

For Official Use only

MANUAL
OF
INSTRUCTIONS
ON
SERVICE MATTERS



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PUNJAB GOVERNMENT SERVICES DEPARTMENT

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PREFACE

I am glad that Services Department has consolidated in this Manual all instructions on service matters issued by Government from time to time. The Manual would serve a long felt need of all departments wishing to be armed with the past as well as the latest Government policy before taking a decision on crucial service matters. The assurance of justice to the services instils a sense of confidence among all Government employees. I am confident that all departments would make best use of this book and it would guide them in ordinary as well as in complicated service cases. Much litigation is the result of insufficient familiarity and conversance with rules, regulations and instructions. At least some of this litigation could be avoided by the proper use of this Manual.

Dated Chandigarh, HARDEV SINGH CHHINA,
the 1st September, 1976. Chief Secretary to Government,
Punjab.

CHAPTER I

The first part of the book is devoted to a general survey of the history of the world, from the beginning of time to the present day. The author discusses the various stages of human civilization, from the earliest times to the modern era. He traces the development of the human race, from the first appearance of man on the earth to the present day. He also discusses the various religions and philosophies that have shaped human thought and action. The author's aim is to provide a comprehensive overview of the history of the world, and to show how the various elements of human civilization have developed over time.

The second part of the book is devoted to a detailed study of the history of the United States. The author discusses the various stages of American history, from the first settlement of the continent to the present day. He traces the development of the United States, from a small colony to a great nation. He also discusses the various events and people that have shaped American history. The author's aim is to provide a comprehensive overview of the history of the United States, and to show how the various elements of American civilization have developed over time.

No. 2864-SII-75/43117

From

The Chief Secretary to Government, Punjab.

To

All Heads of Departements, the Registrar, Punjab and Haryana High Court, Commissioners of Divisions, District and Sessions Judges, Deputy Commissioners and Sub-Divisional Officers (Civil) in the State.

Dated Chandigarh, the 1st September, 1976.

Subject.—Manual of instructions on service matters.

Sir,

I am directed to say that although instructions on various service matters are issued by Government from time to time, these have not in the past been consolidated. It is likely that certain departments might not have all the relevant instructions handy when dealing with crucial service matters. Sometimes, out-dated and superseded instructions are inadvertently followed. The Departments are sometimes obliged to make references to the Services Department for advice on matters which they might have been able to settle themselves had the complete list been available for scrutiny. This naturally delays the settlement of cases and carries with it the possibility of administrative and legal complications.

2. The present manual seeks to meet a long-felt need of Government Departments to have available for ready reference all relevant instructions on any given subject. It is hoped that the enclosed manual of instructions on service matters would be of substantial benefit to all the Departments and would serve as guide to all those dealing with service matters.

3. It is intended to bring out in due course another book

Authorised For Issue

- G. Sadana

Section Officer Services.

containing a subject-wise split up of the instructions contained in this manual. The second book would serve as a catalogue and the main manual itself is expected to be a useful reference book.

Kindly acknowledge receipt.

Yours faithfully,

RAJAN KASHYAP,

Joint Secretary Services and Political,
for Chief Secretary to Government, Punjab.

A copy, along with a copy of the 'Manual of Instructions on Service Matters' is forwarded to all the Financial Commissioners and Administrative Secretaries to Government, Punjab, for information and similar action.

A. C. SHARMA,
Under-Secretary, Services I,
for Chief Secretary to Government, Punjab.

To

1. The Financial Commissioners, Punjab.
2. The Administrative Secretaries to Government, Punjab.

U.O No 2864-ISII-75, dated Chandigarh the 1st September, 1975

A copy, along with a copy of the 'Manual of Instructions on Service Matters' is forwarded to the Principal Secretary/Deputy Principal Secretary/Secretary to Chief Minister and Secretaries/Private Secretaries to Ministers/Deputy Ministers/Parliamentary Secretary, for information and necessary action.

G. L. SADANA,
Section Officer Services,
for Chief Secretary to Government, Punjab.

To

The Principal Secretary/Deputy Principal Secretary/Secretary to the Chief Minister and Secretaries/Private Secretaries to Ministers/Deputy Ministers/Parliamentary Secretary.

U. O. No. 2864-ISII-75, dated Chandigarh, the 1st September, 1975.

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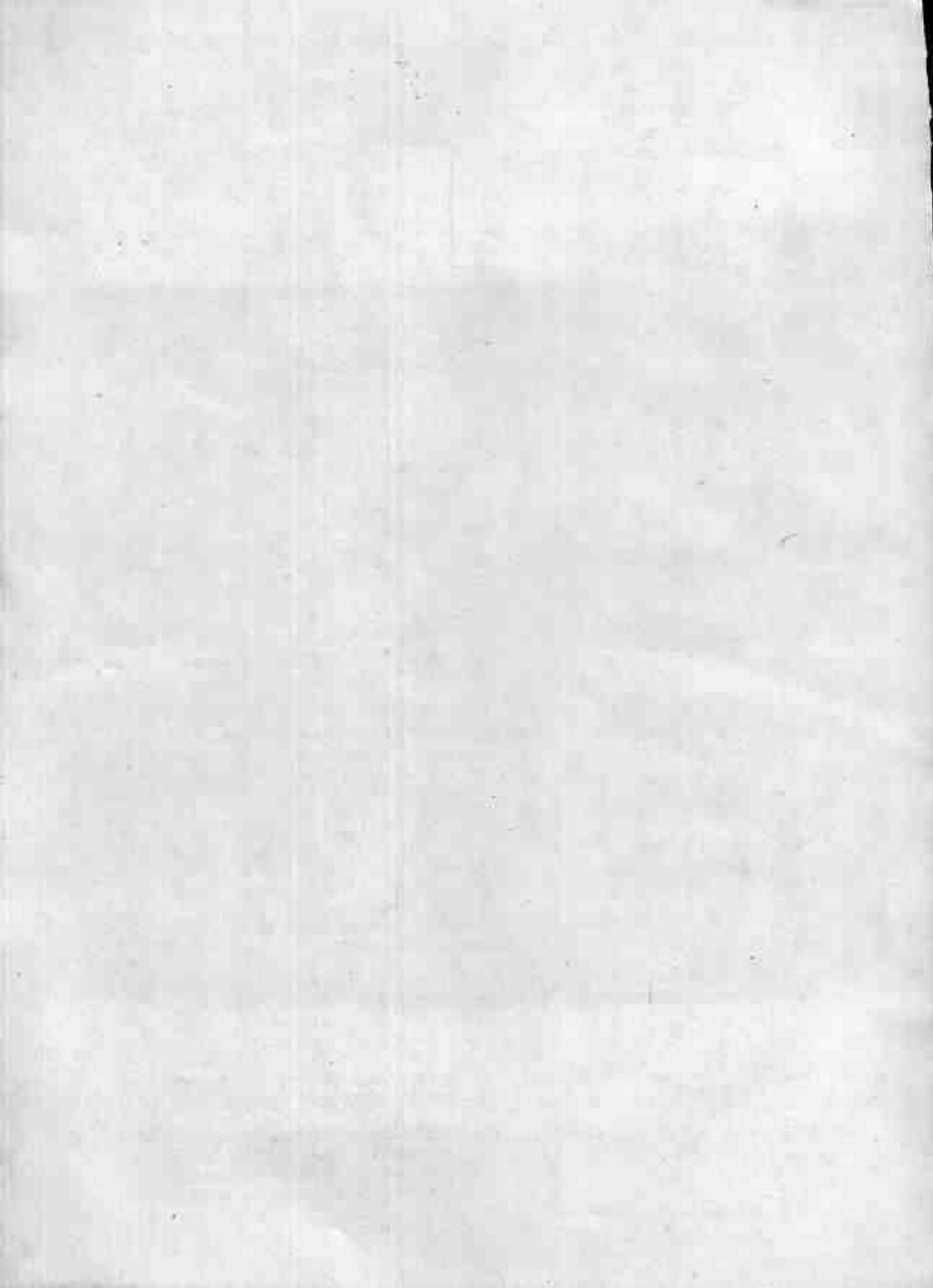
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587.	No. 344(GOI)-2SII-76/34876, dated 13-8-1976	Assignment of Indian Personnel to international organisations/foreign Governments — acceptance of their resignations while serving abroad.	889
588.	U.O. No. 7737-ISII-76, dated 26-8-1976	Condition of experience for promotion and recruitment.	890
589.	No. 6106-2GS-76, dated 27-8-1976	The Punjab Civil Services (Premature Retirement) Rules, 1975—Question of consideration of representation against the premature retirement.	891



Copy of letter No. 6890-G-38/28943, dated the 24th August, 1938, from the Chief Secretary to Government, Punjab to All Heads of Departments etc.

Subject.—Prohibition of the grant of free passes for cinemas to Government servants.

I am directed to inform you that the Governor of the Punjab is pleased to order that no person serving under the Punjab Government shall in any circumstances ask for or accept a free pass for any cinema or other place of entertainment and to request that this order may be brought to the notice of all Government servants under your control.

LEGISLATIVE DEPARTMENT

Notification

Simla, the 13th December, 1947.

No. 43/Leg.-47.—The following Act of the Provincial Legislature received the assent of His Excellency the Governor-General of India on the 12th December, 1947, and is hereby published for general information :

THE EAST PUNJAB ESSENTIAL SERVICES (MAINTENANCE) ACT, 1947

EAST PUNJAB ACT XIII OF 1947

An Act to make provisions for the maintenance of certain essential services.

It is hereby enacted as follows :—

1. *Short title, extent and commencement:*—(1) This Act may be called the East Punjab Essential Services (Maintenance) Act, 1947.

(2) It extends to the whole of the Province of East Punjab.

(3) It shall come into force at once.

2. *Interpretation:*—In this Act, unless there is anything repugnant in the subject or context, "Employment" includes employment of any nature and whether paid or unpaid.

3. *Employment to which this Act applies*:—This act shall apply to all employment under the Provincial Government and to any employment or class of employment which the Provincial Government, being of opinion that such employment or class of employment is essential for securing the public safety, the maintenance of public order, health or sanitation, or for maintaining supplies or services necessary for the life of the community, may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.

4. *Power to order persons engaged in certain employments to remain in specified areas*:—(1) The Provincial Government or an officer authorised in this behalf by the Provincial Government may, in respect of any employment or class of employment to which Section 3 applies, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

5. *Offences*:—Any person engaged in any employment or class of employment to which this Act applies who—

- (a) disobeys any lawful order given to him in the course of such employment, or
- (b) without reasonable excuse abandons such employment or absents himself from work, or
- (c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making this order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment to which this Act applies, who without reasonable cause—

- (i) discontinues the employment of such person, or
- (ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment,

is guilty of an offence under this Act.

Explanation 1:—The fact that a person apprehends that by continuing in his employment he will be exposed to increased

physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation 2:—A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

6. *Regulation of wages and conditions of service:*—(1) The Provincial Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7. *Penalties and procedure:*—(1) Any person found guilty of an offence under this Act shall on conviction by a competent criminal court be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Amended
vide No.
88-Leg./48,
dated
17-9-48.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of any offence under this act except upon complaint in writing made by a person authorised in this behalf by the Provincial Government.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under this Act shall be cognizable.

(5) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Criminal Procedure Code, 1898, may, if such magistrate or bench of magistrates think(s)

Amended
vide No.
88-Leg./48,
dated
17-9-48.

fit, on application in this behalf made by the prosecution, try any offence under this Act in accordance with the provisions contained in sections 262 to 265 of the said Code.

8. *Bar of legal proceedings*:—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

9. *Effect of orders, rules, etc., made under this Act*:—Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything contained in any law other than this Act.

10. *Repeal of Ordinance No. VIII of 1947*:—The East Punjab Essential Services (Maintenance) Ordinance, 1947, is hereby repealed.

S.B. CAPOOR,
Secretary to Government, East Punjab,
Legislative Department.

Copy of Punjab Government Circular letter No. 3574-G-48/35863, dated 5th July, 1948 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.

Subject:—Efficiency Bars.

Gazette:
Home.

To ensure uniformity of action by different Departments in the matter of stoppage of officers at efficiency bars, Government consider it necessary to lay down certain general principles for the guidance of all concerned.

2. The crossing of an efficiency bar is to be distinguished from the earning of an annual increment. In the case of the annual increment, onus is on the authority to show cause why it should be withheld ; in the case of crossing a bar the onus is on the official, tacitly or otherwise, to show cause why he should cross it.

3. Crossing of an efficiency bar amounts to promotion ; stoppage at one is a form of punishment under Rule 49 of the Civil Service (Classification, Control and Appeal) Rules or Rule 14.10 of

Civil Services Rules (Punjab) Volume I (Part I). It is, however, not necessary, before it is decided to stop an officer at a bar, to inform him in writing of the grounds on which it is proposed to take such action. The order is, however, appealable accordingly as the officer concerned is a member of the All-India or Provincial and Subordinate Service and it is desirable that every case should be scrutinised carefully by the Head of the Department and good reasons given in support of an order of stoppage.

4. As the efficiency of a service depends to a great extent on the quality of the officials at the top, it is essential that each case is dealt with care and that the passing of an efficiency bar is not regarded as a mere matter of formality.

Broadly speaking, efficiency and honesty should, taken together, be the deciding factors. These factors do not always hang together, on the contrary, a dishonest officer is more often efficient than otherwise while an honest officer may not necessarily be efficient.

5. There are usually two bars in every time-scale, the first at the stage when an officer may be considered as ceasing to be a 'Junior' and as fit to perform satisfactorily the ordinary duties of his service, and the second at the stage when he becomes a 'senior' and may be expected to be fit to perform any of the duties which the service is called upon to undertake. No particular difficulty should arise with regard to the first bar, and in respect of this bar, Government only desire to lay down that no officer should be allowed to pass this bar until he has proved himself competent to perform satisfactorily the ordinary duties of his service.

6. The second bar presents greater difficulty, and it is clear that, in the absence of definite instructions as to the standard required, number of officers, who are not fit to perform the highest duties that could be allotted to them in their service, have been nevertheless allowed to rise to the highest pay in the ordinary scale. Government consider that in future no officer should be allowed to cross the second and final bar unless he is adjudged fit to be placed in charge of the full duties attaching to the heavier charges which officers of his rank can be called upon to fill. Heads of Departments will be able to fix in their minds the standard charge which each grade of officer should be expected to be able to fill before passing the bar, but in each case it should be remembered that the charge should be one which an officer can be called upon to fill in the ordinary course of the duties of his grade.

7. While Heads of Departments are required to exercise their judgment and discretion in each case, the following instructions will be helpful and should be kept in view:

- (1) The efficiency bars must be real, and recommendations for passing them should not be given as a matter of course to those Government servants who just manage to avoid getting into trouble ;
- (2) For the purpose of crossing the efficiency bars, Government servants will broadly fall into three divisions as below and their case will be dealt with as explained against each :
 - (a) **Good**—Are those who consistently earn good reports and who will in the ordinary course be permitted by competent authority to cross the efficiency bars.
 - (b) **Fair**—Are those who secure at least 50 per cent good reports. They should not be permitted to cross the bar unless the head of department is satisfied, on a careful study of the record, that they merit promotion and give promise of satisfactorily filling the heavier charges in the grade.
 - (c) **Poor**—Are the remainder, and they will not be permitted to cross the bar.

8. Heads of Departments while considering each case on the basis of the above classification should take into account the severity or leniency of the officers whose reports are under consideration and the nature of the work on which the Government servant was employed.

9. Stoppage at an efficiency bar should be for general bad work and inefficiency continued over several years and not for one or two lapses for which ordinary stoppage of increment (with or without future effect) should be the punishment.

10. As there is at present no definite provision for periodical review of orders stopping Government servants at efficiency bars, Government consider that there should be such a provision and have accordingly decided that cases of stoppage at efficiency bar should be reviewed at the expiration of the period of one year from

the date of the order, and, if necessary, at the same interval thereafter. In the case of an officer who is stopped at the bar by the Provincial Government, the most convenient procedure would be at the time of the passing of the order, to ask for a special report on his work at the end of one year or to require his superior officers to deal with the matter in the annual confidential report on him.

11. The procedure for giving effect to the orders regarding the review of cases of officers or services other than the provincial services is left to the Head of the Department to settle.

12. These instructions supersede all previous instructions whether Departmental or general, on the subject.

Copy of letter No. 7307-G-50/1-4390, dated the 31st October, 1950, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Employment of Peons as private servants.

I am directed to refer to my letter No. 3825-C-50/1-2795, dated the 26th June, 1950, on the subject of employment of peons as private servants, and to say that Government have received, in this short interval, numerous representations against the ban on private work prescribed therein, and also a good number of applications from individual Class IV Government servants for permission to engage in or undertake private work outside office hours on payment of remuneration.

2. The matter has, therefore, been considered further in the light of the communications referred to above and while Government strictly adhere to their view as previously expressed that Class IV Government servants should not be burdened with "begar" of any kind, they, nevertheless, realise that the existing orders may operate harshly on certain individuals belonging to this class of Government servants. They have, therefore, decided to modify them to the extent that where an individual Class IV employee applies for permission to engage in or undertake other work outside office hours on receipt of remuneration and the head of department/office concerned is satisfied that engagement on such duties will not interfere with the applicant's duties in office, such an application may be considered on merits on the analogy of rule 18 of the Government

servant's Conduct Rules, 1945, under which it is permissible for higher classes of Government servants to undertake such work and thereby to supplement their income. At the same time, Government desire to make it clear that these employees should not, behind the excuse of work outside office hours, be employed on menial household duties such as sweeping of rooms, cleaning of utensils, and cooking of meals, etc.

Copy of letter No. 8852-G-50/1-4952, dated the 23rd December, 1950 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.

Subject : Instructions regarding Public Parties and Farewell Entertainments in honour of Government servants.

The attention of Government having been drawn to instances in which provisions of rule 4 of the Government Servants' Conduct Rules relating to attendance at entertainments held in honour of a Government servant himself or in any other Government servant or any person who had recently quitted the services of Government had been disregarded, I am directed to say that it appears that instructions in this behalf issued in the prepartition Punjab are not being observed, presumably because they have not been re-issued in this State. The policy of the State Government in this behalf continues, however, to be governed by those instructions and I am to enclose for your own information and guidance and that of other Government servants under your control, a copy of the Press communique, dated the 4th May, 1937, on the subject.

2. I am to request you to ensure that these instructions are understood by all concerned and strictly obeyed.

PRESS COMMUNIQUE

The following communique is issued for the information of the general public :

1. The Government Servants' Conduct Rules lay down that a Government servant shall not except with the previous sanction of the Government, attend any public meetings or entertainment held in his honour. This is the general rule but at the same time, subject to the provisions of any general or special order of Government a Government servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself on the occasion

of his retirement or departure from a district or station. In 1927 Government issued a special order on the subject, and directed that no Government servant could attend any farewell entertainment held as a mark of regard to himself, unless the previous sanction of Commissioner or Head of the Department had been obtained for the holding of the entertainment.

2. The position, therefore, is as follows:-

The prohibition against a Government servant attending any public entertainment in his honour is absolute, Government itself, and not a Commissioner or a Head of Department can grant exemption from this prohibition. Further, a Government servant may not attend any farewell entertainment held as a mark of regard to himself, whatever its nature may be without the previous sanction of his Commissioner or the Head of Department.

3. There have been occasions lately when Government has granted exemption from the general prohibition against public entertainments. The position has been carefully reviewed. If public parties are occasionally permitted, the result is that when permission is refused, it is taken not only as a slight on the Government servant concerned but as an affront to the would-be-hosts. Government does not wish to be put in the position of being accused of either slighting its officials or of affronting members of the public, and on the other hand, has no intention of giving general permission for public entertainments in honour of its servants. It has, therefore, been decided as a matter of practice the sanction of Government will not be given to Government servants to attend public entertainments in their honour. Requests by Government servants for permission to attend an entertainment, will, as formerly, be made to Commissioner or the Head of the Department. The decision of the Commissioner or the Head of the Department will be final, and Government will not interfere.

Lahore, dated 4th May, 1937.

J. D. PENNY,
C.S. to Govt., Pb.

Copy of Punjab Government Circular Letter No. 1055-G-51/1308, dated 23rd February, 1951 from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments etc., etc.

Subject : Efficiency Bars.

Sir,

I am directed to invite a reference to paragraph 3 of the Punjab Government letter No. 3574-G-48/35863, dated the 5th July, 1948, on the subject noted above, in which it was *inter alia* pointed out that while stopping an officer at an efficiency bar under rule 4 (ii) of the Punjab Civil Services (Punishment and Appeal) Rules, published with Punjab Government notification No. 6693-G-40/47845, dated the 26th November, 1940, it was not necessary to inform him in writing of the grounds on which it was proposed to take action against him. With the promulgation of rule 7-A, published with Punjab Government notification No. 7094-G-48/57526, dated the 25th October, 1948, the position has changed and it is now necessary before withholding an increment or promotion including stoppage at an efficiency bar, to afford an adequate opportunity to the Government servant concerned of making any representation that he may desire to make and such representation, if any, has to be taken into consideration before the order is passed. The requirements of this rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and where they can be waived without injustice to the officer concerned. Government feel that the only cases in which this rule may be waived is where the Government servant absconds and cannot, therefore, be called upon to submit his representation. I am, however, to make it clear that the orders contained in paragraph 3 of Punjab Government letter of the 5th July 1948, referred to above should be deemed to have been modified by rule 7-A of the Punjab Civil Services (Punishment and Appeal) Rules and every Government servant upon whom it is proposed to impose any of the penalties referred to in clauses (i), (ii) or (iv) of rule 4 *ibid* should be afforded an opportunity to make a representation and such representation, if any, should be taken into consideration before passing orders in the matter.

Copy of letter No. 5803-G-51/1-4506, dated the 3rd September, 1951, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Policy regarding Government servants seeking private employment or employment in other departments of Punjab Government or under other Governments.

I am directed to invite your attention to Punjab Government Notification No. 32627, dated the 23rd November, 1934, with which rules regarding Government servants seeking private employment or employment in other departments of Punjab Government or under other Governments were promulgated. Part II of these rules contains rules regarding employment in other departments of Government or with other Governments and the question of clarifying the instructions contained therein has been engaging the attention of the Punjab Government for some time past.

It has now been decided that the following procedure should be observed in the types of cases mentioned below :

- (a) Where another Government or another Department of the State Government advertises for a post or asks for names through the Public Service Commission or direct :--In such a case, the rules contained in Part II in Punjab Government notification referred to above should apply. The Department which forwards the application should satisfy itself that—
 - (i) the applicant will be suitable for the post and fulfils the required qualifications, and
 - (ii) that his services can be spared without detriment to work and a suitable substitute will be available. When it is considered that the proposed transfer would not be consistent with the interests of Public Service, the application should be refused.

In a case where the application is forwarded and is accepted by the other Government or the other department of the same Government, the question of the retention of the officer's lien or otherwise shall be determined on the merits of each individual case. If the transfer or deputation is for a long period, the lien could be suspended and later on cancelled on the officer's confirmation, etc. In this connection the relevant rules contained in the Fundamental Rules and the Civil Services Rules (Punjab) should be followed :

- (b) Where another Government or department of the State Government asks the Head of the Department

etc., for the names of suitable officers for particular posts:—In forwarding names, the following considerations should be borne in mind—

- (1) It should be considered whether an officer can be spared with due regard to the requirements of the State or the Department in which the officer is serving. If not, there should be no hesitation in giving a refusal to the "demanding" or "borrowing" Government or department. In this connection, it should be understood that the interests of the State may require that our officer should be allowed to go and similarly the interests of another department in the same State may be greater than the interests of the department in which the officer may be serving.
- (2) If an officer can be spared, his selection should be carefully made and strictly on considerations of merit. No *sifarish* personal pull or other considerations of that kind should be allowed to intervene in the matter of selection of name or names. The only criterion should be fulfilment of qualifications and suitability. It should be remembered that considerable heartburning may result, if the names are not selected on consideration of merit and suitability, etc.
- (3) Where two or more names have to be forwarded, the same should be, wherever possible or desirable, arranged in order of merit. It should be understood in such a case that the department forwarding the names should be prepared to release any one of the persons recommended, but the Head of the Department would be entitled to call from the "demanding or borrowing Government or department" their reasons for selecting a person other than the one recommended as No. 1. Such reasons should not be demanded save in exceptional cases, because the selecting Government or Department has the final voice in making their selections, which are usually based on officers record and qualifications and the selecting Government or department are in the best position to judge their own requirements.

- (c) When the demanding or borrowing Government or Department ask for an officer by name:—In a case like this, it will be often found that the reference is the result of "personal pull", an unauthorised approach, 'sifarish' and considerations of that type. Unless it is obvious that no such pull or similar consideration has found a play, the Head of the Department concerned should make a back reference and ask if there were special reasons for asking for the individual by name. There are Government of India's orders contained in their office memorandum, dated the 17th May, 1949 (copy enclosed), to which the attention of the borrowing or demanding Government might be invited. The department should ask the demanding Government or department to intimate qualifications, etc., for the post and the department would itself forward name or names of suitable men. In other words, calling for the services of officers by name should be discouraged, save in obvious cases, to counteract and avoid what are understood to be 'backdoor' influences. This is very necessary in the interest of discipline and good administration, and
- (d) Where an officer has been trained abroad at Government expense, he should not normally be permitted to go in contravention of the terms of his agreement.

I am to request that the instructions mentioned above should always be taken into consideration before an officer/official is allowed to go on transfer or deputation to another department or another Government.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS.

OFFICE OF THE ESTABLISHMENT OFFICER

New Delhi-3, the 17th May, 1949

OFFICE MEMORANDUM

Subject : Procedure to be followed in securing the services of officers from provinces for employment at the Centre.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No. 48(15) E.O./48, dated the 3rd August,

1948, and to say that the Government of India had occasion to consider what changes, if any, should be made in the existing system of securing officers from the Provinces for employment at the Centre. As the Ministries are aware, the essential features of the existing system as originally conceived are :—

- (a) An officer of Joint Secretary's status, designated as Establishment Officer to the Government of India, should facilitate the selection of officers for employment at the Centre, maintain personal contacts with Central Departments and Provincial Governments, negotiate with the latter and discuss with them with complete confidence and frankness the difficulties of Provinces and the Centre and the merits of the officers in view and finally maintain a list of officers considered suitable for service under the Government of India.
- (b) Whenever officers are required for service at the Centre, enquiries should be addressed by the Establishment Officer to the Provincial Governments indicating the terms, the seniority and qualifications required for the incumbent of the post in question and leaving it to them to recommend the names of such officers as they could spare.
- (c) Requests for the services of officers specified by name should not be made save in the case of officers who had already served at the Centre and had, with the consent of the Provincial Government concerned, been earmarked for further services, if and when needed.
- (d) All correspondence in such matters should be channelised through the Establishment Officer.

2. This system worked well prior to the commencement of the war when there was a sufficient number of capable officers in India both to meet the requirements of the Centre as well as the Provinces. As the war progressed, the manpower requirements of the Centre as well as of the Provinces increased rapidly. The tendency on the part of the Heads of Central Departments directly to negotiate with Provinces in disregard of the established system increased with the increase in demands for officers. Even after the termination of the war there was no significant diminution in the requirements of manpower and the pract

of obtaining officers by personal contacts or influences continued to such an extent that in December, 1946, the then Viceroy had to intervene and direct that the practice of asking Provincial Governments for officers by name should cease. The position deteriorated further, however, owing to the serious manpower shortage caused by the political changes that took place in August, 1947. Owing to the departure of European and Muslim officers very serious gaps were left in all the cadres. Requests addressed by the Establishment Officer for the loan of Provincial Officers have since met with scant success. In the result the needs of the Centre have continued to be met to a large extent by negotiations at Ministerial level.

3. Such negotiations involve, among others, the following serious evils—

- (1) they result in preferential treatment of particular officers who happen to be known to particular Ministers ;
- (2) they lead to personal approach and manoeuvring by individual officers to the disadvantage of their more scrupulous colleagues ; and
- (3) they put the Provincial Governments in a very embarrassing position if an officer whose services are asked for is not in the list of officers whom they consider as suitable for appointment at the Centre while other officers who are actually so listed are denied the chance of serving at the Centre on the ground that they cannot be spared.

4. The Cabinet before whom the matter was placed has now decided :—

- (a) that the regular system described in paragraph 1 above should be adhered to save in the most exceptional circumstances ;
- (b) that Hon'ble Ministers at the Centre should refrain from negotiating directly with any Minister of a Provincial Government for the loan of any particular officer by name ;
- (c) that if any Minister has a preference in favour of any particular individual this should be intimated to the

Establishment Officer who can take the matter up with the Province concerned ;

- (d) that where exceptional circumstances exist, e.g., cases of extreme urgency ; where Ministries require the services of specified officers because of their special qualifications or experience which render them particularly suitable for particular posts ; and cases in which the Establishment Officer's efforts have proved unsuccessful ; and it is considered necessary to conduct negotiations at Ministerial level, the matter should be left for decision by the Home Minister.

5. The undersigned is directed to request that this procedure should invariably be followed by all the Ministries of the Government of India.

S. B. BAPAT,
Establishment Officer.

Copy of Circular letter No. 9319-P-51/124, dated the 18th January, 1952 from the Chief Secretary to Government, Punjab to all Heads of Departments etc.

Subject.—Demobilised personnel or Retrenched Central/State Government employees—Preferential treatment in the matter of re-employment.

I am directed to say that with a view to affecting economy in expenditure, the strength of Armed Forces and civilian establishments under the Ministry of Defence as well as the establishments under the Central/State Government are reviewed periodically and a large number of Demobilised Defence Forces and retrenched civilian personnel, both technical and non-technical, are rendered surplus and the question of provision of alternative employment for as many of them as possible has been engaging the attention of Government. It is considered that the experience gained by the demobilised personnel or retrenched Government employees may be of considerable value, if they are re-employed in similar or suitable capacities. It has, therefore, been decided that such persons should be given

preferential treatment in the matter of employment, provided that:—

- (a) the person who claims to be a demobilised/retrenched Government employee, produces a certificate from the Defence Forces/department or office in which he last served that he had had continuous service for a period of not less than 6 months under that Defence Forces department or office, and was discharged because of demobilisation/reduction in establishment not more than three years prior to the date of his registration at an Employment Exchange or the date of application for employment under the State Government ;
- (b) he produces satisfactory evidence that he is suitable for re-employment under Government ;
- (c) no general relaxation of educational and other qualifications [excepting age, for which please see sub-clause (d) below] normally prescribed for recruitment is made ; and
- (d) for appointments made otherwise than on the basis of open competitive tests held by the Punjab Public Service Commission, the period of service of a Demobilised person/Retrenched Government employee is deducted from his actual age and, if the resultant age does not exceed the prescribed maximum age limit, he should be deemed to satisfy the condition for appointment to the post in question in respect of the maximum age.

2. In regards to the re-employment of the demobilised personnel, Government feel that they would be particularly suitable for filling certain types of posts for which their previous training and experience makes them specially qualified. Such posts will be those which involve security functioning and which require proficiency in the use of fire-arms, such as those in the Police Force, Home Guards and Watch and Ward personnel. These examples are merely illustrative and not exhaustive.

HOME/GAZETTE

NOTIFICATION

The 12th February, 1952

(As amended up to 1st January, 1960)

No. 9369-G-51/1-681.—The following instructions for the submission, 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 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 do 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 other 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 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 rule 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) rules 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 instruction 6, during the preceding quarter, and the reasons for withholding the same.

8. Notwithstanding anything 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 order 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 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.

*Amended.—*vide* Punjab Government Notification No. 7602-GH 57/102928, dated the 25th November, 1957.

ANNEXURE

(See Rule 7)

(a) List of memorials with-held during the quarter ending the-----

(b) Name of Department-----

FORM (See RULE 7)

1	2	3	4	5	6
Serial No.	Name and particulars of Government servant who memorialised	Brief subject of the memorial	Date of the submission of the memorial	Head of Department who with-held the memorial	Reasons with dates of order with-holding the memorial

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 Punjab Government Circular letter No. 2112-G-52/1/1303, dated 31st March, 1952, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject.—Instruction to be observed by controlling authorities in the matter of the grant of increments of pay or permission to cross the efficiency bar.

I am directed to say that it has been reported to Government that recently an official whose service record was bad and whose case was to be considered for compulsory retirement was allowed to cross the 'efficiency bar'. On account of this lapse on the part of the Head of the Department permitting him to cross the efficiency bar the official concerned escaped the proposed action. Government consider that the action of the Head of the Department in this case was very irregular and contrary to the instruction issued on this subject,—*vide* Punjab Government letter No. 30793-Gaz., dated the 27th November, 1933. I am, therefore, to enclose a copy of this letter for information and strict compliance by all controlling officers in future.

Copy of letter No. 12662-HM-52/34401, dated the 18th December, 1952, from the Home Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Procedure for a change of name by Government servant.

I am directed to address you on the subject noted above and to enclose a copy of Memorandum No. 60(274)-43-Ests, dated the 3rd November, 1948, from the Government of India, Ministry of Home Affairs, together with a copy of its enclosures and to say that the procedure laid down therein should be followed for the change of names by Government servants. The execution of the deed referred to therein should be followed by publication of change in a prominent newspaper as well as the *Punjab Government Gazette*, such publication being undertaken by a Government servant at his own expense in both cases. As regards the publication in the official gazette, Government servants intending to change their names should be directed to approach the Controller of Printing & Stationery, Punjab, who will arrange for necessary publication on payment.

Copy of office Memorandum No. 60274/48-Ests, dated the 3rd November, 1948, from the Ministry of Home Affairs, New Delhi, to all Ministers of Government of India, etc.

Subject.—Procedure for a change of name by Government servants.

The undersigned is directed to say that the Ministry of Home Affairs receive from time to time references from other Ministries and officers asking for advice as to the procedure to be followed in according recognition to a bona fide change of name by Government servants. As the position in this respect is not too clear at present, the following procedure for the purpose has been decided upon in consultation with the Ministry of Law and may be noted for future guidance.

2. A Government servant wishing to adopt a new name or to affect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that the execution of the document may not be in doubt it is desirable that it should be attested by two witnesses preferably those known to the head of the Department in which the Government servant is serving. A sample deed form is enclosed herewith for reference. The execution of the deed should be followed by publication of the change in a prominent local newspaper as well as the *Gazette of India*, publication being undertaken by the Government servant at his own expenses in both cases. For the publication of the

advertisement in the Gazette of India, Government servant should be directed to approach Publication Branch, Civil Lines, Delhi.

3. It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identify and execution of the document adduced by the Government servant that the adoption of the new name or change in the existing name should be recognised officially and entries in Government records so far as may be necessary being extended accordingly. The copies of the relevant documents should be retained by the Head of the Office concerned.

Deed of changing a Surname

By this deed the undersigned A. B. C. (new name) of etc. now lately called A. C. (old name) employed as (designation of the post held at the time by the Government servant concerned)
(place where employed) do hereby

1. For and behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former surname of C (only) and in place thereof do assume from the date thereof the surname of B. C. and so that I and my wife and children and remoter issue may hereafter be called, known and distinguished not by my former surname of C (only) but by assumed surname of B. C.

2. For the purpose of evidencing such my determination declare that I shall at all times hereafter in all records, deeds and writings and in all proceedings dealings and transactions as well private as public and upon all occasions whatsoever use and sign the name of B and C my surname in place of and in substitution for my former surname of C (only).

3. Expressly authorise and request all persons at all times hereafter to designate and address me and my wife and children and remoter issue by such assumed surname of B. C. accordingly.

In witness whereof I have hereto subscribed my former and adopted names of A. C. and A. B. C. and affixed my seal
this day of

Signed sealed and delivered by the above A. C.
name A. B. C. formerly A. C. in the presence
of B. C.

Copy of Circular letter No. 10208-G-52/5381, dated the 25th January, 1953, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Seeking redress in Courts of Law by Government servants of grievances arising out of their employment or conditions of service.

I am directed to say that the question of Government servants having recourse to Courts of Law in matters arising out of their employment or conditions of service has been engaging the attention of Government for some time past and it is considered necessary to lay down that in the matter of grievances arising out of a Government servant's employment or conditions of service, the proper course is to seek redress from the appropriate departmental and Governmental authorities. Any attempt by a Government servant to seek a decision on such issues in a Court of Law (even in cases where such a remedy is legally admissible) without first exhausting the normal official channels of redress, can only be regarded as contrary to official propriety and subversive of good discipline and may well justify the initiation of disciplinary action against the Government servant. These instructions may, therefore, be brought to the notice of all Government servants of your department/office.

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.

Sir,

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 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 "follow up" 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 such 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 no

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.

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 Services 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.
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Copy of Circular letter No. 9868-G-54/8566, dated the 2nd March, 1954, from the Chief Secretary to Government, Punjab, Simla-2, to all the Heads of Departments, etc., etc.

Subject.—Policy regarding Government Servants seeking employment in other Governments, etc., etc

I am directed to invite attention to the instructions contained in Punjab Government letter No. 5803-G-51/14506, dated the 3rd September, 1951, on this subject, the condition laid down in clause (a) (i) of which provides *inter alia* that the department forwarding an application of an officer to another Government or to the Public Service Commission should satisfy itself that the applicant would be suitable for the post. On further consideration, Government is of the view that the question of suitability is really for the determination of a borrowing Government or of the Public Service Commission, as the case may be. It has, therefore, been decided that a Department while forwarding an application of an officer to another Government or Public Service Commission, etc., need not look into the suitability of a candidate for the post applied for, but they must see whether the candidate fulfils the required qualifications and other conditions laid down for the post. I am, therefore, to say that the instructions under reference should be treated as modified to the extent indicated above.

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. 4174-P-54/17154, dated the 28th July, 1954 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc.

Subject.—Instructions relating to interviews with Ministers.

I am directed to refer to the instructions contained in Punjab Government letter No. 6917-PG/7072, dated the

18th July, 1950, in which it was directed that subordinate officers should refrain from approaching Ministers directly, or indirectly through M.L.As. or others, in connection with personal grievances, and to say that Government have now reconsidered the whole question of the accessibility of Ministers to Officers, and have decided that if a subordinate officer wishes to bring a grievance or any other matter to the notice of the Minister-in-charge, he may seek an interview with him by a written request, to be addressed through proper channel. Such an application must disclose the object of the interview, and the superior officer, while forwarding the application, may express his own view in the matter. Permission for interviews should normally be granted freely, but if in any case it is proposed to refuse a request for an interview, the Minister should invariably be informed, and the refusing authority should state the reasons for which the interview is being refused. It is hoped that this procedure will deter subordinate officers from resorting to the irregular practice of approaching Ministers, directly, without the knowledge of their superior officers, or indirectly through M.L.As. and others. It is proposed that, in future, if any case comes to the notice of Government in which officers have acted contrary to these instructions, suitable action will be taken against him. This may kindly be brought to the notice of all members of your staff.

Copy of circular letter No. 2581-ACC-54/664, dated 27th September, 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 witnesses or to tamper 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 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 letter No. 8971-HR-54/66421, dated 2nd November, 1954, from the Home Secretary to Government, Punjab, to the Chief Conservatory of Forests, Punjab, Simla.

Subject:—Procedure for a change of name by Government servant.

I am directed to invite a reference to your Memo. No. 3442/199, dated the 19th October, 1954, on the subject

noted above and to say that the official recognition to the change in name of a Government servant is to be given by the Government in the Administrative Department concerned after the formalities laid down in the Punjab Government letter No. 12662-HM-52/34401, dated the 16th December, 1952, have been complied with.

No. 6071-HM-54/66422, dated Simla-2, the 2nd November, 1954

Copy forwarded to all Heads of Departments and High Court (except the Chief Conservators of Forests, Punjab), Commissioners of Divisions, Deputy Commissioners and District Sessions Judges in the Punjab for information and guidance in continuation of the Punjab Government letter No. 12662-HM-52/34401, dated the 18th December, 1952.

By order,

(Sd) . . .

SUPERINTENDENT,

for Chief Secretary to Government, Punjab.

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 provisions 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 of 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 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 compiled with in future.

Copy of Punjab Government Circular letter No. 12897-G-54/1775, dated 18th January, 1955, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments etc., etc.

Subject:—Prohibition of plural marriages by Government servants.

I am directed to say that in the I.A.S. (Recruitment) Rules, 1954, recently published, the Government of India have provided that no person who has more than one wife living shall be eligible for appointment to the service; provided that the Central Government may if satisfied, that there are special grounds for doing so, exempt any person from the operation of this provision. In the same way, it has been laid down in the I.A.S. (Conduct) Rules, 1954, that no Government servant who has a wife living shall contract another

marriage without first obtaining the permission of the Government of India, notwithstanding that such marriage is permissible under the personal law for the time being applicable to him. The Government of India have also decided that the principles embodied in the above provisions contained in the All India Service Rules should also govern the recruitment and conditions of Service of other Central Government Servants and they propose to include a provision similar to that in the I.A.S. (Conduct) Rules, 1954, referred to above in their revised Government Servants Conduct Rules and the other provision in the various service rules. Meanwhile they have decided that these principles should be observed as if the relevant rules had in fact been amended in this respect.

2. The Punjab Government have after due consideration decided to make similar provision for governing the recruitment and conditions of service of State Government servants and to amend the Government Servants Conduct Rules as well as the relevant service rules in this behalf. Naturally, in respect of such Government servants, the requisite permission for remarriage would be of the State Government. Since all this will take time, it has been decided that, pending formal incorporation of these provisions in the relevant rules, the principles thereof should be observed as if the relevant rules had in fact been amended in this sense. *The decision may kindly be made known to all existing employees and effect may be given to it forthwith.*

Copy of Punjab Government Circular letter No. 1920-G-55/19071, dated 9th April, 1955, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject:—Prohibition of plural marriages by Government servants in the Punjab State.

I am directed to invite a reference to Punjab Government letter No. 12897-G-54/1775, dated the 18th January, 1955 on the subject noted above and to say that the instructions prohibiting the appointment of a person, who has more than one wife living, to a service under Government, except when exempted by the State Government from the operation of this provision, apply also to cases when the appointment is made by promotion.

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 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
commence-
ment.

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 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 efficient (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. 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 rule 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 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 a 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 36-4-0 out of a pension of Rs 276-4-0 in the case of an officer who has been retired compulsorily and Rs 53-4-0 out of a pension of Rs 353-4-0 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 carefully and a suitable reduction ordered in the pension of those Government servants whose reputation for honesty has not been satisfactory.

Copy of a letter No. 2124-G-39/18878 (H.—Gaz.), dated the 25th May, 1939, from F.C. Bourne, Esquire, I.C.S., Chief Secretary to Government, Punjab to all Heads of Departments and Commissioners of Divisions in the Punjab.

Subject: Measures to suppress corruption in the Government services.

I am directed to invite a reference to Punjab Government circular No. 8957-G-38/10003 (H.—Gaz.), dated the 15th March, 1939, on the subject noted above, and to say that in the form to be used for the annual statement appended to that letter you have been asked to include therein cases in which

the pension of a retiring official has been reduced by an order under Article 470(b) of the Civil Service Regulations because of his reputation for corruption. As has been explained in another circular No. 10476-Gaz., dated the 17th March, 1939, the matter has been further considered by a conference of officials convened in Simla last summer. The conference among other things recommended that to eradicate corruption the power of reducing or withholding pensions where an officer's reputation has not been satisfactory should be used more freely. This as you are perhaps aware can be done under Article 470(b) of the Civil Service Regulations, which empowers the sanctioning authority to make such reduction in the amount of pension as it may deem proper. The grant of a pension is a matter of grace and not of right and the full pension admissible under the rules is not to be granted as a matter of course unless the service rendered has been really approved.

2. Government have considered this recommendation and I am now to convey their decision in the matter. Government consider that in order to suppress corruption Article 470(b) of the Civil Service Regulations should be used more freely in cases where the reputation of an officer has not been satisfactory, and I am to impress upon you the desirability of doing this in future. In this connection the following points should be borne in mind :—

- (a) it should be a rule that no order sanctioning a pension should be passed by you without first examining the personal file or character book of the official and satisfying yourself that there are no entries therein rendering it desirable to take action under Article 470(b) ;
- (b) in your review of the figures in the annual return you should also include a paragraph showing that action has been taken by you to fulfil the intentions of Government in regard to the use of this Article. At the same time you should also submit a report every year showing how many pension-sanctioning orders have been passed by you or by officers under you during the year in question and indicating whether the rule at (a) above has been observed in every case.

- (c) every order sanctioning a pension should include a paragraph certifying that the sanctioning authority has personally examined the character book of the official and has satisfied himself, with reference to Article 470(b) that the pension ought to be admitted in full.

3. I am also to invite your attention to Punjab Government endorsement No. 8646-G-38/2098 (H. Gaz.), dated the 17th January, 1939, with which a copy of the notification amending the Civil Services (Classification, Control and Appeal) Rules was forwarded to you. Under these orders a person whose pension has been reduced or withheld has been given a right of appeal. Reference is also invited to Punjab Government letter No. 9222-G-38/1134 (H. Gaz.), dated the 10th January, 1939, in which reporting officers were requested to make their remarks regarding the honesty of an officer under them as detailed as possible.

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.

Copy of letter No. 7708-FR-55/8812, dated the 5th September, 1955 from N.N. Kashyap, I.A.S., Secretary to Government, Punjab, Finance Department to all Heads of Departments, etc., etc.

Subject. Grant of joining time, Pay and travelling allowance to Temporary Government Servants retrenched from Punjab Government office and selected for appointment in another such office.

I am directed to say that the Governor of Punjab is pleased to decide that the following concessions shall be granted to

such temporary Government servants as are discharged from Punjab Government office on reduction of establishment and re-employed in another office provided they had put in not less than three years of continuous service on the date of discharge.

(i) If the orders of appointment to the new post are received by the Government service concerned while in his old post, or while on terminal leave :

Joining time and travelling allowance on transfer will be admissible in all cases, where the appointing authority certified that the transfer is in the public interest and that the previous service rendered under Government is one of the consideration justifying his appointment to the new post. Where such a certificate cannot be given, no joining time or travelling allowance will be admissible but the period of break in service if any may be condoned for purposes of reckoning continuous service, if the period does not exceed the joining time which would be admissible if Rule 9.1 of the Punjab Civil Services Rules, Volume I, Part I (First Edition) were applicable. For the purpose of grant of joining time or condoning the break in service equivalent to the joining time as the case may be, the competent authority may exercise the powers delegated under Rule 9.19 of the Punjab Civil Services Rules, Volume I, Part I of extending the normal joining time upto a maximum of 30 days only. All cases in which the break in service exceeds 30 days and in which the break is to be condoned or joining time is to be granted for that period, should be referred to the Finance Department through the Administrative Department concerned for decision.

(ii) If the orders of appointment to the new post are received by the Government servant concerned immediately after discharge from his old post or on the expiry of terminal leave and the Government servant joins his new post without delay.

No joining time or travelling allowance will be admissible but the period of break in service may be condoned for purposes of continuity of service under Government in accordance with (i) above.

(iii) In all cases in which the break in the service is condoned an entry will be made in the service book of the person concerned quoting reference to the authority condoning such break. Where the break is so condoned there will be no question of treating the period thereof as joining time.

(iv) Where the transfer is not in the public interest but in the interest of the individual Government servant the past service rendered by him will not count for seniority in the new office and seniority in the new office will be reckoned only from the date of joining. Where, however, the transfer is made in the public interest, past continuous service will count for seniority under the relevant rules and orders. When a retrenched Government servant is re-employed and the break in his service, if any, is condoned his past service (but not the break itself) will count for seniority in the new office, under the normal rules or orders issued by Government from time to time.

2. These orders will have effect from the date of issue.

Copy of letter No. 15003-G-55/75504, dated 23rd November, 1955 from Shri Nawab Singh Esquire, 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.

I am directed to say that Government had for sometime under consideration 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.

9. 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 remarried on the relevant date she would not be eligible for the above concession in the matter of age.

Copy of Punjab Government Circular letter No. 10062-G-55/77334, dated 1st December, 1955 from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject: Prohibition of plural marriages by Government servants.

In continuation of Punjab Government letter No. 7190-G-55/44953, dated the 28th July, 1955, on the subject cited above, I am directed to say that Government have had under consideration the question whether the permission for the re-marriage, by a Government servant should be granted by Government in the Administrative Department or central guidance should be given to all Departments of Government to guard against varying practices in the different Departments. After careful consideration it has been decided that central guidance is necessary. I am accordingly to request that all cases involving permission for re-marriage by Government servants should be sent to the Chief Secretary in the Gazette Branch for advice before the requisite permission is actually granted.

In supersession of the Regulations published with Punjab Government notification No. 1760-G-37/18874, dated the 1st May, 1937, as amended from time to time, the Governor of Punjab in exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India and all powers enabling him in this behalf, is pleased to make the following Regulations specifying the matters in which it shall not be necessary for the Punjab Public Service Commission to be consulted :

Part I—Preliminary

1. These Regulations shall be called the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955.
2. In these Regulations unless there is something repugnant in the subject or context :
 - (i) "Commission" means the Punjab Public Service Commission ;
 - (ii) 'Initial appointment' means an appointment in the first instance to a service or post which does not involve the promotion or transfer of any one already in the service of the Punjab Government.

Part II - - Limitations

3. It shall not be necessary to consult the Commission on the suitability of candidates for-
 - (a) initial appointments to services or posts, carrying an initial salary of two hundred ninety-nine rupees or less per mensem.
 - (b) initial appointments to services or posts enumerated in the Schedule 'A' hereto annexed ;
 - (c) appointments to a temporary post, for a period not exceeding six months ;
 - (d) appointment to a permanent post of a person temporarily for a period not exceeding six months, if owing to an emergency having arisen, it is necessary, in the public interest to fill the vacancy

immediately and there is likely to be undue delay in making the appointment after consultation with the Commission :

- (e) promotions or transfers from one service or post to another unless the service or post to which the promotion or transfer is made, is a service or post an initial appointment to which must be referred to the Commission ;
- (f) officiating promotions 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 ;
- (g) appointment to any service or post if such candidates have been Government servants who have retired on pension from same service or from the same post or from a higher class of service or from a higher post of a similar nature ;
- (h) absorption in a regular allied service of a person who had been recruited initially on a temporary basis in consultation with the Commission and who has rendered satisfactory service under the Punjab Government for a period of at least 10 years and is considered suitable for permanent appointment ;
- (i) appointments by promotion* or transfer from other services or posts to the services or posts enumerated in Schedule 'C' hereto annexed ;
- (j) *Omitted :*
- (k) *Omitted :*
- (l) appointment of an I.A.S. Officer or a member of the State Civil Service on the Select List as prepared and maintained under the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, to an ex-cadre post ;

Explanation.—For the purpose of clause (l) an ex-cadre post shall mean a temporary post created in the senior-scale of I.A.S. outside the I.A.S. Cadre.

- (m) appointment to any service or post of any person who may have been recommended for such appointment by the Subordinate Services Selection Board, Punjab.

4. It shall not be necessary to consult the Commission in respect of any of the matters mentioned in clause (a) to (e) of Article 320(3) of the Constitution of India in the case of officers of Indian Defence Services other than the Indian Territorial and Auxiliary Forces holding posts in connection with the affairs of the State of Punjab.

5. It shall not be necessary to consult the Commission

- (a) on any original or appellate order, connected with a matter of discipline when such order is proposed to be made by an authority subordinate to the Punjab Government.
- (b) on any original order proposed to be made by the Punjab Government imposing any of the following penalties :
 - (i) censure ;
 - (ii) suspension for not more than one year ;
 - (iii) withholding of increments or promotion, including stoppage at an efficiency bar, for not more than one year with non-continuing effect.
- (c) on any order proposed to be made by the Punjab Government on appeal other than an order enhancing the penalty to that for which consultation with the Commission would have been necessary in case the enhanced penalty had been imposed in an original order when the order appealed against is one of—
 - (i) censure ;
 - (ii) suspension for not more than one year ;
 - (iii) withholding of increments or promotion including stoppage at an efficiency bar, for not more than one year with non-continuing effect.

- (d) on any petition or memorial connected with a matter of discipline unless it is proposed to revise a previous decision ;
- (e) on any case—
 - (i) relating to the termination of the probation of any person ,
 - (ii) relating to the discharge or reversion of an officer otherwise than as a penalty ;
 - (iii) relating to the termination of the employment of any person in accordance with the terms of the contract of his employment ;
 - (iv) relating to the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time ; or
 - (v) in which the Commission has at any previous stage given advice in regard to the orders to be passed and no fresh question has thereafter arisen for determination, unless it is proposed to reverse a previous decision ;
- (f) on the methods of recruitment and the principles to be followed in making appointments to posts which are not whole-time posts and to posts enumerated in Schedule 'B' hereto annexed ;
- (g) *Omitted.*

(Published with Punjab Government Notification No. 15230-G-55/81632, dated 21st December, 1955).

SCHEDULE 'A'

[(See Regulation 3(b)]

(1) Work-charged appointments in the Public Works Department.

(2) Any post which is not a whole-time post, Where there is any doubt whether a post is or is not a whole-time post the decision shall rest with the Governor.

- (3) Air Raid Precautions Officers.
- (4) Appointments in connection with the Bhakra-Nangal Project, which may be filled by foreign specialists and other foreign personnel.
- (5) Private Secretary (Political) to the Chief Minister.
- (6) Specialist Officers, appointed in India, including Indians recruited abroad, on contracts for periods not in excess of five years, in connection with the Bhakra-Nangal Project.
- (7) Chairman and Members of the Subordinate Services Selection Board.
- (8) 12-1/2 per cent of the post of Block Development Officers under the National Extension Service Scheme.
- (9) Assistant Demonstrators in the Glancy Medical College, Amritsar.
- (10) Assistant Registrars of the V.J. Hospital, Amritsar, provided these are tenure appointments and that the tenure would in no case, exceed three years.
- (11) Appointments to temporary posts of Accounts Officers, Forest Officers, and Telegraph Officers in the Punjab Public Works Department, Irrigation Branch when filled by deputation from the office of the Accountant-General, Punjab, the Forest Department and the Telegraph Department, respectively.
- (12) Supervisors in the Public Relations Department, Punjab.
- (13) Consolidation Officers in the Consolidation of Holding Department, Punjab, appointed up to 31st March, 1956 and thereafter.
- (14) Chief Instructor and two Assistant Instructors for the Home Economics Department, Punjab.
- (15) Fire Officers in the Civil (Home) Defence Department.
- (16) Assistant Registrars of the Medical College, Amritsar, provided these are tenure appointments and that the tenure would in no case exceed three years.

(17) State Press Liaison Officer at Delhi, under the Public Relations Department, Punjab.

(18) Technical Organiser in the Industries Department.

(19) Officer Incharge, National Discipline Scheme in the Education Department.

(20) Organisers in the Public Relations Department, Punjab.

(21) All posts of B.D.Os. created or to be created in the National Extension Service Blocks in the Lahaul and Spiti Area.

(22) All posts in the Food and Supplies Department, Punjab, when filled by the appointment of ex-employees of the Civil Supplies Department.

(Note.—Orders in respect of these posts shall remain operative until the 31st May, 1960).

(23) Additional Advocate-General, Punjab.

(24) Editor (Urdu) in the Public Relations Department, Punjab.

(25) Youth Welfare Officer for Girls in the Education Department.

(26) All posts in all Departments with initial salary of Rs 160 per mensem and above created or to be created in the Lahaul and Spiti area provided a resident of that area is appointed thereto.

(27) Supervisor for the Cafeteria in the New Secretariat, building.

(28) Staff Officer in the Civil (Home) Defence Department.

(29) Advocate-General, Deputy Advocate-General and Assistant Advocate-General.

(30) Technician, Walnut Wood Carving Training Centre Kulu (Rs 200—10—300).

(31) Technician, Paper Machine Training Centre, Nagrota. (Rs 200—10—300).

(32) Technician, Tapestry Training Centre, Dharamsala (Rs 200—10—300).

(33) Sports Officers and sports Coaches in the Punjab Sports Department.

(34) District Attorneys, Grade I and 7 District Attorneys, Grade II in the Home (Judicial) Department.

(35) Junior and Senior Specialists appointed in India including Indians recruited abroad, on contracts for period not in excess of five years, in connection with the Beas Project.

(36) (a) Six Class I Coaches.

(b) Six Class II Coaches.

(c) Six Class III Coaches.

(d) Three Divisional Sports Officers.

(e) Nineteen District Sports Officers.

(f) One Deputy Director, Sports.

(g) One Assistant Deputy Director, Sports (General).

(h) One Assistant Deputy Director (Women).

(i) One Director, Mountaineering (Men) Institute, Manali.

(j) Four Instructors for Mountaineering.

(k) One Organiser, Yoga Scheme.

(37)(a) One Pashmina Textile Expert in Weaving in Pashmina Wool Training Centre at Nurpur (Rs 200—10—300).

(b) One Carpet Weaving Technician in Carpet Weaving Centre at Baijnath, District Kangra (Rs 200—10—300).

(c) One Head Designer in Central Organisation and Designing Centre at Dharamsala (Rs 200—10—300).

(d) One Hooking Technician in Hooking Rug Training Centre at Kulu (Rs 200—10—300).

(e) One Felting Technician in Namda Training Centre at Kulu (Rs 200—10—300).

(f) One Chain Stitch Embroidery Technician in Chain Stitch Embroidery on Namdas and Hussain Cloth Training Centre, Kulu (Rs 200—10—300).

(38) Special Collector in the Stamp and Registration Branch of the Revenue Department in the grade of Rs 270—15—300/25—500/25—650.

(39) Twelve Class III Coaches in the Sports Department.

(40) Associate Professor of English, Language Teaching Institute, Chandigarh.

(41) Temporary Assistant Engineers against which pre-final and final year students of the Engineering Colleges in the State of Punjab are appointed on their being granted provisional Short Service Regular Commission.

(42) Field Publicity Assistants in the Public Relations Department.

(43) Information Assistants in the Public Relations Department.

(44) District Farming Planning Education Officers.

(45) Health Educators.

(46) Social Scientist Instructors.

(47) Health Education Extension Officers.

(48) Assistant District Attorneys in the Home Department.

(49) Director of Prosecution and Ex-Officio Joint Secretary to Government, Punjab, Home Department.

(50) The following posts in the Public Relations Department—

- (a) Public Relations Officer (Research and Reference).
- (b) District Public Relations Officers.
- (c) Photo and Cinema Officer.
- (d) Art Executive.
- (e) Technical Officer.
- (f) Senior Photographer.
- (g) Director, Cameraman.
- (h) Press Secretary to the Chief Minister.
- (i) Information Officers.
- (j) Producer.
- (k) Exhibition Officer.
- (l) Senior Actor.
- (m) Sound Recorder.
- (n) Production/Stage Manager.

(51) Secretary, Punjab State Soldiers' Sailors', and Airmen's Board.

(52) Two wholetime Members of the Punjab Official Language (Legislative) Commission.

SCHEDULE 'B'

[(See Regulation 5(f))]

1. Air-Raid Precautions Officers.
2. All appointments in connection with the Bhakra-Nangal Project, which may be filled by foreign Specialists and other foreign personnel.
3. Private Secretary (Political) to the Chief Minister.

4. Specialist Officers, appointed in India, including Indians recruited abroad on contracts for periods not in excess of five years, in connection with the Bhakra-Nangal Project.

5. Chairman and Members of the Subordinate Services Selection Board.

6. 25 per cent of the posts of Block Development Officers under the National Extension Service Scheme.

7. Consolidation Officers in the Consolidation of Holdings Department, Punjab, appointed up to 31st March, 1956 and thereafter.

8. All posts in the Food and Supply Department when filled by the appointment of ex-employees of the Civil Supplies Department, Punjab

9. One Accounts Officer

10. One Assistant Director

11. One Statistical Officer

12. One Administrative Officer

13. Four District Food and Supplies Controllers

14. Three District Food and Supplies Officers

15. Two Superintendents (Headquarters)

16. Three Superintendents (District Officers)

17. Eight Senior Auditors

18. Six or seven Assistant Food and Supplies Officers

in the Food and Supplies Department, Punjab

(Note.—Orders in respect of these posts shall remain operative upto 31st May, 1960)

19. All posts in the Food and Supplies Department, when filled by the transfer of officials serving in other Departments. }
20. Additional Advocate-General, Punjab.
21. Editor (Urdu) in the Public Relations Department, Punjab.
22. Youth Welfare Officer for Girls in the Education Department.
23. All posts in all Departments with initial salary of Rs 160 per mensem and above, created or to be created in the Lahaul and Spiti area, provided a resident of that area is appointed thereto.
24. Supervisor for the Cafeteria in the New Secretariat Building.
25. Staff Officer in the Civil Home Defence Department.
26. Advocate-General, Deputy Advocate General and Assistant Advocate-General, Punjab.
27. Sports Officers and Sports Coaches in the Punjab Sports Department.
28. District Attorneys, grade I and 7 District Attorneys, grade II, in the Home (Judicial) Department.
29. Junior and Senior Specialists, appointed in India including Indians recruited abroad, on contracts for periods not in excess of five years, in connection with the Beas Project.
30. (a) Six Class I Coaches.
- (b) Nine Class II Coaches.
- (c) Six Class III Coaches.

- (d) Three Divisional Sports Officers.
- (e) Nineteen District Sports Officers.
- (f) One Deputy Director, Sports.
- (g) One Assistant Director (General).
- (h) One Assistant Director (Women).
- (i) One Director Mountaineering Institute, Manali.
- (j) Four Instructors for Mountaineering.
- (k) One Organiser, Yoga Scheme.

(31) Special Collector in the Stamp and Registration Branch of the Revenue Department in the grade of Rs 270—15—300/25—500/25—550.

(32) Twelve Class III Coaches in the Sports Department.

(33) Associate Professor of English, Language Teaching Institute, Chandigarh.

(34) Temporary Assistant Engineers against which pre-final and final years students of the Engineering Colleges in the State of Punjab are appointed on their being granted provisional short-service Regular Commission.

(35) Assistant District Attorneys in the Home Department.

(36) Director of Prosecution and *ex officio* Joint Secretary to Government, Punjab, Home Department.

(37) The following posts in the Public Relations Department :—

- (a) Public Relations Officer (Research and Reference).
- (b) District Public Relations Officers.
- (c) Photo and Cinema Officer.
- (d) Art Executive.

- (e) Technical Officer.
- (f) Senior Photographer.
- (g) Director Cameramen
- (h) Press Secretary to the Chief Minister.
- (i) Information Officers.
- (j) Producer.
- (k) Exhibition Officer.
- (l) Senior Actor.
- (m) Sound Recorder.
- (n) Production/Stage Manager.

(38) Secretary, Punjab State Soldiers', Sailors' and Air men's Board.

SCHEDULE 'C'

[See Regulation 3(i)]

1. Consolidation Officers in the Consolidation of Holdings Department appointed up to the 31st March, 1956, and thereafter.

2. 12-1/2 per cent posts of B.D.Os. under the National Extension Service Scheme.

- 3. One Accounts Officer (Headquarters)
- 4. One Assistant Director (Headquarters)
- 5. One Statistical Officer (Headquarters)
- 6. One Administrative Officer (Headquarters)
- 7. Four District Food and Supplies Controllers
- 8. Three District Food and Supplies Officers
- 9. Two Superintendents (Headquarters)

in the
Food
and Sup-
plies De-
partment,
Punjab

(Note.—Orders in respect of these posts shall remain operative up till 31st May, 1960)

10. Three Superintendents (District Offices)
11. Eight Senior Auditors
12. Six/Seven Assistants, Food and Supplies Officers
13. All posts in the Food and Supplies Department when filled by the transfer of officials serving in other Departments

Copy of letter No. 15386-G-55/83568, dated the 3rd January, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.

Subject.—Instructions regarding public parties and farewell entertainments in honour of Government servants.

With reference to the instructions contained in the press communique dated the 4th May, 1937, circulated with Punjab Government circular letter No. 8852-G-50/14952, dated the 23rd December, 1950 on the subject noted above. I am directed to say that the question of allowing Government servants to attend farewell entertainments has been considered and it has been decided that a Government servant may attend a farewell entertainment except by a non-official or a subordinate Government servant, of a substantially private and informal character held in his honour of any person who has recently ceased to be in the service of the Government or who has retired from service. A suitable provision has been made in the Government Servants' Conduct Rules, 1955, which are being issued separately *vide* Punjab Government letter No. 15229-G-55/78145, dated the 5th December, 1955. The instructions referred to above may please be considered to have been modified to this extent.

Copy of letter No. 2319-P(C)-56/9324, dated the 2nd March, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Government servants directly approaching Ministers for the redress of their personal grievances etc.

I am directed to invite a reference to Punjab Government letter No. 4174-P-54/17154, dated the 28th July, 1954, in which Government servants were forbidden to approach Ministers for the redress of their personal grievances, except by getting a permission from superior officers. An instance has now come to the notice of Government where a Government servant has approached a Minister in connection with personal affairs, without obtaining the prior approval of his Head of Department. Such a practice is not only contrary to the instructions issued by Government from time to time but subverts discipline and should, therefore, be completely stopped. I am to request that all Government servants serving under you should be made to note these instructions carefully and told in express terms that any breach thereof will render them liable to disciplinary action.

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 16th March, 1956 from the Chief Secretary to Government, Punjab, to all Heads of Department 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. 2297-P-56/18382, dated the 4th May, 1956, from the Chief Secretary to Government, Punjab, to All Heads of Departments in the Punjab.

Subject. Channel of Correspondence.

I am directed to refer to paragraph 37 of the Punjab Government Consolidated Circular No. 5 which *inter-alia* lays

down that subordinate officers should always address higher authorities/Government through their superiors and any body infringing this rule and writing either to higher authorities or attempting in other ways to bring his wishes to the notice of Government will be liable to disciplinary action. Instances have come to the notice of Government where these instructions have not been observed by Government servants and where higher authorities have been approached over the head of their immediate superiors. This tendency shows indiscipline on the part of Government 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 Government through the proper channel viz., the Head of Office, Head of Department, etc., as the case may be, and that any Government servant infringing this rule will render himself liable to disciplinary action.

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/representations 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 Circular Letter No. 15574-G-I-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 inasmuch 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 recruits 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.

Copy of Punjab Government Circular letter No. 3992-G-II-56 3421, dated 15th January, 1957 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.

Subject :—Plural marriages—Government servants.

I AM directed to invite a reference to Punjab Government letter No. 12897-G-54/1775, dated the 18th January, 1955, and subsequent instructions issued by them on the matter of prohibition of plural marriages by Government servants and to intimate that the Government of India have amended the Central Civil Services (Conduct) Rules, 1955, to provide therein that no woman Government servant shall marry any person who has a wife living, without first obtaining their permission. The Government of India have further ordered similar amendments to be incorporated in the rules or orders relating to recruitment to services and posts with which they are concerned.

2. As heretofore the Punjab Government have decided to follow the Government of India in this behalf inasmuch as they have decided to order the necessary amendments also being carried out in the corresponding rules and orders relating to the services and posts under them. In respect of such Government servants, naturally, the requisite permission, for marriage with a person already having a wife living, would be that of the State Government. Since incorporation of necessary amendments in the relevant rules would take time, it has been decided that pending formal incorporation, the principles thereof should be observed as if the relevant rules had actually been amended.

Copy of Circular letter No. 3863-G-II-56/10417, 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 invite 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.

Copy of U.O. Circular No. 1673-G-II-56, dated 22nd March, 1957 from Chief Secretary to Government, Punjab to all Administrative Secretaries to Government, Punjab.

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

Will the Administrative Secretaries to Government, Punjab, kindly refer to the procedure noted above as subject, circulated with Punjab Government letter No. 814-GS-37/3237-S, dated June, 1937 and subsequent correspondence contained in Punjab Government letter No. 4596/1178-G.S.-37/9276, dated the 10th September, 1937 and letter No. 475 P.S.C. 37, dated the 12th July, 1937, from the Secretary, Punjab and North West Frontier Province, Joint Public Service Commission, reproduced on pages 29 to 35 of the booklet entitled "Regulation and Instructions Governing the work of the Provincial Public Service Commission in the Punjab."

2. In paragraph 5 of the Public Service Commission letter No. 475 P.S.C. 37, dated the 12th July, 1937, at page 35,

a time limit of 6 months has been prescribed for filling up, out of the names recommended by the Public Service Commission, additional vacancies which were not intimated to the Public Service Commission when inviting recommendations. After the expiry of six months a fresh reference to the Public Service Commission will be necessary to fill up an additional vacancy not intimated to the Commission earlier. Government have noticed that there is no uniformity regarding the observance of this time limit. They desire that the procedure outlined above should be rigidly adhered to. The time limit of six months will not, however, apply to a case where a candidate had declined to accept the post offered to him against a vacancy which was intimated to the Public Service Commission. Such a vacancy can be filled up even after the expiry of six months out of the approved list of candidates initially received from the Commission.

Copy of Circular 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 Departments, 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 Subordinate Services Selection Board, is allowed the benefit of previous temporary service towards increment and leave. A question had arisen whether such Government servants should also be given the benefit of this temporary service for purposes 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 Punjab Government Circular letter No. 4060-G-II-57/54997, dated 25th June, 1957 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject :—Filling up of vacancies through Employment Exchanges.

I AM directed to refer to the instructions contained in Punjab Government letter No. 132-G-II-56/1118, dated the 21st January, 1957 and all preceding correspondence on the above subject and to state that a doubt has arisen whether or not these instructions are also applicable to short term vacancies. Government have given a careful thought to the matter and have decided that all the vacancies including the short term vacancies required to be filled through the Employment Exchanges should be anticipated well in time and notified to the Exchanges. In case the Exchanges fail to provide suitable candidates within three weeks of the receipt of the requisitions made to them, it will be open to the appointing authority to fill up the vacancies himself from the open market.

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 on 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. 8789-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 emphasise that the instructions contained in this letter should be strictly followed in future. They supersede all previous instructions issued on the subject.

Copy of letter No. 4540-GII-57/12538, dated the 15th July, 1957
from the Chief Secretary to Government, Punjab,
Chandigarh, to all Heads of Departments, etc. etc.

Subject :—Use of Government servants for private work.

Government frequently receive complaints against individual officers alleging that they take private work from

Government servants under their control. I am directed to address you in order to clarify policy of Government on this subject.

2. The extent to which Government servants are used for private work varies in the different departments. The attitude of the average officer is, however, more or less the same in all departments, viz., that using Government servants for private work is a practice which has the sanction of widespread and old usage. The possibility of this practice amounting, in certain circumstances, to dishonesty is neither taken into account by the officers indulging in it, nor by their departmental heads. For dishonesty there is the firm rule that dismissal is the only right punishment, and it is, therefore, a matter of importance to clarify whether use of Government servants for private work does amount to dishonesty (meriting dismissal) or not.

3. Since circumstances vary a great deal, it is difficult to lay down a rigid policy that taking private work from Government servants should always be construed as dishonesty meriting dismissal. The circumstances attending each case would always have to be gone into the severity of punishment in a proved case left to be determined on the merits of that particular case. On one extreme there can be circumstances in which the practice may be totally innocent deserving no notice from Government e.g. the use of a personal orderly out of office hours, with his willingness and on payment for duties not of a menial character. On the other extreme, there can be circumstances in which the practice would amount to dishonesty meriting dismissal e.g. the use of gangmen as regular whole-time domestic servants. Since it is necessary that the honest Government servants should know where exactly he stands, and equally necessary that the dishonest Government servants should have warning of Government's intention to treat certain form of this practice as acts of corruption, this letter seeks to analyse the various types of cases and to indicate the lines on which they should be dealt with.

4. Broadly speaking, two kinds of cases arise:

- (i) Where the Government servants from whom private work is taken are on the personal staff of the officer

concerned, e.g. his Personal Assistant, Stenographer or orderlies.

- (ii) Where the Government servants from whom private work is taken are not on the personal staff of the officer concerned, though his subordinates otherwise ;

5. Regarding (i) there is a widespread practice for personal Assistants and Stenographers to be utilised for maintaining some of private files of their officers and also for taking private dictation of an occasional character. Within reasonable limits and so long as this does not effect Government work adversely, there can be no objection to the practice. For orderlies the nature of their duties is such that it is difficult to draw the line as to where official work ceases and private work begins. Here too, within reasonable limits, there can be no objection to some private work being taken from orderlies and peons. These limits have been defined in a whole series of policy letters noted in the margin on the subject "Employment of peons as private servants."

The gist of these is that peons may with their consent on payment and outside office hours be utilised for private work of a non-menial character. Sometime it is necessary to make a peon do private work of an occasional character even during office hours, and no serious objection can be taken to this. Cases falling in this category are thus simple ones, the brief position in respect of them being that no notice need be taken unless reasonable limits are exceeded, in which event at worst there would be an instance of irregular (not corrupt) conduct.

- (i) No. 775(H. Genl), dated the 11th January, 1922.
- (ii) No. 5897 (H. Genl), dated the 20th November, 1934.
- (iii) No. 5248-G-47/36389, dated the 31st May, 1947.
- (iv) No. 7104-G-48/57106, dated the 22nd October, 1948.
- (v) No. 7307-G-50/14390, dated the 31st October, 1950.
- (vi) No. 1978-G-51/1/3370, dated the 9th June, 1951.
- (vii) No. 9566-G-53/90920, dated the 21st Nov., 1953.

6. Regarding (ii) a distinction needs to be made between cases in which private work is taken from such Government servants on rare occasions (e.g. at the time of packing-up on transfer) and when private work is taken on a regular and more or less whole-time basis (e.g. case of gangmen

mentioned in para 3 of this letter), the former amounts to irregular conduct if the Government servants concerned are utilised against their will or during office hours. The latter is a serious type of case in which dishonest conduct should normally be presumed. Facts may differ widely in such cases, but the test for classifying a particular case as a case of dishonesty is whether wilful dishonesty is actually present. If so, no quarter should be given.

7. The practice of using Government servants for private work has been a widespread and an old one, and until now it has never been regarded with such severity, even when an element of dishonest conduct was present. For the future, Government would like the new standards of judgment laid down in this letter to be applied to individual cases that may come up. I am to request you to bring these instructions to the notice of all concerned serving under you for strict compliance. Past cases involving element of dishonesty should not be ignored, but should receive lighter punishment (depending on individual circumstances) than the extreme one of dismissal which normally goes with dishonesty.

Copy of letter No. 5096-GII-57/70813, dated 12th August, 1957, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc.

Subject.—Recruitment through Subordinate Services Selection Board, Punjab.

In order to avoid unnecessary expenditure to Government, inconvenience 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 Circular letter No. 6576-PI(C)-57/18892, dated the 27th September, 1957, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject :—Grant of overtime allowance to peons who are called to duty after office hours and on holidays.

I am directed to address you on the subject noted above, and to state that the Governor of Punjab is pleased to enhance the rate of overtime allowance from Rs 0.25 to Rs 0.37 per day to each of the peons including Jamadars employed at their headquarters when they are detained in office on official duty after one hour of the usual office hours. The allowance will also be admissible to those who may have to be called for official duties to office or at the residence of officers at the Secretariat headquarters on Sundays and holidays. No overtime allowance will be admissible to peons and jamadars when they accompany officers on tour and to those working in the offices of Deputy Commissioners and Commissioners in the Divisions.

2. Care should, however, be taken to see that this concession is not abused and the peons are only detained on duty in really genuine cases in the interest of Government work. As a rule such use of peons should be avoided in particular by the officers who have more than one peon. The duties of peons in their case should be so arranged that one peon works upto 4 P.M. and the other comes on duty from 12 noon and works upto 7 P.M. (6 P.M. in winter) if need be office peons must not be detained on duty except under express orders of their Superintendent or any other Gazetted Officer. The office who required his peon for such a duty shall certify before payment is authorised. The drawing officers should furnish the following certificates in support of all contingent bills relating to claim of overtime allowance granted to peons who are called to duty after office hours:—

- (1) "Certified that the peons and Jamadars for whom overtime allowance has been claimed in the bill were actually required for duty after one hour of the usual office hours or on holidays".
- (2) "Certified that I have satisfied myself that the requirements of the orders issued in Chief Secretary to Government, Punjab's letter No. 6476-PI(C)/18892, dated the 19th September, 1957, have been complied with in case of peons and jamadars for whom overtime allowance has been claimed in this bill."

3. The expenditure involved will be debited to the primary unit 'Contingencies' of the office concerned.

4. This letter will supersede the instructions issued by the State Government on this subject from time to time in the past.

Copy of Punjab Government Circular letter No. 87/56-PI(C)-57/21016, dated 18th October, 1957, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc., etc.

Subject :—War Service concessions to the Staff of the erstwhile Pepsu Government.

The question of the grant of War Service concession to those employees of erstwhile Pepsu Government who were not

granted such benefits by the Government before the integration of Punjab and Pepsu has been under consideration of this State Government. It has been decided that no benefits in respect of War Service should be given to such personnel.

2. Government have, however, decided that in the matter of dispute arising out of the grant of war service concessions in the past, whether in the erstwhile Punjab or Pepsu these will be examined in the light of the rules and instructions under which the concessions in point were granted at that time. Such of the disputes as were pending in erstwhile Pepsu, may be disposed of in the New State, as they would have been had their been no merger.

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, etc., etc.

*Subject:—*Amendment of Service Rules so as to make 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.

Copy of Punjab Government Circular letter No. 3604-GII(S)-57/21982, dated 2nd November, 1957, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Procedure 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 Public Service Commission, and on the analogy thereof they have decided to do away with the option 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. 14102-G-I-57/22998, dated 15th November, 1957, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Relationship between the Deputy Commissioners and the Departmental Officers in the District.

I am directed to address you on the subject noted above and to say that after considering the question very carefully Government have decided that as far as relationship between the Deputy Commissioners and the Departmental Officers in the District is concerned, the Deputy Commissioner would be a co-ordinator and he will have authority to call for advice and assistance from all Departmental Officers posted in his District. Moreover, he will also be competent to write the annual confidential reports of District Officers of the other Department.

posted in his district, but his remarks would be confined merely to —

- (i) reputation for honesty : and
- (ii) relationship with public.

So far as Police Officers are concerned, it has, however, been decided that no change is necessary in the present rules and procedure.

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 & Stationery, 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. 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 this 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. Never theless, Government are anxious that all Departments 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 letter No. 684-GHI-58/13153, dated the 14th February, 1958, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Grant of special casual leave to sportsmen.

I am directed to enclose a copy of Office Memo No. 46/7/50-Ests, dated 5th March, 1954, on the subject noted above and to say that it has been decided by Government to extend the concession contained therein *Mutatis Mutandis* to the sportsmen, who are in the service of State Government and are deputed by Government to participate in National or International events in India or abroad.

Copy of Office Memorandum No. 46/7/50-Ests., dated the 5th March, 1954, from the Under-Secretary to the Government of India, Ministry of Home Affairs, New Delhi, to all Ministries of the Government of India, etc.

Subject.—Participation by Central Government servants in sporting events and tournaments of national or international importance—Treatment of the period of their absence from duty for the purpose.

The Government of India have had under consideration for sometime past the question of treatment of the period of absence from duty of Central Government servants who are sportsmen of All India repute and who take part in sporting events, tournaments and matches of national or international importance held either in India or abroad. In view of the important part played by sports in the national life of the country and in order that Government servants who have acquired proficiency in sports so as to be invited to participate in events of National and International importance may not be placed at a disadvantage by such participation, the Government have decided that such Government servants may be granted special casual leave, extent indicated in paragraph 2 and subject to the conditions stated in paragraph 3.

2. Special casual leave under these orders may be allowed to a Government servant for a period not exceeding 30 days in any one calendar year. The period of absence in excess of 30 days should be treated as regular leave of the kind admissible under the relevant leave rules applicable to the persons concerned. For this purpose Government servants may, as a special case, be permitted to combine special casual leave with regular leave. Special casual leave should not, however, be granted in combination with ordinary casual leave.

3. The special casual leave may be allowed only :—

(a) for participation in sporting events of national or international importance ; and

(b) when the Government servant concerned is selected for such participation—

(i) in respect of international sporting events by any one of the following organisation as a member

of team which is accepted as representative on behalf of India ;

- (ii) The India Hockey Federation ;
 - (iii) The Board of Control for Cricket in India ;
 - (iv) The India Olympic Association ;
 - (v) The All India Lawn Tennis Association ;
 - (vi) The All India Badminton Association ;
 - (vii) The Table Tennis Federation of India ; and
 - (viii) The All India Women's Hockey Association ; or
- (b) in respect of events of national importance when the sporting event in which participation takes place, is held on an inter-State, inter-Zonal or inter-circle basis, and the Government servant concerned takes part in the event in a team as a duly nominated representative on behalf of the State, Zone or circle as the case may be.

This concession is not to be allowed for participation either in a national or international sporting event in which such participation of the Government servant concerned takes place in his personal capacity and not in a representative capacity.

4. The grant of special casual leave will be subject to the general principles laid down in Section (V) (2) of the Administrative Instructions in Appendix 3 to the P&T's Compilation of the Fundamental Rules and Supplementary Rules Vol. II except for the modification indicated in paragraph 2 above. The power of granting special casual leave under these orders will be exercised by Heads of Departments as defined in Supplementary Rules (2)(10) in the case of Government servants under their administrative control and by the Ministries of the Government of India in other cases. It is requested that the above instructions may be noted and communicated to all concerned.

5. Past cases, i.e., cases which have already been decided should not be reopened.

6. In so far as persons serving in the Indian Audit and Accounts Departments are concerned these orders are issued with the concurrence of the Comptroller and Auditor-General.

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 Heads 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, conside

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.

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Copy of Circular letter No. 2881-P-I(C) 58/36941, dated the 8th May, 1958 from the Chief Secretary to Government, Punjab to all Heads of Departments and Deputy Commissioners in the Punjab.

Subject.—Certificate to be recorded by Gazetted Officers on their pay Bills.

In addressing you on the subject noted above, I am directed to say that it has been pointed out by the Accountant-General, Punjab that some Gazetted officers while on earned leave or privilege leave do not send charge reports of making over/relinquishing charge, and thus show themselves intentionally on duty, so as to get duty pay and allowances, without waiting for the receipt of Leave Salary Certificates from this office. As this practice is irregular and creates unnecessary difficulties of adjustments both in the Treasury and in his office, the Accountant-General, Punjab has suggested that each officer should record a certificate on his pay bill every month to the effect that he was on duty during the month.

2. It has been observed that the real cause of evasion on the part of Gazetted officers, i.e. not submitting charge reports and drawing salaries without awaiting the receipt of leave Salary certificates from the office of the Accountant-General, Punjab, is the delay which takes place in issuing the Salary Certificates. The documents such as Last Pay Certificates, Gazette Notification(s) and charges Reports are forwarded to the office of the Accountant General, Punjab, as and when finalised and take sufficient time but despite this the Salaries Certificates are not issued promptly by the office of the Accountant General, Punjab who on reminders inform that they are not traceable and do not appear to have been received. This results in delay not of days but months together to get Salary Certificates from the office of the Accountant-General, Punjab and during all this period officers have to continue without pay and allowances. To improve the position therefore, further efforts will be necessary both on the part of the office of the Accountant General, Punjab and on the part of the Departments and Officers who should furnish the requisite documents to the office of the Accountant General, Punjab promptly and through registered post to eliminate chances of their being lost in transit.

3. I am to add that even when there is delay in the leave salary slips being issued either due to the non-receipt of requisite documents in the office of the Accountant General, Punjab or otherwise, the officer concerned cannot, under the rules, be permitted to go on obtaining payments from the Treasury on the basis of the previous pay slips, as if he were continuing on duty. As an effective check against this irregularity, it has been decided that every gazetted officer should record a certificate on his pay bill every month that he was on duty during

the month or the period for which duty pay is claimed and this certificate should be incorporated in the printed form of the pay bills. I am to request that these instructions may be brought to the notice of all gazetted officers, working under your control for careful note and compliance.

Copy of Circular letter No. 2812-GII-58/49605, dated 27th June, 1958 from Chief Secretary to Government, Punjab, to the Secretary, Subordinate Services 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-GII-58/26107, dated the 31st March/9th April, 1958 to the address of the Secretary, Punjab Public Service Commission will be applicable while taking posts out of the purview of the Subordinate Services Selection Board, as well.

Copy of letter No. 1774-GII-58/26107, 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 implications 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 selection 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.
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Copy of Circular letter No. 7686-G-58/19409, dated the 31st June, 1958 from the Additional Chief Secretary to the Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Use of Government servants for private work.

I am directed to invite your attention to the instructions contained in Punjab Government's circular letter No. 4540-GII-57/12538, dated the 15th July, 1957, on the above subject, and to say that cases are still being reported to Government regarding the misuse of Class IV Government servants, for private work during office hours or when they are actually supposed to be on duty elsewhere and are shown as such in the relevant record. In two such cases which came to the notice recently, the officers concerned have been warned, and copies of the warning issued to them have been placed on their personal files. A lenient view was taken in these cases as these were first to be reported, after the issue of instructions contained in the above-mentioned letter. I am desired to say that a more serious view will be taken in cases involving contravention of these instructions, and to reiterate that use of Government servants as regular whole time domestic servants will, in future, be treated as dishonesty meriting the severest punishment.

2. I am to request you to bring these instructions to the notice of all concerned serving under you.

Copy of 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 Punjab Government Circular letter No. 6613-GI-58/20259, dated 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 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 emphasise 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 evaluation 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 cases 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, in 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 persons in public service. In departmental case, 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. 3206-GII-58/54252, dated 18th July, 1958 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc. etc.

Subject.—Penalty for late attendance.

I am directed to address you on the subject noted above and to say that according to paragraph 17(3) of the Punjab Civil Secretariat Instructions, one day's casual leave is to be forfeited for every three days late attendance provided the official is not late for more than two hours on each occasion and this practice is strictly followed in the Punjab Civil Secretariat. An enquiry has now been received as to whether these instructions also apply to other Departments or not. In order to maintain uniformity in all the Departments of Government it is considered necessary to adopt the same procedure throughout the State. I am, therefore, to request you that in future the instructions *ibid* (copy enclosed) should be followed in all Departments of Punjab Government.

Copy of Para 17(3) of Secretariat Instructions, Punjab.

(3) *Penalty for late attendance.*—One day's casual leave will be forfeited for every three days late attendance. At the end of each month, the Heads of Branches should examine the Attendance Registers and calculate the number of days on which the members of their branches were marked late and forward the statement in the form given below to the Assistant Secretary (Administration) up to the 5th of each month following the one to which it relates. In the last week of December the Heads of Branches will prepare a consolidated statement showing the total casual leave forfeited on account of late attendance and then examine whether the casual leave at the credit of an official has been exceeded or not. Any excess should be carried over as a debit entry to the next year's account. This consolidated statement together with the material on which it has been prepared should be submitted to the Assistant Secretary (Administration) punctually by the 15th January each year. The Assistant Secretary will then take such action on these statements as he may deem suitable.

Permission to attend office late by one or two hours will also be treated as late attendance for the above purpose.

Statement for the month of _____ showing names of late comers of _____ Branch.

Serial No.	Name of official	Date	Time of arrival	No. of days to be deducted from C.L. A/C.	Total C.L. deductions of previous months	Total	Remarks
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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 Government for some time. After due 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 woman 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 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 not 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.

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 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 (d) 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 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 appointment takes place ;
- (iii) that requisitions sent to the Commission are complete in all respects and free from defects so that no 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. 5747-GII-58/37663, dated the 19th December, 1958, from the Chief Secretary to Government, Punjab, Chandigarh, to all Heads of Departments, etc. etc.

Subject :—Re-appointment of Temporary Government Servants when their services are terminated under terms of their employment.

While considering certain memorials to the Governor, Government have come across a case in which the services of a temporary Government servant were terminated upon reduction in staff. Thereafter on a representation made by that 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 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 U.O. Circular 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 appointments 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 on 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 Ministers direct, over the head 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 Departments 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 Branch). They are requested to ensure that no such proposal is taken to the Council of Ministers direct.

4. Kindly acknowledged receipt.

Copy of letter No. 7414-GII-58/3853, dated 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 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.

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 purpose 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	1. P.C.S. (Executive Branch). 2. Excise and Taxation Officers. 3. Assistant Excise and Taxation Officers 4. Tehsildars. 5. Block Development Officers. 6. Assistant Registrars, Co-operative Societies, Punjab. 7. Secretaries of Municipalities and District Boards. 8. Assistant Employment Officers. 9. Lady Organiser, Public Relations Departments. 10. District Public Relations Officers.

Name of Group	Name of post included in the group
	11. Public Relations Officer, Capital Administration. 12. Assistant Public Relations Officers in the Public Relations Department.
Group II	1. P.C.S. (Judicial Branch). 2. Legal Assistant in L.R.'s Office, Industries and other offices.
Group III	1. Superintendents Jails. 2. Deputy Superintendent Jails. 3. Deputy Superintendent Police. 4. Inspector of Police.
Group IV	1. Engineering Services : all Branches, Class I and Class II, Temporary Engineers, Apprentice Engineers, Design Assistants and Municipal Engineers.
Group V	1. Excise and Taxation Inspectors. 2. Labour Inspectors. 3. Assistants (Direct recruitment). 4. Statistical Assistants in the Public Relations Department, Financial Commissioner's Office and other offices. 5. Inspectors. Cooperative Societies.
Group VI	1. Lecturers for Government Colleges in P.E.S., Class III. 2. Senior Lecturers in P.E.S., Class II (Colleges Cadre). 3. Headmasters and other similar posts in P.E.S., Class II. 4. Head masters under Local Bodies.

Name of Group	Name of post included in the group
Group VII	1. Stenographers (English, Hindi, Punjabi). 2. Reporters (English, Hindi Punjabi).
Group VIII	1. Assistants of all class I Offices (by promotion and transfer from other offices).
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 purposes 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 a 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 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 very 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 **within three months**, as far as possible. If there are cases in which departmental enquiries have not yet started these should be started forthwith. 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 very 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 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 be started forthwith. 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.S.C., where required, expeditiously). 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 with in accordance with the provision of rules 7.5 and 7.6 of the Punjab Civil Services Rules, Volume I, 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.

No. 919-ACC-50/353

From

M.R. SACHDEV, Esquire, I.C.S.,
Chief Secretary to Government, Punjab.

To

Dated Simla-2, the 4th April, 1950.

Subject.—Disposal of cases against Government servants under suspension.

SIR,

WITH reference to the information supplied by you in response to the Punjab Government circular letter No. 4451-ACC-49/1692, dated the 10th December, 1949, on the subject noted above, I am directed to say that several of the officers/officials shown in the statement have been under suspension since long. This is due to the fact that enquiries into the allegations of misconduct, corruption, etc., made against them have not yet been completed or their cases are pending in criminal courts. After an officer has been placed under suspension, Government consider that steps should be taken to ensure that the enquiry against him is completed without any avoidable delay. I am accordingly to request you to see that the cases pending in the courts of law are disposed of as early as possible and the cases in which enquiries are being conducted by the police or other departmental officers, are disposed of as expeditiously as possible.

2. I am to add that you should furnish Government with quarterly reports showing the progress made in the disposal of cases shown in the attached statement. The first report which should reach Government by the 1st May at the latest, should show the position in respect of each case shown in the statement as it existed on the 1st April, 1950.

Yours faithfully,
M.R. SACHDEV,
Chief Secretary to Government, Punjab.

COPIES, with copies of enclosures, are forwarded to the Administrative Secretaries to Government, Punjab, for information and such action as they may deem necessary for the early disposal of cases pending against officials under suspension.

M.R. SACHDEV,
Chief Secretary to Government, Punjab.

To

All Administrative Secretaries to Government,
Punjab.

U.O. No. 919-ACC-50, dated Simla-2, the 4th April, 1950.

FROM

M.R. SACHDEV, Esquire, I.C.S.,
Chief Secretary to Government, Punjab.

To

ALL HEADS OF DEPARTMENTS AND THE
REGISTRAR, HIGH COURT, COMMIS-
SIONERS OF DIVISIONS, DEPUTY
COMMISSIONERS AND DISTRICT AND
SESSIONS JUDGES IN EAST PUNJAB.

*Memorandum No. 4451-ACC-49/1692. dated Simla-2, the
10th December, 1949.*

Subject.—List of Government servants who are under
suspension.

Please forward for the information of Government in
the Anti-Corruption Department, a list of all Government
servants of your Department who are at present, under
suspension on charges of corruption, etc. The list should
include information under the following headings :—

- (1) Name.
- (2) Designation.
- (3) Reasons for suspension.
- (4) Date of suspension.
- (5) Remarks (the action being taken or proposed to be
taken should be given in this column).

2. The statements in question should reach me by the
31st December, 1949, without fail.

R.D. CHADHA,
SUPERINTENDENT, GAZETTE,
for Chief Secretary to Government, Punjab.

Copy of Punjab Government letter No. 3672-GII-59/248, dated the 11th May, 1959 from the Chief Secretary to Government Punjab, to all Heads of Departments etc.

Subject.—Approach to Members of the State Legislature.

I am directed to say that in spite of repeated instructions issued on the subject, from time to time, Government have noticed with regret an increasing tendency on the part of Government servants to approach members of the State Legislature for the redress of their grievances connected with their conditions of service etc. In this connection I am also to invite your attention to rule 20 of the Government Servants Conduct Rules, 1955, which *inter alia* lays down that no Government servant shall approach any member of the State Legislature or of Parliament with a view to get his grievances removed or to furthering any object. It has come to the notice of Government that neither the executive instructions issued on the subject nor the statutory provisions of rule 20 *ibid* are being adhered to by the Government servants. Such a practice is not only contrary to the rules but subverts discipline and should, therefore, be completely stopped. I am to request that all Government servants serving under you should be made to note these instructions carefully and told in express terms that any breach thereof will render them liable to disciplinary action.

Copy of Punjab Government Circular letter No. 4376-GII-59/2767I, dated 28th May, 1959, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject.—Revised system of Earned Leave, Holidays and Working Hours.

I. INTRODUCTION

1. *The Need for revision.* The question of rationalising the system of holidays and working hours at present observed by the Punjab Government, and also of the leave enjoyed by Punjab Government servants has been examined at some

length. The present system is defective in many ways. The incidence of holidays is eccentric and often disturbs the continuity of work. Possibly because of their eccentric incidence holidays are in fact not always allowed to be treated as such, and miscellaneous work is often required to be done on these days. A system in which neither work nor leisure is undisturbed obviously needs reform so that both are more effective. Leave rules are not realistic in that although leave, both privilege and casual, is admissible to Government servants at a liberal scale, it is seldom possible to take it in full in actual practice. Government are, therefore, of the view that a reform in the present organisation of work and leisure is necessary so that work is done and leisure enjoyed on a more rational basis. Government are convinced that with a better and more effective organisation of leisure it will be possible for Government servants to work longer and harder, particularly in the cooler months. Harder work from the Government servants is required in the context of the country's present economic struggle, and should be well within their capacity if they are given adequate and systematic rest and leisure.

2. *Aims of Revised System.* Government have, therefore, decided to increase working hours during the cooler months so that more work is done, to re-organise holidays so that adequate rest is given and the continuity of work is not disturbed, and to rationalise leave rules so that an official without being entitled to inordinately long periods of absence can, and in fact generally does, take the leave due to him. The object is to introduce a system which combines hard work with real leisure.

II. DATE OF COMMENCEMENT

The revised system will come into force on the 1st July, 1959.

III. WORKING HOURS

3. (1) *Hours of work will be—*

- (a) September 1st to April 30th—9.00 a.m. to 5.30 p.m. with half an hour's break for food.
- (b) May 1st to August 31st—7.00 a.m. to 1.30 p.m.

(2) *Exceptions—*

- (a) The High Court have decided that subject to the provision for hill stations at (b) below, District Courts and Subordinate Courts shall observe these hours also except that these Courts shall work in the cooler months from 9.30 a.m. to 4.00 p.m. Offices attached to Courts will, however, work from 9.00 a.m. to 5.30 p.m. The decision regarding Courts is experimental for one year to begin with.
- (b) In the hill stations of Simla, Kasauli, Kandaghat, Dharamsala, Dalhousie, Dagshai, Kulu Sub-Division and Palampur hours of work will be—

March 1st to October 31st .. as at (1)(a) above.

November 1st to the end of .. 9.30 a.m. to 4.00 p.m.
February

Offices attached to Courts will work as above and District and Subordinate Courts from 9.30 a.m. to 4.00 p.m. throughout the year.

IV. HOLIDAYS

4. (1) *General Holidays* will be as follows :

All Sundays.

All Saturdays during the period September 1st to April 30th.

Republic Day (January 26th).

Independence Day (August 15th).

Mahatma Gandhi's Birthday (October 2nd).

A midsummer break of three days Thursday to Saturday (inclusive) nearest to June 21st (to be fixed each year by Government—for example for 1960, this will be June 23rd to 25th inclusive).

(2) *Optional Holidays.* - Six in the year.

As Government will not now be allowing any holidays on festive and religious occasions, and as Government is

nevertheless anxious that each employee should get the fullest opportunity of celebrating and observing such occasions as are important to him a Government servant will be able to take, at his option, six holidays in a year. He may, if he so chooses, take two half days off work instead of an entire day. No particular days for this purpose will be prescribed and he will be able to take off any six days he likes. He should normally not be refused permission to take these days nor questioned about his choice, unless there are circumstances of urgency or crisis which require some adjustment. For each Government servant an account of such holidays similar to his casual leave account will be maintained.

In the half year, July 1 to December 31, 1959, four such optional holidays will be permitted.

5. *Courts.*—The High Court has decided that as an experimental measure for an year to begin with, these holidays will also be observed by Courts and optional holidays will likewise be given to the officials working in the Courts and Offices attached to them.

6. *Notifying Holidays.*—(1) The notification issued by Government declaring the holidays to be observed by Government for the second half of 1959, is at Enclosure I. A notification for Courts is being issued by the High Court containing an identical list of holidays.

(2) This list of holidays does not affect the list of holidays which are observed by banking and commercial institutions and which are notified under the Negotiable Instruments Act.

V. EARNED LEAVE

7. (1) *Scale.* Earned leave will be admissible as follows :

To employees with ten years service or less	1/24th of the period spent on duty.
To employees with above ten and up to twenty years service	1/18th of the period spend on duty.
To employees with over twenty years service	1/12th of the period spent on duty.

(2) *Assessing length of service.*--For purposes of deciding the leave due to an employee, under the above slab system, length of service shall be determined as follows :

- (a) Generally length of service will be counted from the date of appointment of the employee in continuous service ; but
- (b) where an employee has been retrenched from a previous job in the Punjab Government, and then again appointed continuously, his period of service in the previous job shall be considered in determining the slab of leave to which he is entitled. For example, X has worked for 3 years as an assistant in the Rehabilitation Department, been retrenched, and after a gap of two years, been appointed continuously for seven years in the Excise Department. He will be considered to have 10 years service for purposes of calculating the leave due to him.
- (c) In the case of women, if an employee resigned a previous job on grounds of having to look after her children; and is then appointed again, any service rendered before resignation shall be included in determining her "length of Service."

(3) *Contingent paid and allied Employees.* - No leave will be admissible to temporary establishment paid from Contingencies on Contingent bills. Such establishment may, as hitherto be allowed extraordinary leave under Rule 8.137 of the Punjab C.S.R. Volume I, Part I.

8. *Accumulation of earned leave* will be permitted to any extent but the leave actually given at a time will be subject to the following limits :

- | | |
|---|-------------|
| (i) In India | .. 120 days |
| (ii) Abroad | .. 240 days |
| (iii) Where an official goes on leave preparatory to retirement, whether in India or abroad | 180 days |

Provided that the limit of refused leave preparatory to retirement, allowed to an employee by way of extension in service shall be limited to 120 days.

- (iv) If an official goes on a course of studies or research or work which in the view of the Government in the Administrative Department in consultation with Finance Department, increases his competence, knowledge or efficiency or adds to technical knowledge To any extent necessary

9. *Notification.* A copy of the notification No. 3691-FRII-59/5176, dated Chandigarh, the 26th May, 1959, amending rules 8.21, 8.116, 8.117(b), 8.117(c), 8.133, 8.134, 8.69, 8.73, is at Enclosure 2 [These are the main rules affected. Some minor amendments in some other rules of comparatively rare applicability (e.g., rules 8.92, 8.97, 8.129 etc.) will also be necessary and will be notified in due course].

10. *Other Leave.* The existing rules regulating other kinds of leave, i.e., leave on half average pay [rule 8.73 Punjab C.S.R., Vol. I, Part I, leave on half average pay (rule 8.119), leave on medical grounds, Special Disability Leave (rules 8.82 and 8.124), Study Leave (rule 8.85 and 8.126), read with appendix 20, of Punjab C.S.R., Vol. I, Part II] and Maternity and Hospital leave (rules 8.127 and 8.128), will stand as they are and no change in them is contemplated.

11. *Leave accumulated prior to New System.* As the revised system will be brought into force from the 1st July, 1959, the leave accumulated up to the 30th June, 1959, at the existing scale will not lapse but will be counted. From the 1st July, 1959, onwards, the earned leave will be counted and added at the new scale given above. In adding earned leave accumulated up to 30th June, 1959, fractions will be resolved into whole numbers. Half a day or more will be counted as a full day and less than half a day will be ignored.

12. *Exception.*—These leave rules will be applicable to all Government servants whose leave is regulated by the Punjab Government whether they were appointed before the issue of these instructions or are appointed afterwards, with the following exceptions :

- (i) *Members of the Punjab Public Service Commission.*—Holding office prior to the issue of these instructions and the enclosed amendments, will continue to be governed by the leave rules applicable to them at the

time of their appointment. Members of the Commission appointed after the issue of these instructions will, however, be governed by the new leave rules contained in this letter.

- (ii) *Members of the ex-Secretary of State Services and of All-India Services.*—The Punjab Government is not competent to amend rules regulating their leave.
- (iii) Employees appointed on contract will be governed by the terms of their contract. In future contracts, terms of leave should conform to the revised scales.
- (iv) *Employees in a Vacation Department.*—To whom the existing rules 8.74 and 8.117 of C.S.R., Vol. I, Part I, apply will not be entitled to any earned leave except at the scale and in the manner provided for in these rules. These rules have also been amended to provide for leave at the revised scale to those who are prevented from availing of the vacation. The notification amending these rules is at Enclosure 2.

VI—CASUAL LEAVE

13. (1) *Scale.* Casual leave will be admissible as follows :

- (i) To employees with 10 years service or less — 10 days
- (ii) To employees with more than 10 years — 15 days
years service but less than 20 years
service
- (iii) To employees with over 20 years service — 20 days

(2) *How calculated.*—From the date on which an employee completes his 10th or 20th year of service, as the case may be, he will be given leave in that year according to the next higher scale. Thus if an employee completes 10 years service on the 30th April, 1960, he will entitled to 15 days casual leave for the entire year 1960. Length of service will be assessed as at paragraph 7(2).

(3) *Accounting of Casual Leave.*—The casual leave account will be maintained annually from the 1st of January to 31st of December. All casual leave accounts will be closed on the 31st December and new accounts opened on the 1st of January, following, irrespective of the fact that an official takes a spell of casual leave which includes the last few days of December, and the first few days of January. Thus if an official takes leave from the 26th December, 1959 to 5th January, 1960, the period 26th December to 31st December will be debited to his leave account for the year 1959 and the period 1st January to the 5th January, 1960, will be debited to his leave account for the year 1960.

(4) *Arrangements for half year of 1959.*—As casual leave is not accumulated and as the revised scales will come into force from the 1st July, 1959, i.e., in the middle of the year, leave admissible to an employee during 1959 will be calculated as follows :—

Ten days (i.e., half of the leave due for the half year from 1st January to 30th June, 1959), *plus* half the leave that would be due to him in a year according to the revised scale. Thus an official with ten years' service or less will be entitled to a maximum of ten days *plus* five days, i.e., fifteen days, and an official with above 10 and up to 20 years service to 10 *plus* $7\frac{1}{2}$, i.e., $17\frac{1}{2}$ days leave during the year 1959. Those who have already availed of some leave will be given the balance which would be calculated according to the maximum limits arrived at in this manner.

However, as the new rules are being introduced in mid-year and without long notice, and as some employees may already have exhausted their leave as calculated in this manner, it has been decided as a matter of grace, to allow during the half year beginning 1st July, 1959, a maximum of 3 days' casual leave to those who have exhausted their casual leave (whether according to the revised calculations or according to the old scale) and to those who according to the revised calculations will have less than 3 days' leave due to them.

(5) *Length of Leave and Combination of Leave.*—In taking casual leave, within the limits admissible above, an employee may remain continuously absent from duty for a maximum

of 16 days. In this spell he will be permitted to include holidays which will not be debited to his casual leave account. The total spell, however, should in no case exceed 16 days. The balance of the casual leave can be taken in dribblets. It may be emphasised that it is desirable, but not compulsory for Government servants to take such a spell. Where a Government servant desires to take such a spell, permission should not ordinarily be refused although of course the competent authority may adjust the dates on which the spell is taken for administrative convenience.

Casual leave may, at the option of the sanctioning authority, be combined with optional holidays provided that the limit of a continuous absence of 16 days' is not exceeded. Casual leave should not, except in hard circumstances to be determined by the sanctioning authority, be combined with the midsummer break.

(6) *Caution.*—Heads of Departments and Heads of Offices should ensure generally that the issue of these instructions does not lead to a general tendency on the part of their employees to take all the casual leave due before the 30th June, 1959. Casual leave up to the 30th June, 1959, should, therefore, be sanctioned with care.

VII—CONCLUSION

(14) (1) *Net effect of New System.*—The following chart shows the comparative position under the existing and revised systems :—

Item	Existing Position	Revised System	Days
(a) Earned leave .. 33 days	..	Up to 10 years' Service .. 15	} Average 22
		11—20 years' Service .. 20	
		Above 20 years' Service .. 30	
(b). Casual leave .. 20 days	..	Upto 10 years' Service .. 10	} Average 15
		11—20 years' Service .. 15	
		Above 20 years' Service .. 20	

Item	Existing Position	Revised System	
			Days
		(1) Sundays	52
(c) Public Holidays—	(1) Sundays ... 52	(2) Saturdays (during 8 cooler months)	34
	(2) Last Saturdays 12	(3) National days (Republic Day) Independence and Gandhi's Birthday	3
	(3) Religious and National Holidays 30	(4) Midsummer holidays	3
	(4) Local Holidays 3		
	97		92
(d) Optional Holidays for religious, National and festive occasions			6
(e) Total No. of off days	150		135
(f) Total No. of working days	215		230
(g) Working Hours			
4 Summer months from 7 a.m. to 1.30 p.m.		4 Summer months 7 a.m. to 1.30 p.m.	6½ hrs net
8 cooler months from 10 a.m. to 5.00 p.m. with half an hour lunch interval, i.e., 6½ hours net throughout the year		8 cooler months 9 a.m. to 5.30 p.m. with half an hour lunch interval	8 hrs. net
(h) Total No. of working hours per year	1,398		1,709

2. *Guidance regarding Emphasis.*—It is hoped that the new system will result in better and more work and better and more leisure. Officers at all levels are requested to conduct their activities in the spirit of the new system and in particular to respect the sanctity of holidays. The emphasis should not be to ask or permit employees to work on holidays or to work outside office hours except in emergency or crisis. Exceptions will of course have to be made in the case of specialised types of institutions and work such as those which deal with emergencies nursing in hospitals etc., but barring these special cases the success of the new system will depend substantially on its strict observance. It is also the intention of Government that at all levels leave, applied for, particularly earned leave should be considered favourably, unless there are special circumstances which do not permit this.

ENCLOSURE I
HOME DEPARTMENT
(GAZETTE)
Notification
Holidays

The 28th May, 1959

No. 4376-GII-59/2777.—In partial modification of notification No. 6784-GII-58/34912, dated the 19th November, 1958, it is hereby notified that the holidays enumerated in the annexed schedule shall be observed as holidays in public offices under the State Government during the second half of the year, 1959, i.e., 1st July, 1959 to 31st December, 1959.

In addition, all Government servants will be entitled to 4 optional holidays to celebrate festive or religious occasions according to their choice. A Government servant may at his discretion take two half holidays instead of a complete holiday.

This notification does not apply to holidays to be observed by the High Court and Civil Courts, subordinate thereto or to Government servants in educational and industrial institutions which are governed by special instructions.

SCHEDULE

List of closed holidays for the second half of the year 1959

Names of Holidays	Dates on which they fall	Saka era 1880-81	Day or days of the week	Number of holidays
All Saturdays after 1st September, 1959	..	..	..	17
All Sundays	..	..	..	26
Independence Day	.. 15th August	24th Sraavan	Satur- day	1
Mahatma Gandhi's Birth- day	2nd October	10th Asvin	Friday	1

ENCLOSURE II
FINANCE DEPARTMENT
(REGULATION)

Notification

The 26th May, 1959

No. 3691-FRII-59/5176.—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 amendments in the Punjab Civil Services Rules, Volume I, Part I, namely :

AMENDMENTS

A—Leave beyond the date of compulsory retirement

(1) Rule 8.21,—

- (i) in sub-rule (a)(2), for the words 'six months' in the 7th line, the words "four months", shall be substituted.
- (ii) in sub-rule (a)(2) the words 'subject to a maximum of 120 days' shall be inserted after the word 'leave' in the penultimate line.
- (iii) in sub-rule (b) the figures and words '1/12th' shall be substituted for '1/11th'.

B—Modification of the Old Leave Rules—Admissibility of Leave on Average Pay

(2) In Rule 8.69 the words and figures "5/22nds, 2/11th and 1/11th" wherever they occur, shall be replaced by "5/24ths, 1/6th and 1/12ths", respectively.

(3) In clause (a), Rule 8.73 after the words "plus one-eleventh of the period spent on duty subsequent to that date" the words "up to 30th June, 1959, and one-twelfth of the period spent on duty thereafter", shall be added.

(4) In clause (b)(i), Rule 8.73 after the words "one-eleventh of the period spent on duty after that date" the words "up to 30th June, 1959, and one-twelfth of the period spent on duty thereafter" shall be added.

(5) In clause (b)(ii) of Rule 8.73, after the words "four months", the words "or six months in the case of leave preparatory to retirement" shall be inserted.

(6) In clause (b)(ii) of Rule 8.73, the following shall be added at the end before the proviso :

"up to 30th June, 1959, and 1/12th of the period spent on duty thereafter."

C—Modification of the Revised Leave Rules

(a) *Earned Leave, its admissibility and accumulation.*

(b) *Grant of extra-study leave.*

(7) The following shall be substituted for Rule 8.116 of the said rules :—

"8.116. (1) The earned leave admissible to a Government servant in permanent employ is :—

(a) 1/24 of the period spent on duty, during the first 10 years of his service,

(b) 1/18 of the period spent on duty, during the next 10 years of his service, and

(c) 1/12 of the period spent on duty thereafter.

Note.—For the purpose of assessing the 'length of service' under this sub-rule, break in service caused as a result of retrenchment shall not entail forfeiture of previous service. Further in the case of women Government Servants break in service due to resignation as a result of family circumstances of the Government servant concerned, shall also be condoned by the re-appointing authority, provided the duration of break does not exceed 10 years.

(2) Accumulation of earned leave shall be permissible to any extent but the maximum earned leave that may be granted at a time to a Government servant shall be (a) 120 days if spent in India, (b) 240 days, if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Daman, Diu, Nepal and Pakistan, provided that where earned leave exceeding 120 days is granted under this

sub-rule the period of such leave spent in India shall not in the aggregate exceed 120 days.

Provided further that except as provided in the Study Leave Rules contained in Appendix 20 to the Punjab Civil Services Rules, Volume I, Part II, if a Government servant goes on a course of study or research or work which in the Government's view increases his competence, knowledge or efficiency or adds to the technical knowledge, he may be granted earned leave to the extent it is due to him and not limited to 120 to 240 days.

Note.—The consent of the Finance Department is not presumed to the grant of such study leave.

(3) Leave preparatory to retirement may be allowed up to 180 days on full pay provided it is due."

(c) *Earned Leave admissible to Vacation Departments.*

(8) The following shall be substituted for clause (b) of Rule 8.117 of the said rules :—

"(b) The earned leave admissible to such Government servant in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation :

- | | |
|--|------------|
| (i) to a Government servant with 10 years' service or less | .. 15 days |
| (ii) to a Government servant with more than ten years' service but not exceeding 20 years' service | .. 20 days |
| (iii) to a Government servant with over 20 years' service | .. 30 days |

If in any year he does not avail himself of the vacation, earned leave will be admissible in respect of that year in accordance with the provisions of Rule 8.116".

(9) In clause (c) of Rule 8.117, the words "or under the exception thereto as the case may be" shall be deleted.

D—Earned Leave, etc., to Government servants not in permanent employ

(10) The following shall be substituted for Rule 8.133:—

“8.133. The provisions of rules 8.116 to 8.119 apply also to a Government servant not in permanent employ, provided that—

(a) no half pay leave shall be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry ; and

(b) no leave not due shall be granted.”

(11) Rule 8.134 of the rules shall be deleted.

E—Date of effect

These amendments shall come into force on the 1st of July, 1959.

J. S. BASUR,
Secretary to Government, Punjab,
Finance Department.

Copy of Circular letter No. 4198-GII-59/5323, dated the 20th June, 1959 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Seeking redress in Courts of Law, by Government servants of grievances arising out of their employment or conditions of service.

Sir,

In supersession of the instructions contained in Punjab Government letter No. 10208-G-52/5381, dated the 25th January, 1953, on the subject noted above, I am directed to communicate the following revised instructions in this respect for your information and guidance :—

(a) Government servants seeking redress of their grievances arising out of their employment or

conditions of service should in their own interest and also consistently with official propriety and discipline, first exhaust the normal official channels of redress before they take the issue to a court of law

- (b) Where, however, permission to sue Government in a court of law for the redress of such grievances is asked for by any Government servant either before exhausting the normal official channels of redress or after exhausting them, he may be informed that such a permission is not necessary and that if he decides to have recourse to a court of law, he may do so on his own responsibility.

Copy of letter No. 5290-7GII-59/6949, dated the 10th July, 1959, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Employment of handicapped persons in the public service.

I am directed to enclose a copy each of Government of India, Ministry of Home Affairs' letter No. 60/137/50-Ests., dated the 28th July, 1950, and No. F.20/29/57-RPS, dated the 15th January, 1958, on the subject noted above and to say that the Punjab Government have decided to follow the Government of India in the matter. It is accordingly requested that in the cases of class III or class IV posts of the artisan class or those involving manual or skilled labour or a routine type of work, deaf-muteness or deafness by itself need not be regarded as a disqualification against appointment provided that the person concerned is otherwise fit and qualified to hold the post and that subject to the condition mentioned and subject to other rules and orders in force the possibility of affording avenues of employment to deaf and deaf-mute persons should be examined at the time of making recruitment to such posts.

Copy of letter No. 60/137/50-Ests., dated the 28th July, 1950, from the Government of India, Ministry of Home Affairs, New Delhi, to all Ministries of Government of India.

Subject.—Employment of deaf persons in Government service.

The undersigned is directed to say that the convention of the Teachers of the Deaf in India has approached the Government of India with the request that the disqualification against employment in Government service of deaf persons or deaf-mutes, who are otherwise fit, might be removed so that such persons may be given an opportunity of leading as full and useful a life as their disablement permits.

2. The standards of physical fitness prescribed for recruitment to superior Central Service require that in order to be passed fit a candidate must be free from deafness. While it is not proposed to make any change in this respect, it is considered that there are certain kinds of employments, especially of the artisan class and those involving manual labour, which might be held by deaf or deaf-mute persons without much loss of efficiency, if not actually on an equal footing.

3. It has accordingly been decided that in the cases of the kinds of employments referred to, viz. class III or class IV posts of the artisan class or those involving manual or skilled labour or a routine type of work, deaf-muteness or deafness by itself need not be regarded as a disqualification against appointment provided that the person concerned is otherwise fit and qualified to hold the post, and that subject to the condition mentioned and subject to any other rules and orders in force the possibility of affording avenues of employment to deaf or deaf-mute persons should be examined at the time of making recruitment to any service.

Copy of Office Memorandum No. F.20/29/57-RPS, dated 15th January, 1958, from the Government of India, Ministry of Home Affairs, to all Ministries of the Government of India, etc. etc.

Subject.—Employment of handicapped persons in the public service.

As the Ministry of Finance, etc. are aware, the Government of India have been taking special interest in the education, employment and welfare, in general, of persons suffering from physical handicaps. In accordance with this policy instructions were issued under Ministry of Home Affairs Office Memorandum No. 60/137/50-Ests, dated the 28th July,

1950 (copy enclosed) that deafness or deaf-muteness should not by itself be regarded as a disqualification and that the possibility of affording avenues of employment to persons so handicapped should be examined at the time of recruitment to posts in Class III or Class IV. The Ministry of Education and Scientific Research have a scheme for setting up a special organisation to render employment assistance, to all categories of handicapped persons in the course of the Second Five-Year Plan period and a beginning in this direction will be made shortly. That Ministry are also conducting a sample survey of handicapped persons requiring employment assistance, and the special organisation itself will carry out analysis of jobs available in the public services and the public and private undertakings so as to locate the types of employment most suitable for them. Eventually, legislation may be necessary, as in other countries, to ensure certain quotas of appointments for the handicapped in the public services and public and private enterprises. Meanwhile, it is desirable that the cases of handicapped persons seeking employment in the public services that may be referred to the appointing and medical authorities should be viewed with the utmost sympathy.

**Copy of U.O. Circular No. 4730-GI-59, dated 25th August, 1959,
from the Chief Secretary to Government, Punjab, to all
Administrative Secretaries to Government, Punjab.**

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. At times, 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 necessitate 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 references 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 references are made to the Chief Secretary for advice through the Administrative Secretaries and not direct by officers subordinate to them.

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 Punjab Government Circular letter No. 5222-GIII-59/15305, dated 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/Inquiry 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 1 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 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 condition 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 years' 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 or 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.

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.

Sir,

I am directed to say that Government have had under consideration for sometime 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 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 Punjab Government Circular letter No. 9091-GII-59/19223, dated the 27th October, 1959, from Shri E. N. Mangat Rai, ICS, Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject.—Grant of casual leave to Government employees

In continuation of Punjab Government letter No. 4376-GII-59/2767, dated the 28th May, 1959, on the subject noted above, I am directed to say that the question of the number of spells of casual leave which should be allowed to a Government servant during a calendar year and their duration has been under consideration of Government. It has been decided that there should be no restriction in regard to the duration and number of spells. Henceforth, it would be within the competence of the sanctioning authorities to sanction any amount of casual leave without any limit of spells, within the amount of casual leave admissible subject to the condition that one spell at a time will not exceed 16 days as already provided in sub-para (5) of para 13 of Punjab Government letter referred to above.

Copy of Circular letter No. 8924-GII-59/21613, 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 affect 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. 10711-GII-59/24455, dated the 30th November, 1959, from the Chief Secretary to Government, Punjab, Chandigarh, to all Heads of Departments, etc. etc.

Subject: - Grant of special casual leave to sportsman.

I am directed to address you on the subject noted above and to say that according to the instructions contained in

Punjab Government circular letter No. 684-GII-58/13153, dated the 14th/20th February, 1958, special casual leave not exceeding 30 days in one calendar year can be granted to Government Servants who are sportsmen and take part in sporting events, tournaments and matches of national or international importance held either in India or abroad. The question of extending this concession to employees who participate in inter-district matches and in preliminary tests for selection to Punjab teams for inter-State, i.e., All India Sports events has been engaging the attention of Government for sometime past. After careful consideration, it has been decided that in principle there should be no objection to giving the special casual leave to such employees, but each case should be dealt with on its merits by the authorities competent to grant leave, keeping in view the type of tournament etc.

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 Punjab Government Circular letter No. 10343-GII-59/24150, dated 16th December, 1959, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject.--Casual leave.

With the introduction of the revised system of Earned Leave, Holidays and Working hours with effect from the 1st July, 1959, some doubts have arisen and certain departments have sought clarification as to how the amount of casual leave admissible to an employee, who has less than two years service is to be calculated in the presence of the instructions contained in paragraph 20 of the Secretariat Instructions. The whole matter has been considered at length and it has been decided not to impose any further restrictions in this behalf because the amount of casual leave has already been reduced considerably. In future no discrimination will thus be made in the case of those who have less than two years service and all employees having less than 10 years service will be entitled to 10 days' casual leave in a year as laid down in the policy No. 4376-GII-59/2767, dated the 28th May, 1959.

2. Paragraph 20 of the Secretariat Instructions is being amended suitably so as to bring it in line with the instructions issued with the above-mentioned letter.

Copy of letter No. 10542-GIII-59/26741, dated the 17th December, 1959, from the Chief Secretary to Government, Punjab, Chandigarh, to all Heads of Departments, etc. etc.

Subject.—Relationship between the Commissioners/Deputy Commissioner and Divisional Officers/District Officers in Divisions/Districts.

I am directed to refer to the instructions contained in Punjab Government letters No. 14102-GI-57/22998, dated the 15th November, 1957 and No. 9180-GIII-59/22659, dated the 20th November, 1959, regarding the relationship between Deputy Commissioners and Departmental Officers in the districts and to state that after careful consideration, Government have decided that these instructions should apply *mutatis mutandis* to the Commissioners of Divisions *vis-a-vis* Divisional Heads of Departments. I am also to state that besides recording remarks with regard to (i) reputation for honesty and (ii) relationship with public, of district and divisional officers of various departments, the Commissioners and Deputy Commissioners will also record remarks in regard to their work in the matter of implementing development schemes and policy of Government.

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 to 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 without reference to Public Service Commission/Subordinate Service Selection Board

Office _____

Particulars in respect of the person appointed/ promoted or transferred		Particulars in respect of the post filled		Nature of appointment		Remarks
Name	Appointment held under Govern- ment, if any, prior to appoint- ment to the post mentioned in columns 4 and 5	(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 to be extended	Whether it is direct appointment, transfer or promotion. Give the date from which appoint- ment 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 appoint- ment was made without reference to the Commis- sion/Board
1	2	3	4	5	6	7
						8

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 Circular letter No. 11116-GII-60/6152, dated 18th February, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject.—Scrutiny of property returns submitted under rule 10 of the Government Servants Conduct Rules, 1955.

I am directed to invite your attention to para 1(4) of the Punjab Government letter No. 637-G-56/19033, dated the 16th March, 1956, which enjoins that the property returns should be scrutinised when these are received, so that particular enquiries, if considered necessary, may be made from the Government servant concerned. It has been noticed of late that neither proper and regular scrutiny of such returns is carried out by the authorities concerned nor suspected cases of corruption are being enquired into. In order to achieve this object Government have decided that all property statements when received should be scrutinised carefully by the departments concerned and in case of such Government servants,

whose assets appear to be, *prima facie*, in excess of their status and emoluments, their statement should be forwarded to the Vigilance Department for further scrutiny. It has further been decided that the Vigilance Department on the basis of such information as it has, should have the right to call for the return of any employee for purposes of scrutiny and enquiry.

2. I am to add that for the present this procedure has been introduced for two years and the position may be reviewed after the expiry of this period to see whether it requires further elaboration.

3. The receipt of this letter may be acknowledged.

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 latter 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. 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 Punjab Government Circular letter No. 2202-GII-60/8429, dated the 24th March, 1960 from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc., etc.

Subject.—Grant of special casual leave to Government servants who undergo sterilization operation under the "Family Planning Scheme".

I am directed to address you on the subject noted above and to say that the State Government have had under consideration the question of grant of special casual leave to their employees who undergo sterilization operation under the Family

Planning Scheme. To enable Government servants to undergo this operation and to take some rest which is considered necessary immediately after the operation, it has been decided to grant special casual leave not exceeding six working days to such Government servants.

2. These orders will come into force from the date of issue.

Copy of Circular letter No. 1070-GIII-60/11995, dated the 1st April, 1960 from the 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 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.

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 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.

Copy of Circular letter No. 1929-GII-60/12089, dated the 14th April, 1960 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Assessing of length of service for calculating earned leave/casual leave under the revised system.

Sir,

I AM directed to invite a reference to sub-para 7(2) of Punjab Government Circular letter No. 4376-GII-59/2767, dated the 28th May, 1959, on this subject and to inform you that a clarification has been sought from Government as to whether the service rendered by an employee under the Government of India or another State Government or in a semi-Government body prior to his joining service under the Punjab Government will count for assessing length of service for calculating earned leave/casual leave under the revised system of Earned leave, Holidays and working hours. After careful consideration it has been decided that such service should not be taken into account for the aforesaid purpose. However, once a person has joined the Punjab Government service, his service, if any on deputation with the Central Government or other organisations such as Corporations, municipalities etc. will count for the purpose of determining the extent of casual leave Privilege Leave due.

2. I am accordingly to request you to settle all such cases in the light of the decision contained in the preceding para.

Copy of Punjab Government Circular letter No. 2334-ASI-60/15708, dated 3rd May, 1960, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Confidential Reports.

I am directed to invite attention to Punjab Government Circular letter No. 15851-GI-56/1643, dated the 28th January, 1957, on the subject of confidential reports, and to point out that since its issue a number of further instructions on the subject have been sent to you. It seems suitable, therefore, to issue a consolidated revised circular and this letter embodies all instructions on the subject brought up-to-date.

2. *The need for regular and punctual recording of reports in personal file.*—It is essential that all officers write their reports in the personal files of their subordinates regularly and punctually. Not only should every official, whether gazetted or non-gazetted, except Class IV Government servants, possess a personal file or character roll, but it should be kept up to date and not allowed to remain without remarks for over a period of 12 months, otherwise its utility as a confidential record disappears. When an official is placed under suspension as a result of disciplinary proceedings, the fact should be recorded in the personal file. Similarly, the final result of the disciplinary proceedings should also be duly recorded. As during the period of suspension an officer frequently has no immediate superior, there tend to be gaps in Personal Files, and it is the responsibility of the authority which keeps the file to ensure that entries regarding such periods are invariably made. It must be remembered that the personal file of an official is used for various purposes, e.g., promotion, punishment, appeals, memorials or in dealing with the question whether his service is approved for the purpose of full pension. If, therefore, it is not carefully maintained it is robbed of much of its value. Indeed, the very purpose for which it is maintained will be defeated. There are different instructions in different departments regarding the dates on which confidential remarks are to be recorded and the frequency of these remarks. In some cases, confidential reports are written twice a year and in others once a year. Whatever the frequency laid down, it is necessary that this should be adhered to rigidly and the reports recorded on or by the due dates. A certificate should be

furnished by all Heads of Departments to the Administrative Secretaries concerned within one month to show that all confidential reports have been recorded in their respective departments by the due date.

No. 126-ASI-
64/2377,
dated 17th
January,
1964.

Note.—The confidential reports should be recorded without delay. Further in the event of heavy delay occurring in isolated cases, it should be possible for the higher authorities to discount to the extent necessary such reports as had been written after a lapse of a very long period and as were attended with suspicious features on one ground or another. The assessment of the record as a whole of the officer concerned would thus not be affected unduly by such a report.

3. *What the reports should contain.*—Forms have been prescribed by different departments for different officers but it is not possible for Government to prescribe any standard form for all departments on which reports should be recorded. While, therefore, every department is free to obtain the reports in forms which may have been laid down or which it may consider most suitable, it is felt that the balance of advantage would definitely be in favour of prescribing a simple form (specimen enclosed as Annexure C) instead of providing a multiplicity of columns and items on which assessment is to be made. Too elaborate and lengthy a form would only lead to complications. Generally speaking, the reporting officer should state whether the officer or official concerned has been able satisfactorily to discharge the duties of his office. It should also be stated whether the person is able, conscientious and hardworking and the degree of his qualities in these directions should be indicated. If the officer or official reported on has to control an establishment under him, it should be stated whether he is capable of supervising their work and whether his relations with his subordinates are satisfactory. It is important to mention whether the officer or official is punctual and, has maintained discipline. It should also be stated (if he comes into contact with the public) whether he is accessible and hears and deals with complaints properly and is also courteous in his behaviour. In the case of touring officers, it should be stated whether their touring is systematic and adequate. The report should also specifically bring out any defects, remediable or otherwise, so that a complete picture of the official's work including the favourable and unfavourable points is available. If any particular incident has occurred during the period under

report which shows up the officer in good or bad light, this should be mentioned. Letters of appreciation issued by various authorities or persons and any major event of work done or special contribution made by the officer towards implementation of a particular scheme or successful conclusion of a special Campaign will naturally be taken into consideration by the reporting authority while recording the annual remarks on the work of the officer if he considers them relevant in an annual assessment of the officer's work.

Explanatory Notes:--

- (i) Some reporting officers tend to make mention of very slight defects in a subordinate. Government is of the view that very slight defects should be brought to an officer's notice verbally in the way of advice and guidance and need not find mention in annual confidential report unless they are of a type which have been more than once brought to the subordinate's attention but which he nevertheless persists in. Likewise, remediable defects should also be pointed out during the year so that the official concerned may make an effort to improve and to remove those defects.
- (ii) Quite often it is more convenient to get an overall assessment of an officer by pointing out some defects against one of the other columns in relationship to remarks made regarding his work with reference to that column. It is not the intention that all defects should be enumerated against the column 'Defects, if any,' if their mention against some other column permits a more rounded and balanced judgment of the officer. In these circumstances it is better to mention the defects against the column where they seem relevant and merely state against the column 'Defects, if any' the fact that these have been pointed out already.
- (iii) Generally against the column "Defects" if any, should be mentioned any significant general or particular defect in the subordinate which is part of his method of work or manner, personality or reputation and minor matters can either be ignored or dealt with as indicated in note (i) above.

No. 1485-
AS-61/7762,
dated 1st
March, 1961.

- (iv) Where a pending enquiry finds mention in the confidential report of an officer, it is incumbent upon the authority maintaining the personal file of that officer to ensure that the result of the enquiry is also recorded in the personal file.
- (v) Normally the reporting authorities should give their remarks in the confidential reports on the basis of their personal knowledge or assessment. There can, however, be occasions when a reporting authority receives complaints against an officer. It will not be appropriate for a reporting authority to make mention of such complaints in the confidential reports without trying to sift the truth. In such a case, he should give an indication whether he believes the complaints to be true or false or that it is premature for him to form a definite opinion.

4. *Report regarding integrity.*—A special mention should invariably be made regarding the integrity of the officer to which Government attached the greatest importance. It should be clearly stated if the officer is suspected of corruption or is believed to be corrupt and this opinion should generally be fortified by reasons, which may be in the possession of the reporting officer. Any ill-considered remarks in this respect may do a lot of mischief and harm. On the other hand, the reporting officer must be quite honest and frank and discuss an officer's worth from the point of view of his integrity openly and frankly in the column "Defects, if any" or elsewhere. Government observe that reporting officers are still following the practice of making non-committal remarks like no complaints. Government view this with disfavour and desire that the practice of making non-committal entries in the column relating to integrity should cease. Reporting officers should give a definite opinion on the integrity of their subordinates while writing their confidential reports. Further, instances have come to the notice of Government in which even though officers are being proceeded against for serious forms of corruption their confidential reports for the same periods certify their integrity to be good. It is felt that contradictions of this type arise only because reporting officers are failing in their duty to make entries in the column relating to integrity forthrightly and without hesitation. In case an officer has been given a good report for integrity which is later proved to be wrong, the reporting officer will run the risk of earning Government displeasure. Ordinarily, the inference would be that either he did not exercise proper supervision or he was in dishonest

Letter No.
8588-G(C)-
56-11533 GI-
(S)-56/73580,
dated 4th
October,
1956.

collusion with his subordinate. The intention of Government is that the truth about subordinates should be known to reporting officers and brought to the notice of higher authorities. This would not, however, justify the entering of ill-considered remarks based on inadequate observation.

5. *Writing of Annual Confidential Reports on the Secretaries, Joint Secretaries, Heads of Departments, and other Officers, working under the State Government.*—(i) The Administrative Secretaries to Government will write confidential reports on the Additional Secretaries, Joint Secretaries, Deputy Secretaries and Heads of Departments, included in their sphere of work. If the work of a Deputy Secretary or below passes through an Additional Secretary or Joint Secretary, the report on the work of the Deputy Secretary or other officer concerned will be initiated by the Additional Secretary/Joint Secretary as the case may be, and will thereafter be put up to the Administrative Secretary for his remarks. In regard to Heads of Departments the Secretary will write the initial remarks though if much work has been seen by an Additional or Joint Secretary, the former will consult him before doing so.

No. 574-GI-
59/1924,
dated 3rd
March,
1959.

The Confidential Report on the work and conduct of the Inspector-General of Police will be initiated by the Home Secretary if he is of the rank of Commissioner. Thereafter, it will be recorded by the Chief Secretary, Minister-in-Charge of Home (Police) Department and the Chief Minister. In case, the Home Secretary is not of the rank of Commissioner, the Confidential Report of the Inspector-General of Police will be initiated by the Chief Secretary, who will consult the Home Secretary, informally or otherwise, before recording his remarks. Thereafter, the remarks will be recorded by the Home Minister and the Chief Minister.

No. 289-SII-
(5)-68/3454,
dated 8th
February,
1968.

(ii) The Minister-in-charge will be the recording authority in respect of Secretaries to Government.

(iii) The Minister-in-charge will be the accepting authority in regard to Additional Secretaries, Joint Secretaries, Deputy Secretaries and Heads of Departments. In the case of other officers, the Minister-in-charge would normally be neither a recording nor an accepting authority. He would be competent, however, in any particular case, if he so chooses, to send for the personal file of an officer and record such remarks therein as he considers should be made on the basis of his personal knowledge.

No. 1485-
ASI-61/7762,
dated 1st
March,
1961.

(iv) A Deputy Minister will have the same rights regarding recording/accepting of remarks in the confidential reports as the Minister-in-charge.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

Explanatory Notes.—A Minister or a Deputy of the Chief Parliamentary Secretary who has quit office, will not be competent to record remarks in the confidential reports of officers working in the Departments, which worked under him or on his personal staff. The reports of officers for whom the Ministers or Deputy Ministers are the only reporting authority, shall be recorded by the Chief Minister.

No. 9161-
GI-59/26689,
dated the
16th
December,
1959.

6. *Number of Reporting Officers and powers of Administrative Secretaries to record remarks in the Confidential Reports on the staff under the Heads of Departments.*—The work and conduct of an officer working under a Head of Department, whether in the office or in the field, should be reported on by at least two officers. Thus, reports which are initiated by the Head of the Department himself should be put up to the Administrative Secretary for the recording of his remarks.

No. 279-
ASI-63/4655,
dated 2nd
February,
1963.

Explanatory Note.—These instructions do not apply to categories of Government servants such as clerks, stenographers, drivers, etc., who exclusively work under one officer.

Letter No.
4686-G(C)-
36/16804,
dated the 1
21st April,
1956.

7. *Minimum period for which a Reporting Officer should have seen the work of a subordinate before recording remarks on him.*—In future no reporting officer should record his remarks in the Confidential Report of an officer under him unless he has seen his work and conduct for at least three months. If the officer has served under the reporting authority for less than three months, the opinion of the officer under whom he has previously served for at least three months should be obtained.

Explanatory Notes.—(i) A reporting officer while recording annual remarks may request his predecessor who has seen the work of the subordinate concerned for a period of more than 3 months to record his remarks but these later remarks should be submitted by the recording officer direct to the next higher authority who before adding his own remarks will take both sets of remarks, that is, those recorded by the present reporting officer as well as those recorded by his predecessor, into consideration.

(ii) In the case of a subordinate whose work has been seen by the reporting officer for a period of less than six months in the year (and of course more than 3 months), if there is another officer who has seen the work for more than six months during the same year, the latter must invariably be called upon to record his remarks and submit them direct to the next higher authority before the present superior records his own remarks.

(iii) The period of three months referred to in this paragraph means the period for which the reporting authority has actually seen the work of the officer/official reported on. Besides regular leave (casual leave is treated as duty), the period of suspension when a Government servant does not attend to his duties is not to be counted in calculating this period, nor the leave and suspension periods of the reporting authority if any, when it does not see the work of the subordinate.

8. *Recording of remarks on these occasion of relinquishment of charge by Reporting Authority.*—(i) An officer may, if he had not done so previously within six months, record remarks for the confidential files of officers subordinate to him within six months of his relinquishing the charge of his post.

(ii) In consequence of change of portfolios, a Minister or a Deputy Minister or the Chief Parliamentary Secretary may also if he had not done so previously within six months, record remarks on the confidential files of officers subordinate to him within six months of his relinquishing the charge of his previous portfolio.

Explanatory Notes.—(i) If an officer wishes to record his remarks either on account of his own transfer or because of the transfer of the subordinate in the middle of the year, there is no objection to his doing so and he may be supplied blank forms for the purpose if he asks for them but these remarks should not be taken into consideration for any purpose whatsoever, except at the end of the year, or other reporting period prescribed. Such a report will, however, be processed in the same manner as other normal reports.

(ii) An officer under suspension is not competent to record confidential reports on the work of his previous subordinates.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

Ditto

No. 279-ASI-
63/4655,
dated 2nd
February,
1963.

No. 6853-G-
37/37890,
dated 4th
November,
1937.

9. *Issue of letters of appreciation.*—The practice of recognising the good work of an officer by a letter of appreciation is sound and should be adopted by all departments. It is important that such letters should not be issued indiscriminately but this should be sent in really deserving cases to encourage good work and at the end of the prescribed reporting period, on an overall assessment of the officer's whole work during the period. The criterion for granting such commendatory letters should be based on a record of exceptionally good work and not merely on the performance of routine duties with more than average ability and industry; and since commendation will lose much of its value if it is too easily won, it is essential that the greatest care should be taken to limit the number of commendatory letters and to grant them only in cases really deserving of notice.

No. 8965-
ASI-64/
35707, dated
16th November,
1964.

Explanatory Notes.—(i) (a) At least two authorities when there are two or more such competent authorities, should make the recommendation in clear terms; and

(b) the work proposed for commendation should be clearly indicated.

(ii) The intention is that, as a rule, such letters of appreciation should where necessary, be issued by the appointing authority or at least by the authority competent to receive confidential reports, convey adverse remarks and maintain the personal file of the officer concerned as defined in paragraph 17 and not by officers lower than that. Officers below the level of the authority competent to maintain the personal file of the officer concerned are not competent to issue letters of appreciation or commendation on the basis of generally good work done over a period of time. Their remarks in respect of generally good work done by subordinates should appropriately be recorded in annual confidential reports.

(iii) Occasions do arise when an executive officer in the field feels the need of encouraging his subordinates by issuing them letters of commendation particularly after good work done in connection with some specific incident, e.g. flood relief, locusts, visit of some V.I.P. etc. and it is not the intention of Government to place this method of extracting good work out of the subordinate beyond the reach of executive officers in the field. In such cases letters of appreciation may be issued even by officers lower than the appointing authority the authority competent to receive confidential reports, convey adverse remarks and maintain personal files. Such letters

will not, however be placed on personal files and should be issued very sparingly.

10. *Communication of adverse remarks.*--Attention is invited to paragraph 7 of Punjab Government Consolidated circular No. 1 which is reproduced below :—

No. 9026-G-51/6544,
dated 4th
December,
1951.

"The attention of Government of India having been directed to the diversity of procedure followed in different provinces in regard to the communication to subordinate officers in civil employ of unfavourable remarks made by their superiors in annual or other reports of a periodical nature, the Governor-General in Council has, with the approval of the Secretary of State, laid down the following general principles to which effect has to be given in all departments in all provinces :—

- (a) when report is built up on the individual opinions as noted of different departmental superiors in gradation it is only the opinion as accepted by the highest authority which need be considered from the point of communication ;
- (b) an officer should not at any time be kept ignorant of reporting officer's opinion where his service is not considered satisfactory; criticism should be communicated promptly and should indicate in suitable language the nature of the defects in question ;
- (c) the practice of discriminating between a remediable and irremediable defects should be abandoned as far as practicable, except that a certain degree of discretion should be regarded as permissible in communicating reported defects of an irremediable nature. For instance, it might do more harm than good to inform an officer year after year that his brains are below average or that he is unduly sensitive ;
- (d) the reporting officer should specifically state whether the defects reported have already been brought in any other communication to the notice of the officer concerned;

- (c) remarks in cases in which the Government or head of a department or other officer suspends judgment should not be communicated ;
- (f) great attention should be paid to the manner and method of communication in order to ensure that the advice given or the warning or censure administered, whether orally or in writing, shall having regard to the temperament of the officer concerned, be } most beneficial to him ; and
- (g) any remarks on an officer's report which show that he has taken steps to remedy defects to which his attention has been drawn in a previous year, should be communicated to him, so that he may know that his efforts to improve have not passed unnoticed.

No. 2679-G-I
59/8249,
dated 15th
July, 1959.

The above instructions should continue to be followed with the modification that adverse remarks in all cases should be communicated. Further the existing practice of conveying only adverse remarks is rather discouraging and leaves the officer concerned guessing as to the general total purport of his report. To avoid anxiety on this amount Government have also decided to let the officer know briefly (in a sentence or part-sentence) the general total impression of his report. For example, it could be said, 'while your work has been assessed as of a good standard of efficiency and competence, it has been pointed that you tend to delay cases; or though your work is generally assessed as out satisfactory during the year, you show a communal tendency which is brought to your notice for correction' ; or, 'while you are a hard working officer, you sometimes lose your temper in dealings with the public.'

Explanatory Notes.—

- (i) It is not the intention that even those adverse remarks which have been washed out by the remarks of some superior authority including Ministers should be conveyed. The correct position is that only the adverse remarks recorded or endorsed by the Highest authority reporting on an officer should be communicated. Where,

however, an adverse remark has not been specifically denied by a higher authority, it should be conveyed. It is, however open to that authority to decide that any adverse remarks need not be communicated. Where it is so decided, a specific order to this effect should be recorded. The criterion for such a decision should be based on paragraph 7(c) of Punjab Government Consolidated Circular No. 1 reproduced above.

- (ii) The reporting officer, while mentioning any defects in the report, should as far as possible also give indication of what efforts have been made by way of guidance, admonition, etc., to get the defects removed and with what results.
- (iii) It has been noticed that instructions that adverse remarks in all cases should be communicated to the officer are not being strictly observed with the result that officers are deprived of the right of representation. It has, therefore, been decided that all departments should make it a regular form of routine discipline and procedure to invariably convey adverse remarks to the officer concerned. All competent authorities should make an occasional check of confidential reports entrusted to their custody in order to ensure that adverse remarks are in fact conveyed to the officers concerned. No notice should be taken in future of adverse remarks if they have not been conveyed. Where a competent authority does not convey adverse remarks to the officer concerned, the omission will be treated as discriminatory action on its part and due notice will be taken of it. In regard to past entries in the personal files, any adverse remarks that have not been conveyed or shown, except those not conveyed or shown when Government's practice of conveying adverse remarks was not as strict as it is now, shall also not be taken into consideration.

No. 5515-
AST-61/
25297, dated
11th July,
1961.

Although it was provided in Punjab Government circular letter No. 9026-G-51/16544, dated the 4th December, 1951, that an officer should not be kept in the dark about reporting officer's

No. 59-AST-
62/5649,
dated 17th
February,
1962.

opinion where his service was not considered satisfactory and that criticism should be communicated promptly, yet all Departments do not invariably convey adverse remarks to the officers concerned. Fresh instructions were issued in Punjab Government letter No. 3916-GI-57/9867, dated the 5th June, 1957, that all adverse remarks should be conveyed. The practice of conveying adverse remarks can, therefore, be said to have become strict only on receipt of the letter dated the 5th June, 1957. The uncommunicated adverse remarks relating to the previous period, however, need not be communicated now.

No. 10935-G-52/35352, dated 21st December, 1952.

- (iv) The highest reporting authority should be consulted at the time of communication of any adverse remarks if at the time of writing the report his views were not by any chance recorded therein.

No. 1485-ASI-GI/7762, dated 1st March, 1961

- (v) Except to the extent indicated above, confidential reports are not to be communicated or shown to the officer concerned.

No. 8965-ASI-64/35707, dated 16th November, 1964.

- (vi) While communicating the adverse remarks to the Government servants the identity of the superior officer making such remarks should not normally be disclosed. If however, in a particular case, it is considered necessary to disclose the identity of the superior officer, the authority dealing with the representation may at his discretion allow the identity to be communicated.

No. 703-GI-58/8250, dated 7th April, 1958.

11. *Representations against adverse remarks.*—Government have noticed a strong tendency among officers/officials at all levels not to take adverse remarks in the spirit in which they are intended and as part of the normal incidents of a whole career of service but to indulge in all kinds of pressure to get such remarks expunged. Such tendency produces ill-effects in regard to the recording of remarks, without fear or favour, by reporting officers, and such practice must be strictly and firmly discouraged and eliminated, if possible. It is often forgotten that the primary purpose of maintaining a record of annual remarks in regard to an officer's work is to accumulate over a period of years a varied assessment regarding the performance, character, ability and integrity of the

officer in discharging the responsibilities to which he is called. This record is meant to enable Government to assess the total worth of an individual officer with a view to utilising him in the best way possible for the public service. Primarily, therefore, the record of an officer is a document internal to Government to be utilised for 'promotions, postings, transfers, encouragement, caution, etc.'. This main purpose of the record must, therefore, be borne in mind, namely, that it is a cumulative assessment of an officer's worth to be utilised for Government purposes and for public ends and it is only incidentally a means of bringing to the officer's notice defects which he should consciously endeavour to remedy. Ordinarily, therefore, departments should not enter into any controversy with officers in the matter of adverse remarks communicated to them on the basis of their confidential reports. Occasionally, however cases arise where the adverse remarks are not made bona fide, or are based on a patent error of fact. An examination of the representations is, therefore, called for, and these should not be turned down automatically. Where the preliminary examination of the representation does not *prima facie* establish that the adverse remarks are *mala fide* or based on a patent error of fact, there should be no hesitation in disposing of the representation on the basis of the general policy referred to above. Where, however, it appears *prima facie* that the remarks are not bona fide or that these are based on a clear error of fact, the representation should be examined on merits. If as a result, it is found that the adverse remarks were not justified, after obtaining the orders of the highest administrative authority, a note should be recorded on the confidential report expunging the remarks and the officer concerned should be informed of the action taken. The reporting officer may also be informed and suitably warned where *mala fide* intent is indicated. Recourse to expunction of remarks may be had only in cases of exceptional character after observing the procedure laid down above. There may also be border line cases in which there may be some substance in the adverse remarks conveyed to the officer and also some justification for the representation made by the officer against the adverse remarks. In such cases, the proper course to adopt would be to place the representation on the personal file after obtaining the orders of the highest administrative authority.

No. 2356-G-
55/18471,
dated 31st
March, 1955.

No. 15172-
G-55, dated
the 22nd
December,
1955.

Explanatory Notes.—

No. 8965-
ASI-64/35707
dated 16th
Nov. 1964

- (i) Before passing final orders on a representation against adverse remarks, the comments of the reporting authority/authorities should invariably be obtained.
- (ii) If a representation is made by any officer against the remarks communicated to him such representation should be brought to the notice of the highest administrative authority and his order should be obtained. It would be very undesirable that an officer against whose adverse remarks representations are submitted should himself dispose of such representations.

No. 12241-
GI-58/1860,
dated 21st
January,
1959.

The intention is that both for purposes of rejection and acceptance of representations against adverse remarks, there should be one authority and it should be the highest administrative authority.

The 'highest administrative authority' means 'the appointing authority' or the authority to whom representation against the punishment of censure lies under the existing rules of the department concerned for a particular officer, whichever is higher. If such authority is himself the authority whose adverse remarks are communicated, the term 'highest administrative authority' should mean the next higher authority.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

For members of the All India Services serving under the Punjab Government, the 'highest administrative authority' will mean the State Government.

No. 5515-
ASI-61/
25297, dated
11th July,
1961.

12. *Time limit for filing representation against the adverse remarks and the authorities to whom the representations are to be addressed.*—(i) As stated above, Government do not encourage representations against adverse remarks. But if a representation is made, it should not be entertained unless it is received within three months from the date of the letter communicating adverse remarks to the officer/official concerned. Government wish to make it clear that this time-limit should be followed rigidly and that time-barred representations should be rejected. It is dangerous to allow officers to go on putting

up representations whenever they think the situation is favourable to them, and post facto attempts to clean up personal files must be resisted.

(ii) The representation against adverse remarks may be addressed direct to the authority conveying the adverse remarks.

Remarks recorded in the Annual Confidential Reports against which representation has not been filed within the prescribed period or, if so filed, has been rejected, should not be expunged in spite of the fact that at some later date a succeeding authority has a different view. The succeeding Minister or officer may record his own remarks and get the same also placed on the personal file of the employee reported upon where he has a different view in regard to the remarks in the Confidential Report recorded by a previous Minister/Officer.

No. 3871-SIL-(5)-68/14367, dated 24th May, 1968.

Explanatory Note.—

In the case of officers posted in Lahaul and Spiti on account of difficult communications the time-limit for submitting representations against adverse remarks will be eight months.

No. 279-ASI-63/4655, dated 2nd February, 1963.

13. *Nature of documents/communications which need be placed on personal files.—*(i) Besides the confidential reports on the work and conduct of an officer, copies of documents/communications specified below should also be placed on the personal files—

- (a) all orders imposing any of the penalties prescribed under Rule 4 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 [now rule 5 of Punjab Civil Services (Punishment and Appeal) Rules, 1970] or rule 3 of the All-India Services (Discipline and Appeal) Rules, 1954, as amended from time to time ;
- (b) all communications conveying adverse remarks ;
- (c) those letters of appreciation which deal with the outstanding nature of performance of an officer on an overall assessment on his work and conduct during the year in the light of the remarks recorded in his confidential reports.

No. 8963-
ASI-64/
35707, dated
16th January,
1964.

(d) A copy of the orders granting advance increments).

(ii) As regards warnings which are not the direct outcome of annual confidential reports (excepting those emanating from Government), these shall not be placed on the personal files without the previous approval of the 'appointing authority'.

(iii) In regard to other communications of the nature of advice or conveying displeasure of Government, orders of the competent authority whether or not a copy should be placed in the personal file should be obtained in each individual case. "Competent authority" referred to above will be —

(a) Government in cases where advice given to a Government servant is from Government or the displeasure of Government is conveyed or Government is the authority competent to impose the punishment of censure ; and

(b) the authority competent to hear appeals from an order imposing the punishment of censure, in other cases, except when the advice given is that of a higher authority in which case such higher authority should be the "competent authority".

No. 279-ASI-
63/4655
dated 2nd
February,
1963.

(iv) Whenever an officer has attended an approved course of study or training in India or abroad—

(a) the fact of his having done so should be entered in his character roll;

(b) the report received from the head of the institution of the aforesaid study or training should either be placed in original with the character roll or the substance of it entered therein;

(c) an entry about the report submitted by the officer on his work should also find mention in the character roll if it is outstandingly good, or is of poor quality indicating that the officer had not made good use of his period of study or training.

Explanatory Note.—Approved courses of training may be defined to include courses sponsored by

the Government or in which the cost or part of the most is borne by Government as also courses attended with the permission of Government or for which Government grant study leave. In respect of some of these courses it may not be possible or necessary to obtain reports which could be incorporated in the character rolls. For instance there are part-time courses and refresher courses where an assessment of the candidate is not made. In such cases, however, entry in the character roll of the fact of the officer having attended the course would nevertheless be useful in giving a more complete picture of the officer's experience and accomplishments.

Explanatory Notes:--

- (i) As a result of delays detected by the Assessment Units, the officials responsible for delays are sometimes warned and in certain cases the Chief Secretary decides that a copy of the warning be placed on the personal file of the official concerned. In such cases it is not necessary to obtain the orders of the competent authority as defined in this paragraph for placing a copy of the warning on the personal file. The Chief Secretary will be the competent authority for this purpose.

No. 1485-
ASI-61/
7762, dated
1st March,
1961.
 - (ii) It is the responsibility of the authorities maintaining the personal files to ensure that all documents required under the instructions of the Government to be placed on the personal files, are placed thereon.

No. 126-
ASI-64/
2377, dated
17th January,
1964.
 - (iii) The term 'personal file' means in this context the collection of periodical or annual confidential reports on the work and conduct of a Government employee and copies of orders of punishment and appreciation letters, etc., that may, in accordance with the foregoing instructions, form a part of this collection.

No. 126-
ASI-64/
2377, dated
17th January,
1964.
14. *Documents which are not to be placed on personal files.*
 The personal files should not be burdened with copies of personal letters or certificates issued by superior officers to their subordinates or letters of commendation issued by Government in recognition of any special help that might have been
- No. 5929-
G(C)-56/
21125,
dated 30th
May, 1956.

tendered by the officer on a particular occasion, e. g., a local exhibition, visit of a V.I.P., etc.

Letters of appreciation issued by various authorities or persons on any major event of work done or special contribution made by the officer towards the implementation of a particular scheme or successful conclusion of special campaign will not, therefore, be placed on personal files.

No. 1485-
ASI-61/
7762, dated
1st March,
1961.

Explanatory Note.—Enquiry reports of the Vigilance Department sometimes contain mention of unsubstantiated allegations. In any case these are in the nature of investigations. Such enquiry reports shall not be placed on the personal files.

No. 3916-
IG-57/9867,
dated 5th
June, 1957.

15. *Procedure to be followed where a Reporting Authority is related to the officer to be reported on.*—(i) When the reporting officer is the first reporting authority, he should be competent to record his remarks, but, while doing so, he should clearly mention that he is related to the officer reported on and bring out the exact nature of relationship.

(ii) When the reporting officer is not the original reporting authority he need not normally write any remarks. If, however, he feels that for some reasons he must enter some remarks, he should, while doing so, act as under (i) above.

No. 5445-
GI-58/15872,
dated 26th
May, 1958.

16. *Soliciting of remarks to be discouraged.*—Government have noticed an undesirable tendency among officers/officials to approach the higher authorities for getting remarks out of the way on their personal files. The confidential remarks on the work of Government servants are recorded by the competent authority in the normal course when due. The officers/officials should, on no account, solicit for remarks in personal files whether from Ministers or their other superiors.

No. 6257-
GI-59/1587,
dated 13th
January,
1960.

17. *Custody of personal files and Authorities competent to convey adverse remarks in Confidential Reports.*—In regard to the general question as to which authorities should be competent to receive and convey confidential reports and maintain personal files (character rolls) of different categories of Government servants it is considered that, in principle, all this work should normally be the responsibility of the "appointing authority". However, in view of practical difficulties involved, this does not appear to be feasible in all cases.

Therefore, without prejudice to the right of the 'appointing authority' to issue any special instructions to meet administrative exigencies, it has been decided to lay down the following procedure :—

- (i) The personal files of all officers of the I.C.S./I.A.S. and the P.C.S. (Executive Branch and non-I.C.S./P.C.S. (Executive Branch). Administrative Secretaries will remain with the Chief Secretary, except that the personal file of the General Manager and Secretary, Bhakra Dam, will continue to be maintained by the Secretary, Irrigation and Power.
- (ii) The personal files of Additional Secretaries/Joint-Secretaries/Heads of Departments, who are not members of the I.C.S./I.A.S./P.C.S. (Executive Branch), will remain in the custody of their Administrative Secretaries.
- (iii) The personal file of all Class I and Class II Officers, except those covered by (i) and (ii) above, will remain with their Heads of Departments.
- (iv) The personal files of non-gazetted staff will remain in the custody of their Heads of Departments/Heads of Offices according to the existing practice, which may be modified, if circumstances so warrant, at the discretion of the Head of Department concerned.

The authorities mentioned at (i) to (iv) above will receive confidential reports and convey adverse remarks contained therein in respect of the Government servants whose personal files are maintained by them.

To facilitate the assessing of an officer's worth, on the basis of his personal file, the good and bad remarks should be sidelined with red and blue pencils respectively while putting up the personal files in cases of promotion, disciplinary action, pension etc.

18. *Index to Personal Files.*—Government observe that very often annual confidential reports are not written promptly by the recording authorities, nor is due importance attached to the proper maintenance of personal files, which are a valuable service record of Government servants. To remedy this state of affairs, it has been decided that an index in the attached *pro forma* (Annexure A) should form part of each personal file and entries therein completed before any new documents

No. 1648-
G-56/18571,
dated 14th
March, 1956.

No. 6257-Gf-
59/1587,
dated
13th January,
1960 .

are filed. To ensure proper upkeep of personal files, it would also be desirable that the appointing authorities/Heads of Departments/Heads of Offices have the personal files in their own custody and those in the custody of their subordinate offices inspected by a responsible officer once every year between the months of July and September.

No. 1485-
ASI-61/1762,
dated
1st March,
1961.

Explanatory Note.—Where the personal file is in the shape of a bound register, it is not necessary to prepare an index to it.

No. 59-ASI-
62/5649,
dated 17th
February,
1962.

19. *Summary of personal files.*—Government have decided that a summary in the attached *pro forma* (Annexure B) should form part of each personal file to facilitate the judging of relative merits of officers by the competent authorities making appointments, promotions, etc. To facilitate this task the grading should be done by the reporting officers. A column for 'overall assessment' should be prepared in the form so that the years' work is assessed and graded in the recognised categories namely 'A plus' (outstanding); 'A' (Very good); 'B plus' (good); 'B' (Average) and 'C' (Below average).

No. 126-ASI-
64/2377,
dated 17th
January,
1964.

20. I am to urge again that the officers recording confidential reports should realise the value and the importance of such reports in making or adversely affecting the careers of officers reported upon. While superior officers have the fullest freedom and the right to record their opinion about the work and conduct of their subordinates, in doing so they should be guided solely by considerations of merit, justice and fair play. No personal considerations, approaches or sifarish of any kind should be allowed to supervene and their conscience alone should be their guide in this matter.

21. I am to request that these instructions should be strictly followed.

ANNEXURE 'A'

DEPARTMENT OF _____

Index to Annual Confidential Report and other Documents
placed in the Personal File (Character Roll) of _____

Serial No.	Date on which placed on personal file	Nature of document placed showing period to which it relates	Page Nos. of the documents filed	Signature, date and designation of attesting authority of the entry	Remarks
1	2	3	4	5	6

N.B.—(1) The Index Form should be printed on both sides of a thick coloured folder.

(2) Each Index Sheet should have a printed Serial No. embossed in print in the right and top corner.

(3) Printed Index Sheets are available from the Controller Printing and Stationery, Punjab, Chandigarh.

(4) Proper account of Index Sheet should be maintained by each office.

ANNEXURE 'C'

**Confidential reports on the work of the Officers of the
Indian Civil Service/Indian Administrative Service for the
year.....**

Name

Designation

Period spent in the post

Remarks

Overall Assessment
(Outstanding, very good,
good, average or below
average).

Copy of Letter No. 1036-P-60/12434, dated the 19th May, 1960 to the all Heads of Departments, etc.

Subject.—Participation of Government Servants in Political activities and agitations.

I am directed to invite your attention to rule 22(1) of the Government servants' Conduct Rules, 1955, which lays down that no Government servant shall take part in, subscribe in aid of or assist, in any way, any political movement in India or abroad relating to Indian affairs. It has been explained in the rule that the expression "Political Movement" includes any movement or activities tending directly or indirectly to excite dis-affection against, or to embarrass, the Government as by law established, and to promote feelings of hatred or enmity between different classes of subjects of the Indian Union, or to disturb the public peace. In this connection, I am to point out that a rigid and strict line will be taken in regard to employees who associate themselves or take part in politics and that Government will not make any concession regarding re-employment where employees are dismissed or discharged because of association with politics or any political movement. This may kindly be brought to the notice of all Government Servants working under you.

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

Copy of Punjab Government Circular Letter No. 4091-ASII-60/20836, dated 8th June, 1960 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Efficiency Bars.

Sir,

I am directed to point out that doubt had arisen as to the policy to be followed in deciding the question of allowing a Government servant to cross the efficiency bar when he is subject to an enquiry or some other departmental proceedings. The point at issue was whether at the time of examining the question of allowing an officer/official to cross the efficiency bar :

- (a) his conduct and record upto the date on which he was due to cross the bar should be kept in view ;

or

- (b) whether subsequent developments are also to be taken into account.

2. The question has been considered and it has been decided that in a case where the question of crossing the efficiency bar has not been decided before the due date the decision on it should be based on consideration of the officer/official's record and conduct up to the date on which the crossing of the efficiency bar became due. It may be added that allowing the officer to cross the efficiency bar with effect from the due date, notwithstanding his subsequent conduct, will not have any effect on the punishment which may have to be awarded to him for any misconduct after the date from which he is allowed to cross the bar. It would, however, be advisable to inform the officer at the time when he is allowed to cross the efficiency bar, should this be the decision, that the fact that he has been allowed to cross the bar is independent of the action which may be taken against him on the basis of disciplinary proceedings.

3. The analogy of this decision will not *ipso facto* apply to cases of confirmations or promotions. In such a case, where an officer/official is due for confirmation or promotion from a particular date, his work and conduct subsequent to that date and prior to the date of decision may also for good reasons, constitute an important relevant factor in deciding or deferring the matter.

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 itself 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 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 Service 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 a 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 Service 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 twenty-one 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 to 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 ; otherwise 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

proposals 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.

- (iii) 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.
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Copy of Punjab Government Circular Letter No. 64 23--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 Government Circular Letter No. 8 770-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.

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 Circular letter No. 7833-7GS-60/33698, dated the 21st September, 1960, from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab, addressed to All Heads of Departments, etc., etc.

Subject.—Employment of Handicapped persons in the Public Service.

I am directed to invite a reference to the instructions contained in the Punjab Government letter No. 5290-7GII-59/6949, dated the 7th/11th July, 1959, on the subject cited above, which *inter-alia* lay down that in the cases of Class III or class IV posts of the artisan class or those involving manual or skilled labour or a routine type of work, deaf-muteness or deafness by itself need not be regarded as a disqualification against appointment provided that the person concerned is otherwise,

fit and qualified to hold the post. Ever-since the issue of these instructions, the question of extending the scope of absorption of the physically handicapped persons, e.g., the Blind, Deaf and Dumb in the national economy, after their completion of training in the institutions established for them or otherwise, has been engaging the attention of Government. It has now been decided that they may be considered for employment against the categories of the posts listed at Annexure I, provided they are not otherwise unqualified and unfit to discharge the duties of the posts, against which they can be suitably employed. Whenever there is a vacancy or vacancies of the type mentioned at Annexure I, the appointing authority will circulate the vacancy or vacancies to the institutions mentioned at Annexure II and others and also to the Director of National Employment Service, Punjab.

2. In this connection, I am to add that the criterion of 'unfitness' because of a bodily defect, etc., should be assessed very carefully and actually with reference to the nature of duties of the particular post or service against which the physically handicapped persons are to be appointed. The recruitment rules should be interpreted liberally whenever it is necessary and as far as possible, the physically handicapped personnel should be given preference over other persons in filling up posts in various services and departments in which they can be suitably employed without serious detriment to efficiency.

3. It is requested that receipt of this communication may be acknowledged and these instructions brought to the notice of all concerned.

ANNEXURE I

List of categories of jobs for absorbing persons who are physically handicapped :

<i>Blind</i>	<i>Deaf</i>	<i>Dumb</i>
1. Weaving.	1. Bench Fitting.	1. Cane Work.
2. Toy Making.	2. Electricians.	2. Poultry Farming.
3. Basket Making.	3. Wiremen.	3. Bangle Making.

<i>Blind</i>	<i>Deaf</i>	<i>Dumb</i>
4. Cane Work.	4. Carpentry.	4. Bee Keeping.
5. Newar Making.	5. Blacksmithy.	5. Dairy Farming.
6. Hand Spinning (Charkha Work) 1	6. Moulding.	6. Book Binding.
7. Hand Pump Operators.	7. Tin and Copper Smithing.	7. Composing.
	8. Toy Making.	8. Leather Work.
		9. Tailoring and Cutting.

ANNEXURE II

1. Government Institute for the Blind, Panipat.
2. Home for the Blind, Ferozepore City.
3. Institute for the Blind, Ambala Cantt.
4. Institute for the Blind, Andh Vidyalaya, Durgiana, Amritsar.
5. Deaf and Dumb School, Jullundur.
6. Saket (Home for the Orthopaedically Handicapped), Chandi Mandir.
7. Khalsa Dewan Andh Vidyalaya, Amritsar.

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 the 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. 11981-GS-60/37758, dated the 26th October, 1960 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.-- Assessing the length of service for calculating earned leave/casual leave under the revised system.

Sir,

I am directed to invite a reference to the Punjab Government letter No. 1929-GII-60/12689, dated the 14th April, 1960, on this subject and to say that a question has arisen whether the instructions contained therein apply to employees, who come to the Punjab Government for a short period of service but continue to hold lien on their substantive posts under the Central or other State Governments and have the right to return to them. In this connection, I am to inform you that the instructions contained in the letter under reference are only meant to cover persons entering the Punjab Government service as employees, who may have worked earlier for the Central or other State Governments, but who, after joining the Punjab Government, have no connection with their parent offices. I am further to clarify that the employees who are permanent and continue to hold liens or the right to return to Central or other State Governments or are allotted to any Service cadre of the Punjab State after rendering service under the Central Government or other State Government, shall carry the rights of the previous service to the extent recognised in their parent offices, in assessing the length of service for calculating earned leave/casual leave under the revised system.

Copy of letter No. 13083-5GS-60/39681, dated the 31st October, 1960, from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments etc. etc.

Subject.—Revised System of earned leave, holidays and working hours.

I am directed to invite a reference to paragraphs 7 and 13 of the Punjab Government letter No. 4376-GII-59/2769, dated the 2nd May, 1959, on the above subject and to say that a doubt has arisen whether the previous service of a re-employed pensioner is to be taken into account for calculating the amount of earned leave/casual leave admissible to him under the revised Leave System. The matter has been considered and it has been decided that the previous service of officers/officials re-employed after superannuation, shall be taken into account for assessing the length of service for determining the amount of casual leave only due to them. As regards earned leave, they shall be treated as temporary Government servants and their length of service for this purpose shall count from the date of their re-employment.

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 Departments 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 Departments if possible without any break in their service.

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

Copy of Punjab Government Circular letter No. 8886-ASII-60/41451, dated 23rd November, 1960, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Policy regarding Government servants seeking Private Employment or Employment in other Departments of Punjab Government or under other Governments.

I am directed to invite a reference to Punjab Government letter No. 9869-G-54/8566, dated the 2nd March, 1954, on the subject noted above, and to state that Government have further decided to amend the instructions contained in Punjab Government letter No. 5803-G-51/1-4506, dated the 3rd September, 1951, to the extent that when considering applications for permission to appear in higher competitive examinations, the applicants' past performance if any, in such examinations be also taken into consideration before according permission.

Copy 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/officials 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 headquarters, shall be allowed for a Deputy Secretary and above: Director
- (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 Circular letter No. 15948-GS-60/44659, dated the 8th December, 1960, from the Chief Secretary to Government Punjab to all Heads of Departments etc. etc.

Subject.—Attendance of Government servants at the meetings conventions etc. of the Bharat Sewak Samaj.

I am directed to say that according to the instructions contained in Punjab Government letter No. 994-P-53/11881, dated the 2nd March, 1953, Government servants can associate themselves with the activities of the Bharat Sewak Samaj without obtaining the prior permission of Government

subject to the condition that such association is not permitted to interfere with the due discharge of their official duties and does not absolve them from the observance of rules and instructions relating to their conduct and behaviour. In this connection, enquiries have, however, been made by various departments on the following two points :—

- (i) Whether or not the period spent by Government servants in attending the meetings and conventions of the Bharat Sewak Samaj, is to be treated as period spent on duty.
- (ii) Whether, or not the Government servants who participate in annual conventions and other meetings arranged by the Bharat Sewak Samaj should be paid T.A. and D.A. by the Government.

After careful consideration of the matter, the Government have taken the following decisions :—

- (i) The period of absence, which normally does not exceed three days at a time, should be treated as duty in the case of those Government servants who are required exclusively to attend conventions and meetings of the Bharat Sewak Samaj as *ex-officio* members of the Managing Body of the Punjab Branch of the Bharat Sewak Samaj, subject to other conditions laid down in the Punjab Government letter referred to above.
- (ii) These Government servants should receive T. A. and D. A. from the funds of the Samaj.
- (iii) In cases, where the officers/officials attend the meetings/conventions of the Bharat Sewak Samaj, while they are officially on tours which are undertaken with the prior approval of the competent authority and include attendance of the meetings/conventions of the Samaj, they shall be all along treated as on duty and draw T. A./D. A. from the Government funds in the normal manner.

2. I am to request you that these decisions may be brought to the notice of all Government servants working under your control.

3. 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. 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.

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.

Copy of Punjab Government Circular letter No. 11158-5GS-60/46200, dated 6th January, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Detaining of Stenographers/Personal Assistants outside office hours.

I am directed to address you on the above subject and to point out that it has been brought to the notice of Government that in certain cases officers require their Stenographers/Personal Assistants to work after office hours, sometimes late in the evening and/or on holidays. Government does not approve of this practice and has decided that normally the Stenographers/Personal Assistants should not be required to work outside office hours except when it is essential in the interest of Government work, or when there is an emergency. In fact, the work should be so adjusted that they are not unnecessarily detained at odd hours.

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

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

Copy of letter No. 16935-GS-60/1295, dated the 23rd January, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Celebration of marriages—Permission for.

I am directed to bring to your notice that complaints have been made to Government that some officers, while celebrating the marriage of sons or daughters at the place of their posting, take undue advantage of their position in collecting material and arranging amenities. This practice brings a bad name to the official machine and to Government and it has now been decided that an officer who wants to celebrate the marriage of his son or daughter or other relation at the place of his posting should invariably obtain the prior permission of the appointing authority and where the appointing authority happens to be Government, then of the Administrative Secretary concerned. Such permission will not be required if the marriage is to be celebrated at the headquarters of the Government, i.e. Chandigarh or in the village or the town to which the officer himself belongs. In the case of displaced officers, who do not possess property anywhere in the Punjab, permission to celebrate the marriage in any particular place will still be necessary.

2. As regards leave for the celebration of the marriage, Government have decided that it should be applied for by the officer concerned if he thinks it necessary, and will be granted to the extent administratively feasible.

3. I am also directed to emphasize that in order to avoid public criticism officers should when performing the marriage of their sons or daughters or other dependents, scrupulously avoid the use of their official position in the collection of material or arranging amenities through their staff or members of the public with whom they are directly or indirectly concerned in the discharge of their duties as Government servants. Officers should also not accept gifts and presents from such persons. In this connection, attention is invited to the provisions contained in rule 3 of the Government Servants Conduct Rules, 1955, and rule 10 of the All India Services (Conduct) Rules, 1954, which should be observed scrupulously by all the officers.

4. I am to request that these instructions be brought to the notice of all persons working under you for compliance.

Copy of Circular letter No. 643-ASII-61/8010, dated the 6th March, 1961 from the Chief Secretary to Government Punjab, to All Heads of Departments, etc., etc.

Subject.—Fixation of pay of new entrants.

It has come to the notice of Government that at times the question of fixation of pay of new persons appointed to various services/posts is decided long after the appointment. The short-time involved in making references and back reference is understandable but the delay of several months is neither just nor desirable. This not only causes considerable hardship to the persons concerned but also places the Finance Department in a difficult situation as they are sometimes forced to agree to fixing pay at higher rates when a reference is made to them after several months of the appointment.

2. I am, therefore, to request you to impress on all concerned that the cases relating to pay fixation should not be allowed to drag on at a leisurely pace and that due promptitude and despatch should be shown in dealing with such matters at all levels.

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 to screen cases of reduction in pension,—*vide* Punjab Government Notification No. 277-IGS-61/8675, 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 Punjab Government Circular letter No. 1493-ASII-61/9905, dated 27th March, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Policy regarding Government servants seeking private employment or employment in other departments of Punjab Government or under other Governments.

I am directed to invite a reference to Punjab Government letter No. 9868-G-54/8566, dated the 2nd/12th March, 1954

conveying the decision that a department, while forwarding an application of an officer/official to another Government or Punjab Public Service Commission, etc., need not look into the suitability of the candidate for the post applied for but it must see that the candidate fulfils the required qualifications and other conditions laid down for the post. On further consideration it is felt that occasionally there may be a case where despite a candidate fulfilling all the conditions, it is considered necessary to withhold his application on grounds of unsuitability. In such a case, the matter should be considered jointly by the Minister concerned in a meeting with the Administrative Secretary and the Chief Secretary before taking a final decision. Where a Head of Department is the competent authority for forwarding an application, the cases, where it is proposed to withhold the application on account of unsuitability should be referred to Government in the Administrative Department for decision.

Copy of Punjab Government Circular letter No. 3321-GS-61/14042, dated 19th April, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.— Purchase of articles from subordinates—Instructions regarding.

I am directed to inform you that an instance has come to the notice of Government where an officer of the Revenue Department purchased a cow from a parwari who was working under him. Subsequently a complaint was received that the officer had accepted the cow by way of illegal gratification. Although on investigation, it was revealed that he had actually purchased it, it could not be proved whether or not the bargain was really a genuine one. With a view to check such transactions between the officers and their subordinates which give rise to chances of misunderstanding in the minds of the general public, it has been decided by Government that officers should not as a matter of principle buy from their subordinates any article or thing even though at the market price, particularly cows, buffaloes, foodgrains, etc. It will be in their own interest to buy such articles or things direct from the market or through other proper sources. I am to request you that these instructions should be brought to the notice of all Government servants for strict compliance.

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

Copy of letter No. 4175-7GS-61/13942, dated 17th/20th 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 promotions to higher selection 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 departments 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

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.

Punjab
Government letter
No. 2626-
ACC-54/
722, dated
the 23rd
October,
1954.

2. *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 :—

- (I) *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) 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 be 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) 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

Punjab
Government letter
No. 1611-
GII-
59/5697,
dated 5th
May, 1959.

Punjab
Government letter
No. 12277-
V (I)-59/
13470, dated
10th Decem-
ber, 1959.

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.

Punjab
Government
No. 1611-GIL-
59/5697,
dated 5th
May, 1959.

(iv) 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.

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 Nov-
ember, 1960.

3. *Cases under investigation or pending in Courts—Submission 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 discontinued and should no longer be sent to the Vigilance Department.

Punjab
Government
letter
No. 1880-V-
(3)-61/3091,
dated the
16th March,
1961.

4. 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 emphasise 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 reiterated 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 Department 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.

(Sd.) . . . ,

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

STATEMENT I
List of Government Servants under suspension whose cases are pending in Courts

Name of Department	Name of the Government servant 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 servant 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 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 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 adhered to. 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 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 blameworthy 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 informal 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 roll. 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. 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 is one post, 4 if there are two posts, and 5 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.

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. 6375-GS-61/23734, dated the 6th July, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Formation of Co-operative Societies by Government Servants.

I am directed to say that the proviso to rule 12 of the Government Servants Conduct Rules, 1955, enjoins that a

Government servant may in accordance with the provisions of any general or special order of the Government take part in promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any similar State Law. No general or special order as envisaged in the above rule has so far been issued. On the other hand, Thrift and Credit Societies of Government servants are in existence and functioning in various Departments without such Government servants having obtained previous sanction of the Government. Government has been advised that in the absence of any general or special order in this behalf, it is necessary for a Government servant to take previous sanction of Government to join a Co-operative Society. This position should, therefore, be brought to the notice of all Government servants working under your control.

2. It has, however, been represented to the Government that if formal sanction is taken in individual cases, the enrolment of members of Co-operative Societies, Canteens and Stores will receive a set-back and this will not be desirable in view of Government policy to encourage such Co-operative Societies among Government servants to enable them to derive benefit from the Co-operative movement. Government have carefully considered this proposition and decided to exempt all Government servants generally from the operation of rule 12 of the Government Servant Conduct Rules, 1955, in so far as the following types of Co-operative Societies formed by Government servants are concerned :—

- (i) Service Co-operatives.
- (ii) Salary-earners Co-operative Thrift and Credit Societies.
- (iii) House Building Societies.
- (iv) Co-operative Stores and Canteens.
- (v) Co-operative Societies connected with social welfare or educational work.

These orders may as well be brought to the notice of all Government servants working under you.

Copy of Punjab Government Circular letter No. 3482-ASI-61/25298, dated 11th July, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Relationship between the Commissioners/Deputy Commissioners and Divisional Officers/District Officers in Divisions/Districts.

I am directed to refer to the instructions contained in Punjab Government circular letters No. 14102-GI-57/22998, dated the 15th November, 1957, No. 9180-GIII-59/22659, dated the 20th November, 1959 and No. 10542-GIII-59/26741, dated the 17th December, 1959, on this subject.

It has been laid down in paragraph 10 of Punjab Government circular letter No. 2334-ASI-61/15708, dated the 3rd May, 1960, regarding confidential reports that adverse remarks in all cases should be communicated. It has further been amplified in explanatory note (i) under this paragraph that only the adverse remarks recorded or endorsed by the highest authority reporting on an officer should be communicated. In the ordinary departmental hierarchy it is easy to determine who is the highest authority reporting on an officer, but it is difficult to do so where the Deputy Commissioner and the Commissioner are the additional reporting authorities on Divisional/District level departmental officers. A question has arisen as to what weight should be attached to the remarks recorded by the Deputy Commissioner/Commissioner *vis-a-vis* those recorded by the departmental reporting authorities. After careful consideration, Government have decided that where an adverse remark has been recorded by the Deputy Commissioner/Commissioner, it should invariably be conveyed even though the departmental reporting authorities have disagreed with it. Where however, the Commissioner disagrees with the Deputy Commissioner, the Deputy Commissioner's remarks need not be conveyed.

Copy of Circular letter No. 8522-GS-61/27256, dated the 1st August, 1961, from the Additional Chief Secretary to Government, 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 Panjab 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 hands 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, 1960, 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 personnel. 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_____ to _____

Name of Apprentice_____

Section/Branch in which working_____

Date	Details of work done	Initials of Superintendent/ Head of Branch	Remarks, if any
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1	2	3	4
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Copy of Circular letter No. 8372-4GS-61/32040, dated the 7th September, 1961 from Shri E. N. Mangat Rai, ICS, Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Grant of special casual leave to internal agents, appointed under the Small Savings Scheme.

I am directed to address you on the subject noted above and to say that the question of treating the period of absence of Government Servants working as Internal Agents under the Small Savings Scheme when required to attend Shivirs organised by the Department, has been carefully considered by the Government. It has been decided that such period of absence which should not exceed 3 days in a year might be treated as special casual leave.

2. These orders will come into force from the current year, i.e., from the 1st January, 1961.

Copy of letter No. 8401-4GS-61/33117, dated Chandigarh, the 8th/11th 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 invite a reference to Punjab Government letter No. 9129-G-56/3964, dated the 17th September, 1956, and No. 4014-5GS-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) Although 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. 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. 277-1GS-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.

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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 Punjab Government Circular letter No. 10893-4GS-61/37545, dated 20th October, 1961 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject .—Grant of special casual leave to Government servants for attending annual general meetings of their recognised associations and meeting with the Government representatives or the Head of Department.

I am directed to address you on the subject noted above and to say that the question as to whether the office bearers of recognised Service Associations should be given some kind of special casual leave to enable them to participate in the activities of the Associations has been engaging the attention of Government for sometime past. After careful consideration of the whole matter, it has been decided that casual leave up to a maximum of ten days in a calendar year may be allowed to office bearers of the recognised Service Associations for participating in executive meetings, conferences and other activities of their respective Associations subject, however, to the condition that half of the leave enjoyed in this manner will be debited to the ordinary casual leave account of the official concerned and the remaining half to his special casual leave account for the aforesaid purpose. The maximum number of special casual leave allowed in this matter shall, therefore, be five days in a year.

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

Copy of Punjab Government Circular letter No. 13531-1GS-61, dated 20th November, 1961, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Conversion of temporary posts/departments into permanent ones—General Policy relating to.

Ever since the last World War there has been a huge expansion in the temporary staffs employed by Government.

This process has been further accelerated since Independence, when apart from the Rehabilitation problem which required special and at times gigantic organisation, the State has been interesting itself in bigger and bigger programmes of development and many special projects. The result is that today a large number of employees are employed on a temporary basis. This situation naturally is the cause of pressure on the part of the employees to have their posts made permanent and occasions marked difference of opinion between Administration and Finance. Therefore, there is need to get the matter on to a firm policy footing. On the other hand, Government's long-term need for particular posts must depend on the duties of these posts and the future programmes connected with the particular type of experience involved. Any rigid policy may well mean that Government commits itself to carrying large staffs some of which it may, in fact, not require.

2. In these circumstances, whereas a fairly well defined policy is desirable, it is also believed that it must provide some degree of safeguard to meet with particular unusual circumstances. Instead of piecemeal cases coming up to Government with regard to making staffs of particular departments permanent, the following general procedure has been decided upon :—

A. Temporary posts in permanent Departments.

3. (1) There should be a review with regard to all posts which have existed for three years or over, every year between the months of May—July when there is relatively less pressure of Budget work. The Administrative Secretary will make a list of temporary posts which have existed for three years and send proposals for their permanence by the end of May to the Chief Secretary who may depute one of his Deputy Secretaries to deal with these cases. The proposals will then be processed through a Committee of officers comprising the senior Financial Commissioner as Chairman, the Chief Secretary, the Planning Secretary, the Finance Secretary and the Secretary of the Administrative Department concerned. This Committee will meet during June according to the needs of the situation. The Deputy Secretary concerned will act as Secretary of this Committee. Where technical posts are involved, the Secretary of the Administrative Department will be at liberty to get the assistance and presence of such technical officers as the wishes. This Committee of officers

will after discussion make recommendations as to which posts should be made permanent. These recommendations will then be put up to the Council of Ministers during the July for final decision.

(2) Where a post has existed for five years or more the general practice will be that these posts should be made permanent automatically. The Administrative Secretary concerned would, therefore, take necessary action in consultation with the Finance Department. In order, however, to provide some safeguard where the Finance Department specifically objects to making posts permanent, the matter should be referred to the same Committee as is mentioned at (1) above, through the Chief Secretary to Government, Punjab by the end of May each year. The Committee will again make suitable recommendations to the Cabinet whose decisions will be final.

B.—Temporary Departments

4. In these departments all posts will be temporary unless the Government has specifically made certain posts permanent, as has been done in the Civil Supplies and Rehabilitation Departments. The problem of temporary departments is much more difficult than that of merely temporary posts, since it is debatable whether the whole activity in which the department is involved is to continue or not. Here also, the following procedure has been provided for review :—

- (1) The same Committee of officers as has been mentioned above should review the position of all temporary departments which have been in existence for five years or above and should make appropriate recommendations to the Cabinet whose decision would be final. The Administrative Department will initiate this review by the end of May, each year with justification as to making the organisation permanent or a part of it permanent.
- (2) Where a temporary organisation has existed for ten years or above it should automatically be made permanent. Here again, however, where the Finance Department has special reasons against following this practice in regard to a particular organisation, the matter should be considered by the Committee of officers at the initiative of the Finance

Department, who will send its proposal by the end of May each year and appropriate recommendations made to the Cabinet whose decisions would be final.

To enable the Finance Department to send up its proposal in time, the Departments should, on demand by the Finance Department, make available to the Finance Department a detailed note giving the history of the Department ever since its inception and a justification for its being made permanent.

5. The above arrangements represent an *ad hoc* solution which is not too grave in risks to Government and at the same time would offer reasonable chances of long-term security to employees. The recent decision of Government, following the recommendation of the Pay Commission, that all temporary service followed by confirmation should be counted towards pension will certainly help employees, as one of the difficulties previously was that temporary service counted towards pension only to the extent of 50%. The new rules *plus* the arrangements mentioned above would substantially meet the employees needs and demands.

6. As these arrangements provide for review during May—July each year, they will not interfere with current practice in regard to posts suggested for permanence through the Budget 1962-63. The usual procedure will apply to such cases.

Copy of Punjab Government Circular letter No. 13178-4GS-61/41501, dated 23rd November, 1961 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/S.S.S. Board, Punjab.

I am directed to address you on this subject and to inform you that the question of fixation a period for joining appointments or training courses in the case of candidates recruited through the Punjab Public Services Commission/Subordinate

Services Selection Board, Punjab, has been considered by Government. After obtaining the views of the P.P.S.C. and the S.S.S. Board and in the background of the practice prevalent in the Government of India, it has been decided that all such candidates should be given a maximum period of a 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 make necessary preparations for journeys etc. to take up their posts/courses. In case a candidate is unable to join the post within the time limit prescribed for any bona fide reasons the 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.

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

Copy of Circular letter No. 14195-4GS-61/42457, dated the 28th November, 1961 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

Subject.—Deletion of religion, caste, etc, from all Government records.

I am directed to address you on the subject noted above and to inform you that the question of omitting from all Government records including application forms of Punjab Public Service Commission, Subordinate Services Selection Board and Employment Exchanges as also of Schools, Colleges and Institutions technical and non-technical, gradation lists, etc. any mention about religion, namely, Hindu, Sikh, Christian, Muslim etc. as also of caste/sub-caste has been considered by Government. In the interests of national integration, it has been decided that all entries relating to religion, caste or sub-caste should be omitted from all Government records with effect from 1st January, 1962. In order, however, to ensure that no complications arise at a later stage in the case of persons having the same name in the cadre of the same service, the practice of adding figures 1, 2, 3, and so on against their names should be introduced.

2. Exceptions. (1) In the case of persons belonging to Scheduled Castes/Scheduled Tribes and other Backward

classes, it will, however, be necessary to mention their castes in the application forms for the reason that they are entitled to certain specified privileges in matters of recruitment to Government service and for admission into schools and colleges. This practice will of course continue till such time as such reservations are allowed to members of these castes and classes.

2. Where a caste or sub-caste is part of the regular name of a person and he or his family calls himself by this it may of course be included as his name or part of it.

3. As these instructions will come into operation with effect from 1st January, 1962, I am to request you to make arrangements to ensure that in gradation list to be published for the next year and in all other records, applications forms etc. the use of religion, caste and sub-caste is omitted except where it is necessary in the case of scheduled castes, etc.

4. The receipt of this letter should 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-58/78736, 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.

Copy of Punjab Government Circular letter No. 13987-5GS-61/43369, dated 4th December, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Acquisition of Higher Qualifications—Permission to Government servants.

Government has observed that in the absence of any general instructions governing the grant of permission to Government servants for acquisition of qualifications the practice followed varies. For the sake of uniformity in the matter and with a view to encouraging Government servants to improve their educational qualifications, I am directed to inform you that the question of granting general permission to all Government servants to appear in University and other Examinations has been carefully considered by Government. For the reasons that the acquisition of higher qualifications is always beneficial and broadens the outlook of an individual who should naturally give better work to Government, it has been decided that permission may be granted normally to all Government servants for study in any subject they like, even though the qualification sought to be achieved is not directly connected with the routine duties of the post or service to which that employee is appointed. The only condition that may be imposed should be that such a course of studies should not interfere with his official duties as such.

2. As regards grant of leave, it has been decided that unless there be very exceptional circumstances, it should invariably be allowed for the actual days of examination and also for upto a period of fortnight in advance for preparation, if the administrative circumstances permit.

3. The receipt of this letter may be acknowledged.

Copy of Punjab Government Circular letter No. 13928-4GS-61/44512, dated 18th December, 1961, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Employment of inmates of Homes/Infirmaries in Government Offices in the Punjab State.

I am directed to address you on the subject noted above and to inform you that the question of employment of inmates of Homes/Infirmaries controlled by the Social Welfare Department (Relief Organisation) in Government Offices in the Punjab State, has been engaging the attention of Government for some time past. After careful consideration, it has been decided that in future other things being equal preference for appointment to Government posts, should be given to the trained inmates from these Homes/Infirmaries. I am accordingly to request you kindly to keep in mind these instructions while making appointments to Government posts.

[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 :—

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

Short title,
extent and
commence-
ment.

(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 Steno-
graphers 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.

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.

Promotion of Stenographers in offices 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 Assistants cadre.

Promotion of Junior Scale Stenographers and Steno-typists.

(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.

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 :

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

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 dis-
turbed.

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.

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.

Copy of D.O. letter No. 13036-3GS-61, dated 3rd January, 1962, from Shri E. N. Mangat Rai, ICS, Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Need for employment of more women, particularly in ministerial posts.

In inviting your personal attention to this subject, I am to state that the National Committee on Women's Education appointed by the Government of India, while examining the possibility and methods of encouraging a larger number of women to go into different vocations and trades observed 'that in this vast country there is an enormous number of men educated as well as uneducated who are not gainfully occupied. Whenever any vacancy occurs, men usually get it and this trend has made the employment position of women extremely difficult. This also explains why there are only 7 per cent of women in industries as against 93 per cent of men and 11.4 per cent of women in services as against 88.6 per cent of men. Individual occupations like nursing that spell opportunities for women because they are women's exclusively, are only very few in this country. The number and range of opportunities in Central and State Governments, semi-Government services are growing materially, depending on the needs of an expanding economy and increased responsibility.' They, therefore, recommended that the Government should take necessary steps to ensure the entry of an increasing number of women into all suitable occupations. It was also recommended that the maximum age requirement be relaxed to 35 years and that for women entering into service at a latter stage, the age of retirement be extended up to 60 years. The State Government have carefully considered these recommendations. While it is not possible to grant special concessions by way of relaxing the upper age limit for entry into Government service for women candidates nor by extending the retirement age for them nor even by lowering the standard of examinations in their case, nevertheless it is the earnest desire of Government that a larger number of women should be employed in the services.

2. At present even though the Constitution permits equal opportunities for women, they are in fact substantially confined to particular professions such as teaching, nursing etc. These professions are often exposed to all sorts of hazards and as a result there are not only unpleasant incidents at times, but the whole idea of women's employment in Government services receives a setback. It is felt that women should also suitably be employed without danger of any insecurity in Government offices. They can be recruited to ministerial

posts of diarist, despatcher, recorder, receipt clerk, etc. or typists and steno-typists and they should be particularly useful in reception, library, cafeteria, etc. In order to get sufficient number of women candidates for such posts, it may be specifically stated in the advertisements that women candidates are also eligible. In the requisitions to the Subordinate Services Selection Board/Punjab Public Service Commission, it should be clearly tioned that particular posts are specially suitable for women.

3. I am desired to request you that the Government policy regarding employment of more women, particularly in ministerial posts should be fully implemented in its letter and spirit.

4. This letter may kindly be acknowledged.

Copy of letter No. 10266-5GS-61/1134, dated the 11th January, 1962, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Reservation of seats for Outstanding Sportsmen in Technical/Medical Institutions and in service of the State Government.

I am directed to inform you that with a view to encourage sports talent Government have been considering the question of reserving certain percentage of seats for them for—

- (i) admission to technical/medical institutions in the State; and
- (ii) recruitment to services under the State, through the Punjab Public Service Commission/Subordinate Services Selection Board.

2. After careful consideration, Government have decided in regard to (i) above that 2 per of the seats in technical/medical institutions in the State should be reserved for outstanding sportsmen provided that they possess the minimum educational qualifications prescribed for admission to such institutions.

As for (ii) above, Government have been advised that any reservation for sportsmen in services would offend the provisions of the Constitution except where the character of the post is such that an ability in sports is considered a direct preferential qualifications for the kind of work involved. For example proficiency in sports may be considered a preferential directly connected qualification for posts in the Police Department, where physical courage and balance of body and mind are necessary for the performance of duties. Similarly such posts in the Education Department which involve contact with children and youth can be suitably considered as directly benefitting from such a qualification. Government have, therefore, decided that for these posts where the

nature of duty may be such that persons who are good athletes or sportsmen may prove more useful, the qualifications should be so modified as to give them preference. As regards posts in Departments, other than the Police and the Education, the Education Department should consider with a liberal emphasis whether particular posts justifiably attract the qualifications mentioned and if they do, adopt similar procedure subject to the condition that the minimum educational qualifications prescribed for the posts are fulfilled. Steps may also be taken to amend the relevant Service Rules, where necessary.

3. In so far as the question of judging whether a person is a sportsman of requisite standard for the concessions referred to above, it has been decided that the sportsmen should be graded as follows :--

- (i) *Grade A*—Sports of international standing, i.e., those who have represented India in international tournaments, meets, events, competitions etc.
- (ii) *Grade B*.—Sportsmen of national standing, i.e., those who have represented their State, University, Service, School etc. in recognised National tournaments, Contests, Competitions etc. who hold National Records in any event.
- (iii) *Grade C*—Sportsmen who have achieved State status by representing their College, School, Service Contests etc. or hold State Records in any event.
- (iv) *Grade D*—Sportsmen who claim to have played for their College, School, Institution etc. without achieving State status.

Rating within a particular grade will depend on a number of considerations, the more important of which would be—

- (a) the number of events in which distinction has been achieved ;
- (b) the number of records held ;
- (c) the number of times the Country, State, college etc. has been represented, and
- (d) the positions or places secured. For instance, one who got a first place may be rated above one who secured a second or third place only. Undue weightage will not be given to this factor as Government are more concerned with 'Sportsmen' and not 'winners'.

4. As regards the award of marks to 'Sportsmen' candidates, by the Punjab Public Service Commission or the

Punjab Subordinate Services Selection Board or other body responsible for selection, it is considered that where a system of marking is followed by the Selection Authority, each department while placing a requisition to such authority, should specify therein the quantum of maximum marks which should not exceed 25 of the total marks, which may be awarded to a candidate, who is a sportsman. This quantum will, however, vary from Service to Service at the discretion of the recruiting department.

5. To achieve the object in view, it has been decided by Government that the persons concerned should obtain a certificate from the Sports Department. Only such persons as are in possession of the certificates issued by the Sports Department, will be eligible for these concessions.

6. The Director of Public Relations, Punjab, is requested kindly to give wide publicity to these decisions.

7. The receipt of this letter may be acknowledged.

Copy of Circular 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 any candidate falls out as a result of verification of character and antecedents, medical examination, 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. 728-8GS-62/1501, dated 15th January, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject—Allegations against individual Government servants in the Press—action to be taken in the case of Government servants involved in legal proceedings—provision for legal and financial assistance.

I am directed to say that Government have for some time past been considering the question of adopting a suitable procedure in regard to the action to be taken in the case of allegations against individual Government Servants in the Press and to provide legal and financial assistance to the Government servant involved in legal proceedings and have decided as follows :—.

2. When allegations are made in the Press or by individuals against a Government servant in respect of his conduct in the discharge of his public function a preliminary confidential enquiry by a senior officer may be ordered by Government, depending on the nature of the case.

3. If such an enquiry leads to the conclusion that the allegations are based on ignorance, insufficient information or even malice it should be further considered whether, having regard to the nature and circumstances of the case, any action in a Court of Law is necessary to indicate the conduct of the Government servant concerned, for in some cases, mere publication of the result of enquiry may not always carry conviction with the public. If it is decided to have resort to a Court of Law, it should also be considered whether Government should themselves initiate proceeding in a Court of Law against the party which made the allegations or whether the Government servant should be required to initiate such proceedings if on the other hand, it is considered as a result of the enquiry that there are reasonable grounds to doubt the propriety and correctness of the conduct of the Government servant, or if the enquiry is not conclusive Government may entrust the case to the Vigilance Department for investigation or order a full departmental enquiry under the Punjab Civil Services Rules, or require the officer to vindicate his conduct by resorting to a Court of Law.

4. In case where Government decide to initiate Criminal Proceedings themselves the provisions of Section 198-B of the Criminal Procedure Code should be made use of. According to these provisions the complaint can be filed within six months of the date of the alleged offence, by the Public Prosecutor directly in a Court of Sessions with previous sanction of the Government and the case will thereafter be pursued by Government. Where the Government decide to institute civil proceedings the usual procedure for institution of civil proceedings by Government may be followed.

5. In cases where the Government servant is required to vindicate his conduct in a court of law. Government will give financial assistance as laid down in this letter.

6. When a Government servant desires to institute proceedings *suo motu* to vindicate his conduct in the course of the discharge of his official duties, he will have to obtain the previous sanction of the Government as required in rule 23 of the Government servants Conduct Rules, 1955.

If Government decide to grant such sanction no question of reimbursement of any expenses to the Government servant will arise, but advances may be granted as laid down in the following paragraphs.

7. The appropriate authority for taking decisions in each case will be the administrative Department concerned who will consult the Finance Department and the Legal Remembrancer to Government, Punjab where necessary.

8(a) Proceedings initiated by Government in respect of matters connected with the official duties or position of the Government servant.

Government will not give any assistance to a Government Servant for his defence in any proceedings, civil or criminal instituted against him by the State in respect of matter arising out of the or connected with his official duties or his official position. Should, however, the proceedings, conclude in favour of the Government servant, Government will entertain his claim for reimbursement of costs incurred by him for his defence, and if Government are satisfied from the facts and circumstances of the case that the Government servant was

subjected to the strain of the proceedings without proper justification, they will consider whether the whole or any reasonable proportion of the expenses incurred by the Government servant for his defence would be reimbursed.

- (b) Proceeding in respect of matters connected with official duties or position of the Government servant.

Government will not give any assistance to a Government Servant or reimburse the expenditure incurred by him in the conduct of proceedings in respect of matters not arising out of or connected with his official duties or his official position irrespective of whether the proceedings were instituted by a private party against the Government servant or *vice versa*.

- (c) Proceedings instituted by private party against a Government servant in respect of matters connected with his official duties or position.

(i) If the Government on consideration of the facts and circumstances of the case consider that it will be in the public interest that Government should themselves undertake the defence of the Government servant in such proceedings and if the Government Servant agrees to such a course, the Government servant should be required to make a statement in writing as in Annexure 'A' and thereafter Government should make arrangements for the conduct of the proceedings, as if the proceedings had been instituted against Government.

(ii) If the Government Servant proposes to conduct his defence in such proceedings himself, the question of reimbursement of reasonable costs incurred by him for his defence may be considered in case of the proceedings conclude in his favour in determining the amount or costs to be so reimbursed. Government will consider how far the court has vindicated the acts of the Government servant. The conclusion of the proceedings in favour of the Government servant will not by itself justify reimbursement.

To enable the Government servant to meet the expenses of his defence Government may sanction at their discretion an interest-free advance not exceeding Rs 500 or the Government servant's substantive pay for three months whichever is greater after obtaining from the Government servant a bond in the form reproduced as Annexure B. The amount advanced would be subject to adjustment against the amount, if any, to be reimbursed as above.

- (d) Proceedings instituted by a Government servant on his being required by Government to vindicate his official conduct.

A Government servant may be required to vindicate his conduct in a court of law in certain circumstances. The question whether costs incurred by the Government servant in such cases should be reimbursed by the Government, and if so, to what extent, should be left over for consideration in the light of the result of the proceedings. Government may, however, sanction an interest-free advance, a suitable instalments of an amount to be determined by them in each case on the execution of a bond by the Government servant in the form reproduced in Annexure 'B'.

In determining the amount of costs to be reimbursed on the conclusion of the proceedings, the Government will consider to what extent the court vindicated the acts of Government servant in the proceedings. Conclusion of the proceedings in favour of the Government servant will not itself justify reimbursement but will be a strong consideration in favour of doing so.

- (e) Proceedings instituted by a Government servant *suo motu* with previous sanction of Government to vindicate his conduct arising out of or connected with his official duties or position.

If a Government servant resorts to a Court of Law with the previous sanction of Government to vindicate his conduct arising out of or connected with his official duties or position though not required to do so by Government, he will not ordinarily be entitled to pay any assistance but Government may in deserving cases, sanction advances in the manner indicated in sub-para C(ii) above, but no part of the expenses incurred by the Government servant will be reimbursed to him, even if he succeeds in the proceedings.

Clause (d) of article 320(3) of the Constitution requires consultation with the Public Service Commission on any claim by a Government servant for the reimbursement of the costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty. In other cases consultation with the Public Service Commission is not obligatory, but it will be open to Government to seek the Commission's advice, if considered necessary. The question whether a case falls under

article 320(3)(d) of the Constitution so as to require consultation with the Commission may at times be difficult to determine. It may be stated generally that 'the consultation is obligatory in a case where a reasonable connection exist between the act of the Government servant and the discharge of his official duties, the act must bear such relation to the official duties that the Government servant could lay a reasonable but not a pretended or a fanciful claim that he did it in the course of the performance of his duties.

9. The recovery of advance will be made in not less than twelve and not more than twenty-four equal instalments, the exact number being determined by the sanctioning authority.

The advance will be debitable to the head "P—Loans and Advances by State Government Loans to Government Servants—M—Other Advances—Advances for legal proceedings" for expenditure connected with the interest-free advances to Government servants involved in legal proceedings.

10. These instructions are being issued with the concurrence of the Finance Department,—*vide* their U.O. No. 5447-FGI-(DS)-61, dated the 21st December, 1961. I am to request that these instructions may be brought to the notice of all Government servants under your control.

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

ANNEXURE 'A'

(Here enter description of the proceedings)

The Government of Punjab having been pleased to undertake my defence in the above proceedings, I hereby agree to render such assistance to Government as may be required for my defence and further agree that I shall not hold Government in any way responsible if the proceedings end in the decision adverse to me.

Dated :

Signature of the
Government Servant.

ANNEXURE 'B'

By this Bond, I _____ (here give the name and other particulars of the Government servant including post held by him) acknowledge myself bound to the Government of Punjab in the sum of Rs _____ (here enter a sum representing double the amount advanced) to the said Government.

Now the above written Bond is conditioned to be void in case the above bounden (Government servant), his personal representatives or any person acting for and on behalf of the above bounden (Government servant) shall, on demand, pay to the said Government or its representatives or assigns or their attorney authorised to receive the same, the said sum of Rs. _____ but in the event of the above bounden (Government servant) or his personal representatives or any person acting for and on his behalf failing to pay the said sum on demand, the above written Bond shall remain in full force and effect.

Dated this the _____ day of _____ 19

Signature of the Government Servant

Witnesses :—

[Published in the Punjab Government Gazette, Legislative Supplement Ordinary, dated the 26th January, 1962]

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

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of posts</i>
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.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of post</i>
4	Agriculture (Animal Husbandry)— <i>concl'd</i>	8. Deputy Directors, Animal Husbandry. 9. Gaushala Development Officer, Punjab. 10. Deputy Wardens of Fisheries. 11. Cattle Development Officer, Patiala Division. 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.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
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.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Post</i>
11— <i>concl'd</i>	Education— <i>concl'd</i>	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. 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.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
14— <i>concl'd</i>	Food & Supply— <i>concl'd</i>	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).

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
17— <i>concl'd</i>	General Administration (Welfare of Scheduled Castes and Backward Classes— <i>concl'd</i>)	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. 15. Epidemiologist. 16. Provincial Leprosy Officer. 17. Zonal Officer. 18. Malaria Officers. 19. District Medical Officers of Health.
19	Health (Office of the 1. Director, Research & Medical Education) 2.	1. Director, Research and Medical Education, Punjab. 2. Deputy Director, Research, and Medical Education Punjab.
20	Housing	.. Executive Engineer.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of posts</i>
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.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
25— <i>concl'd</i>	Labour and Em- ployment— <i>concl'd</i>	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 Employ- ment (Employees State Insurance Scheme)	Assistant Director, Health, Services, (Social Insurance) Punjab.
27	Labour and Employ- ment (National Employment Ser- vice Employment Exchanges)	1. Director, National Employ- ment Services, Punjab. 2. Employment Market Infor- mation Officer. 3. State Vocational Guidance Officer. 4. Regional Employment Officers. 5. District Employment Officers
28	Language	1. Director-General, Language Department. 2. Director, Hindi Depart- ment. 3. Director, Punjabi Depart- ment. 4. Assistant Directors, Hindi and Punjabi Departments.
29	Law and Order (Elections)	1. Deputy Chief Electoral Officer, Punjab. 2. Electoral Officer, Punjab. 3. Assistant Chief Electoral Officer, Punjab.
30	Law and Order (Police)	1. Superintendents of Police on Non-I.P.S. Cadre Posts. 2. Deputy Superintendent of Police. 3. Deputy Superintendent of Police, Lahaul and Spiti. 4. Prosecuting Deputy Superintendent of Police.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of posts</i>
30.	Law and order (Police)— <i>concl'd</i>	5. Deputy Superintendent of Police, C.I.D. 6. Inspector of Police, C.I.D. 7. District Inspector of Police. 8. Inspector of Police, C.I.A. 9. Inspector of Police, Vigilance.
31	Miscellaneous (Charitable Endowments, Punjab)	Treasurer, Charitable Endowments, Punjab.
32	Legislative	1. Legal Remembrancer and Secretary to Government Legislative Department 2. Assistant Legal Remembrancers and Under-Secretaries Legislative Department. 3. District Attorneys Grades I and II. 4. Assistant District Attorneys.
33	Local Government	1. Divisional Inspectors, Local Bodies. 2. Assistant Director of Elections (Local Bodies), Punjab.
34	Public Works (Buildings and Roads)	1. Chief Engineer. 2. Superintending Engineer. 3. Executive Engineer. 4. Sub-Divisional Officer.
35	Public Works (Public Health)	1. Chief Engineer. 2. Superintending Engineer. 3. Executive Engineer. 4. Sub-Divisional Officer.
36	Technical Education	1. Director. 2. Deputy Director. 3. Principal, Punjab Engineering College, Chandigarh. 4. Professor, Punjab Engineering College, Chandigarh. 5. Associate Professor, Punjab Engineering College, Chandigarh. 6. Assistant Professor, Punjab Engineering College, Chandigarh. 7. Principal of Polytechnic.

<i>Serial No.</i>	<i>Name of the Department</i>	<i>List of Posts</i>
36	Technical Education— <i>contd</i>	8. Head of Department in a Polytechnic. 9. Principal, College of Architecture, Chandigarh.
37	Rehabilitation ..	1. Inspectors Rehabilitation. 2. Tehsildars Sales. 3. Managing Officers.
38	Revenue Department	Inspector-General of Registration.
39	Social Welfare ..	Director Social Welfare and Deputy Secretary to Government, Punjab. 2. Social Welfare Officer (Inspection). 3. Research Officer. 4. Divisional Social Welfare Officers.
40	Sports ..	1. Director of Sports, Youth Programme, Punjab. 2. Deputy Director of Sports, Punjab. 3. Assistant Director Sports, Punjab. 4. Sports Officers.
41	Transport ..	1. Deputy Transport Controller. 2. Motor Accidents Claims Tribunal. 3. Secretary Regional Transport Authorities. 4. Deputy Transport Controller (T. and C.). 5. General Managers. 6. Works Managers. 7. Traffic Managers.

E.N. MANGAT RAJ,
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 it is 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,

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 abovementioned 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 junior-most 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 Punjab Government Circular letter No. 961-4GS-62/5593, dated 16th February, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject.—Grant of advance increments/rapid promotions to officers who go abroad to improve their qualifications.

I AM directed to inform you that the question of evolving a uniform policy as regards granting advance increments and adequate promotion to such officers as go abroad for training or to improve their qualifications has been considered by Government. At present these cases are decided individually and no uniform practice is followed. The officers are generally allowed the grades for which they hold prescribed qualifications or at best a few advance increments and this too after considerable waste of time and effort. On the other hand, on their return from abroad, they are sometimes offered much more alluring terms by private firms and concerns and therefore in most cases they prefer to join private service rather than enter into Government service. Some of them even return to the foreign countries where they have had their training as they can get more lucrative employments there. With a view to

make full use of the valuable training and technical education received by them in foreign lands for public purposes, it is felt that they should be provided adequate incentive to continue or join service under the State Government and ensured, within our limited resources, as much satisfaction as possible so that they give their best to the Government and the people of the State.

2. It has now been decided to lay down the following procedure for deciding cases of grant of advance increments and promotions to such personnel :—

- I. Where an officer has been abroad and improved his qualifications, Government will consider on the merits of the individual case the grant of up to ten increments to him on his return. The claimant, however, should fulfil the following conditions :—
 - (i) His work with Government must be from good to very good ; and
 - (ii) the additional qualification or experience achieved must be considered by Government as directly beneficial to his efficiency or competency in his particular line or job.
- II. While taking a final decision, consideration will also be given to the following factors :—
 - (i) whether the officer has improved his qualifications or experience at personal sacrifice or substantially at Government expense. In the former case, he would merit more consideration than in the latter ; and
 - (ii) whether the officer during the period of his training and experience has given a good account of himself or not. In the former case, he would merit more consideration.
- III. To cover a few rather exceptional cases which may arise where the officer concerned has achieved some degree of unique distinction or where his previous record and experience with Government has been altogether unusual and he has added to this some further degree of unusual qualification or experience abroad, he will be considered for promotion to a higher grade of the service or a special post.

- IV. In order to ensure that such cases are decided without delay and the officers are not left in suspense for a long period, the Administrative Secretary concerned will put up a considered proposal within one month of the return of the officers and after obtaining the approval of the Minister concerned will refer the matter to a Committee comprising of the Chief Secretary, the Finance Secretary and the Administrative Secretary concerned, who will make their recommendation to a Cabinet Sub-Committee consisting of the Chief Minister, the Finance Minister and the Minister incharge of the department to which the officer whose case is under examination belongs, within one month of the receipt of the proposal from the Administrative Department. The Cabinet Sub-Committee will also take final decision in the matter within one month at the latest from the receipt of the recommendation.
 - V. Similar procedure will also be observed in regard to cases of grant of unusual and rapid promotion mentioned at III above ; but the Secretarial Committee in that case will comprise besides the officers mentioned already, the Senior Financial Commissioner, the Planning Secretary and the Chief Engineer of the P.W.D., most nearly concerned with the type of work involved or the other technical head concerned.
 - VI. In the interest of uniformity and quick disposal, the Secretarial Committee will, in due course, endeavour to fix norms for each department separately laying down qualifications, etc., to be recognised and the number of increments to be allowed for acquiring such qualifications.
3. I am further to state that for submission of such cases to the Committees referred to above, the Administrative Department should send a complete self-contained memorandum, summary of service record along with the personal file of the officer and other relevant documents which have a bearing on the subject.
 4. This issues in consultation with the Finance Department,—*vide* their U.O. advice No. 459-FRJI-62, dated the 16th January, 1962.
 5. The receipt of this letter may please be acknowledged

Copy of Circular letter No. 3231-8GS-62/7571, dated 7th March, 1962 from the Chief Secretary to Government, Punjab, addressed to all Heads of Departments, etc. etc.

Subject.—Grant of special casual leave to Government servants who undergo sterilisation operation under the 'Family Planning Scheme'.

I am directed to invite a reference to the instructions contained in Punjab Government letter No. 2202-GII-60/8429, dated the 24th March, 1960, in which the concession of special casual leave not exceeding six working days has been granted to Government servants who undergo sterilisation operation under the 'Family Planning Scheme'. Government have now decided to extend this concession to the personnel of the 'Work-Charged Establishment' and the 'Industrial Employees' of the Punjab Government.

2. These orders will come into force from the date of issue and may kindly be brought to the notice of all the concerned employees under your control. The receipt of this communication may be acknowledged.

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. 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 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. 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. 946-4GS-62/8282, dated the 15th March, 1962 from Shri E.N. Mangat Rai, I.C.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 Subordinate Services Selection Board is just a make-shift 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. 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 latter case the letters are liable to be 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 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.

Subject.—Need for employment of more women particularly in Ministerial posts.

I am directed to invite a reference to the 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 :—

D.O. No. 13036-3GS-61,
dated 3-1-1962, from
Sh. E.N. Mangat Rai,
L.C.S., to all Heads of
Departments.

(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 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.
2. Its receipt may be acknowledged.

Copy of Punjab Government Circular letter No. 3446-8GS-62/9556, dated 26th March, 1962 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Grant of special casual leave to Government servants for attending annual general meetings of their recognised associations and meeting with the Government representatives or the Head of Department.

I am directed to invite a reference to the instructions contained in Punjab Government letter No. 10893-4GS-61/37545, dated the 20th October, 1961, according to which the concession of grant of special casual leave upto a maximum of ten days in a calendar year has been allowed to office bearers of the recognised Service Associations for participating in executive meetings, conferences and other activities of their respective Associations subject to the condition that half of the leave enjoyed in this manner will be debited to the ordinary casual leave account of the official concerned and the remaining half to his special casual leave account for the aforesaid purpose. The maximum number of special casual leave allowed in this manner is to be five days in a year. I am to inform you that Government after careful consideration have decided to extend this facility of grant of special casual leave to the office bearers of the recognised associations/trade unions formed by the employees of the Government-run undertakings in the manner laid down above.

2. These instructions may kindly be brought to the notice of all concerned for information and guidance. The receipt of this communication may be acknowledged.

Copy of Punjab Government Circular letter No. 2703-3GS-62/9950, dated 29th March, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject.—Refusal of Leave Preparatory to Retirement under Rule 8.21 of C.S.R., Volume I, Part I.

I am directed to invite a reference to Punjab Government letter No. 5818-GII-58/33161, dated the 13th November, 1958, on the subject noted above, wherein it was emphasised that all cases of refusal of Leave Preparatory to Retirement should be sent to the Chief Secretary to Government, Punjab well in time. A question has arisen whether, as a result of the amendment of Note 4 under clause (d) of Rule 3.26 of C.S.R., Volume I, Part I, contained in the Finance Department Notification No. 9750-I(5)-FRIL-61/13524, dated the 28th October, 1961 according to which the period of refused Leave Preparatory to Retirement will not reckon as automatic extension in service, it is still necessary to send such cases to him. In this connection, I am to clarify that all these cases should continue to be routed through the Chief Secretary to Government, Punjab (in the General Services Branch) for the sake of uniformity of action.

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

Copy of Circular letter No. 2393-8GS-62/11431, dated the 9th April, 1962 from Shri E.N. Mangat Rai, I.C.S., Chief Secretary to Government, Punjab addressed to all Heads of Departments etc. etc.

Subject.—Grant of special casual leave to sportsmen.

I am directed to address you on the subject noted above and to say that according to the instructions contained in Punjab Government Circular letter No. 684-GII-58/13153, dated the 14th/20th February, 1958, special casual leave for a period not exceeding 30 days in a calendar year can be granted to Government Servants who are sportsmen and take part in sporting events, tournaments and matches of national or international importance held either in India or abroad.

Vide Punjab Government letter No. 10711-GII-59/24455, dated the 30th November, 1959, this concession has also been extended to the employees who participated in inter-district matches and in preliminary tests for selection to Punjab teams for inter-State, i.e. All India Sports events. The question of extending this concession to such temporary Government Servants, as are employed on six/three months basis, has been engaging the attention of Government for sometime past. I am to inform you that after careful consideration, it has been decided that special casual leave to the extent of 15 days to Government Servants employed on six months basis and 7 days to those employed on three months basis may be granted; but each case should be dealt with on its merits by the authorities competent to grant leave, keeping in view the type of sporting-event, tournament, etc.

2. These instructions may kindly be brought to the notice of all concerned for information and guidance and the receipt of this communication be acknowledged.

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, et.c. 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. 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 acknowledged and the instructions brought to the notice of all concerned.

Copy of Punjab Government Circular letter No. 9676-8GS-62/23655, dated 19th July, 1962 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject.—Observance of punctuality in office-attendance.

I am directed to say that it has come to the notice of Government that officers serving in non-judicial or executive courts do not observe the office timings laid down by the Government inasmuch as they usually come late in the morning, observe a break for lunch sometimes for 2 to 3 hours and sit late after office hours, thereby causing unnecessary harassment and inconvenience to the litigants and the bar. This casts a poor reflection on the officers and also brings a bad name to the administration. I am, therefore, to request you to point this out to all the officers concerned and to look into the matter personally to ensure punctual attendance of the officers in future.

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

Copy of Punjab Government Circular letter No. 9393-3GS-62/23720, dated 19th July, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject.—Demobilised personnel or retrenched Central/State Government employees—Preferential treatment in the matter of re-employment.

I am directed to invite a reference to Punjab Government letter No. 9319-P-51/124, dated the 18th January, 1952 on the above noted subject and to say that in partial modification of the instructions contained in sub-para (d) of para 1 thereof

it has been decided that in case of ex-servicemen seeking, appointments under the State Government made otherwise than on the basis of open competitive test held by the Punjab Public Service Commission the period of previous service rendered by a particular candidate should be deducted from his actual age and if the resultant age does not exceed the prescribed age limit for the post applied for by him by more than 3 years he should be deemed to satisfy the conditions for appointment to the post in question in respect of the maximum age.

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 women 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 period as is considered necessary, provided that it will not extend six weeks beyond the date of confinement.

Copy of letter No. 11083-8GS-62/26744, dated the 7th August, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject.—Grant of special casual leave to Government servants who undergo sterilisation operation under the Family Planning Scheme.

I am directed to invite a reference to the instructions contained in Punjab Government Circular letter No. 2202-GJI-60/8429, dated the 24th March, 1960, and No. 3231-8GS-62/7571, dated the 7th March, 1962, on the subject noted above. Government have further decided that special leave should be granted on satisfying that the operation will be performed on the same or the next day of the commencement of leave.

2. These instructions may kindly be brought to the notice of all Government Servants under your control. The receipt of this communication may also be acknowledged.

Copy of Circular letter No. 10839-4GS-62/26792, dated the 20th August, 1962 from Sirdar Gyan Singh Kahlon, ICS, Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject.— Deletion of religion, caste, etc., from all Government records.

I am directed to invite a reference to Punjab Government Circular letter No. 14195-4GS-61/42457, dated the 28th November, 1961, on the subject noted above and to say that in partial modification of the instructions contained therein it has been decided to delete Exception (I) appearing in para 2. In the case of persons belonging to Scheduled Castes/Scheduled Tribes and other Backward Classes, where special reservations have been made according to the Constitution of India in matters of recruitment to Government service and for admission into Schools and Colleges, however, they may be asked to give special certificate alongwith their applications.

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 higher 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 send 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. 12685-8GS-62/29614, dated the 29th August, 1962 from the Chief Secretary to Govt., Punjab, to all Heads of Departments, etc. etc.

Subject.—Interview Hours.

I am directed to say that it has come to Government's notice that although the District Officers have fixed interview hours yet certain officers still hesitate to see people during these hours. I am, therefore, to ask you to allow everybody wishing to see you during interview hours, to come in for the purpose and to see him or her duly.

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

Copy of letter No. 10405-4GS-62/30948, dated the 24th September, 1962 from Sirdar Gyan Singh Kahlon, I.C.S., Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Procedure to be followed in cancelling the erroneous confirmation of Junior Officers.

I am directed to address you on the subject cited above and to say that there may be instances of some competent authorities having issued orders confirming temporary or officiating employees in permanent posts even though the employees concerned were not qualified in all respects for such confirmation under the relevant statutory rules, executive orders or administrative instructions. In all such cases the confirmation so made would have the effect of withholding or postponing confirmation of other employees, who may be otherwise qualified in all respects for confirmation. Government take serious notice of such erroneous orders of confirmation which need to be regularized without delay. It is, however, felt that there being no clear instructions issued on the subject so far, authorities concerned, might be confronted with procedural difficulties in cancelling the orders already passed even though erroneously.

2. After careful consideration of the whole matter it has been decided on the analogy of instructions issued by the Government of India in the Ministry of Home Affairs, that the following procedure should be observed in cancelling the erroneous orders of confirmation :—

(1) An order of confirmation which is clearly contrary to the relevant statutory rules may be cancelled by the competent authority straightaway ; for,

Where the order of confirmation was *ab initio* void as it was *ultra vires* of the relevant rules and cancellation of the order would be justified on the ground that there was no valid subsisting order at all and the act of cancellation is a mere formality. The effect of cancellation would be to put the employees concerned in a position of never having been confirmed.

(2) An order of confirmation which is contrary to executive orders or administrative instructions may be cancelled by the competent authority, if such erroneous order of confirmation has operated to the prejudice of some identifiable person who would otherwise have been confirmed if the orders had been correctly applied for.

Where the order of cancellation would be just and equitable as the confirmation of the employee concerned, operates unfairly to the detriment of another employee who would have otherwise been confirmed. Such cancellation will not have the effect of doing any injustice to the employee whose confirmation is cancelled since he was under the executive order or administrative instructions in force not entitled to confirmation.

3. The question of the applicability of Article 311 of the Constitution of India to such cases is not free from doubt. It is however, safer to comply with these provisions. In a case of this nature, the provisions of Article 311 can be complied with by coming to a conclusion and then communicating the conclusion and documents etc. to the officer and asking him to show cause why he should not be deconfirmed or the orders of his confirmation should not be cancelled. The competent authority would, if the officer so desires, have to hear him and let him place any material he may like before it. The Government of India have also observed that before deconfirming persons in such cases a notice to show cause should be given to them in consonance with the principles of natural justice.

4. I am to request that the above instructions may please be brought to the notice of all concerned for strict compliance.

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

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 1, 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.”

Copy of Circular letter No. 14663-4GS-62/34732, dated the 10th October, 1962 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject :—Grant of advance increments/rapid promotions to officers who go abroad to improve their qualification.

I am directed to invite a reference to Punjab Government circular letter No. 961-4GS-62/5593, dated the 16th February, 1962 on the subject noted above and to inform you, for the sake of clarification, that the concession allowed thereunder would be admissible to all officers in the employ of the State Government who have been abroad and improved their qualifications irrespective of the fact that they did so either before or after the issue of the instructions in question. It may, however, incidentally be added that no officer will have any claim to the grant of this concession from a back date.

U.O. No.
6258-1)-
FRIL-62,
dated
21.9.62.

2. This issues with the concurrence of the Finance Department conveyed,—*vide* their communication noted in the margin.

Copy of Punjab Government Circular letter No. 16781-3GS-62/39468, dated the 5th November, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, 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 sometime 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 services 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 letter No. 16110-8GS-62/39005, dated 6th November, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Approaching Ministers and other higher officers.

I am directed to say that the Government has observed that the tendency on the part of officials to approach higher officers and ministers by ways other than those indicated through 'proper channel' is on the increase. This practice is contrary to the instructions issued by the Government from time to time and subverts discipline. In this context, attention is invited to the instructions contained in Punjab Government letter No. 4174-P-54/17154, dated the 28th July, 1954 which may be brought to the notice of all Government servants under your control for strict compliance. They may be told in express terms that you will take strict disciplinary action against them for any infringement of these instructions.

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

Copy of Circular letter No. 15837-7GS-62/39797, dated the 8th November, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Eradication of corrupt practices among officials.

Government is of the opinion that the Establishment clerks in all the Departments have great scope for resorting to corruption. You are accordingly desired to post officials of proved integrity to such posts.

2. The receipt of this letter may be acknowledged.

Copy of Circular letter No. 14939-8GS-62/39028, dated the 14th November, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject :—Revised system of Earned leave, Holidays and working hours.

I am directed to refer to para 7(2)(b) of Punjab Government letter No. 4376-GII-59/2767, dated the 28th May, 1959 on the subject noted above and to clarify that for the purpose of deciding the title of leave to erstwhile Pepsu employees, the service rendered by them in the erstwhile Pepsu State shall also be taken in account. This clarification shall be deemed to have taken effect from the 28th May, 1959, the date on which these instructions were originally issued. This may please be brought to the notice of all concerned for information and guidance and its receipt may 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 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	.. 1. P.C.S. (Executive Branch). 2. Excise and Taxation Officer. 3. Assistant Excise and Taxation Officer. 4. Tahsildar. 5. Assistant Registrar, Co-operative Societies, Punjab. 6. Assistant Employment Officer. 7. Excise and Taxation Inspector.
Group II	.. 1. P.C.S. (Judicial Branch). 2. Legal Assistant in the Legal Remembrancer's Office, Industries and other offices.
Group III	.. 1. Deputy Superintendent, Jail. 2. Deputy Superintendent of Police. 3. Inspector of Police.
Group IV	.. 1. Engineering Services Class I and Class II of all branches of the P.W.D. 2. Temporary Engineer.
Group V	.. 1. Labour Officer. 2. Welfare Officer. 3. Labour Inspector.