divisions, all Deputy Commissioners, D.I.G. (CID), & Sub Divisional Officer, and extra.

**Subject :—**Verification of Character & Antecedents of persons before their first appointment to Government service.

I am directed to invite reference to Haryana Government letters No. 2087-7S-75/9680, dated 16.4.75 and No. 9393-7S-75/37226, dated 24.12.1975 on the subject cited above and to forward herewith the following to communications received from the Department of Personnel & Administrative Reforms, Government of India, New Delhi :—

- (a) Letter No. 18011/1 (S)/75Estt. (B) dated 1-8-75
- (b) O. M. No. 18011/1(S)/75-Estt (B) dated 1.8.75

2. It has been decided that the instructions contained in the above two references should be strictly followed in respect of candidates seeking employment under the State Government as well.

3. Your attention is particularly invited to the following points in the instructions :—

- (a) Normally, as a rule, all appointments should be made only after the character and antecedents of the person to be appointed have been verified but if a candidate is appointed under exceptional circumstances without prior verification of character etc. then no indication (either orally or in writing) should be given to the candidate that his appointment or retention in service is subject to satisfactory verification.
- (b) Appointments made, if any, under exceptional circumstances, without, prior verification of the character etc. shall be on a purely provisional basis.
- (c) If under exceptional circumstances as mentioned in sub-para (a) above, an appointment is made without verification of character and antecedents, then simultaneously with the appointment, necessary steps should be taken to have the character and antecedents verified and should it become necessary to terminate the services on account of adverse reports received subsequent to the appointment, the fact that action is being taken on the result of a false report should not be divulged to the employee nor should be the nature or substance of the report received from the police be communicated under any circumstances to the employees.
- (d) Reference to the District Magistrate/D.I.G., C.I.D. for verification of character and antecedents should be in the standard form as prescribed by the Government of India and annexed to O. M. dated 1-8-75 referred to above.
- (e) In order that proper identity of the candidate is established, photograph (s) of the candidate must also be forwarded alongwith the reference to the Supdt. of Police/D.I.G., C.I.D.
- (f) Suitability of candidates for appointment to Civil posts should be determined in the light of principles laid down by the Government of India in their O. M. dated the 1st August, 1975 referred to above.

4. It has been brought to the notice of the State Government that in the matter of verification of character and antecedents, the time schedule laid down in para 4 of the State Government letter No. 1824-S-69/9201, dated the 22nd May, 1969, is not being strictly adhered to. Amongst other reasons, this may be due to the fact that the attestation forms which are to be sent by the Department direct to the District Superintendent of Police and the D.I.G., C.I.D. are in some cases being sent to the District Magistrate. This is not in accordance with the procedure laid down in the letter referred to above. While addressing the District Magistrate regarding Verification of character and antecedents, one copy each of the attestation form is to be sent direct by the Department concerned to the District Superintendent of Police and the Deputy Inspector General of Police, C.I.D. who after doing the needful have to send the papers to the District Magistrate. The attestation forms are not to be sent direct to the District Magistrate. It has also come to notice that in most of the cases only one attestation form is being sent, whereas instructions provide for the despatch of two attestation forms. The idea of prescribing time schedule is to cut down delay in verification of character and antecedents to the minimum, but by not following the procedure prescribed therein, the departments concerned are themselves causing additional delay. I am directed to bring these instructions to your notice once again for strict compliance. Default in this behalf will be seriously viewed.

5. You are requested to bring these instructions to the notice of all officers under your control including the quasi-government organisations, public sector undertakings, autonomous bodies etc. and request them to comply with these instructions scrupulously.



Copy of letter No. 18011/1(S)75-Estt. (B), dated the 1st August, 1975, from the director, Government of India, Cabinet Secretariat, Department of Personnel & Administrative Reforms, New Delhi to the Chief Secretaries of all State Administrations & Union Territories, etc. etc.

**Subject—Verification of Character and antecedents of candidates selected for appointment to Civil posts under the Govt. of India—Secrecy of Police reports and criteria to be observed in determining the suitability.**

Attention is invited to this Department's secret O. M. No. 18011/1 (s)/75-Est (B), dated 1. 8. 1975 (copy enclosed) on the subject noted above reiterating the criteria to be observed for determining the suitability of candidates for appointment. I am to request that the State Govt. may advise the authorities concerned to verify the Character and antecedents of the candidates selected for appointment under the central Govt., regarding whom references are made by the authorities concerned, to the State Govt., with specific reference to the Criteria mentioned at (a) and (b) of para I of MHA O.M. No. 3/8(S) -Ests. (B), dated Sept. 27, 1967, which have also been reiterated in the enclosed O.M.

2. It is also suggested that the State Govt. may consider reiterating their instructions, if any, adopting similar principle in regard to the verification of character and antecedents of candidates being considered for appointment to civil post under the State Government.

3. In actual practice, it has been observed that it takes a long time for completing the formalities of verification of character and antecedents and sometimes it was not possible to wait till the procedure of verification was completed particularly when large number of candidates have to be appointed every year. The State Government are requested to impress on all the authorities concerned under the State, the need for expediting the verification of character and antecedents of candidates. If these are expeditiously verified the need for appointing persons in Government service without verification of their character and antecedents will be obviated.

4. The receipt of this letter may please be acknowledged and the action taken by the State Government in this regard may please be intimated at an early date.

Copy of letter No. 18011/1 (S) 75-Estt (B), dated the 1st August, 1975 from the Director, Government of India, Cabinet Secretariat, Department of Personnel Administrative Reforms, New Delhi to All Ministries/ Departments of the Government of India etc. etc.

**Subject:—Verification of Character and Antecedents of candidates selected for appointment to Civil posts under the Govt. of India Secrecy of police reports and criteria to be observed in determining the suitability.**

Attention of the Ministries/Departments is invited to the various instructions contained in the Brochure on verification of Character and Antecedents of Candidates selected for appointment to civil posts under the Govt. of India as also to subsequent instructions laying down the procedure to be followed in this regard and in particular to the Ministry of Home Affairs (now Deptt. of personnel & AR) O.M. No. 3/8 (S)/67-Estt. B, dated 27th September 1967 which inter-alia lays down the criteria to be observed in determining the suitability of candidates to be appointed to civil posts under the Central Government. It has been brought to notice, that in certain cases, the appointing authorities made appointment of candidates without prior verification of Character and Antecedents and later, on receipt of verification reports, failed to observe the prescribed criteria in determining the suitability of candidates for appointment to civil posts under the Central Government. Further, in some cases the contents of the police reports were also made known to the appointees or their attorneys and were also produced before the courts of Law. The termination of service of the appointees with adverse reports in such cases where proper procedure as prescribed was not followed by the authorities concerned has been criticised in certain courts and has also caused various administrative difficulties. The matter has been carefully reviewed in the light of the observations made by the courts and it has been decided that all authorities concerned should in future scrupulously follow the various instructions prescribed in this regard by Government

2. Instructions already exist that no indication (either orally or in writing) should be given to any candidate who is appointed under exceptional circumstances without prior verification of character, etc. that the appointment or retention in service is subject to satisfactory verification of character and antecedents. It has also been laid down that in cases where it becomes necessary to terminate the services on account of adverse reports received subsequent to the appointment, the fact that action is being taken on the results of a police report should not be divulged to the employees, nor should the nature or substance of the reports received from the police be communicated under any circumstances to the employee. In this connection attention is invited to MH-A (now Deptt. of personnel & AR) Office Memos No. 56/39/54-Ests, (B) dated February 12, 1955 and OM No. 3/22/55-Ests (b) dated August 13, 1955

3. As regards the criteria to be observed for determining the suitability of candidates Government's service in this regard as brought out in the O.M. dt. 27th Sept. 1967 referred to in para 1 above is that no person should be considered unfit for appointment solely because of his political opinions but care has to be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Persons who are actively engaged in subversive activities including members of any organisation, the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Govt. An individual may be considered unsuitable for public employment only on the ground of his actual participation in or association with any objectionable activity or programme. Specifically, the following shall be considered undesirable for employment in civil posts in the public services—

- (a) those who are, or have been members of, or associated with anybody or association declared unlawful after it was so declared, or
- (b) those who have participated in, or association with any activity or programme—
  - (i) aimed at the subversion of the Constitution,
  - (ii) aimed at the organised breach or defiance of the law involving violence,
  - (iii) prejudicial to the interests of the sovereignty and integrity of India or the security of the State, or
  - (iv) which promotes on grounds of religion, race, language caste or community, feelings of enmity or hatred between different sections of the people,

participation in such activities at any time after attaining the age of 21 years and within three years of date of enquiry should be considered as evidence that the person is still actively engaged in such activity.

ties unless in the interval there is positive evidence of a change of attitude. It has also been decided that the above mentioned criteria may be incorporated in the standard covering letter to be addressed to the District Authorities for verification of character and antecedents. Accordingly the proforma of the covering letters as enclosed with this Department's O.M. No. 3/10/S/72-Ests. B dated 15-9-72 has been revised, and a copy of the revised proforma is enclosed. It is requested that in future the revised proforma may be used while forwarding the particulars of the candidates to District authorities for verification of their character and antecedents. On receipt of the report of the concerned authorities on the verification of character and antecedents of the candidates in question, the appointing authorities should take a decision regarding the suitability of the candidate for appointment to civil posts under the Central Govt. in the light of the observations made in the report, keeping in view the criteria indicated above.

4. The authorities who make enquiries into the character and antecedents of candidates are being requested to specifically cover the above points in their report on character and antecedents of candidates.

5. All Ministries are requested to bring the above instructions to the notice of all Heads of Departments/Offices under their control including the quasi-Government organisation public undertakings, autonomous bodies, etc. where the scheme of verification has been extended and instruct all the appointing authorities to scrupulously observe the above principles in making future appointments in their respective Offices. Cases decided in the past need not be reopened.

To

- (i) All Ministries/Departments of the Government of India. P.M.'s Secretariat, Lok Sabha/Rajya Sabha Secretariats, M.P. C/O.V.C./ Supreme Court; C. & A.G. D.G. P. & T.; Election Commission; President's Secretariat; Vice President's Secretariat; Planning Commission; Planning Commission (D,E.O.) Commissioner for Scheduled Castes and Scheduled Tribes; Commissioner for Linguistic Minorities.
- (ii) All attached/Subordinate offices of Deptt. of Personnel & Admn. Reforms.
- (iii) Admn. Section AVD I; AVD IV; AIS (I) Estt [E] of Department of Personnel & A.R. and Admn. Section, A.R. Wing.
- iv Intelligence Bureau, New Delhi with 10 spare copies (Shri J. C. Luthra, Joint Asstt. Director.)

## SECRET

STANDARD FORM OF COVERING LETTER FOR  
ATTESTATION FORM

To  
The Authority specified in Deptt. of Pers. A.R. O.M.O. 3/20 (B)/72-Est. (B), dated 5-8-1974.

Subject :—Verification of character and antecedents of candidates for the post of \_\_\_\_\_

Sir,

I am directed to say that Shri \_\_\_\_\_ whose particulars are entered in the enclosed attestation Form is a candidate for the post of \_\_\_\_\_. To enable this Ministry/Department/office to determine the suitability of the candidate for Government service, I am to request you kindly to certify on the basis of the information available in your records whether he has come to adverse notice or not and whether there are any facts about him on record which would render him unsuitable for employment under Government. In this connection, it may be stated that the criteria to be observed for determining suitability of candidates as prescribed by the Government of India are that no person should be considered unfit for appointment solely because of his political opinions but care has to be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Persons who are actively engaged in subversive activities including members of any organisation, the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Government. An individual may be considered unsuitable for public employment only on the ground of his actual participation in or association with any objectionable activity or programme. Specifically, the following shall be considered undesirable for employment in civil posts in the public services :—

- (a) those who are, or have been members of or associated with, any body or association declared unlawful after it was so declared, or
- (b) those who have participated in, or associated with any activity or programme ;—
  - (i) aimed at the subversion of the Constitution,
  - (ii) prejudicial to the interests of the sovereignty and integrity of India or the security of the State, or
  - (iii) aimed at the organised breach or defiance of the law involving violence,
  - (iv) which promotes on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people.

Participation in such activities at any time after attaining the age of 21 years and within three years of date of enquiry should be considered as evidence that the person is still actively engaged in such activities unless in the interval there is positive evidence of a change of attitude.

2. It is requested that it may be specifically indicated whether or not the candidate is suitable, for Government service in the light of the criteria mentioned above and if he is, considered unsuitable, a brief statement of the grounds for the opinion expressed may be added. The result of the scrutiny may be communicated immediately to this Ministry/Department/Office and within a period of six weeks.

3. Applicable to cases covered by paragraph 2 of M.H.A.O.M. No. 3/15/S/65 Ests. (B) dated 3-3-1968 only. Steps may kindly be taken to establish the candidate's identity and after this is done a certificate may please be recorded to this effect along with your report on the suitability of the candidate.

4. Similar enquiries are being made of the District Magistrate (s)/District Commissioner (s) Collector.

Yours faithfully,

Name \_\_\_\_\_

Designation \_\_\_\_\_

Full Address \_\_\_\_\_

गोपनीय

क्रमांक 7985-7 एस.-76/32541

प्रेषक,

मुख्य सचिव, हरियाणा सरकार

सेवा में,

1. हरियाणा के सभी उपायुक्त,
2. हरियाणा के सभी पुलिस अधीक्षक ।

दिनांक चण्डीगढ़ 26 नवम्बर, 1976

विषय :—भारत सरकार के अधीन सिविल पदों पर नियुक्ति के लिये चयन किए गए उम्मीदवारों के चरित्र तथा पूर्व वृत्तों का सत्यापन—उपयुक्तता निर्धारण करने में अपनाए जाने वाले मापदण्ड ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर भारत सरकार के गोपनीय पत्र क्रमांक 18011/1/(एस)/75 स्थापना (ख) दिनांक 19-10-76 को एक प्रति आपको अग्रेषित करूँ और प्रार्थना करूँ कि चरित्र एवं पूर्व वृत्त का सत्यापन करते समय इन हिदायतों का दृढ़ता से पालन किया जाए ।

भवदीय

हस्ता:

अवर सचिव, प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

पृष्ठांकन क्रमांक 7985-7एस-76/32542

दिनांक 26 नवम्बर, 1976.

एक प्रति अनुलग्नकों की प्रति सहित पुलिस महानिरीक्षक और उप महानिरीक्षक, गुप्तचर विभाग हरियाणा को सूचनायें एवं आवश्यक कायवाही हेतु भेजी जाती है ।

Copy of Secret letter No. 18011/1/(S)/75-Estt. B, dated the 19th October, 1976, from the Under Secretary to Government of India, Department of Personnel & A.R. (Cabinet Secretariat), New Delhi, addressed to the Chief Secretary of All States Governments/Administrations in Union Territories.

**Subject :—**Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India-criteria to be observed in determining the suitability.

Sir,

I am directed to refer to this Department's letter no. 18011/1/(S)/75-Estt (B), dated 1st August, 1975, on the subject mentioned above, which inter alia provides that the State Governments should issue instructions to the authorities in charge of verification of character and antecedents that before making a recommendation on the suitability of a candidate for employment under the Government of India, the case of the candidate concerned should be examined with reference to the general criteria laid down in this regard. The State Governments are aware that certain organisations like the RSSS/Anand Marg etc. have been banned by Government of India and hence it is absolutely necessary that candidates who are associated with the activities of the banned organisations should not be made eligible for appointment under the Governments, in accordance with the criteria mentioned in the standard form of the revised covering letter enclosed with this Deptt.'s letter referred to above. In the circumstances, the State Governments are requested to issue necessary instructions to the District authorities concerned for verification of character and antecedents of candidates from the above point of view also so as to prevent infiltration of such persons in Government Departments/Public Sector Undertakings.

A copy of the orders which may be issued by State Government in this regard may please be endorsed to this Department, for information.

क्रमांक 9503-7एस-76/25321

प्रेषक,

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

1. सभी विभागाध्यक्षा, आयुक्त अम्बाला मण्डल व हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी व डी० आई० जी० (सी०आई०डी०) हरियाणा।
2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट तथा जिला एवं सत्र न्यायाधीश, हरियाणा।  
दिनांक चण्डीगढ़, 13 सितम्बर, 1977.

विषय :- चरित्र एवं पूर्व वृत्त का सत्यापन करवाना।

महोदय,

उपर्युक्त विषय पर हरियाणा सरकार के परिपत्र क्रमांक 2087-7 एस-7/9680, दिनांक 16-4-75 के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि हरियाणा सरकार के कुछ विभाग उम्मीदवारों की प्रथम नियुक्ति के समय चरित्र एवं पूर्व वृत्त का सत्यापन करवाने में बिना कोई कोशिश या उपायुक्त/डी०आई०जी० (सी०आई०डी०) से पत्र व्यवहार किये उम्मीदवारों का चरित्र एवं पूर्व वृत्त का सत्यापन नियुक्ति से पूर्व की बजाए नियुक्ति से बाद करवाये जाने के बारे में छूट देने के लिए प्रस्ताव भेज देते हैं तथा यह भी वर्णन कर देते हैं कि चरित्र एवं पूर्व वृत्त का सत्यापन करवाये जाने के बारे में 2 या 3 मास लग जाते हैं। इस सम्बन्ध में यह वर्णन किया जाता है कि सरकार द्वारा जारी की गई हिदायतों के अनुसार सत्यापन बारे रिपोर्ट सम्बन्धित उपायुक्त से एक मास तक प्राप्त हो जानी चाहिए। इन परिस्थितियों में इस सम्बन्ध में सरकार का यह बिचार है कि विभागों की चाहिए कि वे पहले चरित्र एवं पूर्व वृत्त का सत्यापन के सम्बन्ध में सम्बन्धित उपायुक्त तथा डी०आई०जी० (सी०आई०डी०) से पत्र व्यवहार करें और यदि उनसे उत्तर आने में देरी हो तो तब ही चरित्र एवं पूर्व वृत्त का सत्यापन के बारे में जारी की हिदायतों में छूट दिये जाने के सम्बन्ध में अपना प्रस्ताव मुख्य सचिव (सेवाएं विभाग) की भेजा जाए। यह भी वर्णन किया जाता है कि यह छूट केवल एकसैपशनल केसिज में दी जा सकती है। और समान्यतः प्रत्येक विभाग द्वारा इस विषय से सम्बन्धित जारी की गई हिदायतों को अपनाना अनिवार्य होगा।

हस्ता:

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

1. वित्तायुक्त हरियाणा।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

हस्ता :

उप सचिव, राजनैतिक एवं सेवाएं  
कृते: मुख्य सचिव, हरियाणा सरकार।

No. 8170-7S-77/38961

From

The Chief Secretary to Government, Haryana.

To

1. All District Magistrates in the State
2. The Deputy Inspector General of Police  
C.I.D., Haryana Chandigarh  
Dated Chandigarh the 19th December, 1977

**Subject—:** Verification of Character and antecedents of candidates selected for appointment to Civil Posts under the Government of India—Criteria to be observed in determining the suitability,

Sir,

I am directed to invite reference to Haryana Government letter No. 7473-7S-75/ 14433, dated the 8th, June 1977 on the subject noted above and to forward herewith a copy of Government of India, Department of Personnel and Administrative Reforms, Ministry of Home Affairs' letter No. 18011/1(S)/75-Estt-B, dated 12th October, 1977, for information, guidance and strict compliance.

Yours faithfully,

Sd/-

Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

A copy alongwith a copy of Govt. of India letter No. 18011/1/(S)/75-Estt. B, dated 19.10.76 is for information and necessary action to :—

- (i) The Financial Commissioner, Haryana.
- (ii) The Financial Commissioner (Revenue) Haryana.
- (iii) All Commissioners and Administrative Secretaries to Govt., Haryana.

**Copy of letter No. 18011/1/(S)/75-Estt. B, dated the 12th October, 1977 from Director (E) Govt. of India, Ministry/Department of Personnel and Administrative Reforms Ministry of Home Affairs, New Delhi, endorsed to the Joint Secretary (Pers.) to the Govt. of Himachal Pradesh, Deptt. of Personnel (A I I), Simla.**

**Subject —:** Verification of character and antecedents of candidates selected for appointment to Civil Posts under the Government of India—Criteria to be observed in determining the suitability.

With reference to the State Government's letter No.8/3/72-DP (Apptt. II) Vol. II, dated the 29th August, 1977 on the subject mentioned above I am directed to say that the ban on RSSS and Anand Marg, etc. has been lifted and the instructions contained in this Deptt's letter of even number dated 19th October, 1976 have been rescinded. However, the criteria for determining the suitability of candidates for appointment to civil posts under the Government of India, as indicated in this Department's letter of even number dated the 1st August, 1975 continue to exist. It is, therefore, necessary on the part of the verifying authorities to furnish as much information as possible on a candidate's antecedents including his association with any organisation, political or otherwise, so as to enable the appointing authorities to determine on the criteria laid down for the purpose. In other words, while association with the political organisation by a candidate will not by itself be a disqualification for entry into Government service, his activities and antecedents would have to be taken into account in determining the suitability of the candidate for employment under the Government.

No. 72/3/78-S

From

The Chief Secretary to Government, Haryana.

To

The Commissioner, Ambala and Hissar Divisions,  
all Deputy Commissioners, DIG (CID) and Sub Divisional  
Officers (Civil) in Haryana.

Dated Chandigarh, the 16th June, 1978.

**Subject :—Verification of character and antecedents of persons before their appointment to Government Service.**

Sir,

In forwarding herewith a copy of the Government of India, Department of Personnel Ministry of Home Affairs' letter No. 18011/6 (s) /76-Estt. B dated the 5th April, 1978, on the subject cited above I am directed to say that in partial modification of the instructions issued by the State Government vide the communications noted in the margin, it has been decided that in respect of candidates to be appointed by the Government of India or other State Governments on the civil posts under them, the verification of character and antecedents of the candidates should be done in accordance with the instructions issued by the Government of India from time to time. The instructions issued by the Government of India envisage that an appointing authority should send two sets of attestation forms to the District Magistrate concerned and that the District Magistrate, after obtaining the necessary report of the DIG (CID) and the S.P. concerned and any other quarter as he may deem necessary, should return the attestation forms to the appointing authority. These instructions also provide that out of two sets of attestation forms only one shall contain the photograph of the candidate concerned. I am, therefore, to request that in future the attestation forms sent by an appointing authority under the Government of India or any other State Government for the verification of character and antecedents of the candidates should not be returned without action to the appointing authority simply on the ground that the attestation forms, instead of having been addressed to the DIG (CID) as provided in the marginally noted instructions, have been sent directly to the District Magistrate. 1. No. 7473 7S-75/14423 dt. 8.6.1976. 2. No. 9393-7S-75/37726 dt. 24.12.75. 3. No. 9503-S-76/25321 dt. 13.9.77.

2. You are requested to kindly bring these instructions in the notice of all concerned officers under your control and advise them to comply with these instructions scrupulously.

Yours faithfully,

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

No. 72/3/78-S

dated, Chandigarh, the 16th June, 1978.

A copy is forwarded, for information to the Deputy Secretary to the Government of India, Department of Personnel, Ministry of Home Affairs, New Delhi, with reference to his letter No. 18011/6 (s)/76-Estt. B dated 5th April, 1978.

Sd/-

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.



**Copy. of the letter No. 18011/6 (s) 76-Esst-B dated 5th April, 1978 from (Sh. N. Rangarajau) Dy. Secy. to Govt. of India, Ministry of Home Affairs, Deptt. of Personnel, addressed to the Chief Secy to the Govt. of Haryana, Chandigarh**

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**Subject :—Verification of character and antecedents of recruitment to Civil posts under the Government of India.**

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I am directed to refer to this Department's secret letter of even number dated the 14th Jan., 1977 on the above subject and to say that inspite of the position having been made clear to the State Government in the letter quoted above, it has been reported that the District Magistrates in Haryana continue to return the attestation forms of candidates for recruitment to posts under the Government of India to the authorities who make the reference on the ground that the procedure followed by the Central Government authorities was not in accordance with the instructions issued by the Government of Haryana, according to which the attestation forms are not to be sent direct to the District Magistrate, but one copy of the attestation form is to be sent to the senior Superintendent police of the concerned District and the other to the Deputy Inspector General of Police, C.I.D., Haryana, Chandigarh simultaneously under intimation to the District Magistrates. Senior Superintendent Police/ D.I.G., C.I.D., Haryana will send the attestation forms with their report to the District Magistrate who would then return the same to the Department concerned.

2. As already mentioned in the letter quoted above, the procedure followed for verification of character and antecedents of candidates for appointment to posts under the Central Government is different. In other words the appointing authorities are required only to address the District Magistrate along with two sets of attestation forms. It is for the District Magistrate to make such inquiries as may be necessary and forward a report to the appointing authority.

3. In the circumstances I am to request that the District Authorities may be advised to follow the procedure as indicated above. A copy of the instructions issued in this regard may please be endorsed to this Department.

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क्रमांक 72/21/79-एस:

प्रेषक

मुख्य सचिव हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, हरियाणा ।
2. आयुक्त अम्बाला व हिसार मण्डल,
3. सभी उपायुक्त हरियाणा ।
4. सभी जिला पुलिस अधीक्षक, हरियाणा तथा
5. उपमहानिरीक्षक (गुप्तचर विभाग), हरियाणा ।

दिनांक चण्डीगढ़ 25 अप्रैल, 1979 ।

**विषय :—** सरकारी सेवा के लिये अधीन सेवाएं प्रवरण मण्डल हरियाणा द्वारा चयनशुदा उम्मीदवारों के चरित्र एवं पूर्ववृत्त का सत्यापन ।

महोदय,

उपर्युक्त विषय पर मुझे यह कहने का निदेश हुआ है कि सरकार के ध्यान में लाया गया है कि अधीन सेवाएं प्रवरण मण्डल द्वारा सरकारी सेवा में भर्ती के लिए चुने गये उम्मीदवारों के चरित्र एवं पूर्ववृत्त के सत्यापन में बहुत विलम्ब हो जाता है और कई बार तो ऐसी कार्यवाही 6 मास की अवधि तक भी पूरी नहीं की जाती । स्पष्टतः ऐसी स्थिति में अधीन सेवाएं प्रवरण मण्डल द्वारा चुने गए उम्मीदवारों की नियुक्ति में परेशानी होती है तथा सरकारी कार्य में बाधा पड़ती है और अन्य कई प्रकार की उलझने पड़ जाती है ।

2. सरकारी सेवा से भर्ती के लिए चुने गये उम्मीदवारों के चरित्र तथा पूर्व वृत्त के सत्यापन के सम्बन्ध में जो हिदायतें हरियाणा सरकार के परिपत्र क्रमांक 1824-एस-69/9201, दिनांक 22-5-69 द्वारा जारी की गई है इनके अनुसार ऐसे उम्मीदवारों के चरित्र व पूर्ववृत्त के सत्यापन की पूर्ण कार्यवाही 29 दिन की निर्धारित अवधि से पूरी हो जानी चाहिये । हरियाणा सरकार के पत्र क्रमांक 7473-एस-75/14433, दिनांक 8-6-1976 द्वारा जारी की गई हिदायतों में भी इस बात पर बल दिया गया है कि उक्त निर्धारित अवधि के अन्दर कार्यवाही पूरी की जाए । ऐसा प्रतीत होता है कि इन हिदायतों की पालना ठीक प्रकार से नहीं की जा रही है । अतः आपसे फिर अनुरोध है कि आप अपने अधीन सभी सम्बन्धित अधिकारियों/कर्मचारियों को कड़ी हिदायतें दें कि लोक सेवा आयोग तथा अधीन सेवाएं प्रवरण मण्डल, हरियाणा द्वारा चुने गये उम्मीदवारों के चरित्र व पूर्ववृत्त सत्यापन सम्बन्धी कार्यवाही शीघ्रातिशीघ्र की जाए और यह सुनिश्चित किया जाए कि यह कार्यवाही उक्त अनुदेशों में निर्धारित 29 दिन की अवधि में अवश्य मुकम्मल हो ।

3. कृपया इस पत्र की पावती भेजें ।

भवदीय

हस्ता/-

अवर सचिव, प्रशासन

कृते : मुख्य सचिव हरियाणा सरकार ।

पृष्ठांकन-क्रमांक 72/21/79-एस

दिनांक, चण्डीगढ़ 25-4-79

एक प्रति अनुलग्नक की प्रति सहित, सचिव, अधीन सेवाएं प्रवरण मण्डल, हरियाणा को हाशिये में अंकित पत्र के सन्दर्भ में सूचनार्थ प्रेषित है ।

सदस्य, अधीन सेवाएं प्रवरण मण्डल, हरियाणा की ओर से मुख्यमंत्री महोदय को लिखा गया अक्षः पत्र क्रमांक एम-79/2382, दिनांक 29-3-79

हस्ता/-

अवर सचिव प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 72/13/78-एसः

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला व हिसार मंडल  
सभी उपायुक्त तथा उप मंडल अधिकारी (नागरिक) हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।
3. उप महानिरीक्षक, गुप्तचर विभाग, हरियाणा

दिनांक, चण्डीगढ़ 2-6-1979

विषय :— भूतपूर्व सैनिकों की सरकारी सेवा में नियुक्ति होने पर चरित्र एवं पूर्ववृत्त का सत्यापन ।

महोदय,

उपयुक्त विषय पर कृपया हरियाणा सरकार के परिपत्र क्रमांक 7473-7 एसः, -75/14433, दिनांक 8-6-1976 द्वारा जारी की गई हिदायतों की ओर ध्यान दें ।

2. इस सम्बन्ध में कुछ विभागों ने इस बिन्दु पर स्पष्टीकरण (Clarification) माँगा था कि क्या भूतपूर्व सैनिकों की सरकारी सेवा में नियुक्ति करने से पहले उनके चरित्र एवं पूर्ववृत्त का सत्यापन करवाना आवश्यक है । इस सम्बन्ध से भारत सरकार से मार्गदर्शन प्राप्त किया गया है । भारत सरकार के पत्र संख्या 604/79-स्था: (ख), दिनांक 20-4-1979 तथा उसके अनुलग्नक की प्रतियाँ आपकी सूचना तथा मार्गदर्शन के लिए संलग्न है ।

3. मुझे यह कहने का निदेश हुआ है कि भूतपूर्व सैनिकों की सरकारी सेवा में नियुक्ति के समय भारत सरकार की इन हिदायतों के अनुसार कार्यवाही की जावे ।

भवदीय,

हस्ता/-

अवर सचिव, प्रशासन, ।

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति अनुलग्नकों की प्रतियों सहित निम्नलिखित को सूचना तथा आवश्यक कार्यवाही के लिए भेजी जाती है :—

1. वित्तायुक्त, जन स्वास्थ्य (II) वित्तायुक्त राजस्व एवं विकास, हरियाणा ।
2. हरियाणा सरकार के सभी प्रशासकीय सचिव ।

हस्ता/-

अवर सचिव प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. वित्तायुक्त, जन स्वास्थ्य तथा वित्तायुक्त राजस्व एवं विकास हरियाणा ।
2. हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा: क्रमांक 72/13/78-एसः,

दिनांक

2-6-1979

एक प्रति अनुलग्नकों की प्रतियों सहित आयुक्त एवं सचिव, हरियाणा सरकार भ्रम विभाग को इस विभाग के अशा: क्रमांक 72/13/78-एसः, दिनांक 19-3-79 तथा उनके अशा: क्रमांक 6 (39) 78-6 भ्रम दिनांक 16-5-79 के संदर्भ में सूचना तथा आवश्यक कार्यवाही के लिए भेजी जाती है ।

2. उनके कार्यालय की फाईल भी मूल रूप में उनको लौटाई जाती है ।

अवर सचिव, प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

आयुक्त एवं सचिव, हरियाणा सरकार,

भ्रम विभाग ।

अशा: क्रमांक 72/13/78-एसः

दिनांक 2-6-1979

प्रतिलिपि पत्र संख्या 604/79 तथा (ख) हेल्थ अधिकारी, श्री एम:एस: पारथासारथी द्वारा दिनांक 20 अप्रैल 1979 को मुख्य सचिव, हरियाणा सरकार, चण्डीगढ़ को सम्बोधित

विषय :— चरित्र और पूर्ववृत्त का सत्यापन-रिलीज होने के पश्चात् भूतपूर्व सैनिकों की सरकारी सेवा में नियुक्ति होने पर।

महोदय,

उपर्युक्त विषय पर राज्य सरकार के दिनांक 20-1-79 के पत्र संख्या 72/13/78-एस:, के संदर्भ में मुझे यह कहने का निदेश हुआ है कि विद्यमान अनुदेशों के अनुसार, भूतपूर्व सैनिकों के रिलीज होने के पश्चात् केन्द्रीय सरकार के किसी भी कार्यालय में नियुक्ति होने से पूर्व उनके चरित्र और पूर्ववृत्त का सत्यापन किया जाना आवश्यक होता है—देखिए गृह मंत्रालय का दिनांक 14 अक्टूबर, 1957 का: क्र: संख्या 20/102/47 एस: (ख) 1 (प्रति संलग्न)

2. किन्तु, यदि सेना प्राधिकारियों ने ऐसे भूतपूर्व सैनिकों की सेवा में भर्ती से पूर्व, उनके चरित्र और पूर्ववृत्त का सत्यापन कर लिया है तो चरित्र और पूर्ववृत्त का सत्यापन नए सिरे से करना आवश्यक नहीं है बशर्ते कि रिलीज होने की तारीख तथा उक्त नियुक्ति की तारीख में एक वर्ष से कम का अन्तराल हो। ऐसे मामले में, सम्बन्धित सेना प्राधिकारियों से यह पुष्टि कर लेना ही पर्याप्त होगा कि चरित्र और पूर्ववृत्त का सत्यापन कर लिया गया था और उनके नियोजनाधीन अवधि में भूतपूर्व सैनिक का आचरण ऐसा नहीं था कि जिससे वह सरकार के अधीन नियुक्ति के लिए उपयुक्त न हो।

3. चरित्र और पूर्ववृत्त का सत्यापन नए सिरे से करने का निर्णय लेने के लिए केवल डिस्चार्ज प्रमाण-पत्र में की गई प्रविष्टि ही पर्याप्त नहीं होगी। चूंकि उक्त प्रमाण पत्र में व्यक्ति के आचरण का ही उल्लेख होगा किन्तु इस तथ्य का उल्लेख नहीं होगा कि चरित्र और पूर्ववृत्त का सत्यापन पहले कर लिया गया है या नहीं।

Copy of Ministry of Home Affairs Office Memorandum No. 20/102/47—Ests. (S), dated the 14th October, 1947 addressed to all Ministries.

**Subject Verification of character and antecedents of candidates recruited through Employment Exchanges.**

The question whether the character and antecedents of persons recruited through the Employment Exchanges should be verified before they are appointed has been examined by this Ministry, and it has been decided that the following procedure shall be observed for verification in such cases—

- (i) In the case of Ex-servicemen and others, who have not previously served in an office of the Central Government, verification should be carried out in full, in accordance with the Home Department O.M. No. 20/58/45—Ests. (S), dated the 7th February, 1947.
- (ii) In the case of a person who was originally employed in an office of the Central Government, if the interval between the date of his discharge from his previous office and the date of his securing a new appointment is less than a year, it would be sufficient if the appointing authority before making the appointment satisfies itself by a reference to the office in which the candidate was previously employed that, (a) that office have verified his character and antecedents and (b) his conduct while in employ in that office did not render him unsuitable for employment under Government. If, however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full as indicated as at (i) above.

\*2. This disposes of the office memorandum from the Ministry of Agriculture No. F.7—20/47—Policy, dated the 18th September, 1947.

\*To the Ministry of Agriculture only.

Copy of the letter No. 18011/3(S)/80—Estt(B), dated 20 June, 1980 from the Director, Govt. of Indian Min. of Home Affairs, Deptt. of Persl. & A.R, New Delhi addressed to all State Govt's., etc.

### OFFICE MEMORANDUM

**Subject :— Verification of character and antecedents of candidates for appointment under Government of India Authorities to be addressed.**

The undersigned is directed to refer to this Department's O.M. No. F. 3/5(S)/-63Estt. (B), dated 14th April, 1964 on the above subject enclosing a statement showing the designation and the headquarters of the officer-in-charge of verification work in each district of the various States/Union Territories.

2. The Government of Andhra Pradesh had recently raised a question as to whether the Commissioner of Police, Hyderabad, who is vested with the powers of the District Magistrate may be directly addressed by the State Government instead of the Collector, Hyderabad District, who in turn has to make a reference to the Commissioner of Police, so as to ensure expeditious action on references relating to character and antecedents Verification.

3. The matter was examined in this Ministry and it has now been decided that hereafter the appointing authorities may address direct the Commissioners of Police in Bombay, Calcutta, Madras, Ahmedabad, Bangalore Trivandrum, Delhi and Hyderabad who combine in them the powers of both a Superintendent of Police and a District Magistrate in regard to the verification of character and antecedents of candidates for appointment to civil posts under Government of India in respect of Persons residing within the respective city limits, instead of routing the requests through the Collector.

4. Receipt of this communication may be acknowledged.

#### हरियाणा सरकार

क्रमांक 52/14/80-एस: (I) (क)

दिनांक 10 सितम्बर, 1980

एक-एक प्रति निम्नलिखित को सूचनार्थ प्रेषित है :—

1. हरियाणा में सभी विभागाध्यक्ष, आयुक्त अम्बाला व हिसार मंडल सभी उपायुक्त तथा उप मंडल अधिकारी (ना) हरियाणा।
2. रजिस्ट्रार, पंजाब एवं हरियाणा उच्च न्यायालय।

हस्ता/-

अवर सचिव प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति सभी वित्तायुक्तों तथा प्रशासकीय सचिवों को सूचनार्थ प्रेषित है।

हस्ता/-

अवर सचिव प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में,

सभी वित्तायुक्त तथा हरियाणा सरकार के सभी प्रशासकीय सचिव।

प्रशा: क्रमांक 52/14/80 -एस (I) (क)

दिनांक 10-9-1980

पु: क्रमांक 52/14/80-एस(I) (क)

दिनांक सितम्बर 10-1980

एक प्रति निदेशक, भारत सरकार गृह मंत्रालय कार्मिक और प्रशासकीय सुधार विभाग नई दिल्ली को उनके पत्र क्रमांक 18011/3(एस) 80-स्था (बी) दिनांक 20-6-80 के संदर्भ में सूचनार्थ प्रेषित है।

हस्ता/-

अवर सचिव प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 52/14/80-एस: (I) (ख)

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी उपायुक्त, हरियाणा ।
2. सभी जिला पुलिस अधीक्षक, हरियाणा ।
3. उप महानिरीक्षक, (गुप्तचर विभाग) हरियाणा ।  
दिनांक, चण्डीगढ़ 10 सितम्बर, 1980

विषय :- सरकारी सेवा में नियुक्ति के लिए उम्मीदवारों के चरित्र पूर्ववृत्त का सत्यापन किये जाने में देरी को समाप्त करना ।

महोदय,

उपर्युक्त विषय पर राज्य सरकार के परिपत्रक्रमांक 72/21/79-एस: दिनांक 25-4-79 के संदर्भ में निदेशानुसार भारत सरकार के पत्र क्रमांक 18011/8 (एस) स्था (बी) दिनांक 4-8-80 की प्रति संलग्न है और आपसे अनुरोध है कि उम्मीदवारों के पूर्ववृत्त तथा चरित्र सत्यापन की समस्त कार्यवाही, राज्य सरकार के परिपत्र क्रमांक 1824-एस-69/9201, दिनांक 22-5-69 द्वारा जारी किये गये अनुदेशों में निर्धारित, 29 दिन की अवधि में अवश्य मुकम्मल की जाया करें। यदि किसी विशेष मामले में इससे अधिक देरी लगने की सम्भावना हो तो नियोक्ता प्राधिकारियों को स्थिति से अवगत कराने हेतु अन्तरिम उत्तर भेज दिया जाए और सत्यापन की कार्यवाही शीघ्र अति शीघ्र पूर्ण करने का प्रयत्न किया जाए।

भवदीय

हस्ता/-

अवर सचिव प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

पृ० क्रमांक 52/14/80 एस: (I) (ख) दिनांक 10 सितम्बर, 1980

एक प्रति निदेशक, भारत सरकार गृह मंत्रालय, कार्मिक और प्रशासनिक सुधार विभाग, नई दिल्ली को उनके पत्र क्रमांक 18011/8 (एस)/80-स्था (बी) दिनांक 4-8-80 के संदर्भ में सूचनार्थ प्रेषित है।

हस्ता/-

अवर सचिव प्रशासन

कृते : मुख्य सचिव हरियाणा सरकार ।

Copy of the letter No. 18011/8 (S)/80-Estt (B), dated the 4th Aug. 80, from the Director, Govt. of India, Min. of Home Affairs, Deptt. of Persl. & Admn. Reforms, New Delhi, address to the Chief Secretaries of All State Govts. and U.Ts. etc.

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**Subject —Verification of character and antecedents of candidates for appointment to posts under the Government of India Elimination of delay for completion of Verification report.**

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I am directed to say that it has been brought to the notice of this Department by the Ministry of Defence that there have been numerous instances where the civil authorities/District authorities did not complete reports even within one year or beyond despite repeated reminders and that this not only holds up the grant of commission to Gentleman Cadets, the attestation and posting of recruits to field units for which they have been recruited but also delays weeding out of undesirable elements who are found to be a security risk by the verifying authorities. The Ministry of Defence has also brought to our notice the minute of the Rajya Raksha Mantry that the verification of character and antecedents in respect of candidates for commission in the Army should be completed within the specified time of 6-8 weeks so as to avoid the grant of provisional Commission.

I am, therefore, to request that the necessity for quick verification may be impressed upon all concerned. The time limit of 6-8 weeks prescribed for the purpose should be strictly adhered to by the district authorities. In case the report of the district authority is likely to take more than one month in any particular case, the authority who initiates the references should be informed of the position and necessary steps taken to complete the enquiries etc. with the least possible delay.

A copy of the instructions issued by the State Government in this regard may be endorsed to this Ministry for information.

While on the subject, it is reiterated that there is no change in the procedure outlined in this Ministry's O.M. No. F.S. 3/6/60-Estt. (B) dated 17.5.60 in so far as the channel of verification of character and antecedents of the candidates for employment under the Government of India is concerned, i.e. the authorities under the Central Government will continue to refer the cases to the District Magistrate Deputy Commissioner concerned and it will be for the DM/DC to consult the State/DIG/CID and the district police authorities concerned to find out for them, if they have in the records anything adverse against the candidates.

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No. 52/32/80-S(1)

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments, Commissioners of Divisions, Deputy Commissioners, Sub Divisional officers, in Haryana.

Deputy Inspector General of Police, C.I.D., Haryana.

Dated CHANDIGARH, the 20th October, 1980.

**Subject :— Verification of character and antecedents of persons on their first appointment to Government service.**

Sir,

I am directed to invite reference to Haryana Govt. letter No. 7473-7S-75/14433, dated the 8th June, 1976, on the subject cited above, and to say that the Government has decided, in partial relaxation of the provisions of this letter and all other instructions issued by the Government from time to time on this subject, that all the candidates recommended by the Haryana Subordinate Services Selection Board, on the basis of the examination conducted by it in 1978, for appointment as Clerks, may be appointed as Clerks on provisional basis without prior verification of their character and antecedents. Their character and antecedents should, however, be got verified immediately after their provisional appointment.

2. As laid down in paragraph 3 (a) of the letter referred to above, no indication (either orally or in writing) be given to the candidates that their appointment or retention in service is subject to satisfactory verification of their character and antecedents.

Yours faithfully,

Sd/-

Deputy Secretary, Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to all the Financial Commissioners and Administrative Secretaries to Government, Haryana, for information and action where necessary.

Sd/-

Deputy Secretary, Political & Services,  
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners, and Administrative Secretaries to Govt., Haryana.

U.O.No. 50/32/80-S (I), dated CHANDIGARH, the 20th October, 1980.



अ: स: प: क्र: 52/14/82-एस (I)

नसीम अहमद, आई० ए० एस०

संयुक्त सचिव, हरियाणा सरकार,  
राजनैतिक एवं सेवाएं विभाग।

दिनांक 17 मई, 1982।

**विषय :** अखिल भारतीय तथा केन्द्रीय सेवाओं के उम्मीदवारों के चरित्र एवं पूर्ववृत्त सत्यापन पंजियों के शीघ्र विकास के बारे में।

प्रिय महोदय,

उपर्युक्त विषय पर श्री टी० वी० रामानन, संयुक्त सचिव, भारत सरकार, गृह मन्त्रालय, कार्मिक और प्रशासनिक सुधार विभाग, नई दिल्ली के अर्ध सरकारी पत्र क्रमांक 13012/2/82-ए० आई० एस० (I), दिनांक 3-5-82 की प्रति संलग्न करते हुए मुझे यह कहने का निदेश हुआ है कि जो सत्यापन पंजियां कार्मिक और प्रशासनिक सुधार विभाग, गृह मन्त्रालय द्वारा आपकी निकट भविष्य में भेजी जाएंगी उनके सम्बन्ध में आवश्यक कार्यवाही परम अग्रता के आधार पर करवाएं और यह सुनिश्चित करें कि प्रत्येक केस में सत्यापन सम्बन्धी रिपोर्ट भारत सरकार को सत्यापन पंजी की प्राप्ति के एक मास के अन्दर अन्दर प्रेषित की जाए।

आपका  
हस्ता/-  
(नसीम अहमद)

1. सभी उपायुक्त
2. सभी पुलिस अधीक्षक

क्रमांक 52/14/82-एस (I),

दिनांक चण्डीगढ़ 17 मई, 1982

एक प्रति अनुलग्नक की प्रति सहित आयुक्त अम्बाला/हिंसा मंडल को सूचनार्थ प्रेषित है।

हस्ता/-

संयुक्त सचिव राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 52/14/82-एस (I)

दिनांक चण्डीगढ़ 17 मई, 1982

एक प्रति अनुलग्नक की प्रति सहित पुलिस महानिरीक्षक/उप महानिरीक्षक (गुप्तचर विभाग) हरियाणा, चण्डीगढ़ को सूचना तथा आवश्यक कार्यवाही हेतु प्रेषित है।

हस्ता/-

संयुक्त सचिव राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 52/14/82-एस (I)

दिनांक चण्डीगढ़ 17 मई, 1982

एक प्रति श्री टी० वी० रामानन, संयुक्त सचिव, भारत सरकार, गृह मन्त्रालय, कार्मिक तथा प्रशासनिक सुधार विभाग, नार्थ ब्लॉक, नई दिल्ली को उनके अर्ध सरकारी पत्र क्रमांक 13012/2/82-ए० आई० एस० (I), दिनांक 3-5-82 के संदर्भ में सूचनार्थ प्रेषित है।

हस्ता/-

संयुक्त सचिव राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

Copy of D.O. No. 13012/2/82 AIS(I), dated 3rd May, 1982 from Sh. T.V. Ramanan, Joint Secretary, Government of India, Department of Personnel and A. R., Ministry of Home Affairs, North Block New Delhi to Shri Ishwar Chandra, Chief Secretary, Government of Haryana, Chandigarh.

We had sought the assistance of the State Governments and Union Territories Administrations for expeditious clearance of verifications rolls of candidates for All India and Central Services vide my D.O. letter No. 13012/2/81-AIS(I), dated the 24th March, 1981. We have now made a review of the time taken in clearing verification reports by various State Governments and Union Territory Administrations. A comparative statement indicating the position is enclosed.

2. It will be noticed that Delhi and Chandigarh cleared the verification rolls within an average time of about 30 days which is the prescribed time limit. In the case of other State and Union Territories, it has taken much longer. As you are aware, even a few delayed reports hold up the allocation of candidates to the various Services and consequently delay their joining the training course at the L.B.S. National Academy of Administration, Mussoorie.

3. We shall be sending verification rolls shortly for candidates who appeared at the Civil Services Examination held in 1981. I shall be grateful if you could kindly instruct the district authorities to attend to these rolls on a priority basis so that they are cleared within the prescribed period of one month.

With regards.

**Confidential**  
No. 52/21/82-S(1)

From

The Chief Secretary to Govt.,  
Haryana.

To

1. Commissioners, Ambala & Hissar Divisions.
2. All Deputy Commissioners in Haryana State.
3. D.I.G. (CID), Haryana.

Dated Chandigarh, the 29th July, 1982.

**Subject : Verification of character and antecedents of candidates selected for appointment to Civil posts under the Government of India—Review of the procedure and revision of instructions regarding.**

Sir,

I am directed to invite reference to Haryana Government letter No. 72/3/78-S, dated 16-6-78 in which it was stated *inter-alia* that for the purposes of verification of character and antecedents of candidates to be appointed by the Government of India or other State Governments on civil posts under them, the procedure laid down in the instructions issued by the Govt. of India from time to time should be followed.

2. I am directed to say that the Govt. of India Ministry of Home Affairs, Deptt. of Personnel and A. R. have reviewed the procedure in respect of verification of character & antecedents of candidates selected for appointment to the civil posts under the Govt. of India. A copy of the instructions issued by them vide their letter No. 18011/9(S)/78-Estt. (B), dated the 2nd July, 1982 is enclosed for compliance. I am to add that as desired by the Govt. of India in para 8 of their letter the confidentiality of these instructions should be carefully maintained.

Yours faithfully,

Sd/-

Under Secretary Administration,  
for Chief Secretary to Govt., Haryana.

**Confidential**

No. 52/21/82-S (I)

Dated the 29th July, 1982

A copy each with a copy of the Govt. of India's letter dated 2-7-1969 is forwarded for information and necessary action to :—

1. I. G. Police, Haryana.
2. All District Superintendent of Police in Haryana.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.

No. 52/21/82-S (I),

Dated the 29th July, 1982.

A copy is forwarded to Sh. K. C. Sharma, Joint Secretary to Govt. of India, Ministry of Home Affairs. Deptt. of Personnel and A. R., New Delhi, for information with reference to his letter No. 18011/9(8)/78-Estt. (B), dated the 2nd July, 1982

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.

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Copy of letter No. 18011/9(S)/78-Estt. (B), dated the 2nd July, 1982, from Joint Secretary to Govt. of India, Ministry of Home Affairs, Deptt. of Personnel and Admn. Reforms, New Delhi, to the Chief Secretaries All the States.

CONFIDENTIAL

*Subject :* Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India-Review of the procedure and revision of instructions regarding.

Sir,

Attention is invited to Ministry of Home Affairs O.M. No. 3/8(S)/67-Estt. (B), dated the 27th September, 1967, on the subject of verification of character and antecedents of candidates for employment under the Central Government.

2. The Government of India have reviewed the orders issued in this regard from time to time and the type of verification that would be applicable to the various categories would be as under with immediate effect :

3. Detailed Verification :

3.1 Detailed verification would be applicable to appointments to :

- (a) Group 'A' posts;
- (b) Group 'B' posts;
- (c) Group 'C' and 'D' posts of all those offices in which detailed verification is considered particularly necessary in the interest of security by the administrative ministry or office; and,
- (d) Cases in which simple verification cannot be done because of the candidate's inability to produce a certificate of character.

3.2 Record Check

3.2.1 Record Check—What it is ?

Record Check involves looking into adverse reports in respect of any matter including criminal cases, arrests, debarment by UPSC, etc. as may be revealed by the Police records.

3.2.2 Record Check—Persons to whom applicable.

Record Check would be applicable to Group 'C' posts above the level of Lower Division Clerk in the Government of India Secretariat and its attached offices.

3.3 Simple Verification :

Simple verification would be applicable to appointments to all other posts, viz :

- (a) Posts of LDC and posts of equivalent grade and all Group 'D' posts in the Government of India Secretariat and its attached offices; and
- (b) Group 'C' & 'D' posts under the Government of India in subordinate offices.

3.4 As mentioned in para 3.1(c) above, as an exception to the general procedure, in case of persons in categories mentioned in paras 3.2 and 3.3 above, and appointment to certain posts or services on departments, detailed verification may be necessary for all levels. Such post services/departments would be identified by the appointing authorities and cases of such persons appointed all levels to these Posts/services/departments would be referred to the District authorities for detailed verification.

4. A specimen of the attestation form to be used for the purpose of verification of character and antecedents is at Annexure-I.

4.1 While making a reference to the District authorities all appointing authorities have been asked to prominently indicate at the top of the attestation forms the type of verification required to be done, i.e., Detailed Verification or Record Check.

5. The various appointing authorities would here after refer attestation forms in respect of the various categories of posts as under :

- (1) Cases covered by para 3.1 : D.M. or the Commissioner of Police as the case may be-
- (2) Cases covered by para 3.2 : S.P. of the District Return to appointing authority through the D.M. with this attestation.

6 I have to request that the State Governments may advise the authorities concerned to verify the character and antecedents of the candidates referred to them by the various appointing authorities including public sector undertakings and to return verification rolls with in a period of six to eight weeks.

7. As would be seen from para 3.2 above a new concept of "record check" has been introduced in respect of Group 'C' posts above the level of L.D.C. in the Government of India Secretariat and its attached offices. The attestation forms of candidates belonging to this \* category would bear the prominent marking. For record check only" the district authorities may be informed that field enquiries would not be required in these cases. They may return such attestation forms to the appointing authorities after record check, within a fortnight.

8. While circulating the e instructions to the various district authorities and Commissioners of Police, the State Government are required to maintain confidentiality of the same by keeping a proper account of the copies distributed and ensuring their safe custody at appropriate levels.

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## ANNEXURE-I

## Attestation Form

**“WARNING :** The furnishing of false information or suppression of any factual information in the Attestation Form would be a disqualification, and is likely to render the candidate unfit for employment under the Government.

Affix signed passport size  
(5 cm. x 7 cm. approx.)  
copy of recent photograph—where  
asked for.

2. If detained, arrested, prosecuted, bound down, fined, convicted, debarred, acquitted etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the authorities to whom the attestation form has been sent early, failing which it will be deemed to be a suppression of factual information.
3. If the fact that false information has been furnished or that there has been suppression of any factual information in the attestation form comes to notice at any time during the service of a person, his services would be liable to be terminated.”

1. Name in full (in block capitals) with aliases, if any (Please indicate if you have added or dropped in any stage any part of your name or surname).	SURNAME	NAME	
2. Present address in full (i.e. Village Thana and District, or House No. Lane/Street/Road and Town.			
3. (a) Home Address in full (i.e. Village Thana, and District or House No. Lane/Street/Road and Town and name of Distt. Headquarters.			
(b) If Originally a resident of Pakistan, the address in that country and the date of migration to Indian Union.			
8. (a) Place of birth, District and State in which situated.	(a)		
(b) District and State to which you belong.	(b)		
(c) District and State to which your father originally belong.	(c)		
9. (a) Yours religion			
(b) Are you a member of a Scheduled Caste/ Scheduled Tribe ? Answer 'Yes or No'			
10. Educational Qualification showing places of education with years in Schools and Colleges since 15th years of age.			
Name of School/College with full address	Date of entering	Date of leaving	Examination passed.

11. (A) Are you a holding or have any time held an appointment under the Central or State Government or a Semi-Government or a Quasi-Government body, or an autonomous body, or a public undertaking, or a private firm or institution? if so, give full particulars with dates, of employment up-to-date.

From	Period To	Designation, emoluments and nature of employment.	Full name and address of employer	Reasons for leaving previous service.
11. (B) If the previous employment was under the Government of India, a State Government, an Undertaking owned or controlled by the Government of India or a State Government/ an Autonomous Body/University/Local Body. If you had left service on giving a month's notice under the rules 5 of the Central Civil Services (Temporary Service) Rules, 1965 or any similar corresponding rules were any disciplinary proceedings framed against you, or had you been called upon to explain your conduct in any matter at the time you gave notice of termination of service, or at a subsequent date, before your services actually terminated?				

12. (1) (a) Have you ever been arrested? Yes/No  
 (b) Have you ever been prosecuted? Yes/No  
 (c) Have you ever been kept under detention? Yes/No  
 (d) Have you ever been bound down? Yes/No  
 (e) Have you ever been fined by a Court of Law? Yes/No  
 (f) Have you ever been convicted by a Court of Law for any offence? Yes/No  
 (g) Have you ever been debarred from any examination or rusticated by any University or any other educational authority/Institution? Yes/No  
 (h) Have you ever been debarred/disqualified by any Public Service Commission/Staff Selection Commission for any of its examination/selection? Yes/No  
 (i) Is any case pending against you in any Court of Law at the time of filling up? Yes/No  
 (j) Is any case pending against you any University or any other educational authority/Institution at the time of filling up this Attestation Form?  
 (k) Whether discharged/expelled/withdrawn from any training institution under the Government or otherwise? Yes/No
- (ii) If the answer to any of the above mention questions is 'Yes' give full particulars of the case/ arrest/detention/fine-conviction/sentence/punishment etc. and/or the/nature of the case pending in the Court/University/Educational Authority etc., at the time of filling up this form.

NOTE : (i) Please also see the 'warning' at the top of this Attestation Form.  
 (ii) Specific answers to each of the questions should be given by striking out 'Yes' or 'No' as the case may be.

13. Name of two responsible persons of your locality or two references to whom you are known. 1.  
2.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of candidate\_\_\_\_\_

Date\_\_\_\_\_

Place\_\_\_\_\_

Copy of letter No. 18011/9(S)/78-Estt. (B), dated the 2nd July, 1982, from Joint Secretary to Govt. of India, Ministry of Home Affairs, Deptt. of Personnel and Admn. Reforms, New Delhi, to the Chief Secretaries All the States.

CONFIDENTIAL

**Subject :** Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India-Review of the procedure and revision of instructions regarding.

Sir,

Attention is invited to Ministry of Home Affairs O.M. No. 3/8(S)/67-Estt. (B), dated the 27th September, 1967, on the subject of verification of character and antecedents of candidates for employment under the Central Government.

2. The Government of India have reviewed the orders issued in this regard from time to time and the type of verification that would be applicable to the various categories would be as under with immediate effect :

3. Detailed Verification :

3.1 Detailed verification would be applicable to appointments to :

- (a) Group 'A' posts;
- (b) Group 'B' posts;
- (c) Group 'C' and 'D' posts of all those offices in which detailed verification is considered particularly necessary in the interest of security by the administrative ministry or office; and,
- (d) Cases in which simple verification cannot be done because of the candidate's inability to produce a certificate of character.

3.2 Record Check

3.2.1 Record Check—What it is ?

Record Check involves looking into adverse reports in respect of any matter including criminal cases, arrests, debarment by UPSC, etc. as may be revealed by the Police records.

3.2.2 Record Check—Persons to whom applicable.

Record Check would be applicable to Group 'C' posts above the level of Lower Division Clerk in the Government of India Secretariat and its attached offices.

3.3 Simple Verification :

Simple verification would be applicable to appointments to all other posts, viz :

- (a) Posts of LDC and posts of equivalent grade and all Group 'D' posts in the Government of India Secretariat and its attached offices; and
- (b) Group 'C' & 'D' posts under the Government of India in subordinate offices.

3.4 As mentioned in para 3.1(c) above, as an exception to the general procedure, in case of persons in categories mentioned in paras 3.2 and 3.3 above, and appointment to certain posts or services on departments, detailed verification may be necessary for all levels. Such post services/departments would be identified by the appointing authorities and cases of such persons appointed all levels to these Posts/services/departments would be referred to the District authorities for detailed verification.

4. A specimen of the attestation form to be used for the purpose of verification of character and antecedents is at Annexure-I.

4.1 While making a reference to the District authorities all appointing authorities have been asked to prominently indicate at the top of the attestation forms the type of verification required to be done, i.e., Detailed Verification or Record Check.



5. The various appointing authorities would here after refer attestation forms in respect of the various categories of posts as under :

- (1) Cases covered by para 3.1 : D.M. or the Commissioner of Police as the case may be-
- (2) Cases covered by para 3.2 : S.P. of the District Return to appointing authority through the D.M. with this attestation.

6 I have to request that the State Governments may advise the authorities concerned to verify the character and antecedents of the candidates referred to them by the various appointing authorities including public sector undertakings and to return verification rolls with in a period of six to eight weeks.

7. As would be seen from para 3.2 above a new concept of "record check" has been introduced in respect of Group 'C' posts above the level of L.D.C. in the Government of India Secretariat and its attached offices. The attestation forms of candidates belonging to this category would bear the prominent marking. For record check only" the district authorities may be informed that field enquiries would not be required in these cases. They may return such attestation forms to the appointing authorities after record check, within a fortnight.

8. While circulating the e instructions to the various district authorities and Commissioners of Police, the State Government are required to maintain confidentiality of the same by keeping a proper account of the copies distributed and ensuring their safe custody at appropriate levels.

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## ANNEXURE-I

## Attestation Form

**“WARNING :** The furnishing of false information or suppression of any factual information in the Attestation Form would be a disqualification, and is likely to render the candidate unfit for employment under the Government.

Affix signed passport size  
(5 cm. x 7 cm. approx.)  
copy of recent photograph—where  
asked for,

2. If detained, arrested, prosecuted, bound down, fined, convicted, debarred, acquitted etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the authorities to whom the attestation form has been sent early, failing which it will be deemed to be a suppression of factual information.
3. If the fact that false information has been furnished or that there has been suppression of any factual information in the attestation form comes to notice at any time during the service of a person, his services would be liable to be terminated.”

1. Name in full (in block capitals) with aliases, if any (Please indicate if you have added or dropped in any stage any part of your name or surname).

SURNAME

NAME

2. Present address in full (i.e. Village Thana and District, or House No. Lane/Street/Road and Town.

3. (a) Home Address in full (i.e. Village Thana, and District or House No. Lane/Street/Road and Town and name of Distt. Headquarters.

(b) If Originally a resident of Pakistan, the address in that country and the date of migration to Indian Union.

8. (a) Place of birth, District and State in which situated. (a)

(b) District and State to which you belong. (b)

(c) District and State to which your father originally belong. (c)

9. (a) Yours religion

(b) Are you a member of a Scheduled Caste/  
Scheduled Tribe ? Answer 'Yes or No'

10. Educational Qualification showing places of education with years in Schools and Colleges since 15th years of age.

Name of School/College  
with full address

Date of  
entering

Date of  
leaving

Examination "passed.

11. (A) Are you a holding or have any time held an appointment under the Central or State Government or a Semi-Government or a Quasi-Government body, or an autonomous body, or a public undertaking, or a private firm or institution? if so, give full particulars with dates, of employment up-to-date.

From	Period To	Designation, emoluments and nature of employ- ment.	Full name and address of employer	Reasons for leaving previous service.
11. (B) If the previous employment was under the Government of India, a State Government, an Undertaking owned or controlled by the Government of India or a State Government/ an Autonomous Body/University/Local Body. If you had left service on giving a month's notice under the rules 5 of the Central Civil Services (Temporary Service) Rules, 1965 or any similar corresponding rules were any disciplinary proceedings framed against you, or had you been called upon to explain your conduct in any matter at the time you gave notice of termination of service, or at a subsequent date, before your services actually terminated?				

12. (I) (a) Have you ever been arrested? Yes/No
- (b) Have you ever been prosecuted? Yes/No
- (c) Have you ever been kept under detention? Yes/No
- (d) Have you ever been bound down? Yes/No
- (e) Have you ever been fined by a Court of Law? Yes/No
- (f) Have you ever been convicted by a Court of Law for any offence? Yes/No
- (g) Have you ever been debarred from any examination or rusticated by any University or any other educational authority/Institution? Yes/No
- (h) Have you ever been debarred/disqualified by any Public Service Commission/Staff Selection Commission for any of its examination/selection? Yes/No
- (i) Is any case pending against you in any Court of Law at the time of filling up? Yes/No
- (j) Is any case pending against you any University or any other educational authority/Institution at the time of filling up this Attestation Form?
- (k) Whether discharged/expelled/withdrawn from any training institution under the Government or otherwise? Yes/No
- (ii) If the answer to any of the above mention questions is 'Yes' give full particulars of the case/ arrest/detention/fine-conviction/sentence/punishment etc. and/or the/nature of the case pending in the Court/University/Educational Authority etc., at the time of filling up this form.

**NOTE :** (i) Please also see the 'warning' at the top of this Attestation Form.  
(ii) Specific answers to each of the questions should be given by striking out 'Yes' or 'No' as the case may be.

13. Name of two responsible persons of your locality or two references to whom you are known. 1.  
2.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of candidate\_\_\_\_\_

Date\_\_\_\_\_

Place\_\_\_\_\_

## ANNEXURE-I

## Attestation Form

**“WARNING :** The furnishing of false information or suppression of any factual information in the Attestation Form would be a disqualification, and is likely to render the candidate unfit for employment under the Government.

Affix signed passport size  
(5 cm. x 7 cm. approx.)  
copy of recent photograph—where  
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2. If detained, arrested, prosecuted, bound down, fined, convicted, debarred, acquitted etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the authorities to whom the attestation form has been sent early, failing which it will be deemed to be a suppression of factual information.
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1. Name in full (in block capitals) with aliases, if any (Please indicate if you have added or dropped in any stage any part of your name or surname).	SURNAME	NAME	
2. Present address in full (i.e. Village Thana and District, or House No. Lane/Street/Road and Town.			
3. (a) Home Address in full (i.e. Village Thana, and District or House No. Lane/Street/Road and Town and name of Distt. Headquarters.			
(b) If Originally a resident of Pakistan, the address in that country and the date of migration to Indian Union.			
8. (a) Place of birth, District and State in which situated.	(a)		
(b) District and State to which you belong.	(b)		
(c) District and State to which your father originally belong.	(c)		
9. (a) Yours religion			
(b) Are you a member of a Scheduled Caste/Scheduled Tribe? Answer 'Yes or No'			
10. Educational Qualification showing places of education with years in Schools and Colleges since 15th years of age.			
Name of School/College with full address	Date of entering	Date of leaving	Examination passed.

11. (A) Are you a holding or have any time held an appointment under the Central or State Government or a Semi-Government or a Quasi-Government body, or an autonomous body, or a public undertaking, or a private firm or institution? if so, give full particulars with dates, of employment up-to-date.

From	Period To	Designation, emoluments and nature of employment.	Full name and address of employer	Reasons for leaving previous service.
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11. (B) If the previous employment was under the Government of India, a State Government, an Undertaking owned or controlled by the Government of India or a State Government/ an Autonomous Body/University/Local Body.

If you had left service on giving a month's notice under the rules 5 of the Central Civil Services (Temporary Service) Rules, 1965 or any similar corresponding rules were any disciplinary proceedings framed against you, or had you been called upon to explain your conduct in any matter at the time you gave notice of termination of service, or at a subsequent date, before your services actually terminated?

12. (1) (a) Have you ever been arrested? Yes/No  
 (b) Have you ever been prosecuted? Yes/No  
 (c) Have you ever been kept under detention? Yes/No  
 (d) Have you ever been bound down? Yes/No  
 (e) Have you ever been fined by a Court of Law? Yes/No  
 (f) Have you ever been convicted by a Court of Law for any offence? Yes/No  
 (g) Have you ever been debarred from any examination or rusticated by any University or any other educational authority/Institution? Yes/No  
 (h) Have you ever been debarred/disqualified by any Public Service Commission/Staff Selection Commission for any of its examination/selection? Yes/No  
 (i) Is any case pending against you in any Court of Law at the time of filling up? Yes/No  
 (j) Is any case pending against you any University or any other educational authority/Institution at the time of filling up this Attestation Form?  
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- (ii) If the answer to any of the above mention questions is 'Yes' give full particulars of the case/ arrest/detention/fine-conviction/sentence/punishment etc. and/or the/nature of the case pending in the Court/University/Educational Authority etc., at the time of filling up this form.

NOTE : (i) Please also see the 'warning' at the top of this Attestation Form.  
 (ii) Specific answers to each of the questions should be given by striking out 'Yes' or 'No' as the case may be.

13. Name of two responsible persons of your locality or two references to whom you are known. 1.  
2.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of candidate\_\_\_\_\_

Date\_\_\_\_\_

Place\_\_\_\_\_

**Identity Certificate**

(Certificate to be signed by any one of the following)

- (i) Gazetted Officers of Central or State Government;
- (ii) Members of Parliament or State Legislature belonging to the constituency where the candidate or his parent/guardian is ordinarily resident;
- (iii) Sub-Divisional Magistrates/Officers;
- (iv) Tehsildars or Naib/Deputy Tehsildars authorised to exercise magisterial powers;
- (v) Principal/Head Master of the recognised School/College/Institution where the candidate studied last;
- (vi) Block Development Officer;
- (vii) Post-Master;
- (viii) Panchayat Inspectors.

Certified that I have known Shri/Smt./Kumari \_\_\_\_\_  
 son/daughter of Sh. \_\_\_\_\_ for the last \_\_\_\_\_  
 years \_\_\_\_\_ months and that to the best of my knowledge and belief the particulars furnished  
 by him/her are correct.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Place \_\_\_\_\_

Designation or status and address \_\_\_\_\_

**To be filled by the Office**

- (i) Name, designation and full address of the appointing authority.
- (ii) Post for which the candidate is being considered.

**Secret**

No. 52/13/83—SI

From

The Chief Secretary to Govt. Haryana.

To

1. All Deputy Commissioners in Haryana State.
2. D.I.G. (C.I.D) Haryana.
3. All District Superintendents of Police in Haryana.

Dated, Chandigarh the 28th June, 1983.

**Subject :—**Verification of Character and antecedents of candidates selected for appointment to civil posts under the Govt. of India—Reverification.

Sir,

I am directed to enclose a copy of letter No. 18011/9(5)/78-Estt. (B) dated 23-5-83 received from the Government of India for information and necessary action. I am to add that whenever any reference is received from Govt. of India on this behalf, reverification of character and antecedents of the employees in question may be undertaken and report sent to the Govt. of India at the earliest.

Yours faithfully,

Sd/

Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.

No. 52/13/83—SI dated the 28th June, 1983.

A copy each is forwarded for information to the :-

1. Commissioner Ambala/Hissar Division.
2. Director General of Police, Haryana.

**SECRET**

Copy of letter No. 18011/9(S)78--Estt (B), dated the 23 May, 1983, from the Joint Secretary to the Government of India, Ministry of Home Affairs, Department of Personnel & AR, New Delhi to the Chief Secretaries of all State Governments/Union Territories etc.

**OFFICE MEMORANDUM**

**Subject :—** Verification of character and antecedents of candidates selected for appointment to civil posts under the Government of India Reverification.

The undersigned is directed to say that Rule 5 of the Central Civil Services (Conduct) Rules, 1964 read with various instructions issued by this Department prohibit participation of Government servants in political activities. For this purpose periodical reverification of character and antecedents of employees, in selected cases, is a normal procedure adopted by the Central Government. To achieve the above object, the appointing authorities would wherever and whenever considered necessary be making references to the District authorities as well as the DIG, CID, concerned. The State Government are, therefore, requested to suitably advise the District authorities as well as the DIG, CID's of the various ranges to undertake this work whenever such references are made by the competent authorities.

Letter No. 52/13/83—GI. dated 28-6-83

**SECRET**

No. 52/13/83—SI

From

The Chief Secretary to Government,  
Haryana.

To

1. All Deputy Commissioners in Haryana State.
2. D.I.G. (C.I.D.), Haryana.
3. All District Superintendents of Police.

Dated Chandigarh the 21st September, 1983.

*Subject* :—Reverification of character and antecedents of candidates appointed to civil posts under the Government of India—Review of procedure and revision of instructions regarding.

Sir,

I am directed to invite reference to Haryana Government letter No. 52/13/83—SI dated 28-6-83 on the subject noted above and to enclose a copy of letter No. 18011/4(S)/83—Estt(B) dated 15-7-83 received from Government of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms for careful compliance.

Yours faithfully,

*Sd/—*

Under Secretary Administration  
for Chief Secretary to Govt. Haryana.

No. 52/13/83—SI

Dated Chandigarh, the 21st September, 1983

A copy each is forwarded in continuation of Endst. No. 52/13/83—SI dated 28-6-83 for information to the :—

1. Commissioner Ambala Division/Hissar Division.
2. Director General of Police, Haryana.

*Sd/—*

Under Secretary Administration  
for Chief Secretary to Govt. Haryana.

Endst. No. 52/13/83—SI

Dated Chandigarh, the 20-9-83

A copy is forwarded to S. Krishnan, Joint Secretary to Govt. of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms for information with reference to his letter No. 18011/4 (S)/83—Estt. (B) dated 15-7-83.

2. It is presumed that the above communication is in continuation of Ministry of Home Affairs letter No. 18011/9(S)/78—Estt (B) dated 23-5-83 (and not dated 20-5-83 as stated therein).

*Sd/—*

Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.



**SECRET**

**Copy of letter No. 18011/4(5)/83—Estt. (B) dated 15th July 1983 from the Joint Secretary to the Govt. of India, Ministry of Home Affairs, Department of Personnel & AR addressed to the Chief Secretaries of various State/U.T. Governments.**

**Subject :—Reverification of character and antecedents of candidates appointed to civil posts under the Govt. of India—Review of the procedure and revision of instructions regarding.**

Attention is invited to this Department's office Memorandum No. 18011/9(S)/78—Estt. (B) dated 20-5-1983 on the subject of periodical reverification in selected cases of character and antecedents of Government employees. It may please be ensured that enquires relating to such reverification are not made in a routine fashion; this Deptt. would also request the various State Governments to issue necessary instructions to the District Magistrates/Commissioners of Police that whenever reverification relating to officers of the level of Joint Secretary and above are to be made, field enquiries in such cases, are necessarily made by Police officers not below the rank of Superintendent of Police/Additional Superintendent of Police. In the case of officers of the status of Deputy Secretary and Director, field enquiries may be conducted by officers not below the rank of Deputy Superintendent of Police. It is felt that this should not pose any problem to the State Governments because enquiries about officers of the level of Deputy Secretary and above would be very few.

2. A copy of the instructions issued to the District Magistrates/Commissioners of Police be endorsed to this Department for our record.

New Delhi-11, the 16th June, 1962

26th Jyaishta, 1884.

RESOLUTION

The policy of the Government of India in respect of qualifications based on nationality and domicile for eligibility for appointment to Central Services and posts was laid down in this Ministry's Resolution No. 43/58/49-Ests., dated the 6th April, 1950, and was subsequently modified so far as citizens of Sikkim are concerned, by Resolution No. 43/29/51-Ests., dated the 11th April, 1951.

2. In view of the fact that the territories of Goa, Daman and Diu have become part of India and have been constituted as a Union Territory, the persons domiciled in those territories have become Citizens of India. It has, therefore, been decided to dispense with the requirements of issue of certificate of eligibility in respect of the persons belonging to these territories for purposes of employment under the Government.

The question of making the Tibetans, who migrated to India, eligible for Central Services and posts, has also been under the consideration of the Government of India for sometime past. It has now been decided that Tibetans who came over to India before the 1st January, 1962, with the intention of permanently settling in this country, may be considered for appointment to various services, posts under the Government of India, subject to the issue of certificate of eligibility in their favour and their otherwise being found suitable.

3. The Resolution of the Government of India in the Ministry of Home Affairs, No. 43/58/49-Ests., dated the 6th April, 1950 is, therefore, amended as follows :—

- (1) The sub-clauses (i) and (ii) under paragraph 3 of the said Resolution shall be substituted by the following :—
  - (i) Subjects of Nepal and the State of Pondicherry.
  - (ii) Persons who have migrated or may hereafter migrate from Pakistan with the intention of permanently settling down in India, and who have not become citizens of India under the Constitution.
  - (iii) Tibetans who migrated to India before the 1st January, 1962, with the intention of permanently settling in India.
- (2) The standard rule for recruitment contained in paragraph 5 of the said Resolution, as subsequently amended by Resolution Nos. 43/97/56-CS(C), dated the 12th April, 1957, and 11(24)60—Ests. (B), dated the 21st December, 1960, shall stand modified as follows :—

"A candidate for appointment to any Central Service or post must be :—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of the State of Pondicherry, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India :

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal, or a Tibetan who came over to India before the 1st January, 1962, with the intention of permanently settling in India may also be appointed to any Central Service or post, other than the Indian Foreign Service;

Provided further that a candidate belonging to category (c) or (d) above must be a person in whose favour a certificate of eligibility has been given by the Government of India, and if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of the appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government."

4. Resolution No. 11/2/62-Ests. (B), dated the 28th April, 1962, is hereby cancelled.

#### ORDER

Ordered that a copy of this Resolution be communicated to all State Governments, all Ministries of the Government of India, etc. and also that the Resolution be published in the Gazette of India.

L. M. NADKARNI,  
Joint Secretary to the Government of India.

No. F. 11(2)62-Ests (B), New Delhi-11, the 16th June, 1962, 26th Jyaistha, 1884.

All Ministries etc. of the Government of India.  
All State Governments/Union Territories.  
All Regular Sections of the Ministry of Home Affairs.

L. M. NADKARNI,  
Joint Secretary to the Government of India

#### PUNJAB GOVERNMENT

No. 18072-10GS-62/45092, dated Chandigarh the 27th December, 1962.

A copy is forwarded to all Heads of Departments and Administrative Secretaries to Government, Punjab, for information.

2. The domicile rule in the various service rules will now be as per Annexure I.

Sd/-  
Deputy Secretary, General Administration,  
for Chief Secretary to Government, Punjab.

#### ANNEXURE I

(1) No person shall be appointed to the service, unless he is--

- (i) a citizen of India, or
- (ii) a subject of Sikkim, or
- (iii) a subject of the State of Pondicherry or
- (iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently settling in India ;

Provided that, subject to the issue of a certificate of eligibility in his favour, a subject of Nepal or a Tibetan who came over to India before the 1st January, 1962, with the intention of permanently settling in India may also be appointed to any post in the service ;

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the Commission, Board or any other recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority.

Copy of Punjab Government Circular letter No. 1100-10GS-63/4707, dated 6th February, 1963 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

**Subject ;—Appointment of Tibetan Refugees to Central Service and Posts—Question of eligibility for employment.**

In continuation of Punjab Government endorsement No. 18072-10GS-62/45092, dated the 27th December, 1962 with which a copy of Government of India, Resolution No. F. II(2)62-Estt-(B), dated the 16th June, 1962, and a copy of the latest phraseology of the domicile rule was forwarded to you for being adopted in various service rules, I am directed to say that pending adoption of the phraseology of the rule in the various service rules, Tibetans who arrived in India before the 1st January, 1962, with the intention of permanently settling in India may, subject to the issue of a certificate of eligibility in their favour by the competent authority, be considered for appointment to any post or service under the Punjab Government, provided they are otherwise suitable for appointment and possess the requisite qualifications prescribed for appointment to that post or service.

2. For Secretary to Government, Punjab, Labour and Employment Departments only.

Necessary instructions may please be issued to the various Employment Exchanges to sponsor the cases of Tibetan Refugees, if they are otherwise suitable for employment to various under the Punjab Government.

3. The receipt of this communication may please be acknowledged.

**F.No. 15011(1)76-Estt. (B)**

Government of India,

Cabinet Secretariat,

Department of Personnel and Administrative Reforms,

New Delhi—110001 the 29th April, 1976.

### RESOLUTION

The Government of India have decided that in supersession of earlier instructions regarding the eligibility for appointment under the Government of India, the standard rule for recruitment will hence forth be modified as follows :

“A candidate for appointment to any Central Service or post must be—

- (a) a citizen of India, or
  - (b) a subject of Nepal, or
  - (c) a subject of Bhutan, or
  - (d) A Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
  - (e) a person of Indian origin, who has migrated from Pakistan, Burma, Sh. Lanka and East African countries, of Kenya, Sh. Lanka and East African countries, of Kenya Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India ;
- (1) Provided that a candidate belonging to categories (b), (c) (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Govt. of India.
  - (2) Provided further that a candidates belonging to categories (b), (c) and (d) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Govt.

**ORDER :** Ordered that a copy of this Resolution may be communicated to all State Government, all Ministries of the Govt. of India, etc. and also that the Resolution be published in the Gazette of India.

Sd/—  
P. S. Mahajan  
Joint Secretary to the Govt. of India

No. F. 15011(1)76-Estt. (B) New Delhi the 29 April, 1976

Copy to :—

All Ministries etc. of the Govt. of India etc.

All States Govts/U.Ts.

All Sections of Deptt. of Personnel and Administrative Reforms and the Ministry of Home Affairs,

All attached/Subordinate offices of Deptt. of Personnel and Administrative Reforms/U.P.S.C./Supreme Court/Lok Sabha/Rajya Sabha Secretariats/President's Secretaries/Vice President's Secretaries/C&A—G. DGP&T.—50 spare copies for the section.

Sd/—  
(L. B. MANN)  
Under Secretary to the Govt. of India

#### HARYANA GOVERNMENT

Endst. No. 3868—4GSII—76/16644 dated Chandigarh, the 24-6-76

A copy is forwarded to :—

- (i) All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners, and all Sub Divisional Officers.
- (ii) The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana,

for information and guidance.

2. The revised Rule 4 (i) of Model Service Rules regarding Nationality and domicile to be adopted in various service Rules will now be as per annexure attached.

Sd./-  
Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy with a copy of its enclosures is forwarded to the ;—

- (i) The Financial Commissioner, Haryana.
- (ii) All Administrative Secretaries, Haryana, for information and guidance.

Sd./-  
Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Haryana,
- (ii) All Administrative Secretaries, Haryana.

U. O. No. 3868—4GSII—76,

dated Chandigarh, the 24-6-76

Copy of letter No. 15014/3/(S)/76-Estt. (B) dated 1st March, 1977, from Joint Secretary to the Govt. of India Cabinet Secretariat, Department of Personnel and Administrative Reforms, New Delhi addressed to the All State Governments and Union Territories etc. etc.

### RESOLUTION

The Government of India have decided that in Supersession of earlier instructions regarding the eligibility for appointment under the Government of India, the standard rule for recruitment will hence forth be modified as follows :-

A candidate for appointment to any Central Service or post must be—

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (e) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

Provided further that candidates belonging to categories (b), (c) and (d) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.

**Order :** Ordered that a copy of this Resolution may be communicated to all State Governments, all Ministries of the Government of India etc. and also that the Resolution be published in the Gazette of India.

### HARYANA GOVERNMENT

Endst. No. 2153-4-GSII-77/12718 dated Chandigarh, the 13-5-1977

A copy is forwarded to :—

To

1. All Heads of Departments, Commissioners/Ambala and Hisar Divisions, All Deputy Commissioners and all Sub Divisional Officers.
2. The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana,  
for information and guidance in continuation of Haryana Govt. endst. No. 3868-4 GSII-76/16644, dated 24-6-76
3. The revised Rule 4 (1) and 4 (2) of Model Service Rules regarding Nationality and domicile to be adopted in various service Rules will now be as per annexure attached.

Sd./—

Superintendent, General Services-II  
for Chief Secretary to Government, Haryana.

A copy with a copy of its enclosures is forwarded to the :—

The Financial Commissioner, Haryana and all Administrative Secretaries, Haryana, for information and guidance in continuation of this department's U. O. No. reference No. 3868-4 GSII-76. dated 24-6-76,

## ANNEXURE I

Revised rule 4 (1) of Model Service Rules regarding Nationality and domicile :—

4 (1) No person shall be appointed to the Service, unless he is

- (a) A citizen of India ; or
- (b) a subject of Nepal ; or
- (c) a subject of Bhutan ; or
- (d) A Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India ; or
- (e) a person of Indian Origin who has migrated from Pakistan, Burma, Ceylon, and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India ; or

Provided that a person belonging to category (b) (c) (d) or (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government.”

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No. 34/93/78-5-GS-I.

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions ; all Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 16th June, 1979.

*Subject* :—Minimum qualifications for a post eligibility of candidates possessing higher qualifications than those laid down as minimum.

Sir,

I am directed to refer to the subject noted above and to state that a question had come up for consideration by the Government whether a person possessing qualifications higher than those prescribed for a post, but not those actually prescribed for it, should be considered eligible for such a post. The matter has been carefully considered and it has been decided that if a candidate possesses higher qualifications in the same line and has passed such higher examination in the same division or class as prescribed for the minimum qualifications applicable to a particular post, then he should be considered eligible for that post.

2. To illustrate, if the minimum educational qualification prescribed for a post is Matric First Division and if candidates with higher qualifications, such as Higher Secondary or B. A. have applied for it, then such candidates as have passed the higher examination in the First Division would be eligible although they may not have passed the Matric examination in the First Division.

Yours faithfully,

*Sd/—*

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner, Revenue & Development, Haryana and all Administrative Secretaries to Government, Haryana, for information and necessary action.

*Sd/—*

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana,

To

1. The Financial Commissioner, Revenue & Development, Haryana.
2. All Administrative Secretaries to Government, Haryana.

U. O. No. 34/93/78-5-GS-I, dated Chandigarh, the 16th June, 1979.



## ANNEXURE—A

## Qualifications for the posts of Clerk, Steno-Typist and Stenographer in all A Class Offices.

Name of Post	Qualifications
1. Clerk	1. Matric 1st Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalent. (For ex-servicemen, Matric only). 2. Knowledge of Hindi upto Matric Standard. 3. Hindi/English typing at a speed of 25/30 words per minute respectively.
2. Steno-typist	1. Matric 1st Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalent. (For ex-servicemen, Matric only) 2. Knowledge of Hindi upto Matric Standard. 3. English Shorthand at 80 words per minute and transcription thereof at 15 words per minute. 4. Hindi shorthand at 64 words per minute and transcription thereof at 11 words per minute.
3. Stenographer	1. Matric 1st Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalent. (For Ex-servicemen matric only) 2. Knowledge of Hindi upto Matric Standard. 3. English short-hand at 100 words per minute and transcription thereof at 20 words per minute. 4. Hindi short-hand at 80 words per minute and transcription thereof at 15 words per minute.

## ANNEXURE—B

## Qualifications for the posts of Clerk, Steno-Typist and Stenographer in all offices other than A Class Office

Name of Post	Qualifications
1. Clerk	1. Matric/Higher Secondary or equivalent. 2. Knowledge of Hindi upto Matric Standard. 3. Hindi or English typing at a speed of 25/30 words per minute respectively.
2. Steno-Typist	1. Matric/Higher Secondary or equivalent. 2. Knowledge of Hindi upto Matric Standard. 3. Hindi short-hand at 64 words per minute and transcription thereof at 11 words per minute.
Stenographer	or English short-hand at 80 words per minute and transcription thereof at 15 words per minute. 1. Matric/Higher Secondary or equivalent. 2. Knowledge of Hindi upto Matric Standard. 3. Hindi short-hand at 80 words per minute and transcription thereof at 15 words per minute.
	or English short-hand at 100 words per minute and transcription thereof at 20 words per minute.

Copy of Punjab Government Letter No. 533-GII-59/11327, dated the 15th/18th April, 1959, to all Heads of Departments in the Punjab.

**Subject :—Holding of Combined Examinations for Recruitment to similar posts/services.**

I am directed to address you on the subject noted above and to say that on the analogy of the practice obtaining in the Union Public Service Commission and some other State Public Service Commissions a proposal for the holding of combined examinations for recruitment to similar posts/services under the Punjab Government had been under the consideration of Government for a long time. A scheme has now been approved under which the Punjab Public Service Commission will hold combined examinations for various posts. For this propose the Commission have divided about 40 Categories of posts into the following 10 groups :—

Name of Group	Name of post included in the group
Group I	<ol style="list-style-type: none"> <li>1. P.C.S. (Executive Branch).</li> <li>2. Excise and Taxation Officers.</li> <li>3. Assistant Excise and Taxation Officers.</li> <li>4. Tehsildars.</li> <li>5. Block Development Officers.</li> <li>6. Assistant Registrars, Co-operative Societies, Punjab.</li> <li>7. Secretaries of Municipalities and District Boards.</li> <li>8. Assistant Employment Officers.</li> <li>9. Lady Organiser, Public Relations Departments.</li> <li>10. District Public Relations Officers.</li> <li>11. Public Relations Officer, Capital Administration.</li> <li>12. Assistant Public Relations Officers in the Public Relations Department.</li> </ol>
Group II	<ol style="list-style-type: none"> <li>1. P.C.S. (Judicial Branch).</li> <li>2. Legal Assistant in L.R.'s Office, Industries and other offices.</li> </ol>
Group III	<ol style="list-style-type: none"> <li>1. Superintendents Jails.</li> <li>2. Deputy Superintendent Jails.</li> <li>3. Deputy Superintendent Police.</li> <li>4. Inspector of Police.</li> </ol>
Group IV	<ol style="list-style-type: none"> <li>1. Engineering Services; all Branches, Class I and Class II, Temporary Engineers, Apprentice Engineers, Design Assistants and Municipal Engineers.</li> </ol>
Group V	<ol style="list-style-type: none"> <li>1. Excise and Taxation Inspectors.</li> <li>2. Labour Inspectors.</li> <li>3. Assistants (Direct recruitment).</li> <li>4. Statistical Assistants in the Public Relations Department, Financial Commissioner's Office and other offices.</li> <li>5. Inspectors, Cooperative Societies.</li> </ol>
Group VI	<ol style="list-style-type: none"> <li>1. Lecturers for Government Colleges in P.E.S., Class III.</li> <li>2. Senior Lecturers in P.E.S., Class II (College Cadre).</li> <li>3. Headmasters and other similar posts in P.E.S., Class II.</li> <li>4. Head masters under Local Bodies.</li> </ol>
Group VII	<ol style="list-style-type: none"> <li>1. Stenographers (English, Hindi, Punjabi).</li> <li>2. Reporters (English, Hindi, Punjabi).</li> </ol>
Group VIII	<ol style="list-style-type: none"> <li>1. Assistants of all class I Offices (by promotion and transfer from other offices).</li> </ol>

Name of Group	Name of post included in the group
Group IX	.. 1. Treasury Officers. 2. Assistant Treasury Officers. 3. Accountants in Government Offices and Municipalities. 4. Auditors in Co-operative Societies.
Group X	.. 1. Labour Officers. 2. Panchayat Officers. 3. Welfare Officers. 4. District Industries Officers.

The posts in each group have been placed in the order of their superiority and will be offered to the successful candidates in the order of their positions in the merit lists, keeping in view the preference given by them.

2. For the holding of combined examination the commission considers it essential to draw up a common syllabus for all posts in every group, and for that proposes it may be necessary to amend any rule that may exist regarding syllabi. The Commission have already addressed the Departments concerned in this behalf. It is accordingly requested that necessary amendments should be made in the rules where necessary to provide for recruitment to the services concerned on the basis of combined examination and common syllabus in consultation with the Commission. This communication may please be treated as urgent, so that no delay in recruitment occur on this account. If no amendment to any of the service rules is necessary, the department concerned may intimate that also to the Commission.

Copy of Circular letter No. 671-GII-60/7882, dated the 11th March, 1960 from the Chief Secretary to Government, Punjab to All Heads of Departments, etc., etc.

**Subject :—**Holding of combined examination for recruitment to similar posts/services.

I am directed to refer to Punjab Government letter No. 533-GII-59/11327, dated the 15th/18th April, 1959, on the subject noted above and to say that Government have received representations from certain Departments claiming superior positions, in different groups, for posts in their Departments, for various reasons. Government have carefully examined the matter in consultation with the Commission. The letter have informed Government that the posts in each Group or the Groups have not been arranged in the order of their superiority, and that posts in each Group will be offered to the qualified candidates in order of their positions in the merit list, keeping in view the preference given by them. The words 'have been placed in the order of their superiority and' occurring in the concluding sentence of Punjab Government letter, dated the 15th/18th April, 1959, referred to above may, therefore, be deemed to have been deleted.

Copy of letter No. 391-3GS-62/1443, dated 11th January, 1962 from Chief Secretary to Government, Punjab, Addressed to Heads of Departments, etc. etc.

**Subject :—**Holding of combined examinations for recruitment to similar posts/services—Procedure regarding allocation of candidates to various services.

I am directed to invite a reference to Punjab Government letter No. 533-GII-59/11327, dated the 15th/18th April, 1959, on the subject noted above and to say that as you are no doubt aware the system of holding combined examinations for recruitment to similar posts/services in a group has been adopted in the Punjab. In order to rationalise allocation of candidates selected on the results of such examinations and for the sake of uniformity and speedy decision the following procedure has been evolved :—

- (i) The Departments while intimating to the Punjab Public Service Commission the number of vacancies to be filled on the basis of a combined examination in a year shall endorse a copy of the requisition to the Chief Secretary (in General Services Branch).
- (ii) The Commission, while forwarding (to the Chief Secretary in the General Services Branch) names of competitioners in the order of merit, shall clearly indicate the choice made by candidates in regard to preference of service. The list shall also include the names of candidates belonging to the Scheduled Castes/Tribes and other Backward Classes in order of merit. The Commission would simultaneously send to the Government the original applications of all the candidates equal to the number of vacancies including those reserved for Scheduled Castes/Tribes/other Backward Classes, plus five extra in each case to cover any additional vacancies. When advertising for these posts, Commission will make it clear that the choice indicated by the candidate is final and he will not be permitted to indicate a new choice after the result of the examination is made available.
- (iii) On the basis of the Commission's list a meeting of the Departments concerned will be called and candidates earmarked in the order of merit including reservation for the Scheduled Castes etc. for the various services according to the vacancies indicated by the Departments. If at this stage the Departments can indicate additional number of firm vacancies, these will also be provided for.
- (iv) Having earmarked the candidates as above, the Departments should proceed with the appointments after the formalities are completed. If by chance and candidate falls out as a result of verification of character and antecedents, medical examinations etc., a new appointment should not be made in place thereof as that would involve a revision of the whole list, but this vacancy should be carried forward as an additional vacancy to the next year. It is believed that the number of candidates who fail in the medical examination or whose antecedents are found to be unsatisfactory will be very small and the risk of ignoring this number can be easily taken, than running the risks of delays involved in reallocating the whole list.

2. I am to request that the procedure outlined above may be strictly adhered to in future. The receipt of this letter should be acknowledged.

Copy of Punjab Government Circular letter No. 17999-3GS-62/42246, dated 24th November, 1962, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

**Subject :—Holding of combined examination for recruitment to similar posts/services.**

I am directed to refer to Punjab Government letter No. 533-GII-59/11327 dated the 15th/18th April, 1959, and subsequent letter No. 671-GII-60/7882, dated the 11th March, 1960, on the subject noted above, and to say that Government has reviewed the whole scheme of combined examinations for recruitment to similar posts/services in the light of the suggestions made by the various Departments and their past experience, and in consultation with the Punjab Public Service Commission. It has been decided that for the future, the Punjab Public Service Commission will hold the combined examinations for recruitment to the various posts shown in the following groups only :—

<i>Name of Group</i>	<i>Name of posts included in the Group</i>
Group I	<ol style="list-style-type: none"> <li>1. P. C. S. (Executive Branch).</li> <li>2. Excise and Taxation Officer.</li> <li>3. Assistant Excise and Taxation Officer.</li> <li>4. Tahsildar.</li> <li>5. Assistant Registrar, Co-operative Societies, Punjab.</li> <li>6. Assistant Employment Officer.</li> <li>7. Excise and Taxation Inspector.</li> </ol>
Group II	<ol style="list-style-type: none"> <li>1. P. C. S. (Judicial Branch).</li> <li>2. Legal Assistant in the Legal Remembrancer's Office, Industries and other offices.</li> </ol>
Group III	<ol style="list-style-type: none"> <li>1. Deputy Superintendent, Jail</li> <li>2. Deputy Superintendent of Police.</li> <li>3. Inspector of Police.</li> </ol>
Group IV	<ol style="list-style-type: none"> <li>1. Engineering Services Class I and Class II of all branches of the P.W.D.</li> <li>2. Temporary Engineer.</li> </ol>
Group V	<ol style="list-style-type: none"> <li>1. Labour Officer.</li> <li>2. Welfare Officer.</li> <li>3. Labour Inspector.</li> </ol>
Group VI	<ol style="list-style-type: none"> <li>1. Treasury Officer.</li> <li>2. Assistant Treasury Officer.</li> </ol>
Group VII	<ol style="list-style-type: none"> <li>1. Punjab Forest Service Class I.</li> <li>2. Punjab Forest Service Class II.</li> </ol>
Group VIII	<ol style="list-style-type: none"> <li>1. District Industries Officer.</li> <li>2. Assistant Director of Industries.</li> <li>3. Assistant Controller of Stores.</li> </ol>

2. The posts in each group have not been arranged in the order of their superiority and will be offered to the qualified candidates in the order of their positions in the merit list, keeping in view the preference given by them.

3. The Punjab Public Service Commission will, if considered necessary, make separate arrangements to hold examinations for recruitment to the posts which have been excluded from the new groups detailed in para 1 above but fall within their purview.

4. Government has further decided that the ministerial Government servants who are eligible for appearing in the P.C.S. (Executive Branch) Examination under Rule 10(3) of the P.C.S. (Executive Branch) Rules, 1930, up to the age of 35 years, will, in future, be allowed only three chances in addition to those which a Government servant may have availed of as a direct recruit within the normal age-limit. To avoid any hardship in marginal cases, it has been decided to allow one more chance during the next two years to those ministeria of Government Servants who have already availed of 3 chances.

5. The receipt of this letter may kindly be acknowledged.

**Copy of Punjab Government circular Letter No. 18854-3GS-62/44893, dated the 17th December, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject :—Holding of combined examinations for Recruitment to similar posts/services.**

In continuation of Punjab Government letter No. 17999-3GS-62/42246, dated the 24th November, 1962, on the subject noted above. I am directed to state that the instructions contained therein with particular reference to para 4 thereof, will come into force the ensuing P.C.S. (Executive Branch) examination to be held in or about the month of January, 1963.

**Copy of Punjab Government circular letter No. 9578-3GSI-64/41005, dated the 31st December, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments etc.**

**Subject :—Holding of combined examinations for recruitment to similar posts/services—procedure regarding allocation of candidates.**

I am directed to invite a reference to Punjab Government circular letter No. 391-3GS-62/1443, dated the 11th January, 1962 on the subject noted above and to say that the last two lines of para 1(ii) thereof be read as under :—

“that the choice indicated by the candidate would be final unless changed before the final result becomes available.”

2. The receipt of this letter may kindly be acknowledged.

**English version of Letter No. 209-2GSI-72/4436, Dated the 23-2-1972**

**Subject :—Passing of Departmental Examination—Drawal of increments.**

Sir,

I am directed to refer to the subject noted above and to state that in the service rules of the various departments, the procedure prescribed for the grant of increments admissible on passing the departmental examination lacks uniformity and differs widely. It is considered that a measure of uniformity will be desirable in that regard and it has therefore been decided that the service rules should be amended so as to incorporate the following provisions :—

- (a) If a number of the service passes the departmental examinations before the date of his first increment falls due, then the said increment should be released to him from the date the increment becomes due.
- (b) If a member of the service passes the departmental examinations after the date on which his first increment falls due, then the said increment should be given to him from the date following the last date on which the departmental examinations are completed. The increment should be released with retrospective effect from that date but no arrears should be paid for the past period. In this context it should not be material whether any period has or has not been prescribed under the departmental service rules for passing the departmental examinations).
- (c) If a member of the service fails to pass all the departmental examinations or any part thereof, and is subsequently exempted by competent authority from passing the examination(s), his increment(s) should be released from the date he is given such exemption. The increment(s) should be released with retrospective effect but no arrears should be paid for the past period.

It may be observed that the intention underlying the provision in 1(b) above is that regardless of whether any period has or has not been prescribed for passing the departmental examinations officials should be expected to pass the departmental examinations by the time their first increment falls due and failure to do so should mean that they should be allowed the first increment only as from the date following the last day of the completion of the departmental examinations in which they pass in all the subjects and not earlier.

2. It is requested that wherever necessary steps for amending the service rules on these lines may please be taken at the earliest after observing the necessary formalities.

3. This issues with the concurrence of the Finance Department vide their U. O. No. 6685-IFGI-71, dated the 5-1-72.

संख्यांक 1265-2 जी 0 एस 0 II-73/781

प्रेषक

मुख्य सचिव, हरियाणा सरकार

सेवा में

- (1) सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा सभी उप-मण्डल अधिकारी हरियाणा ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा सभी जिला तथा सत्र न्यायाधीश हरियाणा ।

दिनांक चण्डीगढ़ 27 मार्च, 73

विषय :—क्लर्कों तथा टाईपिस्टों के पदों के लिए भर्ती ।

मुझे निर्देश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान दिलाते हुए यह लिखूँ कि कुछ ऐसे उदाहरण देखने में आए हैं कि विभागाध्यक्ष क्लर्कों तथा टाईपिस्टों के पद भरने के लिए अधीनस्थ सेवा प्रवरण मण्डल को अलग-अलग मांग भेजी जाती है । यह प्रथा नियमानुकूल नहीं क्योंकि सेवा नियमों में टाईपिस्टों के अलग संवर्ग की व्यवस्था नहीं है अपितु टाईपिस्टों के पद क्लर्कों के संवर्ग में ही शामिल होते हैं । इसलिए ठीक कार्यविधि यह है कि विभागाध्यक्षों को चाहिए कि वे टाईपिस्टों तथा क्लर्कों की समेकित मांग तैयार करके अधीनस्थ सेवा प्रवरण मण्डल को भेजा करें साथ ही मण्डल को ऐसे पदों की संख्या यदि कोई हो सूचित की जाए जिन्हें हिन्दी या अंग्रेजी टाईप जानने वाले क्लर्कों से भरा जाना हो ताकि तदनुसार भर्ती की जा सके ।

2. कृपया इन अनुदेशों को विधिवत अनुपालन के लिए नोट कर लिया जाए तथा अन्य इन्हें सभी अन्य संबंधित अधिकारियों/कर्मचारियों के ध्यान में ला दिया जाए ।

भवदीय

हस्ता:

संयुक्त सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक-एक प्रति :—

1. सभी वित्तायुक्त राजस्व, हरियाणा
2. सभी प्रशासकीय सचिवों, हरियाणा सरकार को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है ।

हस्ता:

संयुक्त सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

संख्यांक: 1265-2 जी एस-II-73/

दिनांक 27 मार्च, 73

क्रमांक 1411-2 जी:एस: I-74/6961

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप-मण्डल अधिकारी।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश।

दिनांक, चण्डीगढ़, 27 मार्च, 1974।

विषय :—कलकों तथा टाईपिस्टों के पदों पर भर्ती।

महोदय,

मुझे निर्देश हुआ है कि मैं उपर्युक्त विषय की ओर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 1265-2 जी:एस:—II-73/781, दिनांक 27-3-73 में जारी की गई हिदायतों की ओर दिलाऊँ जिनमें कि यह कहा गया था कि विभागाध्यक्षों को चाहिए कि वे टाईपिस्टों तथा कलकों की संगठित मांग तैयार करके अधीनस्थ सेवाएं प्रवरण मण्डल को भेजा करें और साथ ही मण्डल को ऐसे पदों की संख्या, यदि कोई हो, सूचित की जाए जिन्हें हिन्दी या अंग्रेजी टाईप जानने वाले कलकों से भरा जाना हो ताकि तदनुसार भर्ती की जा सके।

2. इस मामले पर आगे विचार किया गया है कि कोई ऐसा तरीका अपनाया जाये जिससे यह सुनिश्चित हो सके कि सभी विभागों में भर्ती किए गए लिपिकों को टाईप का ज्ञान हो। टाईप का ज्ञान लिपिकों के लिए एक लाभदायक योग्यता है। टाईप जानने वाले लिपिक तथा सहायक अपने नोटिस टाईप करके प्रस्तुत कर सकते हैं और छोटे-मोटे पत्र आदि भी स्वयं टाईप कर सकते हैं। अतः इस बारे में यह उचित समझा गया है कि भविष्य में जो लिपिक भर्ती किए जाएं उनके लिए हिन्दी या इंग्लिश की टाईप का ज्ञान होना जरूरी करार दिया जाए और विभागों द्वारा अधीन सेवाएं प्रवरण मण्डल को लिपिकों के बारे में जो मांग-पत्र भेजे जाएं उनमें यह स्पष्ट रूप से बताया जाए कि जिन उम्मीदवारों की सिफारिश की जाए उन्हें हिन्दी या इंग्लिश की टाईप का ज्ञान जरूरी होना चाहिए। अधीन सेवाएं प्रवरण मण्डल केवल उन उम्मीदवारों के ही नामों की सिफारिश करेगा जिन्होंने टाईप का निर्धारित टैस्ट पास किया हुआ होगा। यदि मण्डल पहली बार में टाईप जानने वाले उम्मीदवार पर्याप्त संख्या में उपलब्ध न कर सके तो यह मैरिट के आधार पर उन उम्मीदवारों की भी सूची तैयार करेगा जो टाईप का टैस्ट पास नहीं कर सके परन्तु लिपिक के पद के लिए योग्य हैं। ऐसे उम्मीदवारों को 6 मास के अन्दर-अन्दर टाईप का टैस्ट पास करने का दूसरा मौका मण्डल द्वारा दिया जाएगा। यदि ऐसे उम्मीदवार निर्धारित टाईप का टैस्ट पास कर लेते हैं तो उनके नामों की सिफारिश विभागों को की जा सकेगी। इसलिए इस व्यवस्था को लागू करने के लिए यह आवश्यक समझा गया है कि राज्य के सभी विभागों द्वारा श्रेणी-II (Ministerial) नियमों में लिपिकों की भर्ती के लिए निम्नलिखित व्यवस्था की जाए।

“Knowledge of typing in Hindi or English at the speed of 25 and 30 words per minute respectively would be a necessary qualification for the post of Clerk”.

3. इस संशोधन के बारे में अधीन सेवाएं प्रवरण मण्डल, विधि विभाग तथा वित्त विभाग की अनुमति प्राप्त कर ली गई है और इस संशोधन का अनुमोदन मन्त्रिपरिषद् से भी करवा लिया गया है। इसलिए यह सुझाव दिया जाता है कि सभी विभाग अपने-अपने सम्बन्धित सेवा नियमों में तदनुसार संशोधन, नोटिफिकेशन विधि विभाग से वेट (wet) करवाने के बाद, कर लें और भविष्य में इस संशोधन के अनुसार ही कार्यवाही की जाए।

4. कृपया इन हिदायतों की पावती भेजी जाए।

हस्ता/-

वीरेन्द्र नाथ

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।



No. 4860-2GS-I-74

From  
The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments; the Commissioner, Ambala and Hissar Divisions, all Deputy Commissioners and all Sub-Divisional Officers in Haryana.
- (2) The Registrar, Punjab and Haryana High Court; and all District & Sessions Judges in Haryana.

Dated Chandigarh, the 22nd Jan., 1975.

**Subject:—Passing of departmental Examination—Drawal of increments.**

Sir,

I am directed to invite your attention to Haryana Government letter No. 209-2GSI-72/4436 dated 23rd Feb., 1972, on the subject above, in which instructions were issued regarding the grant of increment to the officials in the various Departments on their passing of departmental examinations. These instructions were issued in order to bring in uniformity in the procedure adopted by various Departments.

2. The matter has been again considered and it has been decided to issue the following further instructions regarding the grant of increments on passing the departmental examination, in partial modification of the instructions contained in para 1 (a) of Haryana Government's letter dated 23rd Feb., 1972 referred to above :—

(1) Every department should prescribe a reasonable period for passing the Departmental Examination. This period may be either the period of probation or such other period which the Department may consider reasonable.

(2) If a person passes the departmental examinations before the prescribed period, he should be given all the increments which would have otherwise fallen due to him at the end of the prescribed period with effect from the last day on which the departmental examination were completed. This should act as a special incentive for passing the departmental examination quickly. The above advantage conferred by this stipulation is not intended to be of a cumulative nature and latter increments will only be due to him on the dates on which they would have become otherwise due.

(3) No increments should be withheld until the period prescribed for clearing the Departmental examination is over. It is requested that necessary steps may kindly be taken for amending the service rules on the lines indicated above, at the earliest, after observing the necessary formalities. If there arise any cases of undue hardship while taking action in accordance with the instructions as also the instructions contained in Haryana Government's letter No. 209-2GS-I-72/4436, dated the 23rd Feb., 1972 the also should be dealt with by taking recourse to the relaxation powers as provided in the various service rules.

4. These instructions are being issued with the concurrence of the Finance Department received vide their U.O. advice No. 4223-IFG-(I)-74 dated 5-11-74.

Yours faithfully,

Sd/-

Deputy Secretary, General Administration,  
for Chief Secretary to Govt., Haryana.

A copy each is forwarded for information and necessary action to :—

- (i) Financial Commissioner, Revenue.
- (ii) All the Administrative Secretaries to Government, Haryana.

Sd/-

Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) Financial Commissioner, Revenue.
- (ii) All Administrative Secretaries, Haryana.

U.O. No. 4860-2GSI-74

Dated Chandigarh, the 22nd Jan., 1975.

क्र० 699-2 जी०एस०-1-74/1747

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप-मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायधीश ।

दिनांक चण्डीगढ़ 27 जनवरी, 1975 ।

विषय :-—तदर्थ आधार पर नियुक्त कर्मचारियों द्वारा विभागीय परीक्षा पास करना वार्षिक वेतन वृद्धियों की प्राप्ति ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्र० 5927-(I)-एफ० आर० II-64/5302, दिनांक 30-6-1964 तथा हरियाणा सरकार के परिपत्र क्र० 2179-I एफ० आर०-74/20509, दिनांक 11-6-74 में जारी की गई हिदायतों की ओर दिलाऊँ जिनमें यह व्यवस्था की गई थी कि तदर्थ आधार पर नियुक्त कर्मचारियों को वार्षिक वेतन वृद्धि पंजाब सी०एस०आर० भाग-I, खण्ड-I, के नियम 4.9 के तहत दी जाए । उपरोक्त हवाला दिए गए नियम अथवा वर्तमान हिदायतों से यह स्पष्ट नहीं होता है कि क्या किसी पद पर तदर्थ आधार पर नियुक्त कर्मचारी जिसको लागू सेवा नियमों में विभागीय परीक्षा पास करने की व्यवस्था है बिना विभागीय परीक्षा पास किए वार्षिक वेतन वृद्धि प्राप्त कर सकता है ।

2. इस मामले पर सरकार ने ध्यानपूर्वक विचार किया है तथा यह निर्णय लिया है कि सीधी भर्ती द्वारा तदर्थ आधार पर नियुक्त कर्मचारियों की वार्षिक वेतन प्राप्त करने से पहले विभागीय परीक्षा पास करना अनिवार्य होगा यदि इस पद के लिए लागू सेवा नियमों में विभागीय परीक्षा पास करना अनिवार्य है । यदि कोई कर्मचारी ऐसे पद पर प्रोविजनली तौर पर इस शर्त पर पदोन्नत कर दिया जाता है कि लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल की मंजूरी प्राप्त करती होगी तब ऐसे कर्मचारी को भी वार्षिक वेतन वृद्धि विभागीय परीक्षा पास करने पर ही दी जाएगी ।

भवदीय,

हस्ता:

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति :-

1. वित्तायुक्त राजस्व, हरियाणा सरकार ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है ।

हस्ता/—

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा सरकार ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

प्रशा: क्र 699-42 जी०एस०-1-74,

दिनांक 27-1-1975

Copy of letter No. 3980-2GSI-75/25879, dated 27th August 1975, from the Chief Secretary to Govt., Haryana to (i) All Heads of Departments, Commissioners, Ambala & Hissar Division all Deputy Commissioners and all Sub Divisions Officers in Haryana (ii) The Registrar, Punjab and Haryana High Court and all District & Sessions Judges in Haryana.

**Subject:—** Passing of departmental examinations drawal of increments.

I am directed to invite your attention to Haryana Government letter, Nos. 209-2GSI-72/4436, dated the 23rd February, 1972 and 4860-2GSI-74/1195, dated the 22nd January, 1975, on the subject noted above, in which instructions were issued regarding the grant of increments to the officials in the various departments on their passing the departmental examinations. These instructions were issued in order to bring uniformity in the procedure adopted by various departments.

2. In partial modification of the instructions issued regarding the grant of increments to the officials in various departments on their passing the departmental examinations in part I (a) of Haryana Government letter No. 209-2GSI-72/4436, dated the 23rd February, 1972, and in supersession of the instructions issued vide Haryana Government letter No. 4860-2GSI-75/1195, dated the 22nd January, 1975, I am directed to say that the matter has been again considered and it has been decided to issue the following further instructions :—

- (i) Every department should prescribe a reasonable period for passing the departmental examination. This period may either be the period of probation or such other period as the department may consider reasonable.
- (ii) If a person passes the departmental examinations before the prescribed period, he should be given all the increments which would have otherwise fallen due to him at the end of the prescribed period/ with effect from the last day on which the departmental examination were completed. This should act as a special incentive for passing the departmental examination quickly. The above advantage conferred by this stipulation is not intended to be of a cumulative nature and latter increments will be due to him only on the dates on which they would have otherwise become due.
- (iii) No increment should be withheld until the period prescribed for clearing the departmental examination is over.
- (iv) If a member of the service passes the departmental examinations after the prescribed period, then the increment for the period subsequent to that within which the departmental examination was to be passed should be released to him from the date following the last day on which the departmental examinations are completed. The increment should be released with retrospective effect from the date it was otherwise due but no arrears should be paid for the past period.
- (v) If a member of the service fails to pass all the departmental examinations or any part thereof, and is subsequently exempted by competent authority from passing the examination(s) for the period subsequent to that within which the departmental examination was to be passed should be released from the date he is given such exemption. The increment (s) should be released with retrospective effect from the date it was otherwise due but no arrears should be paid for the past period.
- (vi) It is requested that necessary steps are taken at the earliest for amending the service rules on the lines indicated above, after observing formalities. If there are any cases of undue hardship while taking action in accordance with these instructions as also the instructions contained in Haryana Government's letter No. 209-2GSI-72/4436, dated the 23rd February, 1972, they also should be dealt with by taking recourse to the power of relaxation as provided in the various service rules.
- (vii) These instructions are being issued with the concurrence of the Finance Department received vide their U. O. advice No. 3686-1FG-75, dated the 8th July, 1975.

प्रतिलिपि क्रमांक 39/4/78-जी. एस. दिनांक 3-4-1978 को जो मुख्य सचिव, हरियाणा सरकार द्वारा सभी विभागाध्यक्ष, आयुक्त, अम्बाला तथा हिसार मण्डल, सभी उपायुक्त आदि को सम्बोधित है।

विषय : लिपिकों/टाईपिस्टों के पदों को भरना।

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र संख्या 1411-2 जी. एस.-74/6961, दिनांक 21 मार्च, 1974 की ओर दिसाऊं और यह कहूँ कि समूचे मामले पर पुनः विचार किया गया है और यह निर्णय लिया गया है कि यद्यपि लिपिक के पद के लिए हिन्दी अथवा इंग्लिश क्रमशः 25 तथा 30 शब्द प्रति मिन्ट स्पीड के हिसाब से टाईप का ज्ञान होना आवश्यक होगा तथापि, भर्ती के समय उम्मीदवारों का टाईप का टैस्ट न लिया जाए। इसके स्थान पर उनके लिए अपनी नियुक्ति के एक वर्ष की अवधि के अन्दर-अन्दर टाईप का निर्धारित टैस्ट पास करना आवश्यक होगा। वार्षिक वेतन वृद्धि को हरियाणा सरकार के पत्र क्रमांक 3980-जी. एस. I-75/25879, दिनांक 27 अगस्त, 1975 (प्रति संलग्न है) द्वारा जारी किए गए अनुदेशों से नियमित किया जाएगा।

2. यह अनुरोध किया जाता है कि 17-2-78 से पूर्वापेक्षी प्रभाव के साथ आवश्यक औपचारिकताओं का पालन करने के पश्चात उपर्युक्त निदेशों पर विभागीय सेवा नियमावली में कृपया संशोधन कर लिया जाए। उक्त निर्णय विभागों द्वारा नियमित रूप से टाईप टैस्ट लेने की परिकल्पना करता है और इसलिए इस नियमित आवश्यक पग उठाए जायें।

3. हरियाणा सरकार के संदर्भाधिन पत्र संख्या 1411-2 जी. एस. I-74/6961, दिनांक 27 मार्च, 1974 में दिए गए अनुदेशों में उपर्युक्त सीमा परिवर्तन हो जाएगा।

**Copy of letter No. 13178-4GS-61/41561, dated 23.11 1961, from the Chief Secretary to Govt., Punjab to all Heads of Departments.**

**Subject** Fixation of period for joining appointments in case of candidates recruited through the Punjab Public Service Commission/S.S.S. Board.

Sir,

I am directed to address you on this subject and to inform you that the question of fixing a period for joining appointment or training courses in the case of candidates recruited through the Punjab Public Service Commission/Subordinate Services Selection Board, Punjab, has been considered by Govt. After obtaining the views of the Public Service Commission Punjab, and the Subordinate Services Selection Board, Punjab and in the background of practice prevalent in the Govt. of India, it has been decided that all such candidates should be given a maximum period of fortnight to join their appointments or the training courses, if any, where preliminary training is prescribed. It is considered that this period should ordinarily be sufficient to enable them to take necessary preparation for journey etc. to take up their posts courses. In case a candidate is unable to join the post within the time limit prescribed for any bonafide reasons competent authority may allow suitable extension of time which should, not however exceed a total period of two months provided administrative requirements permit such extension.

These instructions may please be brought to the notice of all concerned for strict compliance in future.

**Copy of Circular letter No. 9388-4GS-62/24631, dated the 1st August, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.**

**Subject :** Fixation of period for joining appointments in the case of candidates recruited through the Punjab Public Service Commission/Subordinate Services Selection Board.

I am directed to invite a reference to Punjab Government circular letter No. 13178-4GS-61/41501, dated the 23rd November, 1961 on the subject noted above and to inform you that on further consideration it has been decided that in the case of woman candidates who are declared temporarily unfit by the medical authorities on account of being enceinte, the maximum time limit of two months prescribed for joining appointments or training courses may be treated as relaxed by such price as is considered necessary, provided that it will not extend six weeks beyond the date of confinement.

**Copy of Circular letter No. 1036-IGS(I)-65/13310, dated the 3rd March, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc etc.**

**Subject : Fixation of period for joining appointments in the case of candidates recruited through the Punjab Public Service Commission/Subordinate Services Selection Board, Punjab.**

I am directed to refer to you to the instructions contained in Punjab Government letter No. 13178-4GS-61/41501, dated the 23rd November, 1961, on the subject noted above and to say that Punjab Government have been frequently receiving proposals from some departments dealing with technical personnel for the relaxation of the maximum time limit of two months as laid down in the said instructions in favour of selected candidates who are unable to join their appointments, these requests were normally accepted by Government on the basis that there was an acute shortage of doctors and other technical hands. In order to further facilitate the position of such departments and to avoid unnecessary correspondence it has now been decided by Government to authorise the Administrative Departments to allow suitable extension, if necessary, at their own level to doctors and other technical hands who are in short supply and in whose case recommendation, is made by the Punjab Public Service Commission/Subordinate Services Selection Board, Punjab.

2. These instructions may please be brought to the notice of all concerned for strict compliance in future.

**Copy of Circular Letter No. 3863-G-II/10417, dated 1st February, 1957 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.**

**Subject : Medical Certificate of fitness on First Entry into Government Service.**

I am directed to invited a reference to Rule 3.1 of the Punjab Civil Services Rules, Volume I, Part I, which inter alia lays down that no person except as provided in Rules 3.2 and 3.3 may be appointed in India to a post in Government service without the production of a medical certificate of health in the prescribed form and to say that it has come to the notice of Government that the provisions of this rule are not strictly complied with in the various departments. Persons are appointed to gazetted and non-gazetted posts without obtaining from them the necessary health certificates before hand. This results in complications. Audit are not inclined to authorise pay to gazetted Government servants unless they have produced a medical certificate of their fitness. Difficulty may also be experienced by following this method if a person appointed to a Government post is declared medically unfit after he has put in service for a sufficiently long period. In order to avoid such eventualities, I am to impress upon you that the provisions of Rule 3.1. ibid should be enforced rigidly and in future no person should be appointed to a post in Government service unless he produces a medical certificate of Health.

No. 2368-2GSI-72/17625

From

The Chief Secretary to Government,  
Haryana.

To

1. All Heads of Departments,  
The Commissioners Division, Ambala,  
all the Deputy Commissioners and all  
Sub Divisional Officers in Haryana
2. The Registrar, Punjab and  
Haryana High Court, and all  
District and Sessions Judges in  
Haryana

Dated Chandigarh, the 3 May, 1972.

**Subject :** Production of medical certificate of fitness by temporary employees appointed on 6 months basis.

Sir,

I am directed to refer to the subject cited above and to say that in accordance with the provisions contained in the rule 3.3(3) of Punjab C.S.R. Vol. I Part I, a Government servant appointed in a temporary vacancy for a period not exceeding three months is exempted from producing a medical certificate of fitness on his appointment to a post in Government service. Rule 3.4(4) of the rules, *ibid*, provides that when a Government servant initially employed in an Office in temporary capacity for a period not exceeding three months is subsequently retained in the that office or is transferred without break to another Office and the total period of continuous service under Government is expected to last for a period exceeding three months, he shall produce such a certificate within a week of the date orders sanctioning his retention in that Office or Joining the new office are made. In this connection it is considered that previously appointments on temporary basis pending reference to the Public Service Commission/Subordinate Services Selection Board could be made for a period of three months. This period of three months has since been extended to six months and now adhoc appointments pending reference to Public Service Commission/Subordinate Services Selection Board can be made for a period not exceeding 6 months. It has, therefore, been decided that existing anomaly in the rules should be removed and a person employed on purely temporary basis for a period not exceeding six months should not be required to produce a medical certificate of fitness and words "six months" in rules 3.3(3) and 3.4 (4) of the rules *ibid* should be substituted for the words "three months". Necessary steps to change the rules are being taken separately and in the meantime these instructions are being issued for guidance and due compliance.

2. This issues with the concurrence of Finance Department vide their U.O. No. 1450-3FR-72, dated 14-4-72.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,  
for Chief Secretary to Govt. Haryana.

A copy is forwarded for information and necessary action to :—

1. All Financial Commissioners in Haryana State.
2. All Commissioners and Administrative Secretaries in Haryana State.

Sd/-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

1. All Financial Commissioners in Haryana State.
2. All Administrative Secretaries in Haryana State.

U.O No. 2368-2-GSI-72 dated, Chandigarh, the 3rd May, 1972.

**Copy of Punjab Government Circular letter No. 10918-G-53 8033, dated 12th February, 1954, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject : The first five year plan - assessment of methods and procedure of recruitment and selection by the Public Service Commission for the different kinds of posts, Administrative, Technical, Scientific etc., annual departmental review during the first three years of service on the work and quality of officers recruited through the Commission.**

I am directed to address you regarding the recommendations contained in the first Five Year Plan for improvement in the methods of recruitment and selection of the officers at present followed. It has been suggested that methods and procedure adopted in this behalf should be continually reassessed and adapted to meet new recruitments. It has also been suggested that there should be greater contact and exchange of opinion between the Punjab Public Service Commission and the department on whose behalf recruitment is undertaken. These recommendations were referred to the Punjab Public Service Commission for comments. In their view they have so far not found any defect in the methods of selection adopted by them, whether for Technical or non-Technical posts. However with a view to seeing how far the present mode of selection particularly selection by interview has been suitable in selecting the right type of material, the Commission propose to "followup" the career of the successful candidates for the first two or three years. With this end in view they have suggested that instructions should be issued addressing various Departments to send to the Commission for the 1st three years and, if so, suggested by them for a longer period special assessment reports, about the amount and quality of work done by the candidates recruited through them. Government have given careful consideration to the matter, and feel that any defect that the present methods of selection adopted by the Commission possesses can only become apparent by a system of "follow up" as suggested by them. Unless steps are taken to ascertain how the officers recruited to the various services have shaped in actual practice, it is clearly not possible to say anything, about the correctness or otherwise of methods of the recruitment. Government have therefore, accepted the suggestions made by the Commission. I am accordingly, to request that each department should make a careful review every year of the work of officers recruited for that department by the Public Service Commission. This review should extend to batches of officers recruited during the previous three years and should give separate attention to each batch. Within each batch separate attention as is called for should be given to each individual officer. The Departmental review should after receiving approval of Government be sent to the Punjab Public Service Commission for information.

I am to add that these reviews will be of value only if the confidential remarks on the new recruits are not entered in the same sketchy and superficial manner in which it is ordinarily done at present. Unless each new officer is made a subject of close and special study and observation, there is not much that a reporting officer easily find to write about an officer undergoing training. I am, therefore, to urge that the officers entrusted with recording of remarks on newly recruited officers under training, etc., during the first few years of their service must attach greatest importance to the matter and take personal and sustained interest in watching the trainees at work so as to make a very careful assessment of their qualities, their attitude and potentialities as well as their defects. It is only if the annual reviews on the work of newly recruited officers are based on thorough and analytical reports on their work, in the light of existing instructions of Government, particularly, those contained in Punjab Government letter No. 9026-G-51/16544, dated the 4th December, 1951, that Government can be in a position to assess the soundness or otherwise of the method of selection adopted by the public Service Commission.

No. 5622-I-GSII-65/32342

From

The Chief Secretary to Government, Punjab.  
All Heads of Departments, the Registrar,  
Punjab High Court, the Commissioner of Divisions,  
all District and Sessions Judges and  
Deputy Commissioners in the Punjab.

Dated Chandigarh, the 22nd September, 1965.

**Subject :—**Filling up of vacancies of Clerks in Class 'A' Offices of the Punjab Government.

Sir,

I am directed to address you on the subject noted above and to state that it has been represented by the ministerial staff of the various sub offices of the Punjab Government that 50% of the posts of Clerks in Class 'A' offices should be filled by making appointments from amongst clerks who are working in Sub-Offices and are duly selected by the Subordinate Services Selection Board, without holding further test and irrespective of the fact whether they pass the Matriculation Examination in the 1st Division or not. The Government have considered the representation and observe that appointment to posts are normally made by the following three methods :—

- (i) by direct appointment;
- (ii) by transfer of persons working in other offices of the State Government; and
- (iii) by promotion.

The Clerks working in the Sub Offices are therefore, already eligible for appointment to 'A' Class Offices by transfer. As regards the condition of 1st or 2nd Division it is observed that the qualifications normally prescribed in the Service Rules pertain to Direct recruits and not to persons who are appointed by promotion or by transfer with the experience and the back-ground that such Clerk would have required in Sub-Offices it is believed they would prove useful. The Government have, therefore, decided to accept the proposal of the ministerial staff of the Sub-Offices that they would be eligible for appointment in Class-I Offices irrespective of the Division in which they have passed the Matriculation Examination i.e. their academic qualification may be mere Matriculation but they should have clerical experience in the Sub-Offices for atleast Two years.

2. As far the reservation of 50% posts of Clerks in 'A' Class Officer for appointment by transfer from Sub-Offices the Government are of the View that free flow of fresh blood should be allowed to infuse in the services and as such are not in favour of lying down any restrictions on the Government departments and it is left to the individuals Offices to draw upon this class of officials, as and when necessary.

Sd/-  
Deputy Secretary, Gen. Administration,  
for Chief Secretary to Government, Punjab.

A copy each is forwarded to :—

- (i) All the Financial Commissioner, Punjab,
- (ii) All the Administrative Secretaries to Government Punjab,  
for necessary action.

U.O. No. 5622-IGS-II-65, dated, Chandigarh, the 22nd Sept., 1965.

A copy is forwarded to :—

Secretaries/Private Secretaries and Personal Assistants to Chief Minister, Ministers/Minister of State/Deputy Minister/Chief Parliamentary Secretary for the information of the Chief Minister/Ministers/Minister of State/Deputy Minister/Chief Parliamentary Secretary.

Sd/-  
Superintendent General Services—II,  
for Chief Secretary to Government, Punjab.

To

Secretary/Private Secretaries and personal Assistants to Chief Minister/Ministers/Minister of State/Deputy Minister/Chief Parliamentary Secretary.

U.O. No. 5622-IGS-II-65, dated, Chandigarh, the 22nd September, 1965.



क्रमांक 2341-1 जी.एस.-1-72/15727

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सचिव, हरियाणा लोक सेवा आयोग, चण्डीगढ़।
2. सचिव, हरियाणा अधीनस्थ सेवाएं प्रवरण मण्डल, चण्डीगढ़।

चण्डीगढ़, दिनांक 26 मई, 1972।

विषय :- हरियाणा लोक सेवा आयोग/अधीनस्थ सेवाएं प्रवरण बोर्ड द्वारा बनाई गई प्रतीक्षा सूची में से उम्मीदवारों की नियुक्ति।

महोदय

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान संयुक्त पंजाब सरकार के परिपत्र प्रशासकीय क्रमांक 1673-जी-11-56, दिनांक 22-3-1987 (प्रति संलग्न है) की प्रारंभिक और यह वर्णन करूँ कि इस परिपत्र में बी गई हिदायतों के अनुसार ऐसी रिक्तियाँ जो कि हरियाणा लोक सेवा आयोग द्वारा प्राप्त हुई सिफारिशों के 6 महीने के अन्दर अन्दर उत्पन्न होती हैं उनको आयोग द्वारा बनाई गई प्रतीक्षा सूची में से भरा जाना आवश्यक है और जो रिक्तियाँ 6 मास के समय के बाद उत्पन्न हों उनके लिए आयोग को मांग-पत्र भेजना अनिवार्य है। यह 6 मास की अवधि किस प्रकार गिनी (काउण्ट) की जावे इसके संबंध में स्थिति कुछ स्पष्ट नहीं है। इस संबंध में यह भी वर्णनीय है कि भूतकाल में आयोग विभाग द्वारा की गई मांग से दो गुणा नामों की सिफारिशें करता था परन्तु अब ऐसी व्यवस्था नहीं है। सरकार ने उपरोक्त विषय पर संयुक्त पंजाब में जारी की गई हिदायतों को पुनः निरीक्षण किया है और इन हिदायतों को अप-टू-डेट करने के लिए यह निर्णय लिया गया है कि इन हिदायतों को निम्नलिखित प्रकार से संशोधित कर दिया जावे :-

- (क) जब हरियाणा लोक सेवा आयोग अधीनस्थ सेवाएं प्रवरण मण्डल किसी विभाग को उनकी मांग पर सीधी भर्ती द्वारा भरे जाने वाले पदों के लिए अपनी सिफारिशें भेजे तो आयोग/बोर्ड विभाग द्वारा सूचित की गई रिक्तियों की संख्या के अतिरिक्त पांच एक्सट्रा (Extra) उम्मीदवारों के नामों की भी सिफारिश कर दें और साथ ही साथ विभाग को यह भी अवश्य सूचित कर दें कि उनके पास उसी पद पर बाद में उत्पन्न होने वाली रिक्तियों के लिए प्रतीक्षा सूची भी उपलब्ध है या नहीं। यदि क्वालीफाई करने वाले एक्सट्रा उम्मीदवारों की संख्या पांच से कम हो तो कम नामों की ही आयोग/बोर्ड द्वारा सिफारिश की जावेगी।
- (ख) यदि आयोग/बोर्ड को सिफारिश की जाती है तथा उन सिफारिशों की प्राप्ति के 6 मास के अन्दर अन्दर उस विभाग में उसी पद की अतिरिक्त रिक्तियाँ होती हैं तो इन बाद में उत्पन्न होने वाली रिक्तियों के लिए उपयुक्त पांच एक्सट्रा उम्मीदवारों में से भरा जाएगा। यदि बाद में उत्पन्न होने वाली रिक्तियों की संख्या पांच से अधिक बढ़ जाती है तो आयोग बोर्ड से प्रतीक्षा सूची में से अतिरिक्त नाम मांगा कर उनमें से नियुक्तियाँ करने के लिए 6 महीने की टाईम लिमिट जो निर्धारित है उसके संबंध में आयोग बोर्ड को विभाग द्वारा लिखे जाने वाले पत्र की तिथि रेलेवेंट होगी और यदि आयोग/बोर्ड को विभाग ने original recommendation प्राप्त होने के 6 मास के अन्दर-2 लिख दिया हो किन्तु उनसे अतिरिक्त नाम 6 मास की समाप्ति पर प्राप्त हों तो भी उनमें से नियमित नियुक्तियों की जा सकती हैं। यदि किसी पद पर सीधी भर्ती द्वारा नियुक्ति के लिए आयोग/बोर्ड ने भूतकाल में कोई सिफारिश न की हो या यदि की हो तो वह 6 मास के भी पहले के समय में की हो तब आयोग/बोर्ड से प्रतीक्षा सूची में से नाम मांगवाने की आवश्यकता विभाग को नहीं होगी।
- (ग) उन कसों में जहाँ आयोग/बोर्ड को प्रतीक्षा सूची में से अतिरिक्त रिक्ति भेजने के लिए कहा गया हो किन्तु

आयोग/बोर्ड 15 दिन के अन्दर-अन्दर अपनी अतिरिक्त नामों के बारे में सिफारिशें नहीं भेजता तो विभाग को अधिकार होगा कि वह ऐसी रिक्तियों के विरुद्ध तदर्थ रूप से नियुक्तियां कर लें।

- (घ) अतिरिक्त रिक्तियां जिनका वर्णन ऊपर किया गया है ऐसी रिक्तियां होंगी जो कि आयोग/बोर्ड से प्राप्त हुई **original recommendation** के 6 मास के अन्दर-2 ही उत्पन्न हुई हों और इन रिक्तियों में ऐसी रिक्तियों की शामिल नहीं की जावेगी जो वास्तविक रूप में 6 मास के अन्दर-2 उत्पन्न न हुई हों परन्तु उनके उत्पन्न होने की सम्भावना हो।

2 इस संबंध में यह स्पष्ट किया जाता है कि यदि किसी उम्मीदवार को आयोग बोर्ड द्वारा की गई सिफारिशों के आधार पर नियुक्ति पत्र उक्त रिक्ति के विरुद्ध जारी किया जाता है जो आयोग/बोर्ड को मांग-पत्र द्वारा सूचित की गई हो और उपरोक्त उम्मीदवार पद ग्रहण करने से इकार कर देता है तो उस केस में 6 मास की टाईम लिमिट लागू नहीं होगी और ऐसी हालत में रिक्ति को 6 मास के पश्चात् भी उपरोक्त पांच एकस्ट्रा नामों में या आयोग/बोर्ड द्वारा बनाई गई प्रतीक्षा सूची में से नाम मंगा-कर भरा जा सकता है।

- 3 आपसे अनुरोध है कि भविष्य में उपरोक्त निर्णय के अनुसार कार्यवाही की जाया करे।

हस्ताक्षरित

उप सचिव राजनैतिक एवं सेवाएं

कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 5024-1 जी:एस: 1-72/26877

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सचिव, हरियाणा लोक सेवा आयोग,  
चण्डीगढ़।
2. सचिव, अधीन सेवाएं प्रवरण मण्डल,  
हरियाणा, चण्डीगढ़

दिनांक, चण्डीगढ़ 8-9-72

**विषय :-** हरियाणा लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल द्वारा बनाई गई प्रतीक्षा सूची में से उम्मीदवारों की नियुक्ति।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान सरकार के परिपत्र क्रमांक 2341-1 जी:एस: 1-7215627, दिनांक 26-5-72 द्वारा जारी की गई हिदायतों की ओर [दिलाऊं और कहूँ कि इस पत्र के पैरा 1(क) में यह सूचित किया गया था कि जब हरियाणा लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल किसी विभाग को उनके मांग पर सीधी भर्ती द्वारा भरे जाने वाले पदों के लिए अपनी सिफारिशें भेजेंगे तो आयोग/बोर्ड विभाग द्वारा सूचित की गई रिक्तियों की संख्या अतिरिक्त 5 एक्सट्रा उम्मीदवारों के नामों की भी सिफारिश करेंगे।

2. सरकार ने इस मामले पर आगे विचार किया है तथा यह निर्णय किया है कि जो 5 एक्सट्रा नामों की सूची आयोग/अधीन सेवाएं प्रवरण मण्डल भेजेंगे, इनमें से तीन नाम तो ओपन मार्केट के उम्मीदवारों के होंगे तथा एक-एक नाम अनुसूचित जाति तथा भूतपूर्व सैनिकों से संबंध रखने वाले उम्मीदवार का होगा। अतिरिक्त रिक्तियों पर नियुक्तियां ब्लाक सिस्टम के मुताबिक ही की जाया करेंगी और यदि ब्लाक-सिस्टम के मुताबिक नियुक्ति की बारी किसी ऐसी श्रेणी के उम्मीदवार की आती है जिसका नाम अतिरिक्त 5 नामों में आयोग/बोर्ड ने न भेजा हो या यदि भेजा हो तो पर्याप्त मात्रा में न भेजा हो, तब विभाग रोटेशन के मुताबिक आयोग को लिखकर उसी श्रेणी के उम्मीदवार का नाम मंगवा लेंगे और इस बात से फर्क नहीं पड़ना चाहिए कि आयोग द्वारा भेजे गए 5 अतिरिक्त नामों में से कुछ नाम (जो विभिन्न श्रेणी के उम्मीदवारों के होंगे) उनके पास बचे हुए हों।

3. इसके अतिरिक्त यह भी निर्णय लिया गया है कि जब विभाग ने आयोग/बोर्ड द्वारा भेजे गए उम्मीदवारों में से किसी उम्मीदवार का कैंडीडेटचर इस कारण रिजैक्ट करना हो कि उसने पद का कार्यभार निश्चित समय में नहीं सम्भाला, और उसके बदले में इन 5 अतिरिक्त नामों में से नियुक्ति करने की आवश्यकता पड़े तो ऐसे केस में नए उम्मीदवार को नियुक्ति पत्र जारी करने से पहले विभाग द्वारा मुख्य सचिव सामान्य सेवाएं-1 शाखा को मामला भेजा जाएगा और मुख्य सचिव की अनुमति प्राप्त होने पर ही नियुक्ति पत्र जारी किया जाएगा। मुख्य सचिव सामान्य सेवाएं-1 शाखा द्वारा इस बात की तसल्ली की जानी होगी कि विभाग ने कैंडीडेट को नियुक्ति ज्वारिन करने के लिए पूरा मौका दे दिया है तथा जल्दबाजी से कार्यवाही नहीं की जा रही है।

4. आपसे अनुरोध किया जाता है कि भविष्य में उपरोक्त हिदायतों के अनुसार कार्यवाही की जाए तथा यह हिदायतें सभी सम्बन्धित अधिकारियों/कर्मचारियों के नोटिस में ला दी जाएं।

भवदीय,

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

पृष्ठ क्रमांक 5024-1 जी:एस: 1-72/26878,

दिनांक चण्डीगढ़ 8-9-72

एक-एक प्रति निम्नलिखित को हरियाणा सरकार के पृ: क्रमांक 23-41-1 जी:एस: 1-72/15726, दिनांक 26-5-1972 के क्रम में सूचना तथा आवश्यक कार्यवाही हेतू जाती है।

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, अम्बाला और सभी उपायुक्त तथा उप-मण्डल अधिकारी हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश। उन से अनुरोध है कि वे इन हिदायतों का दृढ़ता से पालन करें तथा इस पत्र की पावती भेजें।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति निम्नलिखित को इस विभाग के प्रशा० क्रमांक 2311-1 जी:एस: 1-73/15728, दिनांक 26-5-1972 के क्रम में सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है।

1. हरियाणा के सभी वित्तायुक्त, तथा
3. हरियाणा सरकार के सभी प्रशासकीय सचिव।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा के सभी वित्तायुक्त /
3. हरियाणा के सभी प्रशासकीय सचिव ।

अशा- क्रमांक 5025-1 जी. एस. 1-73/ , दिनांक चण्डीगढ़ 8-9-72  
5761-5 जी. एस. 1-74/29782

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा सरकार के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा  
उप मण्डल अधिकारी (सिविल) ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चण्डीगढ़ तथा  
हरियाणा राज्य के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 17 दिसम्बर, 1974

विषय : कामन कैटेगरीज के पदों की भर्ती ।

महोदय,

उपरोक्त विषय पर मुझे आपको यह कहने का निदेश हुआ है कि अधीन सेवाएं प्रवरण मण्डल हरियाणा के अनुरोध पर हरियाणा सरकार राज्य सेवाओं में ऐसे पदों, जिनकी ड्रियूटीज, योग्यताएं तथा वेतनमान एक जैसे हों, जैसे कि लिपिक, सहायक, आशुलिपिक, ड्राईवरों इत्यादि के पद, को कामन कैटेगरीज के पद निश्चित करने पर विचार कर रही है, ताकि सभी विभागों के ऐसे पदों की भर्ती के लिए प्रवरण मण्डल द्वारा एक ही विज्ञापन जारी किया जा सके। इस लिए ऐसे पदों के बारे में पूर्ण स्थिति जानने के लिए आपसे अनुरोध किया जाता है कि आप अपने विभाग में आशुलिपिक, लिपिक तथा ड्राईवर्ज के पदों के लिए नियतों में निर्धारित योग्यताओं के बारे सूचना शीघ्र इस विभाग को भेजें इसके इलावा आपके विभाग में आशुलिपिक/लिपिक/ड्राईवरों के जितने पद स्वीकृत हैं उनके बारे भी सूचना प्रत्येक पद के लिए अलग तौर पर भेजी जाए।

हस्ता/-  
भवदीय

अधीक्षक, सामान्य सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति :

1. वित्तायुक्त राजस्व, हरियाणा सरकार, तथा
2. हरियाणा सरकार के सभी प्रशासकीय सचिवों, को सूचनाय तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

अधीक्षक, सामान्य सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा सरकार,
2. हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा: क्रं. 5761-5 जी. एस.-1-74.

पृ० क्रमांक 5761-5 जी. एस. 1-74/29783

दिनांक 17 दिसम्बर, 1974

दिनांक 17-12-1974

एक प्रति सचिव, अधीन सेवाएं प्रवरण मण्डल, हरियाणा, चण्डीगढ़ को उनके पत्र क्रमांक 3 आर (III)-74/8048 दिनांक 28-10-74 के संदर्भ में भेजी जाती है। उनसे अनुरोध किया जाता है कि जितनी देर तक सभी कार्यालयों में कामन कैटेगरी के पदों की योग्यताएं एक जैसी नहीं कर दी जाती उतनी देर तक सभी विभागों की मांग को इकट्ठा करके विज्ञापित न किया जाए और जितनी देर तक ऐसा नहीं किया जाता उतनी देर तक अलग अलग से ही आपन जारी किए जाएं।

हस्ता/

अधीक्षक, सामान्य सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 4770-5 जी0 एस0 I-76/21278

प्रेषक

मुख्य सचिव, हरियाण सरकार ।

सेवा में

1. सभी विभाग अध्यक्ष ; अम्बाला तथा हिसार मण्डल के आयुक्त; सभी उपायुक्त तथा उप मण्डल अधिकारी, हरियाणा ।
  2. रजिस्ट्रार, पंजाब तथा हरियाण हाई कोर्ट, चण्डीगढ़ तथा सभी जिला एब सत्र न्याधीश, हरियाणा ।
- दिनांक चण्डीगढ़ 13 अगस्त, 1976

विषय :—ए-क्लास के कार्यालयों तथा अन्य कार्यालयों में लिपिक, स्टैनोटाईपिस्ट तथा आशुलिपिक के पदों के लिए समान योग्यतायें निर्धारित करना ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 5761-5 जी0 एस0-1-74/29782 दिनांक 17-12-1974 की ओर दिलाऊँ और आपको सूचित करूँ कि अधीन सेवार्यें प्रवरण मण्डल, हरियाणा द्वारा सरकार के ध्यान में यह लाया गया था कि "कामन कैटेगरीज" के पदों, जैसा कि लिपिक, स्टैनोटाईपिस्ट, आशुलिपिक, इत्यादि को सीधी भर्ती द्वारा भरने के लिए अलग-अलग विभागों द्वारा विभागीय सेवा नियमों में विभन्न योग्यतायें निर्धारित की हुई हैं। मण्डल द्वारा सभी विभागों के ऐसे पदों के लिए एक संयुक्त विज्ञापन जारी किया जाता था, परन्तु योग्यताओं की विभन्नता के कारण मण्डल को उम्मीदवारों की विभागों को एलोकेशन करते समय बहुत कठिनाई का सामना करना पड़ता था। सरकार ने अब यह निर्णय लिया है कि हरियाणा राज्य के सभी ए-क्लास के कार्यालयों में सीधी भर्ती के लिए लिपिक, स्टैनोटाईपिस्ट तथा आशुलिपिक के पदों के लिए योग्यतायें एक समान हों, जैसा कि Annexure-A में बताया गया है। इसी प्रकार से सभी अन्य कार्यालयों में सीधी भर्ती के लिए लिपिक, स्टैनोटाईपिस्ट तथा आशुलिपिक के पदों के लिए योग्यतायें एक समान हों, जैसा कि Annexure-B में बताया गया है। अधीन सेवार्यें प्रवरण मण्डल हरियाणा तथा वित्त विभाग में Annexure A and B के अनुसार ए-क्लास के कार्यालयों तथा अन्य कार्यालयों में लिपिक, स्टैनोटाईपिस्ट तथा आशुलिपिक के पदों के लिए योग्यतायें एक समान करने के लिए सहमति प्रदान कर दी है। इसलिए अब आपसे अनुरोध किया जाता है कि आप अपने विभाग के सेवा नियमों में सीधी भर्ती के लिए लिपिक, स्टैनोटाईपिस्ट तथा आशुलिपिक के पदों की योग्यतायें सरकार के उपरोक्त निर्णय अनुसार निर्धारित करने के लिए अधिसूचना विधि विभाग से वेट कराकर शीघ्र जारी करें तथा उनकी प्रतियाँ इस विभाग को भी भेजें। भविष्य में ऐसे पदों को भरने के लिए मांग पत्र नियमों में संशोधन करने के पश्चात् संशोधित योग्यताओं अनुसार ही अधीन सेवार्यें प्रवरण मण्डल हरियाणा को भेजें जायें।

2. कृपया सरकार के उपरोक्त निर्णय अनुसार कार्यवाही तुरन्त की जाये।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 4770-5 जी0 एस-I-76/21278-ए, दिनांक चण्डीगढ़ 13 अगस्त, 1976

एक प्रति सचिव, अधीन सेवार्यें प्रवरण मण्डल हरियाणा, चण्डीगढ़ को उनके पत्र क्रमांक 3460-3 आर-III-75/13608, दिनांक 23 अक्टूबर, 1975 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

उप सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :—

1. वित्तायुक्त, हरियाणा सरकार।
2. सभी प्रशासकीय सचिव हरियाणा सरकार।

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. वित्तायुक्त, हरियाणा सरकार।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 4770-5 जी0 एस-1-76, दिनांक चण्डीगढ़ 13 अगस्त, 1976

## Annexure—A

Qualifications for the posts of Clerk, Steno-Typist and Stenographer in all A—Class Offices

Name of Post	Qualifications
1. Clerk	<ol style="list-style-type: none"> <li>1. Matric Ist Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalent. (For Ex-servicemen, Matric only)</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. Hindi/English typing at a speed of 25/30 words per minute respectively.</li> </ol>
2. Steno-typist	<ol style="list-style-type: none"> <li>1. Matric Ist Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalent. (For Ex-servicemen, Matric only).</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. English Short-hand at 80 words per minute and transcription thereof at 11 words per minute.</li> </ol>
3. Stenographer	<ol style="list-style-type: none"> <li>1. Matric Ist Division/Higher Secondary Second Division/Intermediate Second Division/Graduate or equivalents. (For Ex-Servicemen, Matric only)</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. English short-hand at 100 words per minute and transcription thereof at 20 words per minute.</li> <li>4. Hindi short-hand at 80 words per minute and transcription thereof at 15 words per minute.</li> </ol>

## Annexure—B

Qualifications for the Posts of Clerk, Steno-Typist and Stenographer in all offices other than A—Class Offices

Name of Post	Qualifications
1. Clerk	<ol style="list-style-type: none"> <li>1. Matric/Higher Secondary or equivalent.</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. Hindi or English typing at a speed of 25/30 words per minute respectively.</li> </ol>
2. Steno-Typist	<ol style="list-style-type: none"> <li>1. Matric/Higher Secondary or equivalent.</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. Hindi short-hand at 64 words per minute and transcription thereof at 11 words per minute. or English short-hand at 80 words per minute and transcription thereof at 15 words per minute.</li> </ol>
3. Stenographer	<ol style="list-style-type: none"> <li>1. Matric/Higher Secondary or equivalent.</li> <li>2. Knowledge of Hindi upto Matric Standard.</li> <li>3. Hindi short-hand at 80 words per minute and transcription thereof at 15 words per minute. or English short-hand at 100 words per minute and transcription thereof at 20 words per minute.</li> </ol>

क्रमांक 34/86/78-5 जी० एस०-1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी विभाग अध्यक्ष, अम्बाला तथा हिसार मण्डलों के उपायुक्त, सभी जिलों के उपायुक्त तथा सभी उप मण्डल अधिकारी (नागरिक) हरियाणा ।
  2. रजिस्ट्रार, पंजाब तथा हरियाणा, हाईकोर्ट चण्डीगढ़ ।
- दिनांक, चण्डीगढ़ 18 मई, 1979.

विषय :—हरियाणा सरकार के 'ए' क्लास के कार्यालयों में लिपिक के पद को अधीनस्थ कार्यालयों के कर्मचारियों के स्थानान्तरण द्वारा भरने के लिये शैक्षणिक योग्यताएँ ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 5622-I-जी० एस-II-65/32342, दिनांक 22 सितम्बर, 1965 में हिदायतों की ओर आकर्षित करूँ, जिन के अन्तर्गत 'ए' क्लास के कार्यालयों में लिपिक के रिक्त पदों को अधीनस्थ कार्यालयों में अधीन सेवाएं प्रवरण मण्डल, हरियाणा के माध्यम से नियमित तौर पर नियुक्त किए हुए लिपिकों (जो कि केवल मैट्रिक पास हो तथा उन्हें 2 वर्ष का अनुभव हो) के स्थानान्तरण द्वारा नियमित तौर पर भरा जा सकता है । हरियाणा सरकार ने इस बारे में पुनः ध्यानपूर्वक विचार किया है तथा यह निर्णय लिया है कि 'ए' क्लास के कार्यालयों में लिपिक के रिक्त पदों को स्थानान्तरण द्वारा भरने के लिये उम्मीदवारों को वहीं योग्यताएं होंगी जो कि इन कार्यालयों में लिपिक के पदों को सीधी भर्ती द्वारा भरने के लिये परिपत्र क्रमांक 4770-5/जी०एस०-I, 76/21278, दिनांक 13 अगस्त, 1976 द्वारा निर्धारित की हुई हैं। आप से यह अनुरोध किया जाता है कि 'ए' क्लास के कार्यालयों में लिपिक के पदों के स्थानान्तरण द्वारा भरते समय सरकार के उपर्युक्त निर्णय को सम्मुख रख कर कार्यवाही की जाए तथा सभी 'ए' क्लास के कार्यालयों के विभागीय सेवा नियमों में सरकार के उपरोक्त निर्णय अनुसार संशोधन किया जाए ।

2. कृपया यह सुनिश्चित करें कि सरकार को इन हिदायतों अनुसार आवश्यक कार्यवाही शीघ्र की जाए तथा इन की सभी अधिकारियों/कर्मचारियों द्वारा दृढ़ता से पालना की जाए ।

3. संयुक्त पंजाब सरकार के परिपत्र क्रमांक 5622-I जी० एस० II-65/32342, दिनांक 22 सितम्बर, 1965 में जारी की गई हिदायतों को अब इन हिदायतों द्वारा superseded—समझा जाए ।

भवदीय,

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

एक प्रति :—

1. वित्तायुक्त राजस्व, हरियाणा, तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार

को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है ।

हस्ता/-

उप सचिव, सामान्य प्रशासन,

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा,
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा : क्रमांक 34/86/78-5 जी० एस०-I,

दिनांक, चण्डीगढ़ 18 मई, 1969.

एक प्रति :—

1. प्रधान सचिव/उप प्रधान सचिव, मुख्य मंत्री, हरियाणा ; तथा
2. सचिव/निजी सचिव सभी मन्त्रीगण तथा मुख्य संसदीय सचिव, हरियाणा, को सूचनार्थ भेजी जाती है ।

हस्ता/-

उप सचिव, सामान्य प्रशासन

कृते : मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. प्रधान सचिव/उप प्रधान सचिव, मुख्य मंत्री हरियाणा ।
2. सचिव/निजी सचिव सभी मन्त्रीगण तथा मुख्य संसदीय सचिव, हरियाणा ।

अशा : क्रमांक 34/86/78-5 जी० एस०-I,

दिनांक 18 मई, 1979



No. 34/85/79-5 (GSI)

From The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana State; and
- (2) The Registrar,  
Punjab and Haryana High Court,  
Chandigarh.

Dated, Chandigarh, the 25th September, 1979.

**Subject :—Filling up of vacancies in Government Departments/Corporate Bodies of Haryana State.**

Sir,

I am directed to refer to the subject noted above and to say that vacancies in the various Government Departments, are required to be filled through the Haryana Public Service Commission and the Subordinate Services Selection Board, Haryana, subject to the provisions of the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973 and the Haryana Government Notification No. 523-3-GS-70/2068, dated the 28th January, 1970, respectively, as amended from time to time. Appointment to certain categories of posts under the 'Local Authority' as defined in the Haryana Rules Service Commission (Additional Functions) Act, 1974 and those mentioned in the Haryana Government notification dated the 28th January, 1970 referred to above is required to be made on regular basis through the Commission/Board as the case may be. The vacancies other than those referred to above are required to be filled in through the Employment Exchanges in according with the instructions contained in the Haryana Government, Labour and Employment Department circular memo No. 11073-2-Lab. 67/34357, dated the 27th November, 1967, which envisage that all vacancies filled otherwise than through the Haryana Public Service Commission or by promotion should be notified to the Employment Exchange serving the area of competent authority under the Employment Exchanges (Compulsory Notification of vacancies) Act, 1959 and that no vacancy/vacancies should be filled directly from the open market unless the concerned Employment Exchange has issued a 'Non Availability Certificate'. The aforesaid instructions also envisage that Government officer, quasi Government institutions or statutory bodies should not advertise vacancies unless they have been cleared by the Employment Exchange concerned.

2. The observance of these instructions has been emphasised by the Government several times in the past. With a view to ensuring compliance with these instructions, the State Government reiterates that the vacancies in the Government offices/quasi Government institutions/Statutory or Corporate Bodies should be filled on a regular basis through the Haryana Public Service Commission/Subordinate Services Selection Board, Haryana through advertisements or through Employment Exchanges as per provision of the relevant rules so that full opportunity is available to all concerned and suitable candidates are available for selection. The State Government desires that these instructions should be followed strictly. Any violation thereof will be viewed by the Government seriously.

3. The contents of this letter may kindly be brought to the notice of all concerned.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the :—

- (i) Financial Commissioner, Revenue, Haryana ; and
- (ii) All Administrative Secretaries to Government Haryana, for information and necessary action.

2. The above instructions may be brought for compliance to the notice of all the statutory quasi Government institutions, statutory or corporate bodies under their administrative control of which they are concerned,  
for information.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) The Principal Secretary/Deputy Principal Secretary to Chief Minister, Haryana ;
- (ii) Secretaries/Private Secretaries to all Ministers,  
Deputy Ministers, Chief Parliamentary Secretary and  
Parliamentary Secretary in Haryana.

U.O. No. 34/85 /79-5-GS-I, dated, Chandigarh, the 25th September, 1979,

**No. 3/12/79-2GSI-7GSI-82**

**From** The Chief Secretary to Government, Haryana.

**To**

- (1) All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners and all Sub-Divisional Officers in Haryana.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 2nd March, 1982.

**Subject:—Grant of arrears of pay on account of vacation orders of reversion/supersession/reduction in rank and re-fixation of seniority etc.**

Sir,

I am directed to invite a reference to Government circular letter No. 6050-2GSI-73/27803, dated the 16th November, 1973, on the subject noted above and to say that in the meeting of the Officer's Committee held on 25th January, 1982, it was considered and decided that the meeting of this Committee should be held more often at least once a year. In view of this, the matters which come in the ambit of the instructions referred to above should accordingly be sent in the shape of memoranda to this department for holding the meeting of the Officers' Pay Committee for the grant of arrears of pay at least once a year.

Yours faithfully,

Sd/-  
Joint Secretary General Admn.  
for Chief Secretary to Government, Haryana.

A Copy each is forwarded for information and necessary action to :—

- (i) The Financial Commissioner, Revenue, Haryana.
- (ii) All Administrative Secretaries to Govt. Haryana.

Sd/-

Joint Secretary General Admn.  
for Chief Secretary to Govt. Haryana

**To**

- (i) The Financial Commissioner, Revenue Haryana.
- (ii) All Administrative Secretaries to Govt. Haryana.

U.O. No. 3/12/79-2GS-7GSI-82, dated the 2nd March, 1982.

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A copy each is forwarded to the Principal Secretary/Secretaries/Private Secretaries to Chief Minister/Ministers/Ministers of State.

Sd/-  
Joint Secretary General Admn.  
for Chief Secretary to Govt. Haryana.

**To**

The Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/Ministers of State.

U.O. No. 3/12/79-2GSI-7GSI-82, dated the 2nd March, 1982.

Copy of letter No. 5165-5GS-66/27092, dated the 20th October, 1966, from the Chief Secretary to Government, Punjab of all Heads of Department etc. etc.

Subject :—Personnel data of Government employees-Collection of.

I am directed to say that it has been decided that all future entrants to Government service except the class IV employees, on their first appointment should furnish information in respect of their close relations in the enclosed proforma which should be added to the Confidential Personal file of the employee concerned and any change in the particulars given in the proforma should be furnished by the official concerned at the end of each year to the Administrative Department/Head of Department/Head of office, as the case may be. The Department concerned should incorporate the information in the confidential personal file of the employees concerned and keep it up to date. The term close relation includes wife, son, daughter, parents, brothers and sisters. The receipt of this letter may please by acknowledged.

**Form to be filled by Government Employees on first appointment**

- | 1. Close relations<br>who are national<br>of or are domiciled<br>in other countries | Name | Nationality | Present address | Place of birth | Occupation |
|---|------|-------------|-----------------|----------------|------------|
| (i) Father  |      |             |                 |                |            |
| (ii) Mother   |      |             |                 |                |            |
| (iii) Wife/Husband  |      |             |                 |                |            |
| (iv) Son (s)  |      |             |                 |                |            |
| (v) Daughter (s)  |      |             |                 |                |            |
| (vi) Brother (s)  |      |             |                 |                |            |
| (vii) Sister (s)  |      |             |                 |                |            |
- 
- | 2. Close relations<br>resident in India,<br>who are of non-<br>India origin | Name   | Nationality | Present address | Place of<br>birth | Occupation* |
|---|--|-------------|-----------------|-------------------|-------------|
| (i) Father  |  |             |                 |                   |             |
| (ii) Mother   |  |             |                 |                   |             |
| (iii) Wife/Husband  | I certify that the foregoing information is correct and complete to the best of my knowledge and belief. |             |                 |                   |             |
| (iv) Son (s)  |  |             |                 |                   |             |
| (v) Daughter (s)  |  |             |                 |                   |             |
| (vi) Brother (s)  |  |             |                 |                   |             |
| (vii) Sister (s)  |  |             |                 |                   |             |

Signature\_\_\_\_\_

Designation\_\_\_\_\_

Dated\_\_\_\_\_

**Note :—1.** Suppression of information in this form will be considered a major departmental offence for which the punishment may extend to dismissal from service.

**2.** Subsequent changes, if any, in the above data should be reported to the Head of office/ Department at the end of the each year;

Copy of letter No. 5747-GII-58/37663, dated the 19-12-1959, from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

**Subject :—Re-appointment of Temporary Government Servants where their services are terminated under terms of their employment.**

While considering certain memorials to the Governor, Government have come across case in which the services of a temporary Government servant were terminated upon reduction in staff. Thereafter on a representation made by their official the department concerned passed orders reinstating him with retrospective effect to his original post after a period of more than three years. At that time the official was not given any benefit of the period during which he remained out of service. He represented that the intervening period-between the date of termination of his services and the date of reinstatement-should be treated as a period spent on duty and that he should consequently be given full benefit of pay and seniority. The representation of the official had to be accepted after taking into consideration various aspects of the case, particularly the legal one and Government have consequently had to pay a heavy sum in respect of arrears claimed.

2. It will be seen that the services of a temporary Government servant were terminated and that he was taken back after three years. He had, however, to be paid for all these three years for which he did not do any work. There would normally have been no compulsion to make this payment as his post was temporary and according to his terms of appointment his services could have been terminated without notice. The compulsion in this case arose from the fact that the official was reinstated instead of being appointed afresh. When he was again absorbed after a period of three years his letter of appointment should not have stated that he had been 'reinstated'. The word 'reinstatement' which was quite unnecessary gave a different complexion to the whole case resulting in substantial loss to the Government. The conclusion obviously is that the order of reinstatement was carelessly passed and carelessly drafted and that the department did not choose to examine the financial implications of its order.

3. This case is being brought to your notice as an instance of careless handling. I am to request you to see that such instances do not recur and that orders are passed after careful scrutiny. I am directed to request you to bring these instructions to the notice of your subordinates also.

Copy of circular letter No. 7441-5GS-60/41343, dated the 10th November, 1960, from the Chief Secretary to Government, Punjab, to all Heads of Department etc., etc.

**Subject :—Absorption of Government employees whose services are terminated for want of vacancies.**

I am directed to address you on the subject noted above and to say that it has been brought to the notice of Government that whenever services of candidates recruited through the Subordinate Services Selection Board are terminated for want of vacancies, intimation to that effect is not sent in time to the Board with the result that arrangements to absorb them in other Departments cannot be made by the due date and it causes break in their service. In this connection, it is pointed out that it is regarded as very essential that full particulars of such candidates should be supplied to the Board, well in advance and the Departments should feel no difficulty in following this practice as they can visualize the dates of retrenchment of such officials much before the crucial date. In view of this, I am to request you kindly to ensure that in future adequate steps in this behalf are taken so that unnecessary hardship is not caused to the officials concerned, and proper arrangements are made by the Board in time for their absorption in other Department if possible without any break in their service.

2. The receipt of this communication may please be acknowledged.

No. 3936-GII-60/15056

From

Shri E.N. Mangat Rai, I.C.S.,  
Chief Secretary to Government, Punjab.

To

All Heads of Departments in the Punjab.

Dated Chandigarh, the 4th May, 1960.

**Subject :-** Re-appointment of Government employees, who resign their posts to contest elections.

Sir,

I am directed to address you on this subject and to inform you that the question whether or not employees who resign their posts to contest elections should be re-appointed to posts from which they resigned, has been considered by Government. It has been decided that, as a matter of policy, employees who leave Government service in order to take part in elections should not be re-appointed to their original service thereafter. As ordinary citizens they will, of course, be eligible for applying for job in the Government, but they will not enjoy continuity of service from their previous employment.

2. I am accordingly to request you to bring these instructions to the notice of all Government employees under your control for their information.

Yours faithfully,

Sd/-

Deputy Secretary General Adm.,  
for Chief Secretary to Government Punjab.

No. 23/3/81-3GSIII

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments,  
Commissioners Ambala and Hissar Divisions, All Deputy Commissioners  
and S.D.O. (Civil) in Haryana
- (2) Registrar, Punjab & Haryana High Court &  
All District & Session Judges, Haryana.

Dated, Chandigarh, the 25th February, 1983.

**Subject : Retrenchment of staff after successful completion of Census Operations, 1981.**

Sir,

I am directed to address you on the above cited subject and to say that after the completion of field operations, Regional Tabulation Offices, were set up in the state for processing the data collected in the 1981 Census Schedules. These offices are being wound up after the processing work is over and as such a number of persons recruited in these offices are likely to be retrenched/have been retrenched. With a view to avoid hardship to the employees likely to be retrenched or retrenched, it has been decided by the State Government that due consideration may be given to the experience gained by these personnel while working in the Census Organisation, for their absorption in the State Class III & IV services, and, if possible they may be appointed on ad-hoc basis for the present and later steps be taken to absorb them on regular basis with the approval of S.S.S. Board/Employment Exchanges or the State Government, as the case may be.

2. The list of employees likely to be retrenched/have been retrenched will be supplied by the Director of Census Operation, Haryana, S.C.O. 1074-75, Sector 22-B, Chandigarh.

3. These instructions may please be followed meticulously.

Yours faithfully,

Sd/-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to all the Financial Commissioners and Administrative Secretaries to Govt., Haryana, for information and necessary action.

Sd/-

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and the  
Administrative Secretaries to Govt., Haryana.

U.O. No.23/3/81—3GSIII Dated Chandigarh, the 25th Feb., 1983.

No. 23/3/81—3GSIII Dated Chandigarh, the 25th Feb., 1983.

A copy is forwarded to the Secretary, S.S.S. Board Haryana with reference to his letter No. 1609/3RII/82/4313, dated 14.7.82 for information and necessary action.

2. Necessary action regarding regularisation of ad-hoc clerks has since been taken vide Haryana

Govt. Notification No. GSR/Const./Art. 309/83, dated 3.1.83. As such, it is requested that retrenched employees of the Census Department may be helped in getting absorbed in other departments.

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 23/3/81-3GSIII Dated Chandigarh, the 25th Feb, 1983.

A copy is forwarded to all Managing Directors of the Haryana State Boards, Corporation and Co-operative institutions etc. with the request that the staff being retrenched/retrenched from the Census Organisation may be considered for appointment against the post to be filled in, the Public Undertakings on ad-hoc basis.

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 23/3/81 3GSIII Dated Chandigarh, the 25th Feb., 1983.

A copy is forwarded to the Director, Census Operations, Haryana, S.C.O. No. 1074-75/22-B, Chandigarh with reference to his letter No. 22015/1/81 ADM, Dated 17.1.83 for information.

2. He is requested to supply the necessary particulars of the employees likely to be retrenched, retrenched already (seeking employment) to all the Departments and Public Undertakings in the State/ under intimation to Government in the proforma given below :—

Sr. No.	Name of the Official	Whether SC/ST/BC/ESM/Handicapped	Date of birth	Educational Qualification		
1	2	3	4	5		
Post held	Pay Scale	Date of appointment.	Residential Address	Source of recruitment.	Whether permanent/temporary	
6	7	8	9	10	11	

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana

No. 23/3/81-2GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments; Commissioners, Ambala and Hissar Division; all Deputy Commissioners, and S.D.O. (C) in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.

Dated Chandigarh, the 7h September, 1983.

**Subject :—Absorption of retrenched/surplus employees and candidates recommended by the Subordinate Services Selection Board.**

Sir,

I am directed to state that in the State Government circular letter No. 23/3/81-3GSIII, dated 25.2.83, it was desired that due consideration may be given to the experience gained by the employees who were recruited in the Census Department in connection with the Census Operations, 1981, and were retrenched on the completion of these operations, for their absorption in the State Class III & IV Services and, if possible, they may be appointed on adhoc basis for the present and later steps be taken to absorb them on regular basis with the approval of S.S.S. Board /Employment Department or the State Government, as the case may be. The State Government has since imposed 10% cut on the existing strength of staff in all departments and the employees rendered surplus as a result thereof are now also required to be absorbed. Further, candidates who have also been recommended for appointment by the S.S.S. Board, against the requisitions sent by the departments. The question regarding the order in which the aforementioned employees and candidates should be absorbed, has been considered by Government and it has been decided that they should be absorbed in the following orders.

- (1) Employees rendered surplus as a result of 10% cut imposed on the existing strength of staff.
- (2) Candidates recommended by SSS Board.
- (3) Retrenched employees of the Census Department.

The vacant posts should be filled by appointment of candidates/employees mentioned at (2) and (3) above or otherwise only if suitable employees are not available among those mentioned at (1) above and after obtaining a certificate to this effect from the General Administration Department.

2. These instructions may be brought to the notice of all concerned for compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to all the Financial Commissioners and Administrative Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.



To

All the Financial Commissioners and Administrative Secretaries to Govt. Haryana.

U.O. No. 23/3/81-2GSIII Dated 7th September, 1983

No. 23/3/81-2 GSIII Dated, Chandigarh, the 7th September, 1983

A copy is for warded to the Secretary, S.S.S. Board, Haryana Chandigarh, for information and necessary action.

Sd/-  
Under Secretary General Administration,  
for Chief Secretary to Govt. Haryana.

No. 23/3/81-2 GSIII Dated Chandigarh, the 7th September, 1983

A copy is forwarded to all Managing Directors of the Haryana State Boards, Corporations and Cooperative institutions etc. for necessary action.

Sd/-  
Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 23/3/81-2 GSIII Dated Chandigarh, the 7th September, 1983

A copy is forwarded to the Director, Census Operations Haryana, S.C.O. No. 1074-75 Sector 22-B Chandigarh for information.

Sd/-  
Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

\_\_\_\_\_

No. 23/24/84-2GSIII

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments; Commissioners  
Ambala and Hissar Divisions; all DCs. and S.D.Os. (Civil)  
in Haryana.
2. The Registrar, Punjab and Haryana  
High Court and all District and Sessions  
Judges in Haryana.

Dated, Chandigarh the 22nd March, 1984.

**Subject :—Absorption of retrenched/surplus employees and candidates recommended by the S.S.S. Board,**

Sir,

I am directed to invite your attention to the instructions issued vide Govt. letter No. 23/3/81-2GSIII, dated the 7th September, 1983, and to say that it has now been decided that the names of the retrenched/likely to be retrenched employees of the Directorate of Census Operations Haryana, should be brought on a special roster by this department for their absorption in the State Government Offices and Corporations etc. It has also been decided to give six months' time from the date of appointment to pass the typing test to such of them as do not know type writing. Accordingly, the names of the said employees will henceforth be recommended for appointment in the State Government offices and Corporations etc. by this Department.

2. A number of employees of the Haryana Land Reclamation and Development Corporation Limited have also been retrenched due to the discontinuance of a Project of Development of Panchayat Lands in the State. A list of the retrenched employees is enclosed. I am to request that these employees may be considered for absorption against vacancies in State Government offices when no suitable surplus employees or recommendees of the S.S.S. Board are available.

Yours faithfully,

Sd/-

Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy, each is forwarded to all the Financial Commissioner and Administrative Secretaries to Government, Haryana, for information and necessary action in continuation of this department U.O. No. 23/3/81-2GSIII, dated the 7th September, 1983, and No. 23/23/84-2GSIII, date the 21/22nd February 1984.

Sd/-

Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

All Financial Commissioners & Administrative Secretaries to Government, Haryana.

U.O. No. 23/24/84-2GSIII, dated Chandigarh, the 22nd March, 1984.

Endst. No. 23/24/84-2GSIII, dated Chandigarh, the 22nd March, 1984.

A copy is forwarded to the Secretary, S S S. Board, Haryana, Chandigarh, for information and necessary action w.r.t. this department endst. No. 23/3/81-2GSIII, dated the 7th September, 1983.

Sd/-

Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

Endst No. 23/24/84-2GSIII, dated Chandigarh, the 22 March, 1984.

A copy is forwarded to all Managing Directors of the Corporations/Boards/Undertakings/Cooperative Institutions/Companies etc. for necessary action in continuation of Government endst. No. 23/3/81-2GSIII, dated the 7th September, 1983, and No. 23/23/84-2GSIII dated the 21st/22nd February, 1984.

2. The names of the retrenched employees of the Haryana Land Reclamation and Development Corporation have been kept in this department and will be recommended against existing vacancies in other Corporations etc. The Corporations etc. to which their names are recommended may appoint them on adhoc basis in the first instance and subsequently if they are found suitable their appointment can be regularised. The question of giving them age relaxation to the extent of service rendered by them in the Haryana Land Reclamation and Development Corporation may also be considered.

Sd/-

Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

Endst. No. 23/24/84-2GSIII, dated Chandigarh, the 22nd March, 1984.

A copy is forwarded to the Director, Census Operations, Haryana, SC.O No. 1074-75, Sector 22-B, Chandigarh, for information.

Sd/-

Under Secretary, General Administration.  
for Chief Secretary to Government, Haryana.

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**HARYANA LAND RECLAMATION AND DEVELOPMENT CORPORATION LIMITED  
CHANDIGARH**

Statement showing the bio-data of Retrenched employees of the Corporation

Sr. No.	Name	Designation	Scale of pay/ Qualification	Date of birth	Date of Joining	Remarks
1.	S/Sh. Ran Singh	Assist Manager (STORE)	400-660+ Rs.25/- Graudate	1.1.53	26.2.81	
2.	Kasim Khan	—do—	—do—	15.3.54	20.2.81	
3.	Vakil Chand	—do—	—do—	1.11.54	5.3.81	
4.	Jai Parkash	—do—	—do—	8.10.48	11.9.80	
5.	Pal Singh	—do—	—do—	2.7.46	2.3.80	
6.	Ram Chand	—do—	—do—	20.4.48	4.10.79	
7.	Ajaib Singh	—do—	—do—	12.1.54	3.10.79	
8.	S.K. Gautam	—do—	—do—	10.12.51	25.9.79	
9.	Ram Murthi	—do—	—do—	2.4.52	29.9.79	
10.	Rishi Kumar	Mechanic	—do— Diploma in Auto—Engg.	10.10.46	18.7.80	
11.	Ram Narain	—do—	—do—	5.3.43	22.7.80	
12.	Gian Singh	—do—	—do—	4.8.57	27.8.80	
13.	R.L. Chaudhary	—do—	—do—	17.8.37	1.5.80	
14.	Ved Parkash	—do—	—do—	15.4.57	9.11.79	
15.	Ashok Kumar	Astt. Mech-cum- Trector Operator	—do—	8.3.55	5.3.82	
16.	Rajbir Singh	—do—	—do—	6.3.59	21.5.80	
17.	Sham Singh	—do—	—do—	3.12.51	21.5.80	
18.	Om Parkash	—do—	—do—	1.1.59	21.5.80	
19.	Balbir Singh	—do—	—do—	12.2.54	31.12.79	
20.	Sundershan Kumar	—do—	—do—	10.5.61	31.12.79	
21.	Balbir Singh	—do—	—do—	13.9.56	31.12.79	
22.	Kundan Lal	—do—	—do—	17.2.39	31.12.79	
23.	Narinder Kumar	Fitter-cum Welder	—do—	9.9.59	13.7.81	
24.	Surjit Singh	—do—	—do—	15.9.46	16.11.77	
25.	Jai Gopal	—do—	—do—	7.5.59	29.10.77	
26.	Krishan Lal	Accounts Clerk	400—660/- *Rs. 25/-Spl	B. Com —do—	28.11.59 8.8.59	16.11.82 23.11.82
27.	Brij Mohan	—do—	—do—	—do—	19.4.56	8.12.82
28.	Narinder Kumar	—do—	—do—	—do—	9.10.56	19.6.81
29.	Lakshman Ram	—do—	—do—	—do—	15.8.57	27.5.81
30.	Naresh Kumar	—do—	—do—	—do—	31.10.56	15.2.80
31.	Jagdish Chand	Agr. Inspector	400—660 Matric in Agri	8.11.58	15.2.80	
32.	Tek Chand	—do—	—do—	—do—	2.1.55	17.1.80
33.	Karam Chand	—do—	—do—	—do—	13.6.57	8.1.80
34.	Rajinder Singh	—do—	—do—	—do—	16.3.54	24.12.79
35.	Hari Ram	—do—	—do—	—do—	19.4.42	22.12.79
36.	Tilak Raj	—do—	—do—	—do—	3.1.56	12.11.79
37.	Subhash Chander	Tracers	—do— Matric/Dip- loma in ITI			
38.	Dinesh Kumar	—do—	—do—	—do—	26.12.54	9.8.77
39.	Inder Kumar	—do—	—do—	—do—	4.2.54	5.11.74

1	2	3	4	5	6	7
40.	Ram Rattan	Beldar-cum-Mali	300-430	Middle	7.9.57	12.12.79
41.	Ram Dhari	—do—	—do—	—do—	5.8.45	12.12.79
42.	Reghubir	—do—	—do—	—do—	4.10.40	12.12.79
43.	Jaila Ram	—do—	—do—	—do—	8.3.36	12.12.79
44.	Ram Dev	—do—	—do—	—do—	12.11.50	1.12.79
45.	Ram Bharan	—do—	—do—	—do—	2.1.50	1.12.79
46.	Bodh Raj	—do—	—do—	—do—	3.3.52	17.4.79
47.	Rupinder Kumar	—do—	—do—	—do—	7.5.60	4.4.79
48.	Son Nath	—do—	—do—	—do—	1.4.58	4.4.79
49.	Rajesh Kumar	—do—	—do—	—do—	2.2.56	3.4.79
50.	Tara Chand	Peon	—do—	—do—	15.4.58	31.10.80
51.	Seo Karan	—do—	—do—	—do—	2.4.50	13.12.82
52.	Mahabir Singh	—do—	—do—	do—	20.12.56	23.6.82
53.	Mohan Lal	—do—	—do—	—do—	8.2.61	11.1.82
54.	Shiv Charan Dass	—do—	—do—	—do—	5.11.50	9.6.82
55.	Kanhi Ram	—do—	—do—	—do—	6.1.58	21.10.81
56.	Prem Singh	—do—	—do—	—do—	15.4.58	28.8.81
57.	Sardari Lal	—do—	—do—	—do—	—	Adhoc
58.	Darshan Singh	Helper	—do—	Diploma in Auto- Engg.	—	—do—
59.	Prem Singh	Peon	300-430	Middle	10.7.56	13.7.81
60.	Gurmukh Singh	Chowkidar	—do—	Middle/ Ex-service- man	10.10.50	15.1.82
61.	Balbir Singh	—do—	—do—	—do—	6.6.54	28.8.81
62.	Ram Singh	—do—	—do—	Middle/	15.2.44	28.8.81
63.	Laxman Dass	Tractor-Operator	420-700	Middle/ driving licence	10.3.57	17.2.82
64.	Moman Dutt	—do—	—do—	—do—	5.6.57	16.2.82
65.	Baljit Ram	—do—	—do—	—do—	1.3.55	20.2.82
66.	Hukam Singh	—do—	—do—	—do—	22.12.48	18.2.82
67.	Naresh Kumar	—do—	—do—	—do—	22.3.63	18.2.82
68.	Tarsem Lal	—do—	—do—	—do—	1.10.58	16.2.82
69.	Mahabir Singh	—do—	—do—	—do—	—	19.2.82
70.	Jai Singh	—do—	—do—	—do—	1.5.52	16.2.82
71.	Sat Parkash	—do—	—do—	—do—	1.12.65	19.2.82
72.	Sita Ram	—do—	—do—	—do—	1.4.53	19.2.82
73.	Jarnail Singh	—do—	—do—	—do—	24.9.55	18.3.82
74.	Hari Singh	—do—	—do—	—do—	7.11.46	19.2.82
75.	Ajit Lal	—do—	—do—	—do—	13.4.58	15.2.82
76.	Om Parkash	—do—	—do—	—do—	16.3.58	18.2.82
77.	Om Parkash-II	—do—	—do—	—do—	4.2.53	19.2.82
78.	Manjit Singh	—do—	—do—	—do—	—	—
79.	Balwan Singh	Accounts Clerk	400-660 *25/- spl	B. Com —do—	8.4.59	21.1.83
80.	Raj Pal Singh	—do—	—do—	—do—	31.5.60	24.1.83

Sd/-  
Secretary

Already adjusted in  
HSDC

Copy of letter No. 8845-G-54/29154, dated 19th October, 1954, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.

*Subject* :—Termination of employment of temporary Government servants.

I am directed to address you on the subject noted above and to state that in most temporary Departments care is taken to provide in terms of employment that employment is terminable on one month's notice on either side. In some cases, the period of notice may, however, be longer than one month. In order to observe uniformity in this important matter, it has now been decided to adopt it as a general rule that future recruitment of temporary officers and staff, whether technical or other, should take place on the basis that service of the official concerned will be terminable on notice of one month on either side provided that it will be open to Government, to pay, in lieu of notice, the official's salary, and allowances, in respect of the period by which the notice given by him falls short of one month. A specific provision in this behalf should, therefore, invariably be made, in future in the terms of appointment of temporary officials.

Copy of U. O. Circular letter No. 7516-G-54, dated 17th December, 1954, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab.

*Subject* :—Consultation with the Punjab Public Service Commission on the methods of recruitment to various posts under the Administrative control of Punjab Government.

It has been reported by the Punjab Public Service Commission that instances are multiplying where departments of Government have first requested the Commission to advertise the posts with a view to their being filled by direct recruitment but have subsequently withdrawn the requisitions on the grounds that it had been decided to adopt an alternative method of recruitment such as promotion or transfer from another department. In one case the change in the method of recruitment was decided upon after the Commission had actually recommended certain candidates for appointment on the basis of a written test and interview. Although technically there is nothing constitutionally wrong with the adoption of such a course of action it would seem to be wrong in principle and bound to give the impression that the mode of recruitment had been changed to suit a particular person.

2. It is accordingly directed that the question as to the method of recruitment to be followed in any particular case should be carefully considered in the first instance and that once a reference has been made to the Commission to fill the post by direct recruitment, it should not be withdrawn save for exceptional reasons. Further, in cases where in the absence of any service rules, a reference to the Commission is required, whenever it is found necessary to change the mode of recruitment the reasons justifying such a step should be fully explained to the Commission. Where, however, the service rules provide for different modes of recruitment without specifying any rotation or proportion for the adoption of each such method of recruitment if, in the opinion of Government, a change in the mode of recruitment becomes quite essential, it is not necessary to furnish the reasons to the Commission for doing so.

3. It is requested that the above instructions should be carefully complied with in future.

**Copy of letter No. 1774-GII-58/2610, dated 31st March/9th April, 1958, from the Chief Secretary to Government, Punjab, to the Secretary, Punjab Public Service Commission, Patiala.**

**Subject:— Exclusion of posts from the purview of the Punjab Public Service Commission.**

I am directed to refer to the proceedings of a discussion that took place between the undersigned and Shri Hardwari Lal, member, Punjab Public Service Commission, on the 17th December, 1957, in which it was inter-alia urged by the Commission's representative that :

- (a) a post should not be taken out of the Commission's purview once a requisition had been placed with it and the post was advertised; and
- (b) before taking any post out of the jurisdiction of the commission, it should be consulted and its opinion considered.

Government have given a careful thought to the implication of the proposal and, in order to establish a better understanding between them and the Commission, have decided to accept it subject to the following principles :

- (a) The Commission would on their part ensure that selections of personnel for posts is expedited; and
- (b) The Condition at (b) above, would be operative only if the views of the Commission are received within one month of the request.

**Copy of Circular letter No. 2812-GII-58/49605, dated 27th June, 1958 from Chief Secretary to Government Punjab to the Secretary, Subordinate Service Selection Board and copy endorsed to all Heads of Departments etc. etc.**

**Subject :—Exclusion of posts from the purview of the Punjab Public Service Commission/Subordinate Services Selection Board, Punjab.**

I am directed to refer to your letter No. 4543 dated the 7/9th May, 1958 on the above subject and to confirm that the decision of Government contained in their letter, No 1774-G-II-58/26107, dated the 31st March/9th April, 1958 to the address to the Secretary, Punjab Public Service Commission will be applicable while taking posts out of the parview of the Subordinate Service Selection Board as well.

Copy of letter No 11718-G-II-59, dated 12th January, 1959 from the Chief Secretary to Government, Punjab to all Administrative Secretaries to Government, Punjab.

**Subject:—Exclusion of Post from the purview of the Punjab Public Service Commission.**

Under regulation 3(a) of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955, as amended, initial appointment to services or posts carrying initial salary of Rs. 160 per mensem or above are referable to the Commission. Where it is considered desirable to take any specific appointment out of the purview of the Commission, it is necessary that the proposal should be sent to the Chief Secretary (in Gazette II Branch) who is the Administrative Secretary for the Public Service Commission, for taking necessary action. A convention has been established according to which it is obligatory for Government to consult the Commission before any post is taken out of their purview. Accordingly receipt of a proposal for the exclusion of a post from the Commission's purview, the Chief Secretary invariably invites the comments of the Commission. The matter is then taken to the Council of Ministers and the views of the Commission are incorporated in the memorandum for the Council.

2. Instances have come to the notice where some Administrative Departments took proposals for the exclusion of certain posts in their departments from the Commission's purview, to the Council of Minister direct, over the heads of the Chief Secretary, in these cases the convention referred to above could not be observed with the result that the commission had to strongly protest against the non-observance of the convention. Government was thus placed in an awkward position as a result of the irregular procedure followed by the Administrative Departments concerned. In some cases the Chief Secretary had to take the matters to the Council of Ministers again to regularise the actions of the Administrative Departments.

3. In the circumstances it is urged that in future correct procedure should be followed by the Administrative Deptts. in such matters and all proposals for the exclusion of posts from the purview of the Public Service Commission should invariably be referred to the Chief Secretary (In Gazette II Br). They are requested to ensure that no such proposal is taken to the Council of Minister direct.

4. Kindly acknowledged receipt.



**Copy of letter No. 1212-G-54/5973, dated the 13th February, 1954, from the Chief Secretary to Government, Punjab to all Heads of Departments etc,**

**Subject:—Subordinate Service Selection Board.**

In continuation of Punjab Government letter No. 9348-G-53/94879, dated 16th December, 1953, on the subject noted above, I am directed to convey the following decisions of Government for guidance and strict compliance:—

- (i) The appointing authorities will be competent to fill temporary vacancies which are not expected to last for more than three months and even permanent vacancies on temporary basis for the same period pending references to the Selection Board.
- (ii) In cases of appointments to be made by promotion or by transfer the Subordinate Services Selection Board should be consulted regarding the suitability of the official proposed for promotion or appointment by transfer as in the case of Public Service Commission. If any appointment by promotion involves supersession the fact should be clearly pointed out in the reference to the Board and the confidential reports files of the officials proposed to be superseded should also be forwarded to the Board.
- (iii) The Department proposing to exclude a post or category of posts from the purview of the subordinate Services Selection Board should make a reference to the Administrative Secretary concerned giving full justification in support of the proposal. The Administrative Secretary after obtaining the orders of the Minister in charge of the Department should refer the Case to the Chief Secretary to Government, Punjab, in the Gazette Branch, who will obtain the orders of the Chief Minister.

**Copy of U.O. Circular letter No. 7516-G-54, dated 17th December, 1954, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab.**

**Subject:—Consultation with the Punjab Public Service Commission on the methods of recruitment to various posts under the Administrative control of Punjab Government**

It has been reported by the Punjab Public Service Commission that instances are multiplying where departments of Government have first requested the Commission to advertise the posts with a view to their being filled by direct recruitment but have subsequently withdrawn the requisitions on the grounds that it had been decided to adopt an alternative method of recruitment such as promotion or transfer from another department. In one case the change in the method of recruitment was decided upon after the Commission had actually recommended certain candidates for appointment on the basis of a written test and interview. Although technically there is nothing constitutionally wrong with the adoption of such a course of action it would seem to be wrong in principle and bound to give the impression that the mode of recruitment had been changed to suit a particular person.

2. It is accordingly directed that the question as to the method of recruitment to be followed in any particular case should be carefully considered in the first instance and that once a reference has been made to the Commission to fill the post by direct recruitment, it should not be withdrawn, save for exceptional reasons. Further, in cases where in the absence of any service rules, a reference to the Commission is required, whenever it is found necessary to change the mode of recruitment the reasons justifying such a step should be fully explained to the Commission. Where, however, the service rules provide for different modes of recruitment without specifying any rotation of proportion for the adoption of each such method of recruitment if, in the opinion of Government a change in the mode of recruitment becomes quite essential, it is not necessary to furnish the reasons to the Commission for doing so.

3. It is requested that the above instructions should be carefully complied with in future.

**Copy of Punjab Government Circular letter No. 16424-G-55/19030, dated 16th March, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject:—Recruitment through the Public Service Commission.**

I am directed to invite a reference to Punjab Government endorsement No. 9804-G-55/50050, dated the 17th August, 1955, on the subject cited above and to say that ordinarily Masters/Mistresses possessing B.A., B.T., qualifications are recruited in the Punjab Educational Service (Non-gazetted) in the grade of Rs 110—8—190/10—250 but M.As (I or II Class) B.T. are given an initial start of Rs. 150 in the same grade. A question has arisen whether the recruitment of Masters/Mistresses possessing M.A. (I or II Class) B.T. qualifications on Rs. 150 per mensem in the grade of Rs 110—8—190/10—250 is to be made through the Public Service Commission. The matter has been examined carefully in consultation with the Law Department and Government are advised that the words "posts when carrying an initial pay of Rs 150 or more" used in Punjab Government letter referred to above refer to those posts whose grade of pay in the time-scale starts from Rs. 150 per mensem or above. As in the present case the grade starts from Rs. 110 per mensem reference to the Public Service Commission is not necessary notwithstanding the fact that higher start at Rs 150 per mensem in the same grade is to be given to persons possessing higher qualifications. It is possible that there may be similar cases in other Departments where higher start at Rs. 150 or above may have to be given in a grade the minimum of which is less than Rs. 150 per mensem. In all such cases, therefore, recruitment will be made through the Subordinate Services Selection Board and not through the Punjab Public Service Commission. I am accordingly to request that the position may be brought to the notice of all concerned for guidance.

**Copy of Punjab Government Circular letter No. 1625-G-56/19079, dated the 16th March, 1956, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.**

**Subject:—Recruitment through the Subordinate Services Selection Board.**

I am directed to say that it has been brought to the notice of Government by the Subordinate Services Selection Board, Punjab, that as a rule they recommend candidates to departments in the order of merit obtained by them in the test/interview conducted by the Board. Some departments, however, do not appoint the candidates in the order prescribed by the Board but adopt the policy of "pick and choose" which is clearly objectionable and hardly fair to the candidates who attain higher positions. I am to add that the ordinary convention in such cases is that the advice of the Board should normally be accepted and the order of merit determined by them should not be disturbed. I am accordingly to request that this practice of "pick and choose" by the departments should cease and the candidates should ordinarily be appointed in the order recommended by the Subordinate Services Selection Board.

Copy of letter No. 5096-GII-57/70813, dated the 12th August, 1957, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

*Subject:—Recruitment through Subordinate Services Selection Board, Punjab.*

In order to avoid unnecessary expenditure to Government, in-convenience to candidates for different posts in the purview of the Subordinate Services Selection Board, as also to meet the demands of the Departments for staff promptly, the Board have, in the end of each calendar year, been requesting the Departments to send in estimates of their requirements of staff for the succeeding financial year. The Departments, it has been observed, have not been giving due attention to such requests from the Board and had either kept quiet, or given too high or too low estimates of their demands, without visualising the consequences, this laxity on their part entailed. The Board had, in such cases either to readvertise the posts and undergo the whole process of making selections with extra expenses to the State and work to its staff or tell the selected candidates that they had no appointments to offer to them, thus putting them to inconvenience and exposing themselves to avoidable public criticism.

2. I am to make it clear that Government take a strong exception to such practices on the part of the Departments and will hold the heads of the Departments personally responsible for such lapses in future. Government do realise that in some cases it may not be possible to anticipate the demands correctly, but such cases cannot be many and they feel that if the following two classes of anticipated vacancies are kept in consideration, it would not be difficult to formulate exact demands:—

- (a) Vacancies due to retirements in the year.
- (b) Vacancies on account of approved schemes.

The Departments must also work out the number of anticipated vacancies on account of schemes that are in the process of sanction and intimate to the Board, with clear remarks that the posts are likely to be created and an intimation about their being created or turned down finally, will be sent to the Board promptly.

Copy of Punjab Government letter No. 3604-GII(S)-5721982, dated 2nd November, 1957, from the Chief Secretary to Government, Punjab to All Heads of Departments etc. etc.

**Subject :** Produce to be observed by the departments in their dealings with the Subordinate Services Selection Board, Punjab.

I am directed to refer to the instructions laid down in Punjab Government letter No. 1155-GII-56/76600, dated the 16th/24th October, 1956, on the above subject, which were based on similar instructions in respect of recruitment through the Punjab Public Service Commission. Government have since withdrawn such instructions relating to the P.P.S.C, and on the analogy thereof they have decided to do away with the opinion of the Departments to ask the Board to recommend double the number of candidates for appointment without specifying the order of priority. I am accordingly to direct that henceforth the Board will invariably recommend precisely the same number of candidates as are actually required to fill the posts in the Departments/offices of Government and the names of such candidates will be strictly in accordance with the merit obtained by them at the time of selection by the Board.

Copy of letter No. 4576-GII-58/34387, dated 12th November, 1958 from the Chief Secretary to Government Punjab, addressed to all Heads of Departments etc. etc.

**Subject :** Punjab Public Service Commission (Limitation of Functions) Regulations, 1955.

I am directed to address you on the subject noted above and to say that some of the departments had represented to Government that the period of three months laid down in Clause (d) of Regulation 3 of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955 is rather short as the Commission often take much longer to recommend candidates for posts notified to them and that this period should be extended. The consensus of opinion of the Administrative Departments favoured the extension of this period to six months.

2. The Punjab Public Service Commission were consulted in the matter and they have expressed the opinion that delay occurs more often in the Government departments themselves than with the Commission. The Commission ascribe this delay to two main reasons :—

- (a) The departments do not forward their requisitions to the Commission immediately they make temporary appointments. In some cases even a copy of the appointment order is not endorsed to the Commission for their information. While in some cases the term of three months appointment is actually allowed to expire before a reference is made to the Commission although the instructions contained in Punjab Government letter No. 2939-G-54/21013, dated the 7th April, 1954, are quite clear on this point;
- (b) More often than not, incomplete or defective requisitions are sent by the departments with the result that the Commission are compelled to make back references which again are not replied to promptly by the departments. Sometimes replies to these back references are delayed by as much as two months.

3. The Commission have brought specific instances to the notice of the Government to support their view.

4. Government have considered the matter while appreciating both points of view; Government observe that Regulation 3(I) is intended to cover those cases in which vacancies arise suddenly and not those in which they occur on account of normal incidence of service, e.g., retirement which can always be foreseen. It is, therefore, of some importance that this provision should be used only when it is really necessary. Taking everything into account, Government have decided that no change in the present position need be effected just yet. Even the present time limit may prove workable if the the departments take sufficient care. The departments are therefore, advised to see :—

- (i) that requisitions are sent to the Commission as soon as a vacancy occurs or at the very latest as soon as a temporary appointment is made;
- (ii) that a copy of the appointment order is endorsed to the Commission for their information, whenever a temporary appointments takes place;
- (iii) that requisitions sent to the Commission are complete in all respects and free from defects so that back reference becomes necessary.
- (iv) that if and when a back reference is received by them from the Commission it is promptly attended to.

5. Much delay will be cut down if these instructions are complied with.

6. These instructions should be strictly carried out and results watched. If necessary the position will be reviewed after a suitable interval.

7. These instructions will also cover recruitment through the Subordinate Services Selection Board.

Copy of letter No. 7414-GII-58/3853, dated the 14th/17th February, 1959 from the Chief Secretary to Government, Punjab to all Heads of Departments.

**Subject :—Recruitment through the Punjab Public Service Commission and the Subordinate Services Selection Board.**

I am directed to address you on the subject noted above and to say that according to sub-para I (i) of Punjab Government letter No. 1212-G-54/5973, dated the 13th February, 1954, the appointing authorities are competent to fill temporary vacancies which are not expected to last for more than three months and even permanent posts on a temporary basis for a period not exceeding three months pending reference to the Subordinate Services Selection Board. It has been brought to the notice of Government by the Board that these powers, which are intended to enable to these authorities to make immediate temporary arrangements in cases of emergency are being misused by some of them to circumvent the authorities of the Board in the matter of appointment. It is reported that the appointing authorities have adopted a practice whereby they appoint candidates of their own choice on three months basis and on the expiry of this period their services are terminated for a day or two after which they are re-employed for another term. Thus a candidate continues in service for a long time without the Board ever being consulted. This practice it is reported by the Punjab Public Service Commission is also being followed in the case of posts that fall within the jurisdiction of the Commission. Such a practice on the part of appointing authorities is undesirable and defeats the object for which the centralised system of recruitment through the Board/Commission was adopted. Government desire that this practice should be discontinued forthwith.

2. It may be pointed out that Government have more than once emphasised the desirability of carefully complying both in spirit and letter, with the rules prescribed and instructions issued by the Government from time to time on the subject of recruitment through the Board and the Commission. You are again requested to extend your complete and unreserved co-operation to the Board and Commission in your dealings with them. Government will take serious notice of any deliberate attempt to circumvent the authority of the Board/Commission or to flout Government instructions on the subject.

3. I am to request you to acknowledge receipt.

Copy of Circular letter No. 8260-GII-59/13735, dated 4th September, 1959, from Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

**Subject :—Recruitment through the Subordinate Services Selection Board.**

I am directed to address you on the subject noted above and to say that recruitment to posts carrying an initial salary of Rs. 50 to Rs. 149 is made on the recommendations of the Subordinate Services Selection Board. In certain cases, it so happened that after the Heads of Departments had placed requisitions on the Board, the scales of the posts in question were revised with the result that these posts came within the purview of Public Service Commission before the Board could make final selection although they had made a substantial headway in the matter by way of advertising the posts and scrutinising applications etc. In such cases Government have every now and then been confronted with the question as to which of the two bodies should make final selection. I am directed to bring to your notice that recruitment in such cases will be made by the Public Service Commission and the Subordinate Services Selection Board will have no jurisdiction over them provided the board had not by that time made final selection. This is constitutionally the only correct course.

2. Departments are requested to note these instructions and to take immediate steps to get the recruitment through the proper body as soon as such a case occurs.

Copy of letter No. 8348-GII-59/3051, dated the 12th January, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Appointments made by the departments on temporary basis.

I am directed to invite a reference to sub-para 4(ii) of Punjab Government letter No. 4576-GII-58/34387, dated the 11th/12th November, 1958, according to which the Departments are required to endorse a copy of the appointment order to the Public Service Commission/Subordinate Services Selection Board, for their information whenever a temporary appointment is made. It has, however, been brought to the notice of Government that these instructions are not being complied with in their letter and spirit and the Departments continue to retain unqualified/unapproved candidates even on receipt of the recommendations from the Commission/Board. Government view this state of affairs as seriously irregular and take this opportunity to make it clear to the Departments that they are authorised to make temporary appointments so that the Government work does not suffer. This course cannot be resorted to when suitable candidates are available with the Commission/Board. In future effective steps should, therefore, be taken to ensure that unqualified hands are not retained when suitable candidates have been recommended by the Commission/Board.

2. Further to ensure that all cases of temporary appointments are brought to the notice of the Commission/Board. I am request you to furnish them with monthly returns, in addition to normal intimation, in the enclosed proforma indicating all temporary appointments made without their approval. Returns for a particular month should be forwarded to the Commission/Board by the 7th of the following month. Any omission on the part on the Department will be treated a serious irregularity.

Statement for the Month of \_\_\_\_\_ showing the First Appointments made with out reference to Public Service Commission/Subordinate Services Selection Board

Office \_\_\_\_\_

Particulars in respect of the person appointed/ promoted or transferred			Particular in respect of the post filled		Nature of appointment	Remarks	
Name	<i>Appointment held under Government, if any, prior to appointment to the post mentioned in column 4 and 5</i>	(a) Name of post (b) Classification (if the post has not been classified this should be stated)	Is the post— (a) permanent or (b) temporary or (c) a tenure post. If temporary state period for which sanctioned and if this period is likely be extended	Whether it is direct appointment, transfer or promotion. Give the date from which appointment took effect	Whether it is permanent or temporary or officiating if temporary or officiating state the period for which the person appointed is likely to hold the post)	Authority under which the appointment was made without reference to the Commission/Board	
(a) Name of post	(a) Whether the post held was permanent or temporary						
(b) Classification	(b) If permanent was it held in a substantive or officiating capacity						
1	2	3	4	5	6	7	8

Copy of Circular letter No. 159-GII-60/11007, dated 11th April, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject :—Recruitment through the Punjab Public Service Commission.

I am directed to address you on this subject and to point out that a case has been brought to the notice of Government where a Department sent a requisition to the Punjab Public Service Commission on the 20th August, 1959, for recruitment to Class II posts and desired the Commission to recommend suitable candidates before the 30th September, 1959, as the selected candidates had to join an institute for training on that date after completing all formalities including the medical examination. As the selection had to be made after holding a written and physical test, it was not possible for the Commission to make selection in such a short time. The Commission have urged that requisitions should be sent to them in sufficient time. Government have given consideration to this matter and feel that there should be a time limit which should normally be allowed to the Commission for making their recommendations in ordinary as well as in emergent cases. It has, therefore, been decided that in the case of ordinary requisitions, the Commission should be allowed a minimum of 10 weeks period where selection is to be made by interview only and of 20 weeks period where selection is to be made by written examination-cum-Viva Voce test. In emergent cases, the Commission may be allowed a minimum period of 5 weeks and 15 weeks respectively. These limits will be reckoned from the date of receipt of requisition by the Commission, complete in all respects, involving no back reference.

2. I am to request, therefore, that requisitions should be sent to the Commission sufficiently in advance so as to allow them to have the necessary minimum periods for making their recommendations in ordinary as well as in emergent demands. While forwarding their requisitions the Department should ensure that these are complete in all respect and free from any kind of defect so that there should be no back reference, involving delay in making recommendations by the Commission within the prescribed period.

3. Kindly acknowledge receipt,

Copy of Punjab Government Circular letter No. 8770-GS-60/31537, dated 31st August, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject :—Amendment to the form of requisition to be sent by the departments to the Punjab Public Service Commission for recruitment to various posts.

Sir,

I am directed to address you on the subject cited above and to say that against column 3(B) of the form of requisition to be sent by the Departments to the Punjab Public Service Commission for recruitment to various posts, the following information is required to be given, if the post to be advertised is temporary :—

- (a) When it was sanctioned;
- (b) The period for which it has been sanctioned.

2. It is, however, not possible to furnish this information in respect of posts which are included in the Schedule of New Expenditure for the next financial year and requisition for the filling up of which is sent to the Commission before the voting of the Budget Estimates. The reason is that at the time of sending such a requisition, the number and date of the Government order containing the sanction and the period of this sanction are not available and it is not known whether the provision made in the Schedule of New Expenditure will be voted by the Legislature. The result is that in such cases the Departments have to wait till the necessary provisions included in the Budget Estimates is voted by the Legislature and the grant is communicated to them. This causes unnecessary delay in filling the post(s) and undertaking the Scheme(s) from the very beginning of the financial year.

3. The matter has been examined in consultation with the Punjab Public Service Commission with a view to overcoming the difficulty. According to the revised budgetary procedure, provision for creation/continuance of temporary posts is made in the Schedule of New Expenditure after administrative approval to that effect has been issued with the concurrence of the Finance Department. This is treated as financial sanction to the extent the funds are voted by the Legislature. In view of this it has been decided that once provision for any post(s) has been admitted for inclusion in the Schedule of New Expenditure, it should not be necessary for the departments concerned to wait till the passing of the Budget to communicate their requirements of staff to the Punjab Public Service Commission. Instead it will be sufficient for the purposes of the Commission if the following statement is made by the departments concerned against item 3(B)(a) and (b) :—

“Administrative approval/financial sanction in regard to the post(s) in question has been accorded”.

4. I am accordingly, to request that the above procedure should invariably be followed while sending requisitions to the Commission in respect of temporary posts, if it is desired to initiate action to fill up such posts in advance of the passing of the Budget by the State Legislature.

Copy of letter No. 4832-GS-60/34308, dated the 16th September, 1960, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc

*Subject* :—Recruitment through the Subordinate Services Selection Board.

In partial modification of orders contained in sub-para (i) of Punjab Government letter No. 1212-G-54/5973, dated the 13th February, 1954, on the subject noted above it has been decided that the appointing authorities will henceforth be competent to fill in permanent vacancies on temporary basis for a period of six months in emergent cases. A requisition in such cases will also be placed with the Board simultaneously.

2. Copies of orders making appointments on temporary basis should invariably be forwarded to the Subordinate Services Selection Board for their information.

Copy of Punjab Government Circular letter No. 5281-4GS-61/21179, dated 19th June, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

*Subject* :—Recruitment by selection—Defects generally observed by the Commission in the Requisition Forms.

I am directed to invite a reference on the subject noted above and to inform you that the Punjab Public Service Commission have brought to the notice of the State Government certain defects which are generally observed by them in the requisition form. A copy of those defects is enclosed for your information.

2. Government observe that a good deal of labour and time will be saved if the requisitions sent to the Commission are filled in by the Departments with care. It is accordingly requested that efforts should be made to ensure that the requisition forms are sent to the Commission complete in all respects, carefully avoiding the defects particularly pointed out by them.

#### Defects generally met with in the references to the Punjab Public Service Commission

##### 1. Recruitment by Selection.

##### (A) Form of requisition :—

- |                         |    |  |
|-------------------------|----|--|
| (1) Item No. 3          | .. | In cases of temporary posts, which are sanctioned upto the end of the financial year, and where the reference to the Commission is being made only a few months before the termination of the sanction, the departments do not generally make it clear whether further sanction has been applied for, and/or what are the prospects of the posts being continued beyond their existing term. This information is necessary for incorporation in the advertisement etc. for the information of the intending candidates, as it looks incongruous that the term of a post should be supposed to come to an end by the time the Commission are in a position to make their recommendations. |
| (2) Items 3(A) and 3(B) | .. | Very often no entries are made against these. Clear, and to the point, replies should be given.  |
| (3) Item 4              | .. | No reply is generally given to sub-item (b).   |
| (4) Item 6              | .. | In furnishing an answer to it no distinction is drawn between the termination of appointment during probation, and after confirmation.   |
| (5) Item 14             | .. | The qualifications required are not stated according to the sub-items; and it is also not made quite clear as to which of them are to be strictly hereto. Moreover where training and/or experience are laid down as essential conditions the minimum period of training/experience is not stated. It is imperative that the qualifications demanded are stated categorically,   |



so that they are not susceptible of any doubt, and can be readily incorporated in the advertisement. Sometimes the qualifications laid down are not the same as, or similar to, those prescribed on a previous occasion, or required under the relevant rules; and no reasons are given for this departure.

(6) Item 15

- .. Exact answers to the various sub-items are generally not given, particularly to sub-item 3(ii). Further concessions in age allowed to Scheduled Castes etc. candidates, retrenched likely to be retrenched personnel of the Civil Supplies and other temporary departments, and persons who have rendered national or social service before independence, are not mentioned.

(B) Service Rules

- .. In cases where there are no published rules for the service/post concerned the department forwarding the requisition confines itself to merely giving a negative answer to item 2(b) of the requisition. No information is furnished on the point as to why no rules have been framed or what steps are being taken to frame them. Nor are the Commission asked to first approve of the proposed method of recruitment and qualifications though this is obligatory under Article 320(3) of the Constitution, in the absence of service rules already framed in consultation with the Commission.

**Copy of Punjab Government Circular letter No. 18427—3GS—62/43145, dated 5th December, 1962, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.**

**Subject : —Inclusion of details of allowances attached to a post in the advertisements.**

I am directed to say that in order that the candidates from the open market may know the total emoluments attached to a post, the Punjab Public Service Commission has desired that details of the dearness and other allowances attaching to a post should be included in the advertisements issued by them. This will be possible if the rates of all the allowances admissible in each case are intimated to the Commission by the respective departments, along with the pay-scales against item 9 of the Requisition Form.

I am to request that the required information should in future, be invariably furnished to the Commission, in the proper column of the requisition Form.

**Copy of letter No. 7918—3GS—63/26112, dated 31st July, 1963, from the Chief Secretary to Government Punjab, to all Heads of Departments etc. etc.**

**Subject :— Practice of making recruitment and the Draft Service Rules—Subordinate Services Selection Board.**

I am directed to say that the Secretary, Subordinate Services Selection Board has brought to the notice of Government a number of cases in which the Board was in the first instance approached to approve the appointment/promotion of particular candidates but, when the request was not agreed to the respective. Departments proceeded to make such appointments/promotions on their own, under the cover of draft service rules. The draft rules till finally approved and notified have no legal sanction behind them and appointments/promotions made thereunder are not regular. This is tantamount to short-circuiting the authority of the Board.

2. Government has already issued instructions in the case of the Commission, with Punjab Government U.O. reference No. 7516-G-4-54, dated the 17th December, 1954, that once a reference has been made to the Commission to fill the post by direct recruitment it should not be withdrawn save for exceptional reasons. It has now been decided that these instructions should be deemed to have been extended in the case of reference made to the Board as well.

3. Further, it is hardly necessary to emphasize that the services of the Board should be utilized to the maximum for the recruitment of staff so as to avoid unnecessary criticism of any favouritism by the department.

4. The departments who have not yet finalized their Service Rules should do so at the earliest possible date.

5. The receipt of this communication may kindly be acknowledged.

**Copy of Punjab Government Circular letter No. 6772-10GS-64/1923, dated the 18th January, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Department etc.etc**

**Subject :— Termination of employment of temporary Government servants - provision of notice.**

I am directed to invite a reference to Punjab Government letter No. 8845-G-54/29154, dated the 19th October, 1954, on the subject noted above and to state that a number of references are being received from time to time from various Departments as to whether or not a provision in regard to one month's notice from either side, need be made in terms of appointments made on *ad hoc* basis, for a specific period, on stop-gap arrangements. It has been decided by the Government that as the appointments in such cases are made on purely temporary basis, no provision for one month's notice from the either side need be made in the terms of appointment of such a candidate. It should be indicated in such cases that the services of the official (s) concerned would be liable to be terminated at any time without any prior notice.

2. The receipt of this letter may please be acknowledged.

**Copy of Punjab Government Circular letter No. 2416-5GSII 66/13080, dated the 23rd May, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.**

**Subject :— Recruitment through the Subordinate Services Selection Board.**

I am directed to say that in modification of orders contained in sub-para (i) of Punjab Government letter No. 1212-G-54/5973, dated the 13th February, 1954 on the subject noted above it has been decided that the appointing authorities will be competent to fill both permanent and temporary posts for a period not exceeding six months pending reference to the Subordinate Services Selection Board,

**Copy of letter No. 7386-8-GS-63/20345, dated the 29th May, 1963 from Shri Saroop Krishan, I.C.S. Financial Commissioner Planning and Additional Chief Secretary to Government, Punjab to the address of All Heads of Departments, etc. etc,**

**Subject :— Recruitment through the Subordinate Services Selection Board.**

I am directed to invite a reference to the Punjab Government letter No. 4832-GS-60/34308, dated the 16th September, 1960 on the subject noted above and to say that it has been suggested that in order to provide an impetus to matriculate peons to improve their prospects, they may be appointed as clerks on temporary basis till the candidates recommended by the Subordinate Services Selection Board, Punjab become available or for a period of six months whichever is earlier. After consultation with the Subordinate Services Selection Board, it has been decided that matriculate peon may be so appointed on the temporary basis against the permanent vacancies in emergent cases till candidates recommended by the BOARD report for duty or for a period of six months whichever is earlier. A requisition in such cases should also be placed with the Board simultaneously and copies of the orders making appointments on temporary basis should invariably be forwarded to the Board for information.

2. The question has also arisen whether a peon appointed as Clerk should be allowed usual pay of a clerk on his initial appointment. I am to state that the appointment of a peon as a Clerk is strictly not a case of promotion, as the two posts belong to different services, i.e. Class IV and Class III respectively. Such cases are not therefore, covered by para I(v) of the instructions contained in P.G. Letter No. 15055-1GS-61/44784, dated the 15th December, 1961. They will be taken on apprenticeship basis for two months at a stipend of Rs 40 p.m.

3. The receipt of this communication may kindly be acknowledged.

No. 3070—IGS—64/15080

Sirdar Gyan Singh Kahlon, I.C.S.,  
 Chief Secretary to Government, Punjab.  
 All Heads of Departments, Registrar, Punjab High Court,  
 Commissioner of Divisions, the District and Sessions  
 Judges, Deputy Commissioners and Sub Divisional Officers  
 (Civil) in the Punjab.

Dated Chandigarh, the 7th May, 1964.

**Subject: Recruitment through the Subordinate Services Selection Board, Punjab.**

Sir,

I am directed to invite a reference to Punjab Govt. letter No. 7386-8GS/20345 dated the 29th May, 1963, on the subject noted above and to convey the following further decisions taken by the Government :—

- (i) All class IV employees of the State Government, besides the persons who alone are at present eligible for temporary appointment, as clerks, may be considered for temporary appointments as clerks provided they are matriculate and are otherwise suitable for such appointment.
- (ii) As the appointment of class IV employees as clerk will be purely temporary arrangement i.e. pending the receipt of the recommendations of the subordinate Services Selection Board it is not necessary that they should possess the minimum qualification prescribed for appointment to these posts in the service Rules, except, of course the possession of the Matriculation Certificate.
- (iii) The instructions for Apprenticeship, issued vide letter No. 8522-GS-62/27256 dated 1-8-61, will not apply in the case of Class IV employees promoted as clerk. In addition to their existing emoluments viz. pay plus allowances, they will be given an extra allowance equal to 10% of their basis pay till such time as they are approved by the Subordinate Services Selection Board, when of course they would be entitled to the minimum of the scale of pay attached to the post of clerks.

2. The above decision may please be brought to the notice of all concerned for their information and guidance. The receipt of this letter may also be acknowledge.

Yours faithfully,

Sd/—

Deputy Secretary General Admn.  
 for Chief Secretary to Govt. Punjab.

No. 7865-IGSI-64/31874, dated the 12th October, 1964.

To

- (i) All the Heads of Departments, Commissioner for Division, Distt. & Session Judges, Deputy Commissioner and Sub-Divisional Officers (Civil) in the Punjab.
- (ii) The Registrar, Punjab High Court, Chandigarh.  
 Dated, Chandigarh, the 12th Oct., 1964.

**Subject : Recruitment through the SSS Board.**

Sir,

I am directed to invite a reference to Punjab Government letter No. 7386-8GS-64/20345 dated the 29th May, 1963 on the subject above, and to say that it has further been decided by the Government that Matriculate persons may be appointed on temporary basis even against temporary vacancies in emergent cases, till the candidates recommended by the Board report for duty, or for a period of three months whichever is earlier. It will however, be obligatory for the Departments to please send a requisition with the Board Simultaneously and forward copies of orders making appointment on temporary basis to the Board for information.

No. 5999—5GS—69/23700

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments; the Commissioner, Ambala Division; and Deputy Commissioners and Sub-Divisional Officers in Haryana.
- (2) The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.

Dated Chandigarh, the 24th/27th Oct., 1969.

**Subject :—Appointments made by the Departments on Temporary Basis.**

Sir,

I am directed to refer to the instructions contained in composite Punjab Government letter No. 2939-G-54/21013, dated the 7th April, 1954, (copy enclosed) according to which the Departments are required to endorse a copy of the appointment order to the Public Service Commission, whenever a temporary appointment is made. It has also been laid down in these instructions that the period of temporary appointment should not be extended without reference to the public Service Commission, irrespective of the period of extension involved.

2. An instance has come to the notice of the State Government wherer a department had allowed a temporary appointment to continue for a considerable period in contravention of the instructions referred to above. This is irregular. I am to request that the instructions in question should be followed in their letter and spirit and with the modification that henceforth a requisition complete in all respects, must be sent to the Haryana Public Service within 15 days of every temporary appointment, so that the Commission could send their recommendations in time.

Yours faithfully,

Sd/—

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each with a copy of its enclosure, is forwarded for information and necessary action to :—

- (1) The Financial Commissioner, Revenue, Haryana, and
- (2) All Administrative Secretaries to Government, Haryana.

Sd/—

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

To

- (1) The Financial Commissioner, Revenue, Haryana,
- (2) All Administrative Secretaries to Government Haryana.

U.O. No. 5999-5GS-69/

Dated Chandigarh, the 24th Oct., 1969.

No. 8305-5GS—69/844

From The Chief Secretary to Government, Haryana.

- To
- (1) All Heads of Departments ;  
the Commissioner, Ambala Division, and all  
Deputy Commissioners and Sub-Divisional  
Officers in Haryana.
  - (2) The Registrar, Punjab and Haryana High Court  
and all District and Sessions Judges in Haryana.

Dated Chandigarh the 16th January, 1970.

**Subject :** Appointment made by the departments on temporary basis.

Sir,

I am directed to invite reference to clauses (c) and (d) of regulation 3 of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955 which authorises an appointing authority to make ad hoc appointments for a period of 6 months pending the approval of the H.P.S.C. for regular appointment, where such posts are to be filled by direct recruitment. The Haryana Public Service Commission on receipt of a requisition from the appointing authority advertises the posts and, after scrutiny of the candidates, recommends suitable names for regular appointment. In this regard the H.P.S.C. does not and cannot make any distinction between candidates from the open market and persons appointed by the appointing authority on an ad hoc basis, and therefore the latter have to compete with the other candidates on an equal level.

2. Cases have come to the notice of the State Government where ad hoc appointees have failed to apply to H.P.S.C. for a regular appointment in response to their advertisement, under the wrong impression that their appointment will be regularised in due course by the H.P.S.C. Furthermore, the appointing authorities themselves too have under a similar erroneous impression, been requesting this department to take up the regular appointment of these ad hoc appointees with the H.P.S.C. This leads to difficulty because the State Government cannot, for obvious reasons make any such reference to H.P.S.C. and ad hoc appointees lose their chance of regular appointment. In order to ensure that such a difficulty is avoided in future. I am directed to request you to bring it to the notice of the ad hoc appointees serving under you from time to time that they will not be considered by the H.P.S.C. for regular appointments unless, like other candidates from the open market they submit their applications to the Commission and they should therefore proceed accordingly. The appointing authorities may also be apprised of the correct position in this regard.

3. Kindly acknowledge the receipt of this letter.

Yours faithfully,  
Sd/-

Deputy Secretary, Political & Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to:—

- (1) The Financial Commissioner, Revenue, Haryana; and
- (2) All Administrative Secretaries to Government, Haryana.

Sd/—  
Deputy Secretary Political and Services,  
for Chief Secretary to Government, Haryana.

To

- (1) The Financial Commissioner, Revenue, Haryana.
- (2) All Administrative Secretaries to Government, Haryana.

D. O. N. 8305—SGD—69

dated Chandigarh the 16th January, 1970

क्रमांक 6317-1 जी०एस० -70/21313

प्रेषक

मुख्य सचिव, हरियाणा सरकार

सेवा में

1. सभी विभागीय अध्यक्ष, आयुक्त अम्बाला मण्डल तथा सभी उपायुक्त और उप मण्डल अधिकारी हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्चन्यायालय चण्डीगढ़ और सभी जिला तथा सब न्यायाधीश, हरियाणा ।  
दिनांक चण्डीगढ़ 20 अगस्त, 1970

विषय:- तदर्थ आधार पर विभागों द्वारा नियुक्तियां तथा हरियाणा लोक सेवा आयोग के पास भेजी गई मांगें ।

सहीद्वारा,

मुझे उपरोक्त विषय पर आपको लिखने का निदेश हुआ है कि मैं आप को यह कहूँ कि हरियाणा लोक सेवा आयोग के अपनी 1968-69 की वार्षिक रिपोर्ट में निम्नलिखित बातों की ओर ध्यान दिलाया है ।

- (1) विभिन्न पदों की सीधी नियुक्ति के मांग-पत्र ठीक प्रकार से नहीं भरे पाए गए जिसके कारण उन्हें लौटाया गया जिसके फलस्वरूप काम में निवार्य देरी हुई ;
- (2) विभागों ने अपने विभागीय उम्मीदवारों के आवेदन-पत्र आयोग में प्राप्ति की अंतिम तिथि से पहले अर्पित करने में चूक की जिसके कारण वे चयन का सुअवर न प्राप्त कर सके ;
- (3) नई भर्ती पर प्रतिबन्ध होने के बावजूद तदर्थ नियुक्तियां की गई ; और
- (4) लगभग सब तदर्थ नियुक्त व्यक्तियों को आयोग का पूर्व अनुमोदन लिए बिना छह मास से आगे सेवा में चलने दिया गया ।

2. इन बातों पर सरकार ने विचार किया और इन पर इस प्रकार निर्णय किया गया है—

- (1) सरकार ने अपने पत्र संख्या 7048-5 जी०एस०-69/1676 दि० 26 जनवरी 1969 द्वारा सभी प्रशासकीय सचिवों तथा विभागाध्यक्षों को हिदायतें जारी की थी कि आयोग को भेजे जाने वाले मांग पत्र भली भांती और पूर्ण रूप से भरे होने चाहिए । यह जरूरी है कि आयोग की बातों को ध्यान में रखा जाये और सरकार द्वारा जारी की गई हिदायतों का कठोरता से पालन किया जाए ताकि जो देरी आयोग को दोबारा सहबारा पत्र-व्यवहार करने से पक्षों को भरने से होती है उसे आगे के लिए समाप्त किया जा सके ।
- (2) यह अतीव खेद की बात है कि विभाग की ओर से विभागीय उम्मीदवारों के आवेदन पत्र ठीक समय में भेजने की चूक के कारण उन्हें हानि हो । विभागाध्यक्ष व्यक्तिगत तौर पर यह सुनिश्चित करें कि ऐसी भर्ती भविष्य में न हों और विभागीय पत्र उम्मीदवारों के आवेदन पत्र आयोग की प्राप्ति तिथि से पूर्व लोक सेवा आयोग में ठीक समय पर भेज दिये जाते हैं यह विभागीय उम्मीदवारों के हितों तथा पदों के उचित चयन के लिये जरूरी है ।
- (3) आपका ध्यान सरकारी परिपत्र संख्या 4475-5 जी०एस० 68/2516 दिनांक 3-10-1968 में दी गई

हिदायतों की ओर दिलाया जाता है। जिसके द्वारा गैर तकनीकी पदों पर नई भर्ती करने पर प्रतिबन्ध लगाया गया था और यह निदेश दिया गया था कि मुख्य सचिव के कार्यालय से पूर्व अनुमति हासिल किए बिना ऐसे पदों पर भर्ती न की जाए। मुझे प्रभाव सहित यह कहना है कि यह प्रतिबन्ध तदर्थ तथा नियमित दोनों प्रकार की भर्ती पर लागू होता है। और ऐसी सभी नियुक्तियों को भरने से पहले मुख्य सचिव की अनुमति लेना आवश्यक है।

- (4) तदर्थ नियुक्तियों के सम्बन्ध में सरकारी पत्र संख्या 2939 जी० ए० 54/21013 दिनांक 7 अप्रैल, 1964 तथा 5999-5 जी० ए० 69/23700 दिनांक 24/27 अक्टूबर 1968 में दिये गये अनुदेशों के अनुसार नियुक्ति करने वाले अधिकारी नियुक्ति-आदेश की प्रति का पृष्ठांकन आयोग की करें। नियुक्ति अवधि लोक सेवा आयोग की अनुमति के बिना न बढ़ाई जाये चाहे इसमें कितनी ही अवधि बढ़ाने का प्रश्न क्यों न हो। और ऐसी नियुक्ति के सम्बन्ध में 15 दिनों के भीतर ही आयोग को भली प्रकार से भरा हुआ मांग-पत्र भेजा जाये। यह बात ठीक है कि तदर्थ रूप से नियुक्तियां कई केसों में काम के हित को देखते हुए की जाती हैं, लेकिन इस बारे में सरकार की यह कहना है कि (क) ऐसे सब केसों में उपयुक्त सरकारी अनुदेशों के परिपालन में आयोग की मांग-पत्र शीघ्रता से भेज देना चाहिए, (ख) तदर्थ रूप से भरी हुई नियुक्तियों की सूचना आयोग को भेज देनी चाहिए (ग) नियत समय के आगे तदर्थ व्यवस्था की अवधि बढ़ाने के लिए आयोग की अनुमति प्राप्त करना अनिवार्य है; और (घ) आयोग की रिफारिशें प्राप्त होते ही तदर्थ नियुक्ति समाप्त कर नी दी जानी चाहिए और आयोग द्वारा सिफारिश किया गया व्यक्ति नियुक्ति कर दिया जाए।

इसके साथ ही सरकार का यह विचार है कि सम्बन्धित प्रशासकीय सचिवों का यह देखना वायत्व होगा कि नियुक्ति अधिकारी उपयुक्त अनुदेशों का पालन करने में कोई चूक न करें और इस मामले पर वह व्यक्तिगत तौर पर ध्यान दें। इसलिए यह निश्चय किया गया है कि प्रत्येक विभागाध्यक्ष तदर्थ नियुक्ति सम्बन्धी मासिक-विवरण-पत्र (प्रोफार्मा संलग्न) प्रतिमास 7 तारीख को सम्बन्धित प्रशासकीय सचिव को भेजे। इस विवरणी की पड़ताल करने की जिम्मेदारी प्रशासनिक विभाग की होगी कि वह सुनिश्चित करें कि हिदायतों के अनुसरण में किसी प्रकार की अनियमितता तो नहीं की जा रही है।

3. प्रार्थना है कि इस पत्र की पावति भेजी जाए तथा इसमें दी गई हिदायतों का सावधानी से पालन किया जाए।

भेददीय,

हस्ता :

उप सचिव राजनैतिक तथा सेवाएं,  
कृते मुख्य सचिव, हरियाणा सरकार।



Copy of letter No. 49-1 GS-71/2910 dated Chandigarh the 5th Feb. 1971 from the Chief Secretary to Government, Haryana to 1. All Heads of Departments, the Commissioner, Ambala Division; and All Deputy Commissioners and Sub Divisional Officers in Haryana.

2. The Registrar, Punjab and Haryana High Court; and all District and Sessions Judges in Haryana etc., etc.

*Subject:-* Replacement of adhoc employees by regular recruits.

Sir.

I am directed to refer to the subject noted above and to say that the order in which person appointed on an adhoc basis pending regular appointment should be discharged on receipt of the recommendations of the Public Service Commission/Subordinate Services Selection Board for regular appointment has been under the consideration of the Government. It has been observed that no uniform practice is being followed by various Departments in this behalf and as a result difficulty has arisen in some instance. It has, therefore, been decided that henceforth when recommendations from the Commission/SSS Board are received ad-hoc employees should be discharged in the same order in which they were appointed that is those appointed first should be discharged/first and so on. This arrangement will be appropriate in as much as requisition which are sent to the Commission/Board for regular appointment for specific posts are intended to be related to the ad-hoc arrangements that have been made for those posts and further-more, this order of discharging ad-hoc employees will avoid undue-extension in the period of their employment, which gives rise to difficulty subsequently.

2. The receipt of this letter may please be acknowledged.
-

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. राज्य के सभी विभागाध्यक्ष, आयुक्त अम्बाला मंडल और सभी उपायुक्त तथा उपमंडल अधिकारी, हरियाणा ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ ।  
दिनांक 4-6-71

विषय:-

पंजाब लोक सेवा आयोग के विनियमों के विनियम 3 (सी) तथा (डी) के अन्तर्गत भिन्न 2 विभागों द्वारा उचित योग्यताओं को तजर अन्दाज करके की गई तदर्थ नियुक्तियाँ ।

महोदय,

मुझे निदेश हुआ है कि उपर्युक्त विषय पर आप का ध्यान दिलाऊँ और कहूँ कि पंजाब लोक सेवा आयोग (लिमिटेड ग्राफ फण्ड) विनियम, 1955 के विनियम 3 (सी) तथा (डी) में दी गई व्यवस्था के अनुसार किसी नियुक्ति प्राधिकारी को 6 मास के लिए तदर्थ नियुक्ति करने का अधिकार है । इस बारे में लोक सेवा आयोग ने यह प्रश्न उठाया था कि नियुक्ति प्राधिकारी जिन कर्मचारियों को तदर्थ रूप में 6 मास के लिए लगाते हैं वे प्रायः सम्बन्धित सेवा नियमों के अनुसार योग्यताएं, अनुभव तथा आयु आदि की शर्तें पूरी नहीं करते और सुझाव दिया था । कि सरकार सभी विभागाध्यक्षों को ये हिदायतें जारी करें कि सम्बन्धित सेवा नियमों में दी गई योग्यताएं अनुभव और आयु की शर्तें पूरी करने वाले उम्मीदवारों को ही तदर्थ तौर पर लगाया जाए ।

2. लोक सेवा आयोग के इस सुझाव से सरकार सहमत हैं किन्तु सरकार का विचार है कि कई बार विभागों के पास ऐसे खास हालात होते हैं कि निर्धारित योग्यताओं से बाहर जाकर इस प्रकार की नियुक्ति करनी पड़ती है । तो ऐसा तब किया जाना आवश्यक होता है जब कि खाली पद को खाली नहीं रखा जा सकता और प्रयत्नों के बावजूद भी निर्धारित योग्यताएं रखने वाला उम्मीदवार महकमें में या बाहर से उपलब्ध नहीं होता ।

3. चूँकि इस प्रकार की कार्यवाही प्रशासकीय कारणों से आवांछनीय है तथा इसको एक्यूस किया जा सकता है, इसलिये मामले में नियन्त्रण रखने के लिए सरकार ने निर्णय लिया है कि यदि योग्यताएं पूरी करने वाले उम्मीदवार न मिलते हों और पद को भरा जाना लोक हित में अति आवश्यक हो तो तब कम योग्यताओं वाले उम्मीदवारों की तदर्थ नियुक्तियाँ केवल मुख्य सचिव की पूर्व अनुमति से की जाए । साथ ही यह भी जांच कर ली जाए कि क्या निर्धारित योग्यता के उम्मीदवार के न मिलने पर सम्बन्धित सेवा नियमों में निर्धारित योग्यताओं में उपयुक्त रूप से संशोधन कर लिया जाए या नहीं । ताकि यदि योग्यताओं में संशोधन करने की जरूरत महसूस हो तो यह संशोधन करने की आवश्यक कार्यवाही बिना देरी के की जा सके । मुख्य सचिव की अनुमति प्राप्त करते समय विभाग के प्रस्ताव में निम्नलिखित बातें स्पष्ट की जाए :-

(क) निर्धारित योग्यताएं रखने वाले उम्मीदवारों को खोजने के लिये उन्होंने क्या प्रयत्न किये ।

(ख) क्या विभाग सेवा नियमों में दर्ज योग्यताओं में संशोधन भी करने का विचार रखता है तथा क्या संशोधन करने का विचार है ।

4. उपरोक्त हिदायतें सभी सम्बन्धित अधिकारियों के ध्यान में कठोरता से अनुपालन के लिये लाई जाएँ तथा इस पत्र की पाबती भेजी जाए ।

हस्त/-

उप सचिव राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार ।

संख्या 126-1 जी.एस.-1-72/963

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) सभी विभागाध्यक्ष, आयुक्त अम्बाला मडल, सभी उपायुक्त और हरियाणा के सभी उप मडल अधिकारी ।
  - (2) रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश ।
- दिनांक चण्डीगढ़, 17 जनवरी, 1972

विषय:- हरियाणा लोक सेवा आयोग को प्रस्तुत किये गये मांग पत्र ।

महोदय

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय के सम्बन्ध में आपको सम्बोधित करते हुए यह कहूँ कि हरियाणा लोक सेवा आयोग ने वर्ष 1970-71 को अपनी वार्षिक रिपोर्ट में निम्नलिखित अवलोचनाएँ की हैं :-

(I) मांग पत्रों में त्रुटियाँ थीं और इन त्रुटियों को दूर करने के लिए नियुक्त अधिकारियों को कई संदर्भ लिखने पड़े ।

(II) कई विभाग, विभागीय उम्मीदवारों के आवेदन-पत्रों को आयोग के कार्यालय में उन द्वारा निश्चित की गई पावती की अंतिम तिथि से पूर्व भेजने में असफल रहे जिसके फलस्वरूप विभागीय उम्मीदवार प्रवरण (सिलेक्शन) के अवसर से वंचित रहे ।

2. हरियाणा लोक सेवा आयोग ने अपनी 1968-69 की वार्षिक रिपोर्ट में भी इसी प्रकार की अवलोचनाएँ की थी और पत्र क्रमांक 6317-1 जी एस-0/21913 दिनांक 20-8-70 द्वारा निम्नलिखित हिदायतें कड़ी पालना के लिए जारी की गई ।

(i) सरकार ने अपने पत्र संख्या 7048-5-जी एस-69/ 1676 दिनांक 26 जनवरी, 1969 द्वारा सभी प्रशासकीय सचिवों तथा विभागाध्यक्षों को हिदायतें जारी की थी कि आयोग को भेजे जाने वाले मांग पत्र भली भाँति और पूर्ण रूप से भरे जाने चाहिए । यह जरूरी है कि आयोग की बातों को ध्यान में रखा जाए और सरकार द्वारा जारी की गई हिदायतें का कठोरता से पालन किया जाए ताकि पदों की भर्ती में जो देरी आयोग को बार बार पत्र व्यवहार करने में होती है उसे आगे के लिए समाप्त किया जा सके ।

(ii) यह अतीव चिन्ता की बात है कि विभागों की ओर से विभागीय उम्मीदवारों के आवेदन पत्र ठीक समय पर न भेजे जाने के कारण उन्हें हानि हो । विभागाध्यक्ष व्यक्तिगत तौर पर यह सुनिश्चित करें कि उपर्युक्त विभागीय उम्मीदवारों के आवेदन पत्र आयोग द्वारा नियत अंतिम प्राप्ति तिथि से पूर्व लोक सेवा आयोग को समय पर भेज दिए जाएं । यह विभागीय उम्मीदवारों के हितों तथा पदों के उचित चयन के लिए जरूरी है ।

3. सरकार से गम्भीरता से नोट किया है कि कुछ केसों में इन अनुदेशों का पालन नहीं किया जा रहा है और यह पुनः कहना पड़ रहा है कि अनुदेशों का अविष्य में कठोरता से पालन करने के लिए विशेष सावधानी बर्ती जाए । इस मुआमले की महत्ता पर जितना भी बल दिया जाए वह कम होगा तथा यह आवश्यक है कि इस प्रकार की त्रुटियाँ पुनः न हों ।

4. लोक सेवा आयोग द्वारा यह भी नोटिस में लाया गया है कि कई विभाग जब कर्मचारियों का पदोन्नति के सम्बन्ध में उनकी उपयुक्तता निर्धारण करवाने के लिए प्रस्ताव भेजते हैं तो वे प्रस्ताव प्रायः अधूरे होते हैं और इस मामले से सम्बन्धित हिदायतों का पूर्ण रूप से पालन नहीं किया जाता है । अतः प्रस्तावों में कमियों को पूरा करवाने के लिए

आयोग को बार बार पत्र व्यवहार (back references) करने पड़ते हैं इस प्रकार केशों के अंतिम निपटारे में परिहार्य देरी हो जाती है। अतः यह अनुरोध किया जाता है कि ध्यानपूर्वक यह सुनिश्चित कर लिया जाए कि इस प्रकार की त्रुटियां पुनः न हों।

5. यह अनुरोध किया जाता है कि इस पत्र की पावती भेजी जाए और कठोरता से पालन करने के लिए अनुदेश नोट कर लिए जाएं

भवदीय,

हस्ता/-

उप सचिव राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति सूचनार्थ और आवश्यक कार्यवाही के लिए निम्नलिखित को भेजी जाती है:

- (1) सभी वित्तायुक्त, हरियाणा सरकार।
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

हस्ता/-

उप सचिव राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) सभी वित्तायुक्त, हरियाणा सरकार।
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा 0 क्रमांक 126-1 जी 0 एस 0-1-72, दिनांक चण्डीगढ़, 17 जनवरी, 1972

क्रमांक 4495-1 जी०एस०-1-72/23046

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

1. सभी विभागीय अध्यक्ष, आयुक्त अम्बाला मण्डल,  
तथा सभी उपायुक्त और उप-मण्डल अधिकारी, हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा, उच्च-न्यायालय, चण्डीगढ़ और  
सभी जिला तथा सत्र न्यायाधीश, हरियाणा।

दिनांक, चण्डीगढ़ 7 अगस्त, 1972।

**विषय :— Punjab Public Service Commission (Limitation of Functions) Regulations, 1955, के विनियम 3 (सी) तथा (डी) के अन्तर्गत भिन्न-भिन्न विभागों द्वारा की गई नियुक्तियां।**

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान दिलाऊँ और कहूँ कि Punjab Public Service Commission (Limitation of Functions) Regulations, 1955 के विनियम 3 (सी) तथा (डी) में दी गई व्यवस्था के अनुसार किसी नियुक्त प्राधिकारी को 6 मास के लिए नियुक्त करने का अधिकार है। 6 मास के प्रागे तदर्थ नियुक्ति को जारी रखने के लिए लोक सेवा आयोग की अनुमति प्राप्त करनी आवश्यक है चाहे तदर्थ नियुक्ति की अवधि कितने ही समय के लिए बढ़ाने का प्रश्न क्यों न हो। इस संबंध में सरकार के परिपत्र क्रमांक 5999-5 जी०एस०-1-69/23700, दिनांक 27-10-1969 द्वारा ये हिदायतें जारी की थीं कि प्रत्येक तदर्थ नियुक्ति के 15 दिनों के अन्दर अन्दर पूर्णरूप से भरा हुआ मांग-पत्र लोक सेवा आयोग को अवश्य भेज दिया जाए ताकि आयोग अपनी सिफारिश समय पर भेज सके। सरकार के ध्यान में कुछ ऐसे उदाहरण आये हैं जिनमें कि इन हिदायतों का कठोरता से पालन नहीं किया गया है, यद्यपि ये हिदायतें सरकार के परिपत्र क्रमांक 6317-जी०एस०-1-72/21913, दिनांक 20-8-1970 द्वारा दोहराई भी गई थीं। इन हिदायतों की पालना करके 15 दिनों के अन्दर-अन्दर आयोग को पूर्ण रूप से भरा हुआ मांग-पत्र न भेजने का कारण यह ध्यान में आया है कि तदर्थ नियुक्ति करने से पहले विभागों द्वारा पद की योग्यताएं, आयु तथा भर्ती के तरीके आदि मुकम्मल और पर तय नहीं किए जाते व तदर्थ नियुक्ति के बाद विभाग यह विचार करने लगते हैं कि पद को पदोन्नति द्वारा भरा जाए या अन्य किसी तरीके से भरा जाए या पद को रेगुलर तौर पर भरा भी जाए या नहीं, आदि। इस संबंध में सरकार ने ध्यानपूर्वक विचार किया है तथा यह निर्णय लिया है कि तदर्थ नियुक्ति के 15 दिनों के अन्दर-अन्दर लोक सेवा आयोग को पूर्ण रूप से भरा हुआ मांग पत्र अवश्य भेजा जाए तथा पद की योग्यताएं, आयु, भर्ती के तरीकों आदि से सम्बन्धित सभी मामलों को तय किए बिना कोई भी तदर्थ नियुक्ति नहीं जाए। इस बारे में आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 2536-1 जी०एस०-1-71/13539, दिनांक 4-6-1971 द्वारा जारी की गई हिदायतों की ओर भी दिलाया जाता है जिनके अनुसार यदि निर्धारित योग्यताएं पूरी करने वाले उम्मीदवार न मिलते हों और पद को पूरा भरा जाना लोक हित में अति आवश्यक हो तो कम योग्यताओं वाले उम्मीदवारों की तदर्थ नियुक्तियां केवल मुख्य सचिव की अनुमति से ही की जा सकती हैं।

2. लोक सेवा आयोग ने सूचित किया है कि तदर्थ नियुक्तियों को 6 मास अवधि की के बाद जारी रखने की अनुमति के लिए जब विभाग आयोग को प्रस्ताव भेजते हैं तो वे पूर्ण सूचना के साथ नहीं भेजे जाते जिसके कारण आयोग को संबंधित विभाग को लिखना पड़ता है और इस प्रकार केंसों के निपटारे में अनावश्यक देरी हो जाती है। इस संबंध में विचार करके सरकार ने यह निर्णय लिया है कि भविष्य में जब भी तदर्थ नियुक्ति की 6 मास से

आगे की अवधि बढ़ाने के लिए अनुमोदन के लिए प्रस्ताव आयोग को भेजा जाए तो उसमें निम्नलिखित सूचना भी अवश्य दी जाए :—

(i) तदर्थ तौर पर नियुक्त किए गए कर्मचारी की :—

1. योग्यताएं
2. अनुभव
3. जन्म तिथि
4. तदर्थ नियुक्ति की तिथि ।

(ii) पद को सीधी भर्ती द्वारा भरने के लिए मांग-पत्र भेजा गया है या नहीं । यदि हाँ तो पत्र का नम्बर तथा तिथि दी जाए ।

(iii) (क) क्या तदर्थ रूप में नियुक्त कर्मचारी संबंधित सेवा नियमों में या मांग-पत्र में दी गई योग्यताएं, अनुभव तथा आयु आदि की अनिवार्य शर्तों को पूरी करता है ।

(ख) परिपत्र क्रमांक 2536-1 जी०एस०-1-71/13539, दिनांक 4-6-72 द्वारा जारी की गई हिदायतों के अनुसार मुख्य सचिव का अनुमोदन प्राप्त कर लिया गया है या नहीं । यदि हाँ तो मुख्य सचिव के अनुमोदन की एक प्रति साथ लगाई जाए ।

3. आपसे अनुरोध है कि उपरोक्त हिदायतों को सभी संबंधित अधिकारियों के ध्यान में कठोरता से अनुपालन के लिए लाया जाए तथा इस पत्र की पावती भेजी जाए ।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति :—

1. सभी वित्तायुक्त, हरियाणा तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार

को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं  
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी वित्तायुक्त, हरियाणा ।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा० क्रमांक 4495-1 जी०एस०-1-72,

दिनांक चण्डीगढ़ 7-8-1972.

क्रमांक 105-5 जी. एस. I-73/1531

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, सभी उपायुक्त तथा सभी उपमण्डल अधिकारी ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला एवं सत्र न्यायाधीश

दिनांक चण्डीगढ़, 17 जनवरी, 1973 ।

विषय :— अधीन सेवाएं प्रवरण मण्डल, हरियाणा की सिफारिशों पर नियुक्ति करना ।

महोदय,

भुक्त निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान दिलाऊँ और कहूँ कि सरकार के ध्यान में यह आया है कि अधीन सेवाएं प्रवरण मण्डल द्वारा भेजे गये उम्मीदवारों को विभाग किसी न किसी कारण नियुक्त नहीं करते और उन व्यक्तियों के नाम वापिस लौटा देते हैं। इससे न केवल तदर्थ नियुक्तियाँ अधिक समय के लिये जारी रखी जाती हैं बल्कि जो उम्मीदवार परीक्षा में सफल हो जाते हैं उनको भी समय पर नियुक्ति नहीं मिलती तथा उन्हें परेशानी का सामना करना पड़ता है।

2. सरकार ने इस मामले पर विचार किया है और निर्णय लिया है कि जब भी विभाग अपना माँग-पत्र बोर्ड को भेजे तो उस समय स्पष्ट तौर पर यह बता दिया करें कि उन्हें किन योग्यताओं और अनुभव के व्यक्ति चाहिये तथा इस बारे में किसी प्रकार के शक की गुन्जाईश न रखी जाये। इसके अतिरिक्त बोर्ड को भी यह चाहिये कि जब भी वह किसी व्यक्ति के नाम की सिफारिश किसी विभाग को करे तो उस विभाग द्वारा भेजे गये माँग-पत्र की ध्यान पूर्वक जाँच कर लिया करें तथा उनके माँग-पत्र के अनुसार ही ऐसे व्यक्तियों के नाम भेजे जो माँग की पूरा करते हों। सरकार ने यह भी निर्णय लिया है कि यदि किसी कारण बोर्ड द्वारा ऐसे उम्मीदवार भेज दिये जाते हैं जो विभाग द्वारा निर्धारित योग्यतायें यदि पूरी न करते हों तो बोर्ड की सिफारिश की प्राप्ति के एक सप्ताह के अन्दर अन्दर अवश्य पूरे कारण देते हुए विभाग बोर्ड को लिख दें ताकि उस उम्मीदवार के नाम की सिफारिश बोर्ड किसी और विभाग में कर सके। अतः मेरी आप से प्रार्थना है कि इन अनुदेशों की पालना कठोरता से की जानी चाहिए और किसी भी प्रकार की भूल नहीं होनी चाहिये।

3. कृपया इस पत्र की पावती भेजी जाये।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है :—

- (1) वित्तायुक्त राजस्व, हरियाणा,
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव ।

हस्ता/-

उप सचिव, राजनैतिक सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) वित्तायुक्त राजस्व, हरियाणा ।
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव ।

प्रशा: क्रमांक 105-5 जी. एस. I-73,

दिनांक चण्डीगढ़ 17 जनवरी, 1973

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त और हरियाणा के सभी उप मण्डल अधिकारी।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 7 मार्च, 1973।

विषय : हरियाणा लोक सेवा आयोग को प्रस्तुत किये गये मांग पत्र।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय के सम्बन्ध में आप को संबोधित करते हुए यह कहूँ कि हरियाणा लोक सेवा आयोग ने वर्ष 1971-72 की अपना वार्षिक रिपोर्ट में निम्नलिखित अवलोचनाएं की हैं :-

- (1) मांग पत्रों में त्रुटियां थीं और इन त्रुटियों को दूर करने के लिए नियुक्त अधिकारियों को कई पत्र लिखने पड़े।
- (2) कई विभाग विभागीय उम्मीदवारों के आवेदन पत्रों को आयोग के कार्यालय में उन द्वारा निश्चित की गई प्राप्ति की अन्तिम तिथि से पूर्व भेजने में असफल रहे जिसके फलस्वरूप विभागीय उम्मीदवार प्रवरण (सिलेक्शन) के अवसर से वंचित रहे।

2. हरियाणा लोक सेवा आयोग ने अपनी 1968-69 तथा 1970-71 की वार्षिक रिपोर्टों में भी इसी प्रकार की अवलोचनाएं की थीं और पत्र क्रमांक 6317-1 जी० एस०-70/21913, दिनांक 20-8-70 तथा पत्र क्रमांक 126-1 जी० एस०-I-72/963, दिनांक 17-1-72 द्वारा निम्नलिखित हिदायतें जारी की गई थीं :-

- (1) "...आयोग को भेजे जाने वाले मांग पत्र भली भांती और पूर्ण रूप से भरे जाने चाहिए। यह जरूरी है कि आयोग की observations को ध्यान में रखा जाए और सरकार द्वारा जारी की गई हिदायतों का कठोरता से पालन किया जाए ताकि पदों की भर्ती में जो देरी आयोग द्वारा बार-बार पत्र व्यवहार करने में होती है उसे आगे के लिए समाप्त किया जा सके।
- (2) यह अतीव चिन्ता की बात है कि विभागीय उम्मीदवारों के आवेदन पत्र विभागों द्वारा ठीक समय पर न भेजे जाने के कारण उन्हें हानि हो। विभागाध्यक्ष व्यक्तिगत तौर पर ये सुनिश्चित करें कि उपयुक्त विभागीय उम्मीदवारों के आवेदन पत्र आयोग द्वारा नियत अन्तिम प्राप्ति तिथि से पूर्व लोक सेवा आयोग को समय पर भेजे दिए जाएं। यह विभागीय उम्मीदवारों के हितों तथा पदों के उचित चयन के लिए जरूरी है।

3. लोक सेवा आयोग ने अपनी 1971-72 की वार्षिक रिपोर्ट के पैरा 26 (प्रतिसंलग्न है) द्वारा यह भी ध्यान में लाया है कि विभाग जब कर्मचारियों की पदोन्नति के सम्बन्ध उनकी उपयुक्तता निर्धारण करवाने के लिए प्रस्ताव भेजते हैं तो वह प्रस्ताव प्रायः अधूरे होते हैं और इस मामले से संबंधित हिदायतों का पूर्णरूप से पालन नहीं किया जाता है और प्रस्तावों में कमियों को पूरा करवाने के लिए आयोग को बार बार पत्र व्यवहार करना पड़ता है तथा इस प्रकार केंसों के अन्तिम



निपटारे में परिहार्य देर हो जाती है। यह मामला 1970-71 की वार्षिक रिपोर्ट में भी उठाया गया था जिस के परिणाम-स्वरूप सरकार ने परिपत्र क्रमांक 126-1 जी० एस० I-72/963 दिनांक 17-1-72 द्वारा सभी विभागाध्यक्षों आदि को यह हिदायतें जारी की थी कि ध्यान पूर्वक सुनिश्चित कर लिया जाए कि इस प्रकार की त्रुटियां पुनः न हों। लोक सेवा आयोग द्वारा इस प्रकार की आपत्ति को दोहराये जाने का स्पष्ट अर्थ यह है कि ऐसी त्रुटियां अब भी होती हैं जिनको रोका नहीं जा रहा है।

4. सरकार ने गम्भीरता से मोट किया है कि सरकार द्वारा जारी किये गए अनुदेशों का कठोरता से पालन नहीं किया जा रहा है। अतः पुनः अनुरोध किया जाता है कि विशेष सावधानी से इन अनुदेशों का पालन किया जाए ताकि भविष्य में इस प्रकार की त्रुटियां न हों और लोक सेवा आयोग के पास इस बारे में आपत्ति उठाने का कोई आधार न रहे।

5. यह अनुरोध किया जाता है कि इस पत्र की पावती भेजी जाए।

भवदीय

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति सूचनार्थ और आवश्यक कार्यवाही के लिए निम्नलिखित को भेजी जाती है।

1. वित्तायुक्त राजस्व, हरियाणा तथा
2. सभी प्रशासकीय सचिव हरियाणा सरकार।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. वित्तायुक्त राजस्व हरियाणा।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 856-1 जी० एस० I-73, दिनांक, चण्डीगढ़ 7 मार्च, 1973.

सेवा में,

मुख्य सचिव, हरियाणा सरकार ।

- (1) सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा उप-मण्डल अधिकारी, हरियाणा ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़ 15 जून, 1973.

विषय : तदर्थ आधार पर भरी रिक्तियों को नियमित रूप में भरना ।

सहोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 5999-5जी० एस० 1-69/23700, दिनांक 27-10-69 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ और कहूँ कि इन हिदायतों के अनुसार प्रत्येक तदर्थ नियुक्ति के 15 दिनों के अन्दर-अन्दर पूर्णरूप से भरा हुआ मांग-पत्र लोक सेवा आयोग की अवश्य भेज दिया जाना चाहिए ताकि आयोग अपनी सिफारिश समय पर भेज सके। यही हिदायतें सरकार के परिपत्र क्रमांक 6317-1 जी० एस० 1-70/21913, दिनांक 20-8-70 तथा क्रमांक 4495-1 जी० एस० 1-72/23046, दिनांक 7-8-72 द्वारा दोहराई गई थीं। सरकार के ध्यान में लाया गया है कि विभिन्न विभागों से तदर्थ आधार पर लगे कर्मचारियों की अवधि 6 मास से आगे बढ़ाने के लिये प्रस्ताव आयोग/बोर्ड के पास आते रहते हैं पर उन पदों को भरने के लिये मांग-पत्र नहीं भेजे जाते ।

2. सरकार इस मामले को गम्भीरता की दृष्टि से देखती है अतः भविष्य में जब भी किसी रिक्ति को तदर्थ आधार पर भरा जाये तो रिक्ति को भरने के 15 दिन के अन्दर-अन्दर मांग-पत्र लोक सेवा आयोग/आधीन सेवाएं प्रवर्ण मण्डल को अवश्य भेजा जाये। यह भी निर्णय किया गया है कि यदि ऐसा नहीं किया जाता है तो आयोग/बोर्ड को अधिकार होगा कि वह 6 मास से आगे नियुक्ति जारी रखने की अनुमति न दे।

3. आपसे प्रार्थना है कि इन हिदायतों की पालना दृढ़ता से की जाये और इसमें किसी भी प्रकार की भूल न हो। कृपया इस पत्र की पावती भी भेजी जाये।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है :-

- (1) वित्तायुक्त राजस्व, हरियाणा तथा
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव ।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वित्तायुक्त राजस्व, हरियाणा ।
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा: क्रमांक 3265-5 जी० एस० 1-73, दिनांक चण्डीगढ़ जून, 1973

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़

दिनांक चण्डीगढ़ 10 जून, 1976

विषय : हरियाणा लोक सेवा आयोग के कार्य को नियन्त्रण करने वाले विनियमों तथा अनुदेशों से सम्बन्धित बुकलैट के भाग 4 के पैरा 2 तथा अप्रैडिक्स-1 में संशोधन ।

सहोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय की ओर आपका ध्यान दिलाऊँ और कहूँ कि हरियाणा लोक सेवा आयोग के कार्य को नियन्त्रण करने वाले विनियमों तथा अनुदेशों से सम्बन्धित बुकलैट के भाग 4 के पैरा 2 में निम्नलिखित व्यवस्था है :-

“2. No reference shall be made to the Commission without the approval of the Minister concerned. The Administrative Secretary concerned shall be responsible for ensuring that all cases in which it is necessary to consult the Commission are brought to the notice of the Minister.”

उपरोक्त व्यवस्था के अनुसार लोक सेवा आयोग को किसी अनुशासनिक आदि मामले में सन्दर्भ करने से पहले सम्बन्धित विभागीय मंत्री की अनुमति की आवश्यकता है । सरकार के ध्यान में एक ऐसा मामला आया है कि विभागाध्यक्ष ने किसी श्रेणी II के अधिकारी को एक वेतन वृद्धि (भविष्य में प्रभाव सहित) रोकने की सजा आयोग के अनुमोदन से दे दी, जिसके लिए वे सम्बन्धित विभागीय सेवा नियमों के तहत सक्षम थे, किन्तु आयोग को सन्दर्भ करने से पूर्व सम्बन्धित मंत्री की अनुमति प्राप्त नहीं की । इस बारे में सरकार ने विचार किया है और यह निर्णय लिया है कि उपरोक्त पैरे को निम्नप्रकार से तदनुसार बदल कर यह व्यवस्था कर दी जाये कि किसी विभागाध्यक्ष द्वारा आयोग को सन्दर्भ करने से पहले सम्बन्धित मंत्री की पूर्व अनुमति की आवश्यकता नहीं होगी ताकि अपील पर सरकार के आदेश के विरुद्ध prejudiced होने का चार्ज न लग सके तथा विभागाध्यक्षों का कार्य शिघ्रता से हो सके:-

“2. No reference shall be made to the Commission by the Administrative Secretary concerned without the approval of the Minister concerned but in the case of reference made to the Commission by a Head of Department the approval of the Minister concerned will not be necessary. The Administrative Secretary concerned shall be responsible for ensuring that all cases in which it is necessary to consult the Commission at the Government level are brought to the notice of the Minister.”

2. हरियाणा लोक सेवा आयोग (कार्य प्रसीमम) विनियम, 1973 के विनियम 6(ए) की व्यवस्था के अनुसार विभागाध्यक्ष को श्रेणी II के अधिकारी को केवल कुछ ही लघु दण्ड देने हेतु ओरिजनल आदेश जारी करने से पूर्व लोक सेवा आयोग के प्रमर्श से छूट है जबकि उपरोक्त बुकलैट के अप्रैडिक्स-1 की व्यवस्था के अनुसार सभी प्रकार के (लघु तथा बड़ा) दण्ड देने हेतु ओरिजनल आदेश जारी करने से पूर्व आयोग के परामर्श से छूट है । अतः उपरोक्त अप्रैडिक्स-1 की उपरोक्त विनियमों के अनुसार बनाने तथा कथित anomaly को दूर करने के लिए इसमें निम्न प्रकार से संशोधन करने का निर्णय लिया गया है :-

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त और हरियाणा के सभी उप मण्डल अधिकारी।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला तथा सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 7 मार्च, 1973।

विषय : हरियाणा लोक सेवा आयोग को प्रस्तुत किये गये मांग पत्र।

प्रहोवय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय के सम्बन्ध में आप को संबोधित करते हुए यह कहूँ कि हरियाणा लोक सेवा आयोग ने वर्ष 1971-72 की अपना वार्षिक रिपोर्ट में निम्नलिखित अवलोचनाएँ की हैं :-

- (1) मांग पत्रों में त्रुटियाँ थीं और इन त्रुटियों को दूर करने के लिए नियुक्त अधिकारियों को कई पत्र लिखने पड़े।
- (2) कई विभाग विभागीय उम्मीदवारों के आवेदन पत्रों को आयोग के कार्यालय में उन द्वारा निश्चित की गई प्राप्ति की अन्तिम तिथि से पूर्व भेजने में असफल रहे जिसके फलस्वरूप विभागीय उम्मीदवार प्रवरण (सिलेक्शन) के अवसर से वंचित रहे।

2. हरियाणा लोक सेवा आयोग ने अपनी 1968-69 तथा 1970-71 की वार्षिक रिपोर्टों में भी इसी प्रकार की अवलोचनाएँ की थीं और पत्र क्रमांक 6317-1 जी० एस०-70/21913, दिनांक 20-8-70 तथा पत्र क्रमांक 126-1 जी० एस०-I-72/963, दिनांक 17-1-72 द्वारा निम्नलिखित हिदायतें जारी की गई थीं :-

- (1) "... आयोग को भेजे जाने वाले मांग पत्र भली भाँती और पूर्ण रूप से भरे जाने चाहिए। यह जरूरी है कि आयोग की observations को ध्यान में रखा जाए और सरकार द्वारा जारी की गई हिदायतों का कठोरता से पालन किया जाए ताकि पदों की भर्ती में जो देरी आयोग द्वारा बार-बार पत्र व्यवहार करने में होती है उसे आगे के लिए समाप्त किया जा सके।
- (2) यह अतीव चिन्ता की बात है कि विभागीय उम्मीदवारों के आवेदन पत्र विभागों द्वारा ठीक समय पर न भेजे जाने के कारण उन्हें हानि हो। विभागाध्यक्ष व्यक्तिगत तौर पर ये सुनिश्चित करें कि उपयुक्त विभागीय उम्मीदवारों के आवेदन पत्र आयोग द्वारा नियत अन्तिम प्राप्ति तिथि से पूर्व लोक सेवा आयोग की समय पर भेजे दिए जाएं। यह विभागीय उम्मीदवारों के हितों तथा पदों के उचित चयन के लिए जरूरी है।

3. लोक सेवा आयोग ने अपनी 1971-72 की वार्षिक रिपोर्ट के पैरा 26 (प्रतिसंलग्न है) द्वारा यह भी ध्यान में लाया है कि विभाग जब कर्मचारियों की पदोन्नती के सम्बन्ध उनकी उपयुक्ता निर्धारण करवाने के लिए प्रस्ताव भेजते हैं तो वह प्रस्ताव प्रायः अधूरे होते हैं और इस मामले से संबंधित हिदायतों का पूर्णरूप से पालन नहीं किया जाता है और प्रस्तावों में कमियों को पूरा करवाने के लिए आयोग को बार बार पत्र व्यवहार करना पड़ता है तथा इस प्रकार केंसों के अन्तिम

निपटारे में परिहार्य देर हो जाती है। यह मामला 1970-71 की वार्षिक रिपोर्ट में भी उठाया गया था जिस के परिणाम-स्वरूप सरकार ने परिपत्र क्रमांक 126-1 जी० एस० I-72/963 दिनांक 17-1-72 द्वारा सभी विभागाध्यक्षों आदि को यह हिदायतें जारी की थी कि ध्यान पूर्वक सुनिश्चित कर लिया जाए कि इस प्रकार की त्रुटियां पुनः न हों। लोक सेवा आयोग द्वारा इस प्रकार की आपत्ति को दोहराये जाने का स्पष्ट अर्थ यह है कि ऐसी त्रुटियां भ्रम भी होती हैं जिनको रोका नहीं जा रहा है।

4. सरकार ने गम्भीरता से नोट किया है कि सरकार द्वारा जारी किये गए अनुदेशों का कठोरता से पालन नहीं किया जा रहा है। अतः पुनः अनुरोध किया जाता है कि विशेष सावधानी से इन अनुदेशों का पालन किया जाए ताकि भविष्य में इस प्रकार की त्रुटियां न हों और लोक सेवा आयोग के पास इस बारे में आपत्ति उठाने का कोई आधार न रहे।

5. यह अनुरोध किया जाता है कि इस पत्र की पावती भेजी जाए।

भवदीय

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति सूचनार्थ और आवश्यक कार्यवाही के लिए निम्नलिखित को भेजी जाती है।

1. वित्तायुक्त राजस्व, हरियाणा तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 856-1 जी० एस० I-73, दिनांक, चण्डीगढ़ 7 मार्च, 1973.

सेवा में,

मुख्य सचिव, हरियाणा सरकार ।

- (1) सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा उप-मण्डल अधिकारी, हरियाणा ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा ।

दिनांक चण्डीगढ़ 15 जून, 1973.

विषय : तदर्थ आधार पर भरी रिक्तियों को नियमित रूप में भरना ।

सहोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 5999-5जी० ए० 1-69/23700, दिनांक 27-10-69 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ और कहूँ कि इन हिदायतों के अनुसार प्रत्येक तदर्थ नियुक्ति के 15 दिनों के अन्दर-अन्दर पूर्णरूप से भरा हुआ मांग-पत्र लोक सेवा आयोग को अवश्य भेज दिया जाना चाहिए ताकि आयोग अपनी सिफारिश समय पर भेज सके। यही हिदायतें सरकार के परिपत्र क्रमांक 6317-1 जी० ए० 1-70/21913, दिनांक 20-8-70 तथा क्रमांक 4495-1 जी० ए० 1-72/23046, दिनांक 7-8-72 द्वारा दोहराई गई थीं। सरकार के ध्यान में लाया गया है कि विभिन्न विभागों से तदर्थ आधार पर लगे कर्मचारियों की अवधि 6 मास से आगे बढ़ाने के लिये प्रस्ताव आयोग/बोर्ड के पास आते रहते हैं पर उन पदों को भरने के लिये मांग-पत्र नहीं भेजे जाते ।

2. सरकार इस मामले को गम्भीरता की दृष्टि से देखती है अतः भविष्य में जब भी किसी रिक्ति को तदर्थ आधार पर भरा जाये तो रिक्ति को भरने के 15 दिन के अन्दर-अन्दर मांग-पत्र लोक सेवा आयोग/आधीन सेवाएं प्रवरण मण्डल को अवश्य भेजा जाये। यह भी निर्णय किया गया है कि यदि ऐसा नहीं किया जाता है तो आयोग/बोर्ड को अधिकार होगा कि वह 6 मास से आगे नियुक्ति जारी रखने की अनुमति न दे।

3. आपसे प्रार्थना है कि इन हिदायतों की पालना दृढ़ता से की जाये और इसमें किसी भी प्रकार की भूल न हो। कृपया इस पत्र की पावती भी भेजी जाये।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है :-

- (1) वित्तायुक्त राजस्व, हरियाणा तथा
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव।

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वित्तायुक्त राजस्व, हरियाणा ।
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा: क्रमांक 3265-5 जी० ए० 1-73, दिनांक चण्डीगढ़ जून, 1973

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़

दिनांक चण्डीगढ़ 10 जून, 1976

विषय : हरियाणा लोक सेवा आयोग के कार्य को नियन्त्रण करने वाले विनियमों तथा अनुदेशों से सम्बन्धित बुकलैट के भाग 4 के पैरा 2 तथा अपैडिक्स-1 में संशोधन ।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय की ओर आपका ध्यान दिलाऊँ और कहूँ कि हरियाणा लोक सेवा आयोग के कार्य को नियन्त्रण करने वाले विनियमों तथा अनुदेशों से सम्बन्धित बुकलैट के भाग 4 के पैरा 2 में निम्नलिखित व्यवस्था है :-

“2. No reference shall be made to the Commission without the approval of the Minister concerned. The Administrative Secretary concerned shall be responsible for ensuring that all cases in which it is necessary to consult the Commission are brought to the notice of the Minister.”

उपरोक्त व्यवस्था के अनुसार लोक सेवा आयोग को किसी अनुशासनिक आदि मामले में सन्दर्भ करने से पहले सम्बन्धित विभागीय मंत्री की अनुमति की आवश्यकता है । सरकार के ध्यान में एक ऐसा मामला आया है कि विभागाध्यक्ष ने किसी श्रेणी II के अधिकारी को एक वेतन वृद्धि (भविष्य में प्रभाव सहित) रोकने की सजा आयोग के अनुमोदन से दे दी, जिसके लिए वे सम्बन्धित विभागीय सेवा नियमों के तहत सक्षम थे, किन्तु आयोग को सन्दर्भ करने से पूर्व सम्बन्धित मंत्री की अनुमति प्राप्त नहीं की । इस बारे में सरकार ने विचार किया है और यह निर्णय लिया है कि उपरोक्त पैरे को निम्नप्रकार से तदनुसार बदल कर यह व्यवस्था कर दी जाये कि किसी विभागाध्यक्ष द्वारा आयोग को सन्दर्भ करने से पहले सम्बन्धित मंत्री की पूर्व अनुमति की आवश्यकता नहीं होगी ताकि अपील पर सरकार के आदेश के विरुद्ध [rejudiced] होने का चार्ज न लग सके तथा विभागाध्यक्षों का कार्य शिघ्रता से हो सके:-

“2. No reference shall be made to the Commission by the Administrative Secretary concerned without the approval of the Minister concerned but in the case of reference made to the Commission by a Head of Department the approval of the Minister concerned will not be necessary. The Administrative Secretary concerned shall be responsible for ensuring that all cases in which it is necessary to consult the Commission at the Government level are brought to the notice of the Minister.”

2. हरियाणा लोक सेवा आयोग (कार्य प्रसीमम) विनियम, 1973 के विनियम 6(ए) की व्यवस्था के अनुसार विभागाध्यक्ष को श्रेणी II के अधिकारी को केवल कुछ ही लघु दण्ड देने हेतु ओरिजनल आदेश जारी करने से पूर्व लोक सेवा आयोग के प्रमर्श से छूट है जबकि उपरोक्त बुकलैट के अपैडिक्स-I की व्यवस्था के अनुसार सभी प्रकार के (लघु तथा बड़ा) दण्ड देने हेतु ओरिजनल आदेश जारी करने से पूर्व आयोग के परामर्श से छूट है। अतः उपरोक्त अपैडिक्स-I को उपरोक्त विनियमों के अनुसार बनाने तथा कथित anomaly को दूर करने के लिए इसमें निम्न प्रकार से संशोधन करने का निपय लिया गया है :-

## APPENDIX—I

(Referred to in para 5 of Part IV—A)

## ORIGINAL ORDER

Authority making the order.	Penalty proposed	Whether consultation with the Commission is necessary
An authority subordinate to the Haryana Govt.	Immaterial. (in respect of class III & IV Govt. servants)	No
—do—	Minor penalty (in respect of Class II officers)	No
—do—	Major penalty (in respect of class II officers)	Yes
The Haryana Govt.	Minor penalty	No
—do—	Major penalty	Yes

3. आपसे अनुरोध है कि भविष्य में उपरोक्त निर्णयों के अनुसार कार्यवाही की जाया करे तथा इस पत्र की पावती भेजी जाए।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

- (1) वित्तायुक्त, राजस्व हरियाणा, तथा
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वित्तायुक्त राजस्व, हरियाणा।
- (2) हरियाणा सरकार के सभी प्रशासकीय सचिव।

प्रशासकीय क्रमांक 2822-1 जी. एस.-1-76,

दिनांक चण्डीगढ़ 10 जून, 1976.



क्रमांक 7771-5 जी. एस. 1-76/1449

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डलों के आयुक्त, सभी उपायुक्त तथा उप मण्डल अधिकारी हरियाणा।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र म्यायाधीश, हरियाणा।

दिनांक, चण्डीगढ़ 20 जनवरी, 1977।

विषय : तदर्थ आधार पर भरी रिक्तियों को नियमित रूप में भरना।

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्र० 5999-5 जी. एस. I-69/23700, दिनांक 27-10-1969 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ और कहूँ कि इन हिदायतों के अनुसार प्रत्येक तदर्थ नियुक्ति के 15 दिनों के अन्दर-अन्दर पूर्ण रूप से भरा हुआ माँग पत्र लोक सेवा आयोग को अवश्य भेज दिया जाना चाहिए ताकि आयोग अपनी सिफारिश समय पर भेज सके। यही हिदायतें सरकार के परिपत्र क्रमांक 6316-1 जी. एस. I-70/21913 दिनांक 20-8-70 तथा क्रमांक 4495-1 जी. एस. I-72/23046, दिनांक 7-8-78 तथा क्र० 3265-5 जी. एस. I-73/15255 दिनांक 15-6-1973 द्वारा दोहराई गई थी। सरकार के ध्यान में लाया गया है कि विभिन्न विभागों में तदर्थ आधार पर लगे कर्मचारियों की अवधि 6 मास से आगे बढ़ाने के लिए प्रस्ताव हरियाणा लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल, हरियाणा से प्राप्त होते रहते हैं परन्तु इन पदों को नियमित रूप से भरने के लिए माँग पत्र नहीं भेजे जाते।

2. पुनः स्पष्ट किया जाता है कि भविष्य में जब भी किसी रिक्ति को तदर्थ आधार पर भरा जाए तो रिक्ति को भरने के 15 दिन के अन्दर अन्दर माँग पत्र हरियाणा लोक सेवा आयोग/अधीन सेवाएं प्रवरण मण्डल, हरियाणा को अवश्य भेजा जाए।

3. आपसे प्रार्थना है कि इन हिदायतों की पालना दृढ़ता से की जाए।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिए भेजी जाती है :-

- (1) वित्तायुक्त, हरियाणा सरकार, तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वित्तायुक्त, हरियाणा सरकार।
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

प्रशा: क्रमांक 7771-5 जी. एस. I-76

दिनांक चण्डीगढ़ 20 जनवरी, 1977

क्रमांक 16/49/79-6 जी० ए० 1

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

- (1) हरियाणा के सभी विभागाध्यक्ष, भ्रम्बाला तथा हिसार मण्डलों के आयुक्त, सभी उपायुक्त तथा उप-मण्डल अधिकारी (नागरिक) ।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 26 जुलाई, 1979 ।

विषय : हरियाणा लोक सेवा आयोग को पदोन्नति सम्बन्धी प्रस्तावों को भेजने के बारे में ।

महोदय,

उपर्युक्त विषय के सन्दर्भ में मुझे यह कहने का निदेश हुआ है कि हरियाणा लोक सेवा आयोग द्वारा सरकार के ध्यान में यह तथ्य लाया गया था कि कई विभाग जब कर्मचारियों की पदोन्नति सम्बन्धी प्रस्ताव आयोग को उपयुक्तता तय करवाने हेतु भेजते थे तो वे प्रस्ताव प्रायः अधूरे होते थे अर्थात् सम्बन्धित कर्मचारियों की वार्षिक गोपनीय रिपोर्ट आदि पूर्ण (अप-टू-डेट) नहीं होती थी जिन्हें पूर्ण करवाने के लिये आयोग को बार बार पत्र-व्यवहार करना पड़ता था। इस प्रकार केसों के अन्तिम निपटारे में काफी देरी हो जाती थी अतः हरियाणा सरकार के परिपत्र क्रमांक 126-1 जी० ए० 1-72/963, दिनांक 17-1-1972 द्वारा आप से अनुरोध किया गया था कि ऐसे प्रस्ताव आयोग को भेजने से पूर्व यह सुनिश्चित कर लिया जाए कि इस प्रकार की त्रुटियां न हों। इन हिदायतों को हरियाणा सरकार के परिपत्र क्रमांक 856-1 जी० ए० 1-73/6246, दिनांक 7-3-1973 द्वारा दोहराया गया था और यह स्पष्ट किया गया था कि विशेष सावधानी से अनुदेशों का पालन किया जाए ताकि भविष्य में इस प्रकार की त्रुटियां न हों तथा आयोग को इस बारे आपत्ति उठाने का अवसर न मिले।

2. आयोग द्वारा अब फिर यह ध्यान में लाया गया कि कई विभागों द्वारा उपरोक्त हिदायतों की दृढ़ता से अनुपालना नहीं की जा रही है। सरकार ने इसका गम्भीर नोटिस लिया है।

3. आप से पुनः अनुरोध है कि भविष्य में उपर्युक्त हिदायतों की दृढ़ता से अनुपालना करवाई जाए।

भववीय,

हस्ता/-

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है :-

1. सभी वित्तायुक्त, हरियाणा, तथा
2. हरियाणा सरकार के सभी प्रशासकीय सचिव ।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. सभी वित्तायुक्त, हरियाणा ।
2. हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा: क्रमांक 16/49/79-6 जी० ए० 1

दिनांक 26 जुलाई, 1979.

क्रमांक 34/88/79-5 जी 0 एस 0-I

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

- (1) सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी आयुक्त तथा उप-मण्डल अधिकारी, हरियाणा।
- (2) रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़।

दिनांक चण्डीगढ़ 9 अक्टूबर, 1979।

विषय : तदर्थ आधार पर नियुक्त कर्मचारियों की सेवा अवधि में बढ़ौती।

महोदय,

मुझे निदेश हुआ है कि उपयुक्त विषय पर आपका ध्यान दिलाऊँ और कहूँ कि हरियाणा सरकार के पत्र क्रमांक 3265-5 जी 0 एस 0 I-73/15225, दिनांक 15 जून, 1973 द्वारा विभाग की हिदायतें जारी की गई थीं कि जब भी किसी रिक्ति को तदर्थ आधार पर भरा जाये तो रिक्ति के भरने के बाद 15 दिन के अन्दर-अन्दर मांग-पत्र लोक सेवा आयोग/अधीनस्थ सेवाएं प्रवरण मण्डल को आवश्यक भेजा जाये। इसमें यह भी लिखा गया था कि यदि ऐसा नहीं किया जाता है तो आयोग/बोर्ड को अधिकार होगा कि वह 6 मास के आगे नियुक्ति जारी रखने की अनुमति न दे। क्योंकि इस समय बोर्ड के नये अध्यक्ष तथा सदस्यों की नियुक्ति अभी तक नहीं हुई है, कठिनाई हो रही है कि तदर्थ आधार पर नियुक्त कर्मचारियों की सेवा को बिना बोर्ड की अनुमति से कैसे चालू रखा जाये। विचार उपरान्त सरकार ने निर्णय लिया है कि जिन तदर्थ आधार पर नियुक्त कर्मचारियों की सेवा को चालू रखने के लिए कोई भी अनुमति आवश्यक है, उन कर्मचारियों की सेवाओं की बोर्ड की अनुमति न प्राप्त होने के कारण समाप्त न किया जाये और उनकी सेवा में बनाये रखा जाये, यदि इनके लिए पद उपलब्ध हो। परन्तु जब बोर्ड के अध्यक्ष तथा सदस्यों के पद भरे जाएंगे और वे अपने कार्यों को संभाल लेंगे, तो तदर्थ आधार पर नियुक्त कर्मचारियों के प्रत्येक केस में मामले को नियमित रूप देने हेतु बोर्ड का अनुमोदन प्राप्त कर लिया जाए।

2. यदि किसी तदर्थ आधार पर नियुक्त कर्मचारी की सेवा को बोर्ड की अनुमति प्राप्त न होने के कारण समाप्त की गई है, इस बारे जारी किए गए आदेशों को वापिस लेकर उन की नियुक्ति को जारी रखा जाए और उनकी सेवा में आए ब्रेक के लिए उनको देय अवकाश दे दिया जाए।

3. यह हिदायतें उन केसों में लागू नहीं होंगी जिनमें तदर्थ आधार पर लगे कर्मचारियों की सेवाएं प्रशासकीय कारणों से या पद उपलब्ध न होने के कारण समाप्त की गई हैं या की जानी हों।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

पृष्ठांकन क्रमांक 34/88/79-5 जी 0 एस 0 I दिनांक चण्डीगढ़ 9 अक्टूबर, 1979.

एक प्रति सचिव, अधीन सेवाएं प्रवरण मण्डल, हरियाणा को उनके पत्र क्रमांक 4040-3 आर-II-79/5134, दिनांक 10 सितम्बर 1979 के संदर्भ में सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति :-

- (1) वितायुक्त राजस्व एवं विकास; हरियाणा तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार;  
को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

भवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वितायुक्त राजस्व एवं विकास हरियाणा;
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 34/88/79-5 जी0एस0-I दिनांक, चण्डीगढ़ 9 अक्टूबर, 1979.

एक एक प्रति :-

- (1) प्रधान सचिव/उप प्रधान सचिव मुख्य मंत्री हरियाणा; तथा।
- (2) सभी सचिव/निजी सचिव, सभी मन्त्रीगण, उप मन्त्रीगण,  
मुख्य संसदीय सचिव तथा संसदीय सचिव;  
को सूचनार्थ भेजी जाती है।

हस्ता/-

भवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) प्रधान सचिव/उप प्रधान सचिव, मुख्य मंत्री हरियाणा;
- (2) सभी सचिव/निजी सचिव, मंत्रीगण, उप मंत्रीगण, मुख्य  
संसदीय सचिव तथा संसदीय सचिव।

अशा: क्रमांक 34/88/79-5 जी0एस0-I दिनांक चण्डीगढ़ 9 अक्टूबर, 1979.

## No. 34/141/81-7GS-I

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments and Commissioners  
Ambala and Hissar Divisions.  
Dated Chandigarh, the 7th October, 1981.

**Subject :—Appointment of Clerks—Candidates recommended by the Haryana Subordinate Services Selection Board.**

Sir,

I am directed to refer to the State Government circular letter of even number dated the 18th September, 1981, on the subject noted above and to say that information received from 64 departments reveals that from September, 80 to 18.9.1981, the Subordinate Services Selection Board Haryana had recommended 2174 candidates for appointment to the posts of clerks in the various departments. But so far 1595 candidates have been appointed as clerks leaving a balance of 579 candidates (Clerks) who have not been appointed. It has also been reported that in the aforesaid departments, the number of vacancies of clerks as on 18.9.81 was 1848 (this does not include the posts occupied by the ad-hoc clerks).

2. The State Government desire that the candidates recommended by the Board for the posts of clerks who have not so far been appointed by the concerned departments should immediately be appointed against the existing vacancies, keeping in view the policy of the Government regarding reservation. It may be clarified that the posts occupied by the ad-hoc clerks should not be regarded as existing vacancies.

Yours faithfully,

Sd/-

(A. C. Aggarwal)

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

No. 34/141/81-7GS-I, Dated Chandigarh, the 7th October, 1981.

A Copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, for information and necessary action. It is requested that the matter may be pursued with the concerned departments to ensure the compliance of the above instructions.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forward to :—

1. The financial Commissioner, Revenue, Haryana; and
2. All Administrative Secretaries to Government, Haryana, for information and necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana.
- (ii) All Administrative Secretaries to Government, Haryana.

U. O. No. 34/141/81-7 GS-I,

Dated Chandigarh, the 7th October, 1981.

**प्रेषक**

मुख्य सचिव, हरियाणा सरकार।

**सेवा में**

1. हरियाणा राज्य के सभी विभागाध्यक्ष,
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़,
3. आयुक्त हिसार/अम्बाला मण्डल, हिसार/अम्बाला,
4. राज्य के सभी उपायुक्त; तथा
5. राज्य के सभी उप-मण्डल अधिकारी (नागरिक)।

यादी क्रमांक 42/20/82-5 जी० एस०-1

दिनांक, चण्डीगढ़, 19 अगस्त, 1982।

**विषय :** तृतीय श्रेणी के पदों को स्थानान्तरण आधार पर भरने हेतु क्या अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय है या कि नहीं, के संबंध में स्थिति का स्पष्ट किया जाना।

उपरोक्त विषय के सन्दर्भ में।

2. राज्य सरकार के यह प्रश्न विचाराधीन था कि श्रेणी-III के पदों पर स्थानान्तरण आधार पर नियुक्ति करने में क्या अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय है या कि नहीं। इस बिन्दु पर बिस्तृत रूप से परीक्षण किया गया है तथा राज्य सरकार द्वारा अधीन सेवाएं प्रवरण मण्डल को सौंपे गये कार्यों के दृष्टिगत कानूनी दृष्टि को मध्यनजर रखते हुये विधि विभाग की मन्त्रणा भी प्राप्त की गई है। इस संबंध में निम्नलिखित हिदायतों को ध्यान में रखा जाए :-

(क) श्रेणी-III के पद/सेवा से श्रेणी-III के ही किसी अन्य पद/सेवा में यदि कोई नियुक्ति एक विभाग से दूसरे विभाग में स्थानान्तरण आधार पर की जाए तो ऐसी नियुक्ति पर अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय नहीं है, बेशर्त कि :-

- (1) जिस विभाग में ऐसी नियुक्ति की जानी हो, उसके सेवा नियमों में उस पद को स्थानान्तरण आधार पर भरने की व्यवस्था हो,
- (2) स्थानान्तरण आधार पर नियुक्त किये जाने वाले कर्मचारी की प्रारम्भिक नियुक्ति (Initial Appointment) अधीनस्थ सेवाएं प्रवरण मण्डल/ लोक सेवा आयोग, जैसा भी आवश्यक हो, के माध्यम से हुई ही।
- (3) स्थानान्तरण आधार पर जिस पद को भरा जाना आवश्यक हो, उस पद को सभी विभागों को परिपत्र द्वारा सरकुलेट (circulate) किया गया हो,
- (4) ऐसी सलैक्शन (selection) के लिए किसी भी कर्मचारी का सीधे ही आवेदन पत्र एंटरटेन (entertain) नहीं किया जाना चाहिये बल्कि सम्बन्धित कर्मचारी के विभागाध्यक्ष से प्राप्त होने वाली रिकमैन्डेशन पर ही कार्यवाही की जानी चाहिये, तथा
- (5) केवल उन्हीं कर्मचारियों का चयन किया जाना चाहिये जोकि सम्बन्धित पद की निर्धारित योग्यताएं/अनुभव रखते हों।

(ख) स्थानान्तरण आधार पर, निम्न प्रकार से की जाने वाली नियुक्तियों पर एस० एस० एस० बोर्ड का अनुमोदन प्राप्त किया जाना वांछनीय है :-

- (1) यदि किसी कर्मचारी की प्रारम्भिक नियुक्ति (Initial appointment) अधीनस्थ सेवाएं प्रवरण मण्डल/लोक सेवा आयोग, जैसी की स्थिति हो, के माध्यम से न हुई हो, तथा

- (2) यदि कोई नियुक्ति स्थानान्तरण आधर पर श्रेणी IV के पद/सेवा से श्रेणी-III के किसी पद/सेवा में की जाए।
- (3) उपरोक्त के प्रतिरिक्त यह भी स्पष्ट किया जाता है कि स्थानान्तरण आधर पर यदि किसी ऐसे कर्मचारी की नियुक्ति कर ली जाती है, जिसकी प्रारम्भिक नियुक्ति (initial appointment) अधीनस्थ सेवाएं प्रवरण मण्डल के माध्यम से न हुई हो, तो ऐसी नियुक्ति पर यदि सक्षम अधिकारी एस0 एस0 एस0 बोर्ड का अनुमोदन प्राप्त भी कर लेता है, तो इसका यह तात्पर्य नहीं होगा कि उस कर्मचारी की प्रारम्भिक नियुक्ति नियमित हो गई है।
- (4) कृपया उपरोक्त हिदायतों अनुसार कार्यवाही की जाए।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

उपरोक्त की एक एक प्रति क्रमशः-

- (1) वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार, राजस्व विभाग, तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार को सूचमार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित की जाती है।

हस्ता/-

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

- (1) वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार, राजस्व विभाग, तथा
- (2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 42/20/82-5 जी0 एस0 -I दिनांक 19 अगस्त, 1982.

No. 45/3/84-5 GS I

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions, All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
2. The Registrar,  
Punjab and Haryana High Court,  
Chandigarh.

Dated Chandigarh, the 14th May, 1984.

**Subject :—**Appointments by transfer to Group 'C' posts—Cases in which the approval of Subordinate Services Selection Board is not necessary.

Dated Chandigarh, the 14th May, 1984.

Sir,

I am directed to refer to Government circular letter No. 42/20/82-5 GS I, dated the 19th August, 1982, and to clarify that there is no requirement for obtaining approval of Subordinate Services Selection Board where the vacancies in Group 'C' are proposed to be filled on transfer basis from those Group 'C' employees whose services have been regularised in terms of Government Notifications No. G. S. R.6 Const./Art. 309/83 dated the 3rd January, 1983, No. G. S. R. 3 Const./Art. 309/80, dated the 1st January, 1980 and G. S. R. 2/Const./Art. 309/84 dated the 19th January, 1984 as such employees shall have to be treated at par with those who have been appointed through the Subordinate Services Selection Board Haryana.

Yours faithfully,

Sd/-

Joint Secretary General Admn.  
for Chief Secretary to Govt. Haryana.

A copy each is forwarded to the :—

- (i) Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Govt. Haryana, for information and necessary action.

Sd/-

Joint Secretary, General Admn.  
for Chief Secretary to Govt. Haryana.

To

- (i) Financial Commissioner, Revenue, Haryana and
- (ii) All Administrative Secretaries to Govt. Haryana.

U. O. No. 45/3/84-5GSI

Dated Chandigarh, the 14th May, 1984.



No. 3466-IGS-70/27232,

From

The Chief Secretary to Govt. Haryana.

To

- (1) All Heads of Departments, Commissioner, Ambala Division; Deputy Commissioners and Sub Divisional Officers in Haryana.
- (2) The Registrar, Punjab & Haryana High Court and all District & Session Judges in Haryana. Dated, Chandigarh, the 12th October, 1970.

**Subject :—Regularisation of Ad-hoc Appointments.**

Sir,

I am directed to say that it has been brought to the notice of the Government that a number of adhoc employees who met the age requirements at the time of their appointments have now become over-age and for that reason have been deprived of the opportunity of applying for absorption on regular basis. The question of evolving a suitable arrangement for meeting this situation is under the consideration of the Government. In order to enable the Government to examine this matter in details, I am to request you to send the necessary information about all adhoc employees of your department in the proforma attached to this letter. The matter is of great urgency and therefore I may request you that the information may be sent to me within 15 days of the receipt of this letter.

Yours faithfully,

Sd/-

Deputy Secretary, Political Services,  
for Chief Secretary to Govt. Haryana.

No. 3466-IGS-70/27233, Dated Chandigarh, the 12th Oct., 1970.

A copy is forwarded to the Accountant General, Haryana, for information.

By Order,

Sd/-

Superintendent General Services,  
for Chief Secretary to Govt., Haryana.

A copy is forwarded for information to :—

- (1) The Financial Commissioner, Revenue, Haryana.
- (2) All Administrative Secretaries to Govt. Haryana.
- (3) The Principal Secretary/Deputy Secretary/Secretaries/Private Secretaries to Chief Minister/Ministers.

Sd/-

Superintendent General Services,  
for Chief Secretary to Govt. Haryana.

## PART III

## HARYANA GOVERNMENT

## General Administration

## GENERAL SERVICES

## Notification

The 1st January, 1980

No. G.S.R. 3/Const./Art. 309/80.—In exercise of the powers conferred by article 309 of the Constitution of India, read with the proviso to clause 6 of notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the subordinate Services Selection Board, Haryana, such Class III posts as have been held, for a minimum period of two years on the 31 December, 1979 by *ad hoc* employees who are to be regularised if they fulfil the following conditions :—

- (a) Only such *ad hoc* employees as have completed a minimum of two years' service on 31st December, 1979 should be made regular. However, break in service rendered on *ad hoc* basis upto a period of one month may be condoned but break occurring because the concerned employee had left service of his own volition or where the *ad hoc* appointment was against a post/vacancy for which no regular recruitment was required/intended to be made *i. e.* leave arrangements or filling up of other short-time vacancies, may not be condoned.
- (b) Only such *ad hoc* employees as have been recruited through the Employment Exchange should be made regular.
- (c) The work and conduct of the *ad hoc* employees proposed to be regularised should be of an overall good category.
- (d) Only those *ad hoc* employees should be considered for regularisation who possessed the prescribed qualifications for the post at the time of their appointment on *ad hoc* basis.

2. The seniority of the *ad hoc* employees so regularised may, vis-a-vis the employees appointed on regular basis, be determined with effect from 1-1-1980. The *inter se* seniority of such *ad hoc* employees shall be determined in accordance with the date of joining the post. If the date of joining the post on *ad hoc* basis by such employees was the same, then an older member would rank senior to employ younger in age.

3. This shall not apply to the *ad hoc* employees appointed as teachers in the Education Department.

A. C. AGGARWAL,  
Joint Secretary, General Administration,  
for Chief Secretary to Government,  
Haryana.

**PART III****HARYANA GOVERNMENT****General Administration Department****GENERAL SERVICES I****Notification****The 6th March, 1980**

**No. GSR/Const/Art. 309/80.**—In exercise of the powers conferred by article 309 of the Constitution of India, read with the proviso to clause 6 of the Haryana Government, General Administration Department, notification No. 523-3-GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such class III posts as have been held on 6th February, 1980 for a period of one year by the following categories of handicapped/disabled persons, namely :—

- (i) those who have lost the use of at least one hand or leg,
- (ii) blind persons, and
- (iii) deaf and dumb persons.

**A. C. Aggarwal****Joint Secretary to General Admn.  
for Chief Secretary to Govt. Haryana.**

No. 34/46/79-GS-I

Dated Chandigarh, the 6th March, 1980.

A copy is forwarded to all Heads of Departments, Commissioners of Divisions, Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana and Registrar, Punjab and Haryana High Court, for information and immediate necessary action.

**Sd/-****Under Secretary General Admn.  
for Chief Secretary to Govt. Haryana.**

## क्रमांक 34/45/79-5 जी एस: I

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा राज्य के सभी विभाग मध्यक्ष, अम्बाला तथा हिसार मण्डलों के आयुक्त,
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट चण्डीगढ़।

दिनांक चण्डीगढ़ 27 मार्च, 1980

विषय :— अशक्त/विकलांग (श्रेणी-III व श्रेणी-IV) कर्मचारियों की सेवाएं नियमित करना।

महोदय,

हरियाणा सरकार ने निर्णय लिया है कि श्रेणी-3 तथा श्रेणी-4 के अशक्त/विकलांग कर्मचारी, जिन्हें तदर्थ बाधर पर नियुक्त किया गया हो तथा जिन्होंने दिनांक 6 फरवरी 1980 को एक वर्ष की सेवा अवधि पूरी कर ली हो, की सेवाएं नियमित की जाएं, बशर्ते कि उसका कार्य संतोषजनक पाया गया हो। उपर्युक्त निर्णय के अधीन निम्नलिखित श्रेणियों के विकलांग/अशक्त कर्मचारियों को शामिल किया गया है :—

- (क) जिनका कम से कम एक बाजू या टांग नाकारी हो गई हो,
- (ख) अन्धे व्यक्ति,
- (ग) बहिरे तथा गूंगे व्यक्ति।

2. चतुर्थ श्रेणी के पदों पर प्रारम्भिक नियुक्तियां अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के अधिकार क्षेत्र से बाहर हैं तथा इन पदों पर व्यक्तियों की भर्ती पहले ही नियुक्ति प्राधिकारियों के द्वारा रोजगार कार्यालयों के माध्यम से की जा रही है।

3. सरकार के उक्त निर्णय को कार्यान्वित करने हेतु श्रेणी-3 के ऐसे पदों को, जिन पर उपर्युक्त श्रेणियों के अशक्त/विकलांग कर्मचारियों को लगे हुए दिनांक 6 फरवरी, 1980 तक एक वर्ष हो गया हो, अधिसूचना क्रमांक एसओ-68/कान्स्ट/आर्ट 309/80, दिनांक 6 मार्च, 1980 द्वारा अधीनस्थ सेवाएं प्रवरण मण्डल, हरियाणा के अधिकार क्षेत्र से निकाला गया है।

4. मुझे आपको यह निवेदन करने का निदेश हुआ है कि उपर्युक्त श्रेणियों के अशक्त/विकलांग (श्रेणी-3 तथा श्रेणी-4) के कर्मचारियों जिन्होंने दिनांक 6 फरवरी, 1980 तक एक वर्ष की सेवा पूरी कर ली हो, बशर्ते की उनका कार्य संतोषजनक रहा हो, की सेवाएं नियमित करने हेतु शीघ्र कार्यवाही की जाए।

5. आपसे यह अनुरोध किया जाता है कि निम्नलिखित प्रोफार्मा में (श्रेणी-3 तथा श्रेणी-4 के कर्मचारियों के लिए अलग-अलग) प्रत्येक मास को मासिक प्रगति रिपोर्ट उससे अगले मास को 10 तारीख तक महालेखाकार, हरियाणा को इसकी प्रति भेजते हुए इस विभाग को भेजें ताकि राज्य सरकार द्वारा इस बारे प्रगति देखी जा सके।

1	3	3	4	5
क्रम संख्या	पदों की श्रेणी	6 फरवरी, 1980 को अशक्तता के अनुसार तदर्थ कर्मचारियों की संख्या।	कुल जोड़	रिपोर्ट अधीन मास के दौरान नियमित किए गए कर्मचारियों की संख्या।
	(क) जिन का कम से कम एक बाजू या टांग नाकारी हो गई है।	(ख) अन्धे व्यक्ति	(ग) बहिरे व गूंगे व्यक्ति	

6. कृपया उक्त निर्णय/ह्रिदायतें सभी सम्बन्धित व्यक्तियों को सूचनार्थ तथा दृढतापूर्वक अनुपालन हेतु ध्यान  
सार्ई जाए।

भवदीय,

हस्ता 0

(राम प्रकाश)

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 34/46 79-5 की 0 एस 0-I

दिनांक, चण्डीगढ़ 27 मार्च, 1980

एक प्रति महालेखाकार, हरियाणा, जण्डीगढ़ को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता 0

(राम प्रकाश)

अवर सचिव, हरियाणा सरकार,  
कृते: मुख्य सचिव, हरियाणा सरकार।

No. 1/28/80-1 GS-I.

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments; Commissioners, Ambala and Hissar Divisions; all Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh;

Dated : Chandigarh, the 25th April, 1980.

**Subject :—Regularisation of ad hoc employees against Class III posts.**

Sir,

I am directed to refer to Haryana Government circular letter No. 1/28/80-1GS-I, dated the 9th January, 1980; on the subject noted above and to say that as per the terms of Notification No. GSR/Const./Art.309/80, dated 1-1-80, only such ad hoc employees as have been recruited through employment exchanges should be made regular. A question has arisen whether a class III employee appointed on the basis of a "non-availability certificate" issued by the concerned employment exchange should be deemed to have been recruited the employment exchange.

2. The matter has been carefully considered by the State Government. It has been decided that, for the purpose of regularisation of class III ad hoc employees in terms of the above notification dated 1.1.80, an employee may be deemed to have been recruited through the employment exchange if he is recruited from the open market after obtaining a "non-availability certificate" subject to the following conditions :-

- (i) The appointment from the open market should have been made in accordance with the conditions laid down in the N. A. C. issued by the Employment Exchange concerned ;
- (ii) The recruitment from the open market should have been made only against the specific vacancy in respect of which the N A. C. has been issued and that the appointed person should have possessed the qualifications, experience, age etc. notified to the Employment Exchange.

3. I am to request that action in such cases should be taken accordingly.

Yours faithfully,

Sd./-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner Revenue and All Administrative Secretaries to Government, Haryana, for information and necessary action in continuation of this Department U. O. No. 1/28/80-1GS-I, dated the 9th January, 1980.

Sd./-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

1. The Financial Commissioner Revenue and
2. All Administrative Secretaries to Govt., Haryana.

U. O. No. 1/28/80-1GS-I, dated the 25th April, 1980.

No. 1/28/80-1GS-I, dated the 25th April, 1980.

A copy is forwarded to the Chairman, Subordinate Services Selection Board, Haryana for information with reference to this Department's endst. No. 1/28/80-1GS-I, dated the 9th January, 1980.

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana,

No. 34/112/80-5GS-I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments in Haryana;
- (2) Commissioners of Ambala and Hissar Divisions;
- (3) All Deputy Commissioners and all Sub-Divisional Officers (Civil).

Dated Chandigarh, the 20th October, 1980.

**Subject** :—Termination of Services of Clerks appointed on ad hoc basis.

Sir,

I am directed to invite reference to the Haryana Government notification No. G.S.R. 3/Const./Art.-309/80, dated the 1st January, 1980, vide which the Government had decided to regularise the services of those ad hoc class III employees who inter-alia had completed two years' service on the 31st December, 1979.

2. It has now been decided by the Government, that the service of all ad hoc Clerks who are not covered by the policy laid down in the aforesaid notification may be terminated forthwith in terms of their appointment.

3. These instructions will, however, not apply to such ad hoc Clerks as have obtained stay orders from Courts of law.

4. These instructions may kindly be brought to the notice of all concerned for compliance immediately.

Yours faithfully,

Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to :—

1. The Financial Commissioner, Revenue, Haryana; and
2. All the Administrative Secretaries to Government, Haryana.

Sd/-

Superintendent General Services-I,  
for Chief Secretary to Government, Haryana.

To

1. The Financial Commissioner, Revenue, Haryana ;
2. All the Administrative Secretaries to Govt. Haryana.

U.O. No. 34/112/80-5GS-I, dated, Chandigarh, the 20th October, 1981.

Copy of letter No. 34/141-5GS-I dated the 3.12.1981 from the Chief Secretary to Govt. Haryana to all Heads of Departments and Commissioners Ambala & Hissar Divisions.

*Subject* :—Civil Writ petition No. 3457 of 1980—Shri Om Parkash Sharma Vs. State of Haryana and others—Civil Writ Petitions of 1980.

I am directed to refer to Haryana Govt. letter No. 34/146/80-5GS-I, dated the 4th December, 1980, on the subject noted above and to say that, "Stay" against the termination of services of the petitioners (ad hoc clerks) ordered by the Hon'ble Supreme Court of India was communicated to all the respective offices and you were informed for ensuring the compliance of the orders.

2. The special Leave Petitions filed by the petitioners in Civil Writ Petition cited as subjects have since been dismissed by the Hon'ble Supreme Court of India on the 17th September, 1981.

3. The entire matter regarding termination of the service of the ad hoc clerks, presently working in the various departments has been carefully considered. It has been decided by the State Government that the services of these ad hoc clerks may be terminated forthwith in term of their appointment. As an interim measure, Government have decided that such ad hoc clerks as had completed a minimum of two year service on the 30th September, 1981 may for the time being be allowed to continue on an ad hoc basis against the vacancies held by them at present. However, their services may be terminated when the candidates (clerks) recommended by the Subordinate Services Selection Board, report to you for joining against the vacancies in your Department including the posts to be vacated by these ad hoc clerks.

Yours faithfully,

Sd/-

A. C. Aggarwal

Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to :—

1. The Financial Commissioner Revenue, Haryana ;
2. All Administrative Secretaries to Govt. Haryana, and
3. The Secretary, Subordinate Services Selection Board, Haryana, Chandigarh,

for information and necessary action.

Sd/-

A. C. Aggarwal

for Chief Secretary to Government, Haryana.



पत्रांक 51/3/82-5 जी० एस०-1

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. राज्य के सभी विभागाध्यक्ष,
2. आयुक्त हिसार/अम्बाला मण्डल हिसार तथा अम्बाला, तथा
3. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़।

दिनांक, चण्डीगढ़ 2 जून, 1982।

**विषय :—**तदर्थ कर्मचारियों को नियमित करने के सम्बन्ध में जारी की गई अधिसूचनाओं के सम्बन्ध में स्पष्टीकरण।

महोदय,

हरियाणा सरकार द्वारा श्रेणी-III के तदर्थ कर्मचारियों को नियमित किये जाने के सम्बन्ध में लिये गये निर्णयों को कार्यान्वित करने के लिये अधिसूचना क्रमांक जी० एस० आर० 3/कान्स्ट०/आर्ट० 309/80, दिनांक 1-1-1980 में श्रेणी-III के तदर्थ कर्मचारियों को नियमित करने के सम्बन्ध में अन्य शर्तों के साथ-साथ निम्न शर्तें लगाई गई थी :—

“Only such ad hoc employees as have completed a minimum period of two years’ service on 31st December, 1979 with a break, if any, for the period not exceeding more than one month, should be made regular.”

2. हरियाणा सरकार की अधिसूचना क्रमांक जी० एस० आर० कान्स्ट०/आर्ट० 309/80, दिनांक 6-3-1980 तथा परिपत्र क्रमांक 34/45/79-5 जी० एस०-1, दिनांक 27-3-1980 के अनुसार श्रेणी-III तथा श्रेणी-IV के उन तदर्थ कर्मचारियों को नियमित किया जाना था जिन्होंने 6 फरवरी, 1980 को एक वर्ष की सेवा पूरी कर ली हो तथा वे निम्न कैटेगरीज में से किसी एक कैटेगरी में आते हों :—

- (क) जिसका कम से कम एक बाजू या टांग नाकारा हो गई हो,
- (ख) अन्धे व्यक्ति, तथा
- (ग) बहुरे तथा बूंगे व्यक्ति।

3. सी० डब्ल्यू० पी० क्रमांक 2589 आफ 1980 (प्रति सलग्न है) में उच्च न्यायालय द्वारा दिये गये निर्णय को सम्मुख रख कर इस मामले पर विस्तृत रूप से पुनः विचार किया गया है। अतः अब स्थिति निम्न प्रकार से स्पष्ट की जाती है :—

- (क) श्रेणी-III के जिन तदर्थ कर्मचारियों की 31-12-1979 से पूर्व कभी भी लगातार 2 वर्ष की सेवा, जिसमें एक माह से अधिक ब्रेक न हो, हो चुकी हो और वे दिनांक 31-12-79 को सरकारी सेवा में हों, उन्हें अधिसूचना दिनांक 1-1-80 के अन्तर्गत नियमित किया जाना है।
- (ख) श्रेणी-III व श्रेणी-IV के जिन अशस्त/विकलांग तदर्थ कर्मचारियों की सेवा 6-2-1980 से पूर्व, बिना किसी ब्रेक के, कभी भी एक वर्ष की हो चुकी हों और वे 6-2-80 को सरकारी सेवा में हों, उन्हें भी अधिसूचना दिनांक 6-3-1980 तथा परिपत्र क्रमांक 34/45/79-5 जी० एस०-1, दिनांक 27-3-80 से दी गई हिदायतों के अन्तर्गत नियमित किया जाना है।

4. आप से अनुरोध किया जाता है कि उपयुक्त स्पष्टीकरण को ध्यान में रखते हुए श्रेणी-III व श्रेणी-IV के उपयुक्त तदर्थ कर्मचारियों को नियमित करने वाले आवश्यक कार्यवाही की जाये।

भवदीय,

हस्ता/-

अवर सचिव, हरियाणा सरकार,

कृते: मुख्य सचिव, हरियाणा सरकार।

अर्पित की एक-एक प्रति :—

1. बिस्त्तायुक्त, राजस्व एवं सचिव, हरियाणा सरकार,  
राजस्व विभाग; तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार,  
को सूचनार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित की जाती है।

भवदीय,  
हस्ता/-

मन्टर सचिव, हरियाणा सरकार,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. बिस्त्तायुक्त, राजस्व एवं सचिव हरियाणा सरकार,  
राजस्व विभाग; तथा
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

संख्या: क्रमांक 51/3/82-5 जी 0 एस 0 I

दिनांक

\_\_\_\_\_

Copy of letter No. 50/50/5-GS-I-83 dated the 3rd August, 1983, from the Chief Secretary to Govt. Haryana addressed to the All Heads of Departments, etc., etc.

*Subject* :—Regularisation of services of Class III ad hoc Employees (other than Clerks).

---

Sir,

I am directed to address you on the subject noted above and to say that the question of regularisation of such ad hoc class III employees (other than clerks) as have completed two years service on 15-9-82 and were in Government Service on 15-9-82 is under consideration of the State Government. I am, therefore, to request that such ad hoc employees may be allowed to continue in service, provided their services are not required to be terminated otherwise as a disciplinary measure etc. till further orders.

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**Immediate**

**No. 42/83-5GS-I**

**From**

The Chief Secretary to Government, Haryana.

**To**

- (1) All Heads of Departments, Commissioners, Ambala and Hissar Divisions, and all the Deputy Commissioners in the State.
- (2) The Registrar,  
Punjab and Haryana High Court;  
Chandigarh.

Dated Chandigarh, the 9th August, 1983.

**Subject :—**Payment of salaries to ad hoc employees pending approval of the Subordinate Services Selection Board, Haryana to their continuance in service beyond six months.

**Sir,**

I am directed to say that it has been brought to the notice of State Government that the payment of salaries to the employees, initially appointed on ad hoc basis for a period of 6 months, has been stopped pending approval of their further continuance in service by Subordinate Services Selection Board, Haryana.

2. The matter has been considered and I am to request that the payment of salaries to such employees need not be stopped but should be continued to be made pending approval of the Subordinate Services Selection Board, Haryana to their continuance in service beyond 6 months.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

No. 42/83/5GS-I Dated Chandigarh, the 9th August, 1983.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, for information and necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the :—

- (i) Financial Commissioner, Revenue, Haryana; and
  - (ii) All Administrative Secretaries to Govt. Haryana;
- for information and necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

**To**

- (i) The Financial Commissioner, Revenue Haryana; and
- (ii) All Administrative Secretaries to Govt. Haryana.

**U. O. No. 42/83/5GS-I** Dated Chandigarh, the 9th August, 1983.

A copy each is forwarded to the :—

- (i) Principal Secretary to Chief Minister, Haryana;
- (ii) Deputy Principal Secretary to Chief Minister, Haryana; and
- (iii) All Secretaries/Private Secretaries to Ministers/State Ministers/Chief Parliamentary Secretary, Haryana;

for information and necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

No. 50/62/83/5-GS I

From

The Chief Secretary to Government, Haryana.

To

- (1) All Heads of Departments, Commissioners Ambala and Hissar Divisions and all the Deputy Commissioners in the State.
- (2) The Registrar, Punjab and Haryana High Court, Chandigarh.

Dated Chandigarh, the 29th November, 1983.

**Subject :—Regularisation of Services of Class III Ad hoc Employees (other than clerks).**

Sir,

I am directed to say that in Government circular letter No.50/50/5-GS I, dated the 3rd August, 1983, it was stated that the question of regularisation of such ad hoc class III Employees (other than clerks) as have completed two years service on 15-9-1982 and were in service on 15-9-1982 was under consideration of the State Government and that such ad hoc employees may, therefore, be allowed to continue in service, provided their services were not required to be terminated otherwise as a disciplinary measure etc. till further order.

It has, however, come to the notice of the Government that some Government departments terminated the services of such employees prior to the issue of the afore-mentioned circular

2. The matter has been considered and it has been decided that Class III ad hoc employees (other than clerks) who had completed two years service on 15-9-82 and were in service on 15-9-82 and whose services were terminated by the departments after 15-9-1982, should be taken back in service if they fulfil the conditions which were laid down for regularisation in the case of ad hoc clerks vide Notification No. G.S.R. 6 Art. 309/83, dated 3-1-1983. The period of break in their service should be treated as leave of the kind due to them.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

No. 50/62/83-5GS I

Dated 29-11-83.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Haryana, Chandigarh for information.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the :—

- (i) Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Govt. Haryana,

for information and necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue, Haryana; and
- (ii) All Administrative Secretaries to Govt. Haryana.

U. O. No. 50/62/83/5-GS I

Dated 29-11-1983.

**HARYANA GOVERNMENT**  
**General Administration Department**  
**(GENERAL SERVICES I)**  
**Notification**

The 19th January, 1984.

No. G.S.R. 2/Const. Art. 309/83. In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with proviso to clause 6 of notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby excludes from the purview of the Subordinate Services Selection Board, Haryana, such Class III posts as have been held for a minimum period of two years on the 15th September, 1982, by Class III employees on ad hoc basis and their services shall be regularised if they fulfil the following conditions, namely :—

- (i) that the employees have completed two years service on 15th September, 1982, and were in service on 15th September, 1982;
- (ii) that the employees belonging to reserved categories shall be regularised only against the posts/vacancies which stand reserved for such categories ;
- (iii) that the employees should have been recruited through the Employment Exchange or directly appointed by the appointing authority after obtaining non-availability certificate from the Employment Exchange ;
- (iv) that the work and conduct of such employees shall be of over all good category and no disciplinary proceedings are pending against them; and
- (v) that the employees possessed the prescribed qualifications for the post at the time of their appointment on ad hoc basis.

2. The ad hoc employees shall be regularised against the posts/vacancies of relevant categories. The recommendees of the Subordinate Services Selection Board, Haryana shall be absorbed against the remaining vacancies. The names of such remaining recommendees as cannot be absorbed shall be returned to the Board to enable it to recommend their names to other departments for appointment against clear vacancies.

3. The seniority of the ad hoc Class III employees so regularised, vis-a-vis the Class III employees appointed on regular basis shall be determined with effect from 15th September, 1982. The inter-se-seniority of such ad hoc class III employees shall be determined in accordance with the date of their joining the post on ad hoc basis. If the date of joining the post(s) on ad hoc basis by such ad hoc employees was the same, than an elder employees shall rank senior to an employee younger in age.

4. The services of the ad hoc Inspectors Food and Supplies of the Food and Supplies Department and Superior Field Workers of the Health Department shall be regularised against vacancies only after first absorbing the persons recommended by the Subordinate Services Selection Board, Haryana.

5. These instructions shall not apply to the ad hoc employees appointed as teachers in the Education Department and clerks.

Sd/-

P. P. Caprihan,

Chief Secretary to Government, Haryana,

No. 51/14/82-5GSI

Dated Chandigarh, the 2nd February, 1984.

A copy is forwarded to all Heads of Departments, Commissioners of Ambala and Hissar Divisions, all Deputy Commissioners, all Sub-Divisional Officers (civil) in Haryana and the Registrar, Punjab and Haryana High Court, Chandigarh, for information and immediate necessary action.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioner, Revenue and all Administrative Secretaries to Govt. Haryana.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

To

- (i) The Financial Commissioner, Revenue; and
- (ii) All Administrative Secretaries to Govt. Haryana.

U.O.No. 51/14/82-5GSI

Dated Chandigarh, the 2nd February 1984.

No. 51/14/82-5GSI

Dated Chandigarh, the 2nd February, 1984.

A copy is forwarded to the Secretary, Subordinate Services Selection Board, Chandigarh for information.

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

*Subject—Transmission of cases to the Chief Secretary for advice.*

It has been observed that there is a tendency in some Departments to refer cases to the Chief Secretary for advice without first, examining the issues involved fully on their own side. Sometimes cases which are quite clear and straight and should be decided by the Administrative Departments concerned, are also referred to the Chief Secretary, quite often, the issues on which advice is sought are not even made specific which necessitates the detailed examination of departmental cases on the Chief Secretary's side resulting in avoidable delay because, after examination in the Chief Secretary's Organisation, back reference have to be made to the departments concerned for further information on several essential points. The Administrative Secretaries are accordingly requested to ensure before any cases are sent to the Chief Secretary for advice that they are properly examined in the departments bringing out clearly the specific points on which the Chief Secretary's advice is needed. Consequently, it is also necessary that reference are made to the Chief Secretary for advice through the Administrative Secretaries and not direct by office subordinate to them.

Sd/-

Officer on Special Duty (Gazette)  
for Chief Secretary to Govt., Haryana.

To

All Administrative Secretaries to Govt. Punjab,

U.O. No. 4730-GI-59,

Dated Chandigarh the 25th August, 1959.

A copy forwarded to the Financial Commissioner Revenue/Department, Punjab, for information and necessary action.

Sd/-  
Officer on Special Duty (Gazette)  
for Chief Secretary to Govt. Haryana.

To

The Financial Commissioner, Revenue, Punjab  
Development.

U.O.No. 4730-GI-59,

dated Chandigarh the 25th August, 1959.

विषय :- केंसों को मुख्य सचिव की राय के लिए भेजने का ढंग ।

क्या हरियाणा सरकार के सभी प्रशासकीय सचिव, हरियाणा सरकार के अशासकीय परिपत्र क्रमांक: 4730-जी-1-59, दिनांक 5.8.1959 (जिसकी एक प्रतिसंलग्न है), उपरोक्त विषय पर, की ओर ध्यान देने की कृपा करेंगे ?

2. यह देखने में आया है कि सरकार के उन अनुदेशों की पालना ठीक ढंग से नहीं हो रही अतः फाइलों को बार-बार वापिस करना पड़ता है । यह भी देखा गया है कि जिन-जिन परिपत्रों तथा नियमों का हवाला दिया जाता है उनकी प्रतियां भी नहीं लगाई जाती और सामान्य सेवाएं शाखा के कर्मचारियों को प्रशासनिक शाखाओं से व्यक्तिगत तौर पर जाकर प्रतियां लानी पड़ती हैं । इन सब बातों के कारण केंसों में निर्णय लेने में कठिनाई के साथ-साथ देरी भी हो जाती है । स लिए अनुरोध किया जाता है कि आगे से केंस भेजते समय निम्नलिखित बातों का खास ध्यान रखा जाए :-

- (1) हवाला के तौर पर दिए गए पत्र तथा नियमों की प्रतियां जरूर लायी जाएं ।
- (2) विशेष विषय जिन में मुख्य सचिव की राय चाहिए स्पष्ट रूप से लिखी जाए; तथा
- (3) केंस भेजते समय अपने नोट की दो प्रति भेजी जाएं बाकी बातों जिनके उल्लेख संलग्न अशा: परिपत्र में किया गया है, की पालना में स्थिति ज्यों कि त्यों बनी रहेगी ।

हस्ता/-

अवर सचिव, राजनैतिक,

कृते: मुख्य सचिव हरियाणा सरकार ।

सेवा में

सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशासकीय क्रमांक: 4890-2 जी: एस-1-70, दिनांक चण्डीगढ़ अप्रैल, 1970

एक प्रति सूचनार्थ तथा उचित कार्यवाही के लिए भेजी जाती है ।

- (1) वित्तायुक्त राजस्व, हरियाणा ।
- (2) वित्तायुक्त गृह, हरियाणा ।

हस्ता/-

अवर सचिव, राजनैतिक,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

- (1) वित्तायुक्त राजस्व, हरियाणा ।
- (2) वित्तायुक्त गृह, हरियाणा ।

अशासकीय क्रमांक 4890-2 जी0 एस-1-70,

दिनांक चण्डीगढ़

अप्रैल, 1970



विषय :—केसों को मुख्य सचिव को भेजने का ढंग ।

क्या विस्तृत राजस्व तथा हरियाणा सरकार के सभी प्रशासकीय सचिव उपरोक्त विषय पर हरियाणा सरकार के प्रशासकीय परिपत्र क्रमांक 4890-2 की 0एस0-I-70, दिनांक अप्रैल, 1970 (प्रति संलग्न) की ओर ध्यान देने की कृपा करेंगे ।

उपरोक्त अनुदेशों में यह स्पष्ट किया गया था कि मुख्य सचिव की मन्त्रणा के लिए केस प्रशासकीय सचिव के माध्यम से भेजे जायें और निम्नलिखित बातों को ध्यान रखा जायें करे ।

1. हवाला के तौर पर दिए गए पत्र तथा नियमों को प्रतियां जरूरी लगाई जाएं ।
2. विशेष विषय (बिन्दु) जिन पर मुख्य सचिव की मन्त्रणा चाहिए, स्पष्ट रूप से लिए जाएं; तथा
3. केस भेजते समय नोट की दोहरी प्रति भेजी जाए ।

3. यह देखने में आया है कि कुछ विभागों द्वारा इन अनुदेशों का दृढ़ता से पालन नहीं किया जा रहा है जिसके कारण मामलों में निर्णय लेने में आवश्यक देरी हो जाती है। ऐसा करने से ऐसी नीति सम्बन्धी मामलों में कभी एक उत्पन्न हो सकती है जब सम्बन्धित प्रशासकीय सचिव को अपना मत व्यक्त करने का अवसर नहीं मिलता व हो सकता है कि वे उपसचिव/अवर सचिव के मन्त्रणों से सहमत न हो किन्तु मुख्य सचिव की मन्त्रणा दिए जाने के पश्चात उन्हें अपने विचार व्यक्त करने का अवसर ही त मिले । अतः उनसे पुनः अनुरोध है कि वे सुनिश्चित कर लें कि इन अनुदेशों की भविष्य में उल्लंघना न हो तथा कोई भी केस उप सचिव/अवर सचिव के माध्यम से न भेजे जाएं बल्कि प्रशासकीय सचिव के माध्यम से ही भेजे जायें करे । यह स्पष्ट किया जाता है कि भविष्य में ऐसे मामले जो प्रशासकीय सचिव के माध्यम से भेजे जाएंगे उन्हें स्वीकार नहीं किया जाएगा और वे विभाग को वापिस लौटा दिए जाएंगे ।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते 0 मुख्य सचिव, हरियाणा सरकार ।

सेवा में

विस्तृत राजस्व तथा हरियाणा सरकार के सभी प्रशासकीय सचिव ।

अशा 0 क्रमांक 3023-1 जी 0एस 0 I-75,

दिनांक 6 जून, 1975

विषय :—सेवा सम्बन्धी मामलों पर मन्त्रणा प्राप्त करने के लिए केसिज को मुख्य सचिव को भेजने का ढंग।

क्या वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार, राजस्व विभाग तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, उपरोक्त विषय पर इस विभाग के अशा: परिपत्र क्रमांक 3023-1 जी० एस०-1-75, दिनांक 6-6-1975 (प्रति तत्काल संदर्भ के लिए संलग्न है), की ओर ध्यान देने का कष्ट करेंगे ?

2. संदर्भित परिपत्र में मुख्य सचिव की केसिज भेजने के ढंग की विस्तृत कार्यविधि का उल्लेख किया हुआ है, लेकिन अब भी इन हिदायतों का दुढ़ता से पालन नहीं किया जा रहा है। अब भी अवर सचिव/उप सचिव/संयुक्त सचिव ही अपने स्तर से ही मामला मुख्य सचिव को भेज देते हैं, जबकि उक्त हिदायतों में यह स्पष्ट किया गया था कि प्रशासकीय सचिव के माध्यम से ही मामला मुख्य सचिव को भेजा जाए।

3. इसके अतिरिक्त कई एक मामलों में न तो प्रशासकीय विभाग के प्रस्ताव की दोहरी प्रति लगी होती है, न ही हवाला के तौर पर दी गई हिदायतों/नियमों की प्रति लगी होती है और न ही उस प्वाइंट (बिन्दु) का विशेष रूप से उल्लेख होता है, जिस पर मुख्य सचिव की मन्त्रणा प्राप्त की जानी है। इन सबके अभाव में प्रस्ताव विभागों को वापिस करने पड़ते हैं, जिस कारण से मामले के निपटान में अनावश्यक बिलम्ब होता है।

4. पुनः स्पष्ट किया जाता है कि भविष्य में कोई भी प्रस्ताव मुख्य सचिव को भेजते समय उपरोक्त हिदायतों का दुढ़ता से पालन किया जाए और यह सुनिश्चित किया जाए कि जब भी कोई प्रस्ताव मुख्य सचिव की मन्त्रणा हेतु भेजा जाए, उसमें उपरोक्त वर्णित पूर्ण सूचना संलग्न हो और वह प्रस्ताव प्रशासकीय सचिव के माध्यम से ही भेजा जाए।

5. वित्तायुक्त राजस्व एवं सभी प्रशासकीय सचिवों से यह भी अनुरोध है कि वे अपने अधीन सभी विभागाध्यक्षों की भी ये निर्देश जारी करें कि वह मुख्य सचिव की मन्त्रणा लेने वाले कोई भी पत्र व्यवहार सीधे ही मुख्य सचिव से न करें, बल्कि अपने प्रशासकीय सचिव को ही लिखें। इस सम्बन्ध में विभागाध्यक्षों को जारी किए गए निर्देशों की एक प्रति इस विभाग को भी भेजी जाए।

6. कृपया इस पत्र की पावती भेजें।

हस्ता./-

(खैराती लाल बिज)

अधीक्षक, सामान्य सेवाएं-1

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

(1) वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार,

(2) सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 50/3/82-5 जी० एस०-1

दिनांक 30 अगस्त, 1982

पुष्ठाक्रम क्रमांक 50/3/82-5 जी०एस०-1

दिनांक 30 अगस्त, 1982

उपर्युक्त की एक-एक प्रति अनुलग्नक की प्रति सहित सभी विभागाध्यक्ष, आयुक्त, हिसार/अम्बाला मण्डल व हिसार/अम्बाला तथा सभी उपायुक्त, हरियाणा राज्य को सूचनार्थ तथा आवश्यक कार्यवाही हेतु प्रेषित की जाती है। उनसे अनुरोध है कि यदि किसी मामले पर मुख्य सचिव की मन्त्रणा लेने की आवश्यकता पड़े तो मामला हमेशा अपने प्रशासकीय विभाग के माध्यम से ही प्रस्तुत किया करें। उनसे सीधा प्राप्त हुआ पत्र स्वीकार नहीं किया जाएगा और वह उन्हें लौट दिया जाएगा।

हस्ता./-

(खैराती लाल बिज)

अधीक्षक, सामान्य सेवाएं-1,

कृते: मुख्य सचिव, हरियाणा सरकार

# PART XXV



Copy of Letter No.3130-E-56/13476, dated the 2th April, 1956, from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

*Subject:* Clerical Grades.

I am directed to invite a reference to Punjab Govt. F.D. Letter Nos. 9602-FR-54/7742 dated 7-12-54 and 68 F.R.-55/1228 dated the 19.2.55 on the subject noted above and to say that it has been reported that on the introduction of a unified scale of Rs. 60-4-80/-5-120/5-175 for clerks some departments are experiencing difficulty in fixing the seniority between the previous senior and Junior clerks. This question has been considered on consultation with the Finance Department and it is felt that a uniform policy in regard to fixation of seniority should be followed in all departments. It has therefore, been decided that the seniority of senior and Junior clerks in the unified scale should be fixed in the following order:—

- (1) Permanent senior Clerks.
- (2) Officiating Senior Clerks.
- (3) Permanent Junior Clerks.
- (4) Officiating Junior Clerks.

The Seniority of Clerks in your department should therefore, be fixed according to this decision. If, however there are any cases in which the above mentioned decision involves special hardship those cases should be considered on merits keeping in view that decision.

Copy of letter No. 1028-GII-57/27804, dated the 29th March, 1957 from Shri Nakul Sen, I.C.S. Chief Secretary to Government, Punjab to all Heads of Department, etc. etc.

*Subject:*—Counting of purely temporary service for purposes of seniority.

I am directed to say that according to the instructions contained in Finance Department letter No. 8398-FR 56/6165, dated the 14th September, 1956, a Government servant appointed locally in a purely temporary capacity when absorbed in a regular post on the recommendation of the S.S.S. Board, is allowed the benefit of previous temporary service towards increment and leave. A question has arisen whether such Government servants should also be given the benefit of this temporary service for purpose of seniority. It has been decided that a temporary appointment made without the recommendation of the Board, is just a makeshift arrangement and cannot, therefore, count for seniority which should, in such cases, be determined with reference to the date on which the recommendations of the Board are received.

Copy of Circular Letter No. 8924-GII-59/19219 dated 28th October, 1959, from the Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

**Subject :—**Counting of purely temporary service for purpose of seniority.

I am directed to invite a reference to Punjab Government letter No. 1028-GII-57/27804, dated the 29th March, 1957 on the subject noted above and to say that cases have come to the notice of Government wherein, before 1st November 1956, certain Departments confirmed some officials who were appointed locally in a purely temporary capacity, but were subsequently recommended by the Subordinate Services Selection Board, after granting them the benefit of their purely temporary service for purposes of seniority with the result that they were assigned preferential positions in the joint seniority lists, which were later on approved by the Integration Council. Government having been presented with a *fait accompli* in such cases, have considered the matter at length. The action of the Departments concerned was undoubtedly irregular but it was presumably based on faulty interpretation of instructions contained in Punjab Government letter No. 1212-G-54/59723, dated the 13th February, 1954. Keeping in view this aspect and the legal implications involved, it has been decided that the instructions, dated the 29th March, 1957, referred to above and issued in clarification of previous instructions will be deemed to have come into operation with effect from 1st November, 1956, and that cases of confirmation irregularly decided prior to this date should not be re-opened and should be deemed to have been regularised.

2. As regards the cases of officials who were confirmed after 1st November, 1956, seniority should be determined in accordance with Government instructions, dated the 29th March 1957. Confirmation in itself will not effect the seniority of those officials whose service rules provide for counting seniority from the date of continuous approved appointment. It will only affect the seniority lists in those cadres where seniority is counted from the date of confirmation. In such cases, the seniority of the officials irregularly confirmed can be fixed on an *ad hoc* basis by invoking the relaxability clause. If there be no such clause in the service rules, a provision in this behalf should be made in the rules immediately to implement this decision.

Copy of letter No. 946—4GS—62/8282, dated the 16th March, 1962 from Shri E.N. Maugat Rai, I.A.S., Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

**Subject :—**Determination of seniority of the candidates recruited by the Board.

I am directed to invite a reference to Punjab Government letter No. 1028-GII-57/27804, dated the 29th March, 1957 stating that a temporary appointment made without the recommendation of the S. S. S. Board is just a make-shift arrangement and cannot, therefore count for seniority, which the should, in such cases, determined with reference to the date on which the recommendations of the Board are received. It has been represented to Government that the seniority of the candidates recommended by the Board should be determined with reference to the date of issue of the Board's letter and not from the receipt of their recommendation as in the letter case the letters are liable to the delayed in transit or mis-sent and diarised very late at destination thereby causing undue hardship to the candidates concerned. After carefully considering the matter it has been decided that the seniority of the candidates should be determined with reference to the date of issue of the Board's recommendations.

2. It has also been decided that in the case of such officials as are recommended to another office for regular absorption: but are allowed to remain in their parent office in the interest of work or on the request of the official concerned, their seniority will be determined with reference to the date of the Board's original recommendations for their regular absorption in other offices.

3. These instructions may be brought to the notice of all concerned. The receipt of this letter may also please be acknowledged.

Copy of letter No. 16355-8GS-62/42251, dated the 24th November, 1962 from Sirdar Gyan Singh Kahlon, ICS, Chief Secretary to Government, Punjab to the address of all Heads of Departments, in the Punjab.

**Subject :—**Determination of seniority of candidates appointed through the Punjab Public Service Commission.

I am directed to invite a reference to Punjab Government letters No. 1028-GII-57/27804, dated the 29th March, 1957 and No. 946-4GS-62/8282, dated the 16th March, 1962, which lay down that the seniority of candidates should be determined with reference to the date of issue of the Subordinate Services Selection Boards recommendations. Many references have been received from time to time from the various departments to ascertain the procedure to be followed in case of recommendations of the Punjab Public Service Commission. I am to reaffirm that the same procedure applies to the recommendations of the P. P. S. C. as far as *inter-se* seniority is concerned. The date of recommendation by the Punjab Public Service Commission will determine seniority for direct recruits as well as appointments by transfer. As far as *inter-se* seniority among direct recruits is concerned the order of merit suggested by the P.P.S.C. will be maintained.

2. The receipt of this letter may kindly be acknowledged.

Copy of the Punjab Government Circular letter No. 7957-IGSI-65/35111 dated 20th October, 1965 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

**Subject :—**Determination of seniority of the Government employees who are recruited by transfer from other Departments.

I am directed to invite a reference to Punjab Government Circular No. 946—4GS—62/8282, dated the 16th March, 1962 stating that the seniority of the candidates recruited by the Subordinates Service Selection Board, should be determined with reference to the date of issue of the Board's recommendation. It has, however come to the notice of Government that in some Departments these instructions have also been made applicable to determine seniority of candidates recruited by transfer from other Government department. To set at rest the doubts entertained by certain Departments and to elucidate the position it is clarified that the instructions under reference apply only to the candidates who are recruited by the S.S.S. Board. In the case of the candidates appointed by the Departments themselves by transfer from other departments of course with the approval of the Board, seniority shall be determined in accordance with the provisions contained in the relevant service Rules and the date of approval by the Board will have no effect on them.

2. This clarification may please be brought to the notice of all concerned for information and guidance.

क्रमांक 1524-2जी0 एस0-I-71/7240

प्रेषक,

मुख्य सचिव, हरियाणा सरकार

सेवा में,

1. सभी विभागाध्यक्ष, आयुक्त अम्बाला मण्डल, राज्य के सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा सभी जिला सत्र व न्यायाधीश

दिनांक चण्डीगढ़, 5 अप्रैल, 1971 ।

विषय :—लोक सेवा आयोग तथा अधीन सेवाएँ प्रवरण मण्डल द्वारा सीधी भर्ती पर कर्मचारियों की ज्येष्ठता का निर्धारित करना ।

श्रीमान जी,

मुझे निदेश हुआ है कि मैं आपका ध्यान सरकार के पत्र क्रमांक 1028-जी-11-57/27804, दिनांक 29-3-57 946-4 जी : एस:-62/8282, दिनांक 16-3-1962 तथा 16355-3 जी0एस0-62/42251, दिनांक 24-11-1962 की और दिलाऊँ जिसमें यह निर्णय लिया गया था कि सरकार की सेवा में जो भी कर्मचारी लोक सेवा आयोग या अधीन सेवाएँ प्रवरण मण्डल द्वारा भर्ती किए जायेंगे उनकी ज्येष्ठता विभागों में उसी क्रम में निर्धारित की जायेगी जिस प्रकार लोक सेवा आयोग/अधीन सेवाएँ प्रवरण मण्डल ने योग्यता सूची भेजी है । सरकार ने 1965 में माडल सर्विस रूलज भी बनाये जिनकी प्रतियाँ प्रत्येक विभाग को भेजी गई थी । इन माडल सर्विस रूलज के नियम 6 के प्रोविंसों 2 में भी ऐसी व्यवस्था की गई थी कि जिन कर्मचारियों की नियुक्ति लोक सेवा आयोग/अधीन सेवाएँ प्रवरण मण्डल द्वारा की गई है उनकी ज्येष्ठता उसी प्रकार निर्धारित करनी है जिस प्रकार आयोग/प्रवरण मण्डल ने उनकी योग्यता सूची भेजी है ।

2. अब सरकार के नोटिस में यह बात आई है कि कुछ विभागों के सेवा नियमों अनुसार ऐसे कर्मचारियों जिनकी नियुक्ति लोक सेवा आयोग/अधीन सेवाएँ प्रवरण मण्डल द्वारा सीधी भर्ती से की गई है, की ज्येष्ठता उनकी आयु या उन के विभाग में कार्यग्रहण की तारीख इत्यादि से निर्धारित की जाती है । नियमों में यह व्यवस्था सरकार की उपर्युक्त हिदायतों तथा माडल सर्विस रूलज की व्यवस्था के खिलाफ है । आपसे यह अनुरोध है कि आप विभाग के प्रत्येक वर्ग के पदों के सेवा नियमों की जांच करें और यदि उनके आयु का कार्य ग्रहण की तारीख से ज्येष्ठता निर्धारित करने की व्यवस्था है तो उनको माडल सेवा नियमों के नियम 6 के दूसरे प्रोविंसों के अनुसार तुरन्त संशोधन करें । यह कार्यवाही इस पत्र के जारी होने के 2 मास के समय के अन्दर अवश्य हो जानी चाहिये और इसकी सूचना मुख्य सचिव को शीघ्र भेजी जाये । यदि किसी विभाग ने अपने सर्विस रूलज को इस प्रकार संशोधन करने की कार्यवाही न की तो सरकार इसका गम्भीरता से विचार करेगी ।

भवदीय,

हस्ता/-

उप-सचिव, राजनैतिक एवं सेवाएँ ।

कृते: मुख्य सचिव, हरियाणा सरकार ।

इसकी एक प्रति सूचनार्थ तथा आवश्यक कार्यवाही के लिये वित्तायुक्त राजस्व, वित्तायुक्त तथा सभी प्रशासकीय सचिव हरियाणा सरकार को इसकी एक प्रति प्रधान सचिव/सचिव/निजी सचिव/मुख्य मन्त्री/मंत्री/संसदीय सचिव को मुख्य मन्त्री/मंत्री संसदीय सचिव की सूचना के लिये भेजी जाती है ।



Copy of letter No. 2379-2GSI-I-72/10994, dated 27-4-1972 from The Chief Secretary to Government, Haryana to all Heads of Departments etc. etc.

**Subject :—Reservation for members of Scheduled Castes and Backward Classes in service-Fixation of Seniority.**

I am directed to refer to the composite Punjab Government letter No. 28400-WG-S-56/8090 dated the 9th November, 1956 regarding reservation for members of Scheduled/Backward classes in Government services and observe as follows. It has been misinterpretation of the relevant instructions in some instances and members of Scheduled Castes/Backward classes has been assigned seniority according to the Rs Nos. of vacancies reserved for them under the block system (as indicated below) and not as they should have been according to the order of candidates determined by the public service commission/S.S.S. Board :—

Vacancies reserved for Schedule-Castes/Backward Classes in every block of 100 vacancies.	1—6—11—16—21—26—27—31—36—41—46 51—56—61—66—71—76—81—86—91—96
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(No 27 & 77 for backward classes)

For example when 8 vacancies were to be filled and the 1st and the 6th were reserved for the members of Scheduled Castes, two Scheduled Castes were placed at Sr. No. 1 and Sr. No. 6 respectively in the combined seniority list of the candidates although in the combined merit list prepared by the Public Service Commission/S.S.S. Board their position were lower.

2. It has to be pointed out that this was irregular and interse seniority of all candidates taken together (i.e. whether appointed against reserved vacancies or against reserved vacancies or against open ones), must be fixed according to the combined merit list and not otherwise. Vacancies assigned to Scheduled Castes/Backward Classes under the block system are so assigned for purpose of reservation only and are not intended for fixing inter seniority of the candidates contrary to their order in the combined merit list prepared by the Public Service Commission/S.S.S. Board.

3. This may please be noted for careful compliance so that in future seniority is fixed on this basis in cases in which reserved vacancies are filled whether by initial appointment or by promotion. Furthermore, all earlier cases in which members of Scheduled Castes/Backward Classes and other have been assigned seniority erroneously disregard of the order the candidates in the combined merit list should be reviewed and steps taken to refix seniority correctly. For that purpose it will be necessary that the persons who will be effected should be given opportunity of showing cause why their seniority should not be refixed at a lower place (in accordance with the order in the combined merit list) and such opportunity should be duly allowed before refixing seniority.

4. The above instructions, regarding determination inter seniority will, however, apply only in those cases where the departmental service rules do not provided for seniority being determined from the date of joining or from the date of confirmation or by a method otherwise than the merit determined by the Public Service Commission/S.S.S. Board. In other words, in all cases, where the services rules has not yet been framed, or where the service rules provided for seniority being determined according to the merit laid down by the Commission/S.S.S. Board, the seniority of the officials shall be determined in the manner stated above. In other cases, where the service rules specially provided for seniority being determined from the date of joining or from the date of confirmation or any other method otherwise than the merit determined by the recruiting authority, the seniority, shall be determined by such different method.

क्रमांक 401-2 जी0एस0-I-73/2664

प्रेषक,

मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. हरियाणा के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी ।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, तथा हरियाणा, के सभी जिला एवं सत्र न्यायाधीश ।

दिनांक चण्डीगढ़, 8 फरवरी, 1973 ।

विषय :- आपातकाल स्थिति के परिणाम-स्वरूप पदों में कमी होने के कारण फालतू घोषित हुए सरकारी कर्मचारियों के दूसरे विभागों में खपाये जाने के फलस्वरूप उनकी वरिष्ठता निर्धारित करना ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 2050 2जी0 एस0 68/19950, दिनांक 19-8-68 (प्रति संलग्न हैं) कि और दिलाऊँ जिसमें यह हिदायतें जारी की गई थी कि जो कर्मचारी आपातकालीन स्थिति या खर्च में कमी करने के कारण पदों की संख्या घटाने से अपने विभागों में फालतू हो गये थे और दूसरे विभागों में पुनः नियुक्त किये गये, उनके केस में नये विभाग से नियुक्त होने से जो वरिष्ठता निर्धारित की जानी है वह उस तिथि से निर्धारित की जाये, जिस तिथि से वह नये महकमें में अपने पद का कार्यभार सम्भालते हैं। सरकार ने इस निर्णय पर पुनः विचार किया है और ऐसा करते समय संयुक्त पंजाब सरकार के परिपत्र क्रमांक 16355-3जी0एस0-62/42251, दिनांक 24-11-62 में जारी की गई हिदायतों को भी ध्यान में रखा है। इन हिदायतों में यह कहा गया था कि जो कर्मचारी सीधी भर्ती द्वारा अथवा स्थानान्तरण द्वारा लोक सेवा आयोग/अधीन सेवाएँ प्रवर्णन मण्डल की सिफारिश के अनुसार नियुक्त किये जाते हैं उन्हें वरिष्ठता आयोग/मण्डल की सिफारिश की तिथि से दी जाये। सरकार के विचार में यह उपजो हर प्रकार से न्यायोचित है तथा उन कर्मचारियों के बारे में भी जासू किया जाये जो कि आपातकालीन स्थिति या खर्च में कमी के कारण पदों की संख्या घटाये जाने पर विभाग में फालतू हो जाते हैं और आयोग/मण्डल की सिफारिश के अनुसार दूसरे विभागों में नियुक्त किये जाते हैं। इसका अर्थ यह होगा कि ऐसे कर्मचारियों की वरिष्ठता भी उसी तिथि के हिसाब से निर्धारित की जायेगी जिस तिथि से कि आयोग/मण्डल ने दूसरे विभागों को उनकी नियुक्ति के बारे में सिफारिश की है न कि उस तिथि के हिसाब से जिस तिथि से वह नये विभागों में पद का कार्यभार सम्भालते हैं। अतः आपसे अनुरोध किया जाता है कि भविष्य में ऐसे कर्मचारियों को वरिष्ठता इस निर्णय के अनुसार निर्धारित करें।

2. कृपया इस पत्र की पावड़ी भी सरकार को भेज दी जाये।

भवदीय,

हस्ता 0

उप सचिव, राजनैतिक एवं सेवाएँ,

कृते: मुख्य सचिव, हरियाणा सरकार ।

अतः क्रमांक 401-2 जी0एस0 I-73/2665 दिनांक चण्डीगढ़, जनवरी 1973

एक प्रति महालेखाकार, हरियाणा को हरियाणा सरकार के अशा क्रमांक 2050-2 जी0 एस0-68/19950, दिनांक 12/19-8-68 के संदर्भ में सूचनार्थ भेजी जाती है।

भवदीय,

हस्ता/-

उप सचिव, राजनैतिक सेवाएँ,

कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति वित्तायुक्त, राजस्व हरियाणा तथा हरियाणा के सभी प्रशासकीय सचिवों को इस विभाग के क्रमांक 2050-2 जी0 एस0-68/ दिनांक 12/19-8-68 के संदर्भ में सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

प्रातिलिपि क्रमांक 720-2 जी० एस०-1-73/10817 दिनांक 4-5-73, मुख्य सचिव, हरियाणा की ओर से हरियाणा सरकार के सभी विभागान्यक्ष इत्यादि को प्रेषित है।

विषय :—पंजाब सिविल सर्विस (प्रमोशन आफ स्टैनोग्राफर एंड स्टैनो टाइपिस्टस) रूलज, 1961 के नियम 5(2) की स्पष्टता के बारे में।

उपर्युक्त विषय पर आपकी सम्बोधित करते हुए मुझे यह कहने का निदेश हुआ है कि पंजाब सर्विस (प्रमोशन आफ स्टैनोग्राफरज एंड स्टैनो टाइपिस्टस) रूलज, 1961 के नियम 5(2) में निम्नलिखित व्यवस्था है :—

“The inter-se-seniority of such Junior Scale Stenographers and steno-typists vis-a vis Clerks shall be determined by the date of their continuous appointment against the post of Junior Scale Stenographers or Steno-typist or Clerk, as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger.”

इस बारे में सरकार के नोटिस में आया है कि कई विभाग उपरोक्त नियम में प्रयोग किये गए शब्दों, as the case be का मतलब यह समझ रहे हैं कि लिपिकों/स्टैनो टाइपिस्ट तथा स्टैनोग्राफरज की सहायकों में इन्टर सी-सीनियोरिटी नियत करते समय स्टैनोटाइपिस्ट तथा जूनियर स्केल स्टैनोग्राफर की respective पदों पर नियुक्ति की तिथियों से की गई लगातार सेवा को ध्यान में रखना है और यदि कोई व्यक्ति स्टैनोटाइपिस्ट के तौर पर भर्ती होकर जूनियर स्केल स्टैनोग्राफर पदोन्नत हो जाता है और उसके बाद सहायक के तौर पर इन नियमों के तहत पदोन्नत होता है, तब भी उसकी जूनियर स्केल स्टैनो के पद पर नियुक्ति की तिथि ही relevant समझी जायेगी न कि स्टैनोटाइपिस्ट के पद पर नियुक्ति की तिथि। इस interpretation के अनुसार यदि कार्यवाही की जाये तो एक anomolous पोजीशन पैदा हो जाने का खतरा है जिसका एक उदाहरण निम्नलिखित है।

यदि 2 व्यक्ति 'ए' तथा 'बी' एक ही तिथि को स्टैनो-टाइपिस्ट के पद पर नियुक्त किये जाने हों जिन में से 'ए' सिनियर हो और 'बी' जूनियर हो तथा कुछ समय बाद 'ए' को जूनियर स्केल स्टैनोग्राफर के पद पदोन्नत किया जाए व 'बी' स्टैनो के पद पर ही रहे। इसके बाद जब इनकी उपर्युक्त नियम 5(2) के तहत सहायक के पद पर पदोन्नती हो जाये तो 'बी' को 'ए' से ऊंची वरिष्ठता मिल जायेगी क्योंकि उसकी स्टैनोटाइपिस्ट के पद पर लगातार नियुक्ति की अवधि अधिक है जबकि 'ए' की जूनियर स्केल स्टैनोग्राफर के पद पर लगातार नियुक्ति की अवधि कम है।

2. अतः इस सम्बन्ध में यह स्पष्ट किया जाता है कि उपर्युक्त रूलज बनाने समय सरकार का हुरगिज ऐसा इरादा न था कि इस प्रकार की anomaly पैदा हो। मामले पर राज्य सरकार द्वारा विस्तार पूर्वक विचार करने के बाद यह स्पष्ट किया जाता है कि उपर्युक्त रूलज 5(2) में जो व्यवस्था है उसके अनुसार यदि कोई व्यक्ति जूनियर स्केल स्टैनोग्राफर के तौर पर सीधा नियुक्ति किया गया हो तब तो उसकी लिपिकों के साथ इन्टर-सी-सीनियोरिटी उसकी जूनियर स्केल स्टैनोग्राफर के तौर पर नियुक्ति की तिथि से ही निश्चित की जाएगी किन्तु जो व्यक्ति पहले स्टैनोटाइपिस्ट के पद पर नियुक्ति किया गया हो (स्टैनोटाइपिस्ट का पद हर लिहाज से कलक के पद के बराबर है) तथा उस पद से जूनियर स्केल स्टैनोग्राफर के पद पर प्रमोट कर दिया गया हो तो बाद में सहायक के पद पर प्रमोशन होने पर उसकी लिपिकों के साथ इन्टर-सी-सिनियोरिटी निर्धारित करने के लिये उसकी स्टैनोटाइपिस्ट के पद पर नियुक्ति की तिथि relevant होगी न कि जूनियर स्केल स्टैनोग्राफर के पद पर पदोन्नति की तिथि। यही स्थिति पंजाब सिविल सर्विस (प्रमोशन आफ स्टैनोग्राफर एंड स्टैनोटाइपिस्ट) रूलज 1961 के रूलज 4(2) तथा 6(2) के बारे में समझी जानी चाहिए यानि की जो व्यक्ति स्टैनोग्राफर के पद पर सीधा नियुक्ति किया गया हो उसकी कलकों के साथ इन्टर-सी-सिनियोरिटी निर्धारित करने के लिये स्टैनोग्राफर के पद पर नियुक्ति की तिथि relevant होगी किन्तु जो व्यक्ति स्टैनोटाइपिस्ट के पद पर अथवा जूनियर स्केल स्टैनोग्राफर के पद पर नियुक्ति किये गये हों और उन पदों से पदोन्नति पा कर स्टैनोग्राफर के पद पर नियुक्ति किये गये हों तो कलैरिकल साईड पर पदोन्नति होने की सूरत में उनकी कलकों के साथ इन्टर-सी-सिनियोरिटी निर्धारित करने के लिये उनकी स्टैनोटाइपिस्ट/जूनियर स्केल स्टैनोग्राफर (जो भी पहले हो) के तौर पर नियुक्ति की तिथि relevant होगी।

3. आपसे अनुरोध किया जाता है कि कृपया नियमों के उपरोक्त स्पष्टीकरण को ध्यान पूर्वक नोट कर लें तथा अपने अधीन सभी अधिकारियों/कर्मचारियों के नोटिस में अनुपालना के लिए ला दें। कृपया इसकी पात्रता भी भेजी जाये।



# PART XXVI



**Copy of U.O. circular letter No. 6029-GS-60 dated 21st June, 1960 from the Chief Secretary to Government Punjab, to all Administrative Secretaries to Government, Punjab.**

**Subject :—Recruitment and conditions of Services Rules relating to various Departments of the Punjab State-Procedure for finalization of Services Rules.**

Will All Administrative Secretaries to Government, Punjab, please refer to Punjab Government U.O. reference.

No. 4886-G-52, dated the 21st July, 1952 on the subject noted above ?

2. The procedure laid down in this reference for the consideration, amendment, etc. of Service Rules of the various Departments has been found to be extremely cumbrous and it takes a very long time to change as set of rules. The question of simplifying this Procedure with a view to reduce the time factor has been engaging the attention of Government. After careful consideration it has been decided that in future, the existing procedure should be replaced by the following :—

- (i) After the Services Rules have been drafted by a Department, the draft should be sent for comments to the Finance Department, Chief Secretary (In General Services Branch) and the Public Service Commission simultaneously instead of referring to them one after the other as at present. The Finance Department will consult the Accountant-General, Punjab as and when considered necessary. The authorities mentioned above shall return the draft rules with their comments within a period of twentyone days from the days from the date of receipt. This period shall be adhered to rigidly by these authorities except in cases where the changes are complicated and extensive in which event it will be the duty of the referring Department of extend the period of 21 days to a definite number of days above this. This period should be indicated when the first reference is made ; oth rwise it must be assumed that the period is 21 days. If comments are not furnished within the prescribed period, it may be presumed that the organisations referred to do not have any comments to offer.
- (ii) In the event of the comments received from the authorities concerned, being contradictory to each other apart from being contradictory to the original proposals, the Administrative Department, instead of referring back the points of difference to the authorities concerned, shall make up its mind as to how to resolve these differences and put up proposals finally to the Council of Ministers after the Legal Remembrancer to Government, Punjab, has done the necessary vetting. While submitting its final proposal to the Council of Ministers for their approval, it shall point out in a tabulated statement where its proposals run counter to the advice received from the various authorities referred to above.
- (ii) After the draft rules have been approved by the Council of Ministers these shall be notified in the Government Gazette. Ten copies of the rules/amendments when printed shall be supplied to Chief Secretary (In General Services Branch) for record.

Copy of demi-official letter No. 34-IGSII-66/3458, dated the 11th/14th February, 1966, from the Additional Chief Secretary to Govt. Punjab, to all Administrative Secretaries to Govt. Punjab

Subject :—Framing/finalization of model services rules for each class of service/posts under the Punjab Government,

The question of framing model rules regulating the recruitment and the conditions of services of persons appointed to services and posts, except Class IV, under the Punjab Government Department for some time and it has now been possible to finalize them in consultation with the law Department. I am enclosing a copy of these model Rules, for your information and guidance. A separate Services Rules for a number of services have since been finalized by several departments, it has been decided that these model Rules may not be notified as such, but may be drawn upon by the various departments while finalising the service Rules or making such amendments, the procedure laid down in our U. O. reference No. 6029-GS-60, dated the 21st June, 1960; may be followed.

2. I may avail of this occasion to bring to your notice another aspect of the problem, also viz, the need for the early finalization of rules covering all the services and posts under the State Government. I regret to have to say that despite repeated instructions to the departments, the progress made in this regard has been far from satisfactory. I am sure you will agree that our endeavour should be to ensure that in respect of every single service posts under the Government, rules are framed under Article 309. It may be usefully mentioned in this context that this problem has been agitating the minds of the legislators also and questions have periodically been asked, on the subject.

Assurances have also been made on the floor of the House in the past by the Chief Minister and other Ministers that all such service rules will be finalized early but the projects registered by the departments in implementing this assurance has been disappointing. I am separately asking my Deputy Secretary to take up this matter individually with the different department concerned with the implementation of his assurance and I would request you to direct all your officers to pay special attention to this matter. In view of the revised procedure for consulting the Punjab Public Service Commission, the Chief Secretary and the Finance Department that has been introduced in the circular dated the 21st June, 1966, referred to in paragraph 1 of this letter, I think once the work is taken up in real earnest, it should be possible to finish it in a period of about three months. As such I would suggest that you may instruct the departments under your control to finalize these cases by the 30th April, 1966.

3. Finally, I would also request you to supply me particulars of the rules governing the various services in the departments under your control, in the enclosed proforma. I shall be grateful, if a single, consolidated reply is sent to me demi-officially, covering all the branches/departments, under your control, so as to reach me on or before the 15th March, 1966. Spare copies of this letter as also copies of the draft General Services Rules, that may be obtained from the General Services Branch.

Requesting you to devote your personal attention to this case,

.....\*has been under the consideration of the General Administration



## MODEL SERVICE RULES

(Revised upto 31-1-77)

**Preamble.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the recruitment, and conditions of service of persons appointed, to the Haryana— (nomenclature of the Service), namely :—

## Part I—GENERAL

1. (i) These rules may be called the Haryana— (nomenclature of the Service Rules). *Short title, commencement and application.*
- (ii) They shall come into force at once.
2. In this rules, unless the context otherwise requires *Definitions.*
  - (a) "Board" means the Subordinate Services Selection Board ;
  - (b) "Commission" means the Haryana Public Service Commission ;
  - (c) "direct recruitment" means an appointment made otherwise than by promotion from within the Service or by transfer of an official already in the service of the Government of India or any State Government ;
  - (d) "Government" means the Haryana Government in the Administrative Department ;
  - (e) "Service" means\*— (nomenclature of the Service) ;
  - (f) "recognised university" means,—
    - (i) any university incorporated by law in India, or
    - (ii) in the case of a degree, diploma, certificate obtained as a result of an examination held before the 15th August, 1947, the Punjab, Sind or Dacca University, or
    - (iii) any other university which is declared by Government to be a recognised university for the purpose of these rules.

## Part II—RECRUITMENT TO SERVICE

4. The Service shall comprise the posts shown in Appendix 'A' to these rules : *Number and character of posts.*

Provided that nothing in these rules shall affect the inherent right of Government to make additions to or reduction in the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.

- 4(1) *Nationality, domicile and character of candidates appointed to the service.* No Person shall be appointed to the service, unless he is :—
  - (a) a citizen of India, or
  - (b) a subject of Nepal, or
  - (c) a subject of Bhutan, or
  - (d) a tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently setting in India, or
  - (e) a person of India origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in india.

Provided that a person belonging the categories (b), (c) (d) and (e) shall be person in whose favour of a certificate of eligibility has been issued by the Government.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Haryana Public Service Commissioner, the Subordinate Services Selection Board or any other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government.

(3) No person shall be appointed to the Service by direct recruitment, unless he produces a certificate of character from the principle academic officer of the university, college, school or institution last attended, if any and similar certificates from two other responsible persons, not being his relatives who are well acquainted with him in his private life and are unconnected with his university, college, School or institution.

5. *Age*.—No person shall be appointed to the Service by direct recruitment who is less than\*— years or more than\*— years of age, on or before the\*— day of\*— \*(name of the month) next preceding the last date of submission of applications to Commission or Board.

6. *Appointing Authority*.—Appointments to the Posts in the Services shall be made by the\*—.

7. *Qualifications*.—No person shall be appointed to the Service, unless he is in possession of qualifications and experience specified in column\*— of Appendix 'B' to this rules in the case of direct recruitment and those specified in column\*— of the aforesaid Appendix in the case of recruitment by promotion.—

8. *Disqualifications*.—No Person,—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who having a spouse living, has entered into or contracted a marriage with any person.

shall be eligible for appointment to any post in the Service :

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule .

9. Recruitment to the Service shall be made—

*Method of recruitment.*

- (i) by promotion ; or
- (ii) by direct recruitment ; or
- (iii) by transfer or deputation of an officer/official already in the Service of any State Government or the Government of India.

10. (1) Persons appointed to any post in the Service remain on *Probation.* probation for a period of two years, if appointed by direct recruitment and one year, if appointed otherwise.

Provided that—

- (a) any period after such appointment spent on deputation on a corresponding or a higher post shall count towards the period of probation ;
  - (b) any period of work in equivalent of higher rank, prior to appointment to the Service may, in the case of an appointment by transfer, at the discretion of the appointing authority, be allowed to count towards the period of probation fixed under this rule ; and
  - (c) any period of officiating appointment shall be reckoned as period spent on probation, but no person who had so officiated shall on the completion of the perscribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.
- (2) If, in the opinion of the appointing authority the work or conduct of a prson during the period of probation is not satisfactory, it may,—

- (a) if, such person is appointed by direct recruitment, dispense with his services ; and
- (b) if such person is appointed otherwise than by direct recruitment,—
  - (i) revert him to his former post ; or
  - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may,—
  - (a) if his work or conduct has, in its opinion been satisfactory—
    - (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy ; or
    - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ; or
    - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy ; or
  - (b) if his work or conduct has in its opinion, been not satisfactory:—
    - (i) dispense with his services, if appointed by direct recruitment, if appointed otherwise, revert him to his former post or deal with him in such other manner, as the terms and conditions of previous appointment permit ; or
    - (ii) extend his period of probation and thereafter pass such order, as it could have passed on the expiry of the first period of probation :

Provided that the total period of probation, including extension if any, shall not exceed three years.

11. *Seniority of members of the Service*:— Seniority, *inter se* of members of the Service shall be determined by the length of continuous service on any post in the Service :

Provided that where there are different cadres in the Service, the seniority shall be determined separately for each cadre :

Provided further that in the case of members appointed by direct recruitment the order of merit determined by the Commission or the Board, as the case may be, shall not be disturbed in fixing the seniority :

Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows :—

- (a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of members appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred ; and
- (d) in the case of members appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to a member, who was drawing a higher rate of pay in his previous appointment ; and if the rates of pay drawn are also the same, then by the length of their service in the appointments, and if the length of such service is also the same, the older member shall be senior to the younger member.

12. *Liability to serve*.—A member of the Service shall be liable to serve at any place, whether within or outside the State of Haryana, on being ordered so to do by the appointing authority.

A member of Service may also be deputed for service as under ;—

- (i) a company, association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a local authority within the State of Haryana ;

- (ii) the Central Govt. or a company, association or body of individual, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Govt., ; or
- (iii) another State Government, an international organisation, an autonomous body not controlled by the Government or a private body ;

Provided that no member of the service shall be deputed to the Central or any other State Govt. or any organisation or body referred to in clauses(ii) except with his consent.

13. In respect of pay, leave, pension and all other matters, not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been, or may hereafter be adopted or made by the competent authority under the Constitution of India or under any law for the time being in force made by the State Legislature. *Leave pension or other matters.*

14. *Discipline, penalties and appeals.*—(1) In matters relating to discipline, penalties and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952, as amended from time to time

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority shall subject to the provisions of any law or rules made under article 309 of the Constitution of India, be such as are specified in Appendix 'C' to these rules.

(2) The authority competent to pass an order under (c) and (d) of sub-rule (1) of rule 10 of the said rules and the appellate authority shall also be as specified in Appendix 'D' to these rules.

15. *Vaccination.*—Every member of the Service shall get himself vaccinated and revaccinated if and when the Government so directs by a special or general order.

16. *Oath of allegiance.*—Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

17. *Power of relaxation.*—Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

18. *Special Provision.*—Notwithstanding anything contained in these rules the appointing authority may impose special terms and conditions in the order of appointment, if it is deemed expedient to do so.

19. *Reservations*—Nothing contained in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and other Backward Classes in accordance with the orders issued by the State Government in this regard from time to time, under clause (4) of article 16 of the Constitution.

20. *Repeal and Savings.*—Any rule applicable to the Service and corresponding to any of these rules which is in force immediately before the commencement of these rules is hereby repealed :

Provided that any order made or action taken under the rule so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

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\*For Class III and Class IV Service Rules only.

**APPENDIX 'A'***(See Rule 3)*

Designation of Posts	Number of posts			Scale of pay
	Permanent	Temporary	Total	
1	2	3	4	5

**APPENDIX 'B'***(See Rule 7)*

Designation of posts	Academic qualification and experience, if any for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direct recruitment
1	2	3

## APPENDIX 'C'

[See Rule 14 (1)]

Designation of posts	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority	Second and final Appellate authority, if any
1	2	3	4	5	6
		(a) Warning with a copy on personal file.			
		(b) Censure ;			
		(c) withholding of increments or promotion, including stoppage at an efficiency bar ;			
		(d) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;			
		(c) reduction to a lower post or time scale or to a lower stage in a time scale ;			
		(f) removal from the Service which does not disqualify from future employment ;			
		(g) dismissal from the Service which does ordinarily disqualify from future employment			

## APPENDIX 'D'

[See Rule 14(2)]

Designation of posts	Nature of order	Authority empowered to make the order	Appellate authority	Second and final Appellate authority, if any
1	2	3	4	5
	(i) Reducing or withholding the amount of ordinary/additional pension admissible under the rules governing pension			
	(ii) Terminating the appointment of a member of the Service otherwise than on his attaining the age fixed for superannuation			

Copy of letter No. 4129—IGSII—66/21645, dated 20-8-66 from the Chief Secretary to Government Punjab, addressed to the Secretary Punjab Public Service Commission, Patiala and copy to all Heads of Departments.

**Subject :—Farming/finalization of Model Service Rules for each Class of service/posts under the Punjab Government.**

I am directed to refer to your letter No. BF84/58-SAP/28090, dated the 6th July, 1966, on the subject noted above and to say that generally each set of Service Rules, containing some rules which are common in all the Service Rules, such as 'Nationality and Domicile' probation and Seniority etc. etc. However, the context and phraseology of such common rules differ in varying degree from one Department to another Department. In order to remove such disparity, Government have drawn out a general set of such rules which are applicable to all services (except Class IV). These Rule have been circulated to all the Administrative Departments with demi-official letter No. 34—IGSII--66/3458, dated 11/14.2.1966 for substituting them in place of old rules so that a uniform policy is followed in this respect in the cases. A copy those rules is also being endorsed in all Heads of Departments for similar action.

क्रमांक 2687-2 जी0 एस0-69/10169

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

हरियाणा के सभी विभाग अध्यक्ष,  
कमिश्नर अम्बाला मण्डल, और सभी डिप्टी कमिश्नर

दिनांक, चण्डीगढ़ 17-5-1969

विषय :- राज्य की भिन्न-2 सेवाओं के भरती तथा सेवा शर्तों के नियम।

महोदय,

मुझे यह कहने का निदेश हुआ है कि राज्य की बहुत सी सेवाओं के सेवा नियम जो संविधान की धारा 309 की अन्तर्गत बनाने चाहिए अभी तक नहीं बने। इस बारे में कई बार प्रशासकीय विभागों का ध्यान इस और दिलाया गया है और उनसे यह अनुरोध किया गया है कि सेवा नियम शीघ्र तैयार करें। फिर भी प्रगति संतोषजनक नहीं है।

2. यह भी देखा गया है कि यदि किसी विभाग में कोई आसामी खाली होती है तो विभाग उसे 6 मास के लिए हरियाणा लोक सेवा आयोग की सलाह के बिना तदर्थ नियुक्ति करके भर लेता है। 6 मास पूरे हो जाने के बाद कुछ रोज के लिए उस अधिकारी को हटा कर दोबारा 6 मास के लिए नियुक्त कर लिया जाता है। यह तरीका बिल्कुल गलत है।

3. लोक सेवा आयोग ने अभी अपनी 1967-68 वार्षिक रिपोर्ट में लिखा है (उसका उद्धरण अनुबन्ध पर है) कि बहुत सी सेवाओं के अभी तक नियम नहीं बने हैं। ठीक और सही सिलेक्शन के लिए यह आवश्यक है कि मैथड आफ रिक्रूटमेंट व नियुक्ति करने के हालात लोक सेवा आयोग को मालूम हो। आयोग का प्रस्ताव है कि राज्य सरकार एक तिथि निर्दिष्ट कर दे जिस से पहले प्रत्येक विभाग के नियम तैयार हो जायें यदि इस तिथि तक कोई विभाग अपने रूज तैयार न करे तो उसको बताया जाए कि उन्हें कोई रिक्ति भरने की आज्ञा न होगी।

4. लोक सेवा आयोग ने यह ठीक अवलोकन किया है कि जो रिक्रूटमेंट वह करे उसके लिये रूलों की आवश्यकता है। इसके बिना न तो उम्मीदवार को पता चलता है कि किस नियम के आधार पर सिलेक्शन होगी और न ही आयोग अच्छी प्रकार से सिलेक्शन कर सकती है। सारी स्थिति को ध्यान में रखते हुए आयोग के इस प्रस्ताव पर विचार किया गया है और सरकार ने यह फैसला किया है कि सभी प्रशासकीय विभाग तथा विभाग-अध्यक्ष इस पत्र के जारी होने की तिथि के 6 मास के भीतर अपने अधीन सभी सेवाओं के भरती नियम अन्तिम रूप में तैयार करें। यदि वे ऐसा नहीं करते तो उन्हें किसी भी रिक्ति को भरने का उस समय तक अधिकार न होगा जब तक कि उस सेवा के सेवा नियम नहीं बनते। इसलिए आप से अनुरोध है कि आप निर्दिष्ट समय के अन्दर-2 ऐसे केसों में आवश्यक कार्यवाही पूरी कर लें।



सुरन्त

क्रमांक 6372-2 जी० एस०-70/21090

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

हरियाणा के सभी विभाग अध्यक्ष,  
कमिश्नर अम्बाला मण्डल और  
सभी डिप्टी कमिश्नर।

दिनांक 19-8-1970

विषय :-राज्य की भिन्न-भिन्न सेवाओं के भरती तथा सेवा शर्तों के नियम।

महोदय,

मुझे निदेश हुआ है कि मैं आप का ध्यान हरियाणा सरकार के पत्र क्रमांक 2687-2 जी० एस०-69/10169, दिनांक 17-5-69 की और दिलाऊँ (प्रति संलग्न है), जिसमें आपसे यह अनुरोध किया गया था कि आप अपने विभाग की भिन्न-2 सेवाओं के सेवा नियम 6 मास के अन्दर तैयार करें। देखने में यह आया है कि कई सेवाओं के अभी तक सेवानियम नहीं बनाए हैं। आप से अनुरोध है कि जिन सेवाओं के अभी तक सेवा नियम तैयार नहीं हुए हैं उनके सेवा नियम अतिशीघ्र तैयार किए जाएं। जिन सेवाओं के सेवा नियम अभी तक पूर्ण रूप से नहीं बने हैं, उनकी एक सूची अधोहस्ताक्षरी को एक सप्ताह के भीतर भेजें।

५५

भवदीय,

उप सचिव राजनैतिक तथा सेवाएं  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही के लिये भेजी जाती है।

1. एक० सी० आर० हरियाणा।
2. सभी प्रशासकीय सचिव, हरियाणा सरकार।

उप सचिव राजनैतिक तथा सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

देवा में,

1. एफ0 सी0 आर0, हरियाणा ।
2. सभी प्रशासकीय सचिव हरियाणा सरकार :

अशा0 क्रमांक 6372-2 जी0 एस0 70

दिनांक 19-8-70

प्रतिलिपि क्रमांक 2086-2 जी0 एस0-11-71 दिनांक 18-5-71 मुख्य सचिव, हरियाणा की और से हरियाणा सरकार के सभी प्रशासकीय सचिव, इत्यादि को प्रेषित है ।

**विषय :** भर्ती तथा सेवा शर्तों का हरियाणा राज्य के विभिन्न विभागों के नियमों में उपबन्ध की कार्य विधि एवं अन्तिम रूप देना ।

क्या सभी विस्तारयुक्त एवं सभी प्रशासकीय सचिव, हरियाणा सरकार कृपया कम्पोजिट पंजाब सरकार के अशा: क्रमांक 6029-जी0 एस0-60 दिनांक 21-6-60 जिसमें सेवा नियमों के संशोधन के लिये कार्य विधि कथित है, कि और ध्यान देंगे ?

2. यह अनुभव किया गया है कि कुछ विभाग सामान्य सेवाये शाखा की संशोधन प्रस्तावनाप्राप्त भेजते समय न ही वर्तमान नियमों की प्रति भेजते हैं और न ही प्रस्तावित संशोधन का कारण लिखते हैं। इस सूचना की अनुपस्थिति में प्रस्तावित संशोधन का भली प्रकार से निरीक्षण होना असम्भव ही जाता है। इसलिये अब यह निर्णय लिया गया है कि भविष्य में सेवा नियमों के संशोधन की प्रस्तावनाएं प्रायः सलगनक प्रपत्र में दिए गए प्रोफारमा अनुसार दो प्रतियां इस कार्यालय को भेजी जाय करें।

इस पत्र की पावती भी कृपया भेजी जाए।

### Proposal for amendment in Service Rules

Department \_\_\_\_\_

Rules \_\_\_\_\_

Existing Rule	Prepared amendment	Reason for the Proposed amendment
1	2	3

क्रमांक 1334-2 जी. एस. II-71/12367

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

वित्तियुक्त राजस्व हरियाणा तथा  
सभी प्रशासकीय सचिव, हरियाणा सरकार  
दिनांक, चण्डीगढ़ 27 मई, 1971।

विषय: सेवा नियमों के प्रस्ताव तथा उनमें संशोधन को अधिसूचना जारी करने पूर्व-आयोग को मन्जूरी।

महोदय,

मुझे निदेश हुआ है कि आपका ध्यान पंजाब सरकार के अशासकीय क्र: 6029 जी.एस.-60, दिनांक 21-6-60 (प्रति संलग्न) उपर्युक्त विषय की श्रीर दिलाऊँ, जिसमें विभिन्न विभागों के सेवा नियमों में संशोधन करने आदि की कार्यविधि कथित है श्रीर यह सूचित करूँ कि 21 दिन की अवधि का जो समय इन निदेशों में विभिन्न प्राधिकारियों को अपनी टिप्पणी देकर प्रस्तावित नियमों को लौटाने का है उस पर ऐसा अनुभव किया गया है कि बहुधा पालन नहीं हो पाता। इसके फलस्वरूप नियमों में संशोधन करने में अत्याधिक देरी हो जाती है। प्रस्तावना भेजने वाले विभाग प्रायः सम्बन्धित प्राधिकारियों से उनकी टिप्पणी की प्रतीक्षा 21 दिन की बजाए असीमित काल तक करते रहते हैं श्रीर बार-बार स्मरण कराते हैं जबकि निदेशों में स्पष्ट तौर पर लिखा है कि निर्धारित समय में टिप्पणी न प्राप्त होने पर यह मान लिया जाना चाहिए कि कथित प्राधिकारी इस प्रस्तावना से सहमत हैं एवं कोई टिप्पणी नहीं देना चाहते।

इस बात को सुनिश्चित करने के लिए कि ऐसे मुआमलों में अवांछनीय विलम्ब न होने पाए, यह निर्णय किया गया है कि ज्योंही प्रस्तावित नियमों की प्रतियाँ टिप्पणी के लिए मुख्य सचिव (सामान्य सेवाएं शाखा), वित्त विभाग तथा लोक सेवा आयोग को भेजी जाए तो प्रस्ताव भेजने वाले विभाग तीन सप्ताह की अवधि के समाप्त होने के उपरोक्त तुरन्त मुआमले का निरीक्षण करें। अगर प्रस्तावित नियमों में मौलिक तबदीली का प्रश्न न हो तो उस केस में अग्रिम कार्यवाई साधारणतया की जानी चाहिए अगर इसके विपरीत कोई मौलिक तबदीली प्रस्तावित है तो उस केस में मुआमला मुख्य सचिव को सूचित किया जाए ताकि उसका अन्तिम फैसला एक बैठक (1) प्रशासकीय सचिव (2) वित्त सचिव, 3) अध्यक्ष (या मैम्बर) लोक सेवा आयोग तथा 4) महालेखापाल या उसके प्रतिनिधि, को बुलाकर किया जाए। यह बैठक अत्यन्त शीघ्रता से बुलाई जाएगी ताकि अन्तिम फैसला जितनी जल्दी हो, लिया जा सके। साधारणतया एक बैठक हो इस उद्देश्य के लिए काफी होगी परन्तु किसी असाधारण परिस्थिति में अगर आवश्यक समझा गया तो दूसरी बैठक भी तुरन्त एक सप्ताह के अन्दर-अन्दर बुलाई जाएगी ताकि ऐसे मुआमलों को निपटाने में कम से कम समय लगे। तदुपरान्त प्रशासकीय विभाग अपनी अन्तिम प्रस्तावनाएं मन्त्रपरिषद् को, पंजाब सरकार के अशा: क्रमांक 6029-जी.एस.-60, दिनांक 21-6-60 के पैरा 2 (II) में दिए निदेशों अनुसार अग्रिम कार्यवाई हेतु भेजेंगे।

3. इस पत्र की कृपया पावती भेजी जाए।

भवदीय,

स्वरूपकृष्ण  
(मुख्य सचिव)

पृष्ठ क्रमांक 1334-जी.एस. II 71/12378 दिनांक चण्डीगढ़ 27 मई, 1971।

उपरोक्त की एक प्रति संलग्न सहित 1. सचिव हरियाणा लोक सेवा आयोग 2. महालेखापाल हरियाणा।

उप सचिव, प्रशासकीय सुधार,  
कृते: मुख्य सचिव, हरियाणा सरकार।

क्रमांक 739-2 जी एस II-73/6760

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला तथा हिसार मंडल,  
तथा सभी उपायुक्त ।

दिनांक चंडीगढ़ 14 मार्च, 1973

विषय :—राज्य की भिन्न भिन्न सेवाओं के भर्ती तथा सेवा शर्तों के नियम ।

महोदय,

मुझे निवेश हुआ है कि उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 2687-2 जी0एस0 69/10169, दिनांक 17-5-69 तथा क्रमांक 5702-2 जी0एस0 II-69/34943, दिनांक 20-12-71 की और दिलाज जिसमें अनुरोध किया गया है कि जिन पदों/सेवाओं के सेवा नियम अभी तक नहीं बने या बहुत पुराने तथा स्वतंत्रता प्राप्ति से पहले के समय के होने के कारण अप्रचलित हैं उन्हें संबन्धित विभाग छ; मास के अन्दर अन्दर तैयार करवा लें ।

2. यह बात सरकार के ध्यान में आई है कि राज्य के कई एक विभागों ने अपने अधीन पदों/सेवाओं के सेवा नियम उपर्युक्त निदेशानुसार अभी तक नहीं बनाए । हरियाणा लोक सेवा आयोग ने भी अपनी वार्षिक रिपोर्ट 1971-72 में पुनः इस बात पर जोर दिया है कि जिन विभागों ने सेवा नियम अभी तक तैयार नहीं किए इन्हें शीघ्रतिशीघ्र तैयार करने के लिए कहा जाए क्योंकि सेवा नियमों के बिना पदोन्नति नियुक्त, तथा बरिष्ठता के मुआमलों को निपटाने में दिक्कत होती है । दूसरे नियमों के बनाए जाने पर नियुक्त प्राधिकारी तथा उम्मीदवारी दोनों को ही सुविधा रहेगी ।

सेवा नियमों की महत्ता को ध्यान में रखते हुए सभी विभागाध्यक्षों का ध्यान पुनः उपरोक्त अनुदेशों की और दिलाया जाता है और अनुरोध किया जाता है कि जिन पदों के सेवा नियम अभी तक नहीं बने उन्हें तीन मास के अन्दर अन्दर शीघ्र बनाया जाए । इस संबंध में अनावश्यक देरी को सरकार गम्भीरता से विचारेगी । आपके तहत जिन पदों के उपरोक्तानुसार सेवा नियम तैयार किए जाने हैं उनकी वर्तमान स्थिति हरियाणा लोक सेवा आयोग को सूचित करते हैं उसकी एक प्रति सरकार को भी सूचना भेजी जाए ।

इस मुआमले को कृपया परमाग्रता दी जाए ।

संयुक्त सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति :— वितायुक्त (राजस्व) हरियाणा, सभी प्रशासकीय सचिव, हरियाणा ।

**Subject :—Nationality and domicile Rule for appointment to various State Services or posts. Amendments of rule 4 of the Model Service Rules (Revised 1972).**

Will the Financial Commissioner and all Administrative Secretaries to Government, Haryana, kindly refer to this office U. O. No. 3292-2GSII-72 dated 18-7-72/3-8-72. with which the Model Service Rules (revised 1972) circulated ?

2. The Service Rules of the various departments in the State are framed on the pattern of the Model Service Rules. Rule 4 regarding "Nationality domicile and character of candidates appointed to the Service" of these Rules provides if a candidate other than a citizen of India or a subject of Sikkim is appointed to any service in the State a Certificate of Eligibility is required to be obtained in his favour from the Government of India. The Government of India had been approached for the issue of an eligibility certificate in particular case but they have informed that such certificates are issued by them only in the case of employees recruited to the central services or posts. So far the appointments made by the State Government are concerned it is informed that the required certificates if necessary, are to be issued by the State.

3. In view of the above it has been necessitated that the provision of the rule regarding "Nationality, domicile and Character of candidates appointed to the Service" in the service Rules of various departments should be amended to this effect. Accordingly a copy of the modified rule 4 of the Model Service Rules is at Annexure 'A' for guidance, Necessary steps to amend the service Rules of the department/departments under him may be taken, if need be.

4. Since the Certificates of eligibility are to be issued by the State Government, it has been decided that such certificate in proforma at Annexure 'B' should be issued by the Administrative Department concerned after obtaining the requisite information in proforma at Annexure 'C' from the respective department. Verification of character and antecedents of the person/persons is pre requisite for the issuance of such certificate. Till such a certificate in favour of the person is issued, the appointment, if necessary, can be made on a provisional basis only.

5. These instructions may kindly be brought to the notice of all concerned under him,

Sd/-

Deputy Secretary, Secretariat Establishment  
for Chief Secretary to Government, Haryana

Finance Commissioner Revenue, Haryana, All Administrative Secretaries to Govt. Haryana,

**ANNEXURE 'A'**

**Proposed amendment of Rule 4 of the Model Service Rules (Revised 1972).**

Nationality domicile and character of candidates appointed to the service.

- 4(1) No person shall be recruited, to the Services unless he is :—
- (a) a citizens of India ; or
  - (b) a subject of Sikkim ; or
  - (c) a subject of Nepal ; or
  - (d) a subject of Bhutan ; or
  - (e) A tibetan\*refugee who came over to India before the 1st January 1962, with the intention of permanently settling in India ; or
  - (f) A person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently setting in India :

Provided that a person belonging to category (c), (d), (e) or (f) shall be a person in whose favour a certificate of eligibility has been issued by the Government.

- (2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board or any other recruiting authority on his furnishing proof that he has applied for the certificate and also he may provisionally be appointed subject to the necessary certificate being issued to him by the Government.

**ANNEXURE 'B'**

**HARYANA GOVERNMENT**

Serial No.....

.....Department

File No.....

Chandigarh, dated.....

**CERTIFICATE OF ELIGIBILITY**

In pursuance of para 3 of the Ministry of Home Affairs Resolution No. 11/11/65-ESTS(B) dated the 9-9-65, the Governor of Haryana is pleased to direct that .....

.....son/daughter/wife of.....

.....being a subject/native of.....shall be eligible to hold any civil office in connection with the affairs of the state of Haryana in .. with effect from the ..

Secretary to Government, Haryana

N.B.—(Office copy to be recorded with the office where the person is employed.)

विषय : संयुक्त पंजाब द्वारा जारी किए गए अधिनियमों और नियमों में पंजाब के बजाय हरियाणा शब्द स्थानापन्न करना।

क्या वित्तायुक्त (राजस्व) और सभी प्रशासकीय सचिव, हरियाणा सरकार उपरोक्त विषय पर ध्यान देने की कृपा करेंगे ?

2. निर्णय लिया गया है कि संयुक्त पंजाब द्वारा जारी किए गए ऐसे एकटस जिनकी धाराएं 10 या इससे कम हैं उनमें 'पंजाब' की बजाए हरियाणा शब्द स्थानापन्न किया जावे। इस संबंध में ऐसे एकटस की सूची संलग्न है। सभी प्रशासकीय सचिवों से अनुरोध है कि वे सभी नियमों/अधिनियमों में जिनसे उनका संबंध है तुरन्त प्रापेक्षित कार्यवाही करें। और सुनिश्चित करें कि सारी कार्यवाही विधान सभा के आगामी अधिवेशन के दौरान सम्पन्न हो जाए।

संयुक्त सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

वित्तायुक्त (राजस्व) सभी प्रशासकीय सचिव, हरियाणा।

प्रशा: क्रमांक 8482-2 जी एस-II/

दिनांक 31-12-73

**Subject :— Nationality domicile-Rule for appointment to various State Services or posts-Amendment of rule 4 of Modal Service-Rules (Revised 1972).**

Will the Financial Commissioner Revenue all Administrative Secretaries to Government Haryana, kindly refer to this Office U.O No 4143-2GSII-73/16393 dated the 9th June, 1973 on the subject noted above ?

2. In the proviso of rule 4(I) and in rule 4(I)(2) of the Model Service Rules (revised 1972) circulated vide this office U.O. No. 3292-2GSII-72 dated 18-7-1972/3-8-72, whereas ever the words "Government of India" are appearing, the words "of Indian" should only be deleted and rest of provision should remain as it is.

Sd/-

Joint Secretary General Administration,  
for Chief Secretary to Govt., Haryana.

• A copy is forwarded to :—

The Financial Commissioner Revenue, Haryana. All Administrative Secretaries, Haryana, All Heads of Department, Haryana. Commissioners Ambala and Hissar Divisions. All Deputy Commissioners, Haryana,

**विषय :** संयुक्त पंजाब द्वारा जारी किए गए अधिनियमों और नियमों में पंजाब के बजाए हरियाणा शब्द स्थानापन्न करना।

क्या वित्तायुक्त (रजस्व) और सभी प्रशासकीय सचिव, हरियाणा सरकार उपरोक्त विषय पर इस विभाग के अशासकीय क्रमांक 8482-2 जी. एस.-II-73 दिनांक 31-12-73 की ओर ध्यान देने की कृपा करेंगे ?

2. संयुक्त पंजाब में जारी किए गए नियमों और अधिनियमों में 'पंजाब' की बजाए "हरियाणा" शब्द स्थापित किया जाए इस उद्देश्य की पूर्ति के लिए सभी विभागों को अनुरोध किया गया था कि वह अपने नियमों/अधिनियमों के सम्बन्ध में ऐसी कार्यवाही के बारे में तुरन्त कदम उठाएं और सुनिश्चित करें कि सारी कार्यवाही विधान सभा के आगामी अधिवेशन के दौरान खत्म हो जाए। पुराने एक्टस में से 'पंजाब' शब्द को बदलकर हरियाणा किए जाने की सूत्र में विधि परामर्शदाता के अनुसार हमें नए एक्टस बनाने होंगे। चूंकि नए एक्टस बनाते समय वही सारा प्रोसीजर अपनाया जाना होगा जोकि किसी बिल्कुल नए कानून को बनाए जाने के बारे में अपनाया जाता है, कुछ विभागों ने यह प्रश्न उठाया कि इन एक्टस को रीएनक्ट करने के लिए "अबजैक्ट्स एण्ड रीजंस" के स्टेटमेंट में क्या कहा जाए। इस बात का सरकार ने निरीक्षण किया है और यह अनुभव किया है कि इस सम्बन्ध में निम्न स्थितियां उत्पन्न हो सकती हैं :-

- (i) कुछ विषय ऐसे हैं जिन पर संविधान के अनुसार केन्द्रीय सरकार की पूर्व अनुमति लेनी आवश्यक है। उनसे सम्बन्धित ऐसे विषयों को केन्द्रीय सरकार से पहले clear कराना होगा अन्यथा नए एक्टस valid नहीं कहे जा सकेंगे।
- (ii) कुछ ऐसे एक्टस होंगे जो होंगे तो हमारे अपनी पावर्ज के तहत परन्तु जिनमें कुछ थोड़ी बहुत amendments भी सुझाई गई होगी।
- (iii) बहुत से एक्टस ऐसे होंगे जो in verbatim ही re-enact किए जायेंगे जैसेकि ऐसे एक्टस जो बहुत ही छोटे हैं अथवा बहुत ही clear व comprehensive हैं।

3. सभी पहलुओं पर अच्छी तरह से विचार करने के पश्चात् और इस बारे में विभागों की कठिनाइयों को देखते हुए uniformity के उद्देश्य से यह फैसला किया गया है कि-

(क) objects एण्ड reasons की स्टेटमेंट में पहले तो विभाग वर्तमान एक्टस के original objects & reasons को ही यथोचित modification के साथ दे दें। फिर आखिरी पंक्ति में वे निम्नलिखित वाक्य लगा दें :

"It has been deemed expedient to re-enact the measure on the subject in its application to the State of Haryana."

(ख) जो एक्टस concurrent lists के विषय होने के कारण केन्द्रीय सरकार को clearance के लिए भेजे जाने हैं उनके objects & reasons तो उनके objects & reasons के स्टेटमेंट में उपरोक्त बतलाई गई पद्धति के अनुसार ही लगा दिए जायें, परन्तु विभाग अलग से अपने forwarding letter में यह स्थिति स्पष्ट कर दें कि पंजाब पुनर्गठन के कारण इन एक्टस को हरियाणा में exclusively लागू किए जाने के उद्देश्य से इन्हें re-enact करना सरकार ने expedient समझा है।

(ग) यदि किसी एक्ट में कोई संशोधन भी किए जाने का उद्देश्य हो तो उस स्थिति में original objects & reasons को यथोचित modification के साथ बताने के बाद amendment का हवाला देते हुए अन्त में यह वाक्य लगा दिया जाये :-

"In view of the proposed amendment it has been deemed expedient to re-enact the measure on the subject in its application to the State of Haryana."

4. मुख्य मंत्री ने देख दिया है।
5. कृपया इस पत्र की पावती भेजें।

हस्ता/

उप सचिव प्रशासनिक सुधार,  
कृते मुख्य सचिव हरियाणा सरकार।

इस की एक एक प्रति निम्न की सूचनाथ भेजी जाती है :-  
वित्तायुक्त राजस्व। सभी प्रशासकीय सचिव हरियाणा सरकार।



A.C. Aggarwal, IAS

D.O. No. 22/5/78-GS II,

Sd/-  
 Joint Secretary to Govt., Haryana,  
 General Administration Deptt.  
 28th December, 1979

**Subject : Progress regarding finalisation/rationalisation of service rules.**

Dear Shri

As you are aware, it was decided in the meeting of the Administrative Secretaries held on 14-11-1979 that as a first step revision/finalisation/rationalisation of the existing service rules should be made according to the model Service Rules by the 31st December, 1979. It is hoped that sufficient progress in this behalf would have been made by this time. The comments on the draft service rules received so far in the General Services II branch have been communicated to the respective departments. I request that the up-to-date position regarding the finalisation of service rules of the department(s) under your control may kindly be intimated in the enclosed proforma so that the consolidated position is placed before the Government,

Yours sincerely,

Sd/-

(A. C. Aggarwal)

All A.D.

**PROFORMA**

Position regarding finalisation of Service Rules.

as on \_\_\_\_\_

Sr. No.	Name of the Department	Name of the Service rules framed/finalised	Name of the service rules not finalised.	Remarks
1	2	3	4	5



# RELARCATION



Copy of Circular letter No. 2122-DSGS-63/38118, dated the 27th November, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

**Subject** — Rules relating to the power of the State Government to dispense with or relax the requirements of any rule regulating conditions of service of Government employees for dealing with any case in a just and equitable manner

I am directed to invite a reference to Finance Department's letter No. 2314-FR-55/3478, dated the 26th April, 1955 asking the departments to incorporate a general rule in their service rules empowering the Governor to relax the provisions of various rules contained therein any particular case provided that the case is not dealt with in a manner less favourable than that provided in the rules. This was done with a view to enabling the State Government to dispense with, or, relax the requirements of any rule, regulating the conditions of service of Government employees for the purpose of dealing in a just and equitable manner with particular cases in which the normal operation of the rule may involve undue hardship. As stated in para 2 of that letter, the Finance Department subsequently added a general rule in this regard in the Punjab Civil Services Rules, Volume I, Part I, as note 2 below rule 1.8. In individual cases of Service Rules, this department has also been advising the incorporation of the following general rule of relaxation pending the finalisation of general services rules.

2. A question was recently raised with the Government of India as to whether the aforesaid rule permits relaxation of rules relating to recruitment, promotion, retirement or reemployment etc. for conferring benefit on a particular individual to the exclusion of all other similarly placed persons; and if this could be done, as to whether the rule can be considered to be constitutionally in order? The matter has been examined and after obtaining legal advice the Government of India has reached the conclusion that the rule as promulgated is constitutionally in order. It permits relaxation of those rules only which regulate conditions of service e.g. Travelling Allowance Rules, Leave Rules, etc. It cannot be utilised to relax the requirements of the rules, which cannot be covered by the expression conditions of service, e.g. the rules relating to recruitment promotion, grant of extension of service or re-employment. The Government of India has suggested that such rules, if necessary, should be amended so as to remove hardship from, and confer benefit generally on, all similarly placed individuals: it should not be relaxed to confer benefits on an individuals: to the exclusion of other similarly placed persons. I am to communicate these conclusions to you with the suggestion that the following general rule providing for relaxation etc. may be immediately incorporated in the relevant Service Rules till the publication of General Service Rules.

“Where the State Government is satisfied that the operation of any rule regulating the conditions of service of the State Government employees or any class of such Government employees causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.”

In this rule, the expression ‘State Government employees’ means all persons whose conditions of service may be regulated by rules made by the Governor of Punjab under the provision to Article 309 of the Constitution of India. Where the general rule of relaxation has already been incorporated in the Service Rules, steps should be taken immediately to substitute it by the above quoted rule.

3. It is also pointed out that, as laid down in the letter of the Finance Department mentioned in para 1, detailed reasons for making the relaxation should be recorded in the file dealing with the case. In case the Audit Department wants any explanation of the exceptional circumstances which led to the relaxation of the rule, they should be provided with the requisite information. A separate register should be maintained to keep this record. This register should contain the details of relaxation of rules relating to conditions of service or of general orders bearing on the subject decided upon from time to time in individual cases. The entries in the register should contain the following details :—

S. No. (The No. should be running for each calendar year)	Section Diary Number	Recommendation of sponsoring authority (in brief)	Extent of relaxation and conditions, if any, on which relax- ation is made	Record particular (i.e. file No. of the case if recorded in the Section otherwise No. and date of the sanction issued by the sanctioning authority)
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4. It should be noted that relaxation of rules or any general order bearing on the subject can be made in individual cases when it is considered necessary to deal with a case in a just and equitable manner. This power is to be invoked only in rare and exceptional cases. Hence the occasions for making entries in the register should be very few and far between. If, however, it is found necessary to relax any particular rule or order frequently, the inference is that the particular rule if administration warrants revision and such a revision should be undertaken as soon as the need for it is established. For this purpose, the Administrative Department should have an abstract made out at the end of each-half year based on the decisions recorded in the register during that half year in the following form and consider whether action should be initiated to revise any of the rules or orders mentioned therein and if so the lines on which it should be done :—

Particulars of rule or orders relaxed (i.e. No. of the rule or No. and date of orders)	Serial No. in the register relating to the relaxation	Remarks
.....		

5. These instructions may be brought to the notice of all concerned for information and guidance and the receipt there of may be acknowledged.

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Copy of letter No. 3502-IGSII-66/16434, dated the 22nd June, 1966, from the Chief Secretary to Governments, Punjab, to all Heads of Departments, etc. etc.

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*Subject* ;—Rules relating to the powers of the State Government to dispense with or relax the requirements of any rule regulating conditions of service of Government employees for dealing with any case in a just and equitable manner.

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I am directed to invite a reference to para 2 of Punjab Government letter No. 2122-DSGS-63 38118, dated the 27th November, 1964, on the subject noted above in which you were advised that a general rule as indicated in the said para may be provided for relaxation of rules in the relevant service rules till the publication of General Service Rules. The question of powers of State Government for the relaxation of rules has been again considered in consultation with the Legal Remembrancer, Punjab, and the Government of India and it has been decided that instead of the phraseology already circulated, the following phraseology should be adopted :—

“Where the Government is of the opinion that it is necessary or expedient so to do, it may be order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons”

**The Punjab Civil Services  
(Promotion of Stenographers  
and Steno-typists-1961)**





## ANNEXURE—II

(Published in the Punjab Government Gazette, Legislative Supplement, Ordinary, dated the 29th December, 1961)

PART III  
HOME DEPARTMENT

## Notification

Dated the 26th December, 1961

No. G.S.R. 10 Const/Art 309/61.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Punjab is pleased to make the following rules regulating the promotion of Stenographers and Steno-Typists, in the Civil services of the State, to higher posts on clerical side, namely :—

1. (1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-Typist) Rules 1961. *Short title extent and commencement.*
- (2) They shall apply to all Stenographers and Steno Typists of all the Department of the State excepting those of the Punjab Civil Secretariat the Punjab Legislative Council Secretariat and the Punjab High Court.
- (3) They shall come into force at once.
2. Stenographers and Steno-typists shall be eligible for promotion to the post of Assistant, Head Assistant, Deputy Superintendent or Superintendent, as the case may be, in accordance with the provisions herein after appearing. *Eligibility for Promotion.*
3. (1) In Offices where the scale of pay of Stenographers is indetical to that of Assistants, the Stenographers shall, before becoming eligible for promotion to a higher post on the clerical side, have to :— *Promotion of Steno-graphers in offices where their scale of pay is identical to that of Assistants.*
  - (i) qualify in the departmental test prescribed for the post of Assistant; and
  - (ii) Work as Assistant for a period of two years on some existing vacancy or by sharing the work of an Assistant ; provided that—
    - (a) no Stenographer shall be allowed to take the test unless he has put in one year's service as Stenographer.
    - (b) Nothing in this sub-rule shall be deemed to require the Stenographers, who stand exempted from passing the test by virtue of the instructions already issued by the Government from time to time, to pass the Assistant's test prescribed in this sub-rule,
    - (c) no Stenographer will be put to work as an Assistant for the required period of two years, unless he has qualified in the test.

*Explanation* 1. The period during which a Stenographer has, before the date of issue of these rules, performed the duties of an Assistant whether in addition to his own duties or otherwise will be taken into consideration in computing the period of his training as Assistant.

*Explanation* 2. Where there is no available vacancy of the post of Assistant for imparting training to the Stenographer he shall be given at least one third of the work of some Assistant in addition to his own duties. The Assistant who is thus relieved of some of his work will in-turn help the Stenographer in his routine duties.

(2) The seniority of the Stenographers, who successfully complete the period of two years training specified in sub-rule (1), *Vis-a-vis* Assistant, shall be determined by the dated of their continuous appointment against the post of stenographer or Assistant, as the case may be, and if the dates of their appointment be the the same, the one drawing higher pay shall be senior to the other and if the rates of pay drawn by them also the same, the older shall be senior to the younger,

4. (1) In offices, where the scale of pay of Stenographers is lower than that of Assistants, the the Stenographers shall be eligible along-with Clerks for promotion to the post of Assistant, after they have qualified in the departmental test prescribed for the post of Assistant. On their appointment as Assistants they shall like other Assistants, be eligible, for promotion to higher posts on the clerical side on the basis of their seniority in the Assistant Cadre. *Promotion of Stenographers in office where their scale of pay is lower than that of Assistants.*
- (2) The inter-se-seniority of such Stenographers *vis-a-vis* Clerks shall be determined by the dates of their continuous appointment against the post of Stenographer or Clerk, as the case may be, and if the dates of their appointment be the same the older shall be senior to the younger.
5. (1) ~~The Junior Scale-Stenographers and Steno Typists shall, along-~~ with Clerks, be eligible for promotion to the post of Assistant, after they have qualified in the test prescribed for the post of Assistants. On their appointment as Assistants they shall, like other Assistants be eligible for promotion to higher posts on the clerical side on the basis of their seniority in the Assistant cadre. *Promotion of Junior Scale Stenographer and Stenotypist.*
- (2) The Inter-se-seniority of such Junior Scale-Stenographers and steno-tytsts *vis-a-vis* clerks shall be determined by the dates of their continuous appointment against the post of Junior Scale-Stenographer or Steno-typist or Clerk as the case may be, and if the dates of their appointment be the same, the older shall be senior to the younger.
6. (1) In offices where there is no post of Assistant the Stenographers shall alongwith Clerks, be eligible for promotion to higher post on the clerical side. *Promotion of Stenographers in offices where there is no post of Assistant.*
- Provided that if the Clerks before being eligible for promotion to high posts are required to qualify in any departmental test, the Stenographers will also be required to qualify that test before becoming eligible for promotion.
- (2) The inter-se-seniority of Stenographers *vis-a-vis* clerks shall be determined by the dates of their continuous appointments as Stenographers or Clerks, as the case may be and if the dates of their appointment be the same the older shall be senior to the younger.
7. Except for the purpose of promotion to higher posts on clerical side, the inter-se-seniority determined under sub-rule (2) of rule 4, sub rule (2) of rule 5 and sub rule (2) of rule 6, will not affect the seniority of persons in their respective cadres. *Seniority in respective cadre not to be disturbed.*
8. The provisions of these rules shall have effect not withstanding anything to the contrary contained in any rules for the time being in force regulating the recruitment and conditions of service of persons appointment to public services and posts, in connection with the affairs of the State. *Overriding effect,*

E.N. Mangat Rai,

Chief Secretary to Government, Punjab.

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 29th June, 1971]

## PART III

## HARYANA GOVERNMENT

## HOME DEPARTMENT

## (GENERAL SERVICES)

## Notification

The 25th June, 1971

**No. G.S.R.69/Const./Art. 309/71.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961, namely :—

- (1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Haryana First Amendment) Rules, 1971.
  - (2) In the Punjab Civil Services (Promotion of Stenographers and Steno-typists), Rules, 1961, for clause (2) of rule 1, the following shall be substituted, namely :—
- “(2) They shall apply to all Stenographers and Steno-typists of all the Departments of the State of Haryana excepting those of the Haryana Civil Secretariat and the Punjab and Haryana High Court.”

SAROOP KRISHAN

Chief Secretary to Government, Haryana.

No. 346-2GS-69/ , dated Chandigarh, the 25th June, 1971.

A copy, each is forwarded to all Heads of Departments, Commissioner, Ambala Division and Deputy Commissioners, District and Sessions Judges and Sub-Divisional Officers (Civil), in Haryana and the Registrar, Punjab and Haryana High Court, Chandigarh, for information.

By order,

V.R. MEHTANI,

Superintendent (General Services),  
for Chief Secretary to Government, Haryana.

A copy, each is forwarded to :—

- (i) The Financial Commissioner, Revenue ; and
- (ii) All Administrative Secretaries to Government, Haryana, for information.

The Deputy Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers.  
U.O. No. 346-2GS-69, dated Chandigarh, the 24th June, 1971.

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 14th November, 1978]

## PART III

## HARYANA GOVERNMENT

## GENERAL ADMINISTRATION DEPARTMENT

## Notification

The 10th November, 1978,

**Nn. G.S.R. 114/Const./Art. 309/Amd.(1)/78**—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961, namely:— . . . . .

1. These rules may be called the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Haryana First Amendment Rules, 1978.

2. In the Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961 (hereinafter referred to as the said rules), in rule 3 for sub-rule (I), the following sub-rule shall be substituted, namely :—

“(I) In offices where the scale of pay of Stenographers is identical to that of Assistants, the Stenographers shall, before becoming eligible for promotion to a higher post on the clerical side, have to work as Assistant for a period of two years on some existing vacancy or by sharing the work of an Assistant.

*Explanation 1.*—The period during which a Stenographer has, before the date of issue of these rules, performed the duties of an Assistant whether in addition to his own duties or otherwise will be taken into consideration in computing the period of his training as Assistant.

*Explanation 2.*—Where there is no available vacancy of the post of Assistant for imparting training to the Stenographer, he shall be given at least one-third of the work of some Assistant in addition to his own duties. The Assistant who is thus relieved of some of his work will in turn help the Stenographer in his routine duties.”

3. In the said rules, in sub-rule (I) of rule 4, the words “after they have qualified in the departmental test prescribed for the post of Assistant” shall be omitted.

4. In the said rules, in sub-rule (I) of rule 5, the words “after they have qualified in the departmental test prescribed for the post of Assistant” shall be omitted.

5. In the said rules, the proviso to sub-rule (1) of rule 6 shall be omitted

6. In the said rules, after rule 8, the following rule shall be added, namely :—

“9. **Power of relaxation**—Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons”.

S.D. BHAMBRI,

Chief Secretary to Government, Haryana

**THE PUNJAB STATE (CLASS IV )  
SERVICE, 1963**



(Published in the Punjab Government Gazette, Legislative Supplement Ordinary, dated the 31st May, 1963)

PART III

HOME DEPARTMENT

NOTIFICATION

The 23rd May, 1963.

No. G.S.R. 123/Const./Art. 309/63-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, and in suppression of all the corresponding rules issued in this behalf and in force for the time being, the Governor of Punjab is pleased to make the following rules for regulating the appointment and conditions of service of persons appointed to the Punjab State (Class IV) Service:—

1. (1) These rules may be called the Punjab State (Class IV) Service Rules 1963.

(2) They shall come into force from the date of their publication in the PUNJAB GOVERNMENT GAZETTE. *Short title, commencement and application*

(3) They shall not apply to any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.

2. In these rules, unless the context otherwise requires:—

(a) "Direct appointment" means an appointment made otherwise than by promotion within the service or by transfer of an official already in the service of the Government of a State or the Government of India. *Definitions*

(b) "Government" means the Punjab Government in the Administrative Department;

(c) "Head of Department" means the authority as defined in rule 2.25 of the Punjab Civil Service Rules, Volume I, Part I, and includes any other authority who is specially appointed by the Government exercise the powers of a Head of Department for the purposes of these rules.

(d) "Head of Office" means the authority as defined in rule 2.26 of the Punjab Civil Services Rules, Volume I, Part I; and

(e) "Service" means the Punjab State Class (IV) Service.

3. All appointments to posts in the Service shall be made by the Heads of Departments and Head of Offices, as the case may be; provided that the Heads of Departments or the Heads of Offices may delegate these powers to their subordinate officers in respect of appointments to posts in their offices for the purpose of this rule. *Authorities empowered to make appointments*

4. (i) No person shall be appointed to the Service, unless he is— *Nationality and Domicile*

(i) a citizen of India, or

(ii) a subject of Sikkim, or

(iii) a subject of the State of Pondichery, or

(iv) a person of Indian origin, who has migrated from Pakistan with the intention of permanently setting in India;

Provided that, subject to the issue of a certificate of eligibility in this favour, a subject of Nepal

or a Tibetan who came over to India before the 1st January, 1962, with the intention of permanently settling in India, may also be appointed to any post in the service.

Provided further that a candidate belonging to category (iii) or (iv) above must be a person in whose favour a certificate of eligibility had been given by the competent authority, and if he belongs to category (iv) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

(2) A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the recruiting authority on his furnishing proof that he has applied for the certificate and he may also provisionally be appointed subject to the necessary certificate being given to him by the competent authority.

5. No person shall be recruited to the Service by direct appointment unless he—

*Character*

- (a) Produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;

*Age and other qualifications*

- (b) is not less than 16 years and not more than 35 years of age on the date of appointment ;  
 (c) has not more than one wife living and in the case of a woman, is not married to a person already having a living wife.

Provided that the Government may, if satisfied that there are special grounds for doing so exempt any person from the operation of this clause; and

- (d) possesses the requisite knowledge of the regional languages and of English as may be prescribed by the Government from time to time;

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualifications prescribed under this clause.

*Method of appointment*

6. (1) Posts in the Service shall be filled—

- (a) in the case of posts carrying the grades of Rs. 30-1-35

(i) by direct appointment; or

(ii) by transfer or deputation of an official already in the service of the Government; and

(b) In the case of other posts in the Service carrying higher grades—

(i) by direct appointment; or

(ii) by promotion from the officials working in the next lower grades; or

(iii) by transfer or deputation of an official already in the service of the Government;

Provided that in the case of an appointment by promotion, the appointing authority shall satisfy itself about the capability of the official to perform the duties of the post for which he is selected.

(2) The appointing authority shall ensure that the grounds of ignoring a senior official in favour of a junior one are invariably recorded in writing and the proportion fixed by it for filling up the posts by promotion and otherwise is maintained.

(3) When any vacancy occurs or is about to occur in the Service, the Head of Department or the Head of Office, as the case may be, shall determine the manner in which it shall be filled keeping in view the proportion fixed under clause (2) above.



- (4) No official shall have any claim to appointment by promotion or transfer as of right.

*Number and Character of posts*

7. The Service shall comprise the posts classified as Class IV within the meaning of rule 1.2 of Punjab Civil Service Rules, Volume I, Part I and nothing in these rules shall affect the inherent right of the Government to make additions or reductions in the cadre of the Service either permanently or temporarily.

*Probation of member of the service*

8. (1) Persons appointed to the Service shall remain on probation for a period of two years :

Provided that—

- (a) any period, after appointment to the Service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule;
  - (b) in the case of an appointment by transfer, any period of work in similar rank or above prior to appointment to the Service may, at the discretion of the Government be allowed to count towards the period of probation fixed under this rule; and
  - (c) an officiating appointment in the Service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent post.
- (2) If the work or conduct of a person appointed to the Service during the period of probation is, in the opinion of the appointing authority, not satisfactory, it may—
- (a) dispense with his services, if recruited by direct appointment; or
  - (b) if recruited otherwise—
    - (i) revert him to his former post ; or
    - (ii) deal with him in such other manner as the terms and conditions of his previous appointment permit.
- (3) On the completion of the period of probation of a person, the appointing authority may—
- (a) if he was appointed against a permanent vacancy confirm such person from the date of his appointment or if he was not so appointed, confirm him from any date following such appointment from which a permanent vacancy exists ; or
  - (b) if there is no permanent vacancy, declare that he has completed his probation satisfactorily ; or
  - (c) if his work or conduct has, in its opinion, not been satisfactory, (i) dispense with his services, if recruited by direct appointment ; or (ii) if recruited otherwise revert him to his former post, or (iii) deal with him in such other manner as the terms and conditions of his previous appointment permit ; or
  - (d) extend his period of probation and thereafter pass such orders as it would have passed on the expiry of the first period of probation.

Provided that the total period of probation, including extension, if any, shall not exceed three year

9. The seniority inter se of members of the Service holding the posts in the same grade shall be determined will reference to the date of their appointment to such posts ;

Provided that after joining they have continuously served on such posts ; and

Provided further that if two or more members are appointed in the same grade on the same date, their seniority shall be determined as follows :—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise ;

- (b) a member recruited by promotion shall be senior to a person recruited by transfer ;
- (c) In the case of members who are recruited by promotion seniority shall be determined according to their seniority in the appointments from which they are promoted ;
- (d) in the case of members recruited by transfer from same office, seniority shall be determined according to seniority in the appointments previously held in that cadre;
- (e) in the case of members who are recruited by transfer from different departments or offices of the Government, seniority shall be determined according to pay preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rate of pay drawn be the same, an older member shall be senior to a younger member ; and
- (f) in the case of members recruited by direct appointment seniority shall be determined by their age, an older member being senior to a younger member.

Provided that in the case of members recruited by direct appointment the order of merit, if any, drawn up at the time of the selection shall not be disbursed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of a subsequent selection.

Provided further that in the case of members whose period of probation is extended under rule 7, the date appointment for the purposes of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

*Pay of members of the service*

10. Members of the service shall be entitled to such scales of pay as may be sanctioned from time to time for the posts to which they are appointed.

*Leave Pension etc.*

11. In respect of leave, pension and other cognate matter not specifically mentioned in these rules, the members of the service shall be governed by the Punjab Civil Services Rule such other rules as are from time to time framed or issued the proviso to Article 309 of the Constitution of India.

*Liability to transfer.*

12. Every member of the service shall be liable to transfer under the order of appointing authority prescribed in rule 3 from posts within their respective classes of appointment to other posts in the Department and also anywhere within the jurisdiction of such authority.

*Authorities empowered to impose penalties and right of appeal.*

13. (1) In matters relating to discipline, penalties and appeals, members of the service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1952.

Provided that the nature of penalties which may be imposed the authority empowered to impose such penalties and the appellate authority shall, subject to the provisions of any law or rules made under Article 309 of the Constitution of India, be as specified in Appendix 'A' to these rules;

(2) The authority competent to pass an order reducing or withholding the maximum pension admissible under the rules governing pension and terminating the appointment otherwise than upon reaching the age fixed for superannuation and the appellate authority shall be as specified in Appendix 'B' to these rules.

*Liability for vaccination and re-vaccination.*

14. Every member of the Service shall have himself vaccinated or re-vaccinated when the Government so directs by a special or general order.

*Oath of allegiance.*

15. Every member of the Service, unless he has already done so, shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.

*Power to relax*

16. Where the Government is satisfied that the operation of any of these rules causes undue hardships in any particular case, it may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

## APPENDIX 'A'

(See Rule 13 (I))

Designation of officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority
All Class IV servants employed in Government Department.	Head of Department concerned	(a) Censure (b) Withhold of increments or promotion, (c) Recovery from pay of whole or part of any pecuniary loss caused to Government by negligence of breach of order; (d) Reduction to a lower post or time scale or to a lower stage in a time scale; (e) Suspension; (f) Removal from service which does not disqualify for future employment; (g) Dismissal from service which ordinary disqualifies from future employment.	Head of Department concerned.	Government.
All Class IV Servants employed in Govt. offices	Head of Office concerned.	All the above penalties from (a) to (g)	Head of Office concerned	Head of Department concerned.

## APPENDIX 'B'

(See Rule 13 (2))

Designation of officials.	Appointing Authority	Name of Order	Authority empowered to pass original orders	Appellate authority.
All Class IV servants employed in Government Department,	Head of Department concerned,	(i) Reducing the maximum amount of ordinary pension admissible under the rules governing pensions.  (ii) Termination of appointment otherwise than upon reaching the age fixed for superannuation	Department concerned.	Government
All Class IV servants employed in Government offices.	Head of office concerned.	Above orders (i—ii)	Head of office concerned.	Head of Department concerned.

(No. 7805-10 GS-73)

SAROOP KRISHEN,  
Financial Commissioner, Planning &  
Additional Chief Secy. to Government, Punjab.

No. 7805—10GS-68/20007, dated Chandigarh, the 2rd May, 1863.

Copies are forwarded to all Heads of Departments, the Registrar, Punjab High Court, Commissioners of Ambala, Patiala and Jullunder Divisions, District and Sessions Judges and all Deputy Commissioners in Punjab, for information and necessary action.

By order

(Sd.)

DEPUTY SECRETARY, EMERGENCY WORKS,  
for Financial, Commissioner, Planning  
and Additional Chief Secretary to Government,

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 13th March, 1973]

**PART III**

**HARYANA GOVERNMENT  
GENERAL ADMINISTRATION DEPARTMENT**

**(GENERAL SERVICES)**

**Notification**

The 9th March, 1973

**No G.S.R. 39 Cont./Art/309/Amd.-I/73.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana, in consultation with the Government of India as required under sub-section of section 82 of the Punjab Re-organization Act, 1966, hereby makes the following rules further to amend the Punjab State (Class IV) Service Rules 1963, namely :—

1. These rules may be called the Punjab State (Class IV) Service Haryana First Amendment) Rules, 1973.
2. In the Punjab State (Class IV) Service Rules, 1963 (hereinafter referred to as the 'said rules'), in rule 3 th following proviso shall be added at the end, namely :—

“Provided further that the appointing authority in the Civil Secretariat and the Finance Commissioner's Office shall be an officer of the rank of an Under Secretary.”

3. In the said rules, for Appendices 'A' and 'B', the following shall be substituted namely :—

**“APPENDIX”**

[(See Rule 13 (1)]

Designation of Officials	Appointing authority	Nature of penalty	Authority empowered to impose penalty	Appellate authority	Second Appellate authority
(1)	(2)	(3)	(4)	(5)	(6)
All class IV employees in Civil Secretariat/ Financial Commissioner's office	Under Secretary to Government Haryana of the Secretariat/ Office concerned	(a) Censure ; (b) withholding of increments or promotion, including stoppage at efficiency Bar ; (c) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ; (d) Suspension ; (e) reduction to a lower post or time scale or to a lower stage in a time scale ;	Under-Secretary to Government Haryana of the Secretariat/ Office concerned	Deputy Secretary to Government Haryana of the Secretariat/ Office concerned.	Government

1	2	3	4	5	6
		(f) removal from the service which does not disqualify from future employment ;			
		(g) dismissal from the service which does ordinarily disqualify from future employment			
All Class IV employees working in Government Departments other than Civil Secretariat and Financial Commissioner's office	Heads of Departments concerned	All the above penalties from (a) to (g)	Head of Department	Government	--
All Class IV employees working in Government offices	Heads of office concerned	All the above penalties from (a) to (g)	Head of office concerned	Head of Department concerned	Government
All Class IV employees working in the offices of Sub-Divisional Officers	Deputy Commissioner concerned	(a) Censure ; (b) Withholding of increment or promotion ; (c) Suspension	Sub-Divisional Officer concerned	Deputy Commissioner concerned	Government

## APPENDIX 'B'

[See Rule 13 (2)]

Designation of officials	Appointing authority	Name of order	Authority empowered	Appellate authority	Second appellate
1	2	3	4	5	6
All Class IV servants in Civil Secretariat/ Financial Commissioner's office	Under-Secretary to Government, Haryana of the Secretariat/ office concerned	(i) Reducing or withholding additional pension admissible under the rules governing pension.  (ii) Terminating the appointment of a member of of the service other wise than on his attaining the age fixed for superannuation.	Under-Secretary to Government, Haryana of the Secretariat/ office concerned	Deputy Secretary to Government, Haryana of the Secretariat/ office concerned	Government
All Class IV Servants working in Government Departments, other than Civil Secretariat and Financial Commissioner's office.	Head of Department concerned	Above orders (i) and (ii)	Head of Department concerned	Government	
All Class IV servants working in Government offices.	Head of office concerned	Above orders (i) and (ii)	Head of office concerned	Head of Department concerned	Government"

SAROOP KRISHEN,

Chief Secretary to Government,  
Haryana.

(Published in the Haryana Government Gazette, Legislative Supplement, dated the 7th August, 1973)

PART III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION DEPARTMENT

(GENERAL SERVICE)

Notification

The 27th July, 1973

No. G.S.R. 95 Const./Art. 309/Amd(2)/73.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in the behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab State (Class IV) Service Rules, 1963.

1. These rules may be called the Punjab State (Class IV) Service (Haryana Second Amendment) Rules, 1973.

2. In the Punjab State (Class IV) Service Rules, 1963 (herein after referred to as the "said rules"), for sub-rules (a) of rule 2, the following shall be substituted namely :—

"Service" means the Haryana State (Class IV) Service, separately for each department or office as the case may be.

3. In the said rules, for rule 9, the following shall be substituted, namely :—

"9. Seniority of members of the service —The seniority interse of members of the service shall be determined by the length of continuous service on a post in the service in each department or office separately :

Provided that where there are different cadres in the service the seniorty shall be determined separately for each cadre :

Provided further that in case of two or more members appointed on the same date, the seniority shall be determined as follows. —

- (a) a member appointed by direct recruitment shall be senior to a member recruited otherwise ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of members who are appointed by promotion, seniority shall be determined according to their seniority in the appointment from which they are promoted ;
- (d) in the case of members appointed by transfer from the same offices, seniority shall be determined according to seniority in the appointments previously held in that cadre ;
- (e) in the case of members appointed by transfer from different departments or offices of the Government, seniority shall be determined according to pay of such members, preference being given to a member who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same then by their length of service in those appointments and if the length of such services is also the same an older member in these appointments shall be senior to a younger members ; and
- (f) the case of members appointed by direct recruitment seniority shall be determened by their age, an older member being senior to a younger member ;

Provided that in the case of members appointed by direct recruitment the order of merit, if any, drawn up at the time of selection shall not be disturbed and persons recruited as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection.

N.N. KASHYAP,

Chief Secretary to Government,  
Haryana.



**HARYANA GOVERNMENT**

**PUNJAB CIVIL SERVICES (PUNISHMENT AND  
APPEAL RULES 1952)**

**(As amended upto 31st March, 1982)**

**(Published with the Punjab Government Notification No. 7131-G-52/8525, dated the 11th  
February, 1953)**



**PUNJAB CIVIL SERVICES (PUNISHMENT AND APPEAL) RULES, 1952**

(Published with the Punjab Government Notification No 7123-C-52/ 8525, dated the 11th February, 1953)

(As amended upto 31st March, 1982)

In supersession of the rules published with Punjab Government notification No. 6693-G-40/47845, dated the 26th November, 1940 as amended from time to time, and in exercise of the powers conferred by the proviso, to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to regulate the conduct and discipline affecting persons serving in a civil capacity in connection with the affairs of the State of Punjab until provision in that behalf is made by an Act of the State legislature.

(1) *Short title and extent* :— These rules may be called the Punjab Civil Services (Punishment and Appeal) Rules, 1952.

(2) Except as expressly provided by or under any law for the time being in force as respects disciplinary matters or rights similar there to applicable to the case of any person holding a civil post under the State, these rules shall apply to all persons belonging to the services and posts in connection with the affairs of the State of \*Haryana whether in service before or after the commencement of the Constitution but they shall not apply to:—

- (a) persons appointed to All-India Services ;
- (b) persons having been appointed by the Secretary of a State or the Secretary of State-in-Council to a Civil Service of the Crown in India who continue to serve under the Government of India or of a State on or after the commencement of the Constitution;
- (c) persons in respect of whose conditions of Service and disciplinary matters and the conduct there of special provision has been made by agreement entered into before or after those rules come into force.

2. *Definitions*—In these rules, unless there is anything repugnant in subject or Context.—

- (a) "Government" means the \*\*Haryana Government ; and
- (b) "Head of the Department" means the authority prescribed as the Head of Department in Appendix 'D' to the Punjab Budget Manual in the case of each Department under the Administrative control of Government.

\*Substituted vide Haryana Govt. notification No. G.S.R. 23 Const./Art.-309/Amd. (1)/69, dated 21-1-69.

\*\*Substituted vide Haryana Govt. notification No. G.S.R.-24/Const./Art-309/Amd. (1)/63, dated 21-1-69.

3. *Saving clauses* :—All powers, rights and remedies provided by these rules shall be in addition to and not in derogation of the provisions of such rules as may be made by the Governor of \*Haryana in exercise of the powers conferred by proviso to Article 309 of the Constitution of India to regular the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State of Punjab.

4. *Penalties*—The following penalties may, for good and sufficient reasons as hereinafter provided, be imposed upon members of services to whom these rules are applicable, namely:—

- (i) censure;
- \* (i) (a) warning with a copy of the personal file.
- (ii) with holding of increments or promotion, including stoppage at an efficiency bar, if any;—
- (iii) reduction to a lower post or time-scale or to a lower stage in a time-scale ;
- \*\* (iv) recovery from pay of the whole or part of any pecuniary loss, caused by negligence or breach of orders, to Central Government or a State Government or to a Company association or body of individuals whether incorporate or not, which is wholly

or substantially owned or Controlled by Government or to a Local Authority set up by an Act of Parliament or of the legislature of a State.”

- (v) suspension;
- (vi) removal from the Civil Service of the Government which does not disqualify from future employment;
- (vii) Dismissal from the Civil Service of the Government which ordinarily disqualifies from future employment.

*Explanation*:—(i) The termination of employment:—

- (a) of a person appointed on probation, during or at the end of the period of probation, in accordance with the terms of the appointment and the rules governing the probationary service; or
- (b) of a temporary Government servant appointed, otherwise than under contract, on the expiration of the period of the appointment on the abolition of the post or before the due time in accordance with terms of the appointment; or
- (c) of a person engaged under a contract, in accordance with the terms of his contract, does not amount to removal or dismissal within the meaning of this rule; or rule 7.

\*Inserted vide Haryana Govt. Notification No. G.S.R. 76/Const./Art. 187, 309 and 318/Amd. (1) 76 dated 2 April, 1975. (Published & Gazetted dated 6-4-76)

\*\*Substituted vide Haryana Govt. Notification No. G.S.R. 27/Const./Arts. 187, 309 and 398/Amd. dated 10th March, 1973.

*Explanation (ii)*:

- \*\*“(ii) Stoppage at an efficiency bar of an employee under the provisions of Rule 4.8 of Civil Service Rules, Volume I, Part I or analogous provision of any other rules applicable to the employee on ground of unfitness to cross the bar does not amount to punishment under these Rules”.

*Notes*:—(i) Punishing authorities have full discretion to publish in the \*\*Haryana Government Gazette reasons for dismissal where such publication is considered desirable in the public interest.

(2) In order to guard against the inadvertent re-employment of persons dismissed from Government service, the authority passing an order of dismissal shall intimate to the Deputy Inspector-General Police, \*\*Haryana, Criminal Investigation Department, Deputy Commissioner, and the Superintendent of Police of the district of which the person concerned is a permanent resident, the name of such a person and any other particulars required for purposes of identification, unless the dismissal has been notified in the \*\*Haryana Government Gazette. Similarly, if a person happens to be a resident of another State the afore said officer of that State should be informed accordingly.

(3) The provisions of this rule shall not be construed to derogate from the provisions of section 36 of the Punjab Courts Act 1948, the payment of Wages Act, 1936, or any other law authorising the imposing of fines on the ministerial establishment governed by these laws and the authority competent to award the punishment of the fine may do so in addition to the punishments aforesaid.

(4) The discharge of a person appointed to hold a temporary appointment, other-wise than in accordance with the provisions of Explanation (b) amounts to removal or dismissal and is, therefore, appealable under these rules.

(5) The distinction between censure, the withholding of promotion and non-selection to a selection post, is of considerable importance. Both censure and the withholding of promotion are appealable under these rules. On the other hand, non-selection for a selection post is not appealable.

If an officer, because of an unsatisfactory record and unfavourable confidential reports, is not selected for a selection post and some other officer junior to him is selected in preference, this does not amount to the withholding of promotion. If any inquiry is held against an officer and an order of censure is passed on him, it is open to him to appeal; if he does not appeal or his appeal is rejected, and if subsequently because of the existence of this censure in his record, he is not selected for a selection post, and some other officer junior to him is selected in preference, this also does not amount to the withholding of promotion. If, however an enquiry is held against an officer, and an order is passed that he should not be promoted to a selection post for a

\*Inserted vide Haryana Govt. Notification No. GSR 130C/onsl./Arts. 309/ and 318/Amd. (2) 74 dated 31st Oct., 1974.

\*\*Substituted vide Haryana Govt. Notification No. GSR 23/Const./Art. 309/Amd. (1)/69, dated the 21st January, 1969.

definite period or until he has obtained good reports, this order would amount to the infliction of the penalty of withholding promotion. This distinction between non-selection for a selection post and the withholding of a promotion may be summed up as being, that in the former case the officer in question is considered for selection but some other officer is preferred on his merits, while in the later case the officer in question has been declared before hand, as a disciplinary measure, to be ineligible for selection, irrespective of the merits of the other officers available.

(6) (i) While reduction of seniority as an independent penalty is not provided for in rule 4, and cannot be imposed as such, the loss of seniority as a result of an order of reduction to a lower post or time scale, being inherent in the order of reduction cannot be avoided.

(ii) The seniority, on re-promotion of an officer reduced to a lower post or time scale, should be determined by the date of such re-promotion in accordance with the orders issued by the competent authority on the subject of seniority. Such an officer should not be restored to his original position unless this is specifically laid down at the time of punishment is passed, or revised on appeal.

(iii) An officer in respect of whom one of the penalties included in rule 4 (iii) was imposed, will on re-promotion count previous service in the higher grade under rule 4.4 of the Punjab Civil Services Rules, Volume I, Part I, unless the order of punishment or the order passed on appeal directs otherwise.

(iv) An order debarring an officer from counting his past service in the grade from which he is reduced, if and when re-appointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under rule 4.4 of the Punjab Civil Services Rules, Volume I, Part I, and does not, therefore, fall outside the scope of rule 4.

(7) Unauthorised desertion of his post by a public servant in the face of enemy action, or threat of enemy action clearly amount to grave misconduct and would, therefore, constitute a "good and sufficient" reasons within the meaning of rule 4, for removal or dismissal in addition to any penalty provided in the East Punjab Essential Services (Maintenance) Act, 1947. Loss of pension would then follow automatically in virtue of the provisions of rule 2.5 of the Punjab Civil Services Rules, Volume II, and it would also be possible to forfeit the Government contribution, if any, to the individuals provident fund.

\*4-A, suspension. If having regard to the nature of the charges and the circumstances of any case, the competent authority, which initiates disciplinary proceedings is satisfied that it is necessary or desirable in public interest to place under suspension of a Government employee to whom these rules are applicable, and against whom such proceedings have been started or are contemplated under these rules, it may place such a Government employee under suspension till the conclusion of the inquiry and passing of the final orders in the case".

5. *Withholding of payment of emoluments of a Government servant suspected of embezzlement:—* When a Government servant is suspected of being concerned in the embezzlement of Government money, and is placed under suspension, the authority by competent to order his dismissal may, direct, that, unless he furnishes security for the reimbursement of the said money to the satisfaction of his immediate superiors, official the payment of any sums due to him by Government on the date of his suspension, shall be deferred until such time as the said authority passes final orders on the charges framed against him.

Provided that such Government servant shall be entitled to the payment of a subsistence allowance in respect of the period for which, the admissible emoluments, if any are withheld.

6. *Authority to impose punishment :—* Subject to the provisions of clause (1) of Article 311 of the Constitution of India, the authorities competent to impose any of the penalties specified in rule 4 upon the persons to whom these rules apply, shall be such as may be prescribed by Government in the rules regulating the appointment and conditions of service of such persons.

7. *Inquiry before imposition of certain penalties:—*(1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850; no order of dismissal, removal or reduction, shall be passed against a person to whom these rules are applicable, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(2) The grounds on which it is proposed to take such action, shall be reduced to the form of definite charge or charges which shall be communicated in writing to the persons charged, together with a statement of allegations on which each charge is based and of any other circumstances which it is proposed to take up into consideration in passing orders on the case and he shall be required within a reasonable time to state in writing whether he admits the truth of all or any, of the charges, what explanation of defence, if any, he has to offer and whether he desires to be heard in person. If he so desires, or if the authority empowered to dismiss, remove, or reduce him so directs, an or all enquiry shall be held at which all evidence shall be heard as to such of the charges as are not admitted. The persons charged shall, subject to the conditions described in sub-rule (3), be entitled to cross examine the witnesses, to give evidence in person and to have such witness called, as he may wish, provided that the Officer conducting the enquiry may, for reasons to be recorded in writing, refuse to call any witness. The proceedings shall contain a sufficient record of the evidence and statement of the findings and the grounds thereof:—

Provided that :—

- (a) it shall not be necessary to frame any additional charge when it is proposed to take action in respect of any statement or allegation made by the persons charged, in the course of his defence; and
  - (b) the provisions of the foregoing Sub-rule shall not apply where a person is dismissed, or removed or reduced on the ground of conduct which has led to his conviction on a criminal charge; or where an authority empowered to dismiss or remove him, or reduce him in rank is satisfied that, for some reasons to be recorded by him in writing, it is not reasonably practicable to give him an opportunity of showing cause against the action proposed to be taken/against him, or where in the interest of the security of the State, it is considered not expedient to give to that person such an opportunity.
- (3) If any question arise whether it is reasonably practicable to give to any person an opportunity to defend himself under sub-rule (2), the decision thereon of the punishing authority shall be final.

(4) (a) Where any person has made a statement on oath, in evidence before any criminal or Civil court, in any case, in which the Government servant charge was party and had full opportunity to cross-examine such persons and where it is intended to prove the same facts as Aeposed to by such persons in such statement in any inquiry under the public servants (Inquiries) odct 1850. It shall not be necessary to call such persons to give oral evidence in corroboration of that statement. The certified copy of the statement previously made by him in any such ase may be read as part of the evidence;

Provided that the Officer conducting the inquiry may, in the interest of justice order the production of witness in persons either for further examination or for further cross-examination by persons charged.

(b) The Government servant charged shall not be allowed, except at discretion of the Enquiring Officer, to be exercised in the interest of justice, to call as a witness in his defence any persons whose statement has already been recorded and whom he has had opportunity to cross examine, or whose previous statement has been admitted in the manner herein provided.

“(5) Where the punishing authority itself enquires into any charge or charges or appoints an enquiry officer for holding enquiry against a person in the Service of the Government, it may, by an order, appoint a Government servant or a legal practitioner to be known as a “presenting Officer” to present on its behalf the case, in support of the charge or charges.

The person against whom a charge are being enquired into, shall be allowed to obtain the assistance of a Government servant, if he so desires, in order to produce his defence before the enquiring officer. If the charge or charges are likely to result in the dismissal of the person from the service of the Government. Such person may, with the sanction of the enquiring Officer, be represented by counsel.

Provided that, if in any enquiry, counsel is engaged on behalf of any department of Government the person against whom the charge or charges are being enquired into, shall also be entitled to engage counsel.

Provided also that the assistance of particular Government employee will be allowed only if the enquiring authority is satisfied that he is of such rank as is appropriate in the circumstances of the case and that he can be spared by the department concerned for that purpose".

Notes :—(a) Charges need not necessarily be framed in relation only to specific incidents or acts of misconduct. When reports received against an officer or a preliminary enquiry show that his general behaviour has been such as to be unfitting to his position, or that he has failed to reach or maintain a reasonable standard of efficiency, he may and should be charged accordingly, and a finding on such a charge may be valid ground for the infliction of any authorised departmental punishment, which may be considered suitable in the circumstances of the case. It will still be necessary to communicate the charges of misbehaviour or of inefficiency or of both as the case may be, to the officer concerned but the statement which is to be communicated to the officer in support of the charges need not specify particular acts of misconduct. It will be sufficient in the statement to give the list of the reports on the basis of which misbehaviour or inefficiency is alleged.

(2) This rule shall not apply where it is proposed to order the compulsory retirement from service of any Government servant subject to the rule-making power of the Government, who after the 14th August, 1947, has been in the employment of a Government out-side the Union of India, for any period and whose retention in the public service of the State of \*Haryana is in the opinion of the Govt. prejudicial to national security. In every such case, as aforesaid, it shall be sufficient for the Government to inform the person concerned of such opinion, and that in pursuance of that opinion it is proposed to order his compulsory retirement and to pass orders after taking into consideration, his representation, if any.

Any person compulsorily retired from service in accordance with the procedure prescribed by this rule will be granted such compensation, pension, gratuity, or Provident Fund benefits as would have been admissible to him had he been discharged from service due to the abolition of his post without any alternative suitable employment being provided, under the rules applicable to his service or post on the date of his retirement.

(6) After the enquiry against a Government servant has been completed, and after the punishing authority has arrived at a provisional conclusion in regard to the penalty to be imposed, the accused officer shall, if the penalty proposed is dismissal, removal or reduction in rank be supplied with a copy of the report of the enquiring authority and be called upon to show cause, within reasonable time, not ordinarily exceeding one month against the particular penalty proposed to be inflicted upon him. Any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

Provided that if the punishing authority disagree with any part or whole of the findings of the enquiring authority, the point or points to such disagreement, together with a brief statement of the ground thereof, shall also be supplied to the Government servant.

(As amended vide Punjab Government notification No. 3993-GII-57/2550, dated the 20th December, 1957).

8. Without prejudice to the provisions of rule 7, no order under clauses (i) (ia) (ii) or (iv) of rule 4 shall be passed imposing a penalty on a Government servant, unless he has been given an adequate opportunity of making any representation that he may desire to make, and such representation, has been taken into consideration.

Provided that this condition shall not apply in a case where an order based on facts has led to his conviction in a criminal court or an order has been passed superseding him for promotion to a higher post on the ground of his unfitness for that post on account of the existence of unsatisfactory record.

Provided further that the requirements of this rule may, for sufficient reasons to be recorded in writing be waived where it is not practicable to observe them and there they can be waived without injustice to the officer concerned.

9. Omitted vide Haryana Govt. Notification No. GSR/123/Const./Arts./187, 309 and 318/Adm. (i) 75 dt. 10th Oct., 1975. (Published in Gazette dated 14-10-75).

10. *Right of Appeal*: (1) Every person to whom these rules apply, shall be entitled to appeal, as hereinafter provided, to such superior authority, as may be prescribed by Government in the rules regulating his conditions of service against an order, not being an order of Governments.

- (a) (i) imposing upon him any of the penalties specified in rule 4;
- (ii) terminating his appointment under rule-9;

\*Substituted vide Haryana Government Notification No. GSR. 23/Const./Art. 309/Amd. (1)/60, dated the 21st January, 1969.

- (b) discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a definite, or for an indefinite period, and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated.
- \*(c) reducing or withholding the amount of ordinary or additional pension admissible under the rules governing pension ;
- (d) terminating his appointment, otherwise than upon his reaching the aged fixed for superannuation.

(2) Every person to whom these rules apply shall be entitled to free supply of the copies of the order against which he intends to file an appeal or revision under the rules.

11. *Order which may be passed by appellate authority.* (i) In the case of an appeal against an order under rule 10 or any penalty specified in rule 4, the appellate authority shall consider :—

- (a) whether the facts on which the order was based have been established :—
- (b) whether the facts established afford sufficient ground for taking action ; and
- (c) whether the penalty is excessive, adequate or inadequate; and after such consideration, shall pass such order as it thinks proper ;

Provided that on penalty shall be increased unless opportunity is given to the person concerned to show cause why such penalty should not be increased.

(3) An authority from whose order, an appeal is preferred under these rules, shall give effect to any order made by the appellate authority.

12. *Second appeal where penalty is increased.* In every case in which an appellate authority, other than Government, increases the penalty inflicted by an authority subordinate to itself upon a person to whom these rules apply, such person shall be entitled to submit a second appeal to the authority prescribed by Government in the rules regulating his conditions of service.

13. *Right of revision.* After an appeal or the second appeal provided in rule 12 has been rejected, a person to whom the rules apply, may apply for revision to such superior authority as may be prescribed by Government in the rules regulating his condition of service.

Provided that the powers of revision shall be exercise only—

- (a) if the appellate authority is one other than Government ; and
- (b) on the ground of material irregularity in the proceedings of the Enquiry of appellate authority, or on the discovery of new and important matter of evidence, which, after the exercise of diligence was not with n the knowledge of the petitioner, or could not be produced by him when the orders were made against him or on account of same mistake or error on the face of the record.

Provided further that Government may, at any time, revise any order passed by it in exercise of its appellate powers under these rules.

14. *Power of Suprior authority to revise the proceedings of an inferior authority.* (1) The Government or the Head of Department may call for and examine the records of any case in which a subordinate authority passed any order under rule 10 or has inflicted any of the penalties specified in rule 4 or in which no order has been passed or penalty inflicted and after making further investigation, if any, may confirm, remit, reduce or subject to the provisions of sub-rule (i) of rule 11 increase the penalty or subject to provisions of rule 7, 8 and inflict any of the penalties specified in rule 4.

(2) The Government may, at the time of consideration of a Memorial submitted under its general or special instructions published from time to time, by a Government servant on whom a penalty is imposed, review any order passed by the Government under these rules.

Provided that the penalty already imposed shall not be enhanced unless an opportunity has been given to the Government servant who has submitted Memorial to show cause why it may not be enhanced.



15. *Prohibition as to collective appeal.*—Every person preferring an appeal shall do so separately and in his own name.

16. *Manner of Presentation of appeal or application for revision.*—Every appeal or application for revision preferred under these rules, shall contain and material statements and arguments relief on by the appellant or applicant, shall contain no disrespectful or improper language, and shall be completed in itself. Every such appeal or application for revision shall be submitted through the Head of the office to which the appellant or applicant belongs or belonged and through the authority from whose order the appeal or application for revision is preferred.

17. *Withholding of appeals or applications for revision.*—(1) An appeal or application for revision may be withheld by an authority subordinate to Government, if :—

- (a) it is an appeal or application for revision in a case in which under these rules, no appeal or application for revision lies or ;
- (b) it does not comply with the provisions of rule 16 ; or
- (c) it is an appeal and is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay ; or
- (d) it is a repetition of a previous appeal or application for revision and is made to the same appellate or revisionary authority by which such appeal or application for revision has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case.

Provided that in every case in which an appeal or application for revision is withheld, the appellant or applicant shall be informed of the fact, and the reasons for it and, a copy thereof forwarded to the appellate authority, if any, together with a copy of the appeal or application for revision so withheld.

Provided further that an appeal or application for revision withheld on account only of failure to comply with the provisions of rule 16 may be re-submitted at any time within one month of the date on which the appellant or applicant has been informed of the withholding of the appeal or application, and if re-submitted in a form which complies with those provisions, shall not be withheld.

(2) No appeal or application for revision shall lie against an order withholdings an appeal or application passed by a competent authority.

(3) Any appellate or revisionary authority may call for the record of any appeal or application for revision withheld by an authority subordinate to it, which under these rules may be made to it and may pass such order thereon as it considers fit.

18. *Savings of existing rights of appeal :* Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had been made, in respect of any order passed before, they came into force. An appeal pending at the time when, or preferred after, these rules came into force shall be deemed to be an appeal under these rules, and rule 11 and 12 shall apply as if the appeal was against an order appealable under these rules.

19. *Saving of the functions of the Haryana Public Service, Commission :* Nothing in these rules shall be deemed to effect the functions of the Haryana Public Service Commission as specified in Article 320 of the Constitution of India, and as limited by the Haryana Public Service Commission (Limitations of functions) Regulations, 1973 or other regulations made in that behalf.

(As amended upto 31-3-82)

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## Part III

## PUNJAB GOVERNMENT HOME DEPARTMENT (GAZETTE)

## Notification

(Rule 5)

The 5th July, 1966

No. G.S.R. 143/Const./Art. 309 and 318/66.—In exercise of the powers conferred by the proviso to article 309 and clause (b) of article 318 read with clause (3) of article 187 of the Constitution of India, the Governor of Punjab, after consultation with the Chairman of the Punjab Vidhan Parishad and the Speaker of the Punjab Vidhan Sabha in so far as such consultation is necessary under the aforesaid provisions, is pleased to make the following rules, namely :—

## THE GOVERNMENT EMPLOYEES (CONDUCT) RULES, 1966

1. Short title, commencement and application.—(1) These rules may be called the Government Employees (Conduct) Rules, 1966.

2. They shall come into force at once.

3. They shall apply to all persons appointed to Civil Services and posts in connection with the affairs of the State :

Provided that nothing in these rules shall apply to—

- (a) members of the All India Services who are subject to the All India Services (Conduct) Rules, 1954 ; and
- (b) holders of any post in respect of which the Government may, by general or special order, declare that these rules do not apply.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) 'the Government' means the Government of the State of \*Haryana
- (b) 'Government employee' means any person appointed to any civil service or post in connection with the affairs of the State of \*Haryana.

Explanation.—A Government employee whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government, shall for the purposes of these rules, be deemed to be a Government employee serving under the Government notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State.

(c) "members of family" in relation to a Government employee includes.—

- (i) the wife or the husband, as the case may be, of the Government employee, whether residing with the Government employee or not but does not include a wife or husband, as the case may be, separate from the Government employee, by a decree or order of a competent court ;
- (ii) son or daughter or step son or step-daughter of the Government employees and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on Government employee or of whose custody the Government employee has been deprived by or under any law ;
- (iii) any other person related whether by blood or marriage, to the Government employee or to the Government employee's wife or husband and wholly depend the Government employee.

3. General.—(1) Every Government employee shall at the times—

\*Substituted vide Haryana Govt. Notification [No. GSR 67/Const./Art.—309 Amd. [2]/68 dated the 21st August 1968.

- (i) maintain absolute integrity ;
- (ii) maintain devotion to duty ; and
- (iii) do nothing which is unbecoming of a Government employee.

2. (1) Every Government employee holding supervisory post shall take all possible steps to ensure the integrity and devotion to duty to all Government employees for the time being under his control and authority.

- \* (ii) No Government employee shall, in the performance of his official duties, or in the exercise of powers conferred on him act otherwise than in his best judgment, except when he is acting under the direction of his official superior.
- (iii) The direction of the official superior shall ordinarily be writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official shall confirm it in writing immediately thereafter.
- (iv) A Government employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing."

Explanation.—Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

\*4. Employment of near relatives of Government employees in companies or firms enjoying Government patronage.—

(1) No Government employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.

(2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Government :

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government ; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government employee shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that company or firm :

Provided that no such intimation shall be necessary in the case of a Class I : Officer, if he has already obtained the sanction of, or sent a report to, the Government under clause (i).

(3) No Government employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person, if any, member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

5. Taking part in politics and elections.—(1) No Government employee shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government employee to endeavour to prevent any member of his family from taking part in subscribing in aid of or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government employee is unable to prevent a member of his family from taking

\*\*Substituted vide Haryana Govt. Notification No. G.S.R. 110/-Const./Art.309/79 dated the 19th October, 1979.

\*Amended vide Haryana Govt. Notification No. G.S.R. 10/Const./Arts. 309, 318 and 187/Amd. (1)/77, dated the 14th January, 1977.

part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity fall within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government employee shall canvass or otherwise canvass, interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority :

Provided that—

(i) a Government employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted ;

(ii) a Government employee shall not be deemed to have contravened the provisions of his sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force. . . . .

Explanation.—The display by a Government employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election with in the meaning of this sub-rule.

6. Joining the Associations by Government employees. No Government employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

7. Demonstration and Strikes.—No Government employee shall :—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, Public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence ; or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service of any other Government employee.

8. Connection with Press or Radio.—(1) No Government employee shall, except with the previous sanction of the Government, own wholly or in part or conduct or participate in the editing or management of, any newspaper or other periodical publication.

\* (2) No Government employee shall, except with the previous sanction of the Government or the prescribed authority or except in the bona-fide discharge on his duties.—

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles ; or

(b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical ;

either in his own name or anonymously or pseudonymously or in the name of any other person :

Provided that no such sanction shall be required.—

(i) if such publication is through a publisher and is of a purely literary, artistic or scientific character ; or

(ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

9. Criticism of Government.—No Government employee shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or any communication to the press or in any public utterance take any statement of fact or opinion—

(i) which has the effect of any adverse criticism of any current recent policy or action of the Government of India, Government of \*Haryana or any other State Government ;

(ii) which is capable of embarrassing the relations between the Government of Haryana and the Government of India or the Government of any other State in India ; or

\*Substituted vide Haryana Government Notification No. G.S.R. 32/Const./Art. 309.318 and 187 dated 18.2.1968.

\*Substituted vide Haryana Government Notification No. G.S.R. 67/Const./Art. 309/Amd. (2) 68, dated 21st August, 1968.

- (iii) which is capable of embarrassing the relations between the Government of India or the Govt. of \*Haryana and the Government of any foreign State :

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government employee in his official capacity or in the due performance of the duties assigned to him.

10. Evidence before committee or an other authority.—(1) Save as provided in sub-rule (3), no Government employee shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1) no Government employee giving such evidence shall criticise the policy or any action of the Government of India, Government of Haryana or any other State Government.

(3) Nothing in this rule shall apply to.—

- (a) evidence given at enquiry before an authority appointed by the Government, Parliament or a State Legislature ; or
- (b) evidence given in any judicial enquiry ; or
- (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

11. Unauthorised Communication of information.—No Government employee shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or information to any Government employee or any other person to whom he is not authorised to communicate such document or information.

Explanation.—Quotation by a Government employee (in his representation to the Head Office or Head of Department of Governor) of or from any letter, circular or office memorandum, or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this rule

12. Subscriptions.—No Government employee shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

\*13. Gifts.—(1) Save as otherwise provided in these rules, no Government employee shall accept or permit any member of his family or any other person acting on his behalf to accept, any gift.

Explanation.—The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any other person other than a near relative or personal friend having no official dealings with the Government.

Note.—(i) A casual meal, gift or other social hospitality shall not be deemed to be a gift.

Note.—(ii) A Government employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government employee may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds :—

- (i) Rs. 500/- in the case of a Government employee holding any Class I or Class II post ;
- (ii) Rs. 250/- in the case of a Government employee holding any Class III post ; and
- (iii) Rs. 100/- in the case of a Government employee holding any Class IV post.

On such occasions as are specified in sub-rule (2), a Government employee may accept gift from his personal friends having no official dealing with him, but he shall make a report to the Government if the value of any such gift exceeds—

- (i) Rs. 200/- in case of a Government employee holding any Class I or Class II post ;

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\*Amended vide Haryana Govt. Notification No. G.S.R. 10/Const./Arts. 309, 318 and 187/ Amd. (1)/77, dated the 14th January, 1977.

(ii) Rs. 100/- in the case of a Government employee holding any Class III post ; and

(iii) Rs. 50/- in the case of a Government employee holding any class IV post.

\*(4) In any other case, a Government employee shall not accept, or permit any member of his family or any other person acting on his behalf to accept, any gift without the sanction of the Government, if the value thereof exceeds—

(i) Rs. 75.00 in case of a Government employee holding any class I or class II post ; and

(ii) Rs. 25.00 in the case of a Government employee holding any class III or Class IV post."

\*\*13-A. prohibition of dowry—No Government employee shall—

(i) give or take or abet the giving or taking of dowry ; or

(ii) demand, directly or indirectly, from the parents or guardian of a bride or bride room, as the case may be, any dowry.

Explanation—for the purpose of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961), as amended in its application to the State of Haryana.

14. Public demonstration in honour of Government employee.—No Government employee shall, except with the previous sanction of the Government receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in this honour or in the honour of any other Government employee :

Provided that nothing in this rule shall apply to—

(a) a farewell entertainment of a substantially private and informal character held in honour of a Government employee or any other Government employee on the occasion of his retirement or transfer of any person who has recently quite the service or any Government ; or

(b) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

Note—Exercise of pressure of influence of any sort on any Government employee to induce him to subscribe towards any farewell entertainment even if it is a substantially private or informal character, and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government employee not belonging to Class II or Class IV, is forbidden.

15. Private trade or Employment (1) No Government employee shall except with the previous sanction of the Government, engage directly or indirectly in any trade or business or negotiate for, or undertake, any other employment :

Provided that a Government employee may, without such sanction undertake honorary work of a social or charitable nature or occasional work of article or scientific character subject to the conditions that—

(i) he shall, within a period of one month of his undertaking any such work, report to the Government giving full details ;

(ii) his official duties do not thereby suffer ;

(iii) he shall discontinue any such work if so directed by the Government :

Provided further that if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

Explanation—Canvassing by a Government employee—

(i) in support of the business of insurance agency, Commission Agency etc., owned or managed by his wife or any other member of his family ; or

\* Substituted vide Haryana Govt. Notification No. G.S.R. 10/Const./Arts. 309, 311 and 187/Amd (1)/77 dated the 14th January, 1977.

\*\*Added vide Haryana Government's above notification.

- (ii) for a candidate for an elective office referred to in the second proviso, shall be deemed to be a breach of this sub-rule.

(2) Every Government employee shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency,

(3) No Government employee shall without the previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force or any co-operative society for commercial purposes :

Provided that a Government employee may take part in the registration, promotion or management of a co-operative society substantially for the benefit of Government employees or of a literary, scientific or charitable society registered under Societies Registration Act, 1860 (21 of 1860) or any corresponding law in force, subject to the conditions that—

- (i) he shall, within a period of one month of his taking part in such activity, report to the Government giving full details ;
- (ii) his official duties do not thereby suffer ;
- (iii) he shall discontinue taking part in any such activity if so directed by the Government :

Provided further that, if taking part in any such activity involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

*Explanation I.*—A “co-operative society” means a society registered, or deemed to be registered under the co-operative Societies Act 1912 (2 of 1912) or any other law relating to co-operative societies for the time being in force in any State,

*Explanation II.*—Convassing for a candidate for an elective office referred to in the second proviso shall be deemed to be breach of this sub-rule.

(4) No Government employee shall except any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.”

16. Investment, lending and borrowing.—(1) No Government employee shall speculate in any stock, share or other investment.

*Explanation*—Frequent purchase or sale or both of shares securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No Government employee shall make, or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) of sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No Government employee shall save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf :—

- (a) lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or
- (b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid :

Provided that a Government employee may, give to, or accept from a relative or a personal friend purely temporary one of a small amount free of interest, or operate a credit account with a bona-fide tradesman or make an advance of pay to his private employee.

\*Provided further that a Government employee may, with the previous sanction of the Government enter into any transaction referred to in sub-clause (a) or sub-clause (b)”.’

\*Inserted vide Haryana Govt. Notification No. G.S.R. 123 Const. Arts 303, 318 and 187 Amd. (1) 76, dated the 14th May, 1976.

(ii) When a Government employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall there after act in accordance with such order as may be made by such authority.

17. Insolvency and habitual indebtedness.—A Government employee shall so manage his private affairs as to avoid habitual indebtedness, or insolvency. A Government employees against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Government.

*Note*—The burden of proving that the insolvency or indebtedness was the result of circumstances which with the exercise of ordinary diligence, the Government employee could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government employee.

18. *Movable, immovable and valuable property.*—(1) Every Government employee shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding—

- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person ;
- (b) shares debentures, and cash including bank deposits inherited by him or similarly, owned, acquired or held by him ;
- (c) other movable property inherited by him or similarly owned, acquired or held by him :
- (d) debits and other liabilities incurred by him directly or indirectly.

*Note.*—I. Sub-rule (1) shall not ordinarily apply to Class IV employees, but the Government may direct that it shall apply to any such Government employee or class of such Government employees.

*Note.*—II. In all returns the value of items of movable property worth less than Rs. 1,000/- may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

*Note.*—III. Every Government employee who is in service on the date of the commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

(2) No Government employee shall except with the previous knowledge of the prescribed authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family :

Provided that the previous sanction of the prescribed authority shall be obtained by the Government employee if any such transaction is—

- (i) with a person having official dealings with the Government employee ;  
or
- (ii) otherwise than through a regular or reputed dealer.

“(3) Where a Government employee enters into a transaction in respect of movable property either in his own name, or in the name of a member of his family, he shall, within one month from the date of with transaction, report the same to the prescribed authority, if the value of such property exceeds one thousand rupees in the case of a Government employee holding any Class I or Class II post or five hundred rupees in the case of a Government employee holding any Class III or Class IV posts.

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is—

- (i) with a person having official dealings with the Government employee ; or



(ii) otherwise than through a regular or reputed dealer."

(4) The Government or the prescribed authority may at any time, by general or special order, require a Government employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so, required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of Government employee belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Chief Secretary to Government, \*Haryana.

*Explanation.*—For the purpose of this rule—

(1) The expression "movable property" includes—

- (i) Jewellery, insurance policies, the annual premia of which exceed Rs. 1,000 or one sixth of the total annual emoluments received from Government which ever is less, shares, securities and, debentures ;
- (ii) loans and advances by such Government employee whether secured or not ; and
- (iii) motor cars, motor cycles, horses, or any other means or conveyance ; and
- (iv) refrigerators, radios and radiograms.

(2) "Prescribed Authority" means—

- (a) (i) the Government in the case of a Government employee holding any Class I post except where any lower authority is specified by the Government for any purpose ;
- (ii) head of Department in the case of a Government employee holding any Class II posts ;
- (iii) head of Office, in the case of a Government employee holding any Class III or Class IV post ;
- (iv) The Chairman of the \*Haryana Legislative Council in the case of Secretary of the said Council and the Secretary in the case of all other employees of the Legislative Council ;
- (v) the Speaker of the \*\*Haryana Vidhan Sabha in the case of the Secretary of the said Sabha and the Secretary in the case of all other employees of the Vidhan Sabha.
- (b) in respect of a Government employee on foreign service or on deputation to any other Department or any other Government, the Parent department on the cadre of which such Government employee is borne to the department to which he is administratively subordinate as member of that cadre.

19. (1) Vindication of Acts and Character of Government employees—

No Government employee shall, except with the previous sanction of the Government have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or on attack of a defamatory character.

(2) Nothing in this rule shall be deemed to prohibit a Government employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government employee shall submit a report to the prescribed authority regarding such action.

\*\*Substituted vide Haryana Government Notification No. G.S.R. 93/Const. Arts. 319, 318 and 187/Amd.1/75, dated 1st August, 1975.

\*Deleted vide Haryana Government Notification Number G.S.R. 67/Const. Art. 309/Amd (2) 68, dated 21 August, 1968.

\*\*Substituted by Haryana Government Notification No. G.S.R. 67/Const./Art. 309/Amd. (2)/68, dated the 21st August, 1968.

20. Canvassing of non-official or other influence.—No Government employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matter to pertaining to his service the under Government.

\*21. Bigamous Marriages.—(1) No Government employee shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government employee, having a spouse living shall enter into, or contract, a marriage with any person :

Provided that the State Government may permit a Government employee to enter into, or contract any such marriage as is referred to in sub-rule (1) or sub-rule (2), if it is satisfied that—

(a) Such marriage is permissible under the personal law applicable to such Government employee and the other party to the marriage; and

(b) there are other ground for so doing”;

\*\*22. Consumption of intoxicating drinks and drugs.—A Government employee shall—

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) take due care that the performance of his duties is not affected in any way by the influence of intoxicating drink or drugs;

(c) not consume intoxicating drinks or drugs in public;

(d) not appear in a state of intoxication in a public place;

(e) not to be present on duty in a state of intoxication; and

(f) not habitually use any intoxicating drinks or drugs to excess”.

23. Interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to the Chief Secretary to Government, \*\*\* Haryana whose decision thereon shall be final.

24. Delegation of powers.—The Government may, by general or special order, direct that any power exercisable by it or any head of department under these rules (except the powers under rule 23 and this rule) shall subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

25. Repeal and saving. Any rules corresponding to the these rules in force immediately before the commencement of these rules and applicable to the Government employees to whom these rules apply are hereby repealed.

Provided that any order made or action taken under the rules so repealed shall be deemed to have made or take under the corresponding provisions of these rules.

SAROOP KRISHAN,

Chief Secretary to Government,  
Haryana.

\*Substituted vide Haryana Government Notification No. G.S.R. 10/Const./Art. 309/318/and 187/Amd. (1)77, dated the 14th January, 1977.

\*\*Substituted vide Haryana Government Notification No. G.S.R. 10/Const./Art. 309/318/and 187/Amd. (1)77, dated the 14th January, 1977.

\*\*\*Substituted vide Haryana Government Notification No. G.S.R. 194/Const./Art. 309/Amd./72, dated the 10th August, 1972.

**NATIONAL EMERGENCY  
RULES, 1965**



## HOME DEPARTMENT

## GENERAL SERVICES

## Notification

The 20th July, 1965

No. G.S.R. 160/Const./Art. 309/65.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules :—

1. *Short title, commencement and application.*— (1) These rules may be called the Punjab Government National Emergency (Concession) Rules, 1965.

(2) They shall come into force at once.

(3) They shall apply to all classes of services and posts in connection with the affairs of the State of Punjab except Medical and Health services.

2. *Definition.*—For the purposes of these rules, the expression 'military service' means enrolled or commissioned service in any of the three wings of the Indian Armed Forces (including service as a warrant officer) rendered by a person during the period of operation of the Proclamation of Emergency made by the President under Article 352 of the Constitution on the 26th October, 1962 or such other service as may hereafter be declared as military service for the purposes of these rules. Any period of military training followed by military service shall also be reckoned as military service.

3. *Maximum age-limit and minimum qualification.*— (1) The maximum age-limit prescribed for appointment to any service or post shall be relaxed in favour of a person who has rendered military service to the extent of his military service, provided he produces a certificate from the competent authority that he had rendered continuous military service for a period of not less than six months and was discharged because of demobilisation or reduction not more than three years prior to the date of his registration at an employment exchange or the date of his application for employment under the Government.

(2) A person who has become disabled while in military service shall also be entitled to exclude from his age the period from the date he was disabled up to the date of his application for appointment to any service or post under the Government or till the end of the present emergency, whichever is shorter.

(3) In case a person who has rendered military service does not possess the minimum qualifications prescribed for any service or post, he shall be deemed to possess these qualifications if the appointing authority certifies that such a person has acquired by experience or otherwise qualifications equivalent to those prescribed for that service or post.

4. *Increments, seniority and pension.*—Period of military service shall count for increments, seniority and pension as under :—

(i) *Increments.*—The period spent by a person on military service, after attaining the minimum age prescribed for appointment to any service or post, to which he is appointed, shall count for increments. Where no such minimum age is prescribed the minimum age shall be as laid down in rules 3.9, 3.10 and 3.11 of the Punjab Civil Services Rules, Volume II. This concession shall, however, be admissible only on first appointment.

(ii) *Seniority.*—The period of military service mentioned in clause (i) shall be taken into consideration for the purpose of determining the seniority of a person who has rendered military service.

(iii) *Pension.*—The period of military service mentioned in clause (i) shall count towards pension only in the case of appointments to permanent services or posts under the Government subject to the following conditions :—

(1) the person concerned should not have earned a pension under military rules in respect of the military service in question ;

- (2) any bonus or gratuity paid in respect of military service by the defence authorities shall have to be refunded to the State Government ;
- (3) the period, if any, between the date of discharge from military service and the date of appointment to any service or post under the Government shall count for pension, provided such period does not exceed one year. Any period exceeding one year but not exceeding three years may also be allowed to count for pension in exceptional cases under the orders of the Government.

5. *Seniority, promotion, increment, pension and leave of Government employees.*—The period spent on military service by a Government employee shall count for seniority, promotion, increment and pension in the service or post held by him immediately before his joining military service. A permanent Government employee who renders military service, shall earn leave during such service according to the leave rules applicable to him immediately before his joining military service. A temporary Government employee shall during military service, be governed by the military rules in all respects. The employee concerned shall be entitled to *pro forma* promotion in his parent departments under the 'next below' rule and also to seniority in higher posts to which he would otherwise have been entitled if he had not joined military service.

6. *Probation.*—The period spent by a Government employee on military service in any rank shall be treated as period spent on deputation on a corresponding post for being counted towards the period of probation fixed under the service rules applicable to that employee.

7. *Promotion.*—The *pro forma* promotion of a Government employee in military service shall be made in his parent department on the basis of seniority-cum-merit. In case it is necessary for him to pass any departmental qualifying test for a particular promotion, increment, he shall stand exempted from passing such a test for the period he remains on military service and for such period thereafter as would, normally, have been allowed to him to pass such a test but for his joining military service :

Provided that if a similar dualifying test has been passed by him while in military service he shall be exempted altogether from passing the said test.

8. *Temporary Government employee.*—A temporary Government employee, who after return from military service, is appointed to the service or post from which he proceeded on military service or is appointed to a service or post with equivalent or similar grades, shall be treated in the same manner as a permanent Government employee in respect of pay, seniority and pension, irrespective of whether or not the post on which he was working at the time of his joining military service continue to exist during the period of his military service. A temporary Government employee who does not return to the same post or to post with an equivalent or similar grade shall be treated as if he did not hold any post under the Government prior to his joining military service.

9. *Effect of joining military service before announcement of result of any competitive examination or Government service.*—If a person is successful in a competitive examination for any service or post under the Government but joins military service before the result of such examination is announced, he shall be considered as having been seconded for military service with effect from the date of such appointment.

GYAN SINGH KAHLON,

Chief Secretary to Government,  
Punjab.

(No. 7055-IGSI-65,  
dated 20th July, 1965).

[Published in the Haryana Government Gazette, Legislative Supplement, dated the 6th April, 1976]

**PART III**

**HARYANA GOVERNMENT**

**GENERAL ADMINISTRATION**

**Notification**

The 22nd March, 1976

**No. G.S.R. 77/Const./Art. 309/Amd. (I)/76.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab Government National Emergency (Concession) Rules, 1965, namely :—

1. (1) These rules may be called the Punjab Government National Emergency (Concession) Haryana First Amendment Rules, 1976.

(2) They shall be deemed to have come into force on the 1st day of November, 1966.

2. In the Punjab Government National Emergency (Concession) Rules, 1965, in rule 4, to clause (ii), the following proviso shall be added, namely :—

“Provided that a person who has availed of concession under sub-rule (3) of rule 3 shall not be entitled to the concession under this clause.”

**S. D. BHAMBRI,**

Chief Secretary to Government, Haryana.

No. 2259-2GSII-76/7273, dated Chandigarh, the 22nd March, 1976.

A copy each is forwarded to :—

(i) All Heads of Departments, Commissioners, Ambala and Hissar Divisions, All Deputy Commissioners and Sub-Divisional Officer (Civil), Haryana.

(ii) Registrar, Punjab and Haryana High Court, and all District and Sessions Judges in Haryana, for information and necessary action.

**PROMILA ISSAR,**

Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to :—

The Financial Commissioner, Revenue, Haryana and all Administrative Secretaries to Government, Haryana for information and necessary action.

A copy is forwarded to the Accountant-General, Haryana, Chandigarh for information.

A copy each is forwarded to the Principal Secretary/Secretaries/Private Secretaries to the Chief Minister/Ministers/State Ministers, Haryana for information.

**HARYANA GOVERNMENT****GENERAL ADMINISTRATION DEPARTMENT****Notification**

The 4th August, 1976

No. GSR-182/Const/Art 309/Amd. (2)/76.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab Government National Emergency (Concession) Rules, 1965, namely :—

1. (1) These rules may be called the Punjab Government National Emergency (Concession) Haryana Second Amendment Rules, 1976.

(2) They shall be deemed to have come into force on the 1st day of November, 1966.

2. In the Punjab Government National Emergency (Concession) Rules, 1965, for rule 2, the following rule shall be substituted, namely :—

“2 *Definition.*—For the purpose of these rules, the expression ‘military service’ means the service rendered by a person, who had been enrolled or commissioned during the period of operation of the proclamation of emergency made by the President under article 352 of the Constitution of India on the 26th October, 1962, in any of the three wings of the Indian Armed Forces (including the service as a Warrant Officer) during the period of the said Emergency or such other service as made hereafter be declared as military service for the purpose of these rules, Any period of military training following by military service shall also be reckoned as military service”.

S.D. BHAMBRI

Chief Secretary to Government, Haryana.

No. 6102-2GSII-76/21382 dated Chandigarh, the 9.8.76

A copy each is forwarded to all Heads of Departments, Commissioners, Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers (Civil), Haryana, Registrar, Punjab and Haryana High Court and All District & Sessions Judges in Haryana for information and necessary action.



**HARYANA GOVERNMENT**  
**GENERAL ADMINISTRATION DEPARTMENT**

**Notification**

Dated the 5th November, 1976

**No. G.S.R. 238-Const/Art 309/Amd. (3)/76.**—In exercise of the powers conferred by the proviso to article 309 of the constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab Government National Emergency (Concession) Rules, 1965, namely

1. (1) These rules may be called the Punjab Government National Emergency (Concession) Haryana 3rd Amendment Rules, 1976.

(2) They shall be deemed to have come into force with effect from the 1st day of November, 1966.

2. In the Punjab Government National Emergency (Concession) Rules, 1965 to rule 4, the following proviso shall be added namely :—

“Provided that a person who has been released from the military service on compassionate grounds shall not be entitled to any concessions under this rule”.

S.D. BHAMBRI,

Chief Secretary to Government, Haryana

No. 8533-2GSII-76/31484 Dated Chandigarh, the 19th November, 1976.

A copy each is forwarded to All Heads of Departments, Commissioners, Ambala and Hisar Divisions, All Deputy Commissioners and Sub Divisional Officer (Civil), Haryana, Registrar, Punjab and Haryana High Court and All District and Session Judges in Haryana for information and necessary action.

## PART III

## HARYANA GOVERNMENT

## GENERAL ADMINISTRATION DEPARTMENT

## Notification

The 13th August, 1979

No. G.S.R. 79/Const./Art. 309/Amd. (1)/79.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to amend the Punjab Government National Emergency (Concession) Rules, 1965, in their application to the State of Haryana, namely :—

1. These rules may be called the Punjab Government National Emergency (Concession) Haryana First Amendment Rules, 1979.

2. Notwithstanding any judgement, decree or order of any court to the contrary, these rules shall be deemed to have come into force with effect from the 1st November, 1966.

3. In the Punjab Government National Emergency (Concession) Rules, 1965 (hereinafter referred to as the said rules), in rule 4,

(a) in clause (i), the words "This concession shall, however, be admissible only on first appointment", shall be omitted;

(b) in clause (iii) for the words "only in the case of appointments to permanent services or posts", the words "in case of first or any subsequent appointment to any service or post" shall be substituted.

4. In the said rules, after rule 4, the following rule shall be inserted, namely :—

"4A. *Benefit of military service when admissible.*—The benefit of military service towards increments and seniority, mentioned in clauses (i) and (ii) of rule 4 shall be admissible only on first appointment under the Government".

S.D. BHAMBRI,

Chief Secretary to Government, Haryana.

**Essential Services Maintenance  
Act, 1981**



## PART IV

## Republication of Acts, Bills, Ordinances, etc. and Rules thereunder

[Assented to on 23rd September, 1981]

[Act No. 40 of 1981]

## THE ESSENTIAL SERVICES MAINTENANCE ACT, 1981

AN  
ACT*to provide for the maintenance of certain essential services and the normal life of the community*

Be It enacted by Parliament in the Thirty-second Year of the Republic of India as follows :—

*1 Short title, extent, commencement and duration :—*(1) This Act may be called the Essential Services Maintenance Act, 1981.

(2) It extends to the whole of India :

Provided that it shall not apply to the State of Jammu and Kashmir in so far as it relates to any essential service connected with matters with respect to which Parliament has no power to make laws for that State.

(3) Sections 8 and 9 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 26th day of July, 1981.

(4) It shall cease to have effect on the expiry of four years from the date on which this Act receives the assent of the President except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897, [10 of 1897] shall apply upon such cesser of operation of this Act as if it had then been repealed by a Central Act.

*2. Definitions :—*(1) In this Act, unless the context otherwise requires,—

(a) “essential service” means—

- (i) any postal, telegraph or telephone service, including any service connected therewith;
- (i) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to make laws :
- (ii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971; (43 of 1971)
- (iv) any service in, or in connection with the working of, any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port;
- (v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;
- (vi) any service in any establishment, of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;
- (vii) any service in any establishments or undertaking dealing with the production of goods required for any purpose connected with defence;
- (viii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends.

*Explanation :—*For the purposes of the sub-clause, the expressions “industrial undertaking” and “scheduled industry” shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951 (65 of 1951)

- (ix) any service in, or in connection with, the working of any undertaking owned or controlled by the Central Government being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;
  - (x) any service in, or in connection with the working of, any system of public conservancy, sanitation or water-supply, hospitals or dispensaries, in any Union territory, cantonment area or undertaking owned or controlled by the Central Government;
  - (xi) any service in connection with or in relation to banking;
  - (xii) any service in any establishment or undertaking dealing with the production, supply or distribution of coal, power, steel or fertilizers;
  - (xiii) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;
  - (xiv) any service in any mint or security press; . . . . .
  - (xv) any service in connection with elections to Parliament or to the Legislatures of the States;
  - (xvi) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses;
  - (xvii) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;
- (b) "strike" means the cessation of work by a body of persons while employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept work assigned, and includes—
- (i) refusal to work overtime where such work is necessary for the maintenance of any essential service;
  - (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service;
- (c) words and expressions used in section 8 and 9 and not defined, but defined in the Industrial Disputes Act, 1947, [14 of 1947] shall have the meanings respectively assigned to them in that Act.

(2) Every notification issued under sub-clause (xvii) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

*Explanation.*—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.

(3) Any reference in this Act to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

3. *Power to prohibit strikes in certain employments* :—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the

Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),

- (a) no person employed in any essential service to which the Order relates shall go or remain on strike;
- (b) any strike declared or commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. *Dismissal of employees participating in illegal strikes* :—Any persons,—

- (a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike; or
- (b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. *Penalty for illegal strikes* :—Any person who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. *Penalty for instigation, etc.* :—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. *Penalty for giving financial aid to illegal strikes* :—Any person who knowingly expends or supplies any money in furtherance or supports of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. *Power to prohibit lock-out in certain establishments* :—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit lock-outs in any establishment pertaining to any essential service specified in the Order.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary so to do.

(4) Upon the issue of an Order under sub-section (1),—

- (a) no employer in relation to an establishment to which the Order applies shall commence any lock-out;
- (b) any lock-out declared or commenced whether before or after the issue of the Order by any employer in relation to an establishment to which the Order applies shall be illegal.

(5) Any employer in relation to an establishment who commences, continues or otherwise acts in furtherance of a lock-out which is illegal under this section, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

9. *Power to prohibit lay-off in certain establishments* :—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order prohibit lay-off, on any ground other than shortage of power or natural calamity, of any workman

(other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any establishment pertaining to any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

- (a) no employer in relation to an establishment to which the Order applies shall lay-off or continue the lay-off of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of such establishment unless such lay-off is due to shortage of power or to natural calamity and any laying-off or continuation of laying-off shall, unless such laying-off or continuation of laying-off is due to shortage of power or to natural calamity, be illegal;
- (b) a workman whose laying-off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid off.

(5) Any employer in relation to an establishment who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**10. Power to arrest without warrant :—**Notwithstanding anything contained in the Code of Criminal Procedure 1973, [2 of 1974] any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act.

**11. Offences to be tried summarily. —**Notwithstanding anything contained in the Code of Criminal Procedure, 1973, [2 of 1974] all offences under this Act shall be tried in a summary way by any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial :

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

**12. Act to override other laws :—**The provisions of this Act and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, [14 of 1947] or in any other law, for the time being in force;

**13. Amendment of Act 41 of 1980 :—**During the continuance in force of this Act, the Essential Services Maintenance (Assam) Act, 1980, shall have effect as if,—

(a) in section 2,—

(1) in sub-section (1),—

(i) clause (a) had been omitted;

(ii) for clause (b), the following clauses had been substituted, namely :—

(b) “essential service” means—

(i) any transport service for the carriage of passengers or goods, by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;

(ii) any service connected with the production storage, supply or distribution, as the case may be, of gas or water;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;



- (iv) any public services and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;
- (v) any other service or employment or class thereof, connected with the matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Act;
- (bb) "State Government" means the State Government of Assam;
- (2) in sub-section (2), for the words, brackets and figures "under sub-clause (xv)" the words, brackets and figure "under sub-clause (v)" had been substituted;
- (b) in sections 3 and 9, for the words "appropriate Government", wherever they occur, the words "State Government" had been substituted.

14. *Repeal and saving* :—(1) The Essential Services Maintenance Ordinance, 1981 [14 of 1981] is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

PART I  
LEGISLATIVE DEPARTMENT  
Notification

The 16th April, 1981

No. Leg. 15/81.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th April, 1981 and is hereby published for general information —

Haryana Act No. 12 of 1981

THE HARYANA ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 1981

AN  
ACT

*to amend the Haryana Essential Services Maintenance Act, 1974*

Be it enacted by the Legislature of the State of Haryana in the thirty-second Year of the Republic of India, as follows :

*Short title :* This Act may be called the Haryana Essential Services Maintenance (Amendment) Act, 1981.

*2 Amendment of section 2 of Haryana Act 40 of 1974 :* In section 2 of the Haryana Essential Services Maintenance Act, 1974 (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted, namely :—

- (d) "strike" means the cessation of work by a body of persons employed in any employment or class of employment to which this Act applies acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons, who are or have been so employed to continue to work or to accept employment, and includes—
  - (i) mass casual leave in pursuance of a common understanding among the persons who avail themselves of such leave, or under the direction of any other person or persons ;
  - (ii) refusal to work overtime where such work is necessary for the maintenance of work in any employment to which this Act applies ; or
  - (iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any employment to which this Act applies'.

*4 Insertion of Section 4-A in Haryana Act 40 of 1974* After section 4 of principal Act, the following section shall be inserted, namely—

"4A. *Power to prohibit strike:*—(1) If the Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in any employment or class of employment to which this Act applies.

- (2) An order made under sub-section (1) shall be published in such manner as the Government considers sufficient to bring it to the notice of the persons affected by the order and shall remain in force for a period of six months.

Provided that the Government may, by like order, extend it for any period not exceeding six months, it is satisfied that in the public interest it is necessary or expedient so to do.

- (3) Upon the issue of the order under sub-section (1),—

- (a) no person employed in any employment or class of employment to which this Act applies and to whom the order relates shall go, or remain on strike ; and
- (b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in any such employment, shall be illegal".

*Amendment of section 5 of Haryana Act 40 of 1974*—In sub-section (1) of section 5 of the principal Act,—

- (i) in clause (b), the word "or" occurring at the end shall be omitted ; and

- (ii) after clause (c), the following clauses shall be inserted, namely :—

"(d) himself takes part in, instigate or incites other persons to take part in, or otherwise acts in furtherance of, any illegal strike ; or

(e) knowingly expends or supplies any money in furtherance or support of any illegal strike.”

5. *Amendment of section 7 of Haryana Act 40 of 1974*—For sub-section (4) of section 7 of the principal Act, the following sub-section shall be substituted, namely :—

“(4) The offences under this Act shall be cognizable and non-bailable.”

6 *Repeal*—The Haryana Essential Services Maintenance (Amendment) Ordinance, 1981 (Haryana Ordinance No. 3 of 1981), is hereby repealed.

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A. N. AGGARWAL,  
Assistant Legal Remembrancer and  
Under Secretary to Government, Haryana  
Legislative Department.



**EMPLOYEES GROUP INSURANCE  
SCHEME RULES, 1975**



## PART III

## HARYANA GOVERNMENT

## GENERAL ADMINISTRATION DEPARTMENT

## Notification

The 25th April, 1975

**No. G.S.R. 39/Const./Art. 309/75.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the Scheme for Group Insurance of employees of the State Government of Haryana, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Haryana State Employee's Group Insurance Scheme Rules, 1975.

(2) They shall be deemed to have come into force on the 1st day of April, 1975.

(2) *Definitions.*—In these rules, unless the context otherwise requires :

- (a) 'accounting date', in relation to the Scheme means the first day of April, 1975 and the first day of April in each subsequent year ;
- (b) 'annual renewal date' means the first day of April, 1975 and the first day of April in each subsequent year ;
- (c) 'assurance' means the assurance or assurances to be effected on the life of the member ;
- (d) 'beneficiary' means the person or persons who have been appointed by the member as nominee or nominees and whose name or names have been entered in the register of members kept by the employer, as being eligible for the benefits under the Scheme ;
- (e) 'corporation' means the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956.
- (f) 'effective date means' the first day of April, 1975, the date from which the scheme commences ;
- (g) 'employer' means the State Government of Haryana ;
- (h) 'entry date mean :—
  - (i) in relation to members admitted to the Scheme on the effective date, the effective date ; and
  - (ii) in relation to new members admitted to the Scheme after the effective date, the date on which they become eligible ;
- (i) 'member' means the particular employee of the employer who has been admitted to the membership of the Scheme and on whose life an assurance has been effected or is to be effected in accordance with these rules ;
- (j) 'Scheme' means the Haryana State Government Employees' Group Insurance Scheme ;
- (k) 'terminal date', in relation to the member, means the date on which the member completes the age of 50 years or 55 years or 58 years, as may be decided by the State Government.

3. *Employer to act on behalf of members.*—The employer shall act for and on behalf of the members in all matters relating to the Scheme and every act done by agreement made with, and notice given to, the Corporation by the employer shall be binding on the members.

4. *Eligibility.*—The Scheme shall cover all Government employees, irrespective of their length of service, of the State Government of Haryana except those who are work-charged or part-time or appointed on ad hoc basis.

5. *Evidence of age.*—The age of the member admitted in the service record of the employee shall be admitted by the corporation for the purposes of the Scheme.

6. *Controlling Officer.*—The Chief Secretary to the State Government of Haryana shall be the controlling officer for the operation of the Scheme.

7. *Contributions.*—For the present the number of employees eligible as members for the purpose of premium calculation by the corporation has been assessed at 1,25,000. Every member shall contribute one rupee per month toward his share of the cost of the Scheme. The member's contribution shall be deducted by the Drawing and Disbursing Officers and the gazetted officers drawing their own pay from their salary every month and credited by book transfer to head "088—Social Security and Welfare other receipts" under such sub head as the Chief Secretary to Government Haryana may intimate. For this purpose, a schedule of deductions for the consolidated amount shall be attached with the pay bills in form 4. The Treasury Officers and Officers of the Forest Department, who draw the pay of employees by cheques, shall intimate, the total recoveries made on this account during the month by the 10th day of the month following that in which the deductions are made, to the Under Secretary (Protocol) to Government, Haryana or any other officer nominated by the Chief Secretary, in this behalf.

8. *Co-ordination of Work.*—The officer of the employer for co-ordination of the matters relating to the Scheme with the corporation shall be the Under Secretary Protocol or any other officer nominated by the Chief Secretary. If the number of members increases or decreases, the position with regards to the payment of premium payable by the employer shall be assessed afresh at the time of renewal of the Master Policy every year.

9. *Assurances.*—On the effective date of assurance, an assurance shall be effected on the life of each member under the ONE YEAR RENEWABLE GROUP TERM INSURANCE SCHEME for a sum assured equal to five thousand rupees which shall be renewed on each annual renewal date. The sum assured shall be payable only in the event of the death of the member whilst in service of the employer.

10. *Benefits on death prior of terminal date.*—Upon the death of the member whilst in service prior to terminal date, the sum assured under the assurance shall become payable to the employer for the benefit of the beneficiary, and in the absence of the beneficiary, to the dependents of the deceased member as laid down in Rule 12.

11. *Termination of assurance.*—The assurance on the life of a member shall immediately terminate upon the happening of any of the following events and no benefit shall become payable thereunder :—

- (a) discontinuance of contribution relating to the assurance, or
- (b) the member reaching the terminal date, or
- (c) the member ceasing to be in the service of the employer.

12. *Payment of assurance claim of Rs. 5,000 to the nominee.*—On receipt of the information about the death of the member, the Head of office concerned shall arrange to call for the death certificate or adequate proof about the death of concerned member acceptable to the employer. On receipt of this document he shall verify that the member was in service and was covered under the Group Insurance Scheme. The requisite information and the certificate shall be sent to the Under Secretary Protocol for claiming payment of five thousand rupees to the beneficiary, and in the absence of the beneficiary, to the dependent of the deceased member in the following order :—

- (a) widow (widower) of the deceased member ;
- (b) failing the widow (widower), the amount shall be distributed in equal share among the following relatives of the deceased member :—

Sons under the age of 21 years and unmarried daughters and father and mother dependent upon the deceased member, and

- (c) failing (a) and (b) above, to the other legal heirs of the deceased member.

The head of the office while sending the death certificate to Under Secretary Protocol, shall also furnish a certificate under his signatures stating that the deceased member was covered under the Group Insurance Scheme. He shall also communicate the following details to the Under Secretary Protocol :—

- (i) name of the deceased member ;



- (ii) designation of the member ;
- (iii) date of birth of the member as recorded in employee's service record ;
- (iv) date of death.

13. *Restraint on anticipation or encumbrance.*—The benefits assured under the Scheme are strictly personal and cannot be assigned, charged or alienated in any way.

14. *Discontinuance or amendment of the scheme.*—The employer reserves the right to discontinue the Scheme at any time or to amend the rules thereof on any annual renewal date subject to three months notice being given to the member and the corporation.

15. *Jurisdiction.*—All assurances issued under the Scheme shall be subject to Indian laws including the Indian Insurance Act, 1938, the Estate Duty Act, 1953, the Life Insurance Corporation Act, 1956, the Income-tax Act, 1961, and to any other law for the time being in force. All benefits under the Scheme arising out of death of any member shall be payable in Indian rupee.

16. *Master policy.*—The corporation shall issue a Single Master Policy incorporating all the assurances effected under the Scheme.

17. *Estate duty.*—Where any liability to estate duty arises in respect of any benefits the employer may apply the benefit or part of it in payment of such duty (including any interest thereon) and deduct the amount so paid from the benefits or may postpone the payment of the benefits until the liability has been provided for to their satisfaction ; provided that were the beneficiary of a deceased member claiming the benefits hereunder satisfied the employer that the duty has been paid or shall be paid or that no duty is due, the employer shall have the discretion to pay the benefits subject to the beneficiary furnishing indemnity or indemnities in the form and manner specified by him.

18. *Rates of premium and conditions of assurance.*—The rates of Premium and conditions of assurance under which the corporation is prepared to arrange the Scheme shall be subject to an agreement between the employer and the corporation.

19. *Employer's liability.*—The employer is neither the insurer nor the guarantor of the policy of assurance purchased under these rules and in the event of the corporation restricting or withholding any benefits in respect of any of the assurances that may be issued, owing to circumstances beyond the control of the employer or otherwise, the employer shall be under no liability whatsoever to the beneficiary of any member entitled to the benefits secured by such assurance.

20. *Profit sharing.* The Scheme shall participate in the corporation's scheme of profit sharing. According to the present scheme of profit sharing, in the event of favourable mortality experience, the employer shall be entitled to a share in the mortality profits of the scheme. If the experience is unfavourable, a portion of the loss incurred under the Scheme shall be adjusted against the employer's share of future profits. The employer's share of profit shall be ninety per cent. The employer's share of profit for a particular year may be adjusted against the premium due from the employer in the following year.

21. *Alteration in terms and condition.*—The corporation may, by giving three months notice to the employer, alter, vary or revise any or all the terms, conditions privileges and rates of premium from the next following policy anniversary.

22. *Discontinuance of scheme.*—The Scheme may be discontinued by either side by giving notice of three months. The discontinuance shall be effective from the next policy anniversary date.

23. *Administrative procedure.*—The administrative Procedure for the Scheme shall be as specified in the annexure to these rules.

## THE ANNEXURE

### ADMINISTRATIVE PROCEDURE

1. *Benefits*:— The Scheme shall be administered on the basis of Simple Administration. The Scheme shall provide uniform cover of five thousand rupees for every eligible employee who satisfied eligibility conditions specified in rule 4 and shall continue upto his normal retirement date unless terminated in between on account of his living service or on account of discontinuance of the Scheme.

2. *Master Proposal and rules*:— The employer shall complete the Master Proposal form and forward the same to the corporation after being duly signed and witnessed together with the attested copy of the rules.

3. *Age distribution* :— The corporation shall require from the employer the data regarding the age distribution of all eligible members once in a year, to start with on the effective date and there after on every renewal date. Age distribution shall be compiled by the employer on the basis of dates of birth recorded by it in respect of its employees and the same shall be furnished in form I appended to these rules.

The premium shall be ascertained on the effective date as well as on every annual renewal date on the basis of exact age distribution of the total strength on the respective dates.

The total yearly premium shall be determined for the group as a whole and on the basis of that total, average premium per thousand sum assured shall be worked out (by taking all categories of members together). The average premium per one thousand sum assured so arrived at shall be the rate on the basis of which fluctuations in premium during the year shall be ascertained to allow for movements in staff strength either due to new entrants or due to exits. For this purpose statement regarding movements shall be obtained or furnished in form 2 appended to these rules every year. Profit sharing shall be ascertained only after adjustments for movements during the year have been given effect to.

4. *Death claim*:— The benefit shall become payable in the event of death of the member whilst he is insured under the Scheme. The employer shall send intimation of death of the member as and when a claim arises. The corporation's requirements for setting a claim shall be :—

- (a) an original death certificate ; or
- (b) a certificate given by the employer in form 3 appended to these rules.

The claim amount shall be paid to the employer for the benefit of the beneficiary,

## FORM 1

## HARYANA GOVERNMENT GROUP INSURANCE SCHEME

Statement showing age distribution of members to be covered under the Scheme as on 1st April, 1975.

Calendar Year of birth

Number of members

1915

1916

1917

1955

Total

Under Secretary Protocol,  
for Chief Secretary to Government,  
Haryana, Chandigarh.

Chandigarh,  
Dated the \_\_\_\_\_

## FORM 2

## HARYANA GOVERNMENT GROUP INSURANCE SCHEME

For the year \_\_\_\_\_

Statement showing alterations in membership owing to admission of New entrants and withdrawals of existing members.

(To be compiled for each year)

Name of members

New entrants

Withdrawal (leaving services, etc.)

Under Secretary Protocol,  
for Chief Secretary to Government Haryana,  
Chandigarh.

## FORM 3

## HARYANA GOVERNMENT GROUP INSURANCE SCHEME

To

The Regional Manager,  
The Life Insurance Corporation of India,  
Divisional Office,  
Pension and Group Schemes Department,  
Sector 17, Chandigarh.

Death Claim in respect of Shri \_\_\_\_\_

This is to certify that—

- (i) Shri \_\_\_\_\_ who died on \_\_\_\_\_ was an employee of the Haryana Government and was insured under the Scheme on the date of his death, and
- (ii) his age on the date of his death was \_\_\_\_\_ years.

Under Secretary Protocol,  
for Chief Secretary to Govt. Haryana,  
Chandigarh.

Chandigarh,

Dated the \_\_\_\_\_

## FORM 4

Schedule of deductions on account of employee's share under the Group Insurance Scheme for credit to the head "088-Social Security and Welfare Other Receipts\_\_\_\_\_.

(Here fill up the sub head)

Name of Office\_\_\_\_\_Month/Period of claim from which deduction made\_\_\_\_\_

Bill No. and date\_\_\_\_\_

Total amount of deductions :—(Rs. figures) Rs\_\_\_\_\_

(in words) Rupees\_\_\_\_\_

Place :

Date :

(Signature of the Drawing Officer/Drawing  
and Disbursing Officer) . . . . .

Designation\_\_\_\_\_

Debit the inapplicable alternative\_\_\_\_\_

S. D. BHAMBRI,  
Chief Secretary to Govt., Haryana  
Chandigarh,

# **Principles of Appointment**



**Copy of Punjab Government Circular letter No. 3028-3GS-62/19037, dated 11th June, 1962 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.**

**Subject :—Principles to be followed in making Appointments to Civil Services and posts in Consultation with the Public Service Commission under Article 320 (3) (b) of the Constitution of India.**

I am directed to address you on the above subject and to say that in accordance with the provisions contained in sub-clause (b) of clause (3) of Article 320 of the Constitution of India, the Public Service Commission are to be consulted on the 'principles' to be followed in making appointments to Civil Services and posts, in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers. The expression "principles to be followed" occurring in that sub-clause are those incorporated in the recruitment rules of the particular service/post. Such rules in respect of the service/posts which are within the purview of the commission are required to be framed in consultation with them. The commission, when consulted about these rules, can express their views in regard to the qualifications and experience to be prescribed for the service/post. Any subsequent change in qualifications and/or experience has also to be referred to the Commission for approval and this should precede the making of recruitment proposals to the Commission.

2. The Commission have brought to the notice of Government that quite often no formal proposal suggesting qualifications and/or experience for particular posts is made by the Departments and whenever such a proposal is made, it is only as a part of the requisition asking for recruitment. This practice defeats the very purpose of Article 320 (3) (b) referred to above. I am, therefore, to request you kindly to ensure that in cases where qualifications/experience for a service post are proposed to be prescribed for the first time or where a variation from those already prescribed in the rules is desired, consultation with the Commission should precede the placing of the requisition on the Commission.

3. It may be clarified that the term 'principles' in the context of Article 320 (3) (b) of the Constitution in relation to appointments would not include scales of pay prescribed or to be prescribed for the service/post. The scales of pay are approved by the Government and the Commission do not normally, comment on such matters.

4. The receipt of this letter may be acknowledge and the instructions brought to the notice of all concerned.

**Copy of Punjab Government Circular letter No. 11034-3GS-62/34530, dated 26th September, 1962 from the Chief Secretary to Government, Punjab, to all Heads of Departments. etc. etc.**

**Subject:— Principles to be followed in making appointments to Civil Services and posts in consultation with the Public Service Commission under article 320(3) (b) of the Constitution of India.**

I am directed to invite a reference to Punjab Government Circular No. 3028-3GS-62/19037, dated the 11th June, 1962, on the subject noted above and to say that the words "Such rules in respect of the services/posts which are within the purview of the Commission are required to be framed in consultation with them" occurring in 11 to 13 lines in paragraph I therein should be considered to have been deleted and replaced by the following words :—

"Such rules in respect of all services/posts are required to be framed in consultation with the Commission except those covered by regulation 5 (f) of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955."





**Haryana Services (Appointment  
by Promotion) Rules, 1974.**



[Published in the Haryana Government Gazette, Legislative supplement, dated the 13th August, 1974]

### PART III

#### HARYANA GOVERNMENT

#### GENERAL ADMINISTRATION DEPARTMENT

#### Notification

The 9th August, 1974

**No. G. S. R. 101/Const/Art. 309/74.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, and with the previous approval of the Government of India, received under sub-section (6) of section 82 of Punjab Reorganisation Act, 1966, the Governor of Haryana hereby makes the following rules regulating the recruitment by promotion to posts in the Civil Services of the State, namely :—

1. *Short Title* These rules may be called the Haryana Services (Appointment by Promotion) Rules, 1974.

2. In these rules, unless the context otherwise requires :—

- (a) "appointment by promotion" means an appointment made otherwise than by direct recruitment or by transfer of an employee in a service;
- (b) "fitness" means the capability of the Government employee to discharge efficiently the duties and the responsibilities of the concerned post;
- (c) "service rules" means the rules made or deemed to have been made under Article 309 of the Constitution of India;
- (d) "selection on merit" means selection for the purpose of promotion to a higher post in the service, made on the basis of service record of three senior most persons in accordance with the criteria laid down in the appendix to these rules.

3. *Appointment by promotion to class I and class II posts.* Where appointment to any Class I or Class II post is required, under the service rules, to be made by promotion, then notwithstanding anything to the contrary contained in such rules the appointment by promotion to such posts shall be made by selection on merit with due regard to seniority and no person shall be entitled to claim as of right, promotion to such post on the basis of seniority alone.

4. *Appointment by promotion to class III and class IV posts.* Where appointment to any class III or class IV posts is required, under the service rules, to be made by promotion, then, notwithstanding anything to the contrary contained in such rules, the appointment by promotion to such post shall be made on the basis of seniority and fitness to the post, and no person shall be entitled to claim as of right, promotion to such post on the basis of seniority alone.

5. *Repeal and saving.* The Punjab Services (Appointment by Promotion) Rules, 1962, in their application to the state of Haryana, are hereby repealed; provided that any action taken or any thing done under the rules so repealed shall be deemed to have been taken or done under the provision of these rules.

#### APPENDIX

[See rule 2 (d)]

#### Criteria for the purpose of promotion to a higher post in the service on the basis of record.

Only such official or officers who have obtained at least fifty percent 'good' or 'better than average' reports on the posts from which they are being considered for further promotion, and whose overall assessment can be classified as better than 'average' should be placed in the slab of suitable officials or officers. If in any particular case, the total number of reports earned on the post from which the official or officer is being considered for further promotion are far less than ten years, then the reports earned on the lower post or posts should also be considered so that the reports for a period of ten years are kept in view for determine suitability. However, in such a case, greater weightage shall be given to the reports earned on the higher posts from which further promotion is being considered.

N.N. KASHYAP,  
Chief Secretary.

[Contract from the Haryana Government Gazette, (Extra), dated the 4th April 1975]

Part III

HARYANA GOVERNMENT

GENERAL ADMINISTRATION DEPARTMENT

(GENERAL SERVICES)

Notification

The 4th April, 1975

No. G.S.R. 33/Const./Art.309/75.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to repeal the Haryana Services (Appointment by Promotion) Rules, 1974, published with Haryana Government, General Administration Department notification No. G.S.R. 101/Const./Art. 309/74. dated the 9th August, 1974, namely :—

1. *Short Title* These rules may be called the Haryana Services (Appointment by Promotion Repealing Rules, 1975.

2. *Repeal* The Haryana Services (Appointment by Promotion) Rules, 1974 are hereby repealed and shall be deemed to have been repealed with effect from the 13th August, 1974.

Provided that the repeal shall not affect the validity of any action taken or thing done under the rules so repealed except any action taken or thing done under the provisions of rule 4 of the rules so repealed.

S. D. BHAMBRI,  
Chief Secretary to Government, Haryana.

No. 1980-4GSI-75 dated Chandigarh the April, 1975.

A copy each is forwarded for information and necessary action :—

- (1) All Heads of Departments Commissioners Ambala and Hissar Divisions all Deputy Commissioners and Sub-Divisional Officers; and
- (2) The Registrar Punjab and Haryana High Court Chandigarh and all District and Session Judges in Haryana.

2. It is made clear that due to repeal of Haryana Services (Appointment by Promotion) Rules, 1974 if it becomes necessary to revert a Government servant already promoted under the provisions of these rules, it will be essential to give him a reasonable opportunity before he is reverted.

K. C. THAKUR,  
Superintendent, General Services-I,  
for Chief Secretary to Government, Haryana.

# PART XXVII



**Copy of circular letter No. 2581-ACC-54/664, dated 27th Sept., 1954****Subject :—Suspension of Government servants.**

In continuation of Punjab Government letter No. 3455-ACC-52/14, dated the 23rd January, 1953, on the subject noted above, I am directed to say that Government have given further consideration to the question of suspension of Government servants with a view to laying down a criteria to guide departmental officers in deciding when an order of suspension should be passed, Government is pleased to direct that each case involving a proposal for suspension should be carefully considered and suspension should be ordered only when the circumstances are found to justify it. Ordinarily suspension should not be ordered unless the allegations made against the official concerned are of a serious nature and, on the basis of the evidence available there is a prima facie case for his dismissal or removal or there is a reason to believe that his continuance in service is likely to cause embarrassment or to hamper the investigation of the case. In other cases, it should suffice if steps are taken to transfer the person concerned to another place to ensure that he has no opportunity to interfere with the witness or to temper with the evidence against him. I am to request that these instructions should be brought to the notice of all concerned for strict compliance.

**Copy of the letter No. 129/16/21-AVD. I. dated the 26th March, 81, from the Under-Secretary to Govt. of India, Ministry of Home Affairs, Deptt. of Personnel & Administrative Reforms, New Delhi, addressed to the Chief Secretary, Madhya Pradesh Government, General Administration Department, Bhopal, etc. etc.**

**Subject :—Circumstances in which a Government servant may be placed under suspension—observations of the Supreme Court regarding.**

I am directed to refer to your letter No. 287/767/1/3/80 dated the 7th July, 1980 on the subject noted above and to forward herewith for information a copy of this Department's Office Memorandum of even number dated 29-3-81 addressed to all the Ministries and Departments of the Central Government issued in this matter.

No. 11/10/81-2GS-III Dated Chandigarh, the 11-5-81.

A copy with, enclosures, is forwarded for information and guidance to :—

- 1) All Heads of Departments, Commissioners of Ambala and Hissar Divisions, all Deputy Commissioners and all Sub-Divisional Officers (Civil) in Haryana; and
- 2) the Registrar, Punjab and Haryana High Court.

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Government, Haryana.

Copy of the letter No. 129/16/81-AVD. I, dated 23rd March, 1981 from the Under Secretary to Govt. of India, Ministry of Home Affairs, Deptt. of Personnel & Administrative Reforms, New Delhi addressed to All the Ministers and Departments of the Government of India etc. etc.

#### OFFICE MEMORANDUM

*Subject* :—Circumstances in which a Government servant may be placed under suspension-observations of the Supreme Court regarding.

The undersigned is directed to state that the Supreme Court in the case Niranjan Singh and others Vs. Prabhakar Rajaram Kharote and others (SLP) No. 393 of 1980) have made some observations about the need/desirability of placing a Government servant under suspension against whom serious charges have been framed by a criminal court, unless exceptional circumstances suggesting a contrary course exist. The Supreme Court has further directed the Government to take suitable sensitized measures to pre-empt recurrence of the error highlighted in the judgement. A copy of the Supreme Court's judgement in the case is enclosed.

2. Rule 10(1) (b) of the CCS(CCA) Rules, 1965, already provides that the competent disciplinary authority may place a Government servant under suspension where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Similar provision exist under the All India Services (Discipline & Appeal) Rules, 1969 and other corresponding rules. In this Department's O.M. No. 43/56/64-AVD dated the 22nd October, 1964 certain guidelines relating to the circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension have been broadly indicated. It will be seen therefrom that the "public interest" should be the guiding factor in deciding the question of placing a Government servant under suspension. Thus, the existing rules/instructions on the subject already cover the cases which the Supreme Court have in view. Nevertheless the Supreme Court's judgement, the existing rules/instructions on the subject and the contents of this O.M. may kindly be brought to the notice of allconcerned.

3. As and when criminal charges are framed by a competent court against a Government servant, the disciplinary authority should consider and decide due desirability of placing such a Government Servant under suspension in accordance with the rules, if he is already not under suspension, or otherwise. If the Government servant is already under suspension or is placed under suspension, the competent authority should also review the case from time to time, in accordance with the instructions on the subject and take a decision about the desirability of keeping him under suspension till the disposal of the case by the court.



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO. 393 OF 1980

Niranjan Singh & Anr.

Petitioners

Vs.

Prabhakar Rajaram Kharote & Ors.

Respondents.

ORDER

**KRISHNA IYER J.**

"No one shall be subjected to torture or to cruels, in human or degradino treatment or punishment is a part of the Universal Declaration of Human Rights. The content of Act 21 of our Constitution, read in the light of Art. 19 is similarly elevating. But romance about human rights and rhetoric about constitutional mandates lose credibility if, in practice, the protectors of law and unions of the State become engineers of terror and panic people into fear. We are constrained to make these observations as our conscience is in consternation when we read the facts of the case which have given rise to the order challenged before us in this petition for special leave.

The petitioner, who has appeared in person, is the complainant in a criminal case where the accused are 2 Sub-Inspectors and 8 Constables attached to the City Police Station, Ahmadnagar. The charges against them as disclosed in the private complaint, are of murder and allied offences under as 302, 341, 395, 404 read with as 34 and 180 (3) of the Penal Code. The blood-curdling plot disclosed in the complaint is that pursuant to a conspiracy the brother of the complainant was waylaid by the police party on August 27, 1978, as he was proceeding to Shirdi. He had with him some gold ornaments and cash. He was caught and removed from the truck in which he was travelling, tied with a rope to a neem tree nearby, thus rendering him a motionless target to a macabra shooting. One of the Sub-Inspectors fired two shots from his revolver on the chest of the deceased at close range and killed him instantaneously. The policemen, having perpetrated this vally, vanished from the scene. No action was taken by the State against the criminals. How could they when the preservers of the peace and investigators of crime themselves become plained executor of murders? The victim's brother was an advocate and he filed a private complaint. The learned magistrate ordered an inquiry under section 202 Cr. P. C., took oral evidence of witness at some lngth and held: "Thus taking an overall survey of evidence produced before me, I am of the opinion that there is sufficient grounds to proceed against all the accused for the offences under as 302, 323, 342, read with section 34 I.P.C." Non-bailable warrants were issued for production of the accused and the magistrate who refused bail, stayed the issuance of the warrants although we are unable to find any provision to end him to do so. The police accused moved the sessions court for bail and a elaborate order the sessions court granted bail subject to certain directions and conditions. The High Court, which was moved by the complainant for reversal of the order enlarging accused on bail, declined to interfere in revision but added additional conditions to ensure that the bail was not abused and the course of justice was not thwarted.

It is fair to state that the case complaint, verified under s. 202 Cr. P. C. to have some varacity, does not make us leap to a conclusion of guilt or refusal of bail. On the contrary, the accused policemen have a version that the victim was himself a criminal and was sought to be arrested. An encounter ensued, both sides sustained injuries and the deceased succumbed to a firearm shot even as some of the police party sustained revolver wounds but survived. May be, the defence case, if reasonable true, may absolve them of the crime, although the story of encounters during arrest and unwitting injuries resulting in casualties, sometimes become a mask to hide easy liquidation of human life by heartless policemen when some one allerge to Authori-resists their vices. The Police have the advantage that they prep the preliminary record which may 'kill' the case against them. The disquieting syndrome of policemen committing crimes of killing and making up perfect paperwork cases of innocent discharge of duty should not be ruled out when courts examine rival versions. Indeed we must emphasize that the trial judge shall not be influenced by what we have said and shall confine himself to the evidence in the case when adjudging the guilt of the accused. We were constrained to make the observations above because the Sessions Judge, quite unwarrantedly, discussed at prolix length the probabilities of the police party's exculpatory case and held :

"So it is reasonable in hand that there was a scuffle and resistance suffered by the victim Amarjeet Singh before shots were fired at his person by the accnsed No. 1."

Detailed examination of the evidence and elaborate documentation of the merits should be

avoided while passing orders on bail applications. No party should have the impression that his case has been prejudiced. To be satisfied about a prima facie case is needed but it is not the same as an exhaustive exploration of the merits in order itself.

Grant of bail is within the jurisdiction of the Sessions Judge but the court must not in grave cases, gullibly dismiss the possibility of police-accused intimidating the witnesses with cavalier ease. In our country, intimidation by policemen, when they are themselves accused of offences, is not an unknown phenomenon and the judicial process will carry credibility with the community only if it views impartially and with commonsense the pros and cons, undeterred by the psychic pressure of police presence as indicates.

Let us now get to grips with the two legal submissions made by the petitioner. The first jurisdictional hurdle in the grant of bail, argues the petitioner, is that the accused must fulfil the two conditions specified in S. 439 Cr. P. C. before they can seek bail justice. That provision reads.

439. (1). A High Court for Court of Sessions may direct ;— . . . . .

- (a) that any persons accused, of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section ;
- (b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified.

Here the respondents were accused of offences but were not in custody, argues the petitioner, so no bail, since this basic condition of being in jail is not fulfilled. This submission has been rightly rejected by the Courts below. We agree that, in one view, an outlaw cannot ask for the benefit of law and he who flees justice cannot claim justice. But here the position is different. The accused were not absconding but had appeared and surrendered before the Sessions Judge. Judicial jurisdiction arises only when persons are already in custody and seek the process of the Court to be enlarged. We agree that no person accused of an offence can move the Court for bail under S. 439 Cr. P. C. unless he is in custody.

When is a person in custody, within the meaning of S. 439 Cr. P. C. ? When he is in duress either because he is held by the investigating agency or other police or allied authority or is under the control of the court having been remanded by judicial order, or having offered himself to the court's jurisdiction and submitted to its orders by physical presence. No lexical dexterity nor precedential profusion is needed to case to the realistic conclusion that he who is under the control of the court or is in the physical hold of an officer with coercive power is in custody for the purpose of S. 439. This word is of elastic semantics but its core meaning is that the law has taken control of the person. The equivocatory quibblings and hide-and-seek-niceties sometimes heard in court that the police have taken a man into formal custody but not arrested him, have detained and other like interrogation but not taken him into formal custody and other like terminological dubieties are unfair evasions of the straight forwardness of the law. We need not dilate on this shady facet here because we are satisfied that the accused did physically submit before the Sessions Judge and the jurisdiction to grant bail thus arose.

Custody, in the context of S. 439, (we are not, be it noted, dealing with anticipatory bail under S. 438) is physical control or at least physical presence of the accused in court coupled with submission to the jurisdiction and orders of the court. He can be in custody not merely when the police arrests him, produces him before a Magistrate and gets a remand to judicial or other custody. He can be stated to be in judicial custody when he surrenders before the court and submits to its directions. In the present case, the police officers applied for bail before a Magistrate who refused bail and still the accused, without surrendering before the Magistrate, obtained an order for stay to move the Sessions Court. This direction of the Magistrate was wholly irregular and may be, enabled the accused persons to circumvent the principle of S. 439 Cr. P. C. We might have taken a serious view of such a course, indifferent to mandatory provisions, by the subordinate magistracy but for the fact that in the present case the accused made up for it by surrender before the Sessions Court. Thus, the Sessions Court acquired jurisdiction to consider the bail application. It could have refused bail and remanded the accused to custody, but, in the circumstances and for the reasons mentioned to custody, but in the jurisdiction in favour of grant of bail. The High Court added to the conditions subject to which bail was to be granted and mentioned that the accused had submitted to the custody of the court. We, therefore, do not proceed to upset the order on this ground. Had the circumstances been different we could have demolished the order for bail. We may frankly state that had we been left to ourselves we might not have granted bail but, sitting under Art. 136, do not feel that we should interfere with a discretion exercised by the two below.

We are apprehensive that the accused being police officers should not abuse their freedom and emphasise that the Inspector General of Police of the state of Maharashtra will take particular care of to take two steps. He should have a close watch on the functioning of the concerned police officers lest the rule of law be brought into discredit by officers of the law being allowed a larger liberty than other people, especially because the allegations in the present case are grave and, even if a fragment of it be true, does little credit to the police force. It must be remembered that the allegations are that the deceased was dragged out of a truck to a secluded place, later tied to a tree and shot and killed by the police officer concerned.

We hasten to make it clear that these are one sided allegations and the accused have a counter version of their own and we do not wish to make any implications for or against either version. The accused policemen are entitled to an unprejudiced trial without any bias against the 'unformed' force which has difficult tasks to perform.

We conclude this order on a note of anguish. The complainant has been protesting against the state's bias and police threats. We must remember that a democratic state is the custodian of people's interests and not only police interests. Then how come this that the team of ten policemen against whom a magistrate, after the enquiry, found a case to be proceeded with and grave charges, including for murder, were framed continue on duty without so much as being suspended from service until disposal of the pending sessions trial? On whose side is the state? The rule of law is not a one-way traffic and the authority of the State is not for the police and against the people. A responsible Government, responsive to appearances of justice, would have placed police officers against whom serious charges had been framed by a criminal court, under suspension unless exceptional circumstances suggesting a contrary course exists. After all, a gesture of justice to courts of justice is the least that a government does to the governed.

We are confident that this inadvertance will be made good and the State of Maharashtra will disprove by deeds Henry Clay's famous censure :

"The art of powers and its minions are the same in all countries and in all ages. It marks its victim denounces it, and exults the public odium and the public hatred, to conceal its own abuses and encroachments."

The observations that we have made in the concluding portion of the order are of our oment, not merely to the State of Maharashtra but also to the Other States in the country and to the Union of India, that we deem it necessary to direct that a copy of this judgement be sent to the Home Ministry in the Government of India for suitable sensitized measures to pre-empt recurrence of the error we have highlighted."

New Delhi  
March 19, 1980.

Sd/-V. R. Krishna Iyer, J.  
Sd/-A. P. Sen,

Copy of letter No. 9136-GII-57/11662, dated the 2nd January, 1958, from the Chief Secretary to Government, Punjab, to the Controller of Printing & Stationary, Punjab, Chandigarh, and Copy endorsed to all Heads of Departments etc.

**Subject :—** Entry of suspended Government servants in their respective offices.

With reference to your communication on the subject noted above, I am directed to say that the matter has been given due consideration in consultation with Legal Remembrancer who has advised that where a Government servant is suspended, the Department is within its rights to serve him with an order that he should not attend office and thereafter if he continues to do so, he may be dealt with as committing an offence of trespass under section 447 or section 448 of the Indian Penal Code. His entry into the premises of duty during his suspension period, is not ordinarily banned.

Copy of Circular Letter No. 3161-GIII-60/12446, dated the 13th, April, 1960 from Shri E. N. Mangat Rai, I. C. S., Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.

**Subject :—** Permission to leave the headquarters during suspension.

I am directed to say that it has been observed that while placing a Government servant under suspension and fixing his headquarters, the authority competent to grant him/station leave is not specified which sometimes creates confusion. You are advised that in future in all such cases the authority competent to grant station leave to a Government servant during the suspension period should invariably be specified.

क्रमांक 1161-5 जो. एस.-71/6914

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सभी विभागीय अध्यायक, आयुक्त अम्बाला मण्डल और सभी उपायुक्त और सभी उप मण्डल अधिकारी हरियाणा।
2. रजिस्ट्रार पंजाब तथा हरियाणा उच्च न्यायालय और सभी जिला और सत्र न्यायाधीश हरियाणा।

दिनांक चण्डीगढ़ मार्च, 1971

विषय : निलम्बित सरकारी कर्मचारियों की मुख्यालय पर उपस्थिति

महोदय,

मुझे उसर्युक्त विषय पर आपका ध्यान दिलाने और यह कहने का निदेश हुआ है कि खाद्य तथा पूति निदेशालय ने सरकार से यह पूछा था कि निलम्बित सरकारी कर्मचारियों को निलम्बित के समय क्या मुख्यालय पर हाजरी लगाने के लिए कहा जा सकता है अथवा नहीं। इस मामले पर सर्वोच्च न्यायालय ने A.I.R. 1963 Sc. 687 तथा कलकत्ता उच्च न्यायालय ने A. I. R. 1958 Cal. 234 में यह निर्णय लिया कि कर्मचारी निलम्बित होते हुए भी सेवा में रहता है और निलम्बित के समय सरकारी कर्मचारी अचरण नियमों के अधीन ही रहता है। इस स्थिति में सरकार ने यह निर्णय लिया है कि निलम्बित अधिकारी को जिस स्थान पर उसका मुख्यालय नियत किया गया हो वहां के सम्बन्धित कार्यालय में प्रतिदिन हाजरी लगाने के लिये कहा जा सकता है और मुख्यालय छोड़ने के लिये निलम्बित कर्मचारी को सक्षम अधिकारी की अनुमति लेना आवश्यक है।

2. इस पत्र की पावती भेजने का अनुरोध किया जाता है।

भवदीय,

हस्ता/-

उप सचिव राजनैतिक सेवाएं

कृते: मुख्य सचिव, हरियाणा सरकार

इसकी एक एक प्रति निम्नलिखित की सेवा में भेजी जाती है :-

1. विस्तारुक्त राजस्व हरियाणा, 2. सभी प्रशासकीय सचिव, हरियाणा सरकार

**Copy of Punjab Government Circular letter No. 1611-GII-59/5697, dated 5th May, 1959, from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.**

**Subject :—Speedy disposal of cases against Government servants under suspension—Instructions regarding.**

I am directed to say that a perusal of the lists of suspended Government servants received in response to Punjab Government circular letter No. 5432-B&C-58/13819, dated the 10th September, 1958 has revealed that the number of Government servants under suspension is vary large and that many of them have been under suspension for a long time (as much as four or five years in some cases.) Government feel that this state of affairs requires to be remedied with speed. I have been directed to ask you to see that all pending cases of this nature in your department are disposed of a within three months, as far as possible. If there are cases in which departmental enquiries have not yet started these should be started forth with. Where they have begun enquiry officers should be instructed to complete them expeditiously.

2. In order to ensure that satisfactory progress is made by the departments concerned it has been decided that each department should submit a quarterly report showing the progress made in such cases to the Administrative Department concerned. The Anti-Corruption Department will separately be supplied information asked for by them in their letter No. 919-ACC-50/353, dated the 4th April, 1950 (copy enclosed). It will be the responsibility of the Administrative Department concerned to scrutinize the quarterly reports and to bring to the notice of the Minister in charge of the department cases which are not registering sufficient progress.

3. It is noticed that a major cause of undue prolongation of period of suspension is that a suspected official is very often suspended before the charge-sheet is served on him and that the charge sheet is v ry often not prepared until long after his suspension has been ordered. It, should, therefore be made a matter of firm principle, to be deviated from only in cases of rare urgency, that no official is sus-charged-pended until a proper sheet is served upon him and his explanation obtained and found unsatisfactory. A departmental enquiry can only begin at this stage and at this stage should be started for hwi h. The enquiry officer should ordinarily complete all the proceedings and submit his report within a period of three months and the punishing authority should not take much longer to decide the case (obtaining the advice of the P.C.S, where required, exp ditiously). If this procedure is observed it will be possible to curtail to a large extent long and unjustified periods of suspension. In no case should the period between suspension and final orders exceed six months. Long periods of suspension are unfair to the official concerned and can often prove uneconomical to Government.

4. The cases of Government servants involved in criminal cases should be dealt within accordance with the provision of rules 7.5 and 7.6 of the Punjab Civil Services Rules, Volume 1, Part I.

5. These instructions may be brought to the notice of all working under you and the receipt of this letter may be acknowledged.

Copy of Punjab Government Circular letter No. 3624-GS-61/14507, dated 21st April, 1961, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

*Subject.*—Speedy Disposal of cases of Government servants under suspension—Instructions regarding.

I am directed to invite attention to Punjab Government letter No. 1611-GII-59/5697, dated the 5th May, 1959, on the subject noted above and to point out that in spite of the fact that since its issue, further instructions have also been sent to you by the vigilance Department, it has been noticed that these instructions are not being scrupulously followed by the departments concerned with the result that the number of Government servants under suspension continues to be very large and many of them remain under suspension for a very long time, thereby causing great loss to Government on account of the payment of subsistence allowances. In addition to financial loss, such a state of affairs brings discredit to Government. The whole position has, therefore, been reviewed and with a view to remedy it and to ensure uniformity of procedure and overall co-ordination, Government have considered it necessary to issue a consolidated revised circular, and this letter accordingly embodies all instructions and fresh decisions taken on the subject.

2. Punjab Government letter No. 2626.ACC-54/722, dated the 23rd October, 1954. *Conduct of Departmental proceedings in disciplinary cases*—(i) In all cases, the immediate superior authority, on whom rests the responsibility for initiating formal disciplinary proceedings, should decide at the earliest possible moment, whether investigation is likely to be so complicated as to require a special investigating agency, either of the police or of the department itself, and should, throughout the investigation keep a close watch on its progress to ensure that no undue delay occurs at any stage. When formal disciplinary proceedings are undertaken in all big and complicated cases, the following time schedule should be observed as closely as possible :—

- a) The charge or charges should be handed over to the charged Government servant within 15 days from the date of taking the decision to start formal proceedings.

(At the same time, a decision should be taken whether the Government servant should be placed under suspension, pending enquiry.)

- b) The charged Government servants written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.
- c) The inquiry including oral examination of the witnesses should be completed within a month of the submission of the written statement.
- d) The report of the inquiring officer where he is not himself the punishing authority should be submitted as expeditiously as possible and ordinarily within a fortnight of the closing of the enquiry.
- e) When the punishing authority is different from the inquiring officer, the punishing authority should pass final orders without delay. The following time schedule is suggested for various stages to be gone through before the passing of the final orders :—

- 1) *Calling upon the Government servant concerned to show cause against the proposed punishment where necessary.*—One week from the date of the receipt of the inquiring officer's report.

- II) *Time to be allowed to the Government servant to show cause.*—A fortnight to a month according to the nature of the case.

- III) *Final Orders.*—(i) Where reference to the Public Service Commission is necessary : Six weeks from the date of the receipt of the final explanation of the Government servant.

- (ii) Where no such reference is necessary : A fortnight from the date of the receipt of the final explanation of the Government servant concerned.

(ii) Punjab Government letter No. 1611-GII-59/5697, dated 5th May, 1959. It should be a matter of firm principle, to be deviated from, only in cases of rare urgency, that no official is suspended until a proper charge-sheet is served upon him and his explanation obtained and found unsatisfactory. A departmental enquiry can only begin at this stage and at this stage should he started forthwith. Since it may not be possible to complete the inquiry in all cases in one month, Government has decided that the enquiry officer should complete all the proceedings and submit his report within a period of three months and the punishing authority should not take much longer to decide the case (obtaining the advice of the Punjab Public Service Commission where required, expeditiously). In no case should the period between suspension, if ordered and final order exceed six months.

(iii) *Punjab Government letter No. 12277-V(I)-59/13470, dated 10th December, 1959.* Government feel that officials are often harassed by the length of time it takes to complete the process of preliminary investigation and inquiry. Even in cases, which do not eventually result in a charge-sheet, the official concerned is often subjected to anxiety by the knowledge that an investigation is proceeding against him. Government have, therefore decided that the whole process of investigation and inquiry should be completed within six months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law). An extension of the period by another three months may be obtained under the orders of the Minister-in-charge. If extension beyond nine months is needed, full facts and justification must be placed before the Cabinet and their approval taken.

(iv) *Punjab Government letter No. 1611-GII-59/5697, dated 5th May, 1959.* The cases of Government servant involved in criminal cases should be dealt with in accordance with the provisions of rules 7.5 and 7.6 of the Punjab Civil Services Rules, Volume I, Part I.

3. *Punjab Government letter No. 7042-V-3-60/8740, dated 29th July, 1960, and Punjab Government letter No. 9840-V(3)-60/13541, dated 25th November, 1960. Cases under investigation or pending in Courts—Sub-mission of reports to the vigilance Department.*—The cases of Government servants under suspension which are under investigation or pending in Courts should not be allowed to drag on for inordinately long periods. A monthly progress report showing the disposal of the pending cases should be forwarded to Government in the Vigilance Department in the two enclosed statements regularly so as to reach in the first week of the following month. The quarterly statements prescribed in Punjab Government letter No. 919-ACC-50/353, dated the 4th April, 1950, have been discounted and should no longer be sent to the Vigilance Department.

4. *Punjab Government letter No. 1880-V-3-61/3091, dated the 16th March, 1961.* It has been decided that the monthly reports as indicated in para 3 should be examined in the Vigilance Department. They would review the position of the outstanding cases and put continued pressure on the Departments concerned to get those cases expedited. In other words, the Vigilance Department would play the role of the co-ordinating authority for that purpose. In order to ensure satisfactory progress, cases more than 18 months old would be reviewed and placed by the Vigilance Department before the Council of Ministers once a month.

The Copies of these monthly reports should also be furnished to the Administrative Department concerned. It is their responsibility as well to scrutinize these reports and to bring to the notice of the Minister-in-charge cases which are not registering sufficient progress.

5. It is needless to emphasize again that these instructions should be strictly followed. You are requested to pay personal attention to such cases and take every possible step to speed up their disposal within the prescribed time limit. Proper care should be taken to ensure that the monthly progress report is punctually sent to the Vigilance Department as also to the Administrative Department by the 7th of the month following at the latest so that review by the Minister-in-Charge and the Council of Ministers is not held up. Government will take serious notice of any default in this regard.

6. The receipt of this letter may please be acknowledged.

Yours faithfully,  
P. L. CHHABRA,  
Deputy Secretary, General Administration,  
for Chief Secretary to Government, Punjab

Copy is forwarded for information and necessary action to the—

1. Financial Commissioner, Development, Punjab
2. Financial Commissioner, Punjab.
3. Financial Commissioner, Revenue, Punjab.
4. All Administrative Secretaries to Government Punjab.

2. It is retired that the Administrative Department concerned should scrutinize the monthly reports received by them from their Heads of Departments in this connection very carefully and bring to the notice of Minister-in-charge of the Departments the cases which are not making adequate progress so that he may be in a position to discuss those cases in the Council of Ministers when they come up there for review.

3. For Secretary to Government, Punjab Vigilance Department.

He should please note para 4 of these instructions for strict compliance.

## STATEMENT I

List of Government Servants under suspension whose cases are pending in Courts

Name of Department	Name of the Government servants with designation	Nature of allegations	Date of suspension	Date of challan	Whether suspended by the Department itself or at the instance of the Vigilance Department	Present position of the case
1	2	3	4	5	6	7

## STATEMENT II

List of Government Servants under suspension whose cases are under investigation

Name of Department	Name of the Government servants with the designation	Nature of allegations	Date of suspension	Rank of officer carrying on investigation	Whether suspended by the Department itself or at the instance of the Vigilance Department	Present position of the case— Whether pending with the Department or with the Vigilance Department giving the date of entrustment of enquiry to the Vigilance Department.
1	2	3	4	5	6	7

Copy of Punjab Government Circular No. 19142 -DSGS-64/1815, dated the 18th January, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Speedy disposal of cases of Government Servants under suspension—Instructions regarding.

I am directed to invite reference to Punjab Government letter No. 3624-GS-61/14607, dated the 21st April, 1961, on the subject cited above and to say that it has been brought to the notice of the Government that the instructions contained there in are not being strictly complied with by the officers entrusted with the conduct of departmental enquiries in disciplinary cases and as a result heavy delay occurs in the disposal of these cases. I am directed to emphasise once again that the above mentioned instructions should be followed carefully and moreover in cases of delay the persons dealing with such inquiries should be held responsible for the delay. It has also been decided by the Government that separate inquiry officers for holding inquiries should be appointed in those departments in which the number of departmental enquiries is large enough to provide wholetime work for such officers. In other cases Administrative Departments are requested to consider making one of their officers, both at the Secretariat and the Directorate level, responsible for pursuing the enquiry cases so that they are concluded without avoidable delay.

2. The receipt of this letter may please be acknowledge.



Copy of Punjab Government Circular letter No. 298-3GSI-66/2190, dated 16-2-1966 from the Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

Subject :—Speedy disposal of cases of Government servants under suspension.

In continuation of Punjab Government letter No. 3624-GS-61/14607, dated 21-4-1961, on the subject noted above I am directed to state that according to para 2(e) (III) of these instructions, the whole process of investigation and inquiry against a Government employee is required to be completed within six months (excluding any period during which proceedings are stopped owing to a reference to a court of law). An extension of the period by another three months can be allowed by the Minister-in-charge. If extension beyond nine months is needed, full facts and justification is required to be placed before the Council of Ministers for approval.

2. It has been brought to the notice of Government that the Departments generally do not mention in the memorandum for the Council of Ministers the circumstances in which they were not able to complete the enquiry within the prescribed period and also do not specify the period for which extension beyond nine months was required. Unless this information is embodied in the Memorandum for the Council of Ministers, the intention of Government to ensure that no avoidable delay occurs in such cases is defeated. I am accordingly to request that the reasons for which it has not been possible for the Department to complete the inquiry should invariably be given in the Memorandum for the Council of Ministers and the period for which extension is required should also be specified therein.

विषय :—सरकारी कर्मचारियों का निलम्बन ।

व्या सभी वित्तायुक्त तथा सभी प्रशासकीय सचिव, हरियाणा संयुक्त पंजाब के पत्र क्रमांक 1215-बी (12)-63/3915, दिनांक 28 मार्च/1 अप्रैल, 1963 में दी गई सरकारी कर्मचारियों को निलम्बन सम्बन्धी अनुसरण की जाने वाली नीति को और ध्यान देने की कृपा करेंगे ?

2. यह देखने में आया है कि विभिन्न विभागों द्वारा इन अनुदेशों की समान रूप में लागू नहीं किया जाता है और ऐसे बढटान्त नोटिस में आए हैं कि इस प्रकार के समान परिस्थिति के केसों में बिल्कुल भिन्न निर्णय लिए गए थे । इस महत्वपूर्ण मामले में सरकार की और अनुदेशों के अनुपालन को सुनिश्चित करने के लिए यह भी निर्णय किया गया है कि भविष्य में श्रेणी-1 के अधिकारियों को मुख्य सचिव, हरियाणा (सामान्य सेवाये शाखा) के माध्यम द्वारा मुख्य मंत्री की पूर्व अनुमति के बिना निलम्बित न किया जाए ।

3. जहाँ तक श्रेणी-2 के अधिकारियों के निलम्बन का सम्बन्ध है उनके केस में मुख्य मंत्री को केवल सूचनार्थ भेजी जाये और इस कार्य के लिए उनकी मूल फाईल निलम्बन आदेश जारी करने के बाद सीधी मुख्य मंत्री को मुख्य सचिव, हरियाणा (सामान्य सेवाये शाखा) के माध्यम द्वारा भेजी जाये ।

कृपया अब आगे से ऐसे सभी केसों में इस कार्य विधि का अवसरण किया जाये ।

इस पत्र की पावती भेजने को कृपया करें ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाये,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में,

1. सभी वित्तायुक्त, तथा
2. सभी प्रशासकीय सचिव हरियाणा ।

अशा: क्रमांक 70 84-6 जी: एस:-70,

दिनांक 17-9-1970

क्रमांक 1771-5 जी० एस०-1-73/9016

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा के सभी विभागाध्यक्ष, अम्बाला और हिसार के आयुक्त, हरियाणा के सभी उपायुक्त और उप मण्डल अधिकारी।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय तथा हरियाणा के सभी जिला एवं सत्रन्यायाधीश।

दिनांक चण्डीगढ़ 5-4-1973।

विषय --निलम्बन के दौरान सरकारी अधिकारी/कर्मचारी को निर्वाह भत्ता के बारे में सर्वोच्च न्यायालय का निर्णय।

महोदय,

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान दिलाऊँ और आपको सूचित करूँ कि 23-2-73 को सुप्रीम कोर्ट में बनश्याम दास श्रीवास्तव वरसिञ्ज मध्य प्रदेश सरकार के केस में यह निर्णय किया है (प्रति संलग्न है) कि जब किसी अधिकारी/कर्मचारी को निलम्बित किया जाता है और उसके विरुद्ध विभागीय जांच की जाती है तो जितने समय के लिए उसे निर्वाह भत्ता न दिया जाये और वह विभागीय जांच से अनुपस्थित रहे, उतने समय के लिए विभागीय जांच अवैध होगी तथा इस विभागीय जांच के फलस्वरूप यदि किसी अधिकारी/कर्मचारी को डिसमिस कर दिया गया हो तो वह संविधान की धारा 311 के विरुद्ध होगा, क्योंकि अधिकारी/कर्मचारी को निर्वाह भत्ता न दिये जाने के कारण वह अपने आपको डिपैण्ड करने को अवसर प्राप्त नहीं कर सकता है।

2. सरकार ने सुप्रीम कोर्ट के इस फैसले पर विचार किया है और यह निर्णय किया है कि इसे सभी विभाग ध्यान पूर्वक नोट कर लें और यह सुनिश्चित करें कि विभागीय जांच के दौरान निलम्बित कर्मचारी का निर्वाह भत्ता किसी भी अवस्था में न रोका जाये यदि निर्वाह भत्ता न दिये जाने के कारण कोई विभागीय जांच बाद में अवैध ही गई तो सम्बन्धित अधिकारी कर्मचारी, जिसने लापरवाही दिखाई है उसके विरुद्ध कड़ी अनुशासनिक कार्यवाही की जाये और उससे सरकार को हुए नुकसान की बसुली की जाये।

3. आपसे अनुरोध किया जाता है कि आप इन हिदायतों को ध्यान पूर्वक नोट कर लें और अपने विभाग के सम्बन्धित अधिकारियों/कर्मचारियों के नोटिस में ला दें और उनसे कहें कि वह इन हिदायतों का दृढ़तापूर्वक पालन करें। कृपया इस पत्र की पावती भी भेजी जाये।

हस्त:

उप सचिव, राजनैतिक एवं सेवाएं  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति गिम्नलिखित को सूचनार्थ और आवश्यक कार्यवाही के लिए भेजी जाती है:-

- (1) वित्तायुक्त राजस्व, हरियाणा।
- (2) कभी प्रशासकीय सचिव, हरियाणा।

## SUPREME COURT OF INDIA

Before :—S.M. Sikri, C.J., A.N. Ray, D.G. Palekar, S.M. Dwivedi and A.K. Mukherjea, JJ.

Civil Appeal No. 588 of 1972-

Decided on 23-2-1973.

Ghanshyam Das Shrivastava

Appellant

*Versus*

State of Madhya Pradesh

Respondent

Suspension Enquiry, Pay and allowances. Constitution of India, Article 311 (2)-Suspension pending departmental enquiry—Suspension allowance not paid—Official not attending the enquiry for non payment of suspension allowance—Order of dismissal hit by Article 311 (2)-Employee was not afforded opportunity to defend,

(Para 5).

### JUDGEMENT

*Dwivedi J.*—The appellant, Ghanshyam Das Shrivastava, was employed as a Forest Ranger by the State of Madhya Pradesh. By a Government order, dated 31, 1964 he was put under suspension with effect from October 30, 1964. The Divisional Forest Officer, South Baster Division, directed him to remain at Jagdalpur during the period of suspension. Certain charges were framed against him, and an enquiry was initiated. He did not participate in the enquiry. The enquiry proceeded ex-parte. On May 3, 1965 the enquiry officer submitted his report to the Government. He found the charges proved. He recommended that the appellants should be dismissed from service. On June 8, 1966, the Government passed an order dismissing him from service. Then he filed a writ petition in the High Court at Jabalpur. The writ petition was dismissed. He filed an appeal in this Court on the strength of a certificate granted by the High Court.

2. In this court the appellant's main argument was that in the special circumstances of the case he got no opportunity to defend himself before the enquiry officer. The place of enquiry was Jagdalpur which is 500 kilo meters away from Rewa where he was residing during his suspension. No subsistence allowance was paid to him, and he had no money to go to Jagdalpur to face the enquiry. This Court took the view that if no subsistence allowance was paid to him and if he could not go to Jagdalpur and face the enquiry on account of non-payment of subsistence allowance, the enquiry would be vitiated and the order of dismissal could not be sustained. As the High Court had not investigated the point raised by the appellant before this Court, the case was remanded to the High Court with the direction that the High Court should hear the parties on the question: "whether the appellant was paid the subsistence allowance at any time before the disposal of the hearing before the Enquiry Officer, and whether on account of non-payment of the subsistence allowance he was unable to appear before the Enquiry Officer". The High Court was directed to dispose of the writ petition in the light of its finding on the question.

3. In the High Court the appellant and the respondent filed affidavits in support of their case on the question. On a perusal of the entire evidence on record the High Court answered the question against the appellant. This appeal by special leave is directed against the order of the High Court dismissing the writ petition.

4. The Court has found the following facts. The hearing of the case started before the Enquiry Officer at Jagdalpur in February, 1965. The case was heard on February 10, 11 and March 13, 1965. It appears that a part of the evidence for the Government was recorded on these dates. On March 20, 1965, the appellant received Rs 312/- as subsistence allowance for the months of November and December, 1964 and January, 1965. Further evidence for the Government was recorded on April 3, 6 and 15, 1965. A second payment of Rs. 213/- as subsistence allowance was made to the appellant on May 13, 1965. As already stated the Enquiry Officer submitted his report to the Government on May 28, 1965. These facts plainly show that a part of the evidence had already been recorded before the first payment of subsistence allowance was made to the appellant. Nevertheless, the High Court has held that he was not unable to appear before the Enquiry Officer on account of the non-payment of his subsistence allowance. The principal reasons given by the High Court in support of its view are these.

(1) The appellant did not complain specifically in the writ petition that he could not attend

the enquiry as he had not been paid subsistence allowance and had no means of his own to meet the expenses of going to Jagdalpur from Rewa for facing the enquiry.

- (2) His affidavit gives no particulars about the sources of his income and the estimate of expenses to be incurred by him in the enquiry and does not explain how he was unable to meet those expenses.
- (3) The third class railway fare from Rewa to Jagdalpur is about Rs. 20/-. He would need a few more rupees for expenses during his stay at Jagdalpur. He had been drawing a pay of Rs. 300/- per month.
- (4) After he was dismissed from service, he filed a writ petition in the High Court. After his writ petition was dismissed by the High Court he came in appeal to this Court. This . . . . . shows that he had enough money to attend the enquiry at Jagdalpur. The High Court summed up: "In all these circumstances we find that it was not financial stringency which prevented the petitioner from co-operating in the departmental enquiry but that he was otherwise unwilling to do so".

5. With respect, we find it difficult to share the view taken by the High Court. Paragraph 5 of the writ petition expressly alleges that on December 5, 1964, the appellant sent a letter to the Enquiry Officer informing that unless he was paid subsistence allowance he would not be able to face the enquiry proceedings. The letter was filed along with the petition. It is annexure H. The letter stated that "Until and unless I am paid subsistence allowance — I categorically refuse to face any proceedings as *I have no capacity to do so because of acute shortage of funds*". (emphasis added). This is obviously specific pleading on the point that for non-payment of subsistence allowance he was short of funds and could not attend the enquiry. It is true that his affidavit does not give any particulars about his sources of income and the estimate of expenses to be incurred in the enquiry. But it would prima facie suggest that he had no other source of income except his pay. If he had no other sources of income, he could not invent them for the purpose of mentioning them in the affidavit. More significantly, the Government affidavit does not allege that he had any other source of income except pay. The fact that he had been drawing a monthly pay of Rs. 300/- till October 1964 would not necessarily show that he had sufficient money to enable him to go to Jagdalpur to attend the enquiry in February, 1965. He was suspended on October 30, 1964 and thereafter he did not get subsistence allowance until March 20, 1965. Having regard to the prevailing high prices, it is not possible to draw any adverse inference against him from the mere circumstance that he had been receiving a monthly pay of Rs. 300/- till October, 1964. The fact that he filed a writ petition immediately on passing of the order of dismissal and thereafter came in appeal to this Court, would not establish that he had enough resources to enable him to attend the enquiry. It seems to us that on the whole the High Court has gone by conjectures and surmises. There is nothing on the record to show that he has any other source of income except pay. As he did not receive subsistence allowance which was made to him on March 20, 1965 after a part of the evidence had already been recorded on February 9, 10 and 11, 1965. The enquiry proceedings during those days are vitiated accordingly. The report of the Enquiry Officer based on that evidence is infected with the same defect. Accordingly, the order of the Government dismissing him from service cannot stand. It was passed in violation of the provisions of Art. 311 (2) of the Constitution for the appellant did not receive a reasonable opportunity of defending himself in the enquiry proceedings.

6. Accordingly, we allow the appeal with costs. Setting aside the order of the High Court, we allow the writ petition and quash the order of the Government dated June 8, 1966 whereby the appellant was dismissed from service. It will be open to the Government to start a fresh enquiry in accordance with law against the appellant.

क्रमांक 5559-1 जी. एस. 1-73/26739.

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. सभी विभागाध्यक्ष, अम्बाला तथा हिसार मण्डल के आयुक्त, सभी उपायुक्त तथा उपमण्डल अधिकारी, हरियाणा।
2. रजिस्ट्रार, पंजाब तथा हरियाणा उच्च न्यायालय, चण्डीगढ़ तथा सभी जिला एवं सत्र न्यायाधीश, हरियाणा।

दिनांक चण्डीगढ़ 31 अक्टूबर, 1973.

विषय—निलम्बित कर्मचारियों के मामलों को शीघ्र निपटाये जाने के बारे में हिदायतें।

महोदय,

मुझे आदेश हुआ है कि मैं उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 3624-4 जी. एस.-61/14507, दिनांक 21-4-61 में जारी की गई हिदायतों की ओर आपका ध्यान दिलाऊँ जिनमें अन्य बातों के अतिरिक्त यह कहा गया था कि दोषी कर्मचारियों के विरुद्ध की जा रही जांचों की प्रगति पर विशेष ध्यान रखा जाये ताकि ऐसे मामलों में अन्तिम निर्णय करने में किसी प्रकार की अनावश्यक देरी न हो। इस पत्र में यह भी कहा गया था कि जांच की कार्यवाही 6 महीने के अन्दर पूरी की जानी चाहिये।

2. पब्लिक एकाउन्ट्स कमेटी की दूसरी रिपोर्ट के पैरा-10 में इस संबंध में एक केस ध्यान में लाया गया है जिसमें जांच को पूरी करने तथा दोषी कर्मचारी को दण्ड देने में 5 वर्ष का समय लगा और देरी मुख्यतः इस कारण हुई कि बार-बार जांच अधिकारी बदले गये और जांच बार-बार नये सिरे से शुरू की गई। जिस केस का उक्त रिपोर्ट में वर्णन किया गया है वह सम्भवतः इस प्रकार का अकेला केस नहीं है। पब्लिक एकाउन्ट्स कमेटी द्वारा प्रकट किये गये विचारों को ध्यान में रखते हुए यह उचित समझा गया है कि यह बात सभी सक्षम अधिकारियों के ध्यान में लायी जाये कि विभागीय जांचों के दौरान जांच अधिकारी यथासम्भव बदले नहीं जाने चाहिये जांच अधिकारी को बदलने का प्रश्न तभी उठना चाहिये जब उसके लिये ठोस कारण उपलब्ध हों जैसे कि सम्बन्धित अधिकारी किसी खास official capacity में जांच कर रहा हो या जब यह प्रतिनियुक्ति/ट्रेनिंग पर राज्य से बाहर चला जाये या रिटायर हो जाये आदि। केवल इसी आधार पर कि उसकी नियुक्ति किसी अन्य पद/विभाग में की गई है, उसे जांच अधिकारी के पद से नहीं बदलना चाहिए। सदाहरण के तौर पर यदि कोई एच० सी० एस०/आई० ए० एस० का अधिकारी कृषि विभाग में कार्य करते हुए कोई जांच कर रहा था और बाद में उसका तबादला उद्योग विभाग में हो जाता है तो वह उद्योग विभाग में कार्य करते हुए सम्बन्धित जांच पूरी कर सकता है। निकट भविष्य में रिटायर होने वाले अधिकारियों को भी जांच अधिकारी यथासम्भव न गनाया जाये।

हस्ता/—

उप-सचिव, राजनेतिक एवं सेवाएं,  
कृते, मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही के लिये भेजी जाती है ; वित्तयायुक्त राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव,।

English version of the Haryana Government letter No. 5337 GSI-75/24 93, dated the 21 October, 1974)

*Subject:—* Speedy disposal of cases of Government Servents under suspension Instructions regarding.

I am directed to invite your attention to the instructions contained in the composite Punjab Government letter No. 3624-4GS-61/14507, dated the 21st April, 1961 (copy enclosed), on the subject noted above and to say that according to para 2 (iii) of these instructions cases in which Government servants have remained suspended for a period exceeding nine months are to be submitted to the Council of Ministers for their consideration and approval. Further, according to para 4 of the aforepaid instructions and the Vigilance Department, who have been entrusted with the work of overall supervision in cases of departmental proceedings against suspended Government servants have also to submit a report to the Council of Ministers regarding the progress of the cases where Govt. servants have been suspended for a period of more than 18 months. The Haryana Government have re-considered this matter and are of the view that submission of cases to the Council of Ministers by the Administrative Department and also the Vigilance Department leads to duplication of work. It has therefore been decided that hence forth the Vigilance Department shall submit the above referred report regarding outstanding cases more than 18 months old to the Chief Minister instead of to the Council of Minister, for orders.

2. It seems that despite the standing Government instructions, the Heads of Departments/ Administrative Departments are not paying sufficient attention to the expedition completion of the departmental enquires, particularly in cases in which Government servants have been placed under suspension. It is, therefore, again emphasised that the Government instructions in this regard should be followed strictly. It has also been decided that the Administrative Department, while submitting such cases to the Council of Ministers should invariably furnish information in the following proforma alongwith the Memorandum:—

Name of the Government servant, his designation, and the date of his suspension.	Charge in brief. Date on which regular charge-sheet was served	Present position of the case.	Date up to which the extension is required alongwith reasons.	Remarks
1	2	3	4	5

It may kindly be ensured that the above instructions are complied with by all concerned.

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा राज्य के सभी विभागाध्यक्ष, आयुक्त अम्बाला व हिसार मण्डल, सभी उपायुक्त तथा सभी उप मण्डल अधिकारी (सिविल)
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट और सभी जिला तथा सब न्यायाधीश, हरियाणा।

दिनांक चण्डीगढ़ 18 दिसम्बर, 74

विषय :- निलम्बित सरकारी कर्मचारियों के मामलों के शीघ्र निपटारे बारे।

मुझे आपका ध्यान उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 3624-जी.एस.-61/14507 दिनांक 21-4-1961 में जारी की गई हिदायतों की ओर दिलाने तथा यह कहने का आदेश हुआ है कि इन हिदायतों अनुसार निलम्बित सरकारी कर्मचारियों के विरुद्ध जांच आदि का कार्य 6 महीने के भीतर पूर्ण किया जाना होता है और यदि इस निर्धारित अवधि से यह कार्य पूर्ण न किया जा सके और इस समय में वृद्धि कराना अपेक्षित हो तो 3 मास तक कार्यकारी मन्त्री तथा उसके पश्चात् 9 मास की अवधि व्यतीत होने पर केस मन्त्री परिषद् को अनुमोदन हेतु प्रस्तुत करना होता है। यह निहित है कि इन हिदायतों का आपके विभाग द्वारा दृढ़तापूर्वक पालन किया जा रहा है। कुछ ऐसे भी मामले होते हैं जिनमें कर्मचारी/अधिकारी को चौकसी विभाग के सुझाव पर सम्बन्धित विभाग निलम्बित करने के आदेश जारी करते हैं। ऐसे मामलों में यह अनुभव किया गया है कि 6 या 9 मास की अवधि के समाप्त होने पर विभाग इन केसिज को कार्यभारी मन्त्री/मन्त्री परिषद के सम्मुख प्रस्तुत नहीं करते हैं जिससे उपरोक्त हिदायतों की उल्लंघना होती है। इस बारे में हरियाणा सरकार ने विस्तारपूर्वक विचार करके यह निर्णय किया है कि ऐसे मामलों को जिनमें चौकसी विभाग के सुझाव पर कर्मचारी/अधिकारी को निलम्बित किया गया हो और उन्हें निलम्बित किये हुए 6 मास की अवधि समाप्त हो गई हो या होने वाली हो तो इस अवधि को बढ़ाने के लिये मामलों को सम्बन्धित प्रशासकीय विभाग द्वारा ही कार्यभारी मन्त्री/मन्त्री परिषद को प्रस्तुत करके मंजूरी लेनी होगी। इस सम्बन्ध में जिस आधार पर बढ़ौती की जानी हो उसके बारे में अपेक्षित सूचना चौकसी विभाग से प्राप्त कर ली जाए।

2. कृपया यह हिदायतें अपने अधीन सभी कर्मचारियों/अधिकारियों के ध्यान में अनुपालना हेतु ला दें और इस पत्र की पावती भी भेजें।

भवदीय,

उप-सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनाएं भेजी जाती है : विस्तारपूर्वक राजस्व, हरियाणा सरकार तथा हरियाणा सरकार के सभी प्रशासकीय सचिवों।

No. 7725—6 GSI—76/32983

From

The Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments in Haryana, Commissioners, Ambala & Hissar Divisions, all Deputy Commissioners & Sub-Divisional Officers (Civil).
- (ii) The Registrar, Punjab & Haryana High Court, Chandigarh and all District & Sessions Judges in Haryana.

Dated Chandigarh, the 3rd December, 1976.

*Subject* :—**Suspension of Government Employees.**

Sir,

I am directed to address you on the subject noted above and to say that cases have come to the notice of the Government where employees have remained under suspension for long periods of time. It has been observed that this has happened even in cases where the nature of default may not prima facie justify the penalty of dismissal from service. It is, therefore, requested that competent authorities should apply their minds to the facts of all such cases and, if so warranted, get the employees re-instated by obtaining orders at appropriate levels without prejudice to such action as may be taken as a result of the enquiry.

Yours faithfully,

Sd/-

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and guidance to the : The Finance Commissioner, Haryana & All Administrative Secretaries to Government, Haryana.



No. 3764—IGS—I—77/17221

From

Chief Secretary to Government, Haryana.

To

- (i) All Heads of Departments, Commissioners, Ambala and Hissar Divisions, all Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana.
- (ii) The Registrar Punjab and Haryana High Court and all district and Sessions Judges in Haryana,

Dated Chandigarh, the 23rd June, 1977.

**Subject :—Speedy disposal of cases of Government Servants under suspension—Instructions regarding.**

Sir,

1. No. 3874-6GSI—76/17089, dated 29.6.76. I am directed to invite attention to composite Punjab Government circular letter No. 3624—GS—61/14507 dated 21.4.1961 and subsequent Haryana Government circular letters noted in the margin on the subject cited above, and to say that cases have again come to the notice of the Government where employees have remained under suspension for abnormally long periods of time and that, too, without being served with any charge sheet. It is very unfair to such employees to be made to remain in suspense for such a long time only because of delay in the processing of cases on the part of the departments. It is, therefore, requested that a list of all cases in which Government servants have remained under suspension for more than six months without being served with a charge-sheet, may be forwarded to this department. Simultaneously, orders of the competent authority may be sought and reinstatement ordered, wherever justified.
2. No. 7725-6GSI—76/32983 dated 3.12.76.
3. No. 78—6GSI—77/1118 dated 25.1.77.

Yours faithfully,

Sd/-

Deputy Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and guidance to: The Financial Commissioner, Haryana and All Administrative Secretaries to Govt. Haryana.

तुरन्त

प्रेषक

सेवा में,

क्रमांक 5598-जी एस/77/32569

मुख्य सचिव, हरियाणा सरकार।

- (1) हरियाणा सरकार के सभी विभागाध्यक्ष,  
प्रायुक्त अम्बाला तथा हिसार मण्डल,  
सभी उपायुक्त एवं उप मण्डल अधिकारी (सिविल)
- (2) रजिस्ट्रार पंजाब तथा हरियाणा हाईकोर्ट चण्डीगढ़ तथा  
हरियाणा राज्य के सभी जिला एवं सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 10 अक्टूबर, 1977

विषय :— निलम्बित सरकारी कर्मचारियों के मामले के शीघ्र निपटान बारे ।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 3624-जी 0 एस 0 61/14507, दिनांक 21-4-61 द्वारा जारी की गई हिदायतों की ओर दिलाऊँ और सूचित करूँ कि इन हिदायतों के अनुसार निलम्बित सरकारी कर्मचारियों के विरुद्ध जांच आदि का कार्य 6 मास के भीतर पूर्व किया जाना होता है और यदि इस निर्धारित अवधि में वह कार्य पूरा न किया जा सके और इस समय में वृद्धि कराना आवश्यक हो तो 3 मास तक कार्यभारी मन्त्री और इसके पश्चात् 9 मास की अवधि व्यतीत होने पर केस मन्त्री परिषद् को प्रस्तुत करना होता है। सरकार ने इस मामले पर पुनः विचार करके यह निर्णय लिया है कि भविष्य में निलम्बित कर्मचारियों को 6 मास की अवधि के पश्चात् कार्यभारी मन्त्री 3 मास की बजाये 6 मास तक वृद्धि देने के लिये सक्षम होंगे यदि किसी कर्मचारी को एक वर्ष की अवधि के पश्चात् निलम्बित रखना आवश्यक हो तो मामला मन्त्री-परिषद् को अनुमोदन हेतु प्रस्तुत किया जाए। मन्त्री परिषद् को ज्ञापन प्रस्तुत करते समय सरकार के परिपत्र क्रमांक 5337-5 जी.एस/74/24093, दिनांक 21-10-74 द्वारा अपेक्षित सूचना निर्धारित प्रोफामा में दी जाये।

2. कृपया उपरोक्त आदेशों की दृढ़ता से पालन करें।

हस्तः/

उप सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है  
बिनायुक्त, हरियाणा सभी प्रशासकीय सचिव हरियाणा सरकार।

No. 25/8/78— GSI

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments,  
Commissioners Ambala and Hissar Divisions,  
All Deputy Commissioners and  
Sub Divisional Officers (Civil) in the State.
2. The Registrar, Punjab and Haryana High Court, and  
District and Sessions Judges in the State.

Dated, Chandigarh the 12-4-78

**Subject: Speedy disposal of cases of Government employees under suspension**

.....

Sir,

I am directed to invite a reference to the composite Punjab Government letter No. 3624-GS-61/14504 dated the 21st, April, 1961, which provides inter alia that to avoid unnecessary harassment of Government employees, the whole process of investigation and enquiry against such employees, should be completed within six months excluding any period during which proceedings are stopped owing to reference to a Court of law. These instructions further lay down that charge-sheets should be handed over to the concerned Government employees within 15 days from the date of taking a decision to start formal proceedings. It has come to the notice of the Government that in a large number of cases charge-sheets are served upon the suspended employees after considerable delay due to various reasons such as protracted correspondence between subordinate offices and Heads of Departments incomplete references to the Government and getting the drafts vetted in Punishment and Appeal by the Law Department as provided in Government letter No. 2770-IGSI-72/14511, dated 10-5-1972. Delay also occurs at the time of inspection of record by the Government employee concerned and also during subsequent stages of departmental enquiry. The Government views such delays with great concern and emphasizes that cases of suspending employees should receive special attention of the concerned authorities. Steps should be taken to cut down delay at every stage of the proceeding by taking up the matter even on personal level. In any case, for obvious reasons, such cases should not be allowed to fall in routine. Only then will it be possible to complete the whole process of investigation and enquiry within the stipulated period. The State Government will take serious view where it is found that these instructions have not been followed and in consequence delay has occurred. It is, therefore, requested that these instructions may be brought to the notice of all concerned for meticulous compliance.

Yours faithfully

Sd/-  
Deputy Secretary General Admn.,  
for Chief Secretary to Government, Haryana

A copy is forwarded for information and compliance to the Financial Commissioner, Haryana. All Administrative Secretaries to Government, Haryana.

तुरन्त

- (1) 3874-6 जी 0एस 0-1 76/  
17089, दिनांक 29 जून, 76
- (2) 7725-6 जी:एस:-I  
76/32983, दिनांक  
3 दिसम्बर, 1976
- (3) 78-6 जी:एस: 1-77/  
1118, दिनांक 25 जनवरी,  
1977
- (4) 3764-1 जी: एस:-1-77/  
17221, दिनांक 23 जून,  
1977, तथा
- (5) 25/8/78-जी:एस: 1  
दिनांक 12-4-1978।

विषय:— निलम्बित सरकारी कर्मचारियों के विरुद्ध केसों का शीघ्र निपटान

कृपया वित्तायुक्त (राजस्व) तथा हरियाणा सरकार के सभी प्रशासकीय सचिव कृपया उपरोक्त विषय पर संयुक्त पंजाब सरकार के परिपत्र क्रमांक 3624 जी: एस:-61/14507, दिनांक 21 अप्रैल, 1961 तथा हाशिये में दिए गए हरियाणा सरकार के परिपत्रों की ओर ध्यान देने की कृपा करेंगे ?

2. यह देखने में आया है कि समय-2 पर जारी की गई हिदायतों के बावजूद प्रायः विभागिय जांचों को पूर्ण करने में बहुत विलम्ब हो रहा है और निलम्बित अधिकारियों/कर्मचारियों की संख्या दिन-प्रतिदिन बढ़ रही है। इसका कारण यह प्रतीत होता है कि केसों में विलम्ब रोकने के लिए कोई प्रणाली अग्रनाई नहीं गई है : अतः सरकार ने यह निर्णय लिया है कि जिन मामलों में निलम्बन अवधि का समय 6 मास से बढ़ गया हो उनको monitor करने का उत्तरदायित्व स्वयं सम्बन्धित प्रशासकीय सचिवों पर होगा। वे अपने विभाग के किसी अधिकारी को इस कार्य के लिए नामांकित कर सकते हैं ताकि वह उक्त समय समय पर प्रत्येक केस की प्रगति से अवगत करवाता रहे और जहां कहीं कोई रुकावट पैदा हो तो उसे दूर करवाने के लिए उचित कार्यवाही करे। इन मुआमलों पर उचित नियन्त्रण रखने के लिये प्रत्येक विभाग के लिए रजिस्टर खोले जाएं।

3. अनुरोध किया जाता है कि मामले में उचित कार्यवाही करने के लिए तुरन्त पग उठाये जाएं।

हस्त/:

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

वित्तायुक्त राजस्व, हरियाणा तथा  
हरियाणा सरकार के सभी प्रशासकीय सचिव।

अशा क्रमांक 33/16/78 जी:एस: -78, दिनांक चण्डीगढ़ 20/12/78

विषय:— निलम्बित सरकारी कर्मचारियों के विरुद्ध केसों का शीघ्र निपटान ।

कृपा वित्तायुक्त (राजस्व) तथा हरियाणा सरकार के सभी प्रशासकीय सचिव कृपया उपरोक्त विषय पर सरकारी अनुदेश अशः क्रमांक 33/16/1 जीः एसः -1-78 दिनांक 20-12-78 की ओर ध्यान देने की कृपा करेंगे ?

2. उनसे अनुरोध है कि वे :-

- (1) उन अधिकारियों के नामों की सूचना जो उन्होंने संदर्भित अनुदेशों के तहत नामांकित किए हैं इस विभाग को शीघ्र भेजें ।
- (2) निलम्बित अधिकारियों/कर्मचारियों के सम्बन्ध में सूचना हर मास की 7 तारीख को संलग्न प्रोफार्मा में मुख्य मन्त्री के प्रधान सचिव तथा मुख्य सचिव को भेजें ।
- (3) नामांकित अधिकारियों को यह निर्देश देवें कि वे सभी निलम्बित अधिकारियों/कर्मचारियों के केस मुख्य मन्त्री के प्रधान सचिव से हर मास डिसकस करें और उन्हें मिलने से पूर्व उनकी सुविधा अनुसार समय पहले बें ।

हस्ता/-

उप सचिव, सामान्य प्रशासन,  
कृते : मुख्य सचिव, हरियाणा सरकार ।

(नाम से)  
सेवा में

वित्तायुक्त राजस्व हरियाणा तथा सभी प्रशासकीय सचिव ।

अशा क्रमांक 33/16/78-1 जीःएसः-1-78, दिनांक चण्डीगढ 8 जनवरी, 1979

क्रमांक 33/13/79-1 जी: एस:

प्रेषक

मुख्य सचिव, हरियाणा सरकार ।

सेवा में

1. हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मण्डल, सभी उपायुक्त तथा उप मण्डल अधिकारी (सिविल) ।

2. रजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट, चण्डीगढ़ ।

दिनांक, चण्डीगढ़ 16 अप्रैल, 1979

विषय :

निलम्बित कर्मचारियों/अधिकारियों के संबंध में ।

महोदय,

निदेश हुआ है कि मैं आपका ध्यान उपर्युक्त विषय पर सरकार के परिपत्र क्रमांक 3624-जी: एस: 61/4507, दिनांक 21-4-1961 तथा क्रमांक 5598-1.जी:एस: 77/22579, दिनांक 10-10-1977 के और खिलाफ और वह लिखूँ की सरकार के कुछ विभागों ने यह प्रश्न उठाया है कि क्या उस सरकारी कर्मचारी/अधिकारी जो कोर्ट में उसके विरुद्ध चल रहे केस के आधार पर एक वर्ष से ज्यादा समय से निरन्तर निलम्बित चला आ रहा है, के सम्बन्ध में मामला मंत्रीपरिषद् की अनुमति हेतु प्रस्तुत किये जाने की आवश्यकता है या नहीं ?

2. सरकार ने विचार उपरान्त निर्णय लिया है कि सामान्य केसों की भांति, जो केस न्यायालयों में पेश किये जा चुके हैं/चल रहे हैं, में भी कर्मचारियों/अधिकारियों की निलम्बित अवधि की 6 मास से एक वर्ष तक बढ़ाने के लिए कार्यभारी मन्त्री की अनुमति तथा एक वर्ष से अधिक समय के लिए निलम्बित अवधि को बढ़ाने के लिये मन्त्रीपरिषद् की अनुमति प्राप्त की जाये ।

दूसरे शब्दों में सरकार ने निर्णय लिया है कि जिन केसों में विभागीय कार्यवाही हो रही है, और जो न्यायालयों में भी चले रहे हैं, कार्यभारी मन्त्री/मन्त्रीपरिषद् की अनुमति केस की स्थिति अनुसार ही ली जाये ।

भवदीय

हस्ता/-

अवर सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

उपर्युक्त की एक एक प्रति वित्तायुक्त, राजस्व, हरियाणा । तथा सभी प्रशासकीय सचिव, हरियाणा ।

हस्त:

अवर सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

दिनांक 16-4-79

उपर्युक्त की एक प्रति प्रधान सचिव/मुख्य मन्त्री महोदय को सूचनार्थ भेजी जाती है ।

तुरन्त

विषय निलम्बित सरकारी कर्मचारियों के मामलों के शीघ्र निपटान बारे ।

क्या वित्तायुक्त (राजस्व) तथा हरियाणा सरकार के सभी प्रशासकीय सचिव कृपया उपरोक्त विषय पर सरकार के परिपत्र क्रमांक 25/8/78 जी: एस:, दिनांक 12/4/1978 की ओर ध्यान देने की कृपा करेंगे ?

2. सरकार ने निलम्बित कर्मचारियों/अधिकारियों के मामलों को शीघ्र अति शीघ्र निपटान करने हेतु यह निर्णय लिया है कि प्रत्येक प्रशासकीय विभाग भविष्य में निलम्बित कर्मचारियों/अधिकारियों के मामलों को जुटकर अनुसरण किया करें ताकि उनके निपटान में देरी को ठीक ढंग से चैक किया जा सके ।

3. उनसे अनुरोध है कि ये अनुरोध सभी कर्मचारियों/अधिकारियों के नोटिस में दृढ़तापूर्वक पालना हेतु ला दिए जाएं ।

हस्त:-

उप सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

वित्तायुक्त राजस्व, हरियाणा हरियाणा सरकार के सभी प्रशासकीय सचिव तथा उपर्युक्त की एक प्रति प्रधान सचिव/मुख्य मन्त्री महोदय को सूचनार्थ भेजी जाती है ।

पुरस्त

विषय— निलम्बित कर्मचारियों/अधिकारियों के संबंध में।

### राजस्व

क्या वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार उपर्युक्त विषय पर इस विभाग के अशासकीय क्रमांक 5598- 1जी. एस. I-77/32569, दिनांक 10-10-1977 तथा क्रमांक 33/13/79-1जी0एस0 I, दिनांक 16-4-1979 की ओर ध्यान देने की कृपा करेंगे ?

2. सरकार ने मामले को आगे विचार करके यह निर्णय लिया है कि ऐसे निलम्बित कर्मचारियों/ अधिकारियों के मामले (जिनके विरुद्ध कोर्ट में चल रहे केस के कारण निलम्बित अवधि को एक वर्ष से ज्यादा समय के लिए बढ़ाने हेतु) जब प्रशासकीय विभाग द्वारा सम्बन्धित केस मंत्रीपरिषद् को भेजा जाए तो ऐसे केसों में निम्नलिखित सूचना ज्ञापन में नीचे दिए गए प्रोफार्मा में दी जाया करे :-

कर्मचारी का नाम, पदसंज्ञा तथा निलम्बन की तिथि	एफ0आई0आर0की रजिस्ट्रेशन की तिथि तथा अूम की प्रकृति	कोर्ट में चलान प्रस्तुत करने की तिथि	केस की वर्तमान स्थिति
(1)	(2)	(3)	(4)

3. सरकार के इस निर्णय की दृढ़ता से पालना की जाए।

अवर सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार,।

सेवा में

1. वित्तायुक्त राजस्व, हरियाणा, सभी प्रशासकीय सचिव, हरियाणा।

अशा: क्रमांक 33/6/79-1की0एस0 I

दिनांक 27 अप्रैल, 1979

उपर्युक्त की एक प्रति प्रधान सचिव/मुख्य मंत्री को सूचनार्थ भेजी जाती है।

स0दे0 भाम्बरी

अ0स0प0क0 33/17/79-1की0एस0I

मुख्य सचिव, हरियाणा सरकार,

चण्डीगढ़।

जुलाई 12/13, 1979

विषय:— निलम्बित कर्मचारियों/अधिकारियों के मामलों को शीघ्र निपटान करने हेतु  
निर्धारित प्रोफार्मा से पहली त्रैमासिक रिपोर्ट 31-7-79 तक भेजने हेतु।

प्रिय,

कृपया उपर्युक्त विषय के संदर्भ में प्रशासकीय सचिवों की बैठक दिनांक 3-7-79 की कार्यवाही की ओर ध्यान दें (प्रति संलग्न है)

2. निर्धारित प्रोफार्मा की प्रति जिसमें अपेक्षित सूचना भेजी जाती है, संलग्न है है। आपसे अनुरोध है कि आप इस प्रोफार्मा में अपने अधीन विभागों के निलम्बित कर्मचारियों के बारे पहली त्रैमासिक रिपोर्ट 31-7-79 तक संयुक्त सचिव, हरियाणा सरकार, सामान्य प्रशासन को भेजे। इसके पश्चात यह रिपोर्ट हर त्रिमाही की समाप्ति के दस दिन के भीतर भेजी जावे।

भापका

हस्ता/-स0दे0 भाम्बरी

सभी प्रशासकीय सचिव  
(नाम से)





No. 32/20/79-1GSI

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments, Commissioners, Ambala and Hissar Divisions, All Deputy Commissioners and Sub Divisional Officers (Civil) in the State.
2. The Registrar, Punjab and Haryana High Court.

Dated Chandigarh, the 13th August, 1979.

**Subject : Speedy disposal of cases of Government employees under suspension—Completion of departmental action within six months.**

Sir,

I am directed to refer to Haryana Government circular letter No. 25/8/78-GSI, dated the 12th April, 1978, wherein suggestions were made for the speedy disposal of cases of Government servants under suspension. It has come to the notice of the Government that the instructions issued in the behalf are not being strictly followed. The Government would, therefore, like to reiterate that in order to avoid unnecessary harassment to the employees under suspension, all efforts should be made to complete departmental action against them within six months.

2. It has also been decided by the Government that a list of cases against employees under suspension, which have been under investigation with the police for more than one year as on 30-6-79 should be got prepared and sent to this department.

3. The above instructions may please be brought to the notice of all concerned for meticulous compliance.

Yours faithfully,

RAM PARKASH

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to the Financial Commissioner (Revenue) Haryana; and All Administrative Secretaries to Govt., Haryana.

**विषय :—**निलम्बित सरकारी कर्मचारियों के विरुद्ध केसों का शीघ्र निपटान ।

क्या वित्तायुक्त राजस्व एवं सभी सचिव हरियाणा सरकार उपरोक्त विषय पर सरकार अनुदेश के क्रमांक 33/16/78-1 जी०एस० 1, दिनांक 20-12-1978 तथा अशा: क्रमांक 33/14/79-1 जी० एस० 1, दिनांक 26-4-1979 (प्रत्येक की प्रति संलग्न है) की ओर ध्यान देने को कृपा करेंगे ?

2. सरकार ने निर्णय लिया है कि सभी प्रशासकीय सचिव व्यक्तिगत रूप से यह सुनिश्चित करें कि निलम्बित कर्मचारियों के विरुद्ध केसों में की जाने वाली अनुशासनिक कार्यवाही करने में देरी न हो ।

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में (i) वित्तायुक्त राज्य, हरियाणा, (ii) हरियाणा सरकार के सभी प्रशासकीय सचिव तथा उपर्युक्त की एक प्रति प्रधान सचिव/मुख्य मंत्री को सुचनार्थ भेजी जाती है ।

**विषय :—**निलम्बित कर्मचारियों/अधिकारियों के मामलों में शीघ्र निपटान करने हेतु ।

क्या सभी प्रशासकीय सचिव, हरियाणा सरकार, कृपा उपरोक्त विषय पर मुख्य सचिव, हरियाणा सरकार के अर्ध-सरकारी पत्र क्रमांक 33/17/79-जी०एस०-1 दिनांक 13-7-79 की ओर ध्यान देंगे ?

2. उन द्वारा विभागों में निलम्बित कर्मचारियों/अधिकारियों की पहली त्रैमासिक रिपोर्ट निर्धारित प्रोफार्मा में संयुक्त सचिव, हरियाणा सरकार, सामान्य प्रशासन विभाग को 31-7-79 तक भेजी जानी थी । संलग्न सूची (अनुबन्ध ए), में दिखाये गये विभागों से यह रिपोर्ट अभी तक प्राप्त नहीं हुई । संबन्धित विभागाध्यक्षों को निदेश दिये जाएं कि वह आपेक्षित रिपोर्ट प्रशासकीय सचिवों के माध्यम से इस विभाग को बिना और विलम्ब भेजें ।

3. जिन विभागों से आपेक्षित रिपोर्ट प्राप्त हो गई है, उनका संक्षेप में विवरण संलग्न सूचियों (अनुबन्ध सी) तथा उस के साथ भेजे जा रहे abstract में दिया गया है ।

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

सेवा में

हरियाणा सरकार के सभी प्रशासकीय सचिव,  
(नाम से)

## ANNEXURE 'A'

Statement showing the list of departments from which reply has not been received.

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*Serial No. Name of the Department*

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1. Civil Sectt. Establishment.
2. Chairman, Public Service Commission.
3. S.S.S. Board, Haryana.
4. Deputy Chief Electrol Officer.
5. Director of Grievances.
6. Secretary to Governor, Haryana.
7. Secretary Haryana Vidhan Sabha.
8. Wild Life Preservation. Deptt.
9. Chief Electrical Inspector.
10. Director of Agriculture.
11. Director of Fisheries.
12. Commissioner, Ambala Division.
13. Commissioner, Hissar Division.
14. Director of Cultural Affairs.
15. Director, Sports School, Rai.
16. Director of Animal Husbandry.
17. Milk Commissioner.
18. Registrar Co-operative Societies.
19. Chief Architect.
20. Director Technical Education.
21. Controller of Stores.
22. Director of Industrial Training.
23. Director of Industries.
24. Director of Colonisation.
25. Director of Elections (Local Bodies)
26. Director of Urban Estates.
27. Director of Food & Supplies,
28. Director, Town & County Planning.
29. Local Govt. Department (Fire Office).
30. Treasurer Charitable Endowments.
31. Advocate General
32. Home Gaurds & Director Civil Defence.
33. Inquiry Officer Vigilance.
34. Inspector General of Police Deptt.
35. Inspector General of Prison, Deptt.
36. Registrar, Punjab & Haryana High Court.
37. Director of Employment.
38. Labour Commissioner, Haryana.
39. Director of Archives
40. Planning Department.
41. Legislative Department.
42. Director of Prosecution.

## ANNEXURE 'C'

Statement showing the position of employees under suspension in the State as it stood on 31-7-79.

No of Employees under Suspension.

	<i>Gazetted</i>		<i>Non-Gazetted</i>		<i>Total</i>
	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>	
	5	29	259	29	322

**Duration of Suspension**

(i) Less than 6 months	4	12	62	12	90
(ii) More than 6 months but less than 1 year.	—	3	38	3	44
(iii) One year and above.	1	14	159	14	188
	5	29	259	29	322

**Kind of Action**

1. Departmental action.	3	17	84	12	116
2. Police registered cases.	1	1	26	6	34
3. Pending in the Court	1	10	139	9	159
4. After decision of the Court(s)	—	1	10	2	13
	5	29	259	29	322



## Employees under suspension

Sr. No.	Name of the Department	Duration of Suspension												
		Number of employees under suspension					Less than 6 months				More than 6 months but less than year			
		Class	I	II	III	IV	Total	I	II	III	IV	I	II	III
1.	Forest Department	—	—	3	11	14	—	—	—	9	—	—	—	1
2.	Hospitality Deptt.	—	—	1	—	1	—	—	—	—	—	—	1	—
3.	Revenue Deptt.	—	1	24	2	27	—	1	6	—	—	—	2	3
4.	Excise & Taxation Deptt.	—	—	6	3	9	—	—	2	1	—	—	—	—
5.	Director Public Relation	—	1	3	2	6	—	—	—	1	—	—	1	—
6.	Social Welfare Deptt. S/C & B/C	—	—	2	—	2	—	—	1	—	—	—	1	—
7.	P.W.D. (B & R)	—	2	12	1	15	—	—	—	—	—	—	—	—
8.	P.W.D. (Irrigation)	1	4	23	3	31	1	1	3	—	—	—	8	1
9.	P.W.D. (Public Health)	—	—	8	—	8	—	—	3	—	—	—	—	—
10.	Finance (Accounts)	—	—	3	1	4	—	—	2	1	—	—	1	—
11.	Planning Deptt. (Statistical Orgn.)	—	1	—	—	1	—	—	—	—	—	—	—	—
12.	Transport Deptt.	—	—	15	5	20	—	—	—	—	—	—	—	—
13.	Health Department (Medical College alss)	1	4	25	1	31	—	—	5	—	—	1	3	1
14.	Controller (P & S Deptt.)	—	—	1	—	1	—	—	1	—	—	—	—	—
15.	Education Deptt.	3	14	48	—	65	3	8	16	—	—	2	10	—
16.	Sports Department	—	—	2	—	2	—	—	2	—	—	—	—	—
17.	Language Department	—	—	1	—	1	—	—	1	—	—	—	—	—
18.	Panchayat Department Development.....	—	2	21	—	23	—	2	—	—	—	—	1	—
19.	Director Land Record.	—	—	61	—	61	—	—	20	—	—	—	10	—

as on 31-7-79

Over 1 year.				Departmental action				Reasons for suspension															
								Pending with the Police.				Pending in Court.				After decision at Court.							
I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV				
—	—	3	1	—	—	—	9	—	—	—	1	—	—	2	1	—	—	—	1				
—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—				
—	—	16	2	—	—	5	—	—	1	4	—	—	—	15	2	—	—	—	—				
—	—	4	2	—	—	2	—	—	—	1	—	—	—	3	3	—	—	—	—				
—	1	2	1	—	—	1	—	—	—	1	2	—	1	1	—	—	—	—	—				
—	—	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—				
—	2	12	1	—	1	—	1	—	—	—	—	—	1	10	—	—	—	2	—				
—	3	12	2	—	1	10	—	1	—	—	1	—	2	12	2	—	1	1	—				
—	—	5	—	—	—	3	—	—	—	—	—	—	—	5	—	—	—	—	—				
—	—	—	—	—	—	—	—	—	—	2	1	—	—	1	—	—	—	—	—				
—	1	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—				
—	—	15	5	—	—	1	2	—	—	1	1	—	—	13	1	—	—	1	1				
1	3	17	—	—	1	3	—	—	—	6	—	1	3	13	1	—	—	3	—				
—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—				
—	4	22	—	3	12	17	—	—	—	3	—	—	2	26	—	—	—	2	—				
—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—				
—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—				
—	—	20	—	—	2	2	—	—	—	1	—	—	—	17	—	—	—	1	—				
—	—	31	—	—	—	35	—	—	—	5	—	—	—	21	—	—	—	—	—				

क्रमांक 33 (17)-2 जी0 एस0 III-79

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

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दिनांक, चण्डीगढ़ 1979

**विषय:** निलम्बित कर्मचारियों/अधिकारियों के मामलों में शीघ्र निपटान करने हेतु निर्धारित प्रोफार्मा की पहली त्रैमासिक रिपोर्ट 31-7-79 तक भेजने बारे।

उपरोक्त विषय पर मुझे यह कहने का निदेश हुआ है कि मुख्य सचिव, हरियाणा सरकार के अर्ध-सरकारी पत्र क्रमांक 33/17/79-जी0एस0I, दिनांक 13-7-79 द्वारा हरियाणा सरकार के सभी प्रशासकीय सचिवों से अनुरोध किया गया था कि वह अपने अधीन निलम्बित कर्मचारियों/अधिकारियों के बारे निर्धारित प्रोफार्मा में पहली त्रैमासिक रिपोर्ट 31-7-79 तक संयुक्त सचिव, हरियाणा सरकार, सामान्य प्रशासन विभाग को भेजें। उन्हें 22-8-79 को स्मरण पत्र भी भेजा गया परन्तु संलग्न सूचि में दिखाये गए विभागों से अभी तक उपरोक्त रिपोर्ट सामान्य प्रशासन विभाग में प्राप्त नहीं हुई। अतः आपसे अनुरोध है कि अपने विभागों की त्रैमासिक रिपोर्ट प्रशासकीय सचिवों के माध्यम से अतिलम्ब इस विभाग को भेजें।

राम प्रकाश

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव हरियाणा सरकार,



## ANNEXURE 'A'

Statement showing the list of departments from which reply has not been received.

*Sr. No. Name of the Department*

1. Civil Sectt. Establishment.
2. Chairman, Public Service Commission.
3. S.S.S. Board, Haryana.
4. Deputy Chief Electrol Officer.
5. Director of Grievances
6. Secretary to Governor, Haryana.
7. Secretary, Haryana Vidhan Sabha.
8. Wild Life Preservation Deptt.
9. Chief Electrical Inspector.
10. Director of Agriculture.
11. Director of Fisheries.
12. Commissioner, Ambala Division.
13. Commissioner, Hissar Division.
14. Director of Cultural Affairs.
15. Director, Sports School, Rai.
16. Director of Animal Husbandry.
17. Milk Commissioner.
18. Registrar Co-operative Societies.
19. Chief Architect.
20. Director Technical Education.
21. Controller of Stores.
22. Director of Industrial Training.
23. Director of Industries.
24. Director of Colonisation.
25. Director of Elections (Local Bodies)
26. Director of Urban Estates.
27. Director of Food & Supplies.
28. Director, Town & Country Planning.
29. Local Govt. Department (Fire Office)
30. Treasurer Charitable Endowments.
31. Advocate Général.
32. Home Gaurds & Director Civil Defence.
33. Inquiry Officer Vigilance.
34. Inspector General of Police Deptt.
35. Inspector General of Prison Deptt.
36. Registrar. Punjab & Haryana High Court.
37. Director of Employment.
38. Labour Commissioner, Haryana.
39. Director of Archives.
40. Planning Department.
41. Legislative Department.
42. Director of Prosecution

No. 25 (5)—2GSI—79

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments,  
Commissioner, Ambala and Hissar Division,  
All Deputy Commissioners and Sub-Divisional Officers  
(Civil) in the State.
2. The Registrar,  
Punjab and Haryana High Court,  
Chandigarh.

Dated, Chandigarh, the 24th October, 1979.

**Subject :—Speedy disposal of cases of Government employees under suspension.**

Sir,

I am directed to invite reference to the composite Punjab Government letter No. 3624—GS—61/14507 dated the 21st April, 1961, which provides inter alia that to avoid unnecessary harassment of Government employees under suspension, the whole process of investigation and enquiry against such employees should be completed within six months excluding any period during which proceedings are stopped owing to reference to a court of Law. These instructions also lay down that the charge-sheets should be handed over to the concerned Government employees within 15 days from the date of taking a decision to start formal proceedings. Further as per these instructions, the written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.

2. In Haryana Government letter No. 25/8/78—GSI, dated the 12th April, 1978, it was noted that in a large number of cases, charge sheets are served upon the employees after considerable delay due to various reasons mentioned therein. It was observed that delay also occurred at the time of inspection of record by the Government employee concerned and also during subsequent stages of departmental enquiry. It was, therefore, emphasised that steps should be taken to cut down delay at every stage of the proceedings by taking up the matter even at personal level.

3. It has come to the notice of the Government that in certain cases the records which are to be shown to the employees under charge-sheet to enable them to submit written statements of defence are made available after considerable delay. The State Government desires that such delays must be cut down because the charge-sheet and the statement of allegation are based on the records already available with the concerned authorities. However, if the record asked for is such as cannot be allowed to be inspected under the instructions and rules, the concerned employee should be informed promptly requiring him to submit his reply within the stipulated period of time.

4. These instructions should be brought to the notice of all concerned for compliance.

Yours faithfully,

Under Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and compliance to—

1. The Financial Commissioner, Revenue, Haryana.  
and All Administrative Secretaries to Government, Haryana.

क्रमांक 2 (12)-2 जी०ए स०-III-79

मुख्य सचिव, हरियाणा सरकार।

1. हरियाणा सरकार के सभी विभागाध्यक्ष, आयुक्त अम्बाला तथा हिसार मंडल, सभी उपायुक्त तथा उप-मंडल अधिकारी।
2. रजिस्ट्रार, पंजाब तथा हरियाणा हाईकोर्ट तथा हरियाणा राज्य के सभी जिला एवं सत्रन्यायधीश।

दिनांक, चण्डीगढ़

11 जनवरी 1980

**विषय :—** निलम्बित कर्मचारियों के केंसों का शीघ्रता से निपटान करने बारे हिदायत-18 मास से अधिक अवधि से निलम्बित कर्मचारियों की सूची मुख्य मंत्री महोदय को प्रस्तुत करने बारे।

मुझे निदेश हुआ है कि मैं आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 53375 जी० एस० 1-74/24093, दिनांक 21 अक्टूबर, 1974 की ओर आकषित करूँ और कहूँ कि इस पत्र में दी गई हिदायतों के अनुसार जो सरकारी कर्मचारी 18 मास से अधिक समय से निलम्बित हों उनके बारे में मासिक विवरण मुख्य मंत्री जी को प्रस्तुत करने हेतु चौकसी विभाग को भेजा जाता है। सरकार ने इस मामले पर पुनः विचार किया है और निर्णय लिया गया है कि भविष्य में 18 मास से अधिक समय से निलम्बित कर्मचारियों के मामलों का विवरण चौकसी विभाग की बजाए सामान्य प्रशासन विभाग द्वारा मुख्य मंत्री जी को प्रस्तुत किया जाये। अतः आपसे अनुरोध है कि अपेक्षित विवरण संलग्न प्रोफार्मा में चौकसी विभाग की बजाए सामान्य प्रशासन विभाग को भेजे।

2. इस पत्र की पावती भेजने की कृपा करें।

राम प्रकाश

अवर सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

इसकी एक एक प्रति वितायुक्त राजस्व, हरियाणा तथा हरियाणा सरकार के सभी प्रशासकीय सचिव :—

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. हरियाणा सरकार के सभी विभागाध्यक्ष आयुक्त अम्बाला तथा हिसार मंडल सभी उपायुक्त तथा उप मंडल अधिकारी।
2. रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट तथा हरियाणा राज्य के सभी जिला एवं संघ न्यायधीश।

दिनांक, चण्डीगढ़ . . . . . 2 अप्रैल, 1980 . . . . .

विषय :—निलम्बित कर्मचारियों के केंसों का शीघ्रता से निपटान करने बारे हिदायतें 18 मास से अधिक अवधि से निलम्बित कर्मचारियों की सूची मुख्य मन्त्री महोदय को प्रस्तुत करने बारे।

महोदय,

मुझे निर्देश हुआ है कि आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 2(12)2 जी० एस० III-79, दिनांक 11-1-80 की ओर दिलाऊँ जिस द्वारा 18 मास से अधिक निलम्बित सरकारी कर्मचारियों के बारे मासिक विवरणी भेजी जानी अपेक्षित है। उससे पूर्व एसी सूचना चौकसी विभाग के परिपत्र क्रमांक 663/बी (6)-68/4651, दिनांक 1-3-68 के साथ संलग्न विवरणी 1, 2 व 3 से उन्हें भेजी जाती थी। कृपया यह सूचना उन्हीं 3 विवरणीयों में जिनकी प्रतियाँ संलग्न की जाती हैं इस विभाग को प्रत्येक मास की समाप्ति के 10 दिन के भीतर अवश्य भेजी जाया करे।

2. इस विभाग के पत्र क्रमांक 2(12)-2 जी० एस० II-79, दिनांक 11-1-80 के साथ भेजी गई विवरणी को रद्द समझा जाए।

भवदीय,

अवर सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

इसकी एक-एक प्रति वित्तायुक्त, राजस्व तथा हरियाणा सरकार के सभी प्रशासकीय सचिव से आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्त/-

अवर सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

## STATEMENT-I

## List of Government Servants under Suspension whose Cases are penbing in Court

Name of Deptt.	Name and Designation of the Govt. Police Station servant	FIR No. and date and Police Station	Date of suspension	Date of Challan	Whether suspended by the Department itself or at the instance of Vig.	Present position of the Case	Whether or not the permission of council of Minister has been obtained for continue sus-pension of Govt. servant in acco-rdance with the Govt. Instr., if not the reason thereof.
1	2	3	4	5	6	7	8

## STATEMENT-II

## List of Governments Servant under Suspension for over 18 Months Whose cases are pending with Department

Name of the Deptt.	Name of the Govt. Servant with Designation.	Nature of allegation	Date of suspension	Whether sus-pended by the deptt. itself or at the instance of vig. Deptt.	Rank of officer holding the Enq.	Date of starting the Enq.	Present position of the case/de-tails re-ason for de-lay.	Whether or not the permission of Council of Minister has been obtained for continue suspension of Govt. servant in accordance with the Govt. Instr., if not the rea-son thereof.
1	2	3	4	5	6	7	8	9

## STATEMENT-III

## Statement of Government Servants under Suspension for over 18 Months whose cases are under Investigation with the Police

No.	Name of the Deptt.	Name of the Govt. servant with designation	Nature of allegation	Date of suspen-sion	Whether suspen-ded by Deptt. or Vig.	Rank of investi-ging Officer	Date of registra-tion of case and P.S.	Present Position of the case. Detail-ed rea-son for delay.	Whether the permission of the Council of Minister has been obtained for continued suspension of the Govt. in accordance with Govt. Insts.
1	2	3	4	5	6	7	8	9	10

पत्र क्रमांक 2 (12) 79-2 जी० एस० III

प्रेषक

मुख्य सचिव, हरियाणा सरकार,  
चण्डीगढ़।

सेवा में

1. हरियाणा सरकार के सभी विभागाध्यक्ष
2. आयुक्त अम्बाला तथा हिसार मण्डल।
3. सभी उपायुक्त हरियाणा।

दिनांक, चण्डीगढ़

5.9.1980

विषय:-

निलम्बित कर्मचारियों के कैसों का शीघ्र निपटान करने के बारे में हिंदाबत-18 मास से अधिक अवधि से निलम्बित कर्मचारियों की सूची।

महोदय,

मुझे निर्देश हुआ है कि मैं आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 2 (12) 79-2 जी० एस० III दिनांक 2.4.80 की ओर दिलाऊँ जिस द्वारा 18 मास से अधिक निलम्बित सरकारी कर्मचारियों की मासिक सूचियाँ इस विभाग को भेजी जानी होती हैं। प्राप्त सूचियाँ से जो त्रुटियाँ सरकार के नोटिस में आई हैं वे निम्नलिखित हैं:-

1. प्रायः विभाग निर्धारित तिथि तक अपेक्षित सूचियाँ नहीं भेजते। ऐसी स्थिति में रिपोर्ट भेजने का उद्देश्य ही समाप्त हो जाता है। आपसे अनुरोध है कि यह मासिक रिपोर्ट निर्धारित तिथि तक अवश्य भेजी जाए।
2. Statement I (Casses pending in Courts) इस सूची के सभी कालम ठीक ढंग में नहीं भरे जाते। कालम नं० 3 में एफ० आई० आर० की तिथि और पुलिस स्टेशन के बारे में कालम 5 में चालान की तिथि तथा कालम 7 में केस की वर्तमान स्थिति (अर्थात् कि मामला गवाही की स्टेज पर है, निर्णय की स्टेज पर है आदि) प्रायः नहीं बताई जाती। अनुदेश क्रमांक 33/13/79-1 जी० एस० I, दिनांक 16.4.79 द्वारा यह भी अपेक्षित है कि न्यायालयों में लम्बित मामलों, के सम्बंध में एक वर्ष से अधिक निलम्बित कर्मचारियों के बारे में मंत्री परिषद की अनुमति प्राप्त की जाए। अतः निवेदन है कि स्टेटमेंट-1 के कालम 8 में इस बारे में पूर्ण स्थिति दर्शायी जाए। संशोधित स्टेटमेंट 1 की प्रति संलग्न है।
3. Statement-II (Casses pending with departments) के कालम 7 में बहुधा विभागों द्वारा date of starting of enquiry के बारे में सूचना नहीं दी जाती।
4. Statement-III (Casses pending with Police) के कालम 9 में केस की नवीनतम स्थिति तथा देरी के कारण नहीं बताए जाते और न ही nature of allegation के बारे में सूचना दी जाती है।
2. आप से अनुरोध है कि अपेक्षित सूचियाँ भेजते समय यह सुनिश्चित किया जाए कि उपर्युक्त त्रुटियाँ न

रहने पाएँ।

संयुक्त सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक-एक प्रति निम्नलिखित को आवश्यक कार्यवाही हेतु भेजी जाती है:-

1. वित्तायुक्त राजस्व तथा
2. हरियाणा सरकार के सभी प्रशासकीय सचिव।

संयुक्त सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. वित्तायुक्त राजस्व तथा,
2. हरियाणा सरकार के सभी प्रशासकीय सचिव।

प्राशा: क्रमांक 2 (12) 79-2 जी० एस० III

दिनांक 5.9.1980

## Statement

## List of Government Servants under Suspension Whose Cases Are Pending in Court.

Name of Deptt.	Name and Designation of the Govt. servant,	FIR No. and date and Police Station	Date of suspension	Date of Challan.	Whether suspended by the Department it self or at the instance of Vig.	Present position of the Case	Whether or not the permission of council of Minister has been obtained for continue suspension of Govt. servant in accordance with the Govt. Instr.. if not the reason there of
1		3	4	5	6	7	8

पत्र क्रमांक 11/25/80-2 जी०एस० III

प्रेषक

मुख्य सचिव, हरियाणा सरकार,  
चण्डीगढ़।

सेवा में

1. हरियाणा सरकार, के सभी विभागाध्यक्ष,
2. आयुक्त भम्बाला तथा हिसार मंडल
3. राज्य के सभी उपायुक्त हरियाणा।

दिनांक, चण्डीगढ़ 5 दिसम्बर, 1986,

विषय :— निलम्बित कर्मचारियों के केसों का शीघ्रता से निपटान करने बारे हिदायतें—18 मास से अधिक अवधि से निलम्बित कर्मचारियों की सूची मुख्य मंत्री महोदय को प्रस्तुत करने बारे।

महोदय,

मुझे निर्देश हुआ है कि आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 2/12/2 जी०एस० III, दिनांक 2.4.80 तथा 2/12/79-2 जी०एस० III, दिनांक 5.9.80 की ओर दिलाऊँ जिस द्वारा मास 18 से अधिक निलम्बित सरकारी कर्मचारियों के बारे मासिक सूचना इस विभाग को भेजी जानी होती है। यह बात ध्यान में आई है कि सरकार की ओर से समय-समय पर दी गई हिदायतों के अनुसार बहुधा विभाग अपेक्षित रिपोर्ट नहीं भेजते।

2. सरकार निलम्बित कर्मचारियों का ज्यादा समय तक निलम्बित रखना एक गंभीर मामला समझती है और और चाहती है कि उनके विरुद्ध ही रही अनुशासनिक कार्यवाही का निपटान शीघ्र हो। इस स्थिति में आप से अनुरोध है कि सरकार द्वारा जारी की गई हिदायतों की दृढ़तापूर्वक परिपालना की जाए तथा अपेक्षित रिपोर्ट इस विभाग को निर्धारित तिथि तक भेजा जाना सुनिश्चित किया जाए।

अवर सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति निम्नलिखित को आवश्यक कार्यवाही हेतु भेजी जाती है:—

1. विस्तारयुक्त राजस्व एवं
2. हरियाणा सरकार के सभी प्रशासकीय सचिव

कृपया यह सुनिश्चित किया जाये कि उनके अन्तर्गत सभी विभाग इस विषय से संबंधित रिपोर्ट सामान्य प्रशासन विभाग को निर्धारित तिथि तक अवश्य भेज दें।

अवर सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार।

सेवा में

1. विस्तारयुक्त राजस्व तथा
2. हरियाणा सरकार के सभी प्रशासकीय सचिव।

अशा: क्रमांक 11/25/80-2 जी०एस० III

दिनांक 5-12-1986

सर्काल

विषय :-निलम्बित कर्मचारियों/अधिकारियों के मामलों का शीघ्र निपटान करने वाले हिदायतें-सरकार की रिपोर्ट का भेजा जाना।

क्या हरियाणा सरकार के सभी प्रशासकीय सचिव उपर्युक्त विषय पर इस विभाग के परिपत्र क्रमांक 2/12/2 जी. एस. III, दिनांक 2 अप्रैल, 1980 के साथ स्थित पत्र व्यवहार की ओर ध्यान देने की कृपा करेंगे।

2. मास फरवरी, की रिपोर्ट जो कुछ विभागों से प्राप्त हुई है के अवलोकन से विदित हुआ है कि निलम्बित कर्मचारियों के केसों के निपटान की गति बहुत धीमी है। अतः मुख्य मंत्री महोदय ने चाहा है कि विभागों के पेंडिंग केसों का निपटान शीघ्रतिशीघ्र किया जाए और प्रशासकीय सचिव इन मामलों का स्वयं Review करें और इनके शीघ्र निपटान हेतु समय बद्ध लक्ष्य निर्धारित करें। अतः निवेदन है कि इस सम्बंध में अपेक्षित कार्यवाही तुरन्त की जाए और की गई कार्यवाही से इस विभाग को अवगत कराया जाए।

3. सरकार द्वारा जारी की गई हिदायतों के अनुसार निलम्बित सरकारी कर्मचारियों के बारे में मासिक विवरण प्रत्येक मास की समाप्ति के 10 दिन के भीतर भेजनी अपेक्षित है। लेकिन पिछले कई मासों से यह अनुभव में आया है कि बहुधा विभागों द्वारा अपेक्षित रिपोर्ट न तो समय पर भेजी जाती है और न ही विवरणियों के सभी कालम्ज को पूर्ण किया जाता है। अतः अपने अधीन सभी विभागीय अध्यक्षों को यह भी हिदायतें जारी करें कि निलम्बित कर्मचारियों से सम्बंधित अपेक्षित विवरण पूरी तरह पूर्ण करके, इस विभाग को निर्धारित अवधि के अन्दर-2 अवश्य भेज दिया करें।

हस्ता/-

संयुक्त सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।



## U.O. No. 11-3/82-2GS III

From

The Chief Secretary to Government, Haryana.

To

- 1) All Heads of Departments,  
Commissioners Ambala & Hissar Divisions  
and Sub-Divisional Officers (Civil) in the State.
- 2) The Registrar,  
Punjab & Haryana High Court,  
Chandigarh.

Dated Chandigarh, the 7th February, 1982.

**Subject —Speedy disposal of cases of Government employees under suspension.**

Sir,

I am directed to refer to composite Punjab Government letter No. 3624-GS-61/14507, dated the 21st April, 1961, on the subject noted above and to state that it has been noticed that the instructions contained therein are not being meticulously followed by the departments concerned with the result that the number of government employees under suspension continuous to be very large and many of them remain under suspension for a very long time, thereby causing great loss to Government on account of payment of subsistence allowance and also bringing discredit to Government. The whole position has, therefore been reviewed and it has been decided to reiterate the decisions contained in the aforesaid letter, for strict compliance by the Government Departments.

**2. Conduct of Departmental proceedings in disciplinary cases :—**

(1) In all cases, the immediate superior authority, on whom rests the responsibility for initiating formal disciplinary proceedings, should decide at the earliest possible moment, whether investigation is likely to be so complicated as to require a special investigating agency either of the police or of the department itself, and should throughout the investigation keep a close watch on its progress to ensure that no undue delay occurs at any stage. When formal disciplinary proceedings are undertaken in all big and complicated cases, the following time schedule should be observed as closely as possible :—

- (a) The charge or charges should be handed over to the charged Govt. servant within 15 days from the date of taking the decision to start formal proceedings. (At the same time, a decision should be taken whether the Government servant should be placed under suspension pending enquiry).
- (b) The Charged Government Servant's written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.
- (c) The enquiry, including oral examination of the witness, should be completed within a month of the submission of the written statement.
- (d) The report of the enquiry officer where he is not himself the Punishing authority, should be submitted as expeditiously as possible and ordinarily within a fortnight of the closing of the enquiry.
- (e) When the punishing authority is different from the enquiry officer, the punishing authority should pass final orders without delay. The following time schedule is suggested for various stages to be gone through before the passing of the final orders :—
  - (I) *Calling upon the Government servant concerned to show cause against the proposed punishment where necessary :—*One week from the date of receipt of the inquiring officer's report.
  - (II) *Time to be allowed to the Government servant to show cause :—*A fortnight to a month according to the nature of a case.
  - (III) *Final orders :—*
    - (i) *Where reference to the Public Service Commission S.S.S. Board is necessary :—*Six weeks from the date of receipt of the final explanation of the Government servant.

- (ii) Where no such reference is necessary :—A fortnight from the date of the receipt of the final explanation of the Government Servant concerned.
- (iii) It should be a matter of firm principles, to be deviated from only in cases of rare urgency that no official is suspended until a proper charge-sheet is served upon him and his explanation obtained and found satisfactory. A departmental enquiry can only begin at this stage should be started forthwith. Since it may not be possible to complete the inquiry in all cases in one month, Government has decided that the inquiry officer should complete all the the proceedings and submit his report within a period of three months and the punishing authority should not take much longer to decide the case (obtaining the advice of the Haryana Public Service Commission/S.S.S. Board where required, expeditiously). In no case should the period between suspension, if order and final order exceed six months.
- (iv) Government feel that officials are often harassed by the length of time it takes to complete the processes of preliminary investigation and inquiry. Even in cases, which do not eventually result in a charge-sheet, the official concerned is often subjected to anxiety by the knowledge that an investigation is proceeding against him. Government have, therefore decided that the whole process of investigation and inquiry should be completed within six months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law). An extension of the period by another six months may be obtained under the orders of the Minister-in-charge. If extension beyond one year is needed full facts and justification must be placed before the Cabinet and their approval taken.
- (v) The cases of government servants involved in criminal cases should be dealt with in accordance with the provisions of rules 7.5 and 7.6 of the Haryana Civil Services Rules Volume I, Part I.

3. It has also come to the notice of the Government that in a number of cases, the employees are kept under prolonged suspension merely because of delay in investigation of such case by the police. The matter has been further considered and it has been decided that while all out efforts should be made by various Administrative Departments to ensure expeditious finalization of such cases, the police department should invariably complete investigation of such cases within three months of reporting. The Department concerned should, on their part, also exercise great care to ensure that the cases reported to the police are constantly followed up so that the police report is obtained within the stipulated period.

4. It has also been decided that except in cases involving moral turpitude, there shall be no bar to the reinstatement of concerned employees within six months of institution of police cases on merits each case.

5. It has further been noticed that most of the departments do not produce the relevant records of the employees under suspension in the Courts concerned in time and sometimes the departmental witnesses do not appear in the Courts even after service of the summons, with the result that the disposal of the cases of the concerned suspended employees gets unduly delayed. It is accordingly emphasised that the departments should ensure that the records of the concerned employees are invariably produced in the courts on the fixed dates and the departmental officers/officials, after having received the summons as witnesses, appear in the courts on the due dates.

6. The above instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to the—(1) Financial Commissioner (Revenue), Haryana, 2) All Administrative Secretaries to Govt., Haryana.

क्रमांक 2/12/82-2 जी. एस.-III

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में,

1-हरियाणा सरकार के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला तथा हिसार मण्डल,  
सभी आयुक्त तथा उपमण्डल अधिकारी।

2-रजिस्ट्रार, पंजाब तथा हरियाणा हाई कोर्ट तथा  
हरियाणा राज्य के जिला एवं सत्र न्यायाधीश।

दिनांक, चण्डीगढ़, 6 मई, 1982

विषय: --निलम्बित सरकारी कर्मचारियों के केशों का शीघ्रता से निपटान करने बारे हिदायतों-18 मास से अधिक समय तक निलम्बित कर्मचारियों की सूची मुख्य मंत्री को प्रस्तुत करने बारे।

महोदय,

मुझे निर्देश हुआ है कि मैं आपका ध्यान उपरोक्त विषय पर सरकार के परिपत्र क्रमांक 2/12/79-2 जी.एस. III दिनांक 2-4-1980 की ओर आकर्षित करूँ और सूचित करूँ कि सर्दभित परिपत्र की व्यवस्थानुसार 18 मास से अधिक समय से निलम्बित सरकारी कर्मचारियों की मासिक रिपोर्ट, प्रत्येक मास की 10 तारीख तक सामान्य प्रशासन विभाग को प्राप्त होनी अपेक्षित होती है, परन्तु यह देखने में आया है कि अधिकतर विभाग उक्त तिथि तक कथित रिपोर्ट नहीं भेजते, जिसके फलस्वरूप सभी विभागों को रिपोर्ट की संगठित रूप देने तथा मुख्य मंत्री महोदय को प्रस्तुत करने में अत्यन्त कठिनाई होती है। अतः पुनर्विचारोपरान्त सरकार द्वारा यह निर्णय लिया गया है कि प्रशासकीय विभाग ही अपने-अपने विभागों से सम्बंधित रिपोर्ट प्राप्त करके निश्चित तिथि तक इस विभाग को भेजें। अतः आपसे अनुरोध है कि कृपया भविष्य में 18 मास से अधिक अवधि के निलम्बित सरकारी कर्मचारियों की मासिक रिपोर्ट प्रत्येक मास की अन्तिम तिथि तक अपने प्रशासकीय विभाग को भेज दें और प्रशासकीय विभाग अपने अधीन सभी विभागों की संकलित रिपोर्ट अगले मास की 10 तारीख तक इस विभाग को भेजा करें। उदाहरण के रूप में, सभी विभागों द्वारा जनवरी मास की रिपोर्ट 31 जनवरी, तक अपने प्रशासकीय विभाग को भेज देनी चाहिये और प्रशासकीय विभागों द्वारा अपने अधीन सभी विभागों की संकलित रिपोर्ट सामान्य प्रशासन विभाग को 10 फरवरी, तक भेजी जानी चाहिये।

2. कृपया इन हिदायतों का दृढ़ता से पालन किया जाये।

हस्ता/-

अवर सचिव सामान्य प्रशासन  
कुते. मुख्य सचिव हरियाणा सरकार।

एक एक प्रति निम्नलिखित को आवश्यक कार्यवाही हेतु भेजी जाती है :-1) वित्तायुक्त राजस्व एवं सचिव, हरियाणा सरकार राजस्व विभाग। 2) हरियाणा सरकार के सभी प्रशासकीय सचिव।

क्रमांक 11/14/82-2 जी. एस. III

प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

1-हरियाणा राज्य के सभी विभागाध्यक्ष,  
आयुक्त अम्बाला तथा हिसार मण्डल।  
सभी उपायुक्त एवं उप मण्डल अधिकारी (सिविल)।

2-रजिस्ट्रार पंजाब तथा हरियाणा हाई कोर्ट, चण्डीगढ़।  
हरियाणा राज्य के सभी जिला एवं सत्र न्यायाधीश।

दिनांक, चण्डीगढ़ 15 जून, 1982

विषय :—निलम्बित सरकारी कर्मचारियों के मामलों का शीघ्रता से निपटान करने बारे।

महोदय,

मुझे निदेश हुआ है कि मैं आपका ध्यान सरकार के पत्र क्रमांक 5598 1जी.एस. 77/32569 दिनांक 10-10-1977 तथा 11/3/82-2 जी.एस. III दिनांक 19-2-82 की ओर आकर्षित करूं और सूचित करूं कि इनमें दी गई व्यवस्थाओं के अनुसार निलम्बित सरकारी कर्मचारियों के विरुद्ध जांच आदि का कार्य 6 मास के भीतर पूर्ण किया जाना होता है और यदि उक्त अवधि में कथित कार्य पूर्ण न किया जा सके तथा निलम्बित अवधि में वृद्धि की आवश्यकता हो तो 6 मास तक कार्यभारी मंत्री और इसके पश्चात एक साल की अवधि व्यतीत होने पर मंत्री परिषद् का अनुमोदन प्राप्त करना होता है।

2. सरकार ने इस मामले में पुनर्विचार करके निर्णय लिया है कि भविष्य में कार्यभारी मंत्री निलम्बित अवधि को दो साल तक बढ़ाने के सक्षम होंगे। यदि दो साल के पश्चात भी निलम्बित रखना आवश्यक हो तो मुख्य मंत्री महोदय की स्वीकृति प्राप्त करनी होगी। ऐसे मामलों में मंत्री परिषद् की अनुमति की कोई आवश्यकता नहीं होगी।

3. मुझे यह भी कहने का निर्देश हुआ है कि सभी विभागाध्यक्ष निलम्बित सरकारी कर्मचारियों के केसों को विशेष प्रयत्नों द्वारा परमअग्रता से निपटाने के लिये पैरा-1 में संदर्भित पत्र दिनांक 19-12-82 में दी गई अन्य व्यवस्थाओं का अनुसरण दृढ़ता से करें।

न्याय तथा प्रशासन विभाग के लिये

उससे अनुरोध है कि वह न्यायालयों में लम्बित सरकारी कर्मचारियों के केसों का निपटान परम अग्रता से करने के लिये विशेष प्रयत्न करें।

एक एक प्रति हरियाणा सरकार के सभी प्रशासकीय सचिवों एवं वित्तायुक्त राजस्व विभाग हरियाणा को सूचनार्थ तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

अवर सचिव सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार।

No. 11/8/82-2GSIII

From

The Chief Secretary to Govt. Haryana.

To

- (1) All Heads of Departments and Commissioners, Ambala and Hissar Divisions in Haryana State.
- (2) Registrar, Punjab & Haryana High Court, Chandigarh.
- (3) All Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana State.

Dated Chandigarh, the 23 August, 1982.

**Subject:—Speedy disposal of suspension cases of Govt. employees—Supply of information.**

Sir,

I am directed to refer to this department letter No. 2/12/79-2GSIII, dated 2-4-1980, on the subject noted above and to state that on re-consideration the Govt. have decided that in future the information regarding suspended Govt. employees shall be directly collected by all the Administrative Secretaries from their Heads of Departments quarterly in the enclosed proforma so as to reach them by the end of the month following the quarter to which it pertains; i.e. the report for the quarter ending 30th September should reach them by the 31st October. After necessary scrutiny at their end, these will be forwarded, with their necessary comments, to Govt. so as to reach them by the middle of next month positively.

2. The monthly reports referred to in the letter under reference are hereby dispensed with.
3. You are requested to ensure that the aforesaid instructions are strictly followed by all the concerned working under you.

Yours faithfully,

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Govt. Haryana.

A copy is forwarded to the Financial Commissioner, Revenue and all Administrative Secretaries to Govt. Haryana, for information. They are requested to ensure that the requisite information is supplied by the departments under them, regularly by the due dates. It may also be clarified that the quarterly statement required to be sent vide D. O. letter No. 33/17/79-1GSI, dated 12/13-7-79 from the Chief Secretary, Haryana, need not now be sent separately.

Sd/-  
Joint Secretary General Administration,  
for Chief Secretary to Govt. Haryana.

To

The Financial Commissioner, Revenue and All Administrative Secretaries to Govt. Haryana.

U.O. No. 11/8/82-2GSIII

Dated Chandigarh, the 23rd August, 1982,

Proforma showing the particulars of the Officials/Officers who are under suspension for the period over six months.

Statement for the quarter ending.....

Name of the Admn. Deptt.....

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

Sr. No.	Name & Designation of the official/officer.	Date of suspension	Charge against him (in brief)	Present position of of the case			Remarks
				Departmental enquiry	Police case	Court case	

**Subject :—Speedy disposal of suspension cases of Government employees—Supply of information.**

Will all the Financial Commissioners and Administrative Secretaries to Government, Haryana, kindly refer to this Department U.O. No. 11/8/82-2GSIII, dated 20th/23rd August, 1982, on the subject noted above ?

2. According to the U. O. under reference, information regarding suspended Government employees is to be collected directly by all the Administrative Secretaries from their Heads of Departments quarterly, in the prescribed proforma, by the end of the month following the quarter to which it pertains and after scrutiny, it is to be forwarded by them with their comments to the Chief Secretary (General Services III Branch) by the middle of next month. Further, the monthly reports regarding information about suspended Government employees were dispensed with.

3. It has, however, been observed that the aforementioned information, as received from Heads of Departments is sometimes passed on by the Administrative Secretaries to the Chief Secretary without proper scrutiny or without their comments. Some Heads of Departments have been sending this information directly to Chief Secretary instead of routing it through their Administrative Secretaries. Further, in some cases the monthly reports regarding suspended Government employees still continue to be received whereas these were dispensed with vide communication referred to above.

4. It is, therefore, requested that the Administrative Secretaries may ensure that instructions regarding sending information relating to suspended Government employees as contained in the U. O. referred to above are followed meticulously.

5. It has also been observed that in some of the Departments a number of employees have been under suspension for more than 2-3 years whereas according to Government instructions contained in letter No. 11/3/82-2 GSIII, dated 7-2-1982, the period of suspension is not expected to exceed 6 months. The Administrative Secretaries are, therefore, requested to review such cases and to take appropriate action to get the same finalised at the earliest.

6. The receipt of this communication may please be acknowledged.

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

To

Copy is forwarded to the following for information necessary action :—

All the Financial Commissioners, Administrative Secretaries to Government Haryana. All Heads of Departments and Commissioners, Ambala and Hissar Divisions in the State, Deputy Commissioners and Sub-Divisional Officers (Civil) in Haryana State.

Registrar, Punjab & Haryana High Court, Chandigarh. in continuation of this Department letter No. 11/8/82-2 GSIII, dated 20th/23rd August, 1982.

Sd/-





# PART XXVIII



Copp of U.O. No. 9138-P-60, dated the 28th November, 1960, from the Chief Secretary to Government, Punjab, to all Administrative Secretaries to Government, Punjab, and others.

**Subject :** Procedure for the selection of Candidates for Post-Graduate Training or Technical Training in India or Abroad.

Will the Administrative Secretaries to Government, Punjab, kindly refer to the Political Department U.O. reference No. 8162-P-I(C)-57, dated the 22nd/23rd January, 1958 ?

2. One of the conditions for sponsoring Government Servants for training is that in the event of selection of an officer for training, the work in his absence should be carried on from within the sanctioned personnel of the Department. Experience has, however, shown that in some departments it is necessary to post a substitute in place of the official/officers sent for training, in order to carry on the work smoothly in their absence on training. It has, therefore, been decided that :—

- (1) a substitute shall be allowed for an officer of district level and above;
- (2) in the case of officers at the Secretariat a substitute shall be allowed for a Deputy Secretary  
headquarters Director  
and above ;
- (3) in the case of offices which are neither Secretariat Departments nor Directorates, a substitute shall be allowed when the highest or the next highest authority at the headquarters is sent on deputation for training :

Provided that the period of training exceeds two months and an existing post at lower level in the relevant line is kept vacant.

3. The term "officer of the District level and above" will mean the highest officer of the Department concerned posted in the district.

Copy of letter No. 6/3/69-AIS(II) dated 8th May, 1969 from the Under Secretary to the Govt. of India, Ministry of Home Affairs New Delhi to the Chief Secretary to Govt., Haryana.

**Subject :** All India Services-Training abroad under Colombo Plan-Clarifications regarding.

I am directed to say that the instance have come to the notice of the Government of India where AIS officers sent on deputation abroad for training under Colombo Plan etc. are granted leave without any restriction. The practice followed by the Government of India in this regard is that leave for stop over/stay over on the return journey is restricted to the periods indicated below :

- (a) when the training period abroad is for 3 months or under, the trainee may have a stop over/stay over for a period upto one week;
- (b) when the training period is for more than 3 but less than 6 months, the stop over/stay over may be for two weeks;
- (c) when the training period is over 6 months the stop over/stay over period may be up to 3 weeks.

2. The State Governments may consider adopting this norm is granting leave to IAS officers sent abroad for training.

#### HARYANA GOVERNMENT

No. 2197-Pol. (3)-69 13723 dated Chandigarh the June, 1969.

A copy each is forwarded for information and guidance to:—

1. All Heads of Departments, Commissioner Ambala Division and Deputy Commissioners in the State.
2. Registrar, Punjab and Haryana High Court and District and Session Judges in Haryana State.

2. It has been decided that these instructions may be made applicable to all the State Officer sent abroad for training.

3. Finance Department have also concurred vide their U. O. advice No. 3194-5FR-69, dated 16-6-69.

By order  
Sd/-  
Deputy Secretary Political & Services  
for Chief Secretary to Govt., Haryana.

A copy each is forwarded for information and action where necessary to:—

1. The Financial Commissioner, Revenue, Haryana.
2. All Administrative Secretaries to Govt., Haryana and,
3. The Member, Sales Tax Tribunal, Haryana.

2. It is requested that these instructions may kindly be kept in view while sanctioning leave for stop over/stay over to the officers sent on foreign training.

Sd/-  
Deputy Secretary Political & Services  
for Chief Secretary to Govt., Haryana.

To

1. The Financial Commissioner, Revenue, Haryana.

2. All Administrative Secretaries to Govt., Haryana and

3. The Member, Sales Tax Tribunal Haryana.

U. O. No. 2197-Pol.(3)-69                      dated Chandigarh, the                      June, 1969.

No. 2197-Pol,-I(3)-69/13728 dated Chandigarh, the                      June, 1969.

A copy is forwarded to the Accountant General, Haryana Simla for information.

By order,

*Sd/-*

Deputy Secretary Political & Services  
for Chief Secretary to Government, Haryana.

No. 15/65/66-AIS(III)

Government of India  
Ministry of Home Affairs.

To

The Chief Secretaries of All the State Governments,  
New Delhi-1, the 3rd June, 1970  
13th Jyaishta, 1792.

**Subject : Admissibility of special pay/deputation allowance to an all India Service Officer during the period of his training abroad.**

Sir,

I am directed to say that the following points have been raised for clarification with reference to this Ministry letter of even number, dated the 22nd March, 1969 (copy enclosed).—

- (1) The services of the officers sent on deputation abroad should be available for a minimum period of 3 years. How will the fulfilment of this condition be watched in respect of the All India Service officers who proceed on training from posts which are outside the control of the Central Government such as posts under autonomous bodies, corporations etc.
- (2) The protection of the special pay/deputation allowance drawn by an All India Service Officers in a cadre posts or an ex-cadre post, prior to his proceeding on training abroad, should be subject to the condition that the concerned officer would have continued to draw it but for his proceeding on training.

2. The above points have been considered by the Central Government and I am to clarify as under :—

- (1) The All India Services Officers are borne on the State Cadres and they come on tenure deputation to the Central Government. They may also be appointed to posts in public sector undertakings under the control of a State Govt. or the Central Government. When an All India Services Officers is deputed for training abroad, a bond is obtained from him to the effect that he will serve the Government for a period of 3-4 years on his return from training. It is not necessary that he should serve in the particular post for the prescribed period. The only condition to be fulfilled is that he should not resign from the All India Service within the prescribed period. If he does so, the provisions of the bond will become operative and the amount can be recovered from him in the circumstances no special steps are considered necessary.

2. The special pay/deputation allowance, drawn by the officer in a cadre post or an ex-cadre post prior to his proceedings on training abroad, will be allowed to him during the period of such training subject to the production of a certificate from the competent authority to the effect that he would have continued to draw it out for his proceeding on training.

#### HARYANA GOVERNMENT

No. 3575-Pol.-1(3)-70/20413, dated Chandigarh, the July, 1970.

A copy each is forwarded to All Heads of Departments, Commissioner Ambala Division, all Deputy Commissioners and all Sub Divisional Officers (Civil) in Haryana State for information and guidance.

2. Finance Department have seen these instructions vide their U. O. reference No. 3091-4FR-70, dated the 20-7-70.

By order,  
Sd/-  
Under Secy. Political,  
for Chief Secretary to Government, Haryana.

Copy of letter No. 28(12) EO/71, dated the 15th July, 1971 from the Establishment Officer to the Government of India, Cabinet Secretariat (Department of Personnel) Office of the Establishment Officer, New Delhi to All Ministries/Departments of Government of India.

## OFFICE MEMORANDUM

**Subject : Release of Officers by Ministries for training.**

An instance has come to notice recently where an officer sponsored for training on the recommendation of the concerned Ministry was not released for the course after his final selection. It is obvious that in a case like this the training opportunities which are already scarce go unutilised. In addition, the training institution finds its arrangements dislocated and the administrative effort involved in going through the procedure of selection is totally wasted.

2. Inability to release an officer recommended earlier for a training course can be justified if the time-lag between the first proposal and actual start of training is inordinately long and if in the mean-while the situation has altered in such a way as to make the release of the officer prejudicial to public interest. But where such justification does not exist, it would appear that the proposal itself was not well considered.

3. In view of the position stated above, it may please be ensured that while sending proposals for nominating officers to training courses, the Ministries may consider as far as possible all aspects of the proposal and in the event of the selection of their nominee for training may not refuse to release him at the last moment.

Copy forwarded for information and necessary action to Chief Secretaries of all the States (by name).

## HARYANA GOVERNMENT

No. 3305-Pol (3)-71/22355, dated Chandigarh, the 29th July, 1971.

A copy each is forwarded to :—

- (i) All Heads of Departments, the Commissioner Ambala Division and all Deputy Commissioners in Haryana.
- (ii) The Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.
- (2) It is requested that the instructions contained in the Government of India's letter may please be noted for compliance in future.

Sd/—  
Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioner, Haryana, and all other Administrative Secretaries to Government: Haryana, for information and compliance of the instructions issued by the Government of India.

Sd/—  
Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

To

The Financial Commissioner Haryana and all other  
Administrative Secretaries to Government, Haryana.

U.O. No. 3305-Pol (3)-71, dated Chandigarh, the 29th July, 1971

**विषय :** राज्य कर्मचारियों का विदेशों में ट्रेनिंग, फ़ैलोशिप या किसी अन्य कार्यों के लिए जाना ।

क्या वित्तायुक्त राजस्व हरियाणा तथा अन्य प्रशासकीय सचिव उपर्युक्त विषय पर ध्यान देंगे ?

2. सरकार के नोटिस में यह आया है कि बहुत से सरकारी अधिकारी/कर्मचारी विदेशों में ट्रेनिंग कोर्स, फ़ैलोशिप, अध्ययनार्थ छुट्टी या और सरकारी कार्यों के लिए भेजे जा रहे हैं तथा यह निर्णय लिया गया है कि किसी भी सरकारी अधिकारी/कर्मचारी को विदेश भेजने से पहले मुख्य मन्त्री जी के आदेश प्राप्त किए जाएं । यदि किसी केस में विदेश यात्रा की अनुमति दी भी जा चुकी है तो वह मामला रिव्यू किया जाए और आगे कार्यवाही करने से पहले मुख्यमन्त्री जी के आदेश पुनः प्राप्त किए जाएं ।

3. आप सभी से अनुरोध किया जाता है कि इन हिदायतों का दृढ़ता से पालन किया जाए ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते मुख्य सचिव, हरियाणा सरकार ।

सेवा में

(1) वित्तायुक्त राजस्व ।

(2) सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा0 क्रमांक 4476-राज 1(3)-71/

दिनांक चण्डीगढ़ 7 सितम्बर 1971

पृष्ठांकन क्रमांक 4476-राज(3)-71/26450 दिनांक चण्डीगढ़ 7 सितम्बर 1971

एक प्रति सभी विभागाध्यक्षों को सूचनार्थ व आवश्यक कार्यवाही के लिए भेजी जाती है ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते:- मुख्य सचिव, हरियाणा सरकार ।

**विषय :-**राज्य कर्मचारियों का विदेश ट्रेनिंग, फ़ैलोशिप या किसी अन्य कोर्सों के लिए जाना ।

क्या वित्तायुक्त राजस्व तथा अन्य प्रशासकीय सचिव, उपर्युक्त विषय पर इस विभाग के अशा0 क्रमांक 4476-राज-1 (3)-71, दिनांक 7-9-1971 की ओर ध्यान देंगे ?

2. इस सम्बन्ध में यह स्पष्ट किया जाता है कि यदि कोई अधिकारी/कर्मचारी अपने खर्च पर भी किसी विदेशों में जाना चाहे तो ऐसे मामले को भी रिव्यू किया जाए और मुख्य मन्त्री जी के आदेश प्राप्त किए जाएं ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते मुख्य सचिव, हरियाणा सरकार ।

सेवा में

(1) वित्तायुक्त राजस्व ।

(2) सभी प्रशासकीय सचिव, हरियाणा सरकार ।

अशा0 क्रमांक 6144-राज-1(3)-71/ दिनांक चण्डीगढ़ 13 सितम्बर, 1971

पृ0 क्रं0 6144-राज-1 (3)-71/27194, दिनांक चण्डीगढ़ 13 सितम्बर, 1971

एक प्रति सभी विभागाध्यक्षों की सरकार के प्र0 क्र0 4476-राज-1(3)-71/26450, दिनांक 7-9-71 के क्रम में सूचनार्थ व आवश्यक कार्यवाही के लिए भेजी जाती है ।

हस्ता/-

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते मुख्य सचिव, हरियाणा सरकार ।



SECRET

Copy of secret letter No. AA/327/23/71, dated the 29th December, 1971, from the Deputy Secretary to Govt. of India, Ministry of External Affairs, New Delhi to the Chief Secretaries of all State Governments and Union Territories.

**Subject—Procedure to be adopted for invitation for training courses abroad by Private International Organisations.**

Instances have come to the notice of the Government where Private International Organisations of other countries have tried to extend individual invitations to scholars/trainees in India for training courses abroad in order to get foot-hold in our sensitive border areas. Perhaps, the Private International Organisations of foreign countries have resorted to the above means because the Government of India, on security considerations did not consider it desirable to allow the representatives of the Private International organisations to take up projects in these sensitive border areas,

2. Ministry of Home Affairs etc. are, therefore, requested to ensure that in future the Government of India would not entertain any individual invitations from any private International Organisations of foreign countries unless they are sponsored by the parent Government and have been approved by the Government of India on the analogy of scholarships offered under the Colombo Plan.

#### HARYANA GOVERNMENT

पृष्ठांकन नं० 319-राज(3)-72/4394 दिनांक चण्डीगढ़ 10 फरवरी, 1972

एक एक प्रति हरियाणा के सभी विभागाध्यक्षों तथा उपायुक्तों को सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता/-

अवर सचिव राजनैतिक,

कृते मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही हेतु भेजी जाती है।

- (1) वित्तायुक्त हरियाणा
- (2) हरियाणा के सभी प्रशासकीय सचिव।

अवर सचिव राजनैतिक,

कृते: मुख्य सचिव, हरियाणा सरकार।

संशा० क्रमांक 319-राज (3)-72)

दिनांक चण्डीगढ़ 10 फरवरी, 1972

No. 2690--Pol.--I(3)--72/2189

From

The Chief Secretary to Government, Haryana.

To

All Heads of Departments  
Commissioner, Ambala Division,  
and All Deputy Commissioner in the State.

Dated Chandigarh, the 12th July, 1972.

**Subject :—Imparting of on the job training to State Service officers/officials**

Sir,

I am directed to address you on the subject noted above and to say that the question of making appropriate arrangements for training State Service officers/officials has been engaging the attention of the State Government for some time. In the first instance, it has been considered necessary to impart on-the-job training to them by providing special guidance on the job so as to improve their competence at work. A planned scheme of job rotation should be carried out in order to provide diversified experience which will stand them in good stead in the future. It should be the endeavour of the superior authorities under whom the officers are posted to assess the deficiency if any and discover potential for development and identify the special training needs of the individual officers with a view to rectifying the deficiency or to develop the potential as the case may be, by suitable on-the-job guidance. You are therefore requested to take further action accordingly and it will be special responsibility of the immediate superiors of these officials to give them advice and guidance for improving the quality of their work.

2. In this connection I am to specially bring to your notice that in the case of officers/officials belonging to the Scheduled Castes and Backward Classes, need for providing on the job training is of even greater importance because at the time of recruitment, candidates belonging to the Scheduled Castes/Backward Classes are selected at a standard lower than the one observed in the case of general candidates. Therefore, it is extremely necessary that all efforts should be made to improve the standard and competence of the officers/officials of this category in order to bring them at par with candidates selected on the basis of merit so that they do not remain at a handicap at the time of promotions to higher selection posts. The Government of India have emphasized to the State Government that HCS (Executive Branch) officers belonging to the Scheduled Castes/Scheduled Tribes should be given special attention in this regard in order to improve their chances for selection for appointment to the Indian Administrative Service. The State Government have considered that while such special emphasis on the training of HCS (Executive Branch) belonging to the Scheduled Castes/Scheduled Tribes is extremely necessary, it is imperative that officers/officials belonging to Scheduled Castes/Backward Classes in other State services should also receive such special attention.

3. I am to request that the above instructions may kindly be noted for careful compliance and may be brought to the notice of all concerned. A receipt of this letter may kindly be acknowledged.

Yours faithfully,  
Deputy Secretary Political & Services  
for Chief Secretary to Govt., Haryana.

A copy each is forwarded to all Financial Commissioners and other Administrative Secretaries to Government Haryana for similar necessary action.

Sd/-  
Deputy Secretary Political & Services  
for Chief Secretary to Government, Haryana

To

All Financial Commissioners and  
Administrative Secretaries to  
Government Haryana

U.O. No. 2690-Poll(3) 72,

dated, Chandigarh 12 July, 72

**ORDER OF THE GOVERNOR OF HARYANA**

Sanction of the Governor of Haryana is hereby accorded to the grant of Book Allowance at the following rates to the officer deputed for training, courses, seminars etc. at the L. B. Shastri, Academy of Administration, Mussoorie.

- |  |           |
|--|-----------|
| 1. If the Course/Seminar is upto two weeks.              | Rs. 50/-  |
| 2. If the Course/Seminar is from two weeks to six weeks. | Rs. 125/- |
| 3. If the Course/Seminar exceeds six weeks.              | Rs. 175/- |

2. The above allowance will be paid by the respective Department to the concerned officers from their own heads of accounts.

3. The officer concerned will purchase relevant books from the Academy for use during the course and after expiry of the course books will be retained by him.

4. This allowance will be given to such officers as are already undergoing any training Course/Seminar etc. and for future also.

5. This issues with the concurrence of the Finance Department conveyed vide their U. O. advice No. 2941-7FR-73, dated the 5th June, 1973.

Dated Chandigarh,  
the 16th June, 1973

N. N. Kashyap  
Chief Secretary to Government, Haryana

No. 2913-Pol(3)-73/15856

Dated Chandigarh the 28th June, 1973

A copy is forwarded for information and necessary action to A. G. Haryana, Director L. B. Shastri Academy of Administration Mussoorie and all Heads of Departments, Commissioners of Divisions & All Deputy Commissioners, Registrar, Punjab and Haryana High Court etc.

Sd/-  
Under Secretary (Administration),  
for Chief Secretary to Government, Haryana.

**Copy of letter No. 5(1) 73/CM, dated the September 17, 1973 from Shri S. Ramakrishnan Deputy Secretary to Govt. of India, Cabinet Secretariat Department of Personnel and Administrative Reforms, New Delhi, addressed to the Chief Secretaries to State Government and others**

**Subject : Utilisation of officers trained abroad under various training programmes/fellowships—  
Instructions regarding**

At present a number of officers belonging to various services from the Government of India, and the State Governments are being deputed abroad for specialised training programmes including fellowships. Though the State Governments and Ministries/Departments invariably give an undertaking that such officers after return from training will be properly utilised so that the training and skills acquired become useful to the sponsoring organisation, it is noticed that in many instances this principle is not being observed.

4. The Government of India are very keen that the services of such of those officers deputed for any training programme, especially foreign training programmes and fellowships, should be utilised in a manner which will benefit the Government and that these officers are in a position to give the benefits of such training programmes to the best of their ability in suitable assignments. It is, therefore, essential that on return from such training programmes, officers should invariably be posted in jobs where their specialised training could be useful to the organisation. It is necessary that the State Governments keep this also in view while nominating officers for various foreign training programmes.

3. Though on account is being made by the Department of Personnel and Administrative Reforms as far as officers from various cadres offered for services, under the Government of India, to ensure that such of those officers who have had specialised training programmes abroad are sponsored for postings in related fields, it is necessary that the State Governments should take steps to ensure that these officers are posted in jobs where the skills acquired during foreign training would be fully utilised.

4. The State Governments are requested to kindly take suitable action and ensure that officers are put on assignments where their training abroad could be utilised to the maximum possible extent. In this connection, the State Governments may kindly ensure that a report (in duplicate), in the enclosed performa, is sent to the Department of Personnel and Administrative Reforms by every officer concerned within one month of his posting after his return from training abroad. This performa has been devised to introduce a built-in evaluation of various foreign training programmes and to ensure that this Department is kept informed about the postings of officers who return from such training programmes.

#### HARYANA GOVERNMENT

No. 4519—Pol. (3)—73/27080 dated Chandigarh, the 19 October, 1973.

A copy is forwarded to :—

- (1) All Heads of Departments, Commissioners of Divisions and all Deputy Commissioners in the State.
- (2) Registrar Punjab & Haryana High Court and All Distt. & Sessions Judges in Haryana.

(2) It is requested that the instruction issued by the Govt. of India may kindly be noted for compliance by all concerned. In further all attempts may be made to ensure that officers deputed for training programme/fellowship are, on their return from abroad to put on assignments where their specialised training could be useful to the organisation. Further, it may also be ensured that a report (in duplicate) in the proforma prescribed by the Government of India is sent to the Department of Personnel and Administrative Reforms, under intimation to the Chief Secretary (Political Department) in respect of every officer concerned within one month of his posting after his return from training abroad.

- (3) A receipt of this communication may please be acknowledged by all.

Sd-  
Deputy Secretary Political and Services,  
for Chief Secretary to Government, Haryana.

A copy each is forwarded to the Financial Commissioners and all other Administrative Secretaries to Govt. of Haryana, for similar necessary action. It may kindly be ensured that action as indicated above is taken in respect of every concerned officer.

2. Receipt of this communication may please be acknowledged.

Sd/-  
Deputy Secretary Political & Services,  
for Chief Secretary to Government, Haryana.

Copy of letter No. 6/6-71-AIS (III), dated the 11th January, 1974 from the Deputy Secretary to Government of India, Department of Personnel and Administrative Reforms A.I.S. (III) Section to the Chief Secretaries to the Government of all States.

**Subject .—Deputation Abroad—All India Services officers—Treating the period spent by—regarding—**

I am directed to refer to this Department's letter of even number, dated the 10th April, 1972, and to say that it has been decided to drop the proposal to frame statutory regulations under rule 2 of the All India Services (Conditions of Service—Residuary Matters) Rules, 1960, for regulating the grant of deputation terms to members of the All India Services sent abroad for training, etc. and that the matter may be regulated only through executive instructions. Accordingly the following criteria would serve as the guidelines for the State Governments to regulate the grant of deputation terms to the members of All India Services working in connection with affairs of the State—

(1) If a member of an All India Services is nominated by the Central Govt. for training abroad, the period spent by him on training shall be treated as duty for all purposes, subject to the fulfilment of the following conditions :—

- (a) the member of the service should possess adequate background of the subject or field in which he would be receiving training;
- (b) he should have rendered a minimum of five year's service;
- (c) he should not be due to retire, or have the option to retire from service within three years of the date of completion of the training and,
- (d) , the period of training should not ordinarily exceed twelve months.

(2) The order, deputing a member of the Service, may be issued by the Government, under whom he is serving, with the concurrence of the Joint Cadre Authority if he is borne on the Joint Cadre. If that Government is not the Government of the State, on the cadre of which he is borne, the latter Government, or the Joint Cadre, Authority, as the case may be, may be consulted before such an order is issued.

(3) The grant of deputation terms in such a case, may be regulated as follows :—

- (i) pay to the entire period of absence of a member of the service from his post in India shall be treated as period of deputation on full pay which he would have drawn, had he remained on duty in India.
- (ii) **Dearness Allowance** : During the period of deputation, a member of the Service shall be entitled to dearness allowances in accordance with such orders as may be issued by the Government of India from time to time, under the All India Services (Dearness Allowance) Rules, 1972.
- (iii) **Compensatory Allowance and House Rent Allowance** : The entitlement of a member of the Service to compensatory allowance and house rent allowance during the period of deputation abroad shall be regulated by the general or special orders issued by the state Government concerned in this regard.
- (iv) **Grant of Leave** :—A member of the Service may be grant the leave as follows, if applied for by him, for stopage over/stay-over on the return journey;
  - (a) when the period of deputation is for 3 months or under, he may be granted leave upto one week;
  - (b) when the period of deputation is for more than 3 months but less than 6 months he may be granted leave upto two week; and
  - (c) when the period of deputation is over 6 months, he may be granted leave upto 3 weeks.
- (v) **Execution of Bond** :—A member of the Service, who has been sent abroad for training and the period of training is proposed to be treated as duty, shall be required to execute a bond, as in Annexure A, to the effect that, in the event of his resigning or retiring from service, without returning to duty after the expiry of the training or at any time within

the period as specified in the bond after his return on duty, he shall be liable to refund to the Government a lump sum amount to be specified in the bond. This lump sum amount shall include all money paid to the member of the Service, viz., pay and allowances, leave salary, cost of fees, travelling and other expenses cost of international travel and cost of training abroad met by the foreign Government/agency concerned. In case the period of deputation is extended, a supplementary bond, as in Annexure B, converting the extended period(s) of training shall also be got executed by the member of the service concerned.

(4) In the case of a member of an All India Service, who is not nominated by the Central Government, as envisaged in paragraph I, and who is permitted by the State Government concerned to go abroad for training at his own cost or at the expenses of a foreign Govt. or agency, the period involved shall not, without the period sanction of the Central Government, be treated as duty for any purpose, and he may be granted

- (a) study leave under the All India Services (Study Leave) Regulations, 1960, if the conditions laid down in the regulations are fulfilled, and/or
- (b) leave due and admissible under the All India Services (Leave) Rules, 1955.

#### HARYANA GOVERNMENT

No. 1942—pol(3)—74/13134 Dated, Chandigarh, the 31st May, 1974.

A copy each is forwarded for information and necessary action to all Heads of Departments, Commissioners of Divisions and all Deputy Commissionets in the State.

2. These instructions have been seen by the Finance Department vide their advice No. 1209—FR—74, dated 22-4-1974.

Sd/-

Under Secretary (Administration),  
for Chief Secretary to Govt., Haryana.

No. 1942—pol(3)—74/13135 dated, Chandigarh, the 31st May, 1974.

A copy is forwarded to Accountant General Haryana, Chandigarh, for information

Sd/-

Under Secretary (Administration),  
for Chief Secretary to Government, Haryana.

No. 1942—pol—(3)—74/13136 Dated, Chandigarh, the 31st May, 1974.

A copy is forwarded to all I.A.S. Officers of Haryana Government for information and guidance.

Sd/-

Under Secretary (Administration)  
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to the Financial Commissioner and all Administrative Secretaries to Government, Haryana.

2. (i) For Financial Commissioner, Revenue and Secretary to Govt. Haryana, Home Departments.
- (ii) The Secretary to the Govt., Haryana, Forest Departments.

It is requested that these instructions may also be brought to the notice of I.P.S. and I.F.S. officers.

Sd/-

Under Secretary (Administration),  
for Chief Secretary to Government, Haryana.

To

The Financial Commissioner and  
all Administrative Secretaries to  
Government, Haryana.

U.O. No. 1942—pol(3)—74, Dated, Chandigarh, the 31st May, 1974.

## ANNEXURE—A

**Bond to be Executed by a Member of an all India Service Proceeding Abroad on Deputation.**

KNOW ALL MEN BY THREE PRESENT THAT I \_\_\_\_\_  
resident of \_\_\_\_\_ in the District of \_\_\_\_\_  
at present employed \_\_\_\_\_ under the Government of \_\_\_\_\_  
do hereby bond my self and my heirs, executors and administrator referred to as Governor of \_\_\_\_\_  
\_\_\_\_\_ (hereinafter referred to as the Government) on demand the sum of  
Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_), on account of having been placed on  
deputation for training connected with (particulars of nature of training) for the period from \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_ at (names of countries) at the cost of the Government of \_\_\_\_\_  
\_\_\_\_\_ /under a foreign aid scheme, together with interest thereon from the date of demand  
at Government rates for the time being in force on Government loans, or, if payment is made in a  
country other than India, the equivalent of the said amount in the currency of that country converted  
at the official rate of exchange between that country and India.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

WHEREAS the above bounded \_\_\_\_\_ is placed on deputation by the Government.

AN WHEREAS, for the better protection of the Government, the above bounden has agreed to execute this bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounders \_\_\_\_\_ resigning or retiring from service without returning to duty of otherwise quitting the services after the expiry of termination of the period of training or at any time within a period of four years after his return to duty he shall forthwith refund to the Government, or as may be directed by the Government to refund, on demand the said sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) on account of his having been place on deputation as afore said, together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND, upon the above bounden \_\_\_\_\_ making such refund the above written obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

Stamp duty payable on this cond shall be borne and paid by the Government.

Signed and delivered by

\_\_\_\_\_ in the

presence of Witness No.

1.

2.

Accepted

For and on behalf of the Government

of \_\_\_\_\_

## ANNEXURE 'B'

Supplementary Bond to be Executed by a Member of an all India Service Granted Extension of Deputation Abroad.

KNOW ALL MEN BY THESE PRESENT THAT I \_\_\_\_\_ resident of \_\_\_\_\_ In the District of \_\_\_\_\_ at present employed under the Government of \_\_\_\_\_ do hereby bind my self and my heirs, executors and administrators to pay to the Governor of \_\_\_\_\_ (hereinafter referred to as the Government) on demand the sum of Rs. \_\_\_\_\_ (Rs. \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans, or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

WHERE AS THE above bounden \_\_\_\_\_ was placed on deputation by the Government for the period from \_\_\_\_\_ to \_\_\_\_\_ in consideration of which a bond dated \_\_\_\_\_ for Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) was executed by him in favour of the Governor of \_\_\_\_\_

AND WHEREAS THE above bounden \_\_\_\_\_ is placed on extension of deputation from \_\_\_\_\_ to \_\_\_\_\_ at (names of countries) at the cost of the Government of \_\_\_\_\_ /under foreign aid scheme.

AND WHEREAS for the better protection of the Government, the above bounden has agreed to execute this supplementary bond with such conditions as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounden \_\_\_\_\_ resigning or retiring from service without returning to otherwise quitting the service after the expiry or termination of the period of training so extended or at any time within a period of four years after his return to duty, he shall forthwith refund to the Government, or as may be directed by the Government to refund, on demand the said sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) together with interest thereon from the date of demand at Government rates for the being in force on Govt. loans.

AND, upon the above bounden \_\_\_\_\_ making such refund, the above written obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

Stamp duty payable on this bond shall be borne and paid by the Government.

Signed and delivered by

\_\_\_\_\_ in the presence of

Witness 1. \_\_\_\_\_

2. \_\_\_\_\_

Accepted  
for and on behalf of the  
Governor of \_\_\_\_\_



Copy of letter No. B. 2311/141/72 dated 30th July 1974 from the Under Secretary to the Govt. of India Ministry of External Affairs (New Delhi) to, the Accountant General, Central Revenue New Delhi and copy endorsed to All State Governments.

*Subject* :—Terms and conditions of Indian experts deputed to foreign countries under the I. T. E. C Programme of the Ministry of External Affairs

### CORRIGENUM (3)

I am directed to refer to the Ministry's letter of even number dated the 15th November, 1973 on the above subject and subsequent amendments of even number dated the 16th December, 1973 and 22nd April, 1974, and to state that the following may be added as sub-para to para 5 of Annexure III of the letter :—

“Passages may be allowed at Government cost to entitled members of the family of an expert from the station of his previous posting to the place of his deputation abroad and back only in cases where the members actually accompany him with a view to taking up residence with him. If for any unavoidable reason any entitled member/members of family cannot accompany him on his onward journey, the Ministry may allow him/them passages for journey following that of the expert within 2 months/4 months/6 months depending on whether the period of deputation is for 1 year but less than 2 years; 2 years but less than 3 years and 3 years or more respectively. Any entitled member who is so allowed to followed the expert on an onward journey will not be allowed passage at Government cost for preceding the expert in relation to his return journey to India on expiry of the tenure. Also, in respect of any entitled member/members who has/have accompanied the officer\* on the onward journey. Ministry may permit passage/passages at Government expense in connection with the return journey which may involve the member/members preceding the expert on the terminal journey to the extent of the periods specified above.”

2. This will cover the deputation cases already agreed to where either the members of the family of the officers are still to join him at his place of duty abroad or to return to India before the terminal journey of the expert or both the journeys have not been undertaken so far.

3. This issues with the concurrence of the Ministry of Finance (EA Division) vide their U. O. No. 3057-EA II/74 dated the 27th July, 1974.

### HARYANA GOVERNMENT

No. 3599-Pol (3)-74/22153 dated Chandigarh, the 18th Sept., 1974 to —A copy each is forwarded for information and guidance

1. All Heads of Departments, Commissioners of Divisions and All Deputy Commissioners in the State.
2. Registrar, Punjab and Haryana High Court and all District and Sessions Judges in Haryana.

Sd/-  
Superintendent Political,  
for Chief Secretary to Govt., Haryana.

A copy each is forwarded to the Financial Commissioner, Haryana and all other Administrative Secretaries to Government Haryana, for information and guidance.

Sd/-  
Superintendent Political,  
for Chief Secretary to Govt., Haryana.

To

The Financial Commissioner  
Revenue and Other Administrative Secretaries.

U.O. No. 3599-Pol (3)-74 dated Chandigarh, the 18th Sept., 1974.

## Order

In partial modification of the order dated the 16th June, 1973, circulated vide endorsement No. 2913-Pol.(3)-73/15857A, dated the 22nd June, 1973, the officer concerned on return from the training in Lal Bahadur Shastri Academy of Administration, Mussoorie, to whom the Book Allowance at the rate prescribed in the aforesaid order is sanctioned will submit a certificate to the authority who has sanctioned the allowance that he has actually spent the requisite amount.

2. This allowance will not be admissible to the I.A.S. probationers.

3. This issues with the concurrence of the Finance Department received vide their U.O. No. 5944-7FR-74, dated 16.10.74.

Dated Chandigarh the 22th Oct. 1974.

S.D. Bhambri

Chief Secretary to Government, Haryana.

No. 4730-Pol.(3)-74/25341

Dated Chandigarh, the 22nd Oct. 74.

A copy is forwarded to the Accountant General, Haryana, Chandigarh, for information with reference to his letter No. GAI/IAS/1744, dated the 6th August, 1974.

Sd/-

Under Secretary (Administration),  
for Chief Secretary to Government, Haryana.

No. 4730-Pol.(3)-74/25342

Dated Chandigarh, the 22nd Oct. 74.

A copy is forwarded to the Director, Lal Bahadur Shastri Academy of Administration, Mussoorie, for information, in continuation of this State Government endst. No. 2913-Pol.(3)-73/15857, dated the 22nd June, 1973.

Sd/-

Under Secretary (Administration),  
for Chief Secretary to Government Haryana.

No. 4730-Pol.(2)-74/25343

Dated Chandigarh, 22nd Oct. 74.

A copy each is forwarded for information and necessary action to all Heads of Departments, Commissioners of Divisions, all Deputy Commissioners, Registrar, Punjab and Haryana High Court and all District & Sessions Judges in Haryana, in continuation of State Government endst. 2913-Pol.(3)-73/15857-A, dated the 22nd June, 1973.

Sd/-

Under Secretary (Administration)  
for Chief Secretary to Government, Haryana.

A copy each is forwarded for information and necessary action to the Financial Commissioner, Haryana and other Administrative Secretaries to the Govt. Haryana.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Government Haryana.

To

The Financial Commissioner & other  
Administrative Secretaries to Govt. Haryana.

U.O. No. 4730-Pol.(3)-74/

Dated Chandigarh, 22nd Oct. 1974.

A copy each is forwarded to the Commissioner and Secretary to Govt. of Haryana, Finance Department for information, with reference to his U.O. advice No. 5944-7FR-74, dated 16.10.74.

**विषय :—**राज्य कर्मचारियों का विदेशों में ट्रेनिंग, फ़ैलोशिप या किसी अन्य कार्यों के लिये जाना ।

क्या वित्तायुक्त हरियाणा सरकार तथा अन्य प्रशासकीय सचिव, हरियाणा सरकार कृपया उपरोक्त विषय पर सरकार के अशा: क्रमांक 4476-राज 1(3)-71, दिनांक 7 सितम्बर, 1971 तथा अशा: क्रमांक 6144-राज 1(3)-71, दिनांक 13-9-71 की ओर ध्यान देने का कष्ट करेंगे ?

2. उपरोक्त संदर्भों द्वारा यह हिदायतें जारी की गई थीं कि किसी भी सरकारी अधिकारी/कर्मचारी का विदेश में ट्रेनिंग कोर्स फ़ैलोशिप या अध्ययनार्थ छुट्टी पर या अन्य सरकारी कार्य के लिये भेजने से पहले, चाहे इस प्रकार की यात्रा सम्बन्धित अधिकारी/कर्मचारी द्वारा अपने खर्चों पर ही की जानी हो, आवश्यक केस पर मुख्य मंत्री महोदय के आदेश अवश्य ही प्राप्त किये जायें। यह देखा गया है कि उपरोक्त आदेशों का दृढ़ता से पालन नहीं किया जा रहा है और कई बार विभागीय अध्यक्ष स्वयं ही बिना मुख्य मंत्री महोदय की अनुमति के सीधे ही आवश्यक सिफारिशें भारत सरकार को भेज देते हैं। इस प्रकार से उपरोक्त हिदायतों की उल्लंघना करना एक गम्भीर बात है।

3. अतः उनसे अनुरोध है कि उपरोक्त हिदायतों को सभी कर्मचारियों/अधिकारियों के ध्यान में पुनः लाया जाये और उन्हें निर्देश दिये जायें कि तह इन हिदायतों का दृढ़ता से पालन करें और भारत सरकार की सिफारिशें आदि करने से पहले सम्बन्धित केस पर मुख्य मंत्री महोदय के आदेश अवश्य ही प्राप्त किये जायें।

हस्ता:—

अवर सचिव प्रशासन,

कृते: मुख्य सचिव हरियाणा सरकार।

सेवा में

1—वित्तायुक्त, हरियाणा सरकार।

2—सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्रमांक 3776-राज(3)-75,

दिनांक चण्डीगढ़ 19 मई, 1975

पू.0 क्रमांक 3776-राज(3)-75/

दिनांक चण्डीगढ़ 19, मई 1975

एक-एक प्रति सभी विभागीय अध्यक्षों को सूचनार्थ व आवश्यक कार्यवाही हेतु भेजी जाती है।

हस्ता:—

अवर सचिव प्रशासन,

कृते: मुख्य सचिव हरियाणा सरकार।

A copy of letter No. 28(56)-EOF/74, dated 7th August, 1975 from the Under Secretary to the Govt. of India, Cabinet Secretariat, Department of Personnel and A.R. Office of the Establishment Officer, New Delhi to the Chief Secretaries of All State Governments/Union Administrations.

**OFFICE MEMORANDUM**

**Subject :—Briefing officers attending foreign Universities or deputed for foreign training.**

The undersigned is directed to state that the question of briefing officers attending foreign Universities or deputed for foreign training abroad, was recently examined in consultation with the Ministry of External Affairs. It has been felt necessary that arrangements should be made for the briefing of the officers, and for keeping in touch with them to ensure that they are behaving in the national interest.

2. The Ministry of External Affairs have agreed to arrange such briefing. The process of briefing the deputationist( on current problems on policies, and also about our own political, social and economic systems, would be done by the Heads of different territorial divisions, notably by the Division in the Ministry of External Affairs, dealing with the country of deputation. The arrange such briefing, it would be expedient to plan it in groups of as many officers as possible instead of one or two individual coming at frequent intervals and at short notice. The Ministry of External Affairs would prefer if 10 to 15 days notice are given to fix the process of briefing.

3. The Ministry of External Affairs will also inform the Heads of Missions concerned about the deputationists. After giving advance notice, the deputationists should be instructed to contact/call on the nearest Indian diplomatic or consular mission.

4. The instructions would apply to all Class I officers deputed for study/training abroad.

5. Necessary clarifications, on matters of doubt, may be obtained directly from the Ministry of External Affairs (Policy Planning Division), New Delhi. The Ministries/Departments who arrange the foreign trainings abroad should also arrange the briefing programme of the Officers with the Ministry of External Affairs and inform the officers well in time before their actual dates of departure.

**HARYANA GOVERNMENT**

**POLITICAL DEPARTMENT**

No. 3618-Pol(3)-75/26464

Dated Chandigarh the 4-9-75.

A copy is forwarded for information and guidance to :—

1. All Heads of Departments,  
Commissioners Ambala and Hissar Divisions,  
All Deputy Commissioners in the State.
2. Registrar, Punjab and Haryana High Court,  
and all District and Session Judges in Haryana.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Government, Haryan.

A Copy is forwarded to the Financial Commissioner and All other Administrative Secretaries to the Government Haryana for information and guidance.

Copy of the letter No. 5/1/75-FAS, Cabinet Secretariat Deptt. of Personal & AR, dated 22nd August, 1975 from U. C. Aggarwal, Establishment Officer to C.S. to Govt. Haryana.

As you will be aware we have been sponsoring officers for foreign assignments to different countries either under the Indian Technical and Economic Cooperation Programme etc. or on a bilateral basis. These officers are sponsored either from the foreign assignment panels maintained by us or through open advertisements. In either case, we do not sponsor a Govt. servant or an employee of a public sector organisation unless his application had been duly forwarded to us by the employing organisations. When officers, who are duly registered or whose applications have been forwarded by their employers, are selected by a foreign Govt. we stand committed to release them without undue delay.

2. A number of instances have, however, come to our notice in which officers selected for foreign assignments on the basis of our nomination were not released in time. The Ministry of External Affairs or this Deptt. had to enter into protracted correspondence with the authorities concerned to obtain the release of the selected officers. Delay in making officers available to foreign Govt.'s creates embarrassment for the Govt. of India. Some foreign Govt.'s had brought to the notice of the Govt. of India instances where delay in our experts joining service abroad had led to dislocation in their economic development programmes. The Ministry of External Affairs have urged us to make sure that there is no delay in making available to foreign governments the services of officers who were selected on the basis of our nomination. We shall, therefore, be grateful if you could kindly issue necessary instructions to all concerned so that there is no delay in releasing officers for service abroad where these officers have been selected on the basis of our nomination.

With regards, '

**Haryana Govt.**

Political Department.

No. 3861 --Pol(3)--75/28075, Dated Chandigarh 18-2-75.

A copy is forwarded for information and strict compliance to :—

1. All Heads of Departments, Commissioner Ambala and Hissar, All Deputy Commissioners in the State.
2. Registrar, Punjab & Haryana High Court, all Distt. & Session Judges in Haryana.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.

Copy of letter No. PL-13(21)74 dated the 22nd September, 1975, from the Under Secretary to the Government of India, Ministry of Shipping and Transport (Roads Wing) New Delhi addressed to the All State Governments and U.Ts. (Deptts. dealing with Roads).

**Subject :—**Briefing officers attending foreign Universities or deputed for foreign training.

I am directed to say that the Government of India recently examined the question of briefing officers attending foreign universities or deputed for foreign training abroad when it was felt that necessary arrangements should be made for briefing the officers and for keeping in touch with them to ensure that they are behaving in the national interests.

2. The Ministry of External Affairs have agreed to arrange such a briefing on current problems on policies and also about Indian political, social and economic systems. Necessary briefing in respect of these various subjects would be provided by the Heads of the different territorial divisions of the Ministry of External Affairs dealing with the country of deputation. They have, however, desired that in order to enable them to arrange such a briefing, they would prefer if 10—15 days notice is given to them to fix the process of briefing. They have further desired that all the deputationists should be instructed to contact call on the nearest Indian diplomatic or Consular Missions on their arrival in the country of training

3. I am accordingly to bring the aforesaid requirement to the notice of the State Government/ Local Admn. for keeping it in view while issuing necessary deputation orders after the officer concerned has been finally selected for training abroad. In that case, the following further action may kindly also be taken :—

1. The selected offers may be directed to call on this Ministry atleast 15 days before departure for briefing with the E.A. Ministry.
2. The requirement of calling on the nearest Indian diplomatic or Consular Mission concerned should be incorporated in the deputation orders of the officer concerned and specifically brought to his notice also for necessary compliance.

These instructions would of course, apply only to Class I Officers deputed for study/training abroad.

Sd/-

R. C. Jain,  
Under Secretary to the Govt. of India.

Haryana Government  
Political Department

No. 4413—Pol(3)—75/31146      Dated, Chandigarh the -10-75.

A copy is foewarded for information and guidance to :—

1. All Heads of Departments, Commissioners Ambala and Hissar Divisions, All Deputy Commissioners in the State.
2. Régistrar, Punjab and Haryana High Court and All District and Sessions Judges in Haryana;

in continuation of Haryana Govt. letter No. 3518-Pol.(3)-75/26464 dated the 3/4th September, 1975.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.

विषय :—राज्य कर्मचारियों का विदेश में ट्रेनिंग, फेलोशिप या किसी अन्य कोर्सों के लिए जाना ।

क्या वित्तायुक्त हरियाणा तथा सभी प्रशासकीय सचिव, हरियाणा सरकार, उपर्युक्त विषय पर ध्यान देंगे ?

2. समय-समय पर राज्य सरकार के अधिकारी सरकारी खर्चों पर प्रशिक्षण प्राप्त करने हेतु विदेशों में भेजे जाते हैं ताकि वे विशेष ट्रेनिंग प्राप्त करके लोक हित कार्यों में विशेष योगदान दे सकें। यह अनुभव किया गया है कि जो अधिकारी जिस विषय में ट्रेनिंग लेता है उसे कई दफा वापसी पर प्रशासकीय कारणोंवश सम्बन्धित विभाग में नियुक्त नहीं किया जाता जिसके फलस्वरूप उस अधिकारी के अनुभव से लाभ प्राप्त नहीं किया जा सकता। अतः यह निर्णय लिया गया है कि प्रत्येक अधिकारी द्वारा जो ट्रेनिंग प्राप्त की जाती है वह उस ट्रेनिंग पर विस्तार रूप से लिखित में एक नोट सरकार, सम्बन्धित विभाग, एवं राजनैतिक शाखा को प्रस्तुत करे, जिससे सरकार तथा अन्य अधिकारियों द्वारा सोच विचार उपरान्त जनहित कार्य के लिए प्रयोग में लाया जा सके। जो अधिकारी अब तक विदेश में या भारत में सरकारी खर्चों पर विशेष ट्रेनिंग ले चुके हैं, उनसे ऐसा ब्यौरा शीघ्र उपलब्ध कर लिया जाए और जो अधिकारी अब ट्रेनिंग प्राप्त कर रहे हैं या भविष्य में ऐसा करेंगे उन्हें भी ऐसा करने का आदेश पहले से ही दिया जाए।

3. आप से अनुरोध है कि इन हिदायतों का दृढ़ता से पालन किया जाये। आप से यह भी अनुरोध है कि आप यह हिदायतें अपने अधीन कार्यालयों (including Corpn. autonomous Organisation etc.), काम करने वाले अधिकारियों के ध्यान में भी ला दें और यह भी सुनिश्चित किया जाये कि इन हिदायतों का दृढ़ता से पालन किया जाता है।

हस्ता/

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार, चण्डीगढ़।

सेवा में

वित्तायुक्त हरियाणा सरकार तथा सभी प्रशासकीय सचिव, हरियाणा सरकार।

अशा: क्र० 1621-पोल(3)-76/ दिनांक चण्डीगढ़ 8 मार्च 1976

पु० क्रमांक 1621-पोल(3)-76/9185 दिनांक चण्डीगढ़ 8 मार्च, 1976

एक प्रति सभी विभागाध्यक्षों को सूचनार्थ व आवश्यक कार्यवाही के लिए भेजी जाती है।

हस्त:

उप सचिव, राजनैतिक एवं सेवाएं,  
कृते: मुख्य सचिव, हरियाणा सरकार।

Copy of letter No. 5(1)-76-CM, dt. 18th June, 1976, from the Under Secy. to Govt. of India, M, Cabinet Sectt. Deptt. of Personnel and A. R. Office of the Establishment Officer, New Delhi, to the Chief Secretaries of all State Govts.

*Subject* :—Utilisation of officers trained abroad under various training programmes fellowships instructions regarding—Entry in C. R.

I am directed to invite a reference to the Govt. of India letter No. 5(1)-73-CM, dt. Sept. 17, 1973, on the subject mentioned above and to say that all officers who are sent on training programme abroad do not furnish their reports on their return. It is requested that it should be brought to the notice of such officers to invariably furnish their reports, within one month of their return., in the prescribed proforma, a copy of which was sent with this Department's letter dt. 17th Sept., 1973, referred to above.

A suitable entry should also be made in the C. R. of the officer about the training undergone by him and the quality of his report.

3. Receipt of this letter may please be acknowledged.

#### HARYANA GOVERNMENT POLITICAL DEPARTMENT

No. 3479-Pol(3)-76/17801 dated Chandigarh, the 7th July, 1976.

A copy each is forwarded to :—

- (1) All Heads of Departments, Commissioners of Divisions Ambala & Hissar and all Deputy Commissioners in the State.
- (2) The Registrar, Punjab and Haryana High Court and District and Sessions Judges in Haryana, for information and strict compliance in continuation of Haryana Govt. endst.

No. 4519-Pol(3)-73/27080, dated 19.10.73.

2. Receipt of this communication may please be acknowledged.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt. Haryana.



Copy of letter No. M11014/2-74-LSG Vol. II/dated New Delhi 30th Oct. 1976 from Shri N. N. MITRA, Under Secretary to the Government of India/Bharat Sarkar Ministry of Works and Housing (Nirman Aur Awam Mantralaya to the Chief Secretaries, (All State Government and Union Territories.)

**Subject :—**Briefing of officers attending foreign countries or deputed on foreign training.

As you are aware, the Government of India is keen to ensure that Indian nationals going abroad for a short period, conduct themselves in a manner belittling the national interest. With this end in view the Cabinet Secretariat in consultation with the Ministry of External Affairs have issued a series of instructions regarding briefing the Government officers attending foreign universities or deputed for foreign universities or deputed for foreign training abroad. Some instructions, in this connection are contained in the confidential office Memorandum No. 238/56-EO(F)/74 dated the 7th Aug. 1975 issued by the Cabinet Secretariat to Chief Secretaries of all States and Union Territories. A Copy of this office Memorandum is enclosed for ready reference.

2. This Ministry is also sending officers of the Central and State Governments abroad for training under various International programmes, such as the WHO and the Colombo Plan fellowships. One of the State Governments had raised a point whether an officer selected for a training programme abroad, stationed for way from Delhi should come over to Delhi for the purpose of briefing in the Ministry of External Affairs. The matter was referred to the Ministry of External Affairs and that Ministry has further clarified as follows :—

1. Candidates selected for training abroad, who are stationed in the Eastern, Southern, or Western regions of the country are not required to come to Delhi as they depart by air from Calcutta, Madras and Bombay.
2. In those cases whose intimation regarding final selection is received too late and practically no time is left for such briefing, this required need not be complied with.
3. However, in both cases, the sponsoring authority should advise their nominee to report to the Indian Mission concerned for the required briefing.
4. It is requested that a procedure outlined above may be followed while sending officers on deputation abroad for attending training courses etc.

HARYANA GOVERNMENT

POLITICAL DEPARTMENT

No. 5869 Pol(3)-76/31046 Dated Chandigarh, the 17th Nov., 1976,

A copy alongwith a copy of Government of India's letter dated 7-8-75 is forwarded to :—

1. All Heads of Departments, Commissioners Ambala and Hissar Division.
2. Registrar, Punjab and Haryana High Court and all District. and Session Judges in Haryana, for information and compliance in continuation of Haryana Government letter No. 4418-Pol (3)-75/13446 dated 16-10-1976.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

**Copy of a office memorandum No. 28(56)-EO(F)/74 Dated the 7th August, 1975 from Cabinet Secretariat Addressed to all Ministers/Departments, Chief Secretaries of all States and Union Territories regarding briefing of officers attending Foreign Universities or deputed For Foreign Training.**

The undersigned is directed to State that the question of briefing officers attending foreign universities or deputed for foreign training abroad, was recently examined in consultation with the Ministry of External Affairs. It has been felt necessary that arrangements should be made for the briefing of the officers, and for keeping in touch with them to ensure that they are behaving in the national interest.

2. The Ministry of External Affairs have agreed to arrange, such briefing. The process of briefing the deputationists on current problems on policies, and also about our own political, social and economic systems, would be done by the Heads of different territorial divisions, notably by the Division in the Ministry of External Affairs, dealing with the country of deputation. To arrange such briefing, it would be expedient to plan it in groups of as many officers as possible instead of one or two individuals coming at frequent intervals and at short notice. The Ministry of External Affairs would prefer if 10 to 15 days notice are given to fix the process of briefing.

3. The Ministry of External Affairs will also inform the Heads of Missions concerned about the deputationists. After giving advance notice, the deputationints should be instructed to contact/call on the nearest Indian diplomatic or consular mission.

4. These instructions would apply to all Class I officers deputed for study/trainings abroad.

5. Necessary clarifications, on matters of doubt, may be obtained directly from the Ministry of External Affairs (Policy Planning Division), NEW DELHI. The Ministeries/Departments who arrange the foreign trainings abroad should also arrange the briefing programme of these officers with the Ministry of External Affairs and inform the officers well in time before their actual date of departure.

Copy of letter No. UNIDO-12(3)/77 dated 6th February, 1978 from Under Secretary to Govt. of India, Ministry of Industry, Deptt. of Industries Development, New Delhi to The Chief Secretaries of all State Governments/Union Territories.

Subject :—In-plant Group Training Programme under Unido-Instructions regarding.

Sir,

Ministry of Industry (Deptt. of Industrial Development) as the nodal agency for the United Nations Industrial Development Organisation (UNIDO) have been calling for nominations of suitable officers from all State Governments/Union Territories etc. for being sponsored for the In-plant Group-Training Programme and other training programmes organised by UNIDO in co-operation with other countries in managerial/technical fields. Generally, UNIDO call for at least three nominations from India for the final selection being made by their selection panel. The Deptt. of Industrial Development, after careful scrutiny of the educational qualification and experience of the candidates suggested by the State Governments etc., sponsor the requisite number of eligible and suitable officers to UNIDO for such Training programmes.

2. In all such cases, State Governments etc. are supplied with a copy of the Aide-Memorre for the training programmes prepared by UNIDO, which, Inter-alia, contain the basic educational qualification and experience etc. required of the candidates. Sometimes, it is stated that the candidates should have a degree in engineering etc., in the relevant field or equivalent as the basic educational qualification.

3. It is requested that while forwarding the nominations of officers, the State Govt. etc. should specifically certify that the said officer fulfills the basic educational qualification of a degree or equivalent and requisite experience as prescribed by UNIDO in the Aids Memorre relating to the particular programme. If a candidate holds a diploma or certificate awarded by certain Institution, It has to be certified that such a diploma or certificate is recognised as equivalent to a degree in engineering or otherwise, for purpose of recruitment to Government posts and services.

4. Sometimes more than one name is suggested for the training programme. It is normal presumption that where more than one name is suggested for a particular programme by the State Governments etc., this is done in order of preference, unless specifically mentioned to the contrary. It is, therefore, requested that precise indication to this effect may be made in future at the time of recommending the candidates for training programmes.

5. Kindly acknowledge receipt.

हरियाणा सरकार

राजनैतिक विभाग

पृष्ठांकन क्रमांक 31(64)-पोल(3)/78. दिनांक, चण्डीगढ़, 23 मार्च, 1978

भारत सरकार उद्योग मन्त्रालय के पत्र दिनांक 6-2-78 के प्रति सहित :-

- (1) सभी विभागाध्यक्षों, हरियाणा सरकार, आयुक्त अम्बाला तथा हिसार और सभी उपायुक्त।
- (2) रजिस्ट्रार पंजाब तथा हरियाणा हाईकोर्ट चण्डीगढ़ और हरियाणा के सभी जिला सत्र न्यायाधीश।

को सूचनार्थ एवं आवश्यक कार्यवासी हेतु भेजी जाती है। उनसे अनुरोध किया जाता है कि वह इन हिदायतों का दृढ़ता से पालन करें।

हस्ता/-

अवर सचिव प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार।

एक एक प्रति हरियाणा में विस्तारयुक्त तथा सभी प्रशासकीय सचिवों को आवश्यक कार्यवाही हेतु भेजी जाती है।

## HARYANA GOVERNMENT

## POLITICAL DEPARTMENT

No. 31/120/78-POL (3)

Dated Chandigarh, the 30th June, 1978

A copy with a copy of Govt. of India's, Ministry of Home Affairs letter No. 22 (71)-EO (F)/78 dated the 3rd June, 1978, alongwith its enclosures is forwarded to all Indian Administrative Service Officers working in Haryana for information and compliance.

Sd/—

Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

No. 31/120/78-POL (3)

Dated Chandigarh, the 30th June, 1978.

A copy, with a copy of Govt. of India's Ministry of Home Affairs dated 3rd June, 1978 alongwith its enclosures is forwarded to the Chief Secretary to Government, Haryana (Services Branch) for information

**Copy of the letter No. 28/(71)-EO (F) 78 dated the 3rd June, 1978 from the Under Secy. to Govt. of India Ministry of Home Affairs, Deptt. of Personnel & Administrative Reforms addressed to the Chief Secretaries of All State Governments and Union Territories. etc.**

**Subject:— Procedure to be followed in accepting offers of Scholarships/fellowships and other kinds of grants from foreign/international institutions Instructions applicable to members of All India Services.**

I am directed to state that recently cases have come to our notice wherein permission is sought from this Department for participation of individual members of the All India Services to attend meetings, seminars or short-duration programmes on the basis of requests from foreign governments organisations. Attention of the State Government is invited to the instructions issued in this Department's letter No. 9/26/71- AIS (III) dated 25-7-73 (copy enclosed) in which it has been stated that the question of selection of a member of the Services for fellowships should be left to the Government and not the foreign Government/organisations. The intention behind this restriction is to discourage the possibility of foreign governments/orgnsisations exercising patronage by means of travel grants and other expenses and conversely the possibility of members of the Services compromising their position in some way as a result of this facility. It is again emphasised that individual officers of the services should not make personal efforts to secure invitations from foreign Governments/organisations for participation in meetings/seminars or others programme and that cases of such efforts by officers will be dealt with firmly by the government.

2. It is requested that the contents of this letter may be brought to the notice of all the members of the All India Services borne on the state cadres.

Copy of the letter No. 9/26/71-AIS (III) dated the 25th July, 1973 from the Under Secy. to the Government of India, Min. Cabinet Secretariat Deptt. of Personnel and Admn. Reforms, addressed to the Chief Secretaries to the Governments of all the State. etc. etc.

**Subject:—Procedure to be followed in accepting offers of Scholarships/fellowships and other kinds of grants from foreign international institutions-instructions applicable to members of an All India Service.**

I am directed to refer to letter No. 6/14/69-AIS (III) dated the 21st July, 1970 of the Ministry of Home Affairs, and to say that clarifications have been sought by various State Governments regarding the procedure laid down therein for accepting offers of fellowships and other kinds of grants from foreign institutions. The following revised procedure is laid down for the guidance of the State Governments :—

(i) Offers from or correspondence with foreign Governments/institutions for visits abroad/grant of scholarships/fellowships or grants. The State Governments or the members of the All India Services individually should not negotiate directly with foreign Governments/institutions/agencies and international organisations including Indo-Foreign Cultural Organisations for the grant of scholarships/Fellowships/grants to the members of the All India Services or offers to visit abroad. When such offers of fellowships etc. or offers to visit abroad are received by the State Government not meant for a particular member of the Service directly from the foreign Governments or organisations the State Government should forward the communication together with the names of the members of All India Services, whom the State Government would like to sponsor for the scholarships, fellowships etc., to the Ministry/Department of the Government of India, who are concerned with the particular Service. (At the same time the State Government should acknowledge receipt of the offers from the Foreign Government or Organisations and inform them that all future correspondence in the matter should be addressed by them to the Government of India, Ministry of External Affairs). In other words, such invitations are not to be processed by the State Governments or accepted by the members of the All India Services without the approval of the Ministry of External Affairs through the (i) Department of Personnel and Administrative Reforms in the case of the member of the Indian Administrative Service (ii) the Ministry of Home Affairs in the case of the Members of the Indian Police Service and (iii) the Ministry of Agriculture, in the case of the members of the Indian Forest Service.

If, however, such offers of fellowships, etc. or offers to visit abroad are addressed to a member of the Service direct or addressed to the State Government intended for a particular member of the Service, by the foreign Governments, foreign organisations etc., by the State Government should straight away reject the offer made by the foreign Governments or foreign organisations, without approaching the Central Government seeking their concurrence for permitting the member of the Service concerned to accept the offer. The question of selection of a member of the Service for fellowship or travel grant should be left to the Government to decide and not the foreign Governments, foreign organisations etc. The intention behind this restriction is to discourage the possibility of foreign Governments, foreign organisations etc. exercising patronage by means of travel grants etc. and conversely the possibility of members of the Service compromising their positions in some way as a result of these facilities.

The names of the members of the All India Services whom the State Government would like to recommend for such fellowships, training course or travel grants in response to such offers should be sent to the concerned Ministry/Department referred to above who would process the case in consultation with the other Ministries of the Government of India

(ii) Open advertisements by Central Ministries foreign fellowships :— Applications of members of the All India Services in response to such advertisements may be forwarded by the State Governments to the concerned Ministries direct.

(iii) Open advertisements by foreign agencies for foreign fellowships :— Applications of members of the All India Services in response to such advertisements should be routed through (i) the Department of Personnel and Administrative Reforms in the case of the members of the Indian Administrative Service (ii) the Ministry of Home Affairs in the case of the Members of the Indian Police Service, and (iii) the Ministry of Agriculture in the case of the members of the Indian Forest Services.

(iv) Officers who wish to go abroad for higher studies at their own cost :—Members of the All India Services who wish to go abroad for higher studies at their own cost may be permitted to seek admission in foreign educational institutions for higher studies in subjects which are advantageous for, or directly relevant to, the discharge of the duties usual to the service to which they belong, provided they do not apply for financial assistance in the form of fellowships, scholarships, travel grants etc. from the educational institutions. If they want to make any request for financial assistance they should route their requests through (i) the Department of Personnel and Administra-

tive Reforms in the case of the members of the Indian Administrative Service, (ii) the Ministry of Home Affairs in the case of the members of the Indian Police Service and (iii) the Ministry of Agriculture in the case of the members of the Indian Forest Service.

.. Whenever a member of an All Indian Service goes abroad for a fellowship, training course etc., a copy of the orders issued by the State Governments may be endorsed to the (i) Secretary to the Government of India, Department of Personnel and Administrative Reforms and the Establishment Officer to the Government of India, in the case of a member of the Indian Administrative Service (ii) Secretary to the Government of India, Ministry of Home Affairs in the case of a member of the Indian Police Service and (iii) Secretary to the Government of India, Department of Agriculture in the case of member of the Indian Forest Service.

3. Letter No. 6/14/69-AIS (III) dated the 21st July, 1970 of the Ministry of Home Affairs and letter of the same number dated the 6th July, 1971 of the Department of Personnel are hereby cancelled.

4. The receipt of this letter may please be acknowledged and the contents of this letter may be brought to the notice of all the members of the All Indian Services borne on the State/Joint Cadre.

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Copy of letter No. F.1/3/CP/78, dated 12 Sept. 1978 from the Under Secretary to Government of India, Ministry of Finance, Department of Economic Affairs, New Delhi to the Chief Secretaries of all State Govts/U. Ts.

*Subject* :—Colombo-Plan-Medical report on a candidate for training in Britain.

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I am directed to say that the U.K. authorities have devised a new medical report which is called Med. 101. Another form—Med. 100—'Declaration of Health'—has also been introduced. The British High Commission have desired that Med. 100 and 101 should be completed in respect of each nominee sponsored for training in U.K. and forwarded alongwith the nomination documents on A-2 form. The British High Commission have further pointed out that Chest X-ray report should accompany the medical report in Med. 100 and 101 forms if the course for which the candidate has been nominated is to start within four months of the completion of A-2 forms. However, (X-ray plates) are not required.

I am to request that the medical documents may accordingly be submitted alongwith the A-2 forms. A specimen copy each of the Med. 100 and 101 is sent herewith.

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Haryana Government,  
Political Department.

No. 31/185/78-Pol (3),

dated Chanigarh, the 12th October, 1978.

1. A copy is forwarded to the All Heads of Departments, the Commissioner, Ambala and Hissar Divisions and all Deputy Commissioners in Haryana.

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**Medical report on a candidate for an award of studies in Britain Administered by the British Council.**

*Part 1.*—To be completed by the Examinee who is responsible for answering each question accurately.

**FAILURE TO DISCLOSE** medical history in full may lead to rejection or cancellation of award.

A. Full name and permanent address (block capitals). Recent  
Photograph  
of  
candidate

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Sex \_\_\_\_\_ Date of birth.

B. Have you had any of the following? Answer yes, or no.

- |                               |  |
|-------------------------------|--|
| 1. Tuberculosis               | 16. Erpilepsy                                    |
| 2. Pneumonia                  | 17. Poliomyelitis or other neurological disorder |
| 3. Pleurisy                   | 18. Nervous breakdown                            |
| 4. Asthema                    | 19. Psychiatric disorder                         |
| 5. Allergic disorder          | 20. Eye disorder                                 |
| 6. Rheumatic fever            | 21. Ear, nose or throat disorder                 |
| 7. Heart disease              | 22. Skin disease                                 |
| 8. Gastric or duodenal ulcer  | 23. Anaemia                                      |
| 9. Recurrent indigestion      | 24. Gynaecological disorder                      |
| 10. Jaundice                  | 25. Malaria or other tropical disease            |
| 11. Dysentery                 | 26. Operations                                   |
| 12. Varicose veins            | 27. Serious accidents                            |
| 13. Kidney or urinary disease | 28. Any other serious disorder                   |
| 14. Rupture                   |  |
| 15. Diabetes                  |  |

C. If any question above answered Yes, please give the following.

(a) Year                      (b) Treatment received      (c) Any recurrence of lasting effects

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

Signature (to be signed in presences of examining doctor).

\_\_\_\_\_ Date \_\_\_\_\_





PROFORMA

Med. 100

## DECLARATION OF HEALTH

I declare that I am in good health and fit to take up an award in Britain,

I am/am not\* pregnant

I am/am not\* receiving medical treatment at present for the following (give details).

In the past 12 months I have/have not\* received medical treatment for the following (give details).

Date

Signature Full name

## Notes :

Any illness declared above will not necessarily debar you from any receiving an award, but the information supplied will enable the British Council to ensure that training is arranged at a suitable time. Pregnancy or recent birth of a child will prohibit an award. If an award is made you will be required to have a medical examination and chest X-ray. You will be informed about this later on.

\*Delete as necessary.

**विषय :** ट्रेनिंग कोर्सिज पर आई०ए०एस०/एच०सी०एस० अधिकारियों को भेजा जाना ।

क्या वित्तायुक्त हरियाणा सरकार तथा सभी आयुक्त एवं सचिव, हरियाणा सरकार, कृपया उपर्युक्त विषय की ओर ध्यान देंगे ?

2. राज्य सरकार को भारत सरकार की ओर से तथा कई एक संस्थाओं से ट्रेनिंग कोर्सिज पर अधिकारियों को भेजे जाने के लिए प्रस्ताव प्राप्त होते हैं। यह ट्रेनिंग कोर्सिज दो प्रकार के होते हैं। एक वे जो विदेश में हों और दूसरे वे जो भारत के अन्दर ही कई एक संस्थाओं द्वारा आयोजित किए जाते हैं। राज्य सरकार के आ०सा० क्रमांक 3776 राज (3) दिनांक 19-5-1975 द्वारा ये हिदायतें जारी की गई हुई हैं कि जब कभी भी किसी सरकारी कर्मचारी/अधिकारी की विदेश में ट्रेनिंग कोर्स पर भेजा जाना हो तो इस सम्बन्ध में मुख्य मन्त्री महोदय के आदेश प्राप्त किए जायें।

3. यह देखने में आया है कि कई एक विभाग आई०ए०एस०/एच०सी०एस० अधिकारियों के सम्बन्ध में भी उपरोक्त ट्रेनिंग कोर्सिज के लिए चाहे वे देश में हों या विदेश में, अपनी सिफारिशें सीधे ही भारत सरकार/संस्थाओं को भेज देते हैं। आई०ए०एस०/एच०सी०एस० अधिकारियों के कंट्रोलिंग आफिसर मुख्य सचिव हैं। अतः यह आवश्यक है जब कभी भी किसी आई०ए०एस०/एच०सी०एस० अधिकारी के नाम की सिफारिश किसी ट्रेनिंग कोर्स के लिए की जानी हो, चाहे वह कोर्स देश में हों या विदेश में, तो इस प्रकार की सिफारिश भेजने से पहले मुख्य सचिव/मुख्य मन्त्री महोदय के आदेश (राजनैतिक शाखा के माध्यम से) अवश्य प्राप्त किए जाएं।

4. उनसे अनुरोध है कि वे कृपया उपरोक्त हिदायतें सभी कर्मचारियों/अधिकारियों ने ध्यान में लायें और उन्हें यह निदेश दे दें कि वे इस हिदायतों का बखूबी ध्यान करें और जब कभी भी किसी आई०ए०एस०/एच०सी०एस० अधिकारी के नाम की सिफारिश किसी ट्रेनिंग कोर्स के लिए की जानी हो तो उसके सम्बन्ध में मुख्य सचिव (राजनैतिक शाखा के माध्यम से) की अनुमति अनिवार्य रूप से प्राप्त की जाये।

हस्ता/-

उप सचिव, राजनैतिक तथा सेवाएं,  
कृते मुख्य सचिव, हरियाणा सरकार।

क्षेप में

1. वित्तायुक्त हरियाणा सरकार।
2. सभी आयुक्त एवं सचिव, हरियाणा सरकार।

आ०शा० क्रमांक 33/206/78-पोल (3)

दिनांक चण्डीगढ़ 27-10-78

प० क्रमांक 31/206/78-पोल (3)

दिनांक चण्डीगढ़ 27-10-78

उक्त की प्रति हरियाणा राज्य के सभी विभागाध्यक्षों/बोर्डज, निगमों व फ़ैडरेशनज के प्रबन्धक निदेशकों/अध्यक्षों को सूचनार्थ एवं पालना हेतु भेजी जाती है।

हस्ता/-

उप सचिव राजनैतिक तथा सेवाएं,  
कृते मुख्य सचिव हरियाणा सरकार।

Copy of letter No. 20(155) EO (F)/78, dated the 23rd October, 1978 from Under Secretary to the Govt. of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi addressed to the Chief Secretary to Govt., Haryana and to etc.

**Subject:—Officers contacting Embassies/High Commissions in connection with foreign training programmes instructions regarding.**

It has been brought to the notice of Government that officers selected for foreign training programmes sometimes approach foreign embassies about their selection for training programmes abroad or for allotment to different institutions. Attention of the State Governments is invited to the instructions issued in the Ministry of Finance Department of Economic Affairs) circular letter No. F.1(4) CP/71 dated 25th October, 1971 paragraph 5 of which is reproduced below:—

“Instances have come to the notice of the Government of India where Central/State Government officers have on their own initiative approached government agencies, institutions and individuals in foreign countries for arranging their training under the Colombo Plan. It must be emphasised that no candidate should under any circumstances contact a foreign Mission about his personal cases and that any such contact or correspondence regarding his training arrangement should be only through the prescribed Government channels. Candidates who have made their own arrangements for training abroad or have already secured admission in a foreign institution should not be sponsored for Colombo Plan fellowship.”

2. Attention is also invited to this Department's circular letter No. 28(71) EO/78 dated 23rd June, 1978 which interalia, stated that individual officers of the services should not make personal efforts to secure invitations from foreign Governments/Organisations for participation in meetings/seminars or other programmes and that cases of such efforts by officers will be dealt with firmly by the Government.

3. It may be kindly impressed on the members of the services that any canvassing either for selection or for placement would disqualify the candidate concerned and instances of approach made in this connection would be brought to the notice of the authorities concerned for appropriate action.

4. It is requested that contents of this letter may be brought to the notice of all members of the All India Services borne on the State cadre.

#### HARYANA GOVERNMENT POLITICAL DEPARTMENT

No. 31/294/78-Plo (3), dated Chandigarh, the 6/11/78

A copy with a copy of Govt. of India's Ministry of Home Affairs, letter No. 28 (155)-EO (F) 78, dated the 3rd October, 1978, is forwarded to all Indian Administrative Service Officers working in Haryana for information and strict compliance in continuation of Haryana Govt. endst, No. 31/120/78-Pol (3)-dated 30-6-78.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Government, Haryana.

No. 31/204/78-Pol (3), dated Chandigarh, the 6/11/78

A copy with a copy of Govt. of India's, Ministry of Home Affairs letter dated 3rd October, 1978 is forwarded to the Chief Secretary to Government, Haryana (Services I Branch) for information in continuation of Haryana Govt. endst, No. 31/120/78-Pol (3), dated 30-6-78.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Govt., Haryana.

A copy with a copy of Govt. of India's Ministry of Home Affairs, letter dated the 3rd October, 1978 is forwarded to :—

(i) The Commissioner and Secretary to Govt., Haryana, Home Department.

(ii) The Secretary to Govt., Haryana, Forests Department,

for information and necessary action in continuation of Haryana Govt. U.O.No. 31/120/78-Pol (3) dated 30.6.78.

2. It is requested that the contents of this letter may be brought to the notice of all the members of the Indian Police Service/Indian Forest Service.

Sd/-

Under Secretary Administration,  
for Chief Secretary to Govt., Haryana,

U.O.N. 31/120/78-Pol (3), dated Chandigarh, the 6/11/78

Copy of letter No. 28 (1)-EO(F)/77, dated the 18th October, 1979 from the Under Secretary to the Government of India Ministry of Home Affairs, Departments of Personnel and Administrative Reforms, New Delhi to the Chief Secretaries of all States/Union Territories etc.

**Subject :—Training of officers abroad—Submission of reports of training—avaluation of the reports, and matters arising therefrom.**

I am directed to State that the question of systematic avaluation of foreign training programmes and their usefulness has been engaging the attending of the Government of India. Doubts had been raised on the advisability of sending our officers for training to countries whose socio-economic and political conditions are different from ours. Since adequate attention had not been paid to the avaluation of training, the method of avaluation and suggestions for improvement of the proforma prescribed for submission of the training reports, were recently considered in this Department. It was decided to undertake the work of avaluation of training programmes in the following manner:—

#### **I. Sponsoring Agency to**

- (i) ensure the receipt of training report,
- (ii) ensure the receipt of revised proforma, duly filled by the trainee officer (copy enclosed),
- (iii) attempt brief avaluation of (i) and (ii) above,
- (iv) send (iii) above to the cadre authority, nodal ministry and Department of Personnel and Administrative Reforms.

#### **II Administrative or Nodal agencies to**

Study the avaluation of sponsoring agency I (iii) above, arrive at conclusion regarding utility of the course and inform Department of Personnel and Administrative Reforms.

#### **III. Cadre Agency to**

Study I (iii) above and use It for career development of the officer and inform Department of Personnel and Administrative Reforms.

#### **IV. Department of Personnel and Administrative Reforms**

- (i) Study I (iii), II and III,
- (ii) avaluate I (i) and (II) in respect of Central Establishment Board and Senior Selection Board officers ;
- (iii) attempt an annual avaluation of the utility of the training course. The performance of trainee and reach conclusions regarding further conduct of training programmes and carrier development.

#### **2. The following decisions were also taken :—**

- (i) Each nodal ministry would prepare a calender of training courses for the year 1980 and forward a copy to this Department. This should include all recurring and non-recurring foreign training programmes, likely to be held during 1980.
- (ii) A list of recurring training programmes with their duration and place of training should be sent to Secretary, Department of Personnel and Administrative Reforms within the next 15 days to enable the E.O'S Division to prepare a consolidated list.
- (iii) While future training programmes would be avaluated as per the procedure outlined in para 1 above, it would be useful if some avaluation is made of the training programmes conducted during the last 3 years i. e. 1976, 1977 and 1978. Each nodal ministry should forward before the end of December, 1979 its avaluation in the enclosed proforma. This may be confined to the recurring training programmes, excluding seminars, conferences, workshops etc.
- (iv) As an annual feature, an overall avaluation of all the courses should be attempted by each nodal ministry at the end of every calender year and discussed in a joint meeting.
- (v) The State Governments, various ministries, may in future ensure that officers are posted in their relevant field of training after return from training abroad.

HARYANA GOVERNMENT  
POLITICAL DEPARTMENT

No. 31/243/79-Pol(3), Dated, Chandigarh, the 10-12-79.

A copy, each alongwith its enclosures, is forwarded to :—

- (i) All Heads of Departments, Commissioners of Divisions and all Deputy Commissioners in the State ;
- (ii) Registrar Punjab and Haryana High Court, Chandigarh ;

2. It is requested that instruction issued by the Government of India may kindly be got noted for compliance by all concerned. Further efforts be made to ensure that officers deputed abroad for training programmes/fellowships are on their return from abroad are put on assignments where they could utilise the training to the advantage of Government/Organisation concerned. It may also be ensured that an avaluation report in the proforma prescribed by the Government of India is sent to the cadre authority, nodal Ministry and Department of Personnel and Administrative Reforms, under intimation to the Chief Secretary to Government Haryana, (Services III Branch) in respect of every officer sent abroad on training within one month of his posting after his return from training abroad.

3. Receipt of this communication may kindly be acknowledged.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Government, Haryana

A copy, each is forwarded to all the Financial Commissioners and all Administrative Secretaries to Government, Haryana. It is requested that similar action as indicated above may be taken in respect of every officers who is sent abroad on training.

2. Receipt of this letter may please be acknowledged.

Sd/-  
Under Secretary Administration  
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners and all Administrative Secretaries to Government, Haryana.

U.O. No. 31/243/79-Pol (3). Dated, Chandigarh, the 10-12-79

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## DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

## Report on foreign training and its Utilisation

## PART—I

(To be filed by the officer who has been trained abroad)

**Instructions :** Section IV, and Clauses (iv) and (v) thereof in particular, are of considerable importance and will determine the utility of this report. This portion should be filed up with care and in detail.

**I. Identification Particulars :**

- (i) Name
- (ii) Designation with brief job description.
- (iii) Address
- (iv) Date of Birth
- (v) Service
- (vi) Cadre & Seniority
- (vii) Educational qualifications
- (viii) Previous Training
- (ix) Posts held (for 5 years before latest training abroad).
- (x) What do you consider to be your Field(s) of specialisation or what field(s) of activity held(s) most interest for you? Indicate years of service in such field(s).

**II—Details of foreign training (Including study tour) Received :**

- (i) Training Programme (Harvard/Colombo Plan, UNDT etc.)
- (ii) Country in which trained.
- (iii) Duration of the training (indicate exact dates)
- (iv) Names of the countries to which the other participants belonged.
- (v) Brief content of the training Programme.
- (vi) Institutions attended under the training Programme.

S. No.	Country	Organisation/ Institution where trained	Period		Subject/ nature of training	Diploma Certificate if awarded
			from	to		
1	2	3	4	5	6	7

- (vii) Enclose copy of any report/paper submitted to training authorities.
- (viii) Enclose copy of certificate/diploma/letter issued for undergoing training programme.

### III. A Comment on

- (i) Duration of training programme.
- (ii) Duration of attachments, visits, etc.
- (iii) Standard and contents of training programme.
- (iv) Standard of attachments.
- (v) Applicability of content of training programme in Indian conditions.

B Please give your frank views on the defects, if any, of the training programme and suggestions for improvement.

### IV. Utilisation of training

- (i) Were you sent for training in the same field in which you were working.
- (ii) Is the present assignment you have after your return from the training the same as the assignment you had before you left for training or is it different? If different, please give present designation with brief job description.
- (iii) If different, what are the reasons for the change?
- (iv) What are your gains, in respect of new knowledge and skills, from the training programme and how will you utilise the same in your work conditions?
- (v) Did you draw any lesson of importance from the training programme that can be implemented to improve the working of your organisation or any part of it?

V. If you wish to make any other comments on any aspect of the foreign training, you are welcome to do so.

Filled in by \_\_\_\_\_  
Date \_\_\_\_\_

### PART—II

(To be filled by the Head of the Department/Incharge of the Organisation as a whole).

Please comment on the replies given by the officer to queries at Section No. IV above. Please do not ask him to change his answers, but indicate your own observations in regard to proper utilisation of the knowledge and skills acquired by the officer trained abroad. As so indicate clearly his present posting after his return from training abroad.

Signature :  
Name :  
Designation ;

Place ;  
Date ;

**PROFORMA FOR EVALUATION OF FOREIGN  
TRAINING PROGRAMME**

**PART I**

1. Name of the Course :
2. Place & Institutions of training :
3. Duration of Training :
4. Particulars of Training :

Year	Name of Officer	Service and seniority	Designation before/after training	Whether submitted training report Yes/No
1	2	3	4	5
197—				
197—				
197—				
197—				
197—				

Brief contents of the training programme including the subjects covered (about 100 words).

**PART—II**

6. Was the duration of training
  - Less than adequate
  - Adequate
  - Too long
7. What was the standard of Training ?
  - Less than adequate
  - Adequate
  - Too high
8. Were the subjects and their coverage
  - Adequate
  - Less than adequate
9. Has the course proved useful to the officer in his
  - (a) assignment immediately after training — YES/NO
  - (b) Future career — YES/NO
10. Should Indian officers be sent for this programme in future
  - YES/NO
11. Overall assesment and sugges-tion regarding the improvement of course, level of officers to be nominated, duration of training etc.  
(about 100 words)

Evaluated by \_\_\_\_\_

Name and  
Designation

Countersigned (Jt. Secy./Incharge)  
Name and  
Designation



Copy of letter No. 12011/3/76-TRG-II, dated the 17th April, 1980, from Smt. Ranjana Chowdhary, Under Secretary to the Govt. of India, Ministry of Home Affairs, Department of Personnel & Admn. Reforms, New Delhi to all Ministries/Depts. of Govt. of India and Chief Secretaries of all States and Union Territories.

OFFICE MEMORANDUM

*Subject* :—Training Course within India/fixation of age limit of officers attending such courses.

In supersession of previous instructions relating to fixing the upper age limit for deputation of officers to training courses/seminars within the country contained in this Department's O.M. of even No. dated 31st January, 1977 the following guidelines have been decided in selecting officers for the various training programmes :—

- (i) Short Training Programme—No age limit.
- (ii) Long Term Training Programme—Age limit 55 years. (more than 3 months)

HARYANA GOVERNMENT  
POLITICAL DEPARTMENT

No. 31/89/80-POL (3)

Dated Chandigarh, the 16th June, 1980.

A copy with a copy of Govt. of India's letter dated 31-1-1977 is forwarded to :—

1. All Heads of Departments,  
Commissioners of Ambala & Hissar Divisions, & all Deputy Commissioners in Haryana.
2. The Registrar,  
Punjab & Haryana High Court,  
Chandigarh.

for information and compliance.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt., Haryana.

A copy with a copy of Govt. of India's letter dated 31-1-1977 is forwarded to the :—

- (i) Financial Commissioner Revenue, Haryana.
- (ii) All Administrative Secretaries to Govt. Haryana, for information and compliance.

2. It is requested that all Boards/Corporations/Autonomous Bodies under their administrative control may please be advised to follow the above instructions.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt., Haryana.

To

- (i) The Financial Commissioner Revenue, Haryana.
- (ii) All Administrative Secretaries to Govt., Haryana.

U. O. No. 31/89/80-POL (3) Dated Chandigarh, the 16th June, 1980.

No. 12011/3/76-TRG-II

## OFFICE MEMORANDUM

**Subject :—Training Courses within India-Fixation of age limit for officers attending such courses.**

The question of fixing the upper age limit for deputation of officers to training courses/seminars within the country has been considered and the following guidelines have been decided for selecting officers for various training programmes :—

- |   |   |
|---|---|
| 1. Seminars   | No age limit  |
| 2. Short training programmes<br>(2 to 3 weeks)          | Age limit 52 years  |
| 3. Long-term training programmes<br>(more than 3 weeks) | Age limit 45 years relaxable to 48 years in<br>exceptional cases. |
- (V. KOHLI)  
DS (Trg.)

## No. 21/22/82-S-II

From

The Chief Secretary to Government, Haryana.

To

1. All Heads of Departments in Haryana.
2. Commissioners, Ambala and Hissar Divisions,
3. All Deputy Commissioners in Haryana, and
4. Managing Directors of various Corporations/Boards etc. in Haryana.

Dated Chandigarh, the 3rd March, 1983.

**Subject :—Deputing of officers for training courses, seminars, workshops etc. within India.**

Sir,

It has been observed that some officers tend to attend too many seminars or training programmes during a year with resultant detriment to Government work. This also prevents other officers from attending the courses and thus the benefit of such training courses and seminars is not spread over a large number of officers. It has also been noticed that in certain cases many applications are sent but the officers are not selected and those officers continue to apply for one course after the other. It may also happen that one officer may be selected for more than one course. It has, therefore, become necessary to restrict the number of applications made by an officer during a year.

2. The matter has been carefully considered by the Government and I am directed to say that taking into consideration the Government work and the benefit likely to accrue to the Government and the officers, it has been decided that the following policy should be adopted in future for forwarding the applications of the officers/officials and for deputing them for seminars and training programmes in India :—

- (a) An Officer will not be recommended for attending more than 2 seminars or training courses in one year.
- (b) An Officer will not be deputed for a training course within India, if he had attended a training course in India or abroad in the two years preceding the date of the beginning of the course in question. The names of such officers need not be recommended to the Government.

*Explanation :—*The word 'seminar' will include workshop, convention, conference etc.

The above decision may please be brought to the notice of all officers/officials and while forwarding their applications to Govt. for various training programmes, seminars etc., the above principles may please be kept in view. These instructions will apply to all training programmes to be attended by officers of all departments.

Yours faithfully,

Under Secretary Administration,  
for Chief Secretary to Govt., Haryana.

A copy each is forwarded to the Financial Commissioners and all Administrative Secretaries to Govt. Haryana, for information and compliance.

Sd/-  
Under Secretary Administration,  
for Chief Secretary to Govt., Haryana

To

The Financial Commissioners &  
All Administrative Secretaries to Govt., Haryana.



## PART XXIX



Copy of letter No. 8508-GI-8/25184, dated the 16th August, 1958 from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab to (1) All Heads of Departments, Commissioners of Divisions, Deputy Commissioners and District and Session Judges in Punjab (2) Registrar, Court of Punjab at Chandigarh.

**Subject :—** Restrictions on the posting of officers in their Home District.

I am directed to say that the question of restrictions on the posting of officers in their home districts has been under the consideration of Government and it has been decided that Gazetted officers should not be posted in their home districts with the exceptions enumerated below :—

- (1) Officers posted in the Secretariat.
- (2) Heads of Departments.
- (3) Divisional Commissioners.
- (4) Superintending Engineer and similar officers in the other departments whose official jurisdiction comprises more than one district.
- (5) Officers posted in the offices of (2) (3) and (4) above.
- (6) Professors and Senior Lecturers in the Education Department.
- (7) Doctors posted in the Medical Colleges in the State.

Copy of letter No. 8954-5GS-60/36687, dated the 5th October, 1960, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.,

**Subject :—** Posting of father and son and very close relatives in the same office-policy regarding.

I am directed to address you on the above subject and to say that question whether a father and his son or very close relations among whom there is either material or substantial dependence should be posted in the same office, has been considered by Government. It has been decided that as a general principle, as far as possible, father and son or very close relatives should not work in the same office as this may lead to various kinds of abuse or at least various kinds of accusation or suspicion. However, in respect of lower grade employees or in smaller offices e.g. the establishment of a Deputy Commissioner where it is not practical to enforce this principle rigidly, an effort should be made to appoint persons in relationship of this kind to work in different branches of the same office.

2. The receipt of this letter may be acknowledged.

Copy of Circular letter No. 15905-2GS-60/46567, dated 19th December, 1960 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc.

**Subject :—** Implementation of decisions taken at the Conference of Commissioners and Deputy Commissioners held at Simla in October, 1960, Restrictions on the posting of officials in their Home Tehsils.

I am directed to say that in the Conference of Commissioners and Deputy Commissioners held at Simla in October, 1960, it has been recommended to Government that for practical considerations and because opportunities of misbehaviour resulting there from are negligible, the ministerial and peon staff of District and Sub-Divisional offices should be exempted from the rule that an official may not be posted in his home tehsil and that in their case posting in the home tehsil should be permissible.

2. From the instructions contained in Punjab Government letter No. 9508-GI-58/25184, dated the 16th August, 1958, it is clear that these do not apply to the ministerial and peon staff and there is no bar to their being posted in their home tehsils. However, it is understood that some departments have issued orders placing restrictions on the posting of such staff in their home tehsils. Government have carefully considered this matter and it has been decided that as recommended by the Conference, there should be no restriction to the ministerial and peon staff being posted in their home tehsils.

3. The receipt of this letter may please be acknowledged.

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्ष आदि को सम्बन्धित परिपत्र क्रमांक 28/-4जी0एस0 72/14558, दिनांक 10-5-72 की प्रति।

विषय :— स्थानांतरण सम्बन्धित पालिसी में तबदीली।

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान आक्रियत करूँ और आपको यह सूचित करूँ कि सरकारी खर्च में बचत करने के उद्देश्य से यह निर्णय लिया गया है कि अब कोई सामान्य स्थानांतरण ना किये जाएँ और यदि इस समय या बाद में लोक हित में किसी कर्मचारी/अधिकारी का स्थानांतरण किया जाना बिल्कुल अनिवार्य हो तो उस केस में स्थानांतरण के आदेश जारी करने से पहले ही कार्य भारी मन्त्री महोदय की अनुमति अवश्य प्राप्त कर ली जाए।

2. उपरोक्त आदेश स्थानांतरण के विषय पर सभी पिछली हिदायतों को Superceed करते हैं और अब किसी भी कर्मचारी/अधिकारी का स्थानांतरण, चाहे वह सामान्य स्थानांतरण की अवधि में हो या मध्यवर्ती स्थानांतरण हो, करने से पहले कार्य भारी मन्त्री महोदय की पूर्व अनुमति प्राप्त करनी आवश्यक होगी। यह हिदायतें तब तक जारी रहेंगी जब तक कोई अन्य आदेश राज्य सरकार द्वारा इस विषय पर जारी नहीं कर दिये जाते इन हिदायतों की ठीक अनुपालना के लिये नोट कर लिया जाये व अपने अधीन सभी सम्बन्धित अधिकारियों/कर्मचारियों के ध्यान में ला दिया जाये।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि की सम्बन्धित परिपत्र क्रमांक 2904-4जी0एस0 72/15484 दिनांक 18मई, 1972 की प्रति।

विषय :— स्थानांतरण सम्बन्धित पालिसी में तबदीली।

महोदय,

मुझे निदेश हुआ है कि उपयुक्त विषय पर आपका ध्यान हरियाणा के पत्र क्रमांक 2812-4जी0एस0 72/14558 दिनांक 10-5-72 की ओर दिलाऊँ और आप को सूचित करूँ कि इस पत्र द्वारा जारी की गई हिदायतों में सरकार ने यह संशोधन करने का निर्णय किया है कि किसी भी कर्मचारी/अधिकारी का स्थानांतरण, चाहे वह सामान्य स्थानांतरण अवधि में हो या मध्यवर्ती स्थानांतरण हो, करने से पहले कार्य भारी मन्त्री महोदय अपनी अनुमति देने से पहले मुख्य मन्त्री महोदय की अनुमति प्राप्त करेंगे। इस प्रकार सभी कर्मचारियों/अधिकारियों के स्थानांतरण के प्रस्ताव मुख्य मन्त्री महोदय को अनुमोदन के लिए प्रस्तुत किए जाएंगे और यह आदेश तब तक जारी रहेंगे जब तक कि कोई अन्य आदेश इस विषय पर सरकार द्वारा जारी नहीं कर दिए जाते।



प्रेषक

मुख्य सचिव, हरियाणा सरकार।

सेवा में

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 33454 जी एस 72/12827, दिनांक 12 जून, 1972 की प्रति।

दिनांक चण्डीगढ़ 12 जून, 1972

विषय:— स्थानांतरण सम्बन्धि पोलिसी में तबदीली ।

महोदय,

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 2812-4 जी.एस. 1-72/14558, दिनांक 10-5-72 तथा 2904-4 जी.एस. 1-72/15489, दिनांक 18-5-1972 की और दिलाऊँ और आपको सूचित करूँ कि ऐसा देखने में आया है कि इन हिदायतानुसार स्थानांतरण के प्रस्ताव अधिक मात्रा में सरकार को प्राप्त हो रहे हैं। अगर इन सभी प्रस्तावों की स्वीकार कर लिया जाता है तो जिस उद्देश्य से इन प्रस्तावों की संबन्धित मंत्री मुख्य मंत्री महोदय की अनुमति प्राप्त करने के लिए भेजा जाना है, उसकी पूर्ति नहीं होती। इसलिए सरकार ने अब यह निर्णय लिया है कि बिल्कुल अनिवार्य किस्म के स्थानान्तरण के प्रस्ताव ही संबन्धित मंत्री/मुख्य मंत्री महोदय की अनुमति के लिए भेजे जायें। ऐसा हो सकता है कि उन कसों में, जहाँ कि अधिकारियों/कर्मचारियों की पदोन्नति की जाती है या पद सीधी भर्ती द्वारा भरे जाते हैं, वहाँ किसी एडजस्टमेंट के लिए स्थानान्तरण करना बिल्कुल अनिवार्य हो तथा केवल ऐसे कसों को ही संबन्धित मंत्री/मुख्य मंत्री महोदय की अनुमति के लिए प्रस्तुत किया जाए। बाकी सभी कसों में नए आवेग जारी होने तक किसी प्रकार का स्थानान्तरण नहीं किया जा सकता और न ही ऐसे आवश्यक कसों को संबन्धित मंत्री/मुख्य मंत्री महोदय की अनुमति के लिए प्रस्तुत किया जाए।

2. यह आदेश उन कसों पर भी लागू होंगे जहाँ स्थानान्तरण एक स्टेशन पर ही एक पोस्ट पर किया जाना है।

हस्ता/—

उप सचिव, राजनैतिक एवं सेवायें,  
कृते: मुख्य सचिव, हरियाणा सरकार।

प्रेषक

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 5440-4 जी एस-1-72-/27403 दिनांक 15/18-9-82 की प्रति।

विषय:— स्थानान्तरण सम्बन्धि पालिसी में तबदीली ।

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के पत्र क्रमांक 3245 जी.एस. 1-72/12827, दिनांक 12 जून, 1972 के पैरा 2 की और दिलाऊँ और सूचित करूँ कि इस पत्र द्वारा जारी की गई हिदायतों में सरकार ने यह संशोधन करने का निर्णय किया है कि किसी कर्मचारी के एक स्टेशन पर ही उसी आफिस में एक पोस्ट से दूसरी पोस्ट पर स्थानान्तरण करने के बारे में कोई प्रतिबन्ध नहीं होगा। अतः इस प्रकार के स्थानान्तरण वही अधिकारी कर सकेंगे जो कि पहले सक्षम थे।

हस्ता/—

उप सचिव, राजनैतिक तथा सेवाएं  
कृते: मुख्य सचिव, हरियाणा सरकार।

इसकी एक प्रति सूचनार्थ तथा आवश्यक कार्यवाही हेतु बित्तायुक्त, हरियाणा सरकार, सभी प्रशासकीय सचिव, हरियाणा सरकार।

प्रश्नक

मुख्य सचिव, हरियाणा सरकार द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 1927-5 जी. एस. 1-76/7287 दिनांक 23 मार्च, 1976

विषय:— स्थानान्तरण सम्बन्धी नीति में परिवर्तन

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4900-5 जी.एस. 1-75/25078, दिनांक 13 अगस्त, 1975 में जारी की गई हिदायतों की ओर दिलाऊँ और कहूँ कि सरकार ने इस मामले पुनः विचार करके यह निर्णय लिया है कि 1 अप्रैल से 30 अप्रैल तक इन हिदायतों में ढील दे कर स्थानान्तरण किये जा सकते हैं। अप्रैल के महीने में नियुक्ति प्राधिकारी किसी भी सरकारी कर्मचारी को स्थानान्तरित कर सकते हैं। केवल श्रेणी I के अधिकारी को स्थानान्तरित करने के लिए मुख्य मन्त्री महोदय की पूर्व अनुमति आवश्यक होगी। 30 अप्रैल के बाद 13 अगस्त, 1975 की हिदायतें पुनः लागू हो जायेंगी।

2. इस बात पर जोर दिया जाना आवश्यक है कि स्थानान्तरण बहुत कम और नितान्त आवश्यक हालात में ही किए जाने चाहियें तथा इनकी संख्या सीमित रखी जानी चाहिए।

भवदीय

उप सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार

एक प्रति सूचनार्थ एवं आवश्यक कार्यवाही हेतु वित्तीय, हरियाणा सरकार, सभी प्रशासकीय सचिव, हरियाणा सरकार को कार्यवाही के लिए भेजी जाती।

No. 2324--5GSI--76/8968 dt. 9th April, 1976

From

Chief Secretary to Government Haryana,

To

All Heads of Departments, Haryana.

Subject :—Transfers made at the request of Government servants.

I am directed to invite a reference to Rule 2.57 of the Punjab Civil Services Rules, Volume III (T.A. Rules) which inter alia lays down that travelling allowance may not be drawn by a Government servant on transfer from one station to another unless he is transferred in public interest and is entitled to pay during the period spent on the journey. It has further been provided therein that a transfer at the request of a Government servant should not be treated as a transfer in public interest unless the authority sanctioning the transfer, for special reasons to be recorded, otherwise directs.

2. It has come to the notice of Government that various Departments are allowing transfer travelling allowance in all cases of transfers including those made at the request of the Government servants concerned. This is against the provisions of rules and Government have viewed with concern this tendency on the part of various departments. I am accordingly directed to request that transfer travelling allowance should not be allowed where the transfer has been made at the specific request of the Government servant concerned and it should be specifically mentioned in the transfer orders whether the transfer was being made in the Public interest or at the request of the employee concerned.

3. In this connection, I am also to invite your attention to the provisions of Note—1 below Rule 9.15 of the Punjab Civil Services Rules, Volume I, Part I according to which the Government servant on transfer is not entitled to be paid while on joining time unless his transfer is made in public interest. This provision is also brought to your notice with the request that this should also be strictly complied with,

4. I am further to request that these instructions should be noted carefully and should be brought to the notice of all officials working under you for their information and strict compliance.

5. The receipt of these instructions may also please be acknowledged.

Yours faithfully,

Deputy Secretary Political and Services,  
for Chief Secretary to Government, Haryana.

A copy is forwarded for information to the Financial Commissioner, Haryana and all Administrative Secretaries to Government, Haryana.

मुख्य सचिव हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 549-5 जी.एस. 1-77-3960 दिनांक 22 फरवरी, 1977 की प्रति।

विषय:— स्थानान्तरण संबंधी नीति में तब्दीली।

मुझे निदेश हुआ है कि मैं उपरोक्त विषय पर आपका ध्यान पत्र क्रमांक 5440/4 जी.एस. 1-72/27403, दिनांक 15/18 सितम्बर, 1972 की और आकर्षित करूँ तथा कहूँ कि अब सरकार ने यह निर्णय लिया है कि एक ही स्टेशन पर एक कार्यालय से दूसरे कार्यालय में स्थानान्तरण पर प्रतिबंध नहीं होगा। अतः इस प्रकार के स्थानान्तरण वही अधिकारी कर सकेंगे जो कि पहले सक्षम थे।

हस्त/—

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

इसकी एक प्रति सूचनार्थ तथा आवश्यक कार्यवाही हेतु वित्तायुक्त, हरियाणा सरकार सभी प्रशासकीय सचिव, हरियाणा सरकार।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 1906-5 जी.एस. 1-77/9712 दिनांक 8 अप्रैल, 1977 की प्रति।

विषय:— स्थानान्तरण सम्बन्धी नीति में परिवर्तन।

मुझे निदेश हुआ है कि मैं उपर्युक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4900-5 जी.एस. 1-75/25078, दिनांक 13 अगस्त, 1975 में जारी की गई हिदायतों की ओर दिवाऊँ और कहूँ कि सरकार ने इस मामले पर विचार करके यह निर्णय लिया है कि इस वर्ष 10 अप्रैल से 30 अप्रैल तक इन हिदायतों में ढील देकर स्थानान्तरण किए जा सकते हैं। इस अवधि में नियुक्त प्राधिकारी किसी भी सरकारी कर्मचारी को स्थानान्तरित कर सकते हैं। केवल श्रेणी I के अधिकारी को स्थानान्तरित करने के लिए मुख्य मंत्री महोदय की पूर्व अनुमति आवश्यक होगी। 30 अप्रैल के बाद उपरोक्त 13 अगस्त, 1975 की हिदायतें पुनः लागू हो जाएंगी।

2. इस बात पर जोर दिया जाना आवश्यक है कि स्थानान्तरण बहुत कम और नितान्त आवश्यक हालात में ही किए जाने चाहिए तथा इनकी संख्या सीमित रखी जानी चाहिए।

भवदीय,

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार।

एक प्रति सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्नलिखित को भेजी जाती है। वित्तायुक्त, हरियाणा सरकार, सभी प्रशासकीय सचिव, हरियाणा सरकार।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 4363-5 जी0 एस-1-77 दिनांक 9 जुलाई, 1977 की प्रति ।

**विषय :—**स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 2698-5 जी0 एस0-177/12418, दिनांक 5 मई, 1977, में जारी की गई हिदायतों की ओर दिलाऊं, जिन द्वारा सभी नियुक्ति प्राधिकारियों को अपने अधीन कर्मचारियों के स्थानान्तरण करने की शक्तियां दी गई थी तथा कहूं कि सरकार ने अब यह निर्णय किया है कि अगामी आदेशों तक सभी विभाग अपने कर्मचारियों/अधिकारियों के स्थानान्तरण प्रस्तावों को लम्बित रखे और उन पर कोई कार्यवाही न की जाए। कृपया इन हिदायतों का कड़ाई से पालन किया जाए।

भवदीय,

हस्ता/-

उप-सचिव, सामान्य प्रशासन

कृते: मुख्य सचिव, हरियाणा सरकार

एक प्रति निम्नलिखित को सूचना<sup>र</sup> तथा आवश्यक कार्यवाही हेतु विस्तारयुक्त हरियाणा सरकार और सभी प्रशासकीय सचिव, हरियाणा सरकार को भेजी जाती है।

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मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 4882-5 जी0 एस0-1-77 20612 दिनांक 27 जुलाई, 1977 ।

**विषय :—**स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4363-5 जी0 एस0 1-77/दिनांक 9 जुलाई, 1977 में जारी की गई हिदायतों की ओर दिलाऊं, जिन द्वारा सभी स्थानान्तरण प्रस्तावों को आगामी आदेशों तक लम्बित रखने की कहा गया था तथा कहूं कि अब सरकार ने इस बारे विचार करके निर्णय किया गया है कि सभी नियुक्ति प्राधिकारी अपने अधीन कार्य करने वाले कर्मचारियों/अधिकारियों के स्थानान्तरण 15 अगस्त, 1977 तक करने के लिए समक्ष होंगे। इस बात पर जोर दिया जाता है कि स्थानान्तरण बहुत कम और तितान्त आवश्यक परिस्थितियों में और जन हित में ही किए जाएं। उन्हें यह स्पष्ट किया जाता है कि 15 अगस्त, 1977 के पश्चात कोई स्थानान्तरण न किए जाएं तथा केवल विशेष परिस्थितियों में ही मुख्य मन्त्री महोदय की अनुमति के बाद स्थानान्तरण किए जाएं।

भवदीय,

हस्ता/-

उप सचिव सामान्य प्रशासन,

कृते: मुख्य सचिव हरियाणा सरकार ।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 4983-5 जी० एस० I-77/21309 दिनांक 2 अगस्त, 1977 की प्रति ।

विषय :- स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4882-5 जी० एस० I-77/20612, दिनांक 27 जुलाई, 1977 में जारी की गई हिदायतों की ओर दिलाऊं जिन द्वारा नियुक्त प्राधिकारियों को अपने अधीन कर्मचारियों/अधिकारियों के स्थानान्तरण 15 अगस्त, 1977 तक करने की अनुमति दी गई थी । हरियाणा राज्य में बाढ़ की स्थिति को ध्यान में रखते हुए सरकार ने मामले पर विचार करके यह निर्णय किया है कि गुड़गांव, रोहतक, महेन्द्रगढ़, सोनीपत तथा कुरुक्षेत्र जिलों में निम्नलिखित विभागों के कर्मचारियों/अधिकारियों जो बाढ़ ग्रस्त क्षेत्रों में या बाढ़ सम्बन्धि कार्यों के लिए नियुक्त हैं के स्थानान्तरण 15 अगस्त, 1977 तक स्थगित कर दिए जाएं ।

1. राजस्व विभाग ।
2. सिचाई विभाग ।
3. स्वास्थ्य विभाग
4. पशु चिकित्सा विभाग ।
5. खाद्य एवं पूर्ति विभाग ।
6. शिक्षा विभाग ।
7. लोक निर्माण विभाग (भवन तथा मार्गशाखा)

कृपया यह सुनिश्चित करें कि सरकार की उपरोक्त हिदायतों की दृढ़ता से पालन की जाए ।

भवदीय,

हस्त/-

उप सचिव, सामान्य प्रशासन,  
कृते मुख्य सचिव, हरियाणा सरकार ।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 5218-5 जी० एस० I-77/22425 दिनांक 12 अगस्त, 1977 की प्रति ।

विषय :- स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 4983-5 जी० एस० I-77/21309, दिनांक 2 अगस्त, 1977 की ओर दिलाऊं जिन द्वारा हरियाणा राज्य में बाढ़ की स्थिति को ध्यान में रखते हुए गुड़गांव, रोहतक, महेन्द्रगढ़, सोनीपत तथा कुरुक्षेत्र जिलों में कुछ विभागों के अधिकारियों/कर्मचारियों के स्थानान्तरण 15 अगस्त, 1977 तक स्थगित किए गए हैं । सरकार ने मामले पर और विचार करके निर्णय किया है कि यह हिदायतों एवं पंचायत विभाग पर भी लागू होगी ।

कृपया यह सुनिश्चित करें कि सरकार की उपरोक्त हिदायतों की दृढ़ता से पालना की जाए ।

भवदीय,

हस्त/-

उप सचिव, सामान्य प्रशासन  
कृते: मुख्य सचिव, हरियाणा सरकार ।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 6513-5जी0 स0 I-77/30195 दिनांक 30 सितम्बर, 1977 की प्रति ।

विषय :--स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर मैं आपका ध्यान हरियाणा सरकार के परिपत्र क्रमांक 5218-5 जी0 एस0 I-77/22427, दिनांक 12 अगस्त, 1977 की ओर दिताऊँ और सूचित करूँ कि सरकार ने मामले पर पुनः विचार करके यह निर्णय लिया है कि सभी विभागों के अधिकारियों/कर्मचारियों के स्थानान्तरण 31 मार्च 1978 तक स्थगित कर दिए जाएँ । यदि प्रशासकीय हित में कोई स्थानान्तरण करना अनिवार्य हो तो उसके लिए मुख्य मन्त्री महोदय की पूर्ण अनुमति प्राप्त की जाएँ ।

2. कृपया उपरोक्त हिदायतों की दृढ़ता से पालन की जाए ।

भवदीय,  
हस्त/-

उप सचिव सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

एक प्रति निम्नलिखित को सूचना तथा आवश्यक कार्यवाही हेतु वित्तायुक्त, हरियाणा, सभी प्रशासकीय सचिव, हरियाणा सरकार को भेजी जाती है ।

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 36/2/78-5जी0 एस0 I दिनांक 24 जनवरी, 1978 की प्रति ।

विषय :--स्थानान्तरण नीति में परिवर्तन ।

मुझे निदेश हुआ है कि उपरोक्त विषय पर आप का ध्यान हरियाणा सरकार के परिपत्र क्रमांक 6513-5 जी0 एस0 I 77/30195, दिनांक 30-9-77 की ओर दिताऊँ और सूचित करूँ कि सरकार ने मामले पर पुनः विचार करके निर्णय लिया है कि 31 मार्च 1978 से पूर्व यदि किसी आराजपत्रित कर्मचारी का स्थानान्तरण करना प्रशासकीय हित में अनिवार्य हो तो इसके लिए कार्यकारी मन्त्री की पूर्ण अनुमति प्राप्त की जाए । राजपत्रित कर्मचारियों के बारे में पहले की भांति मुख्य मन्त्री महोदय की पूर्ण अनुमति प्राप्त करनी होगी ।

कृपया उपरोक्त हिदायतों की दृढ़ता से पालना की जाए ।

भवदीय,  
हस्त/-

उप सचिव, सामान्य प्रशासन,  
कृते: मुख्य सचिव, हरियाणा सरकार ।

2 एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक कार्यवाही हेतु वित्तायुक्त, राजस्व, हरियाणा और सभी प्रशासकीय सचिव, हरियाणा सरकार ।

Copy of letter No. 36-2-78—GSI dated 5th April, 1978 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.

*Subject:— Change in Transfer Policy.*

I am directed to refer to the correspondence resting with Haryana Government letter No. 36/78-58GI, dated the 24th January, 1978, on the subject noted above and to say that, in order to adopt a uniform transfer policy with proper delegation of authority, the following decisions have been taken:—

- (a) Government employees in various departments who have stayed at a particular station for a period of more than three years should be considered for transfer except where public interest demands otherwise. Such employees should be asked to indicate three places of their choice for posting. Those employees, if transferred, should, as far as possible, be adjusted at one of the aforesaid three places.
  - (b) No employee should be transferred unless he has completed a tenure of three years at his present place of posting. This condition will not apply where transfer is necessary in public interest of a specific request in this behalf is made by an employee with adequate proof in support of his request.
  - (c) Cases in which employees will not be transferred in spite of having stayed at a station for more than three years and cases in which employees will be shifted prior to their completing three years tenure should be exceptional and decisions in each case should be taken with due care.
  - (d) Unnecessary transfers should be avoided.
  - (e) In the case of employees working in the Secretariat or head offices of departmental heads etc., those who have been at the same seat for more than three years should be considered for transfer to a different seat, consistent with considerations of efficiency.
  - (f) As regards the period during which general transfers should be effected, it is felt that because of the exigencies of work at different times of the various departments, it is not feasible to fix a uniform period for transfers. It has, therefore, been decided that this period which should be one month may be fixed by each department as may be considered appropriate between the 15th April, 1978 to 30th June, 1978. (In the case of the Department of Civil Supplies, the one month period of general transfers should be extended upto the 15th July, 1978.)
  - (g) During the period of annual transfers to be fixed by the departments, the appointing authority or the authority to whom those functions may be delegated shall be competent to order transfers. Where the appointing authority is the State Government, orders of the Minister-in-Charge in the case of Class-II officers and of the Chief Minister in case of Class-I officers, will be obtained. There may be cases where transfers become expedient in public interest after the aforesaid nominated period of one month. In such cases the appointing authority should order transfers with the approval of the next higher authority.
2. It is requested that action in the matter may be taken on the lines indicated above.
  3. The above instructions will not apply in the case of the Education Department as they have already issued separate instructions to the Director of public Instruction vide their Memo. No. 177285-Ed. III-3E-77/228, dated the 26th December, 1977.

Sd/—

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy for information and necessary action is forwarded to the Financial Commissioner, Revenue, Haryana, and All Administrative Secretaries to Government, Haryana.

Copy letter No. 36-2-78-GS-I dated 6th June, 1978 from the Chief Secretary to Government, Haryana to All Heads of Departments, etc. etc.

*Subject:—Change in Transfer Policy.*

I am directed to invite a reference to the instructions contained in Haryana Government letter No. 36/2/78-GS-I, dated the 5th April, 1978, on the subject noted above and to say that on further consideration it has been decided that female employees who are living with their parents or husbands should not be transferred unless it is necessary to do so in public interest and administrative grounds like complaints, etc.

- 2 You are requested to ensure compliance of these instructions.

Yours faithfully,

Sd/—

Deputy Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy for information and necessary action is forwarded to the Financial Commissioner, Revenue, Haryana, and All Administrative Secretaries to Government, Haryana.

Copy of letter No. 36-2-78-5GST dated 20th April : 1979 from the Chief Secretary to Government Haryana to all Heads of Departments etc. etc.

*Subjects:—Change in Transfer Policy*

I am directed to invite a refer ence to the instructions contained in Haryana Government circular letter No. 36-2-78-GSI, dated the 5th April, 1978, on the subject noted above and to say that these instructions will continue to be applicable, so far as general transfers, mid-term transfers are concerned during the year 1979-80 hitherto fore except in the case of the Food and Supplies and the Industrial Training Departments which will complete their transfers by 15th July 1979 and 30th September, 1979 respective.

2. The Education Department will issue seprate instruction with regard the transfer policy of their teaching staff, but shall complete transfers by the 15th Jnly, 1979.

3. While effecting general transfrs, the State Government's instructions regardieing the transfers of female employees contained in circular letter No. 36-2-78-GS-I, dated the 6th June, 1978 should also be kept in view.

4. These instructions may place be brought to the notice of all concerned, for strict comliance.

Copy of letter No. 36/6/79-5GS I, dated 31st August, 1979, from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.

*Subject :—General Elections to Lok Sabha, 1979-- Ban on postings and transfers.*

I am directed to address you on the subject noted above and to say that it has been decided by the Government that officers and other personnel who are actually connected or are likely to be associated with the work relating to the revision of electoral rolls, conduct of elections and maintenance of law and order during elections, namely, Deputy Commissioners, Superintendents of Police, District Election Officers, Sub Divisional Magistrates, General Assistants, Assistant General Assistants, Tahsildars Block Development Officets, Officers of Local Bodies, State Undertakings, teachers and others whose services are expected to be required for work relating to elections should not be transferred from the 1st of September, 1979 onwards till the 31st December, 1979 and no proposals for such transfers should be sent to the Government.

2. You are also requested to ensure that grant of leave to these officers and personnel is restricted to the barest minimum and that too, in exceptional circumstances, so that the election work does not suffer.

Yours faithfully,

(S.D. BHAMBRI)

Chief Secretary to Government, Haryana.

A copy is forwarded for information and necessary action to Financial Commissioner, Revenue and Development, Haryana; and All Administrative Secretaries to Government, Haryana.



Copy of letter No. 36/2/78-5 GS I, dated the 17th September, 1979 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.

*Subject* :—Transfer Policy.

I am directed to invite reference to Haryana Government circular letter of even number dated the 20th April, 1979 on the subject noted above and to say that, as stated therein, the instructions contained in the circular letter of even number dated the 5th April, 1979 would continue to be applicable in so far as general transfers/midterm transfers during the year 1979-80 are concerned, except that the Food & Supplies Department and the Industrial Training Department will complete their transfers by the 15th July, 1979 and the 30th September, 1979 respectively. It has been noticed that sometimes there is a tendency to violate the instructions and it has therefore, been felt that these should be reiterated for meticulous compliance. I am, therefore, to request that the instructions relating to transfer policy referred to above should be followed strictly during the year 1979-80.

2. Attention is also invited to the instructions contained in the Haryana Government circular letter No. 36/6/79-5GS-I, dated the 31st August, 1979, vide which transfers of certain categories of Government employees have been banned from the 1st September, 1979 to the 31st December, 1979 on account of General Election to Lok Sabha, 1979. These should also be kept in view while processing the cases of postings and transfers of government employees.

Yours faithfully,

Sd/-

Under Secretary General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the :—Financial Commissioner, Revenue and Development, Haryana, and All Administrative Secretaries to Government, Haryana; for information and necessary action.

Copy of letter No. 36/4/80-5 GS-I, dated the 18th April, 1980 from the Chief Secretary to Government Haryana to all Heads of Departments, etc. etc.

*Subject* :—Ban on Transfers on account of Census Operations upto 30th April, 1981.

I am directed to address you on the subject noted above and to say that the next Census of India is being taken in February, 1981. In effect, the Census operations must be considered as already having commenced because the house listing operations are being held this year. The entire work is being conducted through the State agency. From now on the tempo of census work will increase enormously culminating in the enumeration in February, 1981. The census operations are a highly controlled exercise where attention to detail and complete familiarity with jurisdictions of the officers concerned is essential. All officers including the Deputy Commissioners, Sub Divisional Officers, Tahsildars, Block Development Officers and others, particularly teachers, are being trained in this work. It would adversely affect the quality of work and quantity of coverage if at this stage large scale transfers were to take place of such officers in as much as continuity of administration of the census is essential till March, 1981.

2. In the above context, the question of transfers of Govt. employees has been considered by the State Govt. It has been decided that there should not be large scale transfers of such Govt. employees, particularly teachers, who are connected with the census work till March-April, 1981.

3. The above instructions may kindly be brought to the notice of all concerned working under you, for strict compliance.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner, Revenue, Haryana and All Administrative Secretaries to Government Haryana for information and necessary action.

Copy of letter No. 36/5/80-5 GSI dated the 18th April, 1980 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc etc.

Subject :—Transfers

I am directed to refer to the subject noted above and to say that in regard to the transfers of Government employees during the year 1980-81 the following decisions have been taken :—

- (a) Government employees in various departments who have stayed at a particular station a period of more than three years should be considered for transfer except where public interest demands otherwise. Such employees should be asked to indicate three places of their choice for posting. Those employees, if transferred, should, as far as possible, be adjusted at one of the aforesaid three places.
  - (b) No employee should be transferred unless he has completed a tenure of three years at his present place of posting. This condition will not apply where transfer is necessary in public interest or a specific request in this behalf is made by an employee with adequate proof in support of his request.
  - (c) Cases in which employees will not be transferred in spite of having stayed at a station for more than three years and cases in which employees will not be shifted prior to their completing three years tenure should be exceptional and decision in each case should be taken with due care.
  - (d) Unnecessary transfers should be avoided.
  - (e) In the case of employees working in the Secretariat or head offices of departmental heads etc. those who have been at the same seat for more than three years should be considered for transfer to a different seat, consistent with considerations of efficiency.
  - (f) The transfers in all the departments should be completed by 30-4-1980 at the latest (Food and Supplies Department has already taken action in regard to annual transfers).
  - (g) During the period as mentioned in sub para (f) above viz upto 30-4-80, the appointing authority or the authority to whom these functions may be delegated shall be competent to order transfers. Where the appointing authority is the State Government, orders of the Minister-in-charge in the case of Class-II officers and of the Chief Minister in case of Class-I officers, will be obtained. There may be cases where transfers become expedient in public interest after the aforesaid period. In such cases the appointing authority should order transfers with the approval of the next higher authority.
  - (h) The Education Department will issue separate instructions with regard to the transfer policy of their teaching staff, but shall complete transfers by the 15th July, 1980.
  - (i) Female employees who are living with their parents or husbands should not be transferred unless it is necessary to do so in public interest and administrative grounds like complaints etc.
2. While affecting transfers, instructions contained in Haryana Government circular letters No 1288-R-IV-80/13585, dated the 16th April, 1980 and No. 36/4/80-5-GS-I, dated the 18th April, 1980 should be kept in view. These instructions inter-alia provide that all the officers/officials engaged in the Census work down to the enumerator level should not be shifted or transferred from their present places of posting till the middle of May, 1980, by which time the house listing operations are expected to be completed and that there should not be large scale transfers of such Government employees, particularly teachers who are connected with the Census work till March-April, 1981.

3. It is requested that action in the matter may be taken on the lines indicated above.

Yours faithfully,

Sd/-

Joint Secretary, General Administration,  
for Chief Secretary to Government, Haryana.

A copy is forwarded to the Financial Commissioner, Revenue, Haryana; and All Administrative Secretaries to Government, Haryana for information and necessary action.

Copy of letter No. 36/5/80-565 I dated 3rd May, 1980 from the Chief Secretary to Government, Haryana to All Heads of Departments, etc. etc.

**Subject : Transfers.**

Sir,

I am directed to invite a reference to Haryana Government letter No. 36/5/80-5GS-I, dated the 18th April, 1980 wherein it was directed that the transfers in all the departments should be completed by the 30th April, 1980 at the latest. It has come to the notice of Government that the certain departments had not been able to complete this work by the 30th April, 1980. The period was, therefore, extended by three days. It was not been decided that these shall be complete embargo on transfers after the 3rd May, 1980.

2. It is requested that action in the matter be taken accordingly.

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Copy of letter No. 36/5/80-5GS I dated 7th May, 1980 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.

**Subject : Transfers.**

I am directed to refer to Haryana Government letter No. 36/5/80-5GSI, dated the 18th April, 1980 in regard to transfer of Government employees during 1980-81 and to circular letter No. 36/5/80-5GSI, dated the 3rd May, 1980 communicating the decision of the Government that there shall be complete embargo on transfer after the 3rd May, 1980.

2. Rule 20 of the Government Employees (Conduct) Rules, 1966 provides that no Government employees shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of any matter pertaining to service. I am directed to reiterate that if any Government employee brings any political or other influence to bear upon his superior authority in the matter of transfer, disciplinary action will be taken against such employee.

3. The above instructions should be brought to the notice of all employees working under your control.

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Copy of letter No. 36/5/80-5GS I, dated 3 July, 1980 from the Chief Secretary to Government, Haryana to all Heads of Departments etc., etc.

**Subject : Transfer Policy.**

Sir,

I am directed to refer to para 1 (g) of Haryana Government letter No. 36/5/80-5GSI, dated 18-4-1980 on the subject noted above which inter alia provides that upto the 30th April, 1980 the appointing authority or the authority to whom these functions may be delegated shall be competent to order transfers. Where the appointing authority is the State Government, orders of the Minister-In-Charge in the case of class II officers and of the Chief Minister in the case of class I officers will be obtained. Subsequently, vide Haryana Government letter No. 36/5/80-5GSI, dated the 3rd May, 1980, complete embargo was placed on transfers after the 3rd May, 1980. In this regard clarification has been sought from the State Government whether transfers can be effected now where they become expedient in public interest. It is clarified that transfers which are necessary in public interest can be made. However, such transfers should be very rare and should be made *on grounds of public interest only*. Further, in case of Class III and class IV employees where the appointing authority is lower than the Head of the Department, the approval of the Head of Department should be obtained for such transfers and where the appointing authority is the Head of Department, the approval of the State Government should be obtained. In case of class I and class II officers, orders of the Chief Minister shall be obtained.

2. Attention is also invited to para 2 of the Haryana Government letter No. 36/5/80-5GSI, dated 18-4-1980 mentioned above stating that there should not be large scale transfers of Government employees, who are connected with census work till March/April, 1981.

Copy of letter No. 36/1/81-5GSI, dated 10th April, 1981 from the Chief Secretary to Government, Haryana to all Heads of Departments etc. etc.

*Subject : Transfers.*

Sir,

I am directed to refer to the Haryana Government circular letter No. 36/5/80-5GSI, dated the 18th April, 1980 on the subject noted above and to say that while effecting the transfers of Government employees during the year 1981-82, as per the guidelines already issued, care may be taken to see that minimum transfers are made. Further more, the general transfers should be completed by 30-4-1981.

2. It may be added that the officers/officials engaged in the Census work down to the enumerater level should, as far as possible, not be shifted or transferred from their present places of posting till the house-listing operations are completed.

Copy of letter No. 36/1/81-5GSI dated 7th May 1981 from the Chief Secretary to Government Haryana to all Heads of Departments etc. etc.

*Subject : General Transfers 1981.*

Sir,

I am to refer to the Haryana Govt. circular letter No. 36/1/81-5GSI, dated the 10th April, 1981 on the subject noted above and to direct that since the prescribed period of general transfers has already expired, there should be no further cases of general transfers now. The cases which are under process should also be finalised latest by the 10th May, 1981. These instructions may please be observed very strictly.

2. Government have also decided that any official who tries to use any approach for obtaining a transfer should be sternly dealt with and disciplinary action taken against him.

3. You are requested to complete the work of transfers immediately as per the above instructions.

Copy of letter No. 45/2/82-5 GSI dated 7th April, 1982 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.

*Subject :—Transfers.*

I am directed to refer to Haryana Government circular letter No. 36/1/81-5GSI, dated the 25th May, 1981, on the subject noted above and to say that while effecting the transfers of Government employees during the year 1982-83, as per guidelines already issued, here may be taken to see that minimum transfers are made. Furthermore, the general transfers should be completed by 15-4-1982 *positively*.

Copy of letter No. 45/2/82-5GSI dated 14th July, 1982 from the Chief Secretary to Government, Haryana to All Heads of Departments, etc. etc.

*Subject* :—Policy and guidelines for postings and transfers for 1982-83.

I am directed to refer to the subject noted above and to state that Government has decided that the following policy and guidelines should be followed while making postings and transfers of Government employees during 1982-83.

2. In the interest of economy, the number of transfers should be kept to the minimum.
3. In order to maintain continuity and in the interest of efficiency of work the normal tenure of an officer/official on a post should be three years. Employees should not be transferred from a post earlier unless it is essential to do so on exceptional grounds of public interest.
4. Employees should be discouraged from approaching higher authorities by-passing the normal channels, in the matter of their postings and transfers. It should be made clear that such approaches will render them liable to disciplinary action and suitable adverse entries will be made in their annual confidential reports. The competent authorities should however, consider sympathetically the cases involving hardship, e.g. cases of serious illness, couple cases etc.
5. (a) Heads of Departments and other authorities empowered to order postings and transfers should issue such orders in accordance with these guidelines. No proposal for postings and transfers of non-gazetted staff should be referred to the Government, save in accordance with these guidelines, or in exceptional circumstances.  
(b) Proposals concerning those gazetted and other employees will however, continue to be referred to Government for orders, in whose case Government is the competent authority for ordering postings and transfers.
6. All transfers should be completed by 31-7-1982. No orders of transfers should be issued after this date without the prior approval of the Chief Minister.
7. The instructions contained in letter No. 8508-GI-8/25184, dated 16-8-1958 (copy enclosed) regarding restrictions on postings of officers in their home district should be followed.

प्रेषक

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 42/20/82/5-जी एस I दिनांक 19 अगस्त, 1982 की प्रति ।

विषय :—तृतीय श्रेणी के पदों को स्थानान्तरण आधार पर भरने हेतु क्या अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय है या कि नहीं, के संबंध में स्थिति का स्पष्ट किया जाना ।

उपरोक्त विषय के संदर्भ में ।

2. राज्य सरकार के यह प्रश्न विचाराधीन था कि श्रेणी III के पदों पर स्थानान्तरण आधार पर नियुक्ति करने में क्या अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय है या कि नहीं । इस बिन्दु पर विस्तृत रूप से परीक्षण किया गया है तथा राज्य सरकार द्वारा अधीन सेवाएं प्रवरण मण्डल को सौंपे गये कार्यों के दृष्टिगत कानूनी दृष्टि को मध्य नजर रखते हुये, विधि विभाग की मन्त्रणा भी प्राप्त की गई थी । इस संबंध में निम्नलिखित हिदायतों को ध्यान में रखा जाये ।

(क) श्रेणी III के पद/सेवा से श्रेणी III के ही किसी अन्य पद/सेवा में यदि कोई नियुक्ति एक विभाग से दूसरे विभाग में स्थानान्तरण आधार पर की जाए तो ऐसी नियुक्ति पर अधीनस्थ सेवाएं प्रवरण मण्डल का अनुमोदन प्राप्त किया जाना वांछनीय नहीं है, बशर्ते कि :—

- (1) जिस विभाग में ऐसी नियुक्ति की जानी हो, उसके सेवा नियमों में उस पद को स्थानान्तरण आधार पर भरने की व्यवस्था हो,
- (2) स्थानान्तरण आधार पर नियुक्ति किये जाने वाले कर्मचारी की प्रारंभिक नियुक्ति (initial appointment) अधीनस्थ सेवाएं प्रवरण मण्डल/लोक सेवा आयोग, जैसा भी आवश्यक हो, के माध्यम से हुई हो,
- (3) स्थानान्तरण आधार पर जिस पद को भरा जाना आवश्यक हो, उस पद की सभी विभागों को परिपत्र द्वारा सरकुलेट (circulate) किया गया हो,
- (4) ऐसी सलैक्शन (selection) के लिए किसी भी कर्मचारी का सीधे ही आवेदन पत्र एन्टरटेन (entertain) नहीं किया जाना चाहिये, बल्कि सम्बन्धित कर्मचारी के विभागाध्यक्ष से प्राप्त होने वाली रिक्तमंडेशनज पर ही कार्यवाही की जानी चाहिये, तथा,
- (5) केवल उन्हीं कर्मचारियों का चयन किया जाना चाहिये जो कि सम्बन्धित पद की निर्धारित योग्यताएं/अनुभव रखते हों,

(ख) स्थानान्तरण आधार पर, निम्न प्रकार से, की जाने वाली नियुक्तियों/पद एस0 एस0 बोर्ड का अनुमोदन प्राप्त किया जाना वांछनीय है :—

- (1) यदि किसी कर्मचारी की प्रारंभिक नियुक्ति (initial appointment) अधीनस्थ सेवाएं प्रवरण मण्डल/लोक सेवा आयोग, जैसी भी स्थिति हो, के माध्यम से न हुई हो, तथा
- (2) यदि कोई नियुक्ति स्थानान्तरण आधार पर श्रेणी 4 के पद/सेवा से श्रेणी III के किसी पद/सेवा में की जाए ।
- (3) उपरोक्त के अतिरिक्त यह भी स्पष्ट किया जाता है कि स्थानान्तरण आधार पर यदि किसी कर्मचारी की नियुक्ति कर ली जाती है, जिसकी प्रारंभिक नियुक्ति (initial recruitment) अधीनस्थ सेवाएं प्रवरण मण्डल के माध्यम से न हुई हो, तो ऐसी नियुक्ति पर यदि सक्षम अधिकार एस0 एस0 एस0 बोर्ड का अनुमोदन प्राप्त भी कर लेता है, तो इसका यह तात्पर्य नहीं होगा कि उस कर्मचारी की प्रारंभिक नियुक्ति नियमित हो गई है ।
- (4) कृपया उपरोक्त हिदायतों अनुसार कार्यवाही की जाए ।

Copy of letter No 45/2/83/5-GSI dated 23rd March, 1983 from the Chief Secretary to Government Haryana to all Heads of Departments, etc. etc.

**Subject :—Transfers.**

I am directed to refer to Haryana Government circular letter No. 45/2/82-5GSI, dated the 14th July, 1982 (copy enclosed) on the subject noted above and to say that while affecting the transfers of Government employees during the year 1983-84 care may be taken to see that minimum transfers are made. The guide-lines contained in the aforementioned letter should be followed. Furthermore, the general transfers for the 1983-84 may be completed as under :—

- (i) By the 30th April, 1983 of the staff of all the Departments except the teaching staff of Education Technical Education and Industrial Training Departments ; and
- (ii) By the 15th July, 1983, of the staff of Education, Technical Education and Industrial Training Departments.

Copy of letter No. 45/2/83-5G SI dated 24th May, 1983 from the Chief Secretary to Government, Haryana to all Heads of Departments etc etc

**Subject :— General Transfers for the Year 1983-84**

I am directed to invite your attention to Haryana Government circular letter No. 45/2/83/5GSI, dated the 6th May, 1983, on the subject noted above and to say that the general transfers for the year 1983-84 of the staff of various departments (except of Education, Technical Education and Industrial Training Departments) required to be completed by 15th May, 1983, may now be effected by the 31st May, 1983.

**Immediate.**

**Through R.A.**

It has come to the notice of the Chief Minister that in certain departments, the general transfers are still being implemented. It is requested that all orders in pursuance of general transfers should be issued by 17th June, 1983. No transfer orders in pursuance of general transfers may be issued after this date.

(P.P. Caprihan)

C. S.

16-6-1983.

All Administrative  
Secretaries & Heads of  
departments.

Endst. No. PS—CS—83/

Date the 16th June, 1983.

A copy is forwarded to PSCM and Private Secretaries to all Ministers for information and necessary action.

(P.P. Caprihan)

C. S.

16-6-1983.

**Copy of letter No. 45/11/83/5GSI dated 2nd December 1983 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc., etc.**

**Subject :—By-elections to Lok Sabha seat from 4—Sonapat constituency and Vidhan Sabha seat from 78—Fatehbad constituency—Ban on transfers upto 31-12-1983.**

I am directed to state that as per programme drawn up by the Election Commission of India, by-elections to the Lok Sabha seat from 4—Sonapat constituency and the Vidhan Sabha seat from 78—Fatehbad Constituency, are to be completed by 31-12-83. Out of nine segments of Sonapat parliamentary constituency, six fall in Sonapat District, one (Bahadurgarh) in Rohtak District and two (Safidon and Julana) in Jind District. The Fatehbad assembly constituency falls in Hissar District. The Deputy Commissioners and District Election Officers Sonapat, Rohtak, Jind and Hissar will require the services of a large number of officers/officials for appointment as Presiding/Polling Officers etc. in connection with the by-elections. It has, therefore, been decided to impose a ban on the transfer of officers/officials of all departments posted in the afore-mentioned districts upto 31-12-1983. The Deputy Commissioners, Superintendents of Police of these district, IAS/HCS Officers and Adtl. General Asstt. posted in Sonapat District, Sub-divisional Officers (C) Jind, Sonapat, Bahadurgarh and Fatehbad and Tehsildars and Block Development Officers etc. posted in the afore-mentioned districts and Tehsils, whose services will also be required for conducting the by-elections and maintenance of law and order during the by-elections, should also not be transferred upto 31-12-1983. If it is considered necessary to transfer any officer/official before 31-12-83, prior approval of the Election Commission of India, should be obtained, through the Chief Electoral Officer, Haryana, after giving full justification for effecting the transfer.

**Copy of letter No. 45/1/84-5GSI, dated 3rd Feb., 1984 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.**

**Subject :—Transfers during 1984-85.**

Sir,

I am directed to refer to Haryana Government circular letter No. 45/2/82-5GSI, dated the 14th July, 1982 (copy enclosed) on the subject noted above and to say that while affecting the transfers of Government employees during the year 1984-85, care may be taken to see that minimum transfers are made. The guide-lines contained in the aforementioned letter should be followed. Furthermore, general transfers for the year 1984-85 may be completed as under :—

- (i) by the 30th April, 1984 of the staff of all departments except the staff of the Food and Supplies Department and teaching staff of the Education/Technical Education/Industrial Training Departments; and
- (ii) by the 31st July, 1984 of the staff of Food and supplies Department and the teaching staff of Education/Technical Education/Industrial Training Departments.

**Copy of letter No. 45/1/84-5GSI dated 16th April, 1984 from the Chief Secretary to Government, Haryana to all Heads of Departments, etc. etc.**

**Subject :—Transfers during 1984-85.**

I am directed to invite a reference to circular letter No. 45/1/84-5GSI, dated the 3rd February, 1984, on the subject noted above, in which the transfer policy for 1984-85 was laid down and the guide-lines were also enclosed. It is urged once again that the annual transfers except in the case of the staff of the Food & Supplies Department and the teaching staff of Education/Technical Education/Industrial Training Departments, should be completed by the 30th April, 1984 at the latest. Care should be taken that the transfers are kept to the absolute minimum.



Copy of Circular letter No. 8522-GI-59/19157, dated the 26th October, 1959 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

**Subject :—Leave on medical certificate at the time of posting/transfer of a Government servant.**

I am directed to say that Government have had under consideration for some time past the question of taking suitable steps to eliminate the possibility of a Government servant applying for leave on medical certificate after receiving orders of his transfer from a particular place merely to avoid an inconvenient posting. After careful consideration, it has been decided to lay down the following procedure in supersession of the instructions issued in Punjab Government letters No. 9825-GI-57/13993, dated the 14th August, 1957 and No. 3076-GI-58/11202, dated the 18th/22nd April, 1958 :—

- (1) The Medical Certificate issued by a Civil Assistant Surgeon, Class I (Gazetted), or a Civil or a Civil Surgeon to a gazetted officer recommending him leave for a period not exceeding one month, when he is under transfer orders, should be got countersigned from the Director of Health Services, Punjab. If the leave applied for exceeds one month, the Medical Certificate is to be issued by a Medical Board or a Medical Committee and in that case it would not be necessary to get the Certificate countersigned by the Director of Health Services.
- (2) Similarly the Medical Certificate issued by a Medical Officer to a non-gazetted official drawing pay more than Rs. 80 per mensem should be countersigned by the Civil Surgeon of the district. In this connection it may be made clear that in such cases it will be necessary to have a Medical Certificate from a Government Medical Officer and the Medical Certificate issued by a private medical practitioner will not be entertained.
- (3) It shall be the duty of the Government servant concerned to send telegraphic intimation to his Head of Office/Head of Department, if he proceeds on medical leave at the time of his transfer orders.
- (4) On receipt of telegraphic intimation of Government servant's intention of proceeding on medical leave, the authority issuing the transfer orders, if it has reasons to suspect the bona fides of the officer, will make a telegraphic request to the Director, Health Services, Punjab, for enquiring whether the Medical Certificate granted to the Government servant is genuine. The Director, Health Services, will find out the truth promptly and intimate the result to the authority concerned.

2. These orders are not intended to be made applicable to Government servants drawing pay at Rs. 80 per mensem or less.

Copy of Circular letter No. 2423-IGS (1)-64/12900, dated 27th April, 1964 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

**Subject.**—Procedure to be followed in the event of Government Officers/officials returning to duty after having suffered from serious illness.

I am directed to address you on the subject noted above and to say that of late the Government has been receiving an increasing number of request from all categories of officers/s/officials who return to duty after serious illness, for postings on light duty assignments. However, it has been found that it is generally very difficult to accept all such requests. While it may be necessary for every such officer/officials to have proper rest after a serious illness, the Government is also justified in expecting that on resumption of duty the officer/official should be fit to shoulder the full responsibilities of the post he takes over. As will be appreciated it is very difficult for the Government to find light duty posts or sinecures for its employees, especially in the present-day context, when on account of the needs of heavy development work all round every officer/official is required to put in his very best with hard work.

Accordingly, in order to deal with all such cases suitably, Government desire that the relevant provisions of the existing Civil services Rules should be used carefully for giving adequate relief to such officers/officials concerned as well as for safeguarding the Government and public interest in the matter of maintaining proper efficiency. Rule 8.44 of the Punjab Civil Services Rules, Volume I, clearly lays down that when a Gazetted officer resumes duty after sick leave for more than three months, he should produce a medical certificate of fitness from a Medical Board, and in case the leave is less than three months, such certificate should be from a Civil Surgeon. Similarly in the case of non-gazetted employees, they have to produce a certificate from Registered Medical practitioner. The appointing authorities are also competent to require a Government employee, under rule 3.5 (a) of the Punjab Civil Services Rule Volume I, to appear before a Medical Board for medical examination whenever the appointing authority has reason to believe that the Government employee is not physically fit to carry out his duties satisfactorily. Rule 5.11 of the Punjab Civil Services Rule Volume II, further provides that Government employees can be retired or put on invalid pension, on certain grounds as mentioned in the rule.

3. To ensure proper compliance of the rules mentioned just above, so that the interests of both Government employees as well as of Government work are properly safeguarded no Government employee who is not quite fit to resume duty should be recommended or allowed to come back to work until he has been properly certified to be fit for undertaking the full load of his responsibilities.

4. The receipt of the letter may kindly be acknowledged.

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Copy of Punjab Government Circular letter No. 3734-IGSII-65/17769, dated the 27th May, 1965, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

*Subject:—*Fixation of tenure of Secretaries/Heads of Departments Deputy and Under-Secretaries/Commissioners/Deduty Commissioners.

I am direct to invite a reference to Punjab Government letter No. 3451-IGSII-65/1390, dated the 29th/30th April, 1965, regarding tenure of Heads of Departments and to say that Government have further decided that the tenure of the following classes of posts should be as under:—

- (1) Secretaries and Heads of Departments and Commissioners ... 5 years

The tenure to start from the beginning of the fourth year of the current plan and terminate at the end of the third year of the next-plan.

- (2) Deputy Commissioners ... 3—4 years  
 (3) Deputy Secretaries ... 3 years  
 (4) Under-Secretaries .. 2 years

2. Although the tenures mentioned above will be the normal rule, so that officers in the field and the Secretariat circulate adequately yet in any special circumstances an officer after holding the post of a Secretary/Deputy Under-secretary may have to posted in some other department in the Secretariat also, after completion of this tenure in one Department, on account of exigencies of public service. However, special care will have to be taken generally that Officers should circulate in the field and Secretariat reasonably.

3. It is requested that these instructions should be properly observed and any exception should be made only in compelling circumstances when exigencies of public service so demand.

No. 16424—DSGS—II—63/40750

From

Shri Saroop Krishan, I.C.S.,  
Planning Commissioner & Additional  
Chief Secretary to Government, Punjab.

To

All Heads of Departments etc.

Dated Chandigarh, the 12th November, 1963.

**Subject :—Approaching Ministers and other higher officers.**

Sir,

- I am directed to invite your attention to the instructions contained in Punjab Government circular letters noted in the margin on the subject noted above, and to say that it has again been brought to the notice of the Government that in breach of these instructions some Government employees are still approaching the Ministers and higher officers through M.L.A's and other non-officials for the redress of official grievances regarding transfers, promotions etc. I am to observe that the Government take very serious view of the contravention of these instructions and desire that they should be enforced rigidly. It is accordingly requested that strict disciplinary action should be taken against the employees who are guilty of default in this regard in future.
1. No. 6917-PG/7072, dated 18.7.50.
  2. No. 4174-P-54/17154, dated 28.7.54.
  3. No. 16110—8GS/62/39005, dated 6.11.62.

2. The receipt of these instructions may kindly be acknowledged.

Yours faithfully,

Sd/-M. Seth  
Deputy Secretary, General Administration,  
for Planning Commissioner and Additional  
C.S.

A copy is forwarded to :—

- i) All F.Cs
- ii) All Administrative Secretaries to Govt. Pb. for necessary action in continuation of Punjab Government circular letter No. 16110—8GS-62/39005 dated the 6th November, 1962.

Sd/- Dhandev Singh,  
Deputy Superintendent, General Services,  
for Planning Commr. and Additional C.S.

To

- i) All F.Cs
- ii) All Administrative Secretaries to Govt. Pb. U.O. No. 16424-DSGS-I-63, dated the 12th November, 1963.

Copy of letter No. 6917-PG-50/7072, dated Simla-2 the 18th July, 1950 from the Chief Secretary to Government, Punjab to All Heads of Departments, Commissioners of Divisions, Deputy Commissioners and District and Sessions Judges in the Punjab.

.....

Sir,

Government have noticed that lately there has been an increasing tendency on the part of subordinate officers to approach M.L.As, and Hon'ble Ministers direct with requests for transfers, cancellation of transfers and promotions etc. This is against the Government Servants Conduct Rules and instructions on the subject issued from time to time. It is, therefore, requested that the urgent need of compliance of these instructions should be enjoyed on the members of your staff who should be told in explicit terms that any instances that come to the notice of Government for action in defiance of these instructions will be suitably dealt with.

Yours faithfully

Sd/-

Chief Secretary to Government, Punjab.

Copies are forwarded to all Administrative Secretaries Government, Punjab, for information and guidance.

Sd/-

Chief Secretary to Govt., Punjab.

To

All Administrative Secretaries to Govt., Punjab.

U.O. No. 6917-PG-50, dated Simla-2, the 18th July, 1950.

Copies are forwarded to Personal Assistants to Hon'ble Ministers for the information of the latter. Hon'ble Ministers are requested to take suitable action against officials who approach them, except through proper channel, whether directly or through M.L. As., or through other influential publicmen.

Sd/-

Chief Secretary to Govt., Punjab

To

The Personal Assistants to Hon'ble Ministers, Punjab.

U.O. No. 6917-PG-50, dated Simla-2, the 18th July, 1950.

