

2. These instructions which supersede Punjab Government letter No. 3228-SII(2)-71, dated the 3rd June, 1971, shall be deemed to have come into force with effect from 3rd June, 1971, and decisions taken in pursuance thereof should be reviewed in the light of the revised policy of the Government.

3. As in the case of original order, these instructions are applicable to all Departments of Government and may be noted for careful compliance.

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

Copy of letter No. 4156-SII(3)-71/20918, dated the 6th August, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Punctuality in Government Offices.

I am directed to invite your attention to the Punjab Government Circular letter No. 2197-SII(3)-71/7921, dated the 22nd March, 1971, wherein you were requested to ensure that punctuality in offices is fully observed by adopting suitable measures, i.e., periodic checking of attendance by supervisory officers and by their setting personal example of punctuality. It has been observed that the desired standards of punctuality are yet to be achieved in Government offices. It is, therefore, requested that necessary and energetic steps be taken to ensure punctuality among the staff working under your administrative control by organising surprise checks once a fortnight as before and by taking action wherever necessary against habitual defaulters.

Copy of Punjab Government Circular letter No. 3808-SII(3)-71/20988, dated the 12th August, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Re-employment of Ex-Servicemen against the Reserved vacancies.

I am directed to invite your attention to the Punjab Government instructions contained in Circular letters noted in the margin. According to these instructions in the case of non-availability of the Demobilised Army Personnel for appointment against reserved posts/vacancies in terms of the statutory

No. 2407-4GSJ-66/9736, dated the 22nd/25th April, 1966.

No. 7328-SII(7)69/21125, dated the 3rd September, 1969.

rules notified in 1968, second preference is to be given to Ex-Servicemen who are otherwise fit and suitable for employment by fulfilling the prescribed qualifications for the post in question, but who are not covered by the term "Demobilised/Released Army Personnel".

2. It has come to the notice of Government that the above mentioned instructions are not being observed by the Departments as they do not mention the provisions about the second preference to the Ex-servicemen against the reserved vacancies in the advertisements. Consequently, the reserved vacancies left out on account of non-availability of Demobilised/Released Army Personnel, either remain unfilled or are given to general candidates.

3. You are, therefore, requested to emphasise upon all concerned that Government instructions referred above should be meticulously observed and necessary indication given in the advertisement as also to the Selecting Authorities.

Copy of Punjab Government Circular letter No. 5848-SII (2)-71/23655, dated the 6th September, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Entrustment of the work of recruitment to subordinate services to the Departmental Committees—
Procedure regarding.

I am directed to address you on the subject cited above and to say that consequent upon the abolition of the Subordinate Services Selection Board, Punjab on the 12th August, 1971, Government have decided that the recruitment to subordinate services excepting the common categories of clerks, typists, steno-typists and stenographers requirements in respect of which will, for the time being, be met from out of the candidates to be selected by a Central Committee after processing the large number of applications already invited by the defunct Board, carrying initial pay within the range of Rs. 91 P.M. and Rs. 299 P.M. (both inclusive) should be made by the Departmental Committees which should be constituted for this purpose with the approval of the Administrative Secretary concerned. The Chairman of the Departmental Committee should be the Head of the Department or the appointing authority with two members of the appropriate

status to be taken from other Departments, one out of whom should belong to a Scheduled Caste. The Chairman of the Committee may, if he considers it expedient, associate an expert for conducting the selection. The following procedure has been laid down for the functioning of the Departmental Committees:—

- (1) Wide publicity should be given through the press on a fixed date say the 15th of each month so that the people in the far-flung areas come to know about the available vacancies by reading the newspapers of that particular date only. The advertisements should clearly indicate the number of posts available, qualifications and other conditions prescribed for eligibility, the scale of pay attached to the post, whether the post is permanent or temporary, whether the mode of selection is through an interview or a written test, or both. Where the number of applications is large, say five times the number of posts advertised, the interview should be preceded by a written test.
- (2) Requisition sent to the Employment Exchanges should also provide complete information as stated in (1) above alongwith copies of the relevant Service Rules governing the class of posts to be advertised.
- (3) In order to maintain uniformity for recruitment to the various posts, it would be necessary to lay-down the mode and standard of written test. For instance, for the ministerial posts, the candidates may be required to write a short essay, prepare a precis from a given paragraph, translate a piece from the regional language into English so that working knowledge may be tested, to answer a few questions of General Knowledge, etc. In addition, a simple test in Arithmetic may also be prescribed, where considered necessary. Similarly, for technical posts, test may be prescribed to suit the requirement of the job. (The Government in the Services Department may be consulted where necessary).
- (4) The number of vacancies to be reserved for the Scheduled Castes/Scheduled Tribes/Backward Classes and Released Military Personnel should

be indicated separately, subject to the maximum limit of 45 per cent (both for Scheduled Castes/Released Indian Armed Forces Personnel, etc.), in a year. The Departmental Committees will ensure that the percentage of reservation prescribed by the Government from time to time is strictly maintained in the Department.

- 5) The interview should form an essential feature in order to test the mental alertness and general aptitude of the candidates.
- (6) On receipt of applications direct from the candidates or through the Employment Exchanges, a list of the candidates found eligible for the posts would be drawn up for the test interview.
- (7) The list of successful candidates should be drawn on the basis of the merit secured by them and appointments offered according to the merit. Educational qualifications, experience and other basic requirements as prescribed in the respective Service Rules or by way of service conditions for any post/service concerned should be adhered to strictly and no attempt should be made to pick and choose.
- (8) Seniority of the selected candidates should be determined on the basis of the merit determined by the Departmental Committees in the course of tabulating the results.
- (9) The Departmental candidates who may be working against leave vacancies or on a regular basis against lower posts should be encouraged to take the test for absorption against a regular or higher post, if otherwise eligible according to the Service Rules etc.

The Departments are requested to watch and keep a note about the functioning of the Departmental Committees on the lines set out above and may bring to the notice of the Government, as and when any difficulties are experienced in the matter of recruitment.

3. Some of the departments are indeed very small and it may not be worth-while to constitute separate Departmental

Committee in those cases. It is, therefore, left to the discretion of the Administrative Secretary concerned to have a common Committee for more than one department under his charge depending upon the size of the departments.

4. There may be special circumstances in some departments, because of which it may not be possible for them to rigidly and strictly adhere to the guide lines laid down above. In such cases, the appointing authority should move the Services Department through proper channel for relaxation, giving adequate justification.

5. I am to request that these instructions may be brought to the notice of all concerned, and the receipt of this letter may be acknowledged.

Copy of Punjab Government Circular letter No. 6428-SII (2)-71/24659, dated the 15th September, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Entrustment of the work of recruitment to subordinate Services to the Departmental Committees—Procedure regarding.

I am directed to invite a reference to Punjab Government Circular letter No. 5848-SII(2)-71/2365, dated 6th September, 1971, on the subject noted above, and to say that Government have decided to entrust the residuary work of the Subordinate Services Selection Board including the work of requirement to the common categories of posts of Clerks, typists, Steno-typists and Stenographers, applications in respect of which had already been invited by the said Board, to the Deputy Secretary to Government, Punjab, Administrative Reforms. It has further been decided that recruitment to these posts will be made on the basis of written test/type test/Stenography test or any other kind of test, the standard and details of which will be decided by the said Officer.

2. It is, therefore, requested that as already indicated in the earlier letter under reference, recruitment to the posts falling under any of these common categories should not be made through the Departmental Committees irrespective of

the fact whether a requisition in this behalf had already been sent to the defunct Board or not and your latest demand with regard to these posts should be intimated to the above named officer, immediately who will recommend suitable selected candidates for the same.

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

Copy of Circular letter No. 6220-SII (3)-71, dated the 16th September, 1971, from the Chief Secretary to Government, Punjab addressed to all Heads of Departments, etc., etc.

Subject : Relaxation of age limit for entry into Government service for the wives of serving military personnel.

I am directed to invite your attention to the Punjab Government Circular letter No. 2010-SII(3)-71, dated 25th May, 1971,—vide which the maximum age limit of 45 years for entry into Government service in the case of widows of the military personnel and wives of those who are disabled while in Military Service, was reduced to 35 years. It is hereby further clarified that the wives of the serving military personnel will also be entitled to the said age concession, i.e., upto 35 years only for entry into State Government Service. Punjab Government Circular letter No. 19982-3GS-62/45907, dated 27th December, 1962, should be considered to have been modified to that extent.

Copy of Punjab Government Circular letter No. 6332-SII (3)-71/26195, dated the 29th September, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Benefit of Military Service rendered during the Emergency towards seniority.

I am directed to address you on the subject noted above and to retrace, as follows, the various statutory provisions made from time to time with regard to grant of the benefit of Military Service rendered during Emergency for purpose of seniority, etc. :—

I. RULE 4 OF THE PUNJAB GOVERNMENT NATIONAL EMERGENCY (CONCESSION) RULES, 1965, NOTIFIED ON 20TH JULY, 1965 (APPLICABLE TO ALL

CLASSES OF SERVICES AND POSTS IN CONNECTION WITH THE AFFAIRS OF THE STATE OF PUNJAB EXCEPT MEDICAL AND HEALTH SERVICES.

4. Increments, seniority, and pension:—Period of military service shall count for increments, seniority and pension as under:—

- (i) *Increments.*—The period spent by a person on military service, after attaining the minimum age prescribed for appointment to any service or post, to which he is appointed shall count for increments. Where no such minimum age is prescribed the minimum age shall be as laid down in rules 3.9, 3.10, and 3.11 of the Punjab Civil Services Rules, Volume II. This concession shall, however, be admissible only on first appointment.
- (ii) *Seniority.*—The period of military service mentioned in clause (i) shall be taken into consideration for the purpose of determining the seniority of a person who has rendered military service.

II. (i) **RULE 5 OF THE DEMOBILISED ARMED FORCES PERSONNEL** (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968, notified on 17th June, 1968, applicable to all Punjab State Services excepting P.C.S., (Executive and Judicial Branches), Medical and Engineering Services.]

(ii) Rule 5 of the Demobilised Indian Armed Forces personnel Reservation of Vacancies in the Punjab State Technical (Medical and Engineering) Services Rules 1968, notified on 19th September, 1968.

Rule 5. (1) Seniority and pay of the candidates who are appointed against the vacancies reserved under rule 3 shall be determined on the assumption that they joined the service or the post, as the case may be, under the State Government at the first opportunity they had after they joined the military service or training prior to the Commission.

(2) Seniority *inter se* of candidates who are appointed against the vacancies reserved under rule 3 and allotted to a particular year shall be determined on the basis of

their dates of birth, the candidate older in age be placed senior to the one younger in age:

Provided that in the case of candidates having the same date of birth seniority shall be determined according to the merit list prepared by the recruiting authority on the basis of the result of the test or examination.

- (3) All candidates appointed against the reserved vacancies under rule 3 shall rank below the candidates appointed by direct recruitment in the year to which the former candidates are allotted.

III. Rule 4.1 of the Demobilised Indian Armed Forces Personnel (Reservation of Vacancies in the Punjab Civil Service Judicial Branch) Rules, 1969, notified on 15th September, 1969.

4. (1) The period of approved military service rendered after attaining the minimum age prescribed for appointment to the Punjab Civil Service (Judicial Branch) by the candidates appointed against reserved vacancies under rule 2 above, shall count towards fixation of pay and seniority in that service.

2. As is clear from the Rules quoted above, the Military Service, with effect from the 1st of November, 1962, is to be taken into account for assigning seniority to the Released Indian Armed Forces Personnel on their appointment in the Civil Service. While under the 1965 Rules, the whole period of this Military Service was to count for seniority, it is not so under the Rules notified on 17th June, 1968, and 19th September, 1968, for different sets of services as clarified above. Under the latter rules seniority is to be determined on the basis of the presumptive date on which the Released Army Personnel concerned could avail himself of the first opportunity for entering into services, after the date he had joined the Military Service or the Training prior to the Commission in Military. This date should be calculated on the basis of the date on which the first direct recruitment to the Civil Service concerned was made in that category of the Service in which the Released Army Personnel was offered a reserved vacancy after his release from the Army.

3. In the light of the various provisions of the Rules as explained above, the Rules enforced after the Reorganisation

of the State in 1966 do not contain any provisions which may be termed as dis-advantageous than those operative prior to the Reorganisation, i.e., under the 1965 Rules. As such the giving of benefit of military service towards seniority under the rules enforced after the Reorganisation, notwithstanding anything to the contrary contained in the 1965 Rules, would not attract the provisions of section 82 of the Punjab Reorganisation Act, 1966 and it would be possible to grant the benefit without prior approval of the Government of India. As the assumed date of seniority will not be earlier than the promulgation of emergency, the provisions of the State Reorganisation Act, 1956 would also be hardly attracted.

4. In the above circumstances, I am directed to request you to give effect to the various provisions of the Rules in an appropriate manner as explained above.

(FOR MEDICAL AND HEALTH DEPARTMENT ONLY).—The above position is not applicable to Medical and Health Services and suitable instructions in this behalf are being issued separately.

Copy of Punjab Government Circular letter No. 6256-SII (3)-71/29750, dated the 12th November, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Premature promotions to higher selections posts—initial salary.

I am directed to invite your attention to instructions contained in Punjab Government Circular letter No. 4175-7GS-61/13942, dated the 17th/18th April, 1961,—*vide* which it was provided that initial salary in the case of an officer who does not fulfil the condition regarding the minimum number of years of service in the lower rank but is promoted to a higher post of District or Deputy Secretary level or Deputy Director level, should be the minimum of the grade of the higher post, less the amount due for increments which have not been earned by the officer concerned in the lower grade for the period he is short of the minimum prescribed period. After thorough consideration of the implications involved in such cases and keeping in view the statutory provisions in various service rules in this behalf, Government have decided to withdraw the aforesaid instructions with immediate effect.

2. Consequent upon the withdrawal of the instructions referred to above in such cases the person concerned would be entitled to only the minimum of the post, to which he is promoted/appointed till he completes the prescribed minimum period of service. The first annual increment in such cases will be granted after one year of the date of the completion the minimum length of qualifying service/experience as is necessary for appointment to the service, cadre or the post concerned. In other words for the purpose of grant of first increment only, appointment of a person shall be deemed to have started on the date on which he completes minimum qualifying service/experience. A stipulation to this effect should invariably be incorporated in the appointment order of the employee concerned.

3. All the Departments may kindly amend the relevant service rules on the analogy of I.A.S./L.P.S. (Pay) Rules so as to lay down that in such cases the persons concerned would continue to get only the minimum of the post till he completes the prescribed minimum period of service.

(This issues with the concurrence of Finance Department U.O. No. 5975-1FR-71, dated the 1st September, 1971.)

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

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੁਜ਼ਤੀ ਪੱਤਰ ਨੰ: 4514-ਸੇਵਾਵਾਂ II/(1)-71/30328, ਮਿਤੀ 19 ਨਵੰਬਰ, 1971
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ:—ਵਾਰਸ਼ਿਕ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਵਿਚ ਰਿਪੋਰਟਿੰਗ ਅਧਿਕਾਰੀਆਂ ਵਲੋਂ ਰਿਕਾਰਡ ਕੀਤੇ ਗਏ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਸਬੰਧੀ ਪ੍ਰਤੀ-ਬੇਨਤੀਆਂ ਬਾਰੇ।

ਮੈਂਨੂੰ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ੁਜ਼ਤੀ ਪੱਤਰ ਨੰ: 2334-ਏ ਐਸ II-60/15708, ਮਿਤੀ 3 ਮਈ, 1960, ਦੇ ਪੋਰਾ 11 ਵੱਲ ਦਿਵਾਇਆ ਜਾਂਦੇ ਜਿਸ ਵਿਚ ਇਹ ਦੱਸਿਆ ਗਿਆ ਸੀ ਕਿ ਵਾਰਸ਼ਿਕ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਲਿਖਣ ਦਾ ਮੁੱਖ ਮੰਤਵ ਇਹ ਹੈ ਕਿ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਪਾਸ ਹਰ ਇਕ ਕਰਮਚਾਰੀ ਦਾ ਸਹੀ ਮੁੱਲ-ਅੰਕਿਤਤਿਆਰ ਹੋਵੇ ਤਾਂ ਜੋ ਉਸ ਨੂੰ ਤਰੱਕੀ ਦੇਣ ਸਮੇਂ ਜਾਂ ਵਧੇਰੇ ਜ਼ਿੰਮੇਵਾਰੀ ਜਾਂ ਉੱਚ ਪੱਧਰ ਦੀ ਆਸਾਮੀ ਦੇਣ ਲੱਗਿਆ ਉਸ ਕਰਮਚਾਰੀ ਦੇ ਕੰਮ ਅਤੇ ਆਚਰਣ ਦਾ ਅੰਦਾਜ਼ਾ ਲਾਇਆ ਜਾ ਸਕੇ ਕਿ ਉਹ ਅਜਿਹੀ ਜ਼ਿੰਮੇਵਾਰੀ ਕਿਵੇਂ ਤਕ ਨਿਭਾ ਸਕਦਾ ਹੈ। ਪ੍ਰਤੀਕੂਲ ਕਥਨ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਇਸ ਲਈ ਦੱਸੇ ਜਾਂਦੇ ਹਨ ਕਿ ਉਹ ਉਨ੍ਹਾਂ ਨੂੰ ਦੂਰ ਕਰਨ ਦਾ ਯਤਨ ਕਰੇ।

2. ਵਰਤਮਾਨ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਆਮ ਤੌਰ ਤੇ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਸਬੰਧੀ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨਾਲ ਵਾਦ-ਵਿਵਾਦ ਵਿਚ ਪੈਣ ਦੀ ਲੋੜ ਨਹੀਂ ਅਤੇ ਉਸ ਕਰਮਚਾਰੀ ਦੀ ਪ੍ਰਤੀ-ਬੇਨਤੀ ਉਨ੍ਹਾਂ ਹਾਲਾਤਾਂ ਵਿਚ ਵਿਚਾਰੀ ਜਾ ਸਕਦੀ ਹੈ ਜੇਕਰ ਪ੍ਰਤੀਕੂਲ ਕਥਨ ਗਲਤੀ ਜਾਂ ਮੰਦ-ਭਾਵਨਾ ਨਾਲ ਲਿਖੇ ਗਏ ਹੋਣ। ਪ੍ਰੰਤੂ ਅਜਿਹੀ ਪ੍ਰਤੀਕੂਲ ਟਿੱਪਣੀ ਨੂੰ ਖਾਰਜ ਕਰਨ ਸਬੰਧੀ ਪ੍ਰਤੀ-ਬੇਨਤੀ ਅਜਿਹਾ ਮੌਕਾ ਨਹੀਂ ਸਮਝਿਆ ਜਾ ਸਕਦਾ ਜਿਸ ਦਾ ਲਾਭ ਉਠਾ ਕੇ ਜਾਂ ਜਿਸਦੀ ਆਖ ਵਿੱਚ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਆਪਣੇ ਅਫ਼ਸਰ ਦੇ ਵਿਰੁੱਧ ਆਪਣੇ ਮਨ ਦਾ ਉਥਾਲ ਕੱਢੇ, ਜਿਸ ਨੇ ਅਜਿਹੇ ਕਥਨ ਰਿਪੋਰਟਾਂ ਵਿਚ ਲਿਖੇ ਹੁੰਦੇ ਹਨ। ਵੇਖਣ ਵਿਚ ਇਥੋਂ ਤਕ ਵੀ ਆਇਆ ਹੈ ਕਿ ਕਰਮਚਾਰੀ ਸਬੰਧਤ ਅਫ਼ਸਰਾਂ ਦੇ ਵਿਰੁੱਧ ਹੱਦ ਤੋਂ ਜ਼ਿਆਦਾ ਜ਼ਾਤੀ ਚਿੱਕੜ ਉਛਾਲਣ ਤੋਂ ਨਹੀਂ ਚਿਠਕਦੇ। ਇਸ ਵਿਚ ਕੋਈ ਸ਼ੱਕ ਨਹੀਂ ਕਿ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਨੂੰ ਆਪਣੀ ਸਫ਼ਾਈ ਪੇਸ਼ ਕਰਨ ਦਾ ਪੂਰਾ ਪੂਰਾ ਹੱਕ ਹੈ, ਪਰ ਇਸ ਦਾ ਇਹ ਭਾਵ ਨਹੀਂ ਕਿ ਉਨ੍ਹਾਂ ਦੇ ਜੀ ਵਿਚ ਜੋ ਆਵੇ ਹੁਗਲ ਦੇਣ। ਸਬੰਧਤ ਅਫ਼ਸਰਾਂ ਵਿਰੁੱਧ ਚਿੱਕੜ ਉਛਾਲਣ ਦੀ ਰੁਚੀ ਨੂੰ ਰੋਕਣ ਲਈ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਰਾਹੀਂ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਮਸ਼ਵਰਾ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਉਹ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਨੂੰ ਖਾਰਜ ਕਰਾਉਣ ਲਈ ਪ੍ਰਤੀ-ਬੇਨਤੀਆਂ ਦੇਣ ਵੇਲੇ ਉਨ੍ਹਾਂ ਅਫ਼ਸਰਾਂ ਵਿਰੁੱਧ ਬੇਹੁਦਾ ਅਤੇ ਬੇਬੁਨਿਆਦ ਦੋਸ਼ ਨਾ ਲਗਾਉਣ। ਜੇਕਰ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਆਪਣੇ ਕਿਸੇ ਅਫ਼ਸਰ ਵਿਰੁੱਧ ਸੱਚੀ ਸ਼ਿਕਾਇਤ ਹੈ ਤਾਂ ਉਚਿਤ ਤਾਂ ਇਹ ਹੈ ਕਿ ਉਹ ਵੱਖਰੇ ਤੌਰ ਤੇ ਛੇਤੀ ਤੋਂ ਛੇਤੀ ਯੋਗ ਪ੍ਰਣਾਲੀ ਰਾਹੀਂ ਆਪਣੀ ਸ਼ਿਕਾਇਤ ਭੇਜ ਦੇਵੇ ਤਾਂ ਜੋ ਉਸ ਉੱਤੇ ਸਾਧਾਰਨ ਪ੍ਰਣਾਲੀ ਹੇਠ ਯੋਗ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾ ਸਕੇ। ਇਸ ਲਈ ਜੇਕਰ ਕੋਈ ਕਰਮਚਾਰੀ ਅੱਗੇ ਤੋਂ ਆਪਣੀ ਪ੍ਰਤੀ-ਬੇਨਤੀ ਵਿਚ ਅਜਿਹੀਆਂ ਗੱਲਾਂ ਲਿਖੇਗਾ ਜਿਨ੍ਹਾਂ ਨੂੰ ਕਿ ਅਨੁਸ਼ਾਸਨ ਹੀਨਤਾ ਜਾਂ ਦੁਰਾਚਾਰ ਸਮਝਿਆ ਜਾ ਸਕਦਾ ਹੈ ਤਾਂ ਨਾ ਕੇਵਲ ਉਸ ਦੀ ਪ੍ਰਤੀ-ਬੇਨਤੀ ਸਰਸਰੀ ਤੌਰ ਤੇ ਰੱਦ ਕਰ ਦਿੱਤੀ ਜਾਵੇਗੀ ਬਲਕਿ ਉਸ ਦੇ ਵਿਰੁੱਧ ਪੰਜਾਬ ਸਰਕਾਰ ਕਰਮਚਾਰੀ ਆਚਰਨ ਨਿਯਮਾਵਲੀ, 1966, ਦੇ ਨਿਯਮ 3 (III) ਦੀ ਉਲੰਘਣਾ ਦੇ ਸਬੰਧ ਵਿਚ ਪ੍ਰਸ਼ਾਸਕੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾ ਸਕੇਗੀ। ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਨੂੰ ਅਮਲ ਵਿਚ ਲਿਆਇਆ ਜਾਵੇ।

3. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 7028-SII (3)-71/30619, dated the 24th November, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Proceedings under Rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules 1970—Indication of a specific penalty.

I am directed to invite your attention to the following portion of rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970:—

"10. Procedure for imposing minor penalties.—(1) Subject to the provision of sub-rule (3) of rule 9, no order imposing on a Government employee any

of the penalties specified in clauses (i) to (iv) of rule 5 shall be made except after:—

- (a) informing the Government employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal."

2. A question has arisen whether it is necessary to communicate the specific punishment/penalty proposed to be imposed upon the defaulting Government employees while proceeding under rule 10 *ibid*, as was the practice prior to the enforcement of the said rules.

3. Under 1970 rules the position has changed and an exhaustive procedure has been indicated both for imposing major penalties and the minor ones in rules 8 to 10. In respect of major penalties it is categorically stated in rule 9(4) (b) *ibid* that specific penalty proposed to be imposed on the employee concerned is also to be intimated to him but there is no such requirement under rule 10 relating to minor penalties. I am, therefore, directed to clarify in consultation with Legislative Department that it is not necessary to mention the specific minor penalty in the proposal and it will suffice and be in accordance with the provisions of rule 10(1)(a) if it is intimated to the delinquent official that it is proposed to impose one of the penalties enumerated in clauses (i) to (iv) of rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

Copy of Circular letter No. 7543-SII(3)-71/30893, dated 26th November, 1971, from Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Expeditious finalisation of departmental enquiries against Government employees—Furnishing of quarterly Statements to Administrative Secretaries and Chief Secretary.

I am directed to invite your attention to Punjab Government Circular letter No. 12277-V(1)/59/13470, dated 10th December, 1959, wherein it was laid down that the whole process of investigation and enquiry should be completed within six months. It has, however, been observed that departmental enquiries against Government employees are inordinately delayed for one reason or the other. As Government take

serious view of this delay, I am directed to request you to ensure, personally the completion of the departmental enquiries within the prescribed period.

2. I am further directed to request you to send to your Administrative Secretary a quarterly statement at the end of each quarter in respect of Class III and Class IV Government employees indicating the number of enquiries initiated, the number of those completed and those which are pending, together with reasons of delay.

3. Receipt of this letter may kindly be acknowledged.

A copy is forwarded to all the Financial Commissioners and the Administrative Secretaries to Government, Punjab, for compliance.

2. They may kindly send quarterly statements of the type referred to above to the Chief Secretary (in Services II Branch) in respect of Gazetted Officers of Class I & II

3. The statements furnished by the Heads of Departments to them in the light of paragraph 2 above may be examined critically and particular attention of the Heads of Departments concerned may be drawn to the cases being delayed at their end.

Copy of Punjab Government Circular letter No. 7496-SII (2)-71, dated the 30th November, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Compulsory retirement of Government employees—Grant of leave.

I am directed to invite a reference to Punjab Government letter No. 14089-3GS-64/35196, dated 13th/16th September, 1963, on the subject noted above wherein it is laid down that a Government employee who is required to retire or who himself chooses to retire under para 6 of the Punjab Government letter No. 5410-3GS-63/11926, dated 28th March, 1963, may be allowed the leave due and admissible to him provided it does not extend beyond the date on which he attains the age of 58 years. In this respect a question has arisen as to what amount of leave can be granted to such a Government employee as leave preparatory to retirement and as to whether L.P.R. can be granted in combination with or in continuation of any other kind of leave. In this connection, it is clarified that in such cases, the Government employee concerned may be granted leave as under according to his own choice:—

- (i) either Leave Preparatory to Retirement upto 180 days on full pay if it is due under rule 8.116 of the Punjab Civil Services Rules, Volume I, Part I; or

- (ii) earned leave upto 120 days with permission to combine it with any other kind of leave if due.

In both these cases the condition laid down in para 3 of the instructions contained in letter No. 14089-3GS-63/35196, dated the 13th/16th September, 1963, that the leave so availed should not extend beyond the date on which the employee concerned attained the age of 58 years, would apply.

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

Copy of Punjab Government Circular Letter No. 7678-SII(3)-71, dated the 8th December, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Consideration of Work and Conduct in the cases of Confirmation or Promotions.

I am directed to invite your attention to the instructions contained in Punjab Government circular No. 4091-ASII-60/20836, dated 8th June, 1960, which *inter alia* lay down that 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. In this connection I am directed to clarify that when a *right* of being considered for promotion accrues to a person as a result of promotion of his junior, then his work and conduct/annual confidential record only upto the date of his supersession, should be kept in view while deciding the matter relating to his promotion with retrospective effect. In other cases the principle enunciated in the above mentioned instructions, i.e., taking into account the work and conduct subsequent to the date on which the officer/official had become due for promotion and prior to the date of decision, would hold good.

Copy of Punjab Government Circular letter No. 7398-SII(3)-71, dated the 15th December, 1971, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Punjab Government employees (Conduct) Rules, 1966—Canvassing of non-official or other influence by Government employees—Instructions regarding.

I am directed to invite your attention to rule 20 of the Punjab Government Employees (Conduct) Rules, 1966, reproduced below:—

"20. *Canvassing of non-official or other influence.*

No Government employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Government."

In this connection attention is also invited to Punjab Government circular letter No. 5847-SII(6)-69/17995, dated the 30th June, 1969, wherein it was made clear that any violation of the instructions would henceforth be met with punishment which should be sufficiently severe to act as a deterrent to others also.

2. Despite the statutory provisions and the instructions cited above it has been observed that the tendency of canvassing non-official and other influence by the Government employees to further their interests in respect of matters pertaining to their service under the Government has not been checked. Leaders of political parties are approached by Government employees to obtain support for their representations, appeals, etc., pertaining to their conditions of service. As already brought to the notice of all Government employees,—vide instructions dated 30th June, 1969, Government consider such an act as a serious lapse on the conduct of the Punjab Government employees and it has been decided that in future when such instances come to the notice of the Government or Departments, as the case may be, action against the defaulting employees should be taken in the following manner:—

- (i) A Government employee violating the above provision of conduct rules/instructions for the first time after the issue of these instructions should be advised as in the standard draft at Annexure I by the Appropriate Authority. A copy of the advice so sent to him need not be placed in the Character roll/Confidential Report file of the employee concerned. However, a copy thereof should be endorsed to the Department, office/Organisation concerned if the Government employee is borne on a cadre different than the one in which he would be working at the time of the issue of the advice.
- (ii) If a Government employee is found guilty of violating the above provisions/instructions second time, despite the issue of the advice on the earlier occasion a written warning should be issued to him as

in the standard draft at Annexure II. A copy thereof should also be placed in his character roll/ Annual Confidential Report file and an authenticated copy thereof should be sent to the Department, office or cadre on which the Government employee may be borne, as the case may be. As the placing of such a warning on the character roll of the Government employee concerned may entail evil effect on the general assessment of his work and conduct, he should be informed of the imputation of misconduct and given a reasonable opportunity of making a representation as he may wish to make, as required by the instructions contained in Punjab Government circular letter No. 1724-SII(3)-71, dated 8th June, 1971.

- (iii) If a Government employee is found guilty of violating the above provisions of the conduct Rules/Instructions despite the warning issued to him as at item (ii) above, disciplinary action should be initiated against him under the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

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

ANNEXURE I

DEPARTMENT _____

NAME AND ADDRESS OF THE GOVT. EMPLOYEE _____

It has come to the notice of the Government that you have violated the provisions of Rule 20 of the Punjab Government Employees (Conduct) Rules, 1966, by bringing outside influence to bear upon the Government in support of your request/representation regarding (give particulars of the case) under consideration of the Government/Department/office. You are advised to refrain from resorting to such practices in future. A copy of this letter is not being placed on your confidential roll. If, however, you are found guilty of a further violation of the provisions of the Conduct Rules, a suitable entry will be made in your Confidential Roll.

Yours sincerely,

(Appropriate Authority.)

ANNEXURE II

DEPARTMENT _____

NAME AND ADDRESS OF GOVT. EMPLOYEE _____

MEMORANDUM

Shri _____ (give name and designation of the officer) is hereby informed that, inspite of the fact that he was advised not to bring political or other outside influence to bear upon the Government/Department/Office to obtain support for his representation/appeal regarding (give details of the case,—vide letter No. _____ dated _____ it has been observed that he has again violated the provisions of Rule 20 of the Punjab Government Employees (Conduct) Rules, 1966. Shri _____, is, therefore, warned to be careful in future and observe the provisions of the Rules cited above, failing which Government will consider the desirability of initiating action against him under the provisions of the Punjab Civil Services (Punishment and Appeal Rules), 1970. Shri _____, may also note that a copy of this Memorandum is being placed in his confidential Roll after giving him due opportunity.

Yours sincerely,

(Appropriate Authority.)

Copy of Punjab Government Circular letter No. 8548-SII-(3)-71/1167, dated the 11th January, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, e'tc., etc.

Subject : Ex-gratia grants and other facilities for families of Government employees who die while in service—Clarification of some points.

I am directed to invite your attention to instructions contained in Punjab Government Circular letter No. 3906-SII (3)-71/17723, dated the 9th July, 1971 and to say that the Accountant-General, Punjab, had raised certain points for clarification in regard to the Government policy on the subject noted above. The clarifications which have been made in reply thereto and are considered essential for dealing with the

individual cases before final orders are passed thereon by various departments, are detailed as under:—

Sr. No.	Point raised by A.G., Punjab	Clarification given by Government
1.	Whether these concessions/facilities will be admissible to all the categories of Government employees including the work charged establishments.	The grant of these facilities may be allowed to all regular employees. The work-charged employees and <i>ad hoc</i> employees will not be entitled to these facilities as they are not entitled to pensionary benefits.
2.	What should be the emoluments for calculating the <i>ex-gratia</i> grants in the case of persons on leave or suspension before death.	The emoluments for the purpose of <i>ex-gratia</i> grants should be what an employee would have drawn had he not been absent from duty or under suspension as defined in rule 2.44 of Punjab C.S.R., Volume I, Part I.
3.	In the absence of the widow/husband, how should the share of <i>ex-gratia</i> grant payable to the dependent sons/daughters/others be apportioned and upto what age a son/daughter/brother/sister of the deceased is to be treated as dependent.	<i>Ad hoc Ex-gratia</i> grant will be admissible to widow/husband but to other dependents only if they are unemployed and are entirely dependent on the deceased Government employee, if so certified by the Deputy Commissioner of the District. Thus the actual factor of dependence to be certified by the Deputy Commissioner concerned would determine eligibility/title for the <i>ex-gratia</i> grant and there is no need to specify any age for the purpose.
4.	The minor/detailed head of account subordinate to the Major Head "65—Pension and Other retirement benefits", under	The entire expenditure on <i>ex-gratia</i> grant and other facilities should be debited to the head to which pensions of Government employees are

Sr. No.	Point raised by A.G., Punjab	Clarification given by Government
4.—concl.	which the charges on this account are to be debited.	debited. The details of major and minor heads are as below:— Major Head "65—Pensions and other retirement Benefits." Minor Head "Compassionate Allowance."
5.	Necessary authorisations for all payments of <i>ex-gratia</i> grants including other facilities.	The authorisation for the disbursement of <i>ex-gratia</i> grants should be issued by the appointing authority as in the case of anticipatory pensions and honoured by the T.O. This will give relief to the bereaved families when they need help the most.

Copy of U.O. Circular letter No. 138-SII(3)-72, dated the 20th January, 1972, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab, and Heads of Departments, etc., etc.

Subject : Concessions to released army personnel and ex-servicemen in State Services—Question of extending the same concessions by the Corporate Bodies in Punjab.

Will the Financial Commissioners and Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above?

2. With a view to facilitating the resettlement of released Indian Armed Forces Personnel who joined army service or were commissioned on or after the 1st November, 1962, and are released at any time thereafter, Government have reserved 20 per cent posts to be filled through direct recruitment for such personnel and have also been extending the benefit of

seniority and pay in lieu of the military service as also age concession. For details about this reservation and concessions, the Rules notified,—*vide* No. GSR-63/Const/Art. 309/68, dated 17th June, 1968 (these were circulated among them,—*vide* U.O. No. 5052-SII(5)-68, dated 17th June, 1968) may kindly be seen.

3. The ex-servicemen who do not fall in the category of released army personnel referred to above by virtue of their having rendered military service prior to 1st November, 1962, are given second preference for recruitment against the reserved vacancies primarily meant for the released army personnel. In this connection Punjab Government letter No. 2407-4GS-66/9736, dated 22nd/25th April, 1966, may be referred to.

4. The Committee for the Welfare of Personnel of Armed Forces and Ex-Servicemen in their meeting held on 22nd December, 1971, have recommended that the above mentioned reservation/concessions may be extended by various Corporate Bodies functioning in Punjab State viz., Universities, School Education Board and similar other undertakings. As the call of the hour demands, the released army personnel should be looked after and provided necessary chances of re-settlement by recruiting them in civil services. It is also desirable that the policy of the Government in this behalf as mentioned above should be reflected in the working of the autonomous bodies as far as possible in public interest. It is, therefore, requested that the Corporations/Autonomous bodies and other similar undertakings under their control may be advised to consider the question of adopting Government policy in so far as recruitment to services under such bodies is concerned.

Copy of Punjab Government Circular letter No. 4741-SII-(3)-71, dated the 11th February, 1972, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject : Implementation of judgments containing principles of general nature in regard to service matters.

I am directed to address you on the subject noted above and to say that the policy relating to service matters in respect of State Services is framed by the Services Department and instructions in this connection are issued by them from time to time. Although generally whenever the rules or

general instructions framed by the Services Department are challenged in a Court of Law, the Chief Secretary is made a party yet the chances of any judicial decision affecting the general conditions of service of the State Government employees going unnoticed cannot be ruled out. It is, therefore, considered necessary that whenever such a judicial decision is pronounced in respect of any service matter, a copy of the judgment should be sent to the Services Department for enabling them to examine their policy in proper perspective as well as to review it, if considered expedient in the light of the judicial pronouncement.

Copy of Punjab Government Circular letter No. 27-SII-(3)-72/5186, dated the 15th February, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Earmarking of vacancies for the Released Army Personnel.

I am directed to address you on the subject noted above and to say that Government have decided that while giving effect to the statutory provisions of reservation to the extent of 20 per cent post to be filled through direct recruitment for the Released Indian Armed Forces Personnel as provided in the Rules notified on 17th June, 1968, the last vacancy in the block of five vacancies may be earmarked for them. Consequently the 5th, 10th, 15th and so on vacancies to be filled by direct recruitment shall go to the Released Indian Armed Forces Personnel.

2. It may here be clarified that according to the existing policy of reservation for Scheduled Castes/Tribes and Backward Classes, the 1st, 6th and 11th vacancies, (i.e., the first vacancy in each block of five vacancies) is earmarked for them. After taking into account the earmarking of vacancies for the Released Armed Forces Personnel as stated in the preceding paragraph, first and the last vacancy in each block shall stand reserved for Scheduled Castes/Tribes and Backward Classes and Released Indian Armed Forces Personnel, respectively. This is, however, subject to the overall limitation imposed,—vide Punjab Government instructions contained in circular letter No. 220-SII(3)-71, dated 19th January, 1971, to the effect that total reservation for both the categories of persons referred to above shall not exceed 45 per cent of the vacancies filled in a year. This restriction shall have to be kept in view

particularly while filling 5th and 6th vacancies simultaneously by way of reservation (5th for Released Indian Armed Forces Personnel and 6th for Scheduled Castes/Tribes and Backward Classes) in a year.

(For PWD and Health Departments)

3. They will keep these instructions in view while giving effect to 20 per cent reservation in Medical and Engineering Services as advised in Services Department U.O. No. 8360-SII(3)-71, dated 21st December, 1971, in anticipation of finalisation of separate Rules of reservation for the Released Indian Armed Forces Personnel in Medical and Engineering Services for a period of 3 years from 10th January, 1971.

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

Copy of Punjab Government Circular letter No. 611-SII-(3)-72/5112, dated the 15th February, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Concessions to released army personnel and Ex-Servicemen in State Services—Question of meticulous observance of instructions.

I am directed to address you on the subject noted above and to say that with a view to facilitating the resettlement of released Indian Armed Forces Personnel who joined army or were commissioned on or after the 1st November, 1962, and are released at any time thereafter, Government have reserved 20 per cent posts to be filled through direct recruitment for such personnel in addition to extending the benefit of seniority and pay in lieu of the military service as also age concession. For details about this reservation and concessions, the Rules notified,—vide No. GSR/63/Const/Art. 309/68, dated 17th June, 1968, (these were circulated among them,—vide No 5052-SII-(5)-68/16912, dated 17th June, 1968), may kindly be seen.

2. The ex-servicemen who do not fall in the category of released Indian Armed Forces personnel referred to above by virtue of their having rendered military service prior to 1st November, 1962, are given second preference for recruitment against the reserved vacancies primarily meant for the released army personnel. In this connection, Punjab Government

letter No. 2407-4GS-66/9736, dated 22nd/25th April, 1966 may kindly be referred to.

3. *Vide* instructions No. (U.O.) 138-SII(3)-72, dated 20th January, 1972, the Administrative Departments were requested to advise the Corporations/Autonomous bodies and other similar undertakings under their control to consider the question of adopting Government policy in so far as recruitment to services under such bodies is concerned.

4. It has come to the notice of Government that the above rules/instructions are not being observed meticulously with the result that the progress about resettlement of the released Army Personnel is not upto the expectation. Government view this omission/laxity with concern and desires that the instructions may please be observed in letter and spirit.

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

Copy of Punjab Government Circular letter No. 1278-2SIII-72/5831, dated the 21st February, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Grant of special casual leave to Government servants for participation in cultural programmes of national/international importance.

I am directed to say that it has been represented to Government that such employees, as are sometimes selected by the Information and Publicity Department to take part in important cultural programmes of national/international importance, find it difficult to participate therein, on account of the limited amount of casual leave at their disposal. The matter has been considered by Government and it has been decided that employees drawn from various Government Department (other than those of the Information and Publicity Department who will be treated as on duty) will be allowed a concession of special casual leave upto 10 days at a time for participation in any of the following cultural events or programmes, subject to the condition that an overall limit of such special casual leave in a year will not exceed 30 days:—

(i) Republic Day Celebrations at Delhi.

- (2) Visit of Cultural troupes to border areas.
- (3) Visit of Cultural troupes to other States during National Celebrations.
- (4) All-India Drama Festivals organised by the Ministry of Information and Broadcasting.

2. These instructions may please be brought to the notice of all employees in your departments/offices.

3. These instructions issue with the concurrence of Finance Department,—*vide* their U.O. No. 4685-4FR-71, dated the 1st October, 1971.

Copy of Punjab Government Circular letter No. 325-SII(3)-72/5866, dated the 24th February, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Retention of lien in civil posts of those civil employees who joined Armed Forces during the present Emergency and regulation of their seniority, confirmation and promotion during their absence on military service.

I am directed to address you on the subject noted above and to say that Instructions were issued during the previous Emergency proclaimed on 26th October, 1962, in the country, laying down benefits and concessions which the released Military Personnel were to be entitled on their appointment to State Services. The instructions also covered the serving employees who offered to go to the Military. In their case benefits of retaining lien, counting military service towards seniority, promotion, etc., were extended. These instructions were followed by statutory Rules called the Punjab Government National Emergency (Concessions) Rules, 1965. These Rules took into account the service rendered during the period of operation of Emergency declared on 26th October, 1962 or such other service as might thereafter be declared as Military Service for the purpose of those Rules. On 17th June, 1968 and 19th September, 1968, specific Rules of Reservation were enforced which entirely related to the grant of benefits of seniority and pay, etc., to the Released Military Personnel who were recruited against the reserved vacancies by direct appointment. The net effect of the Rules of 1968 which had an overriding effect is that while they are applicable for direct

recruitment, quota of reservation and benefit of seniority and pay to those appointed against the reserved vacancies, the Rules of 1965 remain in force regarding the rest of the matters, viz., benefits to those who were appointed in civil service on return from Military Service prior to the enforcement of Rules of 1968 (enforced with effect from 1st November, 1966) and to those civil employees who had offered to go to the military during the Emergency.

2. The Government of India have now issued a circular letter for the facility of Central Government offices making it clear that their previous instructions for the retention of liens of civil government servants who were permitted to take up military service during the last Emergency and other allied benefits such as seniority, confirmation, promotion during their absence in military service, shall apply *mutatis mutandis* to the released Emergency Commissioned Officers, who were serving in the civil service under the Central Government and who now rejoin the Army during the present Emergency.

3. The Punjab Government have decided that the civil Government employees who are/have been called for military service during the *present Emergency* shall be eligible to the concessions enjoined in the Punjab Government National Emergency (Concessions) Rules, 1965 read with the Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab Non-Technical Services) Rules, 1968.

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

Copy of Punjab Government Circular letter No. 712-SII-(2)-72/7097, dated the 7th March, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Entrustment of the work of recruitment to subordinate services to the Departmental Committees—
Procedure regarding.

I am directed to invite a reference to the Punjab Government letter No. 5848-SII(2)-71/23655, dated the 6th September, 1971, on the subject noted above and to say that prior to the setting up of the Subordinate Services Selection Board on 1st April, 1971, the Departmental Committees were authorised to make recruitment to posts/services carrying an initial

salary from Rs. 91 to Rs. 299 per mensem, by adopting any of the mode of recruitment, viz., through an interview or a written test or both. Those Committees had, in certain cases, finalised the selections and made recommendations to the appointing authorities. In some cases the appointing authorities had made recruitment from the merit list while in others the appointment orders were yet to be issued. In other cases the Departmental Committees had called for applications for certain categories of posts and had to complete certain formalities preceding final selection.

2. Normally a merit list framed by a recruiting authority is utilised not only for filling up vacancies, then available but also for filling up those vacancies occurring in the next six months. But as the Subordinate Services Selection Board had been constituted with effect from 1st April, 1971, instructions were issued,—vide Punjab Government Circular letter No. 2235-SII(2)-71/ , dated the 16th April, 1971, that the merit lists framed by those Departmental Committees should be utilised for filling up vacancies which had occurred upto 31st March, 1971, only and those cases in which the process of recruitment had not been finalised, should be sent to the Board for further action in the matter of making selection. It has, however, been observed that during the period for which the Board remained in existence, no concrete steps were taken to make recruitment to a number of categories of posts, in respect of which those Departmental Committees had drawn up merit lists nor had any progress been made in some of those cases which were transferred to the defunct Board for further processing. Departmental Committees, which have again been constituted in the wake of abolition of the Board in September, 1971, have yet to start functioning and it would take pretty long time if recruitment to existing vacancies (excepting those of Clerks, Typists, Steno-typists and Stenographers) which had occurred after 1st April, 1971, were to be made after inviting applications afresh. Moreover, some of the candidates who were selected by those Departmental Committees might have become over-age in the meantime and would, thus become ineligible if the existing vacancies were to be readvertised.

3. As the selections to the post/services had been made on merits by the Departmental Committees after a good deal of expense and labour, it has been decided that merit list/waiting list drawn up by the old Departmental Committees,

if available with the Departments, may be utilised for purposes of making recruitment on regular basis to vacancies which are available at present and had not been advertised by the defunct Board or may occur upto 31st March, 1972. In case the posts had been advertised by the said Board, then selections may be made by the newly constituted Departmental Committees from the applications received by the Board. Similarly recruitment to the vacancies occurring on or after 1st April, 1972, may also be made after inviting fresh applications in the prescribed manner.

4. It has further been decided that in case the defunct Board had not made selections in those cases which were transferred to it and those cases have again been entrusted to the Departmental Committees, the latter may not invite applications afresh. The Departmental Committees may pick up the thread where it was left by the old Departmental Committees and finalise the selection after observing/completing the remaining formalities straightway.

Copy of Punjab Government Circular letter No. 702-SII(3)-72/7832, dated the 15th March, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : *Ex-gratia* grants and other facilities for families of Government employees who die while in service—Clarification with regard to admissibility of House Rent Allowances.

I am directed to invite your attention to para 1(c) regarding accommodation of Punjab Government circular letter No. 3906-SII(3)-71/17723, dated the 9th July, 1971, on the subject noted above and to clarify in consultation with the Finance Department, the position regarding the admissibility of House Rent Allowance in various types of cases as mentioned below:—

- (1) If the family of a deceased Government employee vacates the residential accommodation retained by it before the expiry of one year of its own accord, then the benefit of house-rent allowance will not be admissible for the remaining period.
- (2) If the family leaves the place of posting of the deceased Government employee before the expiry

of one year which automatically amounts to surrender of Government accommodation at that place, then the house-rent allowance for the remaining period will not be admissible.

- (3) If the residential accommodation allotted to the deceased Government employee, is got vacated by the Government from his family due to certain special circumstances, then, alternative accommodation, if available should be allotted to such a family.
- (4) If no accommodation is available as referred to in item (3) above then house-rent allowance for the remaining period shall be granted provided the family lives at that station.

Copy of U.O. Circular letter No. 2091-SII(3)-72, dated the 7th April, 1972, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab, and Heads of Departments.

Subject : Transmission of cases to the Chief Secretary for advice.

Will all the Financial Commissioners and Administrative Secretaries to Government, Punjab, kindly refer to U.O. No. 4730-GI-59, dated the 25th August, 1959, on the subject noted above ?

2. It was emphasised in the instructions referred to above that:—

- (a) cases should be referred to the Chief Secretary for advice if any, only after fully examining the issues involved therein;
- (b) cases ~~which are~~ clear and straight should be decided by the Administrative Department themselves so as to avoid unnecessary references;
- (c) specific point(s) on which the advice of the Chief Secretary is needed should be clearly brought out; and

- (d) the cases for advice should be referred to the Chief Secretary through the Administrative Secretary concerned and not directly by the Officers subordinate to them.

3. It has been noticed that these instructions are not being observed strictly and consequently stray and incomplete references/cases are received in the Services Department. Obviously in the absence of the proper appreciation of the facts, the Services Department cannot tender their advice in the first instance and have to ask for complete information/papers.

4. It is, therefore, requested that in future, where it is considered necessary to seek guidance/advice of the Chief Secretary, it may kindly be ensured that the cases/references are sent complete in all respects as mentioned in para 2 above *alongwith a duplicate copy of their self-contained note for record in Services Department.*

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਸਤੀ ਪੱਤਰ ਨੰ: 650-ਸ II-(3)-72/8467, ਮਿਤੀ 17 ਅਪਰੈਲ, 1972 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ:—ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਦੇ ਕਰਮਚਾਰੀਆਂ ਵਲੋਂ ਧਰਮ ਦੀ ਬਦਲੀ ਕਰਨ ਬਾਰੇ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ/ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਸੂਚਨਾ ਦੇਣ ਸਬੰਧੀ।

ਮੈਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਨੂੰ ਸੰਬੰਧਨ ਕਰਨ ਦੀ ਅਤੇ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਸੰਵਿਧਾਨ (ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ) ਆਰਡਰ, 1950 ਦੇ ਪੈਰਾ 3 ਅਨੁਸਾਰ, ਜਿਸ ਤਹਿਤ ਕਿ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਤੇ ਅਨੁਸੂਚਿਤ ਕਬੀਲਿਆਂ ਆਡਰ (ਸੋਧ) ਐਕਟ, 1956 ਦੁਆਰਾ ਇਸ ਨੂੰ ਸੋਧਿਆ ਗਿਆ ਹੈ, ਭਾਰਤ ਸਰਕਾਰ ਨੇ ਕੇਂਦਰੀ ਸੇਵਾਵਾਂ ਵਿਚ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਧਰਮ ਬਦਲੀ ਕਰਨ ਬਾਰੇ ਆਪਣੇ ਪ੍ਰਬੰਧਕੀ/ਅਤੇ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਨੂੰ ਅਜਿਹੀ ਤਬਦੀਲੀ ਤੋਂ ਤੁਰੰਤ ਸੂਚਿਤ ਕਰਨ ਲਈ ਹਦਾਇਤਾਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹਨ। ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦਾ ਇਕ ਉਤਾਰਾ (ਨੰ: 13/3/71-ਈ ਐਸਟੀ ਐਸ (ਐਸਸੀ ਟੀ), ਮਿਤੀ 10 ਸਤੰਬਰ, 1971) ਆਪ ਦੀ ਸਹੂਲਤ ਲਈ ਨਾਲ ਨਬੀਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਕਿਉਂਜੋ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦਾ ਮਤਲਬ, ਹਿੰਦੂ ਜਾਂ ਸਿੱਖ ਧਰਮ ਬਦਲੀ ਕਰਕੇ ਹੋਰ ਕੋਈ ਧਰਮ ਅਪਨਾਉਣ ਤੇ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਦੇ ਉਮੀਦਵਾਰਾਂ/ਕਰਮਚਾਰੀਆਂ ਵਲੋਂ ਉਨ੍ਹਾਂ ਨੂੰ ਸੇਵਾ ਵਿਚ ਦਿਤੀਆਂ ਜਾਣ ਵਾਲੀਆਂ ਸਹੂ-ਲਤਾਂ/ਛੋਟਾਂ ਆਦਿ ਦੇ ਦੁਰ ਉਯੋਗ ਵਿਰੁਧ ਇਤਆਤਰ ਰਖਣਾ ਹੈ, ਇਸ ਲਈ ਪੰਜਾਬ ਸਰਕਾਰ ਨੇ ਵੀ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਦੇ ਕਰਮਚਾਰੀਆਂ ਸਬੰਧੀ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।

2. ਉਪਰੋਕਤ ਫੈਸਲੇ ਅਨੁਸਾਰ ਆਪ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਸਮੂਹ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਇਹ ਹਦਾਇਤ ਜਾਰੀ ਕਰਨ ਦੀ ਕਿਰਪਾ ਕਰੋ ਕਿ ਉਹ ਆਪਣੇ ਧਰਮ ਵਿਚ ਤਬਦੀਲੀ ਸਬੰਧੀ ਸੂਚਨਾ ਤੁਰੰਤ ਆਪਣੇ ਪ੍ਰਬੰਧਕੀ/ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਨੂੰ ਦੇਣ ਅਤੇ ਅਗੇ ਤੋਂ ਇਸ ਤਰ੍ਹਾਂ ਦੀ ਸ਼ਰਤ ਉਪਰੋਕਤ ਜਾਤੀਆਂ ਦੇ ਸਮੂਹ ਨਿਯੁਕਤੀ ਪੱਤਰਾਂ ਵਿਚ ਵੀ ਪਾ ਦਿਤੀ ਜਾਵੇ।

3. ਇਸ ਪਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of letter No. 13/3/71-Ests (SCT), dated New Delhi-1, the 10th September, 1971, from the Under Secretary to the Government of India Cabinet Secretariat Department of Personnel to All the Ministries/Departments of the Government of India etc. and copy forwarded to Lok Sabha Secretariat (SCT Branch) and the Commissioner for Scheduled Castes and Scheduled Tribes.

Subject : Employees belonging to Scheduled Castes—Intimation regarding change of Religion to administrative authorities.

The undersigned is directed to say that according to para 3 of the Constitution (Scheduled Castes) Order 1950 as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, no person who professes a religion different from the Hindu or Sikh religion can be deemed to be a member of Scheduled Castes. The rights of a person belonging to a Scheduled Tribes are, however, independent of his/her religious faith. Instances have come to the notice where Scheduled Castes candidates on adopting a religion other than Hinduism and Sikhism, did not intimate the change in religion to the appointing/administrative authorities and continued claiming/enjoying concession/benefits admissible to Scheduled Castes. This necessitated withdrawal retrospectively of the concessions enjoyed by them. It has now been decided that in order to avoid such instances, Ministries/Departments, etc., of Governments of India may in future stipulate in the letter of appointment issued to Scheduled Castes candidates that they should inform about the change of their religion to their Appointing/Administrative authority immediately after such a change. Similarly, the serving Scheduled Castes employees should be instructed to intimate change, if any, in their religion immediately, to their Appointing/Administrative Authorities. Ministry of Finance, etc., are requested to bring these instructions to the notice of all concerned.

Copy of Punjab Government Circular letter No. 2180-SII(3)-72, dated the 19th April, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Disciplinary proceedings—Cases of alleged victimisation relating to the office bearers of Punjab Subordinate Services Federation and other employees

in connection with the agitation for fulfilment of their demands.

I am directed to invite attention to Punjab Government Order No. 1823-SII(3)-72, dated the 24th March, 1972, and to say that one of the items on which the 7-Member Committee set up,—vide orders contained in the above communication has to deliberate, relates to the general principles for dealing with cases of alleged victimisation on merits. On receipt of recommendation of the said Committee in this behalf Government will consider the matter further and issue suitable instructions for the guidance of the various Departments to deal with such cases. It is, therefore, considered appropriate that any disciplinary proceedings in cases of this type presently going on in various Departments should not be processed further and action therein be stayed till the instructions are issued as referred to above. This would avoid any over-lapping and would ensure uniformity in the matter.

Copy of Punjab Government Circular letter No. 2253-SII (3)-72, dated the 24th April, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Questions of initiating fresh proceedings of enquiry on which the Government employee is acquitted by the competent authority in the first instance.

I am directed to address you on the subject noted above and to say that in a case which came up before the Punjab and Haryana High Court, in the form of Letter Patent Appeal (No. 209 of 1971) it was observed that the Government employee concerned had been acquitted on certain charges after due process of enquiry by a competent authority while some punishment was awarded to him on other charges. Against the later charges, a writ petition was filed in the High Court and the proceedings initiated against the employee were set aside with the following observations:—

"This will, however, not mean that it debars the Government from instituting a fresh enquiry and it would be necessarily in the present case to do so because there are serious charges of corruption against the appellant. It is also in the interest of the appellant that he clears himself of these charges in a proper enquiry."

2. Unwittingly the above observations were stretched to start a *denovo* examination of those charges also on which the employee concerned had been acquitted after due process of law, in the first instance.

3. It is an acknowledged principle of law that no person can be punished or put in peril twice for the same matter. The dropping of certain charges against a public servant meaning exoneration therefrom, is an act of *quasi-judicial* nature and is not liable to be varied at the will of the authority unless the relevant statute or the Rule empowered the authority concerned to make a review. Accordingly I am directed to reiterate for your guidance that no *denovo* proceedings can be initiated with respect to those charges against the Government employee on which he stands already exonerated by the competent authority after due consideration of the matter.

Copy of Punjab Government Circular letter No. 1173-SII(3)-72, dated the 25th April, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Re-instatement of suspended Government employees—Question of regularisation of the period of suspension.

I am directed to address you on the subject noted above and to say that though suspension is not included in the list of penalties enumerated in Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, yet it can be resorted to as a prelude to disciplinary proceedings against the defaulting Government employee. It is, however, necessary that there should be full justification warranting suspension or any other disciplinary measure against the employee concerned. On the finalization of the disciplinary proceedings, when a Government employee is re-instated either on his exoneration of the charges or after inflicting a punishment on him, the competent authority has to consider and make a specific order:—

- (a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty, or for the period of suspension ending with the date of his retirement on superannuation, as the case may be.

- (b) Whether or not the said period shall be treated as a period spent on duty.

2. In this connection the Punjab and Haryana High Court has made certain observations on the legal procedure to be observed while regularising the period of suspension of a Government employee which are quoted below:—

“Sub-rule (2) of rule 7.3 (of Punjab Civil Services Rules, Volume I, Part I), specifically provides that in the case of suspension, full pay and allowances to which the Government servant, would have been entitled, if he had not been suspended are to be allowed to him if the authority mentioned in sub-rule (1) is of the opinion that his suspension was wholly unjustified. From this language it is clear that the competent authority had to come to a conclusion that the suspension of the Government servant was not wholly unjustified in order to clothe it with the jurisdiction of passing an order for not allowing the Government servant concerned full pay and allowances to which he would have been entitled had he not been suspended. On such determination also depends whether the period of suspension is to be counted as period spent on duty or not. The competent authority has, therefore, to apply its judicial mind to determine whether the suspension of the Government servant concerned was wholly justified or not and that determination has to be made in a *quasi-judicial* manner after giving notice to the Government servant concerned and affording him an opportunity of hearing.”

3. I am, therefore, to request that the following two essential requirements of procedure which emerge from the above Ruling should invariably be kept in view while dealing with such cases:—

- (a) application of judicial mind (as *quasi-judicial* authority) to determine whether suspension of a Government servant was wholly justified or not; and
- (b) while changing the nature of the order once passed, to the disadvantage of the employee concerned, he should be given an opportunity of hearing.

Copy of Punjab Government Circular letter No. 1487-SII(3)72/10190, dated the 25th April, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Provision of promotional avenues for Class IV employees educationally qualified for Class III posts.

I am directed to address you on the subject noted above and to say that according to the existing policy the Class IV employees, working in various Punjab Government Offices, who hold the Matriculation or such other qualifications as are prescribed for direct recruitment to Class III posts, have no independent source of appointment to these posts and they are considered only for temporary appointment on *ad hoc* basis for short intervals till the candidates selected on regular basis by the Subordinate Services Selection Board or any alternative Selection Authority, for Class III posts, join. Obviously this avenue of promotion is not adequate and does not satisfy the genuine aspirations of such Class IV employees, who have shown initiative, and diligence in improving their qualifications with a view to bettering their chances for future promotion.

2. After detailed consideration of the matter, Government have decided to introduce the following measures, on experimental basis, to be followed in due course by a suitable statutory provision, for promotional avenues of Class IV employees, educationally qualified and otherwise suitable, for Class III posts :—

- (i) For temporary recruitment on *ad hoc* basis, which is made in anticipation of regular selection against Class III clerical posts i.e., Clerks etc. (through the Departmental Committees or S.S.S. Board) Class IV employees shall be eligible for consideration after getting no objection certificate" from their appointing authorities concerned. Their eligibility from age point of view would be determined after deducting the period

of service rendered by them in Class IV Service.

- (ii) The appointing authorities shall have the discretion to prefer their Class IV employees, subject to their suitability, to the other candidates, recommended by employment Exchanges as a measure of temporary arrangement of the nature referred to above.
- (iii) The S.S.S. Board or in its absence that recruiting agency as may be prescribed by the Government for filling common categories of posts viz. Clerks etc. shall pool 10 per cent of the requirement of vacancies occurring in a particular year in various offices in the State for holding an Examination specifically confined to such Class IV employees, who fulfil the requirements of minimum qualifications prescribed for various services and who are borne on regular establishment in the offices concerned. The selection list prepared after conducting this examination will be utilised for the promotion of Class IV employees in such offices in which they appropriately fit in (for example in Secretariat only First Class Matriculates or Graduates from the Select List shall be recommended because the Secretariat Rules prescribed these minimum qualifications). Unfilled vacancies would not be carried over to the next year.
- (iv) The maximum age for appearing in this examination would be 40 years (45 years for SC/ST and BC employees).
- (v) Atleast three years of service would be essential for making a Class IV employee eligible to take the Examination.

3 At the moment when S.S.S. Board is not functioning and there is no regular centralised agency for recruitment to the common categories of posts, the Department, apart from making *ad hoc* appointment in terms of item (i) mentioned in para 2 above may make regular appointment of eligible and suitable Class IV employees against Class III posts through their respective Departmental Selection Committees within the ambit of the above scheme so

that there is no stalemate in the implementation of the scheme. As far as practicable the Departments should provide an opportunity of making application for regular appointment to Class IV employees working in other Departments as well, because the intention is not to restrict the state-wide feature of the scheme to a particular Department. This would enable the Class IV employees working in A or B Class Departments/offices as the case may be, to avail themselves of the opportunity of appointment against Class III posts according to the standard of qualifications possessed by them.

The receipt of this letter may please be acknowledged.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 2019-ਸII(2)-72/12411, ਮਿਤੀ 25 ਮਈ, 1972
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਕਾਸਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਸੇਵਾ ਨਿਵਿਰਤੀ ਦੀ ਉਮਰ ਬਾਰੇ—55 ਸਾਲ ਦੀ ਉਮਰ ਉਪ੍ਰੰਤ ਰੀਟਾਇਰ ਕਰਨ ਲਈ
ਦਿਆਨਤਦਾਰੀ ਬਾਰੇ ਪ੍ਰਤੀਕੂਲ ਟਿਪਣੀ ਦਾ ਮਹੱਤਵ।

ਮੈਂਨੂੰ ਉਪ੍ਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 2018-ਸII
(2)-71/16458, ਮਿਤੀ 30 ਜੂਨ, 1971 ਦੇ ਪੈਰਾ 3 ਵੱਲ ਦਵਾਉਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ,
ਜਿਸ ਵਿੱਚ ਇਸ ਗੱਲ ਤੇ ਜ਼ੋਰ ਦਿਤਾ ਗਿਆ ਹੈ ਕਿ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਦੀ ਦਿਆਨਤਦਾਰੀ
ਬਾਰੇ ਕੇਵਲ ਇਕ ਪ੍ਰਤੀਕੂਲ ਕਥਨ ਵੀ ਉਸ ਨੂੰ 55 ਸਾਲ ਦੀ ਉਮਰ ਤੇ ਰੀਟਾਇਰ ਕਰਨ ਲਈ ਕਾਫੀ
ਸਮਝੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ। ਸਰਕਾਰ ਤੋਂ ਇਸ ਸਬੰਧ ਵਿੱਚ ਪੁੱਛ ਗਿੱਛ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਕੀ ਪ੍ਰਤੀਕੂਲ
ਕਥਨ ਦੇਖਣ ਲਈ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦਾ ਸਾਰਾ ਸੇਵਾ ਰਿਕਾਰਡ ਪਰਖਿਆ ਜਾਣਾ ਹੈ। ਉਕਤ
ਉਪਬੰਧ ਤੇ ਇਕਸਾਰ ਅਮਲ ਨੂੰ ਯਕੀਨੀ ਬਨਾਉਣ ਲਈ ਇਹ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ 55
ਸਾਲ ਦੀ ਉਮਰ ਤੇ ਕਰਮਚਾਰੀ ਜਿਸ ਪਦਵੀ ਤੇ ਨਿਯੁਕਤ ਹੋਵੇ ਉਸ ਵਿੱਚ ਹੀ ਉਸ ਦੀ ਸੇਵਾ ਦਾ
ਮੁਲਅੰਕਣ ਕਰਨਾ ਹੈ, ਜੇਕਰ ਉਹ ਡੈਪੂਟੇਸ਼ਨ ਤੇ ਗਿਆ ਹੋਇਆ ਹੈ ਤਾਂ ਡੈਪੂਟੇਸ਼ਨ ਦੇ ਸਮੇਂ ਤੋਂ,
ਇਲਾਵਾ ਉਸ ਦੀ ਪਹਿਲੀ ਆਸਾਮੀ ਜਿਸ ਤੇ ਉਹ ਡੈਪੂਟੇਸ਼ਨ ਤੇ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਨਿਯੁਕਤ ਸੀ
ਦੀ ਸੇਵਾ ਦੇ ਸਮੇਂ ਦਾ ਭੀ ਮੁਲ-ਅੰਕਣ ਕਰਨਾ ਹੈ। ਜੇਕਰ ਦਿਆਨਤਦਾਰੀ ਬਾਰੇ ਕਥਨ ਬਹੁਤ
ਪੁਰਾਣਾ ਹੋਵੇ ਅਤੇ ਉਸ ਤੋਂ ਮਗਰੋਂ ਉਸ ਕਰਮਚਾਰੀ ਦੀ ਅਗਲੀ ਆਸਾਮੀ ਤੇ ਤਰੱਕੀ ਹੋ
ਚੁੱਕੀ ਹੋਵੇ ਅਤੇ ਅਖੀਰਲੀ ਪਦਵੀ ਉੱਤੇ ਉਸਦੀ ਦਿਆਨਤਦਾਰੀ ਠੀਕ ਹੋਵੇ ਤਾਂ ਪਹਿਲੇ ਪੁਰਾਣੇ
ਪ੍ਰਤੀਕੂਲ ਕਥਨ ਵੱਲ ਧਿਆਨ ਨਹੀਂ ਦਿੱਤਾ ਜਾਣਾ ਹੈ।

2. ਉਪ੍ਰੋਕਤ ਵਿਆਖਿਆ ਸਾਰੇ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿੱਚ
ਇੰਨਬਿੰਨ ਪਾਲਣਾ ਹਿੱਤ ਲਿਆ ਦਿੱਤੀ ਜਾਵੇ।

3. ਇਸ ਪੱਤਰੀ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

ਜਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੈਰੀ ਪੱਤਰ ਨੰ: 2314-ਸII(3)-72, 12580, ਮਿਤੀ 30 ਮਈ 1972, ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਵੱਧ ਰਹੀ ਭ੍ਰਿਸ਼ਟਾਚਾਰੀ ਦੇ ਵਿਰੁੱਧ ਕਦਮ--ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਦਾ ਵਿਰੋਧ ਵੱਧ ਸੰਪਤੀ ਆਦਿ ਬਨਾਉਣਾ--ਇਸ ਸਬੰਧੀ ਰਿਟਰਨਾਂ ਦੀ ਪੜਤਾਲ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਸੰਬੰਧਨ ਕਰਨ ਤੇ ਇਹ ਲਿਖਣ ਦੀ ਸੈਨੂੰ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰ ਇਹ ਮਹਿਸੂਸ ਕਰਦੀ ਹੈ ਕਿ ਭ੍ਰਿਸ਼ਟਾਚਾਰ ਜਿਸ ਰਫ਼ਤਾਰ ਨਾਲ ਘੱਟ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ, ਨਹੀਂ ਹੋ ਰਿਹਾ, ਤੇ ਸਰਕਾਰ ਇਸ ਨੂੰ ਗੰਭੀਰ ਮਾਮਲਾ ਮੰਨਦੇ ਹੋਏ ਸਖਤੀ ਨਾਲ ਰੋਕਣਾ ਆਪਣਾ ਪਰਮ ਕਰਤਵ ਸਮਝਦੀ ਹੈ। ਅਸਲ ਵਿਚ ਇਸ ਬੁਰਾਈ ਨੂੰ ਖਤਮ ਕਰਨ ਵਿਚ ਜਿਥੇ ਹਰ ਸ਼ਹਿਰੀ ਦੇ ਸਹਿਯੋਗ ਦੀ ਲੋੜ ਹੈ, ਉਥੇ ਹਰ ਅਧਿਕਾਰੀ ਤੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਨੂੰ ਆਪਣੇ ਫਰਜ਼ ਦੇ ਤੌਰ ਤੇ ਅਗਾਂਹ ਵੱਧ ਕੇ ਨਿਭਰ ਤੇ ਨਿਰਪੱਖ ਹੋ ਕੇ ਸਰਕਾਰ ਦਾ ਹੱਥ ਵਟਾਉਣਾ ਚਾਹੀਦਾ ਹੈ, ਕਿਉਂਕਿ ਇਕ ਸੁਰੱਜਾ ਸਮਾਜ ਜਨ ਸਮੂਹ ਦੇ ਦਿਹੌਤਾਂ ਵਿਚ ਹੈ। ਇਸ ਦਰਿਸ਼ਟੀਕੋਣ ਅਨੁਸਾਰ ਤੇ ਮਸਲੇ ਦੀ ਉਚ ਮਹੱਤਤਾ ਦੇ ਸਨਮੁੱਖ ਸਰਕਾਰ ਚਾਹੁੰਦੀ ਹੈ ਕਿ:-

(ੳ) ਆਪ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਸਮੂਹ ਕਰਮਚਾਰੀਆਂ ਦੀ ਨਿੱਜੀ, ਆਪਣੀ ਫੈਮਿਲੀ, ਆਪਣੇ ਪਤੀ ਜਾਂ ਪਤਨੀ ਆਦਿ (ਆਚਰਨ ਨਿਯਮਾਂ ਅਨੁਸਾਰ) ਚਾਹੇ ਉਹ ਸਰਕਾਰੀ ਸੇਵਾ ਵਿਚ ਨਾ ਹੋਣ, ਦੇ ਨਾਉਂ ਤੇ ਪ੍ਰਾਪਤ ਕੀਤੀ ਜਾਂ ਬਣਾਈ ਗਈ ਸੰਪਤੀ ਬਾਰੇ ਚੰਗੀ ਤਰ੍ਹਾਂ ਛਾਨਬੀਣ ਕਰੇ।

(ਅ) ਉਪਰੋਕਤ ਛਾਨਬੀਣ ਅਨੁਸਾਰ ਸਮੂਹ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਸਲਾਨਾਂ ਸੰਪਤੀ ਰਿਟਰਨਾਂ ਜਿਹੜੀਆਂ ਪੰਜਾਬ ਗ਼ੈਰਮਿਟ ਐਪਲਾਈਜ਼ (ਕਾਂਡਕਟ) ਰੂਲਜ਼, 1966 ਅਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ੈਰੀ ਪੱਤਰ ਨੰ: 2130-ਸII(3)-69/32577, ਮਿਤੀ 17 ਦਸੰਬਰ, 1969 ਦੀ ਪਾਲਣਾ ਹਿੱਤ ਪੇਸ਼ ਕਰਨੀਆਂ ਜ਼ਰੂਰੀ ਹਨ, ਨੂੰ ਪੜਤਾਲਿਆ ਜਾਵੇ।

(ੲ) ਇਸੇ ਤਰ੍ਹਾਂ ਹਰ ਸਾਲ ਪ੍ਰਾਪਤ ਹੋਈਆਂ ਰਿਟਰਨਾਂ ਨੂੰ ਘੋਖਿਆ ਜਾਵੇ; ਅਤੇ

(ਸ) ਜੋ ਕਿਸੇ ਕਰਮਚਾਰੀ ਦੀ ਸੰਪਤੀ ਉਸ ਦੀ ਵਿੱਤ (ਜਾਇਬ ਅਮਾਦਨ ਪ੍ਰਣਾਲੀ) ਤੋਂ ਵੱਧ ਹੋਵੇ ਤਾਂ ਉਸ ਦੇ ਵਿਰੁੱਧ ਨਿਯਮਤ ਤੌਰ ਤੇ ਤੁਰੰਤ ਅਨੁਸ਼ਾਸਨਕ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।

ਸਰਕਾਰ ਉਪਰੋਕਤ ਆਸ਼ੇ ਦੀ ਪੂਰਤੀ ਵਜੋਂ ਵਿਭਿੰਨ ਵਿਭਾਗਾਂ ਤੇ ਅਧਿਕਾਰੀਆਂ ਵਲੋਂ ਠੱਸ ਸਿੱਟਿਆਂ ਦੀ ਆਸ ਰੱਖਦੀ ਹੈ।

2. ਭ੍ਰਿਸ਼ਟਾਚਾਰ ਦੀ ਬੁਰਾਈ ਨੂੰ ਦੂਰ ਕਰਨ ਲਈ ਸਰਕਾਰ ਵਿਸ਼ੇਸ਼ ਉਪਰਾਲਾ ਕਰਨਾ ਚਾਹੁੰਦੀ ਹੈ। ਇਸ ਲਈ ਆਪ ਸਭ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਕਰਮਚਾਰੀਆਂ ਦੀ ਨੌਕ ਨੀਤੀ ਬਾਰੇ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ ਸਰਕਾਰ ਨੂੰ ਤੁਰੰਤ ਭੇਜਣ ਦੀ ਖੋਚਲ ਕਰੋ। ਇਸ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ ਵਿਚ ਇਹ ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਸੰਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਦੀ ਆਮ ਸੁਹਰਤ ਕਿਹੋ ਜਿਹੀ ਹੈ, ਕੀ ਉਹ ਇਮਾਨਦਾਰ ਅਥਵਾ ਦਿਆਨਤਦਾਰ ਹੈ ਜਾਂ ਇਸ ਬਾਰੇ ਕੋਈ ਸ਼ੱਕ ਹੈ ਜਾਂ ਉਸ ਦੀ ਆਮ ਸੁਹਰਤ ਸ਼ੱਕੀ ਹੈ। ਇਥੇ ਇਹ ਕੋਲ ਸਪਸ਼ਟ ਕਰਨ ਦੀ ਲੋੜ ਜਾਪਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਪਹਿਲੂਆਂ ਉੱਤੇ ਰਾਏ ਅਪਨਾਉਣ ਅਤੇ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ

ਦੇਣ ਤੋਂ ਪਹਿਲਾਂ ਭਲੀ ਭਾਂਤ ਤਸਦੀਕ ਕਰ ਲੈਣੀ ਚਾਹੀਦੀ ਹੈ ਕਿ ਅਜਿਹੀ ਰਾਏ/ਰਪੋਟ ਯਥਾਰਥ ਤੇ ਯੋਗ ਆਧਾਰ ਤੇ ਹੈ ਕਿਉਂ ਜੋ ਅਜਿਹੀ ਰਪੋਟ ਦਾ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦੇ ਸੇਵਾ ਭਵਿੱਖ ਉੱਤੇ ਖਾਸ ਕਰ ਅਤੇ ਸੇਵਾਵਾਂ ਦੇ 'ਮਾਰਲ' ਉੱਤੇ ਆਮ ਤੌਰ ਤੇ ਗੂੜ੍ਹਾ ਅਸਰ ਪਵੇਗਾ। ਇਸ ਲਈ ਉਪਰੋਕਤ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ ਦੇ ਬਾਰੇ ਯੋਗ/ਲੋਕੀ ਦੀ ਸਮੱਗਰੀ ਦਿੱਤੀ ਜਾਵੇ। ਇਹ ਰਪੋਟਾਂ ਆਪੋ ਆਪਣੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਨੂੰ ਇਕ ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ ਭੇਜੀਆਂ ਜਾਣ।

3. ਉਪਰੋਕਤ ਪੈਰਿਆਂ ਵਿਚ ਜਿਸ ਪੜਤਾਲ (ਸੰਪਤੀ ਬਾਰੇ) ਤੇ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ (ਨਿਕਨੀਅਤੀ ਬਾਰੇ) ਉੱਤੇ ਚੋਰ ਦਿੱਤਾ ਗਿਆ ਹੈ ਇਹ ਦੱਸੇ ਜਿਥੇ ਇਕ ਪਾਸੇ ਲੋਕ ਸੇਵਾ ਨੂੰ ਉਚਤਰ ਪੱਧਰ ਤੇ ਰੱਖਣ ਦੇ ਅਸੂਲ ਨੂੰ ਉਪਰਾਲਾ ਦੇਂਦੀਆਂ ਹਨ ਜਿਹੜਾ ਇਕ ਬੁਨਿਆਦੀ ਅਸੂਲ ਤੋਂ ਇਲਾਵਾ ਆਚਰਨ ਨਿਯਮਾਵਲੀ ਦਾ ਅੰਗ ਹੈ, ਉਥੇ ਨਾਲ ਨਾਲ ਇਹ ਸਮੂਹ ਅਧਿਕਾਰੀਆਂ ਉੱਤੇ ਇਕ ਵਿਸ਼ੇਸ਼ ਜ਼ਿੰਮੇਵਾਰੀ ਨਿਭਾਉਣ ਦੀ ਮੰਗ ਕਰਦੀਆਂ ਹਨ। ਇਸ ਲਈ ਇਸ ਜ਼ਿੰਮੇਵਾਰੀ ਨੂੰ ਨਿਭਾਉਣ ਦੇ ਕੰਮ ਨੂੰ ਉਤਸ਼ਾਹ ਦੇਣ ਦੇ ਖਿਆਲ ਨਾਲ ਇਹ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ:

(i) ਸਬੰਧਤ ਹਲਕਿਆਂ ਵਲੋਂ ਦਿੱਤੀ ਸੂਚਨਾ ਬਿਲਕੁਲ ਗੁਪਤ ਰੱਖੀ ਜਾਵੇਗੀ; ਅਤੇ

(ii) ਨਿਭਰਤਾ ਤੇ ਸਪਸ਼ਟਵਾਦੀ ਤਰੀਕੇ ਨਾਲ ਸਮੱਗਰੀ ਦੇਣ ਵਾਲਿਆਂ, ਪੜਤਾਲ ਨੂੰ ਸਹੀ ਢੰਗ ਨਾਲ ਕਰਨ ਵਾਲਿਆਂ ਤੇ ਵਿਸ਼ੇਸ਼ ਰਪੋਟ ਦੇ ਰੂਪ ਵਿਚ ਸਹੀ ਮਾਮਲਿਆਂ ਤੇ ਚਾਨਣ ਪਾਉਣ ਵਾਲਿਆਂ ਦੀ ਸੁਰਖਿਆ ਕੀਤੀ ਜਾਵੇਗੀ (ਜਿਹਾ ਕਿ ਗਸਤੀ ਪੱਤਰ ਨੰ: 5232-ਏ.ਸੀ.ਡੀ.-56, ਮਿਤੀ 13 ਨਵੰਬਰ, 1956 ਵਿਚ ਵੀ ਸਪਸ਼ਟ ਹੈ) ਅਤੇ ਨਾਲ ਹੀ ਨਿਯਮਤ ਤਰੀਕੇ ਨਾਲ ਯੋਗ ਹੋਸਲਾ ਅਵਜ਼ਾਈ, ਪ੍ਰਸ਼ੰਸਾ ਅਵਜ਼ਾ ਮਾਨ ਪੱਤਰ ਦੇ ਕੇ ਜਾਂ ਮਾਲੀ ਤੌਰ ਤੇ ਕੀਤੀ ਜਾਵੇਗੀ।

4. ਤਾਂ ਜੋ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ/ਨੀਤੀ ਦਾ ਕੋਈ ਨੌਸ ਜਿੱਟਾ ਨਿਕਲੇ ਤੇ ਸੇਵਾਵਾਂ ਉੱਤੇ ਲੋੜੀਂਦਾ ਪ੍ਰਭਾਵ ਪਵੇ, ਸੰਪਤੀ ਰਿਟਰਨਾਂ ਸਬੰਧੀ ਪੜਤਾਲ ਅਤੇ ਕਾਰਵਾਈ, ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦਾ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਜਾਂ ਸਬੰਧਤ ਸੇਵਾ ਨਿਯਮਾਵਲੀ ਵਿਚ ਨਿਰਧਾਰਤ ਦੰਡ ਅਧਿਕਾਰੀ ਕਰੇਗਾ ਪਰ ਇਸ ਸਬੰਧੀ ਪ੍ਰਗਤੀ ਤੇ ਨਿਗਰਾਨੀ ਰੱਖਣ ਦੇ ਕੰਮ ਨੂੰ ਠੀਕ ਬਣਾਉਣ ਲਈ ਪ੍ਰਗਤੀ ਰਪੋਟ ਆਪੋ ਆਪਣੇ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਨੂੰ ਹਰ ਤਿਮਾਹੀ ਅਨੁਸਾਰ ਅਰਥਾਤ, ਜੁਲਾਈ, ਅਕਤੂਬਰ, ਜਨਵਰੀ ਅਤੇ ਅਪ੍ਰੈਲ ਮਹੀਨਿਆਂ ਦੇ ਪਹਿਲੇ ਹਫ਼ਤੇ ਭੇਜੀ ਜਾਵੇ। ਉਹ ਅੱਗੇ ਇਨ੍ਹਾਂ ਰਪੋਟਾਂ ਦੀ ਪੜਚੋਲ ਕਰਨਗੇ ਤੇ ਆਸ਼ੇ ਦੀ ਪੂਰਤੀ ਵਜੋਂ ਆਕੜ ਇਕੱਠੇ ਕਰਨਗੇ ਤਾਂ ਜੋ ਉਚਿਤ ਸਮੇਂ ਇਸ ਕਾਰਵਾਈ ਦੇ ਸਮੂਹ ਸਟੇਟ ਵਿਚ ਪਏ ਪ੍ਰਭਾਵ ਦਾ ਜਾਇਜ਼ਾ ਲਿਆ ਜਾ ਸਕੇ।

ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

ਇਸ ਦਾ ਇਕ ਉਤਾਰਾ:

ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰਾਂ; ਅਤੇ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ

ਨੂੰ ਸੂਚਨਾ ਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ। ਪੈਰਾ 2 ਅਨੁਸਾਰ ਆਉਣ ਵਾਲੀਆਂ ਵਿਸ਼ੇਸ਼ ਰਪੋਟਾਂ ਦੀ ਉਨ੍ਹਾਂ ਦੇ ਪੱਧਰ ਤੇ ਭਲੀ ਭਾਂਤ ਪੜਤਾਲ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਸਬੰਧਤ ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਉਨ੍ਹਾਂ ਬਾਰੇ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਉਚਿਤ ਅਤੇ ਪ੍ਰਭਾਵਸ਼ਾਲੀ ਕਾਰਵਾਈ ਕਰਨ ਲਈ ਹਦਾਇਤਾਂ ਕੀਤੀਆਂ ਜਾਣ ਅਤੇ ਉਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਕਰਵਾਉਣ ਬਾਰੇ ਯੋਗ ਕਦਮ ਉਠਾਏ ਜਾਣ।

Copy of Circular letter No. 3223-SII(3)-72/12890, dated the 26th/31st May, 1972, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject : Maintenance of up to date policy instructions of Government on different subjects so as to facilitate correct implementation thereof.

I am directed to address you on the subject noted above and to say that for proper appreciation of the Government policy and due implementation of the instructions issued in connection therewith, it is very essential for all the Departments and the employees concerned with various subjects to keep themselves abreast of the instructions of Government, the relevant rules and regulations issued/notified by Government from time to time. But it has been noticed that proper care is not taken to maintain the instructions so as to be readily available as and when they are needed to deal with the cases pertaining thereto. Consequently the policy instructions, howsoever laudable the purpose thereof may be, are lost sight of, just after a lapse of short period from the date of the issue, and gradually the important policy instructions slip out of the memory, which results not only in wrong processing of the cases but unnecessary tossing thereof, leaving apart the erroneous decisions, which this slipshod method ultimately results into. This is a serious matter to which all the employees concerned are required to pay attention so that delays are avoided in dealing with the cases and there is no difficulty in taking correct decision according to the policy of the Government already well defined.

2. It has also been noticed that as soon as any fresh instructions are issued on a subject, innumerable demands for the supply of copies of previous instructions are received, which could very well be avoided, had the instructions been properly maintained. Still unfortunate position is that when these copies are supplied, the policy instructions are again allowed to go into oblivion. This is another tendency which needs to be checked.

3. In the above circumstances, I am directed to request you to pay special attention to the matter and ensure that :—

- (a) The policy instructions issued by Government from time to time are maintained by the

officials concerned with the said subject in an up to date form and they are properly referred to at the time of considering any case connected therewith. Any lapse on this account should be seriously viewed.

- (b) The instructions issued by Government from time to time got noted from all concerned and properly maintained.
- (c) The tendency of usurping copies of the instructions originally issued as a personal property should be discouraged so that unnecessary placement of requisitions thereof every time when the need arises or when new policy instructions are issued on the subject, is avoided.

4. The receipt of this communication may be acknowledged.

Copy of Punjab Government Circular letter No. 2179-SII (3)-72, dated the 9th June, 1972, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject : Regularisation of the period of suspension of the employees suspended in connection with the strike on 12th, 13th and 14th January, 1971.

I am directed to invite your attention to Punjab Government Circular letter No. 1437-SII(3)-72, dated the 9th March, 1972,—vide which it has been clarified that the absence from duty on account of strike for 3 days from 12th to 14th January, 1971 may be treated leave of the kind due at the time. The said letter does not directly refer to the cases of employees suspended in connection with the strike. Since the order of suspension in such cases might have preceded the actual dates of strike and orders of reinstatement might have been passed after the 14th of January, 1971 according to the circumstances in each case, the period of suspension in such cases may, therefore, vary from one case to another. Obviously under the rules, the competent authority ordered suspension after being convicted of its justification and reinstated the employees concerned when the threat of strike or objectionable activities ceased. Thus, even though the suspension being justified, the reinstatement

followed the policy of good will adopted by Government. For this very reason, no formal punishment specified in the Punjab Civil Services (Punishment and Appeal) Rules might have been awarded by the competent authority, but they cannot in all propriety be treated better than those Government employees, who simply went on strike and in whose case suspension was not considered necessary. At the same time it is not intended that the general policy instructions of the Government issued,—vide Circular letter, dated the 9th March, 1972 for treating three days period of strike as leave of the kind due should in any case become an obstruction in treating the rest of the period of suspension as on duty.

In the above circumstances I am directed to clarify the policy of the Government in such cases precisely as follows :—

- (i) The justification of suspension and subsequent reinstatement fell entirely within the competence of the punishing authority concerned ;
- (ii) The period of three days for strike i.e., 12th to 14th January, 1971 should in all cases be treated as leave of the kind due according to the uniform policy of Government ;
- (iii) the period of suspension **other than the three days** of strike referred to above whether preceeding or subsequent thereto may be treated as duty.

In order to mitigate any hardship to the employees concerned, Government desire that the cases of suspension of the nature referred to above should be regularised immediately in terms of Government's policy as clarified in the preceding paragraph. The cases of Government employees against whom some charges were levelled or who were accused of violence or damaging Government property will, however, be decided on merits.

Copy of Punjab Government Circular letter No. 3973-SII (3)-72/16816, dated the 18th July, 1972, from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

Subject : Need for issuing speaking orders in matters affecting rights of the parties concerned or Government servants as the case may be.

I am directed to address you on the subject noted above and to say that it has been noticed that reasons/grounds on which orders are issued in matters which affect the rights of certain parties or Government employees, as the case may be, are not generally indicated in the orders. Such orders are some times questioned through proceedings in law courts and, in some cases, set aside on the ground of being non-speaking orders. This leads to avoidable complications and also hampers quicker disposal of cases. Apart from this principles of natural justice also require that such orders should contain reasons.

2. This matter came up before the High Courts' Arrears Committee, 1972 and the committee observed as follows :—

"The Committee has expressed its 'strong' view that Tribunals and Heads of Departments exercising quasi-judicial functions should make 'speaking orders' i.e., that they should indicate in their orders the grounds on which the orders are made. Presumably, it considers that if speaking orders are made, it might facilitate quicker disposal of cases. The need for making speaking orders in matters affecting rights of parties has been repeatedly pointed out by the Supreme Court and the High Courts in a number of cases. In fact it is now being regarded as a principle of natural justice that such orders should contain reasons. The Government are requested to take note of these observations.

3. Keeping in view the above observations, I am directed to request you that in order to avoid unnecessary expense on litigation in such cases and to facilitate quicker disposal of cases, it may kindly be ensured that where

orders affecting rights of the parties concerned (including Government employees) are issued, reasons thereof are indicated invariably so as to give them the form of speaking orders.

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

Copy of Punjab Government Circular letter No. 123 (GOI)-SH(3)-72/18828, dated the 28th July, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Measures to meet the problem of unemployment—Counting of *ad hoc* service for purpose of upper age limit for recruitment on regular basis.

I am directed to invite your attention to Punjab Government circular letter No. 510-5GS-II-66/4597, dated 8th March, 1966,—*vide* which a decision was communicated that the *ad hoc* appointees should not be eligible for any concession in the upper age limit for entry into Government service on account of the *ad hoc* service rendered by them when they apply for regular recruitment to the Public Service Commission or Subordinate Services Selection Board. The matter has been considered in the changed circumstances and keeping in view the situation of unemployment in the State and Government of India's policy it has now been decided in modification of the instructions referred to above that :—

- (a) If in the Recruitment Rules for a post filled by direct recruitment, there is a provision for relaxation of the prescribed age limits in favour of Government servants, and the person holding that post on an *ad hoc* basis in one of the applicants for that post, when advertised by the Punjab Public Service Commission, Subordinate Services Selection Board or any other Recruiting/Selecting Agency, he is also entitled to age relaxation, like other Government servants, who apply for that post ; and
- (b) A person, who is appointed on an *ad hoc* basis and who is later retrenched after having rendered continuous service for a period of not less

than six months under the Punjab Government is entitled to an age concession to the extent the period of his service rendered under the Punjab Government plus three years, for appointments made otherwise than on the basis of open competitive tests held by Punjab Public Service Commission, Subordinate Services Selection Board or any other Recruiting/Selecting Agency.

Copy of Punjab Government Circular letter No. 3746-SII(2)-72/18760, dated the 8th August, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Grant of Honorarium to the Inquiry Officers appointed to conduct departmental enquiries against Government servants.

I am directed to address you on the subject noted above and to say that although it is always desirable to avail of the services of the Inquiry Officers of the Vigilance Department in the matter of conducting departmental inquiries against Government employees as laid down in the instructions issued,—vide Vigilance Department letter No. 10598-V(12)-69/4032, dated the 31st December, 1969 yet there may be cases where the departmental enquiries have to be entrusted to other officers either within or outside the Department to which the Government employee belongs. The question of granting honorarium to the Inquiry Officers other than those posted in the Vigilance Department has been under consideration of the Government for sometime past. Even in their case too, a distinction can be made between the enquiries conducted by officers in respect of the Government employees working in their own Departments and those working in other Departments. Whereas in the case of the former category, it can reasonably be assumed that conducting of departmental enquiries falls in the normal line of work and duties of such officers, but in the case of the latter category, this assumption may not be wholly correct. Apart from this, some enquiries may be of a routine nature consisting of the examination of one or two charges of alleged irregularities or indiscipline, in others the number of charges may be large and the nature of some of them may be highly

complicated, involving sifting of complicated data. The conduct of latter type of enquiries does involve expense of lot of extra time, energy and effort on the part of the Inquiry Officer and all this makes such enquiries a job of arduous nature.

2. As provided in Rules 5.55 of the Punjab Civil Services Rules, Volume I, Part I, an honorarium can be sanctioned as remuneration for work performed by Government employee, which is occasional or intermittent in character and either so laborious or of such a special merit as to justify reward. It is felt that an Inquiry Officer, who is appointed to conduct a departmental enquiry, which does not fall in the normal line of his functions, performs a special duty on behalf of the punishing authority and this work is covered by these provisions of the said rule. It has, therefore, been decided in consultation with Finance Department that the officers appointed as Inquiry Officers for conducting those enquiries outside their own departments may be sanctioned honorarium by the competent authority upto the maximum limit of Rs. 500 keeping in view the amount of labour spent and other relevant aspects involved in a particular case.

Endst. No. 3746-SII(2)-72/18761, dated the Chandigarh the 8th August, 1972.

A copy is forwarded to Accountant General, Punjab, Simla, for information.

2. F.D. have concurred,—vide their U.O. No. 3812-4FR-72, dated the 30th May, 1972.

Copy of Punjab Government Circular letter No. 4637-SII(3)-72/19939, dated the 10th August, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Raising of upper age limit for recruitment to the various services under the Punjab Government.

I am directed to address you on the subject noted above and to say that at present the general upper age

limit for recruitment to various services under the Punjab Government is 25 years. In this connection Rule 3.6 of Punjab Civil Services Rules, Volume I, Part I, is as under :—

“3.6. A person whose age exceeds 25 years may not ordinarily be admitted into pensionable service under Government.”

The provision of the above rule is however subject to the relevant service rules wherein even higher upper age limit is prescribed on special grounds.

2. The question of enhancing the upper age limit has been considered by Government keeping in view the increasing unemployment, the general aptitude to acquire higher qualifications (e.g. post graduate) and the enhancement of upper age limit by the Government of India in respect of their services. Accordingly it has been decided that the existing upper age limit for entry into State Government service, notwithstanding the different provision if any in the respective service rules, may be raised to 27 years in the case of all non-technical services and 30 years in the case of technical services subject to the following conditions :—

(a) The relaxation of 5 years in the upper age limit for recruitment in respect of Scheduled Castes/ Scheduled Tribes and Backward Classes will continue as heretofore. In other words the candidates of these classes may be recruited upto the age of 32 years (27+5) in non-technical Services and 35 years in technical services.

(b) If for recruitment in any service, a competitive examination is prescribed and for appearing in such examination certain number of chances have been fixed, then they will continue as such.

3. In order to ensure that the above decision is appropriately acted upon so as to make available the opportunity of employment within the admissible range to all concerned, suitable steps including amendment to Rules may be taken as are considered necessary according to the circumstances/conditions pertaining to each service under your control.

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

Copy of Punjab Government Circular letter No. 5416-2SIII-72/20290, dated the 16th August, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Grant of special casual leave to Government servants under Family Planning Scheme.

In continuation of Punjab Government circular letter No. 4087-4SI-67/32084, dated the 5th/7th October, 1967, I am directed to say that the question whether a male Government servant whose wife undergoes a non-puerperal Tubectomy Operation should be granted any special casual leave for looking after his wife, has been engaging the attention of Punjab Government for some time. It has now been decided that a regular Punjab Government employee, whose wife undergoes such an operation, may be granted special casual leave upto seven days to look after his wife. This will, however, be subject to the condition that the concerned male employee produces a certificate from the doctor, who performs the operation, to the effect that the presence of the Government employee is essential for the period of leave to look after his wife during her convalescence after operation.

2. This issues with the concurrence of Finance Department,—vide their U.O. No. 4457-4FR-72, dated the 1st August, 1972.

Copy of letter No. 4295-SII(3)-72/21093, dated the 21st August, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, Commissioners of Divisions etc., etc.

Subject : Ex gratia grants and other facilities for families of Government employees, who die while in service—question of waiving off the recovery of house building advance.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 3906-SII(3)-71/17723, dated the 9th July, 1971,—vide which certain concessions regarding *ad hoc ex gratia* grant, medical aid and accommodation and free educational facilities were allowed to the widows/dependents of the deceased Government employees. In addition to

these facilities, Government have considered the question of extending the concession of waiving off the recovery of some of the loans outstanding against the deceased Government employee concerned and keeping in view the extreme hardship in which the sudden demise of the employee concerned places his family, it has been decided that :—

- (i) Where a Government employee dies while in service and without repaying the loan obtained by him or any part of it for construction/purchase/repair of house and/or interest accrued thereon, such loan, or part thereof which remains unpaid, and the interest unpaid, may be adjusted towards the death-cum-retirement gratuity admissible. If the amount due is greater than the death-cum-retirement gratuity, the difference between the two may be written off.
- (ii) Powers to write off house building loans would vest in the Administrative Secretary concerned in consultation with the Finance Department.
- (iii) Recovery of loans obtained by employees for higher education of their children may be postponed till the child for whom the loan is obtained starts earning. No interest shall be charged on the loan for the period of postponement.
- (iv) These concessions shall take effect from 1st November, 1970.

2. The concurrence of the Finance Department has been obtained,—vide their U.O. No. 4753-FD—Loans-3(4)-72, dated the 12th July, 1972.

Copy of Circular letter No. 3747-SII(3)-72 / dated the 27th September, 1972, from the Chief Secretary to Government, Punjab, to the Heads of Departments, Commissioners of Divisions etc., etc.

Subject : Ex gratia grant and other facilities for families of Government employees, who die while in service.

I am directed to refer to Punjab Government Circular letter No. 3906-SII(3)-71/17723, dated the 9th July, 1971 on

the subject noted above,—vide which it was inter-alia provided that in case where the deceased Government employee was in possession of Government accommodation, his family will be allowed to retain the accommodation for one year after his death, the rate of rent being the same as was applicable to him at the time of his death and in other cases, the house rent allowance admissible to the deceased employee would continue to be given to the family for one year after his/her death. In this connection a question has arisen whether this House Rent Allowance for one year would be admissible even in case in which the Government employee concerned was on leave exceeding 4 months (may be half pay leave, or extraordinary leave) at the time of his death and was not in receipt of any house rent allowance. The matter has been considered and it has been decided that since the concession of the grant of house rent allowance for a period of one year in the type of the cases referred to above, is of an extraordinary nature, it should not be subject to the normal provisions of Punjab Civil Services Rules, Volume I, Part I. Accordingly it has been decided that members of the bereaved family should be granted the benefit of house rent allowance on the basis of his emoluments which the Government employee would have received but for his proceeding on leave.

Copy of Punjab Government Circular letter No. 4213-SII(3)-72/26696, dated the 9th October, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Grant of special casual leave to ex-servicemen in civil posts, who stay in hospital for replacement/treatment of their artificial limbs.

I am directed to say that disabled ex-servicemen, who have been provided with artificial limbs as a result of injuries sustained in operations and re-employed in civil capacity and who have to report to Artificial Limbs Centre and stay in hospital as and when their artificial limbs require replacement/treatment, do not get any special casual leave for such purposes. When no leave is due to their credit, they have to be granted leave without pay and allowances resulting in financial hardship to them. The matter has been considered by the Government and

it has been decided that special casual leave for a maximum period of 15 days admissible to ex-servicemen for appearing before the Medical Re-Survey Board for reassessment of their disability under the Government instructions issued,—vide letter No. 10147-SII(2)-69/586, dated the 8th February, 1970 will also be applicable to the categories of ex-servicemen mentioned above, in a calendar year, who go to hospital in connection with the replacement/treatment of their artificial limbs.

Copy of Circular letter No. 5746-SII(3)-72, dated the 16th October, 1972, from the Chief Secretary to Government, Punjab, to all Heads of Departments, Commissioners of Divisions etc., etc.

Subject : Supplies of copies of documents to the delinquent officials in departmental enquiries.

I am directed to invite your attention to the note below sub-item (ii) of rule 8(11) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, wherein it is laid down that if the Government employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3) the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the punishing authority.

2. In the recent judgment of the Punjab and Haryana High Court in Civil LPA 209 of 1971 read with the judgment in Civil Regular second appeal No. 1374, of 1960 in the case of Shri Parkash Nath vs. the State of Punjab, it has been inter-alia observed :—

“If in a preliminary enquiry to ascertain whether action should be taken against the delinquent or not statements of witnesses are recorded and thereafter an enquiry is initiated, the delinquent is entitled to the copies of the previous statements of those witnesses.”

In this connection it is observed/clarified that the delinquent Government employee need not be given access

to the statements of all the witnesses examined during the preliminary enquiry or investigation but access should be given to the statements of only those witnesses on which reliance is proposed to be made by the punishing authority. By observing this rule which is based on the rules of natural justice, copies of the statement made by witnesses prior to the regular enquiry should be furnished to the delinquent Government employee at least three days before the commencement of the examination of witnesses on behalf of the punishing authority. If for any reason it is impossible to furnish him with the copies, he should be allowed to make out the copies for himself. These instructions may please be kept in view while observing the procedure/requirements of rule 8(11) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 referred to above.

ਕਾਪੀ ਨੰ: 4408-ਸII(1)-72/27670, ਮਿਤੀ 20 ਅਕਤੂਬਰ, 1972 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਸੇਵਾ ਵਿਖੇ ਸਮੂਹ ਮੁੱਖ ਵਿਭਾਗ ਅਧਿਕਾਰੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਵਾਰਸ਼ਿਕ ਗੁਪਤ ਰਿਪੋਟਾਂ ਵਿਚ ਰਿਕਾਰਡ ਕੀਤੇ ਗਏ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਸਬੰਧੀ 'ਪ੍ਰਤਿ-ਬੇਨ-ਤੀਆਂ' ਬਾਰੇ।

ਮੈਨੂੰ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗਸਤੀ ਪੱਤਰ ਨੰ: 2334-ਏ. ਐਸ-1-60/15708, ਮਿਤੀ 3 ਮਈ, 1960 ਦੇ ਪੈਰਾ 11 ਅਤੇ ਪੈਰਾ 12 ਵੱਲ ਦਵਾਇਆ ਜਾਵੇ ਜਿਨ੍ਹਾਂ ਅਨੁਸਾਰ ਗੁਪਤ ਰਿਪੋਟਾਂ ਵਿਚ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਨੂੰ ਖਾਰਜ ਕਰਨ ਬਾਰੇ ਕਰਮਚਾਰੀ 3 ਮਹੀਨੇ ਦੇ ਸਮੇਂ ਦੇ ਅੰਦਰ ਪ੍ਰਤੀਬੇਨਤੀ ਦੇ ਸਕਦਾ ਹੈ। ਅਜਿਹੀਆਂ ਪ੍ਰਤੀਬੇਨਤੀਆਂ ਦੇ ਅੰਤਮ ਹੁਕਮ ਤੋਂ ਪਹਿਲਾਂ ਰਿਪੋਟ ਕਰਨ ਵਾਲੇ ਅਧਿਕਾਰੀਆਂ ਤੋਂ ਟਿਪਣੀ ਮੰਗੀ ਜਾਂਦੀ ਹੈ। ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਅਜਿਹੀਆਂ ਪ੍ਰਤੀਬੇਨਤੀਆਂ ਦੇ ਨਿਪਟਾਰੇ ਲਈ ਸਮੇਂ ਦੀ ਕੋਈ ਹੱਦ ਨਾ ਮਿਥੀ ਹੋਣ ਕਾਰਨ ਰਿਪੋਟ ਕਰਨ ਵਾਲੇ ਅਧਿਕਾਰੀ ਸਮੇਂ ਸਿਰ ਆਪਣੀ ਟਿਪਣੀ ਨਹੀਂ ਭੇਜਦੇ ਅਤੇ ਇਸ ਤਰ੍ਹਾਂ ਅਜਿਹੇ ਮਾਮਲੇ ਯੋਗ ਸਮੇਂ ਅੰਦਰ ਨਹੀਂ ਠਹਿਰੇ ਜਾਂਦੇ। ਜਿਸ ਦੇ ਫਲਸਰੂਪ ਕਈ ਹੋਰ ਸਬੰਧਤ ਮਾਮਲਿਆਂ ਅਰਥਾਤ ਤਰੱਕੀ, ਨਿਪੁੰਨਤਾ ਰੋਕ ਪਾਰ ਕਰਨ ਅਤੇ ਡੈਪੂਟੇਸ਼ਨ ਆਦਿ ਜਿਨ੍ਹਾਂ ਦੇ ਫੈਸਲੇ ਦਾ ਨਿਰਭਰ ਸਾਲਾਨਾ ਰਿਪੋਟਾਂ ਤੇ ਹੁੰਦਾ ਹੈ, ਦੇ ਨਿਪਟਾਰੇ ਵਿਚ ਬਹੁਤ ਦੇਰ ਹੋ ਜਾਂਦੀ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਅਧਿਕਾਰੀਆਂ ਵਲੋਂ ਸਮੇਂ ਸਿਰ ਟਿਪਣੀ ਦੇ ਨਾ ਆਉਣ ਕਾਰਨ ਪ੍ਰਤੀਕੂਲ ਕਥਨ ਰਿਪੋਟ ਵਿਚ ਅੰਕਤ ਕਰਨ ਦਾ ਮਨੋਰਥ ਪੂਰਾ ਨਹੀਂ ਹੁੰਦਾ ਕਿਉਂਕਿ ਪਿਛਲੇ ਸਾਲ ਦੇ ਕੇਸ ਠਹਿਰੇ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਹੀ ਅਗਲੇ ਸਾਲ ਦੀ ਰਿਪੋਟ ਵੀ ਲਿਖੀ ਜਾਂਦੀ ਹੈ। ਇਸ ਲੇਬੇ ਸਮੇਂ ਅੰਦਰ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦੇ ਮਨ ਵਿਚ ਚਿੰਤਤ ਸਥਿਤੀ ਵੀ ਰਹਿੰਦੀ ਹੈ ਜਿਹੜੀ ਪ੍ਰਬੰਧਕੀ ਤੌਰ ਤੇ ਉਚਿਤ ਨਹੀਂ। ਇਨ੍ਹਾਂ ਸਾਰੀਆਂ ਗੱਲਾਂ ਨੂੰ ਮੁੱਖ ਰੱਖਦਿਆਂ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਅਗੇ ਤੋਂ ਪ੍ਰਤੀਕੂਲ ਕਥਨਾਂ ਸਬੰਧੀ ਪ੍ਰਤੀਬੇਨਤੀਆਂ ਤੇ ਅੰਤਮ ਫੈਸਲਾ 3 ਮਹੀਨੇ ਦੇ ਸਮੇਂ ਦੇ ਅੰਦਰ ਅੰਦਰ ਕਰ ਦਿਤਾ ਜਾਵੇ ਅਤੇ ਇਸ ਮਿਥੇ ਸਮੇਂ ਦੀ ਆਮ ਤੌਰ ਤੇ ਠੀਕ ਠੀਕ ਪਾਲਨਾ ਕੀਤੀ ਜਾਵੇ।

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਸਤੀ ਪੱਤਰ ਨੰ: 4593-ਸII(3)-72, ਮਿਤੀ 23 ਨਵੰਬਰ, 1972 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਸੂਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਤੇ ਸਾਬਕਾ ਫੌਜੀਆਂ ਅਰਥਾਤ ਮਿਲਟਰੀ ਵਿਚੋਂ ਗੈਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ ਨੂੰ ਨਿਯੁਕਤ ਕਰਨ ਬਾਰੇ ਨੀਤੀ-ਰੇਸਟਰ ਰਖਣ ਦੀ ਵਿਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਾਜ਼ੀਏ ਵਿਚ ਦਰਜ ਹਦਾਇਤਾਂ ਵੱਲ ਆਪਦਾ ਧਿਆਨ ਦਵਾਉਂਦੇ ਹੋਏ ਮੈਂਨੂੰ ਇਹ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਮਿਲਟਰੀ ਤੋਂ ਗੈਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ ਸਾਬਕਾ ਫੌਜੀਆਂ ਨੂੰ ਸੂਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਤੇ ਨਿਯੁਕਤ ਕਰਨ ਸਬੰਧੀ ਨਿਮਨ ਨੁਕਤਿਆਂ ਤੇ ਸਮੁੱਚੇ ਤੌਰ ਤੇ ਸਥਿਤੀ ਸਪਸ਼ਟ ਕਰਾਂ ਅਤੇ ਆਪ ਨੂੰ ਇਹ ਬੇਨਤੀ ਕਰਾਂ ਕਿ ਇਨ੍ਹਾਂ ਨੁਕਤਿਆਂ ਦੀ ਪੂਰਨ ਤੌਰ ਤੇ ਪਾਲਣਾ ਕਰਵਾਈ ਜਾਵੇ :-

(1) ਮਿਲਟਰੀ ਤੋਂ ਗੈਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ ਨੂੰ ਰਾਜ ਸੇਵਾ ਦੀਆਂ ਅਸਾਮੀਆਂ ਤੇ 20 ਪ੍ਰੀਸਤ ਸੂਰੱਖਿਅਤਾਂ ਦੇ ਆਧਾਰ ਤੇ ਨਿਯੁਕਤੀ ਕਰਨ ਦੇ ਮੌਕੇ 17 ਜੂਨ, 1968 ਨੂੰ ਪ੍ਰਕਾਸ਼ਿਤ ਹੋਏ ਸੰਵਿਧਾਨਕ ਨਿਯਮਾਂ [The Demobilised Armed Forces Personnel (Reservation of vacancies in the Punjab State Non-Technical Services) Rules, 1968] ਅਨੁਸਾਰ ਉਪਲਬਧ ਕਰਨਾ ਜ਼ਰੂਰੀ ਹੈ।

(2) ਜੇ ਉਪਰੋਕਤ ਸੂਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਲਈ ਮਿਲਟਰੀ ਵਿਚੋਂ ਗੈਲੀਜ਼ ਹੋਏ ਉਹ ਬੰਦੇ ਜਿਨ੍ਹਾਂ ਨੇ ਸੰਕਟ ਕਾਲ, ਅਰਥਾਤ 1 ਨਵੰਬਰ, 1962 ਤੋਂ ਉਪਰੰਤ ਮਿਲਟਰੀ ਵਿਚ ਸੇਵਾ ਕੀਤੀ ਹੋਵੇ, ਨਿਯਮਿਤ ਪ੍ਰਣਾਲੀ ਰਾਹੀਂ ਅਤੇ ਚੋਣ ਕਰਨ ਦੇ ਵਸੀਲਿਆਂ ਰਾਹੀਂ ਉਪਲਬਧ ਨਾ ਹੋਣ, ਤਾਂ ਦੂਜੇ ਨੰਬਰ ਤੇ ਉਨ੍ਹਾਂ ਸਾਬਕਾ ਫੌਜੀਆਂ ਨੂੰ ਪਹਿਲ ਦਿੱਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ ਜਿਨ੍ਹਾਂ ਨੇ ਉਪਰੋਕਤ ਸੰਕਟ ਕਾਲ ਦੇ ਸੀਮਿਤ ਸਮੇਂ ਤੋਂ ਪਹਿਲਾਂ ਜਾਂ ਬਾਅਦ ਵਿਚ ਮਿਲਟਰੀ ਵਿਚ ਸੇਵਾ ਕੀਤੀ ਹੋਵੇ;

(3) ਸੂਰੱਖਿਅਤਾਂ ਦੀ 20 ਪ੍ਰਤੀਸ਼ਤ ਦੀ ਸੀਮਾ ਦੇ ਅੰਦਰ ਅੰਦਰ ਜਿਹੜੀਆਂ ਅਸਾਮੀਆਂ ਭਰਨੀਆਂ ਹਨ, ਜਿਹਾ ਕਿ ਉਪਰੋਕਤ ਦਰਜ ਹੈ, ਉਨ੍ਹਾਂ ਵਾਸਤੇ ਉਹੀ ਰੇਸਟਰ ਰਖਣਾ ਚਾਹੀਦਾ ਹੈ ਜਿਹੜਾ ਕਿ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਆਦਿ ਦੇ ਉਮੀਦਵਾਰਾਂ ਲਈ ਸਮਾਜ ਭਲਾਈ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਰੱਖਿਆ ਜਾਂਦਾ ਹੈ।

ਇਸ ਰੇਸਟਰ ਵਿਚ ਜਿਹਾ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਸਤੀ ਪੱਤਰ ਮਿਤੀ 15 ਫਰਵਰੀ, 1972 ਦੇ ਵਿਚ ਸਪਸ਼ਟ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਇਸ ਮਿਤੀ ਤੋਂ 5ਵੀਂ, 10ਵੀਂ, 15ਵੀਂ, ਅਸਾਮੀਆਂ ਰੇਸਟਰ ਅਨੁਸਾਰ ਮਿਲਟਰੀ ਵਿਚੋਂ ਗੈਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ ਆਦਿ ਲਈ ਵੀਅਰ ਮਾਰਕ ਕੀਤੀਆਂ ਜਾਣ।

ਉਦਾਹਰਣ ਵਜੋਂ ਜੇਕਰ 15 ਫਰਵਰੀ, 1972 ਤਕ ਰੇਸਟਰ ਵਿਚ ਲੜੀ ਨੰ: 6 ਹੈ ਤਾਂ 10ਵੀਂ, 15 ਵੀਂ ਅਤੇ 20 ਵੀਂ ਅਸਾਮੀਆਂ ਇਨ੍ਹਾਂ ਪ੍ਰਣਾਲੀ ਦੇ ਉਮੀਦਵਾਰਾਂ ਲਈ ਰਾਖਵੀਂ ਰਖਣੀ ਹੋਵੇਗੀ ਅਤੇ ਉਸੇ

1. ਨੰ: 3308-
ਸII(3)-71/
20988, ਮਿਤੀ
12 ਅਗਸਤ,
1971,

2. ਨੰ: 27
ਸII(3)-72/
5186, ਮਿਤੀ
15 ਫਰਵਰੀ,
1972.

3. ਨੰ: 611-
ਸII(3)-72/
5112, ਮਿਤੀ
15 ਫਰਵਰੀ,
1972

4. ਨੰ: 1106-
23(24)-ਰ.3-
72/6445,
ਮਿਤੀ 11
ਅਪਰੈਲ, 1972

ਤਰ੍ਹਾਂ ਜੋ 1972 ਸਾਲ ਵਿਚ ਸਿੱਧੀ ਭਰਤੀ ਵਾਲੀ ਅਸਾਮੀ ਦਾ ਲੜੀ ਨੰ: 20 ਹੈ ਤਾਂ 1973 ਵਿਚ ਲੜੀ ਨੰ: 21 ਚਾਲੂ ਹੋਵੇਗਾ। ਭਾਵ ਇਹ ਹੈ ਕਿ ਰਨਿੰਗ ਅਕਾਊਂਟ ਦੇ ਰੂਪ ਵਿਚ ਰੋਸਟਰ ਰੱਖਿਆ ਜਾਵੇਗਾ;

- (4) 17 ਜੂਨ, 1968 ਦੇ ਨਿਯਮ ਜਿਨ੍ਹਾਂ ਦਾ ਉਪਰੋਕਤ ਹਵਾਲਾ ਦਿੱਤਾ ਗਿਆ ਹੈ ਦੇ ਨਿਯਮ 3 (2) ਅਨੁਸਾਰ ਸੁਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਲਈ ਪਾਤਰ ਰੀਲੀਜ਼ ਆਰਮੀ ਪਰਸੋਨਲ ਆਦਿ ਦੇ ਨਾਂ ਮਿਲਣ ਕਾਰਨ ਕੇਵਲ ਟੇਮਪੋਰੀ ਤੌਰ ਤੇ ਹੀ ਦੂਜੇ ਉਮੀਦਵਾਰਾਂ ਦੀ ਨਿਯੁਕਤੀ ਕਰਕੇ ਭਰੀਆਂ ਜਾ ਸਕਦੀਆਂ ਹਨ;
- (5) ਉਪਰੋਕਤ ਨਿਯਮ ਦੇ ਨਿਯਮ 3 (3) ਅਨੁਸਾਰ ਸੁਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਨੂੰ ਅੱਗੇ ਚਲਾਉਣ ਦੀ ਵਿਧੀ (ਕੋਰੀ ਵਾਰਵਰਡ) ਕੇਵਲ 4 ਸਾਲ ਲਈ ਵਰਤੀ ਜਾ ਸਕਦੀ ਹੈ;
- (6) ਕਿਸੇ ਇਕ ਸਾਲ ਵਿਚ ਭਰਨ ਵਾਲੀਆਂ ਅਸਾਮੀਆਂ ਵਿਚੋਂ ਸੁਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਦਾ ਭਾਗ ਚਾਹੇ ਉਹ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ, ਕਬੀਲਿਆਂ ਜਾਂ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਲਈ ਹੋਣ ਚਾਹੇ ਮਿਲਟਰੀ ਵਿਚੋਂ ਰੀਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ/ਸਾਬਕਾ ਫੌਜੀਆਂ ਲਈ ਹੋਣ 45 ਪ੍ਰਤੀਸ਼ਤ ਤੋਂ ਵੱਧ ਨਹੀਂ ਹੋਣੀਆਂ ਚਾਹੀਦੀਆਂ। ਜਿਹਾ ਕਿ ਗਫ਼ਤੀ ਪੱਤਰ ਨੰ: 220-ਸੀ II (3)-71, ਮਿਤੀ 19 ਜਨਵਰੀ, 1971 ਰਾਹੀਂ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾ ਚੁਕਿਆ ਹੈ;
- (7) ਮਿਲਟਰੀ ਵਚੋਂ ਰੀਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ ਲਈ 20 ਪ੍ਰਤੀਸ਼ਤ ਰੀਜ਼ਰਵੇਸ਼ਨ ਕੇਵਲ ਉਨ੍ਹਾਂ ਅਸਾਮੀਆਂ ਵਿਚੋਂ ਕਰਨੀ ਹੈ ਜਿਹੜੀਆਂ ਸੰਭਵਤ ਸੇਵਾ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਸਿੱਧੀ ਭਰਤੀ ਰਾਹੀਂ ਭਰੀਆਂ ਜਾਣੀਆਂ ਹਨ। ਅਰਥਾਤ ਸਿੱਧੀ ਭਰਤੀ ਤੋਂ ਹਿਲਾਵਾ ਹੋਰ ਸਾਧਨਾਂ ਤੋਂ ਭਰੀਆਂ ਜਾਣ ਵਾਲੀਆਂ ਅਸਾਮੀਆਂ ਵਿਚ ਦਿੱਤੇ ਸ਼੍ਰੇਣੀਆਂ ਦੇ ਵਿਅਕਤੀਆਂ ਲਈ ਕੋਈ ਰੀਜ਼ਰਵੇਸ਼ਨ ਨਹੀਂ ਕੀਤੀ ਜਾਣੀ।

2. ਇਸ ਲਈ ਆਪ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਿਲਟਰੀ ਵਿਚੋਂ ਰੀਲੀਜ਼ ਹੋਏ ਬੰਦਿਆਂ/ਸਾਬਕਾ ਫੌਜੀਆਂ ਲਈ ਸੁਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਦੇ ਇਸਤੇਮਾਲ ਸਬੰਧੀ ਟੀਚਿਆਂ ਦੀ ਭਲੀਭਾਂਤੀ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਜੋ ਸੁਰੱਖਿਅਤ ਅਸਾਮੀਆਂ ਦਾ ਠੀਕ ਪ੍ਰਯੋਗ ਹੋ ਸਕੇ।

3. ਜਿਸ ਤਰ੍ਹਾਂ ਕਿ ਉਪਰੋਕਤ ਗਫ਼ਤੀ ਪੱਤਰ ਮਿਤੀ 11 ਅਪਰੈਲ, 1972 ਦੇ ਪੈਰਾ 2 ਵਿਚ ਪਹਿਲਾਂ ਹੀ ਦੱਸਿਆ ਹੋਇਆ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਰੋਸਟਰਾਂ ਨੂੰ ਕਿਸੇ ਵੇਲੇ ਵੀ ਕੋਈ ਅਫਸਰ ਚੋਕ ਕਰ ਸਕਦਾ ਹੈ ਅਤੇ ਇਸ ਸਬੰਧੀ ਹਦਾਇਤਾਂ ਦੀ ਉਲੰਘਣਾ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀਆਂ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੋਵੇਗੀ। ਇਸ ਕਰਕੇ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਹਦਾਇਤਾਂ ਤੇ ਪੂਰਾ ਪੂਰਾ ਅਮਲ ਕਰਦਿਆਂ ਹੋਇਆਂ ਰੋਸਟਰ ਨੂੰ ਠੀਕ ਢੰਗ ਨਾਲ ਰੱਖਿਆ ਜਾਵੇ।

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਅਧ ਸਰਕਾਰੀ ਗਫ਼ਤੀ ਪੱਤਰ ਨੰ: 6379-ਸੀ II (3)-74, ਮਿਤੀ 21 ਦਸੰਬਰ, 1972 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਡਿਵੀਡੀ ਕਾਮਿਸ਼ਨਰ ਅਤੇ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਪੇਨਸ਼ਨ ਕੇਸਾਂ ਨੂੰ ਛੇਤੀ ਨਿਪਟਾਉਣ ਬਾਰੇ।

ਨੰ: 8943-6 ਅਫ਼ਸਰ.-
68/27941, ਮਿਤੀ
4-12-68
ਨੰ: 2960-ਸੀ II (3)-
71/17662, ਮਿਤੀ
7 ਜੁਲਾਈ, 1961

ਕਿਰਪਾ ਕਰਕੇ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀਆਂ ਹਾਜ਼ੀਦੇ ਵਿਚ ਦਰਜ ਹਦਾਇਤਾਂ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੇਚਲ ਕਰੋ।

2. ਪੰਜਾਬ ਸੀ. ਐਸ. ਆਰ ਵਾਲਿਯੂਮ II ਦੇ ਨਿਯਮ 9.1 ਦੀ ਇਸ ਪਾਲਟਾ ਵਜੋਂ ਕਿ ਰਿਟਾਇਰ ਹੋਣ ਵਾਲੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਬਣਦੀ ਮਿਤੀ ਤੋਂ ਪੈਨਸ਼ਨ ਦੇਣਾ ਅਰੰਭ ਕਰ ਦੇਣਾ ਚਾਹੀਦਾ ਹੈ, ਰਿਟਾਇਰਮੈਂਟ ਦੀ ਮਿਤੀ ਤੋਂ ਇਕ ਸਾਲ ਪਹਿਲਾਂ ਪੈਨਸ਼ਨ ਕੇਸ ਬਣਾਉਣਾ ਸ਼ੁਰੂ ਕਰਨਾ ਹੁੰਦਾ ਹੈ ਅਤੇ ਜਿਹੜੇ, ਵਿਭਾਗੀ ਮੁਖ ਅਧਿਕਾਰੀ ਸਮੇਂ ਸਿਰ ਅਜਿਹਾ ਨਹੀਂ ਕਰਨਗੇ ਉਹ ਨਿਯਮ 9.12 ਦੇ ਹੇਠਾਂ ਦਿੱਤੇ ਨੋਟ ਅਨੁਸਾਰ ਅਨੁਸ਼ਾਸਨਿਕ ਕਾਰਵਾਈ ਦੇ ਭਾਗੀ ਬਣ ਸਕਦੇ ਹਨ। ਸਰਕਾਰ ਦੀਆਂ ਬਾਰ ਬਾਰ ਹਦਾਇਤਾਂ ਦੇ ਬਾਵਜੂਦ ਪੈਨਸ਼ਨ ਕੇਸਾਂ ਦੇ ਮੁਕੰਮਲ ਹੋਣ ਵਿਚ ਦੇਰੀ ਦੇ ਸਨਮੁਖ ਨਿਯਮ 9.19 ਅਨੁਸਾਰ ਪੈਨਸ਼ਨ ਦਾ 75 ਪ੍ਰਤੀਸ਼ਤ ਭਾਗ ਐਨਟੀਸਿਪੇਟਰੀ ਪੈਨਸ਼ਨ ਦੇ ਰੂਪ ਵਿਚ ਦਿੱਤਾ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਇਸ ਕੇਸ ਦੀ ਪ੍ਰਗਤੀ ਨੂੰ ਵਾਚਣ ਲਈ ਪੈਨਸ਼ਨ ਪਾਰਟੀ ਸਮੂਹ ਜ਼ਿਲਿਆਂ ਵਿਚ ਜਾਂਦੀ ਹੈ ਅਤੇ ਮਹਾਂਲੇਖਾਕਾਰ, ਪੰਜਾਬ ਤਿਮਾਹੀ ਰਿਪੋਰਟਾਂ ਭੇਜਦਾ ਹੈ। ਇਨ੍ਹਾਂ ਸਾਰੇ ਯਤਨਾਂ ਦੇ ਬਾਵਜੂਦ ਮਹਾਂ-ਲੇਖਾਕਾਰ ਦੀ ਜੁਲਾਈ 1972 ਤੱਕ ਦੀ ਰਿਪੋਰਟ ਅਨੁਸਾਰ 1710 ਕੇਸ ਪੇਂਡਿੰਗ ਸਨ। ਆਮ ਤੌਰ ਤੇ ਲੇਖਾ ਦਫਤਰ ਤੋਂ ਸਰਟੀਫੀਕੇਟ ਜਾਰੀ ਹੋਣ ਉਪਰੰਤ ਵਿਭਾਗਾਂ ਨੂੰ ਪੈਨਸ਼ਨ ਕੇਸਾਂ ਨੂੰ ਨਜਿਠਣ ਵਿਚ ਦੇਰੀ ਨਹੀਂ ਕਰਨੀ ਚਾਹੀਦੀ ਪਰੰਤੂ ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਪੈਨਸ਼ਨ ਕੇਸ ਸਮੇਂ ਸਿਰ ਨਹੀਂ ਨਜਿਠੇ ਜਾਂਦੇ।

3. ਸਰਕਾਰ ਉਪਰੋਕਤ ਸਥਿਤੀ ਨੂੰ ਗੰਭੀਰ ਦ੍ਰਿਸ਼ਟੀਕੋਣ ਤੋਂ ਵੇਖਦੀ ਹੈ। ਇਸ ਲਈ ਮੈਂ ਆਪ ਸਭ ਨੂੰ ਜਾਤੀ ਤੌਰ ਤੇ ਬੇਨਤੀ ਕਰਦਾ ਹਾਂ ਕਿ ਆਪ ਇਸ ਮਸਲੇ ਵਲ ਵਿਸ਼ੇਸ਼ ਧਿਆਨ ਦਿੰਦੇ ਹੋਏ ਇਸ ਵਿਸ਼ੇ ਤੇ ਨਿਯਮਾਂ ਹਦਾਇਤਾਂ ਅਤੇ ਸਰਕਾਰ ਦੇ ਮਨਸ਼ੇ ਨੂੰ ਕਿ ਰਿਟਾਇਰ ਹੋਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਬਣਦੀ ਮਿਤੀ ਤੋਂ ਪੈਨਸ਼ਨ ਦੇਣੀ ਅਰੰਭ ਕਰ ਦਿੱਤੀ ਜਾਵੇ, ਸਹੀ ਅਮਲੀ ਰੂਪ ਵਿਚ ਲਿਆਉਣ ਲਈ ਹਰ ਉਪਰਾਲਾ ਕਰੋ ਤਾਂ ਜੋ ਅਜਿਹੇ ਮਸਲਿਆਂ ਵਿਚ ਔਖਾਵਾਈ ਦੀ ਸਥਿਤੀ ਉਤਪੰਨ ਨਾ ਹੋਵੇ।

Copy of letter No. 7026-SII(3)-72/3104, dated the 29th January, 1973, from the Chief Secretary to Government, Punjab, Chandigarh, addressed 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—requirement of giving reasonable opportunity to show cause against the proposed cut in pension.

I am directed to invite your attention to Punjab Government circular letter No. 277-IGS-61/8679, dated 16th/17th March, 1961, in which the need to ensure fair and objective consideration of the cases of cut in pension was *inter-alia* stressed.

2. Under rules the jurisdiction and authority/competence to issue an order for applying a cut in pension

in the case of a retiring Government employee vests with pension sanctioning authority which is invariably the appointing authority. As such, it is legally desirable that such an authority should apply its mind objectively before imposing a cut on the pension or gratuity or both, in the case of a Government employee in the prescribed manner. In such cases the following ratio decidendi in the Supreme Court's judgment in the case of the State of Punjab *versus* K. R. Erry-1972-SLR-836 is required to be kept in view :—

“Held right of a Government servant to receive pension is property under Article 31(I) of the Constitution of India and by a mere executive order, the State did not have the power to withhold the same. The claim to pension was property under Article 19(I) of the Constitution of India and was not saved by sub-Article 5 of Article 19 of the Constitution. Though the State Government may have had some material before it for imposing a penalty by way of a cut in the pension, it had failed to give a reasonable opportunity to the officers concerned to put forward their defence or fact in extenuation before the cut was imposed. Where the officers were deprived of a part of their property by applying a cut to the pension, it was quite essential in all fairness and elementary justice that they should have been given reasonable opportunity to show cause against the proposed action”.

3. Keeping in view the above important legal pronouncement, I am directed to request you that a reasonable opportunity should invariably be afforded to the Government employee concerned in whose case cut in pension/gratuity is proposed to be imposed, to show cause against the proposed action.

4. The above instructions may be brought to the notice of all concerned for careful compliance and the receipt of this letter be acknowledged.

5. In regard to past cases, instructions will be issued separately after sorting out legal implications.

Copy of letter No. 279-SII(3)-73/3046, dated the 29th January, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject:—Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to address you on the subject noted above and to say that a large number of employees had to be appointed on *adhoc* basis against posts not falling within the purview of the Public Service Commission, in anticipation of the regular selection of candidates through the Departmental Selection Committees or the Subordinate Services Selection Board, as the case may be. Such employees have been continuing in service on *adhoc* basis for a considerable period. Government have decided that measures as noted below, be adopted to regularise the appointments of such employees :

- (1) The cases of all the *adhoc* employees of the category referred to above who completed a minimum of one year's service on the 1st January, 1973 will be screened by the Departmental Selection Committees of the respective Departments who will condone notional break/breaks in service of such employees.

Those employees whose services have been terminated between the period from 1st January, 1973 to the issue of these instructions, but who had completed a minimum of one year's service on 1st January, 1973, should also be considered for regularisation if they have not been already selected for regular appointments against some other posts.

- (2) The appointments of the *adhoc* employees whose work and conduct is found satisfactory will be regularised if they satisfy the following conditions :—
 - (a) They fulfil academic qualifications including experience prescribed for the job/post against which they were appointed on

ad hoc basis including the condition of age at the time of their first appointment as such.

- (b) Their names had been recommended for such appointment by the Employment Exchanges or their applications had been received in response to the advertisement made for filling of such posts, or their appointments were made on compassionate grounds in specific cases on account of their being dependents of deceased Government employees.
- (3) While calculating the period of service in terms of item (1) above, the following types of breaks in service rendered on *ad hoc* basis may be ignored :—
 - (i) Where the break was of notional nature falling between *ad hoc* appointments in same category of posts in the same Department.
 - (ii) Where the break was on account of some administrative conditions, such as, the summer vacations during which the service of teachers are terminated so as to avoid the liability of payment for the said period.

In other words the breaks in *ad hoc* service would not be ignored in cases where:—

- (i) the employee concerned left service of his own volition either to join some other department or for some other reasons; or
- (ii) the *ad hoc* appointment was against a post/vacancy for which no regular recruitment was intended/required to be made, e.g., leave arrangements or filling of other short term vacancies.

2. The seniority of the *ad hoc* employees whose appointments are regularised in terms of the above policy

shall be determined in the following manner :—

- (a) After approval by the Departmental Committee, the regularisation of their appointments shall date back to 1st January, 1973 from which date their seniority shall be determined *vis-a-vis* candidates appointed on regular basis after selection through the prescribed agencies.
- (b) The service rendered on *ad hoc* basis shall not be taken into account for purposes of seniority except to determine *inter-se* seniority among the *ad hoc* employees themselves whose services are regularised with effect from 1st January, 1973.

3. If any point of doubt arises to deal with a particular case not covered by the above instructions, the matter should be referred to the Services Department for clarification with full facts of the case and with clear recommendations of the Administrative Secretary concerned.

4. In order to alleviate any further hardship to the *ad hoc* employees, the process of regularisation of their appointments be completed within a month under intimation to the Services Department.

5. Receipt of this letter may be acknowledged.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗਸਤੀ ਪੱਤਰ ਨੰ: 6872-ਸII(2)-73/3134, ਮਿਤੀ 30 ਜਨਵਰੀ, 1973
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ : ਤਦ ਅਰਥ ਆਧਾਰ ਤੇ ਲੱਗੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਨ ਸਬੰਧੀ।

ਮੈਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰ ਵਲੋਂ ਸਪਸ਼ਟ ਹਦਾਇਤਾਂ ਜਾਰੀ ਨਾ ਕੀਤੀਆਂ ਹੋਣ ਕਰਕੇ ਤਦ ਅਰਥ ਆਧਾਰ ਤੇ ਲੱਗੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ, ਜਦੋਂ ਉਨ੍ਹਾਂ ਦੀਆਂ ਸੇਵਾਵਾਂ ਸਮਾਪਤ ਕੀਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ, ਤਜਰਬੇ ਦਾ ਸਰਟੀਫਿਕੇਟ ਦਿਤੇ ਜਾਣ ਬਾਰੇ ਇਕਸਾਰਤਾ

ਨਾਲ ਅਮਲ ਨਹੀਂ ਕੀਤਾ ਜਾ ਰਿਹਾ ਹੈ। ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਜਿਹੜੇ ਉਮੀਦਵਾਰ ਪਹਿਲਾਂ ਪ੍ਰਾਪਤ ਕੀਤੇ ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ ਰੁਜ਼ਗਾਰ ਦਫਤਰ ਨੂੰ ਪੇਸ਼ ਕਰਦੇ ਹਨ, ਉਨ੍ਹਾਂ ਨੂੰ ਐਨਰੋਲਮੈਂਟ ਲਈ ਤਰਜੀਹ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ, ਪਰ ਕਈ ਉਮੀਦਵਾਰ ਇਹ ਲਾਭ ਇਸ ਕਾਰਨ ਨਹੀਂ ਉਠਾ ਸਕਦੇ ਕਿਉਂ ਜੋ ਉਨ੍ਹਾਂ ਦੇ ਮਹਿਕਮੇ ਵੱਲੋਂ, ਜਿਨ੍ਹਾਂ ਵਿਚ ਉਨ੍ਹਾਂ ਨੇ ਪਹਿਲਾਂ ਸੇਵਾ ਕੀਤੀ ਹੁੰਦੀ ਹੈ, ਉਨ੍ਹਾਂ ਨੂੰ ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਨਹੀਂ ਕੀਤਾ ਜਾਂਦਾ। ਇਸ ਮਾਮਲੇ ਤੇ ਵਿਚਾਰ ਕਰਨ ਮਗਰੋਂ ਸਰਕਾਰ ਨੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਸਾਰੇ ਦਫਤਰਾਂ ਵਿੱਚੋਂ ਸੇਵਾ ਤੋਂ ਮੁਕਤ ਹੋਣ ਵਾਲੇ ਉਨ੍ਹਾਂ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਵੱਲੋਂ ਮੰਗ ਕੀਤੇ ਜਾਣ ਤੇ ਉਨ੍ਹਾਂ ਨੂੰ ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰ ਦਿਤਾ ਜਾਵੇ ਜਿਨ੍ਹਾਂ ਦੀਆਂ ਸੇਵਾਵਾਂ ਆਸਾਮੀ ਦੀ ਸਮਾਪਤੀ ਹੋਣ ਕਰਕੇ ਜਾਂ ਆਪਣੇ ਆਪ ਅਸਤੀਫਾ ਦੇਣ ਕਾਰਨ ਖਤਮ ਹੋ ਜਾਂਦੀਆਂ ਹਨ ਜਾਂ ਬਕਾਇਦਾ ਨਿਯੁਕਤੀ ਲਈ ਯੋਗ ਉਮੀਦਵਾਰਾਂ ਨੂੰ ਖਪਾਉਣ ਲਈ ਤੱਦ ਅਰਥ ਆਧਾਰ ਤੇ ਕੀਤੀ ਨਿਯੁਕਤੀ ਸਮਾਪਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ ਦੇ ਵਾਰਮ ਦਾ ਨਮੂਨਾ ਨਾਲ ਨੱਥੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

ਵਿਭਾਗ/ਦਫਤਰ

ਨੰ: —————

ਮਿਤੀ: —————

ਤਜਰਬੇ ਬਾਰੇ ਸਰਟੀਫਿਕੇਟ

ਸ਼੍ਰੀ/ਸ਼੍ਰੀਮਤੀ ————— ਨੇ
 ਬਤੌਰ (ਪਦਵੀ) ————— ਇਸ ਵਿਭਾਗ/ਦਫਤਰ
 ਵਿਚ ————— ਤੋਂ ਲੈ ਕੇ ————— ਤਕ
 ਕੰਮ ਕੀਤਾ ਹੈ। ਉਸ ਦਾ ਸੇਵਾਵਾਂ ————— ਕਾਰਨ ਸਮਾਪਤ
 ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ ਅਤੇ ਇਸਚਾਰਜ ਕਰਨ ਵੇਲੇ ਉਹ ————— ਰੁਪਏ
 ਦੇ ਸਕੇਲ ਵਿਚ ————— ਪ੍ਰਤੀ ਮਹੀਨਾ ਤਨਖਾਹ ਲੈ
 ਰਿਹਾ/ਰਹੀ ਸੀ।

ਉਸ ਦਾ ਕੰਮ ਤੇ ਆਰਟ ————— ਸੀ।

ਹਸਤਾਖਰ —————

(ਅਧਿਕਾਰੀ ਦੀ ਪਦਵੀ ਅਤੇ ਦਫਤਰ ਦੀ ਮੁਹਰ)

DEPARTMENT/OFFICE

No. _____ Dated _____
 Shri/Shrimati _____ has
 worked as a _____ in this
 (designation)
 department/Office from _____ to _____.
 His/Her services were terminated on account
 of _____ and at the time of discharge he/she
 was drawing pay Rs. _____ p.m. in the scale of
 Rs. _____.

His/Her work and conduct was _____.

Signature _____

(Designation of Officer and Official's stamp)

Copy of Punjab Government Circular letter No. 495-SII(3)-73, dated the 13th February, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Speedy disposal of cases of Government servants under suspension—Number of Government employees under suspension—Collection of data.

I am directed to invite a reference to paragraph 2(e)(III)(iii) of Punjab Government instructions, contained in Circular letter No. 3624-GS-61/14507, dated the 21st April, 1961, which *inter alia* provides that to avoid unnecessary harassment of Government employees, the whole process of investigation and inquiry against such an employee should be completed within 6 months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law. Paragraph 2(i) of these instructions further provides that the charge or

charges should be handed over to the Government employee within 15 days from the date of taking the decision to start formal proceedings. It has, however, been observed that in a number of cases charge-sheet is not served on the suspended employee for a pretty long time, with the result that either the employee manages to get out of the enquiry or starts putting pressure on the Government to stop it. Even otherwise, it is not conducive to keep a Government employee under suspension without specifically telling him the allegations on account of which he has been suspended. I am, therefore, to emphasize again that the time schedule fixed in the instructions referred to above should be followed strictly and the whole process of investigation and inquiry completed within the prescribed period.

2. I am also to request you to intimate with reasons the number of such Government employees as are under suspension and have not been served with charge-sheets for a period of three months or more. This information in the enclosed proforma, should be sent through the Administrative Secretary concerned so as to reach the Services Department by the 20th February, 1973.

**LIST OF GOVERNMENT EMPLOYEES AS ARE
UNDER SUSPENSION AND HAVE NOT BEEN
SERVED WITH CHARGE SHEETS FOR A
PERIOD OF THREE MONTHS OR MORE**

-----Department

Sr. No.	Name and designation of the Government employee	Imputation of misconduct or misbehaviour	Date of suspension	Reasons for not serving the charge sheet
1	2	3	4	5

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗਸਤਰੀ ਪੱਤਰ ਨੰ: 460-ਸII(3)-73/6757, ਮਿਤੀ 22 ਫਰਵਰੀ, 1973
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ : ਦੇਸ਼ ਵਿਚ ਸੇਵੇ ਦੇ ਹਾਲਾਤ ਨੂੰ ਮੁੱਖ ਰਖਦਿਆਂ ਕੁੱਝ ਇਤਿਯਾਤਾਂ ਸਬੰਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਜੀ ਦਾ ਧਿਆਨ ਦਵਾਉਂਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੈ ਕਿ ਦੇਸ਼ ਦੇ ਕੁਝ ਹਿਸਿਆਂ ਵਿਚ ਸੇਵੇ ਦੀ ਸਥਿਤੀ ਤੋਂ ਉਤਪੰਨ ਹੋਈ ਖੁਰਾਕ ਦੀ ਕਮੀ ਨੂੰ ਮੁੱਖ ਰਖਦਿਆਂ ਸਰਕਾਰ ਆਪਣੇ ਹਰ ਅਧਿਕਾਰੀ ਤੇ ਕਰਮਚਾਰੀ ਤੋਂ ਇਸ ਸਹਿਯੋਗ ਦੀ ਆਸ ਕਰਦੀ ਹੈ ਕਿ ਉਹ ਖਾਣ ਪੀਣ ਦੀਆਂ ਵਸਤੂਆਂ ਦੀ ਖਪਤ ਵਿਚ ਹਰ ਸੰਭਵ ਬਚਤ ਕਰੇ, ਵੱਡੇ ਪਿਆਨੇ ਤੇ ਪਾਰਟੀਆਂ ਆਦਿ ਵਿਚ ਹਿਸਾ ਲੈਣ ਤੋਂ ਸੰਕੋਚ ਕਰੇ ਅਤੇ ਨਾਲ ਹੀ ਉਹ ਇਸ ਸਬੰਧੀ ਹੋਰਨਾਂ ਨੂੰ ਪ੍ਰੇਰਨਾ ਦੇਵੇ।

2. ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਤੋਂ ਸਭ ਨੂੰ ਜਾਣੂ ਕਰਵਾਇਆ ਜਾਵੇ ਤੇ ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਹਸੀਦ ਭੇਜੀ ਜਾਵੇ।

**Copy of Punjab Government Circular letter No. 29
(GOI)-SII(3)-73/7752, dated the 23th February, 1973
from the Chief Secretary to Government, Punjab, to all
Heads of Departments etc., etc.**

**Subject: Rehabilitation of Released Indian Armed Forces
Personnel--Grant of concessions--Benefit to be
given only on first appointment.**

I am directed to address you on the subject noted above and to say that in connection with the grant of benefits of military service within the framework of relevant statutory rules and instructions issued by Government from time to time, a question has arisen whether the benefit of military service, viz., seniority and pay, etc., should be admissible on the first appointment of the Released Army Personnel concerned in a civil post or even on subsequent appointments. This question has been considered by Government in consultation with the Government of India and it has been decided that the concessions/benefits admissible to ex-servicemen/or Released Army Personnel in respect of their past service in the Armed Forces are to be restricted only to their first civil appointment after their release from the Army and not for further appointments. This decision is based on the principle that only against first appointment on regular basis after release from the army that a person can be considered a candidate in his capacity as released

Army personnel and Ex-Servicemen as the case may be, but as soon as he joins first appointment he ceases to be so and cannot be treated as such for his subsequent appointment. For later appointments his entity in relation to the previous appointment only is to be kept in view.

2. I am further directed to request you that the above decision may be kept in view at the time of extending concessions/benefits of the military service to the Released Indian Armed Forces Personnel/Ex-Servicemen absorbed in State Government Service.

Copy of Punjab Government Circular letter No. 1469-SII(II)-73/7690, dated the 7th March, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Grant of re-employment/extension in service to Government employees on or after their attaining the age of superannuation—Review of policy in the case of Doctors and Paramedical staff.

I am directed to invite a reference to the Punjab Government Circular letter No. 727-SII(4)-67/4841, dated the 17th February, 1967, wherein it is stated that ordinarily no employee should be offered re-employment beyond the date of his superannuation unless it is necessary on grounds of overriding public interests in which case a retired Government employee may be re-employed up to the age of 60 years. This policy was liberalised in the case of doctors in PCMS II and PJMS and Paramedical staff in order to provide medical facilities in rural areas and to give a fillip to Family Planning Programme and accordingly it was laid down,—vide Punjab Government Circular letter No. 5167-SII-4(I)-69/19273, dated the 17th July, 1969 that in their case extension in service may be granted upto the age of 60 years and re-employment upto the age of 65 years.

2. In the context of the present circumstances and keeping in view the improvement in the availability of doctors and paramedical staff, the Government have reconsidered the matter and have come to the conclusion

that the extraordinary concession of grant of extension/re-employment in service in their case as a general rule, should be withdrawn and they should be treated like other Government employees. The following provisions are, accordingly, deleted with immediate effect from the policy circular letters as indicated below :—

- (i) Paragraph 4-A(a) and 8-A(a) as inserted,—*vide* Punjab Government Circular letter, dated the 17th July, 1969.
- (ii) The last sentence of these condition No. (iv) in paragraph No. 3 of the Punjab Government circular letter, dated the 17th February, 1967, viz., "Doctors may also be re-employed upto the age of 65 years."

Copy of Punjab Government Circular letter No. 1217-SII(3)-73/9133, dated the 17th March, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject:—Expeditious finalisation of departmental enquiries against Government employees—delay on account of change of Enquiry Officers—avoidance thereof.

I am directed to invite your attention to Punjab Government Circular letter No. 7543-SII(3)-71/30893, dated the 26th November, 1971, wherein it was requested that completion of departmental enquiries should be ensured within the prescribed period. It has been observed that the enquiry/departmental proceedings in certain cases including those in which the Government employee concerned is under suspension, are unduly prolonged sometimes because of a number of changes of the Enquiry Officers on account of their transfers, etc., Government desire that like all other avoidable causes of delay in the enquiry/disciplinary proceedings, this factor of delay should also be avoided and as far as possible no change of Enquiry Officer entrusted with departmental enquiry against a Government employee should be effected on grounds of former's (Enquiry Officer) transfer or other reasons that are not so overwhelming as to come in the way of the officer completing the enquiry.

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

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 1140-ਸ II (3)-73/29630, ਮਿਤੀ 31 ਮਾਰਚ, 1973 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਆਦਿ।

ਵਿਸ਼ਾ: ਸਰਕਾਰੀ ਦਫ਼ਤਰਾਂ ਵਿਚ ਸਮੇਂ ਦੀ ਪਾਬੰਦੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 4156-ਸ II (3) 72/20913, ਮਿਤੀ 6/10 ਅਗਸਤ, 1971 ਵੱਲ ਦਵਾਉਂਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰੀ ਦਫ਼ਤਰਾਂ ਵਿਚ ਸਮੇਂ ਦੀ ਪਾਬੰਦੀ ਯਕੀਨੀ ਬਣਾਉਣ ਲਈ ਇਹ ਜ਼ਰੂਰੀ ਜਾਪਦਾ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਵਿਚ ਦਰਜ ਲੰਬੀ ਦੇ ਕਦਮ ਉਠਾਏ ਜਾਣ ਅਤੇ ਸਮੂਹ ਅਧਿਕਾਰੀ ਤੇ ਕਰਮਚਾਰੀ ਇਨ੍ਹਾਂ ਦੀ ਸਹੀ ਪਾਲਣਾ ਕਰਨ। ਇਸ ਕਰਕੇ ਇਹ ਹਦਾਇਤਾਂ ਇਕ ਵਾਰੀ ਫਿਰ ਸਾਰਿਆਂ ਕਰਮਚਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦੀਆਂ ਜਾਣ ਅਤੇ ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 1876-2SIII-73/10920, dated the 4th April, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Affixing of restricted holidays to regular leave/gazetted holidays, etc.

I am directed to say that, commencing from the year 1973, Government have introduced the system of allowing to Government employees two restricted holidays which can be availed of by them on certain specified festivals. The festivals/occasions have been enumerated in Note (1) below the list of gazetted holidays for the year 1973. A question arose whether a restricted holiday can be affixed to earned leave like other holidays. The matter has been considered by Government and it is clarified that, like other gazetted holidays, a restricted holiday, when availed, can also be prefixed/suffixed to earned leave or combined with casual leave or a gazetted holiday.

Copy of Punjab Government Circular letter No. 2449-SIII-73/11861, dated the 17th April, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Grant of Special Casual Leave to Government servants for participation in sports events.

In continuation of Punjab Government circular letter No. 1461-2SIII-69/11361, dated the 1st May, 1969, on the subject noted above, I am directed to say that Punjab Government have decided that the concession of Special Casual Leave allowed to Government servants for participation in sports events of national and international character will also be admissible to those Government servants who participate in such events to act as Umpires/Refrees/Judges.

Copy of O.M. No. 25/6/73-Ests (A), dated the 9th March, 1973, from the Under Secretary to the Government of India, Cabinet Secretariat, Department of Personnel and Administrative Reforms to all Ministries etc.

Subject: Demonstrations in the vicinity/neighbourhood of Government Offices.

It has been noticed that when some demonstrations organised by political parties were held in or passed through the vicinity of Government offices, the Government employees working in those offices came out to witness the demonstration. In this process the Government employees sometimes got mixed up with the demonstrators and it became difficult to segregate the demonstrators from the Government employees. In order to avoid such situations in future, Ministry of Finance, etc., are requested to impress upon the employees working under them that it is desirable on such occasions that they stay inside their offices and keep away from the demonstrators or the crowd near the place of demonstration.

PUNJAB GOVERNMENT

No. 50(GOD)-SII(3)-73/11516, dated Chandigarh, the 17th April, 1973.

A copy is forwarded to All Heads of Departments, Commissioners of Divisions, Deputy Commissioners, District and Sessions Judges, Registrar, Punjab and Haryana High Court and Sub-Divisional Officers (Civil) in the State for information and similar action.

M. S. SODHI,
Section Officer Services II,
for Chief Secretary to Government,
Punjab.

A copy is forwarded to all Financial Commissioners and Administrative Secretaries to the Government, Punjab, for information and similar action.

M. S. SODHI,
Section Officer Services II,
for Chief Secretary to Government,
Punjab.

To

All Financial Commissioners and Administrative Secretaries, U.O. No. 50(GOI)-SII(3)-73, dated Chandigarh, the 17th April, 1973.

Copy of Punjab Government Circular letter No. 1097-2SIII-73/11863, dated the 17th April, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Grant of casual leave to Punjab Government employees.

It has come to the notice of Government that there is a growing tendency among Government employees to exhaust whatever casual leave is left in their account, during the month of December in a calendar year. As a result, Government work suffers during this period due to thin attendance in offices. In the public interest, this practice needs to be discouraged effectively and casual leave should be allowed during the month of December as in other months of the year only when its need is genuine. I am, therefore, to request you that, while

sanctioning casual leave towards the close of a calendar year, it should be ensured that it is allowed only to meet genuine requirements of the Government employees and not if the intention is to consume the balance casual leave left in their accounts. I am, further to request that these instructions may also be brought to the notice of all employees working under you for guidance and compliance.

Copy of Punjab Government Circular letter No. 80(GOI)-SH(3)-73/12092, dated the 18th April, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Priority list for various categories of persons for employment in State Services—Rehabilitation of disabled ex-servicemen and widows/dependents of the deceased Government employees and defence Services personnel killed or disabled severely in action.

I am directed to address you on the subject noted above and to say that at present there is no uniform policy for according preferential treatment in the matter of absorption in State Services of various categories of persons placed in difficult/unfortunate circumstances such as surplus employees, disabled ex-servicemen, members of family of deceased Government employees and Defence Services personnel killed or severely disabled in action and physically handicapped persons. Being considerate to the need for providing relief to such persons and with a view to expediting the process of rehabilitation of such families, Government have considered this matter in the light of the broad policy followed by the Government of India in this regard and have decided that the following priority list be adopted for recruitment to the State Services of Class III and IV :—

Priority Number	Categories of candidates
1.	... Employees declared surplus on account of abolition of organisation or some other reason considered fit by Government <i>inter alia</i> on account of assessment made by staff Inspection Units.

<i>Priority Number</i>	<i>Categories of Candidates</i>
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2.	... Disabled Ex-Servicemen (not unfit for civil service).
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3.	... A member of the family of the deceased Government employee, or of a Government employee, who is retired from service on medical grounds.
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4.	... A member of the family of the Defence Services Personnel :—
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(i) killed in action; or

(ii) who are severely disabled and totally unfit for re-employment.

5.	... Physically handicapped persons.
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2. While making appointments to State Services out of the priority list mentioned above, the following conditions shall have to be observed :—

(i) The basic qualifications and conditions of experience prescribed for respective posts shall have to be fulfilled;

(ii) The age-limit in the case of widows seeking employment under item 3 or 4 of the priority list may be relaxed upto 45 years to cover real cases of hardships.

3. The suitability of the persons may be adjudged by the appointing authority and it shall not be necessary to get the approval of the Subordinate Services Selection Board or the Departmental Selection Committees, as the case may be, nor would the registration at the Employment Exchanges be required for making appointments on the basis of the above priority list against the posts, the initial monthly pay of which is Rs. 299 or less. As regards those class III posts, the initial monthly basic pay of which exceeds Rs. 299 and recruitment against which

is made through the Punjab Public Service Commission, the prescribed priority shall be extended by the Punjab Public Service Commission to the candidates concerned, other things being equal.

4. While giving effect to the above policy, it has to be ensured meticulously that the claims of the persons who want to take benefit under the priority list are checked carefully and *bona fides* duly verified as per annexure.

Kindly acknowledge receipt of this letter.

ANNEXURE

Information to be supplied by the candidate seeking employment under Priority List laid down,—*vide* Punjab Government Circular letter No. 80 (GOI)-SH (3)-73, dated the 18th April, 1973.

<i>Sr. No.</i>	<i>Category</i>	<i>Requirements</i>
1.	Surplus employee	(a) Rank, pay and nature of appointment from which declared surplus. (b) No. and date and if possible a copy of Government order,—<i>vide</i> which declared surplus and required to be absorbed. (c) Certificate of experience, if any.
2.	Disabled Ex-Service-men	Proof from Military authorities of being disabled and not being unfit for civil service.
3.	A member of family of a deceased Government employee or of a Government employee who is retired from service on medical grounds	(a) Certificate of death and full particulars of rank, pay, nature of post (pensionable or not) held by the deceased Government employee, from the Department concerned. (b) An affidavit duly attested to corroborate the fact of being widow or husband or dependent of deceased Government employee.

Sr. No.	Category	Requirements
		(c) If the candidate is a dependent of the deceased Government employer, then the following detail may also be furnished:— (i) Names of all dependents, their age, their occupation, reasons in support of claim vis-a-vis other dependents. (ii) An affidavit from the applicant and the other dependents that none of them has already obtained appointment under this Priority List. (d) If a dependent or wife/husband of a Government servant retired from service on medical grounds: (i) No. and date and preferably a copy of order of retirement of the government servant concerned, on medical grounds; (ii) & (iii) as at C(i) and (ii).
4.	A member of the family of the Defence Services personnel ..	(a) A certificate from the Military Authorities about the fact that the Defence Services Personnel concerned was killed in action; or was severely disabled and is totally unfit for re-employment;
1.	killed in action; or ..	
2.	who are 'severely disabled and are totally unfit for re-employment ..	
		(b) An affidavit duly attested to corroborate the fact of being widow or dependent of a Defence Services Personnel concerned. (c) If the candidate is a dependent of a Defence Services Personnel killed in action or severely disabled in the army then the following details may also be furnished:— (i) Names of all dependents, their age, their occupation, reasons in support of claim vis-a-vis other dependents.

Sr. No.	Category	Requirements
		(ii) An Affidavit from the applicant and the other dependents that none of them have already obtained appointment under this Priority List.
5. Physically handicapped persons	A	medical certificate of being disabled handicapped but otherwise fit for civil employment against the post applied for from the PMO, CMO/Civil Surgeon, as the case may be, of the District or place of which the applicant is a permanent resident.

Copy of Punjab Government Circular letter No. 1753-SII(2)-73/12067, dated the 19th April, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to invite a reference to Punjab Government letter No. 279-SII(3)-73/3046, dated the 29th January, 1973, on the subject noted above and to say that a doubt has arisen whether the benefit of regularisation of service is to be extended to the regular Government employees who had been appointed by promotion on *ad hoc* basis against such higher posts which were to be filled by direct recruitment. For example, a person already recruited as Clerk on regular basis had been promoted as a Steno-typist on *ad hoc* basis, pending regular recruitment, whether his services as Steno-typist can also be regularised in the light of the instructions mentioned above.

2. In this connection, it is hereby clarified that the concession of regularisation of services extended,—*vide* Punjab Government letter No. 279-SII(3)-73/3046, dated 29th January, 1973 is confined to those cases only where the recruitment in any service was made on *ad hoc* basis against posts to be filled by direct recruitment at the lowest level and not to the promotion made on *ad hoc* basis as a stop-gap arrangement.

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

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗਸਤਰੀ ਪੱਤਰ ਨੰ: 2568-ਸ II (2) 73/13387, ਮਿਤੀ 28 ਅਪ੍ਰੈਲ, 1973
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਤੈਨਾਤੀਆਂ ਅਤੇ ਬਦਲੀਆਂ ਕਰਨ ਵੇਲੇ ਅਪਣਾਏ ਜਾਣ ਵਾਲੇ ਆਮ ਸਿਧਾਂਤ।

ਮੈਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ 'ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗਸਤਰੀ ਪੱਤਰ ਨੰ: 1081-ਸੇਵਾਵਾਂ II-68/9785, ਮਿਤੀ 8 ਅਪ੍ਰੈਲ, 1968 ਵੱਲ ਦਿਵਾਉਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਜਿਸ ਵਿਚ ਦਰਜ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਕਰਮਚਾਰੀਆਂ ਦੀ ਕਿਸੇ ਵੀ ਸ਼੍ਰੇਣੀ ਦੀਆਂ ਬਦਲੀਆਂ ਤੇ ਤੈਨਾਤੀਆਂ ਸਧਾਰਨ ਤੌਰ ਤੇ ਸਾਲ ਵਿਚ ਕੇਵਲ ਇਕ ਵਾਰੀ 15 ਮਾਰਚ ਤੋਂ 30 ਅਪਰੈਲ ਦੇ ਸਮੇਂ ਦੌਰਾਨ ਕੀਤੀਆਂ ਜਾਣੀਆਂ ਹੁੰਦੀਆਂ ਹਨ। ਇਸ ਸਾਲ ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਸਬੰਧਤ ਅਧਿਕਾਰੀ, ਜਿਹੜੇ ਅਜਿਹੀਆਂ ਬਦਲੀਆਂ ਕਰਨ ਦੇ ਸਮਰਥ ਹਨ, ਨੂੰ ਕੁਝ ਰੁਝੇਵਿਆਂ ਕਰ ਕੇ ਜਿਵੇਂ ਕਿ ਵਿਧਾਨ ਸਭਾ ਦੇ ਸਮਾਗਮ ਦਾ ਲੰਬੇ ਸਮੇਂ ਤਕ ਚਲਣਾ, ਆਦਿ ਬਦਲੀ ਦੀਆਂ ਤਜਵੀਜ਼ਾਂ ਨੂੰ ਸਿਰੇ ਚਾੜ੍ਹਨ ਲਈ ਸਮਾਂ ਨਹੀਂ ਮਿਲ ਸਕਿਆ। ਇਸ ਸਥਿਤੀ ਵਿਚ ਸਰਕਾਰ ਨੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਇਸ ਸਾਲ ਆਮ ਬਦਲੀਆਂ ਤੇ ਤੈਨਾਤੀਆਂ ਦਾ ਸਮਾਂ 30 ਅਪਰੈਲ ਤੋਂ ਵਧਾ ਕੇ 15 ਮਈ, 1973 ਕਰ ਦਿੱਤਾ ਜਾਵੇ। ਇਸ ਤਰ੍ਹਾਂ ਇਸ ਸਾਲ ਵਿਚ ਅਜਿਹੀਆਂ ਬਦਲੀਆਂ 15 ਮਈ, 1973 ਤੱਕ ਕੀਤੀਆਂ ਜਾ ਸਕਣਗੀਆਂ। ਜੇਕਰ ਕਿਸੇ ਕਰਮਚਾਰੀ ਦੀ ਬਦਲੀ 15 ਮਈ, 1973 ਤੋਂ ਬਾਅਦ ਕਰਨੀ ਪਵੇ ਤਾਂ ਸਮਰਥ ਅਧਿਕਾਰੀ ਨੂੰ, ਅਜਿਹਾ ਕਰਨ ਤੋਂ ਪਹਿਲਾਂ, ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗਸਤਰੀ ਪੱਤਰ ਨੰ: 1081 ਸੇਵਾਵਾਂ (II) 68, ਮਿਤੀ 8 ਅਪ੍ਰੈਲ, 1968 ਦੀ ਆਈਟਮ ਨੰ: (II) ਵਿਚ ਦਰਜਾਈ ਵਿਧੀ ਅਨੁਸਾਰ ਆਪਣੇ ਤੋਂ ਅਗਲੇ ਵੱਡੇ ਅਧਿਕਾਰੀ ਦੀ ਪਰਵਾਨਗੀ ਲੈਣੀ ਪਵੇਗੀ।

Copy of Punjab Government Circular letter No. 1966-SII(3)-73/14271, dated the 8th May, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Earmarking of vacancies for the Released Army Personnel, etc.

I am directed to invite your attention to instructions contained in Punjab Government circular letter No. 27-SII(3)-72/5186, dated the 15th February, 1972 *inter-alia* for earmarking 5th, 10th and 15th vacancies in each block of five vacancies for the Released Army Personnel as a matter of first preference and the Ex-servicemen as

a second preference. According to the said instructions, the 15th and the 75th vacancy is to be reserved for the Released Army Personnel or Ex-servicemen as the case may be, but as is obvious from Punjab Government instructions contained in circular letter No. 3180-SWI-70/893, dated the 11th January, 1971, the vacancies at serial No. 15 and 75 in the roster are to be reserved for members of Backward Classes. To avoid this anomalous position it has been decided that instead of 15th and 75th vacancies, the vacancies at serial No. 14 and 74 in the roster be reserved for the Released Army Personnel/Ex-Servicemen as the case may be, as stated above but this will not have any adverse effect on the earmarking of vacancies in blocks preceding and subsequent thereto. Nor would the manner of filling reserved vacancies within overall limitation of 45 per cent in a year, carrying forward or the approved percentage, viz., 20 per cent for Scheduled Castes, 2 per cent for Backward Classes and 20 per cent for the Released Army Personnel/Ex-servicemen will in any way be infringed.

Copy of Punjab Government Circular letter No. 2760-SII(3)-73, dated the 15th May, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to invite your attention to para 4 of Punjab Government circular letter No. 279-SII(3)-73/3046, dated 29th January, 1973,—*vide* which it was desired that in order to alleviate any further hardship to the *ad hoc* employees, the process of regularisation of their appointments be completed within a month under intimation to the Services Department. No progress in this behalf has, however, been reported as was requested. On the other hand it has been brought to the notice of Government that *ad hoc* employees are experiencing hardships firstly on account of delay in taking up their cases for regularisation of their appointments and secondly because of the termination, including that for a temporary period, of their appointments on six months

basis. It is, therefore, reiterated that the process of regularisation of the appointments of *ad hoc* employees regularisation of the appointments of *ad hoc* employees site information be sent to the Services Department without any further delay.

Copy of Punjab Government Circular letter No. 3409-2SIII-73/15403, dated the 19th May, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Grant of special casual leave to Government servants under Family Planning Scheme—Extension of the facility to Industrial Employees of State Government.

In continuation of Punjab Government letter No. 5416-2SIII-72/20290, dated the 16th August, 1972, on the subject noted above, I am directed to say that Government have decided to extend the concession of special casual leave, up to seven days, to a male industrial employee of the State Government whose wife undergoes a non-puerperal Tubectomy operation, to look after his wife, subject to the condition that the concerned male employee produces a certificate from the doctor, performing the operation, to the effect that the presence of the employee is essential for the period of leave to look after his wife during her convalescence after operation.

2. The concurrence of Finance Department has been obtained,—vide their U.O. No. 2723-4FR-73, dated 11th May, 1973.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 2974-ਸ II (2) 73/16001, ਮਿਤੀ 24 ਮਈ, 1973
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਤੰਨਾਭੀਆਂ ਅਤੇ ਬਦਲੀਆਂ ਕਰਨ ਵੇਲੇ ਅਪਨਾਏ ਜਾਣ ਵਾਲੇ ਆਮ ਸਿਧਾਂਤ।

ਮੈਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 1081-ਸੇਵਾਵਾਂ II-68/9785, ਮਿਤੀ 8 ਅਪਰੈਲ, 1968 ਵੱਲ ਦਿਵਾਉਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਜਿਸ ਵਿਚ ਇਹ ਲਿਖਿਆ ਗਿਆ ਹੈ ਕਿ ਸਾਧਾਰਨ ਤੌਰ ਤੇ ਕਿਸੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਨੂੰ 3 ਸਾਲਾਂ ਦੇ ਸਮੇਂ ਲਈ, ਜਾਂ ਜੇ ਕਾਰਜ ਕਾਲ ਨਿਸ਼ਚਿਤ ਹੋਵੇ, ਤਾਂ ਉਸ ਸਮੇਂ ਲਈ ਇਕ ਕੰਮ ਤੇ ਰਖਿਆ ਜਾਵੇ ਅਤੇ ਕਾਰਜ ਕਾਲ ਤੋਂ ਪਹਿਲਾਂ ਤਬਦੀਲੀ ਕੇਵਲ ਮਜ਼ਦੂਰੀ ਦੀ ਹਾਲਤ ਵਿਚ ਅਤੇ ਉਦੋਂ ਹੀ ਕਰਨੀ ਚਾਹੀਦੀ ਹੈ ਜਦੋਂ ਛੇਕ ਹਿੱਤ ਵਿਚ ਅਜਿਹਾ ਕਰਨਾ ਜ਼ਰੂਰੀ ਹੋਵੇ। ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਇਹ ਗੱਲ ਲਿਆਂਦੀ ਗਈ ਹੈ ਕਿ ਕਈ ਵਾਰ ਕੇਵਲ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਹਿੱਤ, ਚੌਥੇ ਦਰਜੇ ਦੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਵੱਡੀ ਸੰਖਿਆ ਵਿਚ ਇਕ ਜ਼ਿਲ੍ਹੇ ਤੋਂ ਦੂਜੇ ਜ਼ਿਲ੍ਹੇ ਵਿਚ ਬਦਲੀਆਂ ਕੀਤੀਆਂ

ਜਾਂਦੀਆਂ ਹਨ। ਸਰਕਾਰ ਨੇ ਇਸ ਮਸਲੇ ਤੇ ਪੂਰਨ ਵਿਚਾਰ ਕਰਨ ਮਗਰੋਂ ਅਤੇ ਇਸ ਵਰਗ ਦੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਇਕਤਰਾਂ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਦਰਜਾ ਚਾਰ ਦੇ ਕਰਮਚਾਰੀਆਂ ਦੀ ਇਕ ਜ਼ਿਲ੍ਹੇ ਤੋਂ ਦੂਜੇ ਜ਼ਿਲ੍ਹੇ ਵਿਚ ਬਦਲੀ, ਜਿਥੋਂ ਤਕ ਸੰਭਵ ਹੋ ਸਕੇ ਨਾ ਕੀਤੀ ਜਾਵੇ। ਅਜਿਹੀ ਬਦਲੀ ਉਦੋਂ ਹੀ ਕੀਤੀ ਜਾਵੇ ਜਦੋਂ ਅਜਿਹਾ ਕਰਨਾ ਲੋਕ ਹਿਤ ਵਿਚ ਹੋਵੇ ਜਾਂ ਕਰਮਚਾਰੀ ਨੇ ਇਸ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਹੋਵੇ।

2. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜਣ ਦੀ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 2968-SII(3)-73/17550, dated the 11th June, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject: Grant of free educational facilities to the children of deceased Government employees.

I am directed to invite your attention to instructions contained in Punjab Government circular letter No. 462-6FR-70/12752, dated 15th June, 1970 and item (d) of Punjab Government circular letter No. 3906-SII(3)-71/17723, dated 9th July, 1971 regarding free educational facilities to the children of the deceased Government employees. In terms of item 5 of Punjab Government circular letter No. 8548-SII(3)-71/1167, dated 11th January, 1972, the authorisation for the disbursement of tuition fee in such cases is also to be issued by the Appointing Authority as is issued in the case of anticipatory pension. Keeping in view the administrative difficulty which may arise in referring each such case invariably to the Appointing Authority and to expedite the process of reimbursement of tuition fee it has been decided that the authority concerned may delegate its power to any Class I Officer working under it.

Copy of Punjab Government Circular letter No. 3181-SII(3)-73, dated the 15th June, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Participation by Government servants in political activities, viz., meetings/demonstrations organised by political parties.

I am directed to invite your attention to Rule 5 of the Punjab Government Employees (Conduct) Rules, 1966, which *inter alia* provides that no Government Servant

shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity. Attention is also invited to the instructions contained in Punjab Government circular letter No. 7653-6GSI-65/40644, dated 18th December, 1965, wherein it was emphasised that all Government employees should conduct themselves in such a way that they leave no scope for any feeling that they are aligned with any political party, group or person or that privately or informally they take interest in a particular section.

2. A question has been raised as to whether participation by a Government servant in a public meeting or demonstration organised by a political party would amount to participation in a political movement or activity within the meaning of Rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 mentioned above.

3. This question has been considered, and it is felt that, in the light of the existing provisions of the Conduct Rules and the instructions already issued on the subject taking any active part by a Government servant in a meeting or demonstration organised by a political party might give cause for an impression which may well be construed as assisting a political movement. For example, if a Government servant takes active or prominent part in organising or conducting such a meeting or demonstration or speaks himself therein, or attends regularly or even frequently any such meetings, etc., such action on his part is likely to create an impression that he is taking part in or assisting a political movement or activity. In order, therefore, to avoid any doubts about their political neutrality, it would be in the interest of the Government servants themselves not to participate in such meetings or demonstrations.

4. It is requested that the above instructions may please be brought to the notice of all the employees working under you.

Copy of Circular letter No. 3520-SII(3)-73, dated 26th June, 1973 from the Chief Secretary to Government Punjab, to all Heads of Departments, etc., etc.

Subject: Speedy disposal of cases of Government employees under suspension.

I am directed to invite your attention to the instructions contained in Punjab Government letter No. 495-SII(3)-73, dated the 13th February, 1973, wherein it has been observed that delay in serving charge-sheet to a suspended Government employee is not only against the administrative interest but also causes undue hardship to the employee concerned. It has, therefore, been emphasised in the said instructions that time-schedule (copy enclosed for ready reference) fixed by Government for expediting the cases of suspended employees need to be strictly followed and the whole process of investigation/enquiry completed within the said period.

2. From the scrutiny of the data collected in regard to the reasons of delay due to which charge-sheet is not served for a period of three months or more on the suspended Government employees, it has been observed that the delay is, *inter alia*, due to avoidable reasons, e.g., unnecessary correspondence between certain offices and Heads of Departments, incomplete references to Government and lack of full scrutiny of the cases so as to determine whether the suspension of the employees concerned is really called for. Government takes serious view of these lapses and expresses concern with regard to avoidable delay which takes place in disposal of cases of Government employees under suspension. I am, therefore, to request you to ensure that :—

- (a) Charge-sheet is served on the suspended Government employees within a period of one month from the date of suspension without fail.
- (b) In case there are unavoidable reasons of delay and it is not possible to serve the charge-sheet within a period of one month as required above, an intimation may be sent to the Administrative Secretary concerned explaining the reasons of such a delay with a copy to the Chief Secretary (in Services Department).

- (c) A detailed statement in the enclosed *proforma* of cases of suspension/enquiry which have been pending over three months, over 6 months and over a year old be also sent to the Administrative Secretary concerned with a copy to the Chief Secretary (in Services Department) by the fifth of every month. These statements should include information as at the close of previous months with reasons of delay.

3. The above instructions may kindly be strictly followed.

4. The receipt of this letter is to be acknowledged.

Time Schedule for the disposal of cases of Departmental proceedings, etc., in disciplinary cases against Government employees as prescribed in Punjab Government Circular letter No. 3624-GS-61/14607, dated 21st April, 1961.

- (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 servant's written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.

(c) The 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 inquiry.

(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 :—

(a) 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.

(b) Where no such reference is necessary:—A fortnight from the date of the receipt of the final explanation of the Government servant concerned.

2. 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 inquiring 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.

3. Government feel that officials are often harassed by the length of time it takes to complete the processes of preliminary investigation and inquiry. Even in cases, which do not eventually result in a charge-sheet, the official concerned is often subjected to anxiety by the knowledge that an investigation is proceeding against him. Government have, therefore, decided that the whole process of investigation and inquiry should be completed within six months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law). An extension of the period by another 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.

PRO FORMA

Name of the Department _____

Statement showing details and reasons of delay in the finalisation of cases of Government employees placed under suspension.

(To be submitted to the Administrative Secretary concerned with a copy to the Chief Secretary, in Services II Branch, in duplicate, by the 5th of every month).

Serial No.	Name and Designation of Government employee	Brief imputation of misconduct or misbehaviour	Date of suspension	Whether charge-sheet served within 15 days as required—vide P.G. letter No. 495-SII(3)-73, dated 13-2-73. If not, reasons therefor. If a month has elapsed since suspension reasons of delay to be explained weekwise	Precise reasons for not completing the Departmental enquiry within 3 months from the date of suspension	If the period of suspension exceeds 6 months, state categorically whether sanction of the competent authority obtained for keeping the employee under suspension for more than 6 months. If not, the reasons therefor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Important Note.—In columns 5, 6 and 7 a self-contained information should be given and the mere expressions like 'Court case' and 'Police case' should be avoided. As the stage/progress of such cases is also to be watched by the suspending/punishing authorities concerned, that should be indicated in the respective columns.

Copy of Punjab Government Circular letter No. 3420-SII(3)-73, dated the 13th July, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Use of Government employees for private work—instructions to prohibit it.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 4540-GII-57/12538, dated 15th July, 1957 on the subject noted above, and to say that it has been brought to the notice of Government that private work is still being taken from Government employees in violation of the instructions despite the fact that these were reiterated in the years 1958 and 1970.

Government have taken a very serious view of this and desire that you should advise all the Government employees working under your control to strictly observe these instructions. I am, therefore, directed to request you to ensure that the instructions are carried out in letter and spirit and strict action is taken where the allegations are substantiated.

2. For convenience the salient features of these instructions are given below :—

- (a) The circumstances in each case of allegation of use of Government servant for private work should be looked into so as to determine :—
 - (i) the seriousness of the case; and
 - (ii) the nature of punishment to be awarded where the allegation is substantiated.
- (b) In cases where private work is taken from a Government employee as a regular whole time domestic servant without his consent and payment; it should be considered to be a case of serious nature involving wilful dishonesty and dealt with accordingly.
- (c) There may be no objection to take some private work of non-menial nature within reasonable

limits, from orderlies and peons with their consent and on payment. This should, however, be outside the office hours or on rare occasions, e.g., packing of luggage, etc. at the time of transfer of an officer.

3. In case any complaint is received by you it should be looked into expeditiously and the action taken, reported to the Administrative Secretary with a copy to the Chief Secretary (in the Services Department).

4. Kindly acknowledge the receipt of this letter.

Copy of Punjab Government Circular letter No. 4150-SH(II)-73/22501, dated the 21st July, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

**Subject : Regularisation of services of *ad hoc* employees—
Absorption of qualified candidates as Clerks/
Typists**

I am directed to invite your attention to the instructions contained in Punjab Government letter No. SSSB-2E-73/898, dated the 26th May, 1973, on the subject noted above, wherein it was *inter-alia* laid down that the salary for the month of June, 1973, should not be released by the Treasury Officers/Assistant Treasury Officers in the case of *ad hoc* employees unless certificate specified in the instructions were furnished by the Drawing and Disbursing Officers concerned. Government have reconsidered the whole matter keeping in view the anxiety for regularisation of services of *ad hoc* employees on the one hand, and to ensure on the other, that the candidates selected by Subordinate Services Selection Board (defunct) are absorbed as Clerks/Typists without any avoidable delay, and have decided that the following course of action should be adopted immediately by all the departments :—

- (i) Since the Subordinate Services Selection Board's office has already started recommending names of qualified candidates to the departments, any further appointment on *ad hoc* basis by them should be stopped.

- (ii) The departments should intimate to the Subordinate Services Selection Board (defunct) all the vacancies which they can visualise for recruitment through it (Board) after taking into account the vacancies which they would need to regularise the services of *ad hoc* employees strictly in terms of Punjab Government circular letter No. 279-SII(3)-73/3046, dated 29th January, 1973. Of course, the process of regularisation should not necessarily be delayed. Any avoidable delay that takes place in this behalf would be viewed seriously by the Government and Heads of Departments would be held personally responsible for the same. The actual process of regularisation of services of *ad hoc* employees should be completed in the shortest possible time.

2. Since it is the responsibility of the Heads of Departments to ensure compliance of both the instructions regarding regularisation of services of *ad hoc* employees, strictly in terms of Punjab Government letter, dated 29th January, 1973, referred to above, and to facilitate absorption of the candidates recommended by Subordinate Services Selection Board (defunct) without delay, the instructions in regard to withholding of salary of *ad hoc* employees contained in paragraphs 2(3) and 3 of Punjab Government letter No. SSSB-(2E)-73/898, dated 26th May, 1973 are hereby withdrawn. This may please be brought to the notice of the Drawing and Disbursing Officers under your administrative control for information and immediate necessary action.

3. As already made clear,—*vide* paragraph 3 of Punjab Government letter No. 279-SII(3)-73/3046, dated 29th January, 1973, cases involving any point of doubt should be referred to Services Department for clarification with full facts and with clear recommendations of the Administrative Department concerned and not directly, so that no delay occurs in the finalisation of even such category of cases.

4. Action taken in the light of instructions under items No. (i) and (ii) of paragraph I above may please be intimated to Services Department.

Copy of Punjab Government Circular letter No. 4807-SII(3)-73/23556, dated the 30th July, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject: Speedy disposal of cases of Government employees under suspension.

I am directed to say that in spite of repeated instructions, it has been noticed that employees remain under suspension for long periods before the disciplinary proceedings against them are finalised. It has been decided by the Government that in future the Heads of Departments or the other authority concerned will be held responsible for avoidable delays in completion of these proceedings. The instructions contained in circular letter No. 3520-SII(3)-73, dated 23rd June, 1973 may be considered to be amplified to this extent and a particular note thereof may please be kept by all concerned.

2. Action taken on this circular letter may be intimated to the Services Department.

Copy of Punjab Government Circular letter No. 4828-SII(2)-73/24416, dated the 7th August, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject: Cut in pension of Government employees who are retired compulsorily from service under Rule 5.32 of Punjab Civil Services Rules, Volume II.

I am directed to invite a reference to the Punjab Government letter No. 3578-2GS-66/15840, dated the 24th June, 1966 on the subject noted above wherein it was laid down that no cut in pension should be imposed in the case of a Government employee who is retired compulsorily under Rule 5.32 of Punjab Civil Services Rules,

Volume II. The Government have now been advised that where a Government employee is retired by the appointing authority under Rule 5.32(c)(i) or he himself seeks retirement under Rule 5.32(c)(ii) of the Punjab C.S.R., Volume II, it is possible to impose a cut in his pension under the normal rules. It is, however, made clear that as already pointed out in Punjab Government letter No. 7026-SII(3)-72/3104, dated 29th January, 1973, a reasonable opportunity shall invariably have to be afforded to the Government employee concerned in whose case cut in pension/gratuity is proposed to be imposed to show cause against the proposal action.

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

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

Copy of Punjab Government Circular letter No. 5245-SII(3)-73, dated the 22nd August, 1973, 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—requirement of giving reasonable opportunity to show cause against the proposed cut in pension.

I am directed to invite your attention to Punjab Government circular letter No. 7026-SII(3)-72/3104, dated 29th January, 1973. In para 5 of the said circular letter it was mentioned that instructions in regard to past cases will be issued separately. In this behalf it is now made clear that any claims preferred by the persons concerned against cut in pension in their case in the light of the judgment of the Supreme Court relating to the period prior to the judgment referred to, in the aforementioned instructions, viz., 1972 SLR-836—844, should be referred to the Finance Department, after examining the position in each case on merits and with specific recommendations of the Administrative Secretary concerned.

Copy of Punjab Government Circular letter No. 4285-SII(3)-73/27201, dated the 31st August, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Grant of maternity leave to female Government employees—admissibility of leave in the case of those recruited on temporary/*ad hoc* basis for a limited period.

I am directed to address you on the subject noted above and to say that the question as to whether rule 8.137-A of the Punjab Civil Services Rules Volume I, Part I, is applicable in the case of female Government employees who have been recruited on *ad hoc* basis for a limited period, has been considered in consultation with the Government of India and it is now clarified that the rule referred to above is uniformly applicable to permanent and temporary Government employees within the limitations mentioned in Chapter I of the Punjab Civil Services Rules, Volume I, Part I, particularly Rule 1.2 and 1.4 *ibid*. Accordingly, maternity leave may also be granted to such female Government employees as have been recruited on *ad hoc* basis for a limited period.

It may, however, be mentioned that the question of grant of maternity leave to a female Government employee during the first 6 months of the employment would not arise because women candidates for recruitment to State Services who at the time of medical examination on first entry into Government Service are found to be pregnant of 12 weeks' standing or over, are to be declared temporarily unfit until the confinement is over. In other words such temporarily unfit persons will not be recruited to service even on *ad hoc* basis till they are fit for duty after the confinement. This limitation from medical point of view needs to be kept in view and duly observed

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਸਤੀ ਪੱਤਰ ਨੰ: 5783-ਸII (3)-73/27202, ਮਿਤੀ 31 ਅਗਸਤ, 1973 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀ ਆਦਿ ।

ਵਿਸ਼ਾ : ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਦੇ ਵਿਅਕਤੀਗਤ ਮਸਲਿਆਂ, ਅਰਥਾਤ ਸੀਨੀਅਰਤਾ ਅਤੇ ਕਨਫਰਮੇਸ਼ਨ ਆਦਿ ਨੂੰ ਭਰਤ ਨਿਪਟਾਉਣਾ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀਆਂ ਗ਼ਸਤੀ ਪੱਤਰ ਨੰ: 2890-ਸII (3)-71, ਮਿਤੀ 31 ਮਈ, 1971 ਵਿਚ ਦਰਜ ਹਦਾਇਤਾਂ ਵੱਲ ਦਵਾਉਂਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ

ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਵੇ ਕਿ ਇਹ ਦੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਪੈਂਕਾ ਕਰਨ, ਸੀਨੀਅਰਤਾ ਮਿਸ਼ਟ ਆਦਿ ਦੇ ਸੇਵਾ ਮਾਮਲਿਆਂ ਨੂੰ ਨਜਿਠਣ ਵਿਚ ਅਜੇ ਵੀ ਵਿਭਿੰਨ ਵਿਭਾਗਾਂ ਵਲੋਂ ਕਾਫੀ ਦੇਰੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਜਿਸ ਕਾਰਨ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਵਿੱਚ ਨਾਂ ਕੇਵਲ ਸ਼ੋਚਨੀ ਵੇਲਦੀ ਹੈ, ਬਲਕਿ ਉਨ੍ਹਾਂ ਨੂੰ ਕਚਹਿਰੀਆਂ ਵਿਚ ਆਪਣਾ ਰੋਸ ਪ੍ਰਗਟ ਕਰਨ ਅਤੇ ਕਾਨੂੰਨੀ ਤੌਰ ਤੇ ਨਿਆਂ ਲੈਣ ਲਈ ਜਾਣਾ ਪੈਂਦਾ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਨਾਂ ਕੇਵਲ ਸਰਕਾਰ ਨੂੰ ਮੁਕਦਮੇਬਾਜ਼ੀ ਵਿਚ ਪਾਇਆ ਜਾਂਦਾ ਹੈ ਬਲਕਿ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਦੀ ਨਿਪੁੰਤਾ ਤੇ ਵੀ ਭੇੜਾ ਅਸਰ ਪੈਂਦਾ ਹੈ।

2. ਉਪਰੋਕਤ ਸਥਿਤੀ ਨੂੰ ਮੁਖ ਰਖਦਿਆਂ ਸਰਕਾਰ ਇਕ ਵਾਰੀ ਫਿਰ ਆਪ ਸਭ ਨੂੰ ਇਹ ਗੱਲ ਚੇਤੇ ਕਰਵਾਉਣਾ ਚਾਹੁੰਦੀ ਹੈ ਕਿ ਅਜਿਹੇ ਮਾਮਲਿਆਂ ਨੂੰ ਨਜਿਠਣ ਵਿਚ ਕਿਸੇ ਕਿਸਮ ਦੀ ਦੇਰੀ ਨਾ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਆਪਣੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ ਨੂੰ ਸਬੰਧਤ ਮਾਮਲਿਆਂ ਨੂੰ ਨਜਿਠਣ ਦੀ ਪ੍ਰਗਤੀ ਬਾਰੇ ਪਹਿਲੀਆਂ ਹਦਾਇਤਾਂ (ਮਿਤੀ 31 ਮਈ, 1971 ਦੀਆਂ) ਅਨੁਸਾਰ ਬਿਨਾਂ ਕਿਸੇ ਬਿਲ ਦੇ ਪ੍ਰਗਤੀ ਰਪੋਟਾਂ ਭੇਜੀਆਂ ਜਾਇਆਂ ਕਰਨ।

Copy of Punjab Government Circular letter No. 5970-SII(3)-73, dated the 18th September, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Permission to Government employee to engage a legal practitioner to present his case before the Enquiry Officer in connection with departmental inquiries/disciplinary proceedings.

I am directed to invite your attention to rule 8(8) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and to say that while dealing with the cases relating to this rule the principle decided by the Supreme Court in its judgment reported in 1973 (2)-S.L.R. (Page 415) extract given below may please be kept in view for guidance :—

Extract from 1973(2) S.L.R.-C.L. Subramaniam v Collector of Customs (S.6) page 415.

SUPREME COURT OF INDIA

Before K. S. Hegde and K. K. Mathew, JJ.

Civil Appeal No. 11 of 1971

Decided on 15th February, 1972

C. L. Subramaniam,—(Appellant)

versus

The Collector of Customs, Cochin,—Respondent.

A. Central Civil Services (Classification Control and Appeal) Rules, 1967, Rules 15(5)—Departmental Enquiry—Disciplinary authority appointing a legally trained officer, though not a

legal practitioner, to present the case in support of charges—Delinquent officer not permitted to engage a legal practitioner—It amounts to denial of reasonable opportunity.

The appellant was pitted against a trained prosecutor who though not was a legal practitioner. The disciplinary authority did not consider the request of appellant to engage a legal practitioner to assist him on the ground that the person appointed by the Disciplinary Authority to present the charges was not a legal practitioner. The grounds urged by the appellant in support of his request for permission to engage a legal practitioner were by no means irrelevant. The fact that the case against the appellant was being handled by trained prosecutor was a good ground for allowing the appellant to engage a legal practitioner to defend him lest the scales should be weighed against him. The Disciplinary Authority completely ignored that circumstance. Therefore, that authority clearly failed to exercise the power conferred on it under the rule. It is not unlikely that the Disciplinary Authority refused to permit the appellant to engage a legal practitioner in the circumstances mentioned earlier had caused serious prejudice to the appellant and had amounted to a denial of reasonable opportunity to defend himself.

The receipt of this letter may kindly be acknowledged.

Copy of Punjab Government Circular letter No. 6100-SII(3)-73, dated the 26th September, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Regularisation of the appointment of the employees recruited on *ad hoc* basis—Absorption of qualified candidates as Clerks/Typists by the Defunct Board—Clarification regarding continuous of ex-servicemen appointed on *ad hoc* basis.

I am directed to invite your attention to letter No. 273-2E(125)-73/936, dated 7th June, 1973 from the

Secretary, Subordinate Services Selection Board (Defunct) Punjab to your address on the subject noted above and to say that lest there should be mis-understanding about the such *ad hoc* employees as belong to the category of ex-servicemen, the following points may please be kept in view as a matter of clarification :—

- (1) In so far as the with-holding of pay is concerned it has already been released,—*vide* P.G. Circular letter No. 4150-SII(II)-73/22501, dated 21st July, 1973.
- (2) Continuance of ex-servicemen in *ad hoc* service is subject to the Demobilized Armed Forces Personnel (Reservation of vacancies in Punjab State—Non technical services), Rules, 1968 according to which 20 per cent posts are to be reserved for those released army personnel who joined service or were commissioned on or after the 1st November, 1962 and are released at any time, thereafter. Ex-servicemen not falling in this category are entitled to only second preference to be considered for appointment against the 20 per cent reserved posts in terms of Punjab Government circular letter No. 3808-SII(3)-71/20988, dated 12th August, 1971.
- (3) According to rule 3(3) of the Rules *ibid* where in any year, any vacancies reserved for the Released Armed Forces Personnel have been filled-up temporarily, in accordance with the provisions of sub-rule (2) above, the number of vacancies so filled-up shall be carried forward to the next succeeding year, provided that no such vacancies shall be carried forward for more than four years.

2. In the light of above, it should be obvious that the continuance in service of ex-servicemen on *ad hoc* basis is subject to various limitations stated above.

Receipt of this letter may please be acknowledged.

Copy of Punjab Government Circular letter No. 6522-DSSII(2)-73/30700, dated the 8th October, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc, etc.

Subject: Punjab Government Employees (Conduct) Rules, 1966—Proviso to sub-rules (2) and (3) of Rule 18 thereof—Clarification.

I am directed to say that a question has arisen whether :—

- (a) Clauses (i) and (ii) of the proviso to sub-rules (2) and (3) of Rule 18 of Punjab Government Employees (Conduct) Rules, 1966 are mutually exclusive; and
- (b) It is in order if a Government employee submits an *ex-post-facto* report of a transaction in immovable property conducted through or with a regular or reputed dealer.

2. In this connection the correct position in regard to (a) above is that clauses (i) and (ii) of proviso to sub-rules (2) and (3) of rule 18, *ibid* are not mutually exclusive. The proviso is attracted if the transactions in movable and immovable properties come under either of the clauses thereof. Thus, a Government employee has to obtain the previous sanction of the Government in the following types of transactions :—

- (i) transaction with a person having official dealings with the Government employee, even though it is through a regular or reputed dealer;
- (ii) transaction with a person having no official dealings with the Government employee, if it is not through a regular or reputed dealer; and
- (iii) transaction with a regular or reputed dealer having official dealings with the Government employee.

When a Government employee reports to the Government, or seeks permission of the Government for a transaction, he has to indicate whether he has had any official dealings with the person with whom he has entered into or proposes to enter into transactions in movable or immovable property.

3. As regards the question at (b) above, it is pointed out that sub-rule (2) of Rule 18, *ibid* provides that no Government employee shall enter into a transaction in immovable property without the previous knowledge of the Government. That is to say that in cases, where a Government employee is not required to obtain previous sanction of the Government for entering into a transaction in immovable property, he has to give prior intimation to the Government about the transaction. In view of this requirement submitting an *ex-post-facto* report to the Government about a transaction in immovable property conducted through a regular or reputed dealer is not in accordance with the provisions of the rules.

4. These instructions may please be brought to the notice of all the employees working in the Departments/Offices under their control.

Receipt of this letter may also please be acknowledged.

Copy of Punjab Government Circular letter No. 3805-SII(3)-73, dated the 26th October, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Crossing of efficiency bar—policy/rules regarding—up-to-date position.

I am directed to invite your attention to Punjab Government Memo No. 3574-G-48/35863, dated the 5th February, 1948, on the subject noted above and to say that keeping in view the fact that the instructions contained therein were issued long ago and many changes have taken place since then, in relation to the crossing of efficiency bars, it is necessary to outline the up-to-date position in connection therewith.

Position
under Pb.
CSR, Vol. I,
Part I.

2. Rule 4.7 of the Rules quoted in the margin, *inter alia*, lays down that an increment shall be drawn as a matter of course, unless it is withheld whereas under Rule 4.8, *ibid* when an efficiency bar is prescribed in a time scale, the increment next above efficiency bar shall not be given to a Government employee without the specific sanction of the authority empowered to withhold increments.

Position
under Pb.
Civil
Services
(Punishment
& Appeal)
Rules, 1970.

3. Under the Punjab Civil Services (Punishment and Appeal) Rules, 1952, withholding of increment or promotion including stoppage at efficiency bar, if any, was a penalty without any exception whether the stoppage of efficiency bar be on ground of unfitness or otherwise. However, under the Punjab Civil Services (Punishment and Appeal) Rules, 1970, stoppage of a Government employee at the efficiency bar in the time scale of pay on the ground of his unfitness shall, *inter alia*, not amount to penalty.—*vide* Explanation given under rule 5 of the Rules, *ibid*. Under rule 15 of the Rules *ibid*, an order stopping a Government employee at the efficiency bar including stoppage on grounds of his unfitness to cross the bar, is appealable.

Position
under Pb.
PSC (Limita-
tion of
Functions)
Regulation,
1955.

4. In terms of Regulation 5(b) and (c) of the Regulations quoted in the margin, cases of the following nature are referable to the Punjab Public Service Commission before imposing the specified penalty :—

- (i) any original order proposed to be issued by the Punjab Government imposing, *inter alia*, penalty of withholding of increment or promotion, including stoppage at an efficiency bar, with continuing effect, or with non-continuing effect for more than one year, as the case may be;
- (ii) any order proposed to be issued by the Punjab Government on appeal, amounting to enhancement of the penalty to that extent for which consultation with the Commission is necessary under the Regulations, *ibid*.

5. (i) In the light of Rules quoted in para 2 and 3 above the crossing of efficiency bar is to be distinguished from the normal admissibility of an annual increment. A Government employee may be allowed to cross the efficiency bar when there is good reason to show that he is fit to cross it, i.e., he has acquired the requisite standard of efficiency.

General position with regard to efficiency bar.

(ii) 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 crossing of an efficiency bar is not regarded as a mere matter of form.

(iii) There are usually two bars in every time scale of pay, the first at the stage when the Government employee concerned acquires a certain seniority in his cadre after having rendered a few years' service and is fit to perform satisfactorily the ordinary duties of his service and the second at the time when certain higher standards of responsibilities are expected from him.

(iv) 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 adequate.

6. Cases of stoppage of efficiency bar on grounds of unfitness should be reviewed at the expiry of one year from the date of the order and if necessary at the same interval thereafter. In order to make such a review realistic a special report on the work and conduct of the employee concerned should be obtained from the officer under whose control he may be working but such a special report is not necessary to be obtained in cases in which the annual confidential report of the employee concerned was written less than three months ago as in such cases the question of allowing to cross the efficiency bar should be decided on the basis of annual confidential reports already written.

Arrangement for review.

Need for giving opportunity to the affected employees and the nature of order to be issued.

7. Where it is proposed to stop a Government employee at the efficiency bar in the time scale of pay as penalty, i.e., on grounds other than unfitness, the procedure laid down under rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 should be observed. As regards the stoppage at efficiency bar on grounds of unfitness, although it would not be a penalty as stated in para 3 above, yet keeping in view the principles of natural justice and the fact that the order of stopping the Government employee concerned, at the efficiency bar "entails evil consequences" for him, it is considered desirable to give him an opportunity to explain his position, before such an order is passed.

In terms of instructions contained in Punjab Government Circular Letter No. 3973-SII(3)-72/16816, dated the 18th July, 1972 where an order is issued stopping an employee at the efficiency bar for reasons other than unfitness, it should be a speaking order but where it is solely on grounds of unfitness, it would be enough to indicate in the order that the stoppage at the efficiency bar is on grounds of unfitness.

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

Copy of Punjab Government Circular letter No. 6936-SII(33)-73, dated the 22nd October, 1973, 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 invite a reference to Punjab Government Circular letter No. 9872-5GS-62/29821, dated the 28th August, 1962, laying down procedure for the submission of representations and advance copies, thereof, by Government servants in respect of matters connected with their conditions of service. In order to give a fair chance of representation to Government employees in service matters not specifically covered by a separate provision

of appeal/revision or review under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and to check the growing tendency among them to send advance copies of representations to higher authorities without giving an opportunity to the officers at the appropriate level to examine the case, the matter has again been considered and in the light of the policy prevalent in Government of India in this behalf, 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 employee 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. Scope of Representation.
- (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, under intimation to the next higher authority if it finds that in fact no new data has been given which would provide any material ground for reconsideration. Representation on Additional Facts grounds.
- (c) Every representation should be submitted within six months of the order against which it represents. Notwithstanding the limitation of 6 months, the representations submitted beyond 6 months should be scrutinized by the authorities concerned and if they find that a palpable wrong and clear injustice done to the representationist can be redressed without any administrative implications or jeopardising the genuine rights of others, lawfully earned, then the limitation of time should not be a bar to Limitation.

consider the case. In any case the representationist should come up with a convincing case from point of view of time as well, beyond 6 months. The waiver of six months limitation should be clearly justified for reasons to be recorded.

Representation to next Higher Authority.

- (d) 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 one month. This period of one month would be applicable for submitting representation to the next higher authority if the representationist has not received even an interim reply. In cases in which an interim reply is sent, a period of one month more is to be allowed for decision by the original authority after the expiry of which a representation may lie to the next higher authority.

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 one month or two months as the case may be, as explained above, from the authority to whom he had made his representation. If the Government employee persists in prematurely addressing the next higher authority, suitable disciplinary action should be taken against him.

- (e) If the advance copy of a representation contains a specific statement that 2 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 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 employee through the original authority.

In cases in which the advance copy of representation is received by the next higher authority after one month of the submission of the representation to the lower authority (on account of non-receipt of even an interim reply), the higher authority may enquire the progress of the case from the lower authority and direct the latter to finalise its decision within one month.

- (f) Even where some grounds for interference or further consideration appear to exist to the higher authority referred to in (e) 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.
- (g) Government employees should not send copies of their representations to outside authorities, i.e., authorities which are not directly concerned with the consideration, thereof (e.g., Governor, another Minister, Secretary, M.L.A. or any other political or administrative quarter, etc.) as it is most objectionable practice, contrary to official propriety and subversive of good discipline. Government employees who do not observe these instructions would be liable to disciplinary action in terms of Punjab Government circular letter No. 7398-SII(3)-72, dated 15th December, 1971.
- (h) Letters/Representations addressed to higher authorities by the wives or members of the families of Government employees for redressing their grievances should be ignored

unless there are unusual circumstances such as illness of an acute type, *inter alia*, where the official cannot normally be expected to write a letter or explain the position himself.

These instructions may be brought to the notice of all concerned for strict compliance. These instructions, however, do not apply to All-India Services officers, who are governed by separate instructions relating to them.

Copy of U.O. Circular letter No. 6780-DSSII(2)-73, dated the 5th November, 1973, from the Chief Secretary to Government, Punjab to all Administrative Secretaries to Government etc., etc.

Subject: Framing/Amendment of service rules for each class of service/posts under the Punjab Government—Revised Model Service Rules.

Will the Financial Commissioners and all the Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. The Model Service Rules, 1965 regulating the recruitment and the conditions of service of persons appointed to services and posts, except class IV, under the Punjab Government were circulated to all Administrative Departments in 1966 to serve as guiding principles for framing/amending the Service Rules in terms of Constitutional provisions. Taking note of the new factors which have taken place since 1966 and in appreciation of the latest law as enunciated by various courts, the Model Service Rules referred to above, have been revised in consultation with the Law Department. A copy of the revised Model Service Rules, is enclosed

3. It need not be emphasised that the Model Service Rules should invariably be adopted for purposes of framing various service rules by the departments except with such variations as may be called for in view of the nature, peculiarities and the special requirements of the service concerned. This would ensure a uniform approach in service matters and avoid infirmities in various rules as

Model Service Rules reflect uniform policy of Government on various aspects of services. Further the procedure laid down,—vide U.O. circular letter No. 6029-GS-60, dated 21st June, 1960, the essential parts of which are reproduced below for facility of reference, needs to be followed meticulously while processing the cases of framing/amending the service rules at various levels :—

- (1) After the Service Rules have been drafted by a Department, the draft should be sent for comments to Finance Department, Chief Secretary (in Services II Branch) and the Public Service Commission simultaneously. The Finance Department will consult the Accountant-General, Punjab as and when considered necessary.
- (2) The authorities mentioned above shall return the draft rules with their comments within a period of twenty-one days from the date of receipt unless this period is extended to a definite number of days in view of the complicated and extensive nature of rules. If comments are not furnished within the prescribed period referred to, it may be presumed that the organization concerned does not have any comments to offer.
- (3) On the receipt of comments the Administrative Department instead of referring back the points of difference, if any, to the authorities concerned, shall make up its mind as to how to resolve these differences and send proposals in the form of a draft rules to the Legal Remembrancer to Government, Punjab, for necessary vetting.
- (4) After Legal Remembrancer has vetted draft rules as stated above the Administrative Secretary concerned should put up the proposal along with the final vetted draft rules to the Council of Ministers for their approval in terms of item 2 of Schedule to Rules 5 and 11 of the Rules of Business of Government of Punjab and while doing so he shall point out with reasons in

brief, in a tabular statement where the proposals of the A.D., run counter to the advice received from various authorities referred to above.

- (5) 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 Services II Branch) for record.

4. It is also brought to their notice that despite repeated instructions to the Departments in regard to early revision of old rules and finalisation of new in respect of all such services/posts, as are not presently covered by any rules, the progress made in this regard has not been satisfactory. It is, therefore, requested that necessary instructions may be issued to the departments under their control (under intimation to Services II Department) to finalise the framing of service rules for each class of service/posts without any further delay. Progress in this behalf may kindly be watched by maintaining a liaison at the Secretariat/Administrative Department level.

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

MODEL SERVICE RULES, 1973 REFLECTING GENERAL POLICY OF GOVERNMENT

(name)

_____Department

Notification

The 19 .

No. GSR/Const./Art. 309, 187, 234/19.—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, and the conditions of service of persons appointed to _____(name of the Service), namely :—

1. (1) These rules may be called the _____
_____ (name of Service) Rules, 197 .

(2) These shall come into force at once.

(3) These shall apply to all the posts specified in Appendix "A" to these rules.

2. (1) In these rules, unless the context otherwise requires,— Definitions.

*(a) 'Board' means the Subordinate Services Selection Board, Punjab;

*(b) 'Commission' means the Punjab Public Service Commission;

(*To be retained according to requirement of the Service).

(c) 'direct appointment' means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;

(d) 'Government' means the Government of the State of Punjab in the _____ (name) Department;

(e) 'Service' means the (name of the Service).

(2) Words and expressions used in these rules but not defined shall have the meaning assigned to them in the Punjab General Clauses Act, 1898.

3. The Service shall comprise the posts shown in Appendix 'A' to these rules : Number and Character of posts.

Provided that nothing in these rules shall affect the inherent right of Government to add to or reduce the number of such posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

Nationality,
domicile and
character of
candidates
appointed in
Service.

4. (1) No candidate shall be appointed to the Service unless he is—

- (a) a citizen of India; or
- (b) a citizen of Nepal; or
- (c) a subject of Bhutan; or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Shri Lanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

(2) A candidate in whose case, a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board or other recruiting authority of the Government and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

(3) No person shall be recruited to any Service by direct appointment, unless he produces a certificate of character from the principal academic officer of the university, college, school, or institution last attended, if any; and similar certificates from two responsible

persons, not being his relatives who are well-acquainted with him in his private life and are unconnected with his university, college, school or institution.

5. No person—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. (1) No person shall be recruited to the Service ^{Age.} by direct appointment if he is less than seventeen years old or is more than twenty-seven years of age on the date of——— or unless he is within such range of minimum and maximum age as may be specifically fixed by Government from time to time :

Provided that the condition of upper age limit may be relaxed up to 45 years in the case of a person already in employment of the Punjab Government, other State Governments, or the Government of India:

Provided further that the appointing authority may for reasons to be recorded in writing, relax the upper age limit for a category or class of persons :

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Classes, the upper age-limit shall be such as may be fixed by the Government from time to time.

(2) In the case of Demobilized Armed Forces Personnel, the upper age-limit shall be such as has been prescribed in the (name of the rule) Rules.

Appointing
Authority.

7. The appointment to the Service shall be made by _____ (Authority to be indicated in respect of each post or Service, as the case may be).

Method of
Appointment

8. Appointment to the Service shall be made in the following manner, namely :—

- (i) _____ per cent by direct recruitment;
- (ii) _____ per cent by promotion from amongst _____;
- (iii) by transfer if a suitable candidate is not available by the afore-mentioned two methods.

Probation
of persons
appointed to
service.

9. (1) Persons appointed to any Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if recruited otherwise :

Provided that—

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the Service may, in the discretion of the appointing authority, be allowed to count towards the period of probation; and
- (c) any period of officiating appointment to the Service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of the prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may—

- (a) if such person is recruited by direct appointment, dispense with his services, or revert him

to a post on which he held lien prior to his appointment to the Service by direct appointment; and

- (b) if such person is recruited otherwise,
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may—

- (a) if his work or conduct has, in its opinion been satisfactory,

- (i) confirm such person from the date of his appointment if appointed against a permanent vacancy; or
 - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy; or
 - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy; or

- (b) If his work or conduct has not been, in its opinion, satisfactory—

- (i) dispense with his services, if appointed by direct appointment or if appointed otherwise, revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment may permit; or
 - (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation:

Provided that the total period of probation, including extension, if any, shall not exceed three years.

10. The seniority *inter-se* of members of the Service shall be determined by the length of continuous service on a post in the Service : Seniority of members of Service.

Provided that where there are different cadres in a Service the seniority shall be determined separately for each cadre;

Provided further that in the case of members recruited by direct appointment, the order of merit determined by the Commission, the Board or other recruiting authority, as the case may be, shall not be disturbed in fixing the seniority:

Provided further that in the case of two members appointed on the same date, their seniority shall be determined as follows :—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer;
- (c) in the case of members appointed by promotion or transfer, seniority shall be determined according to the seniority of such members in the appointments from which they were promoted or transferred; and
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment; and if the rates of pay drawn are also the same; then by their length of service in those appointments; and if the length of such service is also the same, an older member shall be senior to a younger member.

*Note:—*Seniority of members appointed on purely provisional basis, shall be determined as and when they are regularly appointed keeping in view the date of such regular appointment.

11. A member of the Service may be transferred by the Government to any post, whether included in any other Service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Services Rules, Volume I, Part I. Liability of members of Service to transfer.

12. A member of the Service shall be liable to serve at any place, whether within or out of the State of Punjab on being ordered to do so by the appointing authority. Liability to serve.

13. In respect of pay, leave, pension and all other matters not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been or may hereafter be adopted or made by the competent authority under the Constitution of India or under any law for the time being in force made by the State Legislature and the rules made thereunder. Leave, pension and other matters.

14. (I) In the matter of discipline, punishment and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time. Discipline, Penalties and appeals.

(II) The authority, empowered to impose penalties under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and the appellate authority thereunder in respect of the members of the Service shall be as specified in appendix 'B' to these rules.

15. Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order. Liability for vaccination and re-vaccination.

16. Every member of the Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established. Oath of allegiance.

17. Where the Government is of opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons. Powers to relax.

Appeal and
Saving,

18. (Name of the rules to be repealed) are hereby repealed :

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provision of these rules.

19. If any question arises as to the interpretation of the rules, the Chief Secretary shall decide the same.

Secretary to Government,
Punjab,
.....Department.

(Revised Model Service Rules, 1973)

APPENDIX 'A'

(See rule 3)

Serial No.	Designation of the post	Number of posts			Scale of Pay
		Permanent	Temporary	Total	
1	2	3	4	5	6

(Revised Modern Service Rules, 1973)

APPENDIX 'B'

(See rule 14)

Serial No.	Designation of the official	Nature of *penalty/or @ order	Authority empowered to impose penalty or pass order	Appellate Authority
1	2	3	4	5

*in terms of Rule 5 of Punishment & Appeal Rules, 1970.
 @ in terms of Rule 15 of Punishment & Appeal Rules, 1970.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਛਾਸਤੀ ਪੱਤਰ ਨੰ: 7532-ਉ-ਸ-ਸ-II (2)-73, ਮਿਤੀ 9 ਨਵੰਬਰ, 1973 ਵੱਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲੋਂ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਆਦਿ।

ਵਿਸ਼ਾ:—ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੇ ਜਾਣ ਵਾਲੇ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਅਪੀਲਾਂ ਆਦਿ ਦੇ ਕੇਸਾਂ ਵਿੱਚ ਕਮਿਸ਼ਨ ਦੁਆਰਾ ਸਲਾਹ ਦੇਣ ਲਈ ਸਮਾਂ ਨਿਸ਼ਚਿਤ ਕਰਨ ਬਾਰੇ।

ਮੈਂਨੂੰ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਮੈਂ ਆਪ ਜੀ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਛਾਸਤੀ ਪੱਤਰ ਨੰ: 2031-ਸ II-4 (2)-69/2964, ਮਿਤੀ 28 ਅਪ੍ਰੈਲ, 1969 ਵੱਲੋਂ ਦਿਵਾਵਾਂ ਜਿਸ ਰਾਹੀਂ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ, ਅਪੀਲਾਂ ਆਦਿ ਦੇ ਕੇਸਾਂ ਵਿੱਚ ਕਮਿਸ਼ਨ ਨੂੰ ਮੁਕੰਮਲ ਸੂਚਨਾ ਪਹਿਲੀ ਵਾਰ ਹੀ ਭੇਜਣ ਤੇ ਫੇਰ ਦਿਤਾ ਗਿਆ ਹੈ ਤਾਂ ਜੋ ਕਮਿਸ਼ਨ ਵਲੋਂ ਵਿਭਾਗਾਂ ਨੂੰ ਬਾਰ ਬਾਰ ਸਪਸ਼ਟੀਕਰਨ ਵਾਸਤੇ ਨਾਂ ਕਹਿਣਾ ਪਵੇ।

2. ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਨੂੰ ਜਾਰੀ ਕਰਦੇ ਸਮੇਂ ਸਰਕਾਰ ਦਾ ਮਨਸ਼ਾ ਇਹ ਸੀ ਕਿ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ, ਅਪੀਲਾਂ ਆਦਿ ਦੇ ਕੇਸਾਂ ਦੇ ਨਿਪਟਾਰੇ ਵਿੱਚ ਅਣ-ਉਚਿਤ ਦੇਰੀ ਨੂੰ ਖਤਮ ਕੀਤਾ ਜਾਵੇ। ਇਸੇ ਮਨਸ਼ੇ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਸਰਕਾਰ ਦੇ ਵਿਚਾਰ ਅਧੀਨ ਇਹ ਮਸਲਾ ਸੀ ਕਿ ਕਮਿਸ਼ਨ ਦੀ ਪੱਧਰ ਤੇ ਕੀ ਕਬਿਤ ਕੇਸਾਂ ਵਿੱਚ ਆਪਣੀ ਰਾਏ ਦੇਣ ਲਈ ਸਮਾਂ ਨਿਸ਼ਚਿਤ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਨਿਰਧਾਰਿਤ ਸਮੇਂ ਉਪਰੰਤ ਕਮਿਸ਼ਨ ਵਲੋਂ ਕੀਤੀ ਦੇਰੀ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਉਨ੍ਹਾਂ ਦੀ ਸਲਾਹ ਉਡੀਕੇ ਬਿਨਾਂ ਕਾਰਵਾਈ ਵਧ ਲਈ ਜਾਵੇ। ਇਸ ਸਬੰਧੀ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ

ਕਮਿਸ਼ਨ ਦੇ ਵਿਚਾਰ ਮੰਗੇ ਗਏ ਸਨ। ਕਮਿਸ਼ਨ ਦੇ ਵਿਚਾਰਾਂ ਦਾ ਮਹਤਵਪੂਰਨ ਅੰਸ਼ ਹੇਠਾਂ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ:—

“ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸਾਂ ਵਿੱਚ ਜੋ ਸਰਕਾਰ ਤਿੰਨਾਂ ਮਹੀਨਿਆਂ ਦੀ ਮਿਆਦ ਨਿਸ਼ਚਿਤ ਕਰਨੀ ਚਾਹੁੰਦੀ ਹੈ ਉਸ ਬਾਰੇ ਕਮਿਸ਼ਨ ਨੂੰ ਕੋਈ ਇਤਰਾਜ਼ ਨਹੀਂ ਬਸ਼ਰਤ ਕਿ ਕਮਿਸ਼ਨ ਨੂੰ ਪਹਿਲੀ ਵਾਰ ਹੀ ਕੇਸ ਹਰ ਪਖੋਂ ਮੁਕੰਮਲ ਕਰਕੇ ਭੇਜਿਆ ਜਾਵੇ। ਜੇਕਰ ਕਮਿਸ਼ਨ ਉਸ ਬਾਰੇ ਕੋਈ ਹੋਰ ਸੂਚਨਾ/ਰਿਕਾਰਡ ਮੰਗੇ ਤਾਂ ਉਸ ਸੂਰਤ ਵਿੱਚ ਜਦੋਂ ਉਹ ਸੂਚਨਾ/ਰਿਕਾਰਡ ਸਰਕਾਰ/ਵਿਭਾਗ ਵਲੋਂ ਕਮਿਸ਼ਨ ਪਾਸ ਪਹੁੰਚ ਜਾਵੇ ਤਾਂ ਉਸ ਤੋਂ ਬਾਅਦ ਹੀ ਤਿੰਨਾਂ ਮਹੀਨਿਆਂ ਦੀ ਮਿਆਦ ਲਾਗੂ ਹੁੰਦੀ ਸਮਝੀ ਜਾਵੇਗੀ”।

3. ਕਮਿਸ਼ਨ ਦੀ ਉਪਰੋਕਤ ਰਾਏ ਨੂੰ ਅਤੇ ਕਾਨੂੰਨੀ ਪੱਖਾਂ ਨੂੰ ਵਿਚਾਰ ਕੇ ਸਰਕਾਰ ਨੇ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਫੈਸਲਾ ਕੀਤਾ ਹੈ:—

(1) ਸਮੂਹ ਵਿਭਾਗ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸ ਮੁਕੰਮਲ ਰੂਪ ਵਿੱਚ ਸਮੇਤ ਲੋੜੀਂਦੀ ਸੂਚਨਾ/ਰਿਕਾਰਡ ਦੇ (ਨਾਲ ਨੱਥੀ ਸੋਧੀ ਹੋਈ ਸੂਚੀ ਅਨੁਸਾਰ) ਪਹਿਲੀ ਵਾਰ ਹੀ ਭੇਜਿਆ ਕਰਨ ਨਹੀਂ ਤਾਂ ਮਸਲੇ ਸਬੰਧੀ ਹੋਈ ਦੇਰੀ ਬਾਰੇ ਉਨ੍ਹਾਂ ਦੀ ਜਾਤੀ ਤੌਰ ਤੇ ਜ਼ਿੰਮੇਵਾਰੀ ਹੋਵੇਗੀ।

(2) ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਮੁਕੰਮਲ ਸੂਚਨਾ/ਰਿਕਾਰਡ ਦੀ ਪ੍ਰਾਪਤੀ ਉਪਰੰਤ ਛੇਤੀ ਤੋਂ ਛੇਤੀ ਆਪਣੀ ਸਲਾਹ ਦੇ ਦੇਣੀ ਚਾਹੀਦੀ ਹੈ। ਉਨ੍ਹਾਂ ਵਲੋਂ ਕਿਸੇ ਸੂਰਤ ਵਿੱਚ ਵੀ ਤਿੰਨ ਮਹੀਨਿਆਂ ਤੋਂ ਵਧ ਸਮਾਂ ਨਾ ਲੱਗੇ ਅਤੇ ਜੇ ਅਜਿਹੀ ਦੇਰੀ (ਤਿੰਨ ਮਹੀਨੇ ਤੋਂ ਵੱਧ) ਉਨ੍ਹਾਂ ਵਲੋਂ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਵਿਭਾਗਾਂ ਨੂੰ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੇ ਪੈਰਾ 2 ਵਿੱਚ ਅੰਕਿਤ ਸਿਧਾਂਤ ਦੀ ਪ੍ਰਵਾਨਗੀ ਨੂੰ ਮੁਖ ਰਖਦਿਆਂ ਇਹ ਖੁਲ੍ਹ ਹੋਵੇਗੀ ਕਿ ਉਹ ਮਸਲੇ ਸਬੰਧੀ ਅਗਲੀ ਕਾਰਵਾਈ ਬਿਨਾਂ ਕਮਿਸ਼ਨ ਦੀ ਰਾਏ ਉੱਡੀਕੇ ਕਰ ਲੈਣ।

(3) ਉਪਰੋਕਤ ਤਿੰਨ ਮਹੀਨਿਆਂ ਦਾ ਸਮਾਂ ਨਿਰਧਾਰਿਤ ਕਰਨ ਦਾ ਇਹ ਭਾਵ ਨਹੀਂ ਕਿ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਬਿਨਾਂ ਉਚਿਤ ਕਾਰਨ ਦੇ ਮਸਲੇ ਵਿੱਚ ਆਪਣੀ ਟਿਪਣੀ/ਰਾਏ ਦੇਣ ਵਿੱਚ ਦਿਲ ਕਰੇ ਸਗੋਂ ਉਨ੍ਹਾਂ ਨੂੰ ਆਪਣੀ ਸਲਾਹ ਭੇਜਦੇ ਹੋਏ ਅਣ-ਉਚਿਤ ਦਿਲ ਬਾਰੇ ਵੇਰਵਾ ਦੇਣਾ ਚਾਹੀਦਾ ਹੈ। ਅਜਿਹੀ ਦਿਲ ਦੇ ਮਾਮਲੇ ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆਂਦੇ ਜਾਣ।

(4) ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵਲੋਂ ਵਿਭਾਗਾਂ ਨੂੰ ਉਪਰੋਕਤ ਕੇਸਾਂ ਵਿੱਚ ਕਿਤਾਬ/ਸੂਚਨਾ ਸਬੰਧੀ ਤਰ੍ਹਾਂ ਦੂਰ ਕਰਵਾਉਣ ਸਬੰਧੀ ਹਵਾਲਾ ਇਕੋ ਵਾਰੀ 15 ਦਿਨਾਂ ਦੇ ਅੰਦਰ ਅੰਦਰ ਭੇਜਣਾ ਚਾਹੀਦਾ ਹੈ ਅਤੇ ਇਸੇ ਤਰ੍ਹਾਂ ਵਿਭਾਗਾਂ ਨੂੰ ਵੀ ਕਮਿਸ਼ਨ ਦੇ ਹਵਾਲੇ ਤੇ 15 ਦਿਨਾਂ ਦੇ ਅੰਦਰ ਅੰਦਰ ਕਾਰਵਾਈ ਕਰਕੇ ਮੁਕੰਮਲ ਉੱਤਰ ਭੇਜਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਕੋਈ ਇਸ ਤਰ੍ਹਾਂ ਕੀਤੀ ਦੇਰੀ ਦਾ ਕਾਰਨ ਵਜੋਂ ਬਾਹਰ ਹੋਵੇ ਤਾਂ ਇਸ ਬਾਰੇ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਅੰਤਰਿਮ ਸੂਚਨਾ ਭੇਜੀ ਜਾਵੇ।

4. ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਸਬੰਧਤ ਹਲਕਿਆਂ ਨੂੰ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਬਾਰੇ ਭਲੀ ਭਾਂਤੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

5. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

ਅੰਤਕਾ II

[ਭਾਗ ੳ ਦੇ ਪੈਰਾ 5 (ੳ) ਵਿੱਚ ਹਵਾਲਾ ਦਿਤਾ ਗਿਆ]

ਪੱਤਰ ਨੰ: _____ ਮਿਤੀ: _____

ਨਾਲ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੇ ਗਏ ਅਨੁਸ਼ਾਸਨੀ ਕੇਸਾਂ ਦੇ ਸਬੰਧ ਵਿੱਚ ਵੇਰਵੇ।

1. ਦੂਸ਼ਿਤ ਅਫਸਰ ਦਾ ਨਾਂ :
2. ਕੀ ਆਰਜ਼ੀ/ਪਕੀ/ਕੰਟਰੈਕਟਕ ਸੇਵਾ ਹੈ।
3. ਜੇ ਪੱਕੀ ਸੇਵਾ ਵਿੱਚ ਹੈ ਤਾਂ ਪੱਕੀ ਆਸਾਮੀ ਦਾ ਵੇਰਵਾ :

(ੳ) ਅਹੁਦਾ :
 (ਅ) ਤਨਖਾਹ-ਸਕੇਲ :
 (ੳ) ਤਨਖਾਹ :
 (ਸ) ਮਦ (ੳ) ਵਿੱਚ ਦਰਸਾਈ ਤਨਖਾਹ ਲੈਣ ਦੀ ਮਿਤੀ :

4. ਕਾਰਜਕਾਰੀ ਹੈਸੀਅਤ ਵਿੱਚ ਜਿਸ ਆਸਾਮੀ ਤੇ ਹੁਣ ਲਗਿਆ ਹੋਇਆ ਹੈ ਦਾ ਵੇਰਵਾ :

(ੳ) ਅਹੁਦਾ :
 (ਅ) ਤਨਖਾਹ ਸਕੇਲ :
 (ੳ) ਤਨਖਾਹ :
 (ਸ) ਮਦ (ੳ) ਵਿੱਚ ਦਰਸਾਈ ਤਨਖਾਹ ਲੈਣ ਦੀ ਮਿਤੀ :
 (ਹ) ਕੀ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਅਫਸਰ ਦੀ ਕਾਰਜਕਾਰੀ ਨਿਯੁਕਤੀ ਲਈ ਮਨਜ਼ੂਰੀ, ਜਿੱਥੇ ਨਿਯਮਾਂ ਅਧੀਨ ਇਹ ਲੈਣੀ ਜ਼ਰੂਰੀ ਸੀ, ਲੈ ਲਈ ਗਈ ਹੈ।
 (ਕਮਿਸ਼ਨ ਦੇ ਪੱਤਰ ਦਾ ਨੰ: ਅਤੇ ਮਿਤੀ ਲਿਖੋ)

5. ਵਰਤਮਾਨ ਆਸਾਮੀ ਤੇ ਨਿਯੁਕਤੀ ਨਾ ਹੋਣ ਦੀ ਸੂਰਤ ਵਿੱਚ ਹੇਠਲੀ ਆਸਾਮੀ ਜਿਸ ਤੇ ਕਿ ਸਬੰਧਤ ਅਫਸਰ ਨਿਯੁਕਤ ਹੁੰਦਾ, ਦਾ ਵੇਰਵਾ :

6. ਜੇ ਅਰਧ ਪੱਕਾ ਹੋਵੇ ਤਾਂ ਆਸਾਮੀ ਦਾ ਨਾਂ :

7. ਸਾਲਾਨਾ ਤਰੱਕੀ :

(ੳ) ਪੱਕੀ ਨਿਯੁਕਤੀ ਦੀ ਆਸਾਮੀ ਤੇ ਸਾਲਾਨਾ ਤਰੱਕੀ ਦੀ ਅਗਲੀ ਮਿਤੀ :
 (ਅ) ਵਰਤਮਾਨ ਕਾਰਜਕਾਰੀ ਨਿਯੁਕਤੀ ਦੀ ਆਸਾਮੀ ਤੇ ਸਾਲਾਨਾ ਤਰੱਕੀ ਦੀ ਅਗਲੀ ਮਿਤੀ :

8. ਜਨਮ ਮਿਤੀ :

9. ਸਰਕਾਰੀ ਸੇਵਾ ਵਿੱਚ ਆਉਣ ਦੀ ਮਿਤੀ :

10. ਰਿਟਾਇਰ ਹੋਣ ਦੀ ਮਿਤੀ :

11. (ੳ) ਵਰਤਮਾਨ ਆਸਾਮੀ ਤੇ ਨਿਯੁਕਤੀ ਸਬੰਧੀ ਅਧਿਕਾਰੀ ਜਾਂ ਉਹ ਅਧਿਕਾਰੀ ਜਿਸ ਨੇ ਅਸਲ ਵਿੱਚ ਨਿਯੁਕਤੀ ਕੀਤੀ ਜੇ ਉਹ ਅਧਿਕਾਰੀ ਉੱਚੀ ਪਦਵੀ ਦਾ ਹੋਵੇ :

(ਅ) ਵਰਤਮਾਨ ਆਸਾਮੀ ਤੇ ਨਿਯੁਕਤੀ ਸਬੰਧੀ ਦੰਡ ਦੇਣ ਵਾਲਾ ਅਧਿਕਾਰੀ :

(ੲ) ਵਰਤਮਾਨ ਆਸਾਮੀ ਤੇ ਨਿਯੁਕਤੀ ਸਬੰਧੀ ਅਪੀਲ ਸੁਣਨ ਵਾਲਾ ਅਧਿਕਾਰੀ :

12. ਕੀ ਜਿੱਥੇ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਲੋੜ ਹੈ, ਜ਼ਬਾਨੀ ਪੜਤਾਲ ਕੀਤੀ ਜਾ ਚੁਕੀ ਹੈ :

13. ਐਨਕੁਆਰੀ ਅਫਸਰ ਜੋ ਕੋਈ ਨਿਯੁਕਤ ਹੋਇਆ ਹੋਵੇ, ਦਾ ਨਾਂ ਤੇ ਅਹੁਦਾ :

14. ਕੀ ਕਮਿਸ਼ਨ ਦੀ ਰਾਏ ਮੰਗਣ ਸਬੰਧੀ ਹਵਾਲੇ ਦੇ ਨਾਲ ਸਾਰੇ ਅਸਲ ਦਸਤਾਵੇਜ਼ ਨੱਥੀ ਕੀਤੇ ਗਏ ਹਨ ਇਲਾਵਾ ਕਰਕੇ ਨਿਮਨ ਅਨੁਸਾਰ :

(ੳ) ਮੂਲ ਪੜਤਾਲ ਸਬੰਧੀ ਕੇਸਾਂ ਵਿੱਚ :—

(1) ਮੁਢਲੀ ਪੜਤਾਲ ਨਾਲ ਸਬੰਧਤ ਕਾਗਜ਼, ਜੋ ਕੋਈ ਹੋਣ।

(2) ਮੁਅੱਤਲੀ ਹੁਕਮ, ਜੋ ਕੋਈ ਹੋਵੇ।

(3) ਚਾਰਜ-ਸ਼ੀਟ ਸਣੇ ਦੋਸ਼ਾਂ ਦੇ ਵੇਰਵੇ ਨਾਲ।

(4) ਚਾਰਜ-ਸ਼ੀਟ ਦਾ ਦੂਸ਼ਿਤ ਅਫਸਰ ਵਲੋਂ ਉੱਤਰ।

(5) ਜ਼ਬਾਨੀ ਪੜਤਾਲ ਦਾ ਰਿਕਾਰਡ, ਜੋ ਕੋਈ ਹੋਵੇ।

(6) ਐਨਕੁਆਰੀ ਅਫਸਰ ਦੀ ਰਿਪੋਰਟ।

(7) ਵੱਡੇ ਦੰਡ (major penalties) ਦੇਣ ਲਈ ਵਜ੍ਹਾ ਬਿਆਨ ਨੋਟਿਸ।

(8) ਵਜ੍ਹਾ ਬਿਆਨ ਨੋਟਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੂਸ਼ਿਤ ਅਫਸਰ ਦਾ ਉੱਤਰ।

(9) ਸਬੂਤ (ਐਵੀਡੈਂਸ) ਸਬੰਧੀ ਫੁੱਟਕਲ ਦਸਤਾਵੇਜ਼ ਆਦਿ।

(ਅ) ਅਪੀਲ ਦੇ ਕੇਸਾਂ ਵਿੱਚ :

ਉਪਰੋਕਤ (ੳ) ਵਿੱਚ ਦਰਜਾਏ ਦਸਤਾਵੇਜ਼ ਤੋਂ ਇਲਾਵਾ ਨਿਮਨ ਅਨੁਸਾਰ :

(1) ਦੰਡ ਦੇਣ ਵਾਲੇ ਅਧਿਕਾਰੀ ਦਾ ਹੁਕਮ :

(2) ਦੂਸ਼ਿਤ ਅਫਸਰ ਦੀ ਅਪੀਲ, ਜੋ ਕੋਈ ਹੋਵੇ :

(3) ਅਪੀਲ ਉੱਤੇ ਦੰਡ ਦੇਣ ਵਾਲੇ ਅਧਿਕਾਰੀ ਦੀ ਟਿੱਪਣੀ।

(ੲ) ਪੈਟੀਸ਼ਨ/ਮੈਮੋਰੀਅਲ ਦੇ ਕੇਸਾਂ ਵਿੱਚ :—

ਉਪਰੋਕਤ (ੳ) ਅਤੇ (ਅ) ਵਿੱਚ ਦਰਜਾਏ ਦਸਤਾਵੇਜ਼ਾਂ ਤੋਂ ਇਲਾਵਾ ਨਿਮਨ ਅਨੁਸਾਰ :—

(1) ਅਪੀਲ ਉੱਤੇ ਹੁਕਮ, ਜੋ ਕੋਈ ਹੋਣ।

(2) ਪੋਟੀਸ਼ਨ/ਮਿਸ਼ਨਰੀਅਲ ਜੋ ਕੋਈ ਦੂਸਰਾ ਅਫਸਰ ਵਲੋਂ ਕੀਤੀ ਗਈ ਹੋਵੇ:

15. ਜੇ ਕੋਈ ਪੜਤਾਲ ਨ ਕੀਤੀ ਹੋਵੇ ਤਾਂ ਕੀ ਇੱਕ ਸਵੈ-ਸਪੱਸ਼ਟ ਰਿਪੋਰਟ ਕੇਸ ਦੇ ਤੱਥਾਂ ਨੂੰ ਦਰਸਾਉਂਦੀ ਮੂਲ ਰੂਪ ਵਿੱਚ ਨਾਲ ਨੱਥੀ ਕੀਤੀ ਗਈ ਹੈ।

16. ਕੀ ਚਾਰਜਸ਼ੀਟ ਦੇ ਜਵਾਬ/ਵਜੂਹ ਬਿਆਨ ਨੋਟਿਸ ਦੇ ਉੱਤਰ/ਅਪੀਲ ਪੋਟੀਸ਼ਨ ਵਿਚ ਦੂਸਰਾ ਅਫਸਰ ਦੁਆਰਾ ਉਠਾਏ ਗਏ ਵਿਧੀ ਸਬੰਧੀ ਨੁਕਤਿਆਂ 'ਤੇ ਟਿੱਪਣੀ ਦਿੱਤੀ ਗਈ ਹੈ।

17. ਕੀ ਅਫਸਰ ਦਾ ਮੁਕੰਮਲ ਅਤੇ ਮਿਤੀ ਅੰਤ ਤੱਕ ਦਾ ਗੁਪਤ ਰਿਕਾਰਡ ਨਾਲ ਨੱਥੀ ਕੀਤਾ ਗਿਆ ਹੈ।

ਹਸਤਾਖਰ-----

ਇਸ ਵੇਰਵੇ ਪੱਤਰ ਤੇ ਹਸਤਾਖਰ ਕਰਨ ਵਾਲੇ
ਅਫਸਰ ਦਾ ਸਾਫ ਅੱਖਰਾਂ ਵਿਚ ਨਾਂ-----

ਅਹੁਦਾ-----

ਮਿਤੀ-----

ਟੈਲੀਫ਼ਨ ਨੰ:-----

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੈਰਤੀ ਪੱਤਰ ਨੰ: 7432-ਸ II (6)-73/34673, ਮਿਤੀ 13 ਨਵੰਬਰ, 1973
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲੋਂ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ:—ਰਾਜ ਪ੍ਰਸ਼ਾਸਨ ਵਿਚ ਪੰਜਾਬੀ ਦੀ ਵਰਤੋਂ ਬਾਰੇ।

ਮੈਨੂੰ, ਆਪ ਜੀ ਨੂੰ, ਇਹ ਕਹਿਣ ਦਾ ਹੁਕਮ ਹੋਇਆ ਹੈ ਕਿ ਰਾਜ ਵਿਚ ਭਾਸ਼ਾ ਐਕਟ ਦੇ ਮਿਤੀ 13 ਅਪ੍ਰੈਲ, 1967 ਨੂੰ ਪਾਸ ਹੋ ਜਾਣ ਮਗਰੋਂ ਦਫਤਰਾਂ ਵਿਚ ਕੰਮ ਕਾਜ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿਚ ਕੀਤਾ ਜਾਣਾ ਸੀ। ਸਰਕਾਰ ਇਸ ਸਬੰਧ ਵਿਚ ਸਮੇਂ ਸਮੇਂ ਸਿਰ ਹਦਾਇਤਾਂ ਜਾਰੀ ਕਰਦੀ ਰਹੀ ਹੈ, ਪਰ ਇਹ ਬੜੀ ਮੈਦਾਨਕ ਗੱਲ ਹੈ ਕਿ ਅਜੇ ਵੀ ਕਾਫੀ ਕੰਮ ਅੰਗਰੇਜ਼ੀ ਭਾਸ਼ਾ ਵਿਚ ਹੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

2. ਮਿਤੀ 30 ਅਗਸਤ, 1973 ਨੂੰ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਦੀ ਪ੍ਰਧਾਨਗੀ ਹੇਠ ਵਿੱਤ ਕਮਿਸ਼ਨਰਾਂ, ਪ੍ਰਸ਼ਾਸਕੀ ਸਕੱਤਰਾਂ, ਦੀ ਇਕ ਮੀਟਿੰਗ ਹੋਈ, ਜਿਸ ਵਿਚ ਡਾਇਰੈਕਟਰ, ਭਾਸ਼ਾ ਵਿਭਾਗ, ਵੀ ਸ਼ਾਮਲ

ਸਨ। ਸਾਰੀਆਂ ਗੱਲਾਂ ਨੂੰ ਮੁੱਖ ਰੱਖਦਿਆਂ ਹੋਇਆਂ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਕਿ ਰਾਜ ਵਿਚ ਪੰਜਾਬੀ ਦੀ ਵਰਤੋਂ ਬਾਰੇ ਇਕ ਵਾਰ ਮੁੜ ਸਾਰੇ ਵਿਭਾਗਾਂ ਨੂੰ ਸਪੱਸ਼ਟ ਤੌਰ ਤੇ ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਦਫਤਰਾਂ ਵਿਚ ਕੰਮ-ਕਾਜ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿਚ ਹੀ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ। ਇਸ ਲਈ ਆਪ ਜੀ ਨੂੰ ਮੁੜ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਪ ਜੀ ਦੇ ਦਫਤਰਾਂ ਵਿਚ ਕੰਮ ਕਾਜ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿਚ ਹੀ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ। ਇਸ ਗੱਲ ਦਾ ਖਾਸ ਧਿਆਨ ਰੱਖਣ ਦੀ ਲੋੜ ਹੈ ਕਿ ਜਿਹੜੇ ਗ਼ਸਤੀ ਪੱਤਰ ਸਕੱਤਰੇਤ ਦੇ ਪੱਧਰ ਤੋਂ ਜਾਂ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀਆਂ ਵਲੋਂ ਖੇਤਰੀ ਪੱਧਰ ਦੇ ਦਫਤਰਾਂ ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਜਾਣ, ਉਹ ਅੱਗੇ ਤੋਂ ਪੰਜਾਬੀ ਵਿਚ ਹੀ ਹੋਣੇ ਚਾਹੀਦੇ ਹਨ, ਕਿਉਂ ਜੋ ਇਨ੍ਹਾਂ ਦਾ ਆਮ ਜਨਤਾ ਨਾਲ ਵੀ ਸਬੰਧ ਹੁੰਦਾ ਹੈ ਤੇ ਅੰਗਰੇਜ਼ੀ ਭਾਸ਼ਾ ਵਿਚ ਉਨ੍ਹਾਂ ਨੂੰ ਇਨ੍ਹਾਂ ਗ਼ਸਤੀ ਪੱਤਰਾਂ ਨੂੰ ਸਮਝਣਾ ਮੁਸ਼ਕਲ ਹੋ ਜਾਂਦਾ ਹੈ।

3. ਭਾਸ਼ਾ ਵਿਭਾਗ ਵਲੋਂ ਇਹ ਵੇਖਣ ਲਈ ਕਿ ਸਰਕਾਰੀ ਦਫਤਰਾਂ ਵਿਚ ਕੰਮ ਕਾਜ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿਚ ਠੀਕ ਪ੍ਰਕਾਰ ਨਾਲ ਹੁੰਦਾ ਹੈ, ਅਚਾਨਕ ਪੜਤਾਲ ਕੀਤੀ ਜਾਵੇਗੀ। ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਉਲੰਘਣਾ ਕਰਨ ਵਾਲਿਆਂ ਦੀ ਰਿਪੋਰਟ ਸਬੰਧਤ ਪ੍ਰਸ਼ਾਸਕੀ ਸਕੱਤਰ ਨੂੰ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜੀ ਜਾਵੇਗੀ। ਇਸ ਲਈ ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਪ ਜੀ ਦੇ ਦਫਤਰਾਂ ਵਿਚ ਕੰਮ ਕਰਨ ਵਾਲੇ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਪੂਰੀ ਪਾਲਣਾ ਕਰਨ ਲਈ ਦੱਸ ਦਿੱਤਾ ਜਾਵੇ।

4. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ-ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 7683-DSSII-(1)-73, dated the 16th November, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: - Rehabilitation of ex-servicemen—Exemption from payment of examination/application fee.

I am directed to refer to the subject noted above and to say that for sometime past Government have had under consideration the question of exempting the released Emergency Commissioned Officers/Short Service Commissioned Officers and other ex-servicemen from the payment of prescribed application/examination fees in respect of the applications for recruitment to State Services. It has now been decided that in future all released Emergency Commissioned Officers/Short Service Commissioned Officers and other ex-servicemen may be exempted from the payment of application/examination fees in respect of competitive examinations to be held by the Punjab Public Service Commission, Subordinate

Services Selection Board or any other recruiting agency provided they were not relieved from service on their own request before the completion of their normal tenure of service under the Government of India. The cost of the application form will, however, continue to be charged from them.

2. This issues with the concurrence of the Finance Department obtained,—*vide* U.O. No. 3541-6F.G.II-73, dated 11th September, 1973.

Copy of Punjab Government Circular letter No. 7560-2SIII-73/35080, dated the 17th November, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject: Grant of special casual leave to Government servants under Family Planning Scheme—Extension of facility to work-charged establishment in Punjab.

I am directed, to say that in Punjab Government letter No. 5416-2SIII-72/20290, dated the 16th August, 1972, a concession of special casual leave, up to seven days, was granted to a Punjab Government employee whose wife undergoes a non-puerperal Tubectomy operation, to look after his wife, subject to the condition that the concerned male employee produces a certificate from the doctor, performing the operation, to the effect that the presence of the employee is essential for the period of leave to look after his wife during her convalescence after operation. It has now been decided by Government to extend this concession to employees borne on work-charged establishment with immediate effect.

2. Concurrence of Finance Department has been obtained,—*vide* their U.O. No. 7383-4FR-73, dated 2nd November, 1973.

Copy of Punjab Government Circular letter No. 8037-SII(3)-73/33658, dated the 20th November, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to invite your attention to Punjab Government instructions contained in circular letter

No. 279-SII(3)-73/3046, dated the 29th January, 1973 and to say that taking note of the hardship in the case of those *ad hoc* employees who had completed one year service, prior to 1st January, 1973 but whose services were terminated in normal course before the said date Government have decided that the question of regularising the appointments of such employees whose services were terminated during the period from 17th March, 1972 to 31st December, 1972 may also be considered within the framework of the policy laid down in Punjab Government circular letter, dated 29th January, 1973 referred to above. In other words, the *ad hoc* employees whose services were terminated between the period from 17th March, 1972 to 31st December, 1972 and who before their termination had rendered a year's service shall be treated at par in every respect with those who were terminated between the period from 1st January, 1973 to 29th January, 1973 provided that other conditions stipulated in the Government instructions referred to above are fulfilled. In terms of sub-para (1) of the instructions, dated 29th January, 1973, therefore, they are also to be considered for regularisation if they have not already been selected for regular appointment against some other post.

Copy of Punjab Government Circular letter No. 8326-DSSII(2)-73/35524, dated the 23rd November, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject: Need to curb tendency to leave station of posting on week-ends—particularly in the case of officers owning farms.

I am directed to invite your attention to instructions contained in Punjab Government letter No. 1327-SII(3)-70, dated 3rd March, 1970 and endorsement No. 1743-SII(3)-70/5411, dated 11th March, 1970,—*vide* which Government had expressed strong exception to officers leaving station on week-ends and attending office late on Mondays. It has been brought to the notice of Government that some officers owning farms have defaulted in observing meticulously the Government instructions referred to above. Government takes serious view of

this lapse on the part of the officers concerned and desire that such a tendency should be discouraged and suitable action be taken against defaulters.

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

Copy of Punjab Government Circular letter No. 8330-SII(2)-73/36811, dated the 1st December, 1973, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject: Regularisation of appointments of employees recruited on *ad hoc* basis.

I am directed to invite your attention to Punjab Government instructions contained in letter No. 279-SII(3)-73/3046, dated the 29th January, 1973 and No. 8037-SII(3)-73/33658, dated the 20th November, 1973, on the subject noted above and to clarify the extent of notional break to be condoned as under :—

- (a) As normally a posting can continue on *ad hoc* basis for a period of six months only, a revised notification of vacancies to the Employment Exchange or some other prescribed selection agency becomes necessary on the expiry of the six months period. The period intervening between the termination of services and subsequent selection as a result of the said re-notification is to be considered a notional break. Since such a revised notification under any reasonable circumstances should not take more than a month, the period of one month should be the outer limit to be reckoned as such notional break. If there are any individual cases in which the break exceeds this limit under some special/justified circumstances, such cases can be examined on merits in consultation with the Services Department. In short, the notional break may be taken upto a period of one month, where the vacancies have to be re-notified to the Employment Exchange/ other prescribed Selection Agencies.

- (b) Since it is clear from the original instructions, dated the 29th January, 1973, referred to above, that the cases of regularisation of appointments of *ad hoc* employees are to be screened by the departmental selection committees, there should be uniformity of approach in such cases and irrespective of the fact that a person is working in leave arrangement short-term vacancy or deputation the persons placed at the tail end in the list of *ad hoc* employees in a particular cadre should be excluded from regularisation, taking into account the number of vacancies of the nature referred to above. This would ensure that a mere wrong adjustment in a cadre does not stand in the way of regularisation of the appointment of such *ad hoc* employees who have rendered more service in the cadre and who according to the principle of natural justice deserve priority for adjustment against regular vacancies over others who entered the cadre later on *ad hoc* basis. In other words, service rendered against a leave vacancy, a short-term vacancy, or caused by the proceeding of another employee on deputation/training, etc., may be taken into consideration to determine the total service rendered; the employee who has rendered more service (total) should be preferred for regularisation of appointment against normal vacancies over those who have put in less service.

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

Copy of Punjab Government Circular letter No. 6696-SII(1)-73/573, dated the 24th January, 1974, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Placing a copy of the simple warning on the personal file.

In continuation of the Punjab Government circular letter No. 1724-SII(3)-71, dated the 8th June, 1971, on the subject noted above, I am directed to clarify that a copy

of the simple warning, when placed on the Personal file of the Government employee would amount to censure and would accordingly require the procedure prescribed in the Punishment and Appeal Rules, 1970, to be followed. In view of this position, a copy of the simple warning should not be placed on the personal file of a Government employee unless the prescribed procedure for punishment is followed.

Copy of Punjab Government Circular letter No. 337-DSSII(1)-74/3061, dated the 28th January, 1974, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Ex-gratia grants and other facilities for families of Government employees, who die while in service—Clarification regarding admissibility.

I am directed to invite your attention to the Punjab Government circular letter No. 3906-SII(3)-71/17723, dated the 9th July, 1971, *inter alia* laying down the concessions admissible to the families/dependents of the deceased Government employees. It was clarified,—*vide* Punjab Government circular letter No. 8548-SII(3)-71/1167, dated the 11th January, 1972, portion quoted below, as to which type of cases of the Government employees would be covered by the aforesaid instructions :—

"The grant of these facilities may be allowed to all regular employees. The work-charged employees and the *ad hoc* employees will not be entitled to these facilities as they are not entitled to pensionary benefits."

2. From certain quarters clarification was sought whether those employees, who die while in service, but whose posts are not declared pensionable or who were yet to be confirmed, would also be entitled to the concessions referred to.

3. After considering the matter in consultation with the Finance Department it is clarified that the scope of the instructions particularly those quoted above is to be determined with reference to Rule 3.17-A of the Punjab Civil

Services Rules, Volume II, viz. the cases of all those employees, who have rendered service qualifying for pension, as specified therein, shall be covered for the grant of concessions extended to the families and dependents of the deceased Government employees.

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

Copy of U.O. Circular letter No. 615-SH(3)-74, dated the 31st January, 1974, from the Chief Secretary to Government, Punjab to all the Administrative Secretaries to Government, Punjab.

Subject : Cases relating to various Corporations/Semi-Government Institutions/Apex Co-operative Institutions — Approval of Chief Minister.

Will the Financial Commissioners, Punjab and the Administrative Secretaries to Government, Punjab kindly refer to the subject noted above ?

2. In the interest of a co-ordinated approach, it is considered desirable that the approval of the Chief Minister, Punjab should be obtained on the following types of cases relating to various Corporations/Semi-Government Institutions/Apex Co-operative Institutions in the State :—

1. Appointment of Chairman, Managing Director and Directors.
2. Purchase Policy.
3. Sales Policy.
4. Recruitment of personnel carrying salary of Rs 500 and above.
5. Budget and financial matters.
6. All other major policy matters where Government approval is necessary.

3. Accordingly it is requested that it may please be ensured that approval of the Chief Minister is obtained in matters enumerated above. A copy of each order issued

in such matters may also please be sent to the Principal Secretary to Chief Minister, for the information of Chief Minister.

Copy of Punjab Government Circular letter No. 6790-SII(3)-73, dated the 8th February, 1974, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Disciplinary proceedings—Cases of alleged victimisation relating to the office bearers of Punjab Subordinate Services Federation and other employees in connection with the agitation for fulfilment of their demands.

I am directed to invite your attention to Punjab Government circular letter No. 2180-SII(3)-72, dated 19th April, 1972, on the subject noted above and to say that it has come to the notice of Government that even those cases which do not involve any victimisation on account of participation in the strike, agitation etc. to press the demands by the Government employees, have also been held in abeyance so as to await further instructions from Government.

2. It may be mentioned in this behalf that a case in which an employee was guilty of any indiscipline or otherwise objectionable/penal activity, such as beating of a colleague not willing to participate in the strike, does not come within the ambit of those cases in which the employee concerned might himself have participated in the strike, agitation, or any other desirable activity to press for the demands. Such cases, obviously being not covered by the instructions dated 19th April, 1972, should not, in any case, have been kept pending so as to await further instructions. Instead, such cases should have been/should be examined on merits in accordance with normal rules, viz. the Punjab Government Employees (Conduct) Rules, 1966; Punjab Civil Services (Punishment and Appeal) Rules, 1970; and the instructions with regard to disciplinary proceedings/inquiries against Government employees.

3. Government have been emphasising by issuing instructions from time to time that the cases of the employees placed under suspension should be disposed of speedily. With this end in view and keeping in view the position stated in para 2, it will not be in fitness of things if the decision on cases of the alleged victimisation is not taken for a long time. When it is the policy of the Government not to victimise any employee it should be possible for the various competent authorities to examine each such case on merits within the framework of Government policy/rules and instructions and take suitable decision without any avoidable delay.

4. The provision with regard to appeals contained in Rule 15 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 against various types of orders including suspension, provides adequate opportunity to the employee concerned to prefer appeal to the next higher authority. In accordance with this provision if any appeal is made to the next higher authority, Government desire that such higher authority should examine the case of alleged victimisation with due care so as to give full justice to the employee concerned. Keeping this principle in view, you are requested to dispose of the cases in question at an early date.

Copy of Punjab Government U.O. Circular letter No. 965-SII(2)-74, dated the 6th March, 1974, from the Chief Secretary to Government, Punjab, to all Administrative Secretaries to Government Punjab and Heads of Departments etc., etc.

Subject : Schemes formulated under "Half a Million Jobs Programme, 1973-74".

Will the Financial Commissioners and Administrative Secretaries to Government, Punjab, kindly refer to the subject cited above ?

2. As they are aware the Planning Commission, Government of India, prepared 'Half a Million Jobs Programme' setting apart a handsome amount for the purpose. While allocating funds to various States under

this programme, the Government of India laid emphasis upon the following features thereof:—

- (i) The employment schemes under this programme should be such as could be dovetailed in the 5th Five-Year Plan, to assure continued employment of those, who are given jobs under this programme;
- (ii) Emphasis on self-employment schemes and utilization of institutional finance;
- (iii) Efforts to employ the educated unemployed in the first year of the programme;
- (iv) To give first priority to Engineers and highly technical unemployed persons from a family which has no means of income; and
- (v) Special attention in providing employment to the graduates from the scheduled castes and scheduled tribes, as also from the minorities, war widows and scavengers.

The Planning Department is already in touch with the Departments concerned so as to allocate funds and to draw up schemes to be carried out in this behalf.

3. The objectives of the programme as outlined above, make it clear that it is an ambitious and extraordinary venture to meet the unemployment problem. A speedy mode of recruitment is, therefore, a *sine-qua-non* of the programme. As such extraordinary measures are required to be taken without sacrificing merit and indispensable procedure.

4. The Planning Department proposed that the posts to be filled in this programme may be taken out of the purview of the Punjab Public Service Commission so as to expedite the process of recruitment. The Punjab Public Service Commission has been consulted in this behalf. The Commission has assured Government that extraordinary measures would be taken by it to make recruitment according to the requisition of the Departments

concerned and would ensure that no delay would occur in this behalf.

5. Various aspects of the matter, viz. expediency recruitment, timely utilization of the funds provided under this programme and selection of appropriate personnel including the question of their absorption on regular basis have been considered and it has been decided that for the present the following steps should be taken immediately:—

- (1) The Administrative Departments should ensure that the question of recruitment under this programme is considered on top-priority basis and by personal contact with the quarters concerned including the Punjab Public Service Commission;
- (2) According to their necessity the Administrative Departments may employ suitable personnel under this Programme on 6 months basis as is permissible under the Punjab Public Service Commission (Limitation of Functions) Regulations and Government instructions in this behalf;
- (3) For purposes of regular recruitment a special programme be drawn up by arrangement with the Punjab Public Service Commission by making immediate personal efforts;
- (4) In cases where it is not considered feasible to make arrangement on the above lines and in respect of which it is considered in public interest to exclude the posts concerned from the purview of the Punjab Public Service Commission, the Administrative Departments may send self-contained proposals with their definite recommendations giving full justification for exclusion of specific posts from the purview of the commission so that necessary action in individual cases can be taken.

- (5) The Planning Department should keep liaison and ensure speedy implementation of the programme within the limit of funds allotted to various Departments. In cases in which the Planning Department find any bottle-necks in the implementation of the programme, they may intimate the same to the Services Department together with their suggestion to meet the problem.

6. Top priority should be given to these measures of generation of employment. Necessary steps taken in this behalf may also please be intimated to the Services Department.

Copy of Punjab Government Circular letter No. 8617-SII(1)-73, dated the 27th March, 1974, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Writing of annual confidential reports—recording of remarks about Small Savings work by the reporting officers.

I am directed to invite your attention to the Punjab Government circular letter No. 5582-ASI-64/24104, dated the 15th July, 1964,—*vide* which it was provided that Commissioners of Divisions/Deputy Commissioners will record remarks on the work of all the Divisional Officers of various Departments with regard to implementation of development schemes and policy of the Government. It was further laid down therein that to enable the Commissioners to express proper opinion the Divisional Officers should see the Commissioners of their Divisions as and when they find it feasible and convenient but at least once in six months.

2. It is felt that the Small Savings movement forms one of the essential and basic source of funds for development schemes and welfare policies of the Government. Thus the achievements of the development schemes are dependent upon the success of the Small Savings movement. District Officers who have to raise funds on

voluntary basis, by mobilizing public opinion, by persuasion and all other laudable methods, play an important part to give fillip to the development schemes.

3. Although the momentum for the schemes should spontaneously come from the officers concerned in the national interest, yet it is felt that recognition of the performance of officers by the Government would further help in more enthusiastic efforts for mobilising Small Savings.

4. Accordingly, Government have decided that performance in the field of Small Savings Schemes, like performance in the field of developmental schemes, should also be kept in view while recording the Annual Confidential Reports of the Officers concerned. The Deputy Commissioners of the respective Districts who allocate targets of Small Savings to various officers should, therefore, keep in view the local conditions of the area and other allied factors at the time of recording their remarks on the performance of the officers concerned.

As regards the performance of the Deputy Commissioners, the Commissioners of Divisions may kindly keep in view the achievements of various districts in the same manner while recording remarks in the Annual Confidential Reports of the Deputy Commissioners concerned.

5. Kindly acknowledge receipt of this letter.

Copy of Punjab Government Circular letter No. 632-2SII-74/11607, dated the 11th April, 1974, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Overstay abroad of Government employees on study leave beyond a period of five years—Disciplinary action against.

I am directed to address you on the subject noted above and to say that it has been noticed that some Government employees proceed abroad for higher studies either by taking Study Leave under the Study Leave

Rules or leave of the kind due/extraordinary leave etc. for a year or two and then keep on staying there even beyond a period of five years without the sanction of the extension of leave by the competent authority. On their return, they apply for permission to resume duty and the Departments generally allow this even though they are not competent to do so. In certain cases, the employees concerned also seek employment abroad. These are certainly unhealthy practices which tend to create indiscipline in services, much to the detriment of Government work. It is, therefore, necessary to curb these practices.

2. Government has considered the matter in the light of the provisions of Rule 3.25 of C.S.R., Volume I, Part I and Rule 15 of Punjab Government Employees (Conduct) Rules, 1966. It has been decided that:—

- (a) All such employees, who proceed abroad on leave of any kind and overstay for more than five years, should not be permitted to resume duty except in cases in which circumstances permit to do so with the prior approval of the competent authority (A.D. acting in consultation with F. D. as defined in Rule 2.14 of Punjab C.S.R., Volume I Part I);
- (b) Action for the termination of services where called for should also be taken as provided under Rule 3.25 of Punjab C.S.R., Volume I, Part I by following the procedure laid down in the Punjab Civil Services (Punishment and Appeal Rules, 1970; and
- (c) Action against the Government employees who seek employment abroad while on Study Leave, may be taken under Rule 15 of Punjab Government Employees (Conduct) Rules, 1966 under intimation to Services Department. The fact that a particular Government employee has sought employment abroad can be verified from the Embassy concerned

Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 2568-2SII-74, dated the 15th April, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Speedy disposal of cases of officials placed under suspension.

I am directed to invite your attention to paragraph 2(iii) of Punjab Government circular letter No. 3624-GS-61, dated 21st April, 1961 which *inter alia* provides that the whole process of investigation and inquiry against a Government employee should be completed within 6 months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law) and 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 have to be placed before the Cabinet and their approval taken. It has, however, been observed that in a number of cases these instructions are not being followed strictly with the result that suspension period prolongs unnecessarily. This involves hardship to the suspended employees on the one hand and goes against the administrative interest on the other. Non-observance of the prescribed procedure for seeking extension in the suspension period where it is so essential, amounts to a very objectionable irregularity. It has, therefore, been decided that to ensure that cases of officers/officials under suspension are decided immediately and in any case within six months unless this period is extended due to unavoidable reasons by seeking extension in above prescribed manner, suitable disciplinary action may be taken against those responsible for delaying action in such cases.

Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 2764-2SII-74, dated the 22nd April, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Crossing of efficiency bar—policy/rules regarding—effect on promotions, punishments/compulsory retirement.

I am directed to invite your attention to detailed instructions issued,—vide Punjab Government circular

letter No. 3805-SII(3)-73, dated the 16th October, 1973 on various aspects of cases relating to crossing of efficiency bar and to say that the question as to what would be the impact of adverse entries in the annual Confidential Report etc., which are duly considered before allowing an employee to cross the efficiency bar, or his cases of promotion, punishments, compulsory retirement, as the case may, which arise subsequent to the crossing of efficiency bar, has been considered by law courts. The essential parts of the observation made by the courts are quoted below :—

State of Punjab vs. Dewan Chuni Lal
1970 S.L.R. 375 (Supreme Court).

"The Subordinate Judge quashed the order being violative of Article 311 of the Constitution of India. The order was upheld by the High Court on the ground that dismissal violated the principles of natural justice. The State Government went in appeal before the Supreme Court against the said orders. Held, reports earlier to 1942 should not have been considered at all inasmuch as the respondent was allowed to cross the efficiency bar in that year".

S. R. Jain vs. Union of India

1973 S.L.R. 309 (Delhi High Court)

"By certifying him as fit for crossing the efficiency bar, the conclusion was that he was efficient enough to claim the higher pay. These facts could not later on be taken into consideration for the purpose of taking decision under Fundamental Rule 56(j) (Fundamental Rule 56(j) relates to order of compulsory retirement.)"

Shadi Lal vs. Deputy Commissioner, Gurgaon and Others

1974 SLR 217 (High Court of Punjab and Haryana).

"Constitution of India. Article 16—Crossing of efficiency bar condones all previous adverse entries—Such entries should not be taken into consideration at the time of promotion.

"The learned Counsel for the petitioner submits that in view of the decision of their Lordships of the Supreme Court in the State of Punjab vs. Dewan Chuni Lal, 1970 SLR 375, any adverse entries in the service record of the petitioner prior to November 1, 1964, could not be taken into consideration as the determining of efficiency bar due on November 1, 1964 condones all the previous adverse entries."

2. In the light of the above observations, the crossing of efficiency bar becomes an important land work in the official career of an employee as it would be tantamount to condonation of or making redundant the previous adverse entries, if any, in the A.C.Rs. This fact necessitates that the cases of crossing of efficiency bars should be carefully scrutinized, in the light of the instructions, dated 16th October, 1973 referred to above as well as the above observations. After having examined all cases in this manner if an employee is allowed to cross the efficiency bar then while considering the cases of promotion, punishment, or compulsory retirement, etc., it would not be legally tenable to again rely upon the previous adverse entries in the A.C.Rs. in the context of which the matter was considered and the efficiency bar was allowed to be crossed.

3. The above instructions may be brought to the notice of all concerned, particularly those dealing with the establishment cases.

4. Kindly acknowledge receipt.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ : 3569-ਸ II (ਟੀ. ਐਸ. ਓ)-74, ਮਿਤੀ 18 ਮਈ, 1974
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ:—ਭੇਨਾਤੀਆਂ ਅਤੇ ਬਦਲੀਆਂ ਕਰਨ ਵੇਲੇ ਅਪਣਾਏ ਜਾਣ ਵਾਲੇ ਆਮ ਸਿਧਾਂਤ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ 'ਤੇ ਆਪ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰ ਇਹ ਮਹਿਸੂਸ ਕਰਦੀ ਹੈ ਕਿ ਛੋਟੇ ਛੋਟੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਦੂਰ ਦੁਰਾਡੇ ਥਾਵਾਂ 'ਤੇ ਬਦਲਣ ਨਾਲ ਵਿਸ਼ੇਸ਼ ਕਰਕੇ ਅੱਜ ਕੱਲ੍ਹ ਦੇ ਹਾਲਾਤ ਦੇ ਸਨਮੁੱਖ ਅਜਿਹੇ ਕਰਮਚਾਰੀਆਂ ਲਈ ਵਿੱਤੀ ਕਠਨਾਈ ਦੀ ਸਥਿਤੀ ਪੈਦਾ ਹੋ ਜਾਂਦੀ ਹੈ। ਨਾਲ ਹੀ ਅਜਿਹੀਆਂ ਤਬਦੀਲੀਆਂ ਕਾਰਨ ਸਰਕਾਰ

ਤੇ ਸਫਰ ਖਰਚ ਆਦਿ ਸਬੰਧੀ ਵਿਤੀ ਬੋਝ ਪੈਂਦਾ ਹੈ। ਇਸ ਸਮੁੱਚੀ ਸਥਿਤੀ ਨੂੰ ਸਾਹਮਣੇ ਰਖਦੇ ਹੋਏ ਸਰਕਾਰ ਨੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਇਸ ਸਾਲ ਅਰਥਾਤ 1974-75 ਦੌਰਾਨ ਦਰਜਾ 3 ਅਤੇ 4 ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਅਮ ਹਾਲਤ ਵਿਚ ਨਾ ਬਦਲਿਆ ਜਾਵੇ ਪਰੰਤੂ ਜੇ ਕਿਸੇ ਕਰਮਚਾਰੀ ਦੇ ਖਿਲਾਫ ਸ਼ਕਾਇਤ ਆਦਿ ਹੈ/ਹੋਵੇ ਤਾਂ ਉਸ ਕਰਮਚਾਰੀ ਦੀ ਬਦਲੀ ਕਰਨੀ ਭਾਵੇਂ ਉਚਿਤ ਸਮਝੀ ਜਾਵੇ।

2. ਇਸ ਸਬੰਧ ਵਿਚ ਉਨ੍ਹਾਂ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਯੋਜਨਾ ਪੱਤਰ ਨੰ: 2974-ਸ II(2)-73/16001, ਮਿਤੀ 24 ਮਈ, 1973 ਵੱਲ ਵੀ ਦਿਵਾਇਆ ਜਾਂਦਾ ਹੈ। ਇਸ ਪੱਤਰ ਰਾਹੀਂ ਇਹ ਨੀਤੀ ਸਪਸ਼ਟ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਦਰਜਾ 4 ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਇਕ ਜ਼ਿਲ੍ਹੇ ਤੋਂ ਦੂਜੇ ਜ਼ਿਲ੍ਹੇ ਵਿੱਚ ਕੇਵਲ ਉਦੋਂ ਹੀ ਬਦਲਿਆ ਜਾਵੇ ਜਦੋਂ ਅਜਿਹਾ ਕਰਨਾ ਲੋਕ ਹਿੱਤ ਵਿੱਚ ਹੋਵੇ ਜਾਂ ਕਰਮਚਾਰੀ ਨੇ ਅਜਿਹੀ ਬਦਲੀ ਕਰਨ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਹੋਵੇ। ਉਪਰੋਕਤ ਪੌਰੇ ਵਿੱਚ ਦਰਜ ਫੈਸਲੇ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਮਿਤੀ 24 ਮਈ, 1973 ਦੀਆਂ ਹਦਾਇਤਾਂ ਨੂੰ ਪਾਲਣਾ ਵਜੋਂ ਸਾਹਮਣੇ ਰੱਖਣਾ ਉਚਿਤ ਹੋਵੇਗਾ।

Copy of Punjab Government Circular letter No. 3173-SH(ASO)-74/17435, dated the 29th May, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : "Half a Million Jobs Programmes."

I am directed to address you on the subject noted above and to say that the Industrial Training Department, Punjab has formulated the following two schemes for imparting training to the unemployed persons, in the Industrial Training Institutes, under the "Half a Million Jobs Programme" :—

S. No.	Name of the scheme	Duration of training	Number of candidates to be imparted training
1.	Stenography trade for graduates	6 months	520
2.	Intensive training to I.T.I. qualified girls	6 months	520

With a view to achieving the objective of the scheme for meeting the unemployment problem, it has been decided by the Government that the candidates who complete the training successfully under the above mentioned

schemes, may be considered at the time of selection for appointment on *ad hoc* basis alongwith the candidates recommended by the Employment Exchange and those who apply in response to direct advertisement. It is, therefore, requested that while placing requisitions with the Employment Exchange or advertising the posts, the source of Directorate of Industrial Training may also be made use of by the appointing authorities.

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

Copy of Punjab Government Circular letter No. 3565-SII(ASO)-74/19093, dated the 17th June, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Recruitment to the posts of Clerks.

I am directed to invite a reference to Punjab Government letter No. 0428-SII(2)-71/24659, dated the 15th September, 1971 on the subject noted above wherein it was laid down that the residuary work of the Subordinate Services Selection Board including the work of recruitment to the common categories of posts of clerks, typists stenotypists and stenographers had been entrusted to the Deputy Secretary to Government, Punjab. Administrative Reforms and recruitment to these services/posts should be made by appointing suitable candidates recommended by the said officer. The Deputy Secretary to Government, Punjab, Administrative Reforms arranged an examination for selection of suitable candidates *inter alia*, for the posts of clerks and the names of the candidates were recommended to the various offices of the State Government by the Secretary Subordinate Services Selection Board (Defunct) against the requisitions placed by them.

Some clerks appointed on *ad hoc* basis challenged in the High Court of Punjab and Haryana the selection made by the Deputy Secretary to Government, Punjab Administrative Reforms. The High Court, *inter alia*, held that no

such selected candidate could be thrust upon the authorities competent to make appointment on the posts of clerks and they were at liberty to reconsider the matter without being influenced by the fact that they had to accommodate the persons selected by the Deputy Secretary to Government, Punjab, Administrative Reforms.

3. Government have gone in for appeal against the judgement of the High Court, referred to above. Meanwhile it has been decided that the candidates recommended by the Deputy Secretary to Government, Punjab, Administrative Reforms may be considered for appointment on vacant posts of clerks.

4. In the light of the above decision, it is requested that your latest demand in regard to these posts be intimated to the Secretary, Subordinate Services Selection Board (Defunct) urgently who will recommend names of suitable selected candidates for the same. The particulars of such candidates who are already working on posts under their control on *ad hoc* basis, whose names on merit list are within the range of selection and who are otherwise fit for regular recruitment may also be supplied to the Secretary, S.S.S.B.(D), so that they may be considered for appointment against their present posts, if possible, on their turn.

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

Copy of Punjab Government U.O. Circular letter No. 4286-2SII-74, dated the 21st June, 1974 from the Chief Secretary to Government, Punjab, to all Administrative Secretaries to Government, Punjab and Heads of Departments, etc. etc.

Subject : Expeditious disposal of cases of officials placed under suspension—Strict observance of the procedure—regarding.

Will the Financial Commissioners and all Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. Government have issued detailed instructions emphasising upon the speedy disposal of cases of officials

placed under suspension from time to time. In this connection attention is invited to Punjab Government circular letter No. 3520-SII(3)-73, dated the 23rd/26th June, 1973, copies sent to them,—*vide* U.O. No. 3520-SII(3)-73, dated 23rd/26th June, 1973, which precisely reiterates the procedure to be observed in this behalf, and U.O. No. 4807-SII(3)-73, dated the 30th July, 1973 enjoining that in future the Heads of Departments or the other authority concerned will be held responsible for avoidable delays in completion of the proceedings in suspension cases.

3. The desirability of completing the cases within the stipulated time viz. six months and seeking the extension of the period of suspension by three months only under the orders of Minister-in-charge and subsequently for placement of the matter before the Council of Ministers was again emphasised,—*vide* circular letter No. 2568-2SII-74, dated 15th April, 1974, with clear instructions that suitable disciplinary action may be taken against those responsible for non-observance of the prescribed procedure.

4. From the adequate instructions already issued in the matter as stated above and the various provision of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 it is evident that if the prescribed procedure is observed meticulously, the cases of the employees placed under suspension can be finalised without avoidable delay. It is, however, observed that apart from the general lapses in the observance of the instructions and Rules at the lower level, lapses take place at other levels as well. Some of the Inquiry Officers did not pay desired attention to this important work and similarly some of the Heads of Departments did not review the disposal of the work of Inquiry Officers with firmness. Many enquiries therefore fell through because of such procedural defects.

5. After reviewing the whole position as stated above in the meeting of the Administrative Secretaries held on 3rd May, 1974 under the Chairmanship of the Chief Minister, it has been decided that the Administrative Secretaries would periodically review the cases of suspension of employees in their Departments and would hold the Heads of Departments responsible for unjustified delay and lapses etc.

6. The review made as above should form the basis of detailed statement required to be sent to the Administrative Department and Chief Secretary (in Services Department) by the 5th of every month in terms of para 2(c) of the instructions contained in Circular letter No. 3520-SII (3)-73, dated 23rd/26th June, 1973. In addition to this it is desired that this periodical review should also be submitted to the Minister-in-charge of the Department.

7. Strict observance of these instructions may kindly be ensured and steps taken in this direction be intimated to the Chief Secretary to Government, Punjab (in Services Department).

Copy of Punjab Government Circular letter No. 4487-1SII-74, dated the 11th July, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Reservation of vacancies for Scheduled Castes, Backward Classes and Released Army Personnel—Total reservation not to exceed 50 per cent in a year.

I am directed to invite a reference to Punjab Government circular letter No. 220-SII(3)-71, dated the 19th January, 1971 providing for a maximum limit of 45 per cent reservation for Scheduled Castes, Scheduled Tribes, Backward Classes and Released Armed Forces Personnel taken together in a particular year and to say that as a result of enhancement of reservation percentage for Scheduled Castes and Backward Classes from 20 per cent and 2 per cent to 25 per cent and 5 per cent respectively,—vide Social Welfare Department's Circular letter No. 890-SWI-74/10619, dated the 6th June, 1974, it has become necessary to revise the above limit. The matter has been considered and it has been decided that all types of reservation in services in a particular year should not, as mentioned above, exceed 50 per cent. You are, therefore, requested to bring this to the notice of all concerned and ensure compliance of this decision, *inter alia* by amendment to Rules where necessary.

The receipt of this communication may also be acknowledged.

Copy of Punjab Government Circular letter No. 4225-2SII-74/21500, dated the 15th July, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Writing of Annual Confidential Reports—Recording of remarks by the Reporting Authority/Reviewing Authority—Avoiding of delay.

I am directed to address you on the subject noted above and to invite your attention to the following extracts from the instructions contained in Punjab Government Circular letter No. 2334-ASI-60/15708, dated the 3rd May, 1960:

"Para 2: 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, 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.

* * * *

In some cases, confidential reports are written twice a year and in other 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.

Inserted,—
vide P. G.
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."

@*"Para 8:—Recording of remarks on the 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.*

As amended,
—vide PG
No. 59-ASI-
62/5649,
dated 17th
February,
1962.

(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 for the confidential files of officers subordinate to him within six months of his relinquishing the charge of his previous portfolio."

2. The above policy was laid down, *inter-alia* on the following grounds:—

- (a) There should be no undue delay in writing of the reports;
- (b) Delay in writing of reports especially by the officers relinquishing charge of the post is not administratively desirable because by the passage of time, the assessment becomes unrealistic;
- (c) The possibility of the reports being biased on account of delay in writing can also not be ruled out; and
- (d) If representation against adverse remarks so recorded at later stage comes, the officer concerned will not be in a position to give proper appreciation to the basis of remarks.

3. It has been observed by Government that the above instructions are not complied within letter and spirit with the result that confidential reports on the work of officials/officers continue to be recorded very late. In

some cases the reporting/reviewing authorities have recorded their remarks even long after 6 months of relinquishing the charge, in violation of the instructions referred to above. The cases involving the consideration of the latest report for deciding several matters such as crossing of efficiency bar, grant of annual increment etc. have to be kept pending. Delay in recording the reports also creates an atmosphere which is not conducive to the efficient working of the Government.

4. Government view this tendency of late-recording/non-recording of confidential reports on the part of the various reporting authorities with concern. Government, therefore, desire that you should ensure strict compliance of the Government instructions. Where unreasonable and unjustified delay takes place and the Government policy is infringed, responsibility may be fixed so as to take suitable disciplinary action where warranted.

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

Copy of Punjab Government Circular letter No. 5357-2SII-74/22787, dated the 24th July, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Steps to ensure quick disposal of cases against Government employees in trial courts.

I am directed to address you on the subject noted above and to say that it has been observed that the cases against suspended Government employees prolong beyond limit which is not conducive to the public interest on the one hand and which create undue hardship for the employees concerned on the other. Taking note of this situation Government have already requested you in separate instructions to take a number of measures for the expeditious disposal of such cases.

2. On the scrutiny of the periodical statements received from the Departments relating to cases referred to above, it has been revealed that most of cases against Government employees have not been finalised due to the

prolonged proceedings in the trial courts. No doubt the essential legal procedure in such cases has to be observed but Government are keen to ensure that wherever procedural and avoidable delay can be cut short, the same should be done.

3. In the light of the above the Registrar, Punjab and Haryana High Court was requested to take notice of avoidable delay in the trial courts, in the disposal of the cases against Government employees. The High Court, *inter-alia* have intimated that if some specific cases of inordinate delay are brought to the notice of the High Court, the same would be looked into carefully for further necessary action to remedy the situation.

4. Government in its anxiety to ensure expeditious disposal of cases against Government employees in the Departments as well as in the law courts only to the extent, the delay is dispensable from administrative/legal point of view, desire that you may bring to the notice of Registrar, Punjab and Haryana High Court in confidential cover cases in which:

- (a) there has been inordinate delay in the disposal thereof not on account of essential legal procedure but because of avoidable delay by the judicial officers;
- (b) there is sufficient material to come to the conclusion as at (a) above; and
- (c) any request already made to the trial court through prosecution to expedite the process of cases has been of no effect. (In case no such request has already been made, the same may be made before reporting the matter to the Registrar, Punjab and Haryana High Court).

5. In view of the fact that reporting of such cases to the High Court may ultimately reflect upon the performance of some of the officers, it is requested that utmost care may be taken while sending the above report to the High Court.

6. The report to the High Court should be sent through the Administrative Secretaries concerned, with a copy to the Services (II) Department.

7. Kindly acknowledge receipt of this letter.

Copy of Punjab Government Circular letter No. 4792-1SII-74/23532, dated the 25th July, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Earmarking of vacancies for the Released Army Personnel—Revision of roster.

I am directed to invite a reference to Punjab Government letter No. 27-SII(3)-72/5186, dated the 15th February, 1972 providing for earmarking of 5th, 10th, 15th and so on, vacancies to be filled by direct recruitment for the Released Indian Armed Forces Personnel and to say that a result of enhancement of reservation percentage for scheduled castes and backward classes from 20 per cent and 2 per cent to 25 per cent and 5 per cent respectively and consequent change in the roster for reserved vacancies,—vide Social Welfare Department's Circular letter No. 890-SWI-74/10619, dated the 6th June, 1974, it has become necessary to revise the roster meant for Released Indian Armed Forces Personnel. The matter has been considered and it has been decided to earmark the following points in a bloc of 100 vacancies, for the Released Indian Armed Forces Personnel:—

3, 7, 11, 19, 23, 27, 31, 39, 43, 47, 51, 59, 63, 67, 71, 79, 83, 87, 91 and 99, and so on

The above Roster will be effective from the 6th March, 1974, subject to the following conditions:

- (i) The operation of the roster will stop the moment reservation percentage is achieved;
- (ii) Total reservation for all categories including Released Indian Armed Forces Personnel is not to exceed 50 per cent of the vacancies filled in a year;

- (iii) The above roster will not apply to small cadres i.e. where the sanctioned strength is less than 5 posts.
- (iv) The roster already existing would not be abandoned, but would now be maintained in continuation from the vacancy in the existing Roster last filled up according to the new pattern of reservation that has been described above. For example if according to the present Roster 13 vacancies have been filled before 6th March, 1974 and the 10th was filled by reservation for Released Army Personnel, the next vacancy that will fall to the share of Released Army Personnel would be 19th.

You are requested to bring these instructions to the notice of all concerned and ensure compliance thereof.

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

ਕਾਪੀ ਅੱਧ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰ: 5637-2ਸII-74, ਮਿਤੀ 29 ਜੁਲਾਈ, 1974 ਵਲੋਂ ਅਧੀਨ ਸਕੱਤਰ ਜੇਥਾਵਾਂ, ਵੱਲ ਸਮੂਹ ਵਿਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਮੁੱਖ ਮੰਤਰੀ, ਪੰਜਾਬ, ਆਦਿ।

ਵਿਸ਼ਾ :—ਵਾਰਸ਼ਿਕ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਾਈਦ ਵਿੱਚ ਦਿੱਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ੁਪਤੀ ਪੱਤਰ ਦੇ ਵਿੱਚ ਦਰਜ ਹਦਾਇਤਾਂ ਦੇ ਹਵਾਲੇ ਵਿੱਚ।

ਨੰ: 4225-
2ਸ11-74/
21500, ਮਿਤੀ
15/7/74.

2. ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਰਾਹੀਂ ਸਪਸ਼ਟ ਕੀਤੀ ਸਰਕਾਰ ਦੀ ਨੀਤੀ ਦੀ ਸਹੀ ਅਤੇ ਸਮੇਂ ਸਿਰ ਪਾਲਣਾ ਸਬੰਧੀ ਅਣਗਹਿਲੀ ਦੀ ਪਿਛੋਕੜ ਵਿਚ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਨੇ ਆਦੇਸ਼ ਦਿੱਤਾ ਹੈ ਕਿ ਹਰ ਸਾਲ 31 ਮਾਰਚ ਤੋਂ ਬਾਅਦ ਇਕ ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਰਿਪੋਰਟਾਂ ਲਿਖੀਆਂ ਜਾਣਗੀਆਂ ਕਰਨ ਅਤੇ ਜਿਸ ਮਹਿਕਮੇ ਦੀ ਚਿੱਲ ਹੋਵੇ ਉਸ ਬਾਰੇ ਅਪਰੈਲ ਦੇ ਅੰਤ ਤੋਂ ਤੁਰੰਤ ਬਾਅਦ ਉਨ੍ਹਾਂ ਨੂੰ ਜਾਣੂ ਕਰਵਾਇਆ ਜਾਇਆ ਕਰੇ।

ਜਿੱਥੇ ਤੱਕ ਉਪਰੋਕਤ ਆਦੇਸ਼ ਦੀ 1973-74 ਅਤੇ ਪਹਿਲਾਂ ਦੀਆਂ ਰਿਪੋਰਟਾਂ ਸਬੰਧੀ ਪਾਲਣਾ ਦਾ ਮੁੱਢਲਾ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਨੂੰ 10 ਅਗਸਤ, 1974 ਤੱਕ ਇਹ ਰਿਪੋਰਟ ਭੇਜੀ ਜਾਣੀ ਹੈ ਕਿ ਕੀ ਰਿਪੋਰਟਾਂ ਲਿਖਵਾ ਲਈਆਂ ਗਈਆਂ ਹਨ ਕਿ ਨਹੀਂ।

3. ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਮੈਂ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕਰਦਾ ਹਾਂ ਕਿ :—

- (1) ਸਰਕਾਰ ਦੀ ਮੁੱਖ ਨੀਤੀ ਅਤੇ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਦੇ ਆਦੇਸ਼ ਕਿ ਹਰ ਸਾਲ ਅਪਰੈਲ ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ ਰਿਪੋਰਟਾਂ ਲਿਖਣ ਦੇ ਕੰਮ ਨੂੰ ਮੁਕੰਮਲ ਕੀਤਾ

ਜਾਇਆ ਕਰੇ ਅਤੇ ਉਸ ਤੋਂ ਤੁਰੰਤ ਬਾਅਦ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ, ਦੀ ਇਨ ਬਿਨ ਤੇ ਧਿਆਨ ਨਾਲ ਪਾਲਣਾ ਕਰਵਾਈ ਜਾਵੇ : ਅਤੇ

- (2) ਸਾਲ 1973-74 ਅਤੇ ਪਹਿਲਾਂ ਦੀਆਂ ਰਿਪੋਰਟਾਂ ਬਾਰੇ ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਨੂੰ 8 ਅਗਸਤ, 1974 ਤਕ ਰਿਪੋਰਟ ਭੇਜੀ ਜਾਵੇ ਅਰਥਾਤ ਆਪ ਜੀ ਵੱਲੋਂ ਆਪ ਅਧੀਨ ਸਮੂਹ ਅਮਲੇ ਸਬੰਧੀ ਸਾਰੇ ਵਿਭਾਗਾਂ ਬਾਰੇ ਕਨਸੋਲੀਡੇਟਿਡ ਰੂਪ ਵਿੱਚ ਸਰਟੀਫੀਕੇਟ ਦਿੱਤਾ ਜਾਵੇ ਕਿ ਰਿਪੋਰਟਾਂ ਲਿਖੀਆਂ ਜਾ ਚੁੱਕੀਆਂ ਹਨ। ਜਿਨ੍ਹਾਂ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਅਜਿਹੀ ਕਾਰਵਾਈ ਪੂਰੀ ਨਹੀਂ ਕੀਤਾ ਗਈ ਹੋਵੇ ਉਨ੍ਹਾਂ ਬਾਰੇ ਚਿੱਲ ਦੇ ਕਾਰਨ ਦਸਦੇ ਹੋਏ ਇਕ ਸੂਚੀ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 4099-SII(ASO)-74/24403, dated the 31st July, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Grant of re-employment/extension in service to Government employees on or after their attaining the age of superannuation.

I am directed to invite attention to para 6 of the Punjab Government circular letter No. 727-SII(4)-67/4841, dated 17th February, 1967 on the subject noted above wherein the powers to sanction re-employment to class IV employees have been delegated to the appointing authority concerned. Since a class IV employee retires from Government service on attaining the age of superannuation viz. at the age of 60 years, the question of re-employing him does not arise in terms of para 6 read with para 3 (iv) of the circular letter, dated 17th February, 1967 *ibid* viz. "the age of the employee proposed to be re-employed must be below 60 years except in the case of Patwaris who may be re-employed up to the age of 70 years". It has, therefore, been decided to delete the provision of delegation of powers to the appointing authority in respect of class IV employees, and amend para 6 of the policy letter as indicated below:—

- "6. In cases in which the conditions mentioned in paragraph 3 are satisfied and it is proposed to offer the terms and conditions mentioned in

Paragraph 5, the authority competent to sanction re-employment shall be as follows:—

<i>Class of employees</i>	<i>Competent Authority</i>
Class I	... The Administrative Department concerned in consultation with the Services Department.
Class II	... The Administrative Department concerned.
Class III	... The appointing authority."

The cases necessitating re-employment of Class IV employees beyond the age of 60 years in extraordinary circumstances may, however, if at all taken up, be referred to the Services Department giving full justification and making definite recommendations therefor.

Copy of Punjab Government Circular letter No. 5613-2SH-74, dated the 8th August, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Consumption of intoxicating drinks and drugs by Government employees -Restrictions on.

I am directed to address you on the subject noted above and to invite your attention to Rule 22 of the Government Employees (Conduct) Rules, 1966 which lays down as under:—

"A Government employee shall—

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duty at any time is not

- affected in any way by the influence of such drink or drug;
- (c) not appear in public place in a state of intoxication; and
 - (d) not use any intoxicating drink or drug to excess (P. G. Notification No. GSR 92/Const./ Art. 309 and 318/Amd. (4)70, dated 21st September, 1970)."

Similar provision exists in All India Services (Conduct) Rules, 1968 (Rule 20 thereof).

2. It has been decided that any contravention of the provisions of these Rules on the part of any Government employee should be taken serious notice of, and strict disciplinary action initiated and completed immediately against any official found under the influence of an alcoholic or other intoxicating drink or drug during the course of duty, or who has used any such drink or drug to excess or appears in a public place in a state of intoxication.

It has also been decided that drinking of alcoholic beverages or intoxicating drugs in Government offices, schools, hospitals, or other such government buildings or public places even after working hours should be completely banned. Any contravention of these instructions should be treated and dealt with as misconduct and severe punishment imposed on any employee found guilty of such misconduct.

3. Kindly impress upon all Government employees under your control and all concerned the need for strict compliance of these instructions and the consequences of any breach thereof.

Kindly acknowledge receipt.

Copy of D.O. Circular No. 6458-2SII-74, dated the 22nd August, 1974 from Shri R. S. Talwar, IAS, Chief Secretary to Government, Punjab, to all Financial Commissioners and Administrative Secretaries to Government, Punjab and copies endorsed to all Heads of Departments etc., etc.

As you are aware standing Government instructions require that the whole process of investigation and enquiry

of a case against a Government employee, especially those under suspension, should be completed within six months and 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 have to be placed before the Council of Ministers and their approval taken. Whenever a case like that comes up before the Council of Ministers, great concern is expressed at the prevailing state of affairs where a large number of Government officials remain under suspension for long periods without any effective steps being taken to finalise enquiries against them. Apart from causing avoidable hardship to the employees concerned, it creates an adverse impression about the functioning of departments of Government and detracts from their image as an employer. Repeated instructions have been issued to all departments to ensure that cases against Government employees are finalised within the prescribed period but these do not appear to have had much effect. In our letter No. 2568-2SII-74, dated 15th April, 1974, you had been requested to ensure that cases of all employees under suspension are decided immediately and to ensure that suitable disciplinary action is taken against those responsible for delaying action in such cases. The Chief Minister also drew attention to this matter in the meeting of Administrative Secretaries held on 3rd May, 1974 and circular instructions were issued,—vide our U.O. No. 4286-2SII-74, dated 21st June, 1974, requesting you to periodically review the cases of employees under suspension in your departments and take necessary action against the Heads of Departments and other officers responsible for unjustified delay and lapses in such cases.

2. This matter came up again at the meeting of the Council of Ministers held yesterday and great concern was expressed by the Chief Minister and other Ministers at the lack of any improvement in this important matter. It was decided that the Administrative Secretaries should examine the cases of all officers and officials under suspension in the departments within their charge and submit by 30th September, 1974 to the Minister-incharge a detailed report indicating the position in respect of each case. Necessary disciplinary action should also be taken against the officers who have been responsible in causing inordinate delays in

completing enquiries against employees under suspension and Heads of Departments told that it is their personal responsibility to see that no avoidable delay occurs in finalising proceedings in such cases.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 5431-3ਸ(II)-74/24850, ਮਿਤੀ 23 ਅਗਸਤ, 1974

ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਇ।

ਵਿਸ਼ਾ: --ਦਫ਼ਤਰੀ ਸਮੇਂ ਦੀ ਪਾਬੰਦੀ ਬਾਰੇ।

ਮੈਨੂੰ ਆਪ ਨੂੰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਸੰਬੰਧਨ ਕਰਨ ਅਤੇ ਸਰਕਾਰ ਵਲੋਂ ਸਮੇਂ ਸਮੇਂ ਜਾਰੀ ਕੀਤੇ ਉਨ੍ਹਾਂ ਪੱਤਰਾਂ ਜਿਨ੍ਹਾਂ ਦਾ ਵੇਰਵਾ ਹਾਸ਼ੀਏ ਵਿੱਚ ਦਰਜ ਹੈ, ਵਲ ਧਿਆਨ ਦਿਵਾਉਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ। ਇਨ੍ਹਾਂ ਪੱਤਰਾਂ ਵਿਚ ਇਸ ਗੱਲ ਤੇ ਬਹੁਤ ਜ਼ੋਰ ਦਿੱਤਾ ਗਿਆ ਹੈ ਕਿ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਲਈ ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਸਿਰ ਪੁੱਜਣਾ ਉਨ੍ਹਾਂ ਦੇ ਉਚੇ ਆਚਰਣ ਤੇ ਅਨੁਸ਼ਾਸਨ ਦੀ ਨਿਸ਼ਾਨੀ ਹੈ ਇਸ ਦੇ ਨਾਲ ਨਾਲ ਸੀਨੀਅਰ ਅਫਸਰਾਂ ਨੂੰ ਇਹ ਚਾਹੀਦਾ ਹੈ ਕਿ ਉਹ ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਸਿਰ ਪੁੱਜ ਕੇ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰਨ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਲਈ ਇਕ ਮਿਸਾਲ ਪੇਸ਼ ਕਰਨ।

2. ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੇ ਬਾਵਜੂਦ ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਦਫ਼ਤਰਾਂ ਵਿਚ ਸਮੇਂ ਸਿਰ ਪੁੱਜਣ ਦੇ ਮੰਤਵ ਨੂੰ ਕੋਈ ਵਿਸ਼ੇਸ਼ ਮਹੱਤਤਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਰਹੀ। ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਸਿਰ ਆ ਪੁੱਜਣਾ, ਆਪਣੇ ਸੀਨੀਅਰ ਅਫਸਰ ਦੀ ਬਿਨਾਂ ਆਗਿਆ ਸੀਟ ਨੂੰ ਛੱਡ ਕੇ ਚਲੇ ਜਾਣਾ ਜਾਂ ਬਿਨਾਂ ਕਿਸੇ ਵਿਸ਼ੇਸ਼ ਕਾਰਨ ਦਫ਼ਤਰ ਦੇ ਬਰਾਮਦਿਆਂ ਵਿਚ ਘੁਮਣ ਦੀ ਵਧਦੀ ਰੁਚੀ ਨੂੰ ਰੋਕਣ ਲਈ ਹਰ ਸੰਭਵ ਕਦਮ ਉਠਾਉਣ ਦੀ ਲੋੜ ਹੈ।

3. ਕੁਝ ਵਕੀਲਾਂ ਤੇ ਅਚਾਨਕ ਚੇਕਿੰਗ ਕਰਨ ਤੇ ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਗਜ਼ਟਿਡ ਛੁੱਟੀਆਂ ਤੋਂ ਪਹਿਲੇ ਦਿਨ ਅਧਿਕਾਰੀ/ਕਰਮਚਾਰੀ ਦਫ਼ਤਰ ਵਿੱਚੋਂ ਦਫ਼ਤਰ ਦੇ ਬੰਦ ਹੋਣ ਤੋਂ ਪਹਿਲਾਂ ਚਲੇ ਜਾਂਦੇ ਹਨ ਅਤੇ ਇਸੇ ਤਰ੍ਹਾਂ ਗਜ਼ਟਿਡ ਛੁੱਟੀਆਂ ਦੇ ਖਤਮ ਹੋਣ ਤੋਂ ਬਾਅਦ ਦਫ਼ਤਰ ਵਿਚ ਲੇਟ ਪੁੱਜਦੇ ਹਨ। ਇਹ ਬੜੇ ਖੋਦ ਦੀ ਗੱਲ ਹੈ ਕਿ ਉਪਰੋਕਤ ਦੋਸੇ ਯਤਨਾਂ ਤੋਂ ਬਾਦ ਵੀ ਇਸ ਮਾਮਲੇ ਵਲ ਕੋਈ ਧਿਆਨ ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ ਹੈ ਅਤੇ ਅਧਿਕਾਰੀ/ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਅਜੇ ਵੀ ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਸਿਰ ਨਹੀਂ ਪੁੱਜਦੇ। ਸਰਕਾਰ ਇਸ ਸਥਿਤੀ ਨੂੰ ਬਹੁਤ ਯੋਗਦਾਨ ਨਜ਼ਰੀਏ ਤੋਂ ਵੇਖਦੀ ਹੈ।

ਇਸ ਲਈ ਇਕ ਵਾਰੀ ਮੁੜ ਸਮੂਹ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰੀਆਂ ਦਾ ਧਿਆਨ ਇਸ ਵਿਸ਼ੇ ਵੱਲ ਦਿਵਾਇਆ ਜਾਂਦਾ ਹੈ ਕਿ ਅਧਿਕਾਰੀ ਐਨ ਠੀਕ ਸਮੇਂ ਸਿਰ ਦਫ਼ਤਰ ਵਿਚ ਪੁੱਜਿਆ ਕਰਨ ਅਤੇ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰਨ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਮਨ ਵਿਚ ਇਹ ਉਤਸ਼ਾਹ ਪੈਦਾ ਕਰਨ ਕਿ ਉਹ ਸਮੇਂ ਸਿਰ ਦਫ਼ਤਰ ਪੁੱਜਿਆ ਕਰਨ। ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੇ ਜਾਰੀ ਹੋਣ ਤੋਂ ਬਾਦ ਜੇਕਰ ਇਹ ਵੇਖਿਆ ਜਾਵੇ ਕਿ ਅਧਿਕਾਰੀ/ਕਰਮਚਾਰੀ ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਸਿਰ ਨਹੀਂ ਪੁੱਜਦੇ ਤਾਂ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀਆਂ ਨੂੰ ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਦਫ਼ਤਰ ਵਿਚ ਸਮੇਂ ਤੋਂ ਲੇਟ ਪੁੱਜਣ ਜਾਂ ਛੁੱਟੀ ਦੇ ਸਮੇਂ ਤੋਂ ਪਹਿਲਾਂ ਜਾਣ ਵਾਲੇ ਜਾਂ ਸੀਟਾਂ ਤੋਂ ਆਮ ਬਿਨਾਂ ਆਗਿਆ ਗੈਰ ਹਾਜ਼ਰ ਰਹਿਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਵਿਰੁੱਧ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਕਰਨ ਅਤੇ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਤੇ ਸਖਤੀ ਨਾਲ ਅਮਲ ਕਰਨ।

1. 17474-3
ਏਡੀਓ-67
ਮਿਤੀ 25-8-67
2. 15766-5ਈ
1-67/ਮਿਤੀ
3-1-68
3. 1327-5ਈ
3-70 ਮਿਤੀ
3-3-70
4. 1743-ਐਸ
11-(3)-70
ਮਿਤੀ 11-7-70
5. 8326-ਡੀ
ਐਸ. ਐਸ. II
(2)-73/
35524 ਮਿਤੀ
23-11-73

4. ਇਹ ਹਦਾਇਤਾਂ ਸਮੂਹ ਕਰਮਚਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦੀਆਂ ਜਾਣ ਅਤੇ ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਕਰਨ ਦੀ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੈਰ ਸਰਕਾਰੀ ਗ਼ਸ਼ਤੀ ਪੱਤਰ ਨੰ : 3737-ਸII(ਏ.ਐਸ.ਓ)-74, ਮਿਤੀ 29 ਅਗਸਤ, 1974 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਮੂਹ ਵਿਤੀ ਕਮਿਸ਼ਨਰਾਂ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਅਤੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ : —ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀਆਂ—ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਬੋਰਡ ਜਾਂ ਹੋਰ ਕਿਸੇ ਸਿਲੇਕਸ਼ਨ ਕਮੇਟੀ ਦੀ ਪਰਵਾਨਗੀ ਦੇ ਬਿਨਾਂ ਅਜਿਹੀਆਂ ਨਿਯੁਕਤੀਆਂ ਦੀ ਉਚਿੱਤਤਾ ਦਾ ਪ੍ਰਸ਼ਨ।

ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ ਦਾ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵਲ ਧਿਆਨ ਦਿਵਾਇਆ ਜਾਂਦਾ ਹੈ।

2. ਸੰਵਿਧਾਨ ਦੇ ਆਰਟੀਕਲ 320 ਅਨੁਸਾਰ ਅਤੇ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੇ "ਲਿਮੀਟੇਸ਼ਨ ਆਫ਼ ਫੰਕਸ਼ਨਸ" ਦੇ ਰੈਗੂਲੇਸ਼ਨਾਂ ਅਨੁਸਾਰ ਰਾਜ ਸੇਵਾਵਾਂ ਵਿਚ ਨਿਯੁਕਤੀ ਲਈ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ, ਜਾਂ ਜਿਥੇ ਇਹ ਨਿਯੁਕਤੀ ਉਨ੍ਹਾਂ ਦੀ ਵਿੱਧੀ ਤੋਂ ਬਾਹਰ ਹੋਵੇ, ਅਧੀਨ ਸੇਵਾਵਾਂ ਚੋਣ ਬੋਰਡ ਜਾਂ ਉਨ੍ਹਾਂ ਦੇ ਬੰਨ੍ਹੇ ਕਰਨ ਵਾਲੇ ਹਰ ਚੋਣ ਹਲਕੇ ਅਥਾਰਟੀ ਦੀ ਸਿਫਾਰਸ਼ ਜਾਂ ਪ੍ਰਵਾਨਗੀ ਦੀ ਲੋੜ ਹੈ। ਪਰੰਤੂ ਜ਼ਰੂਰੀ ਹਾਲਾਤ ਵਿੱਚ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀਆਂ ਨੂੰ 6 ਮਹੀਨੇ ਲਈ ਤਦ ਅਰਥ ਆਧਾਰ ਤੇ ਆਸਾਮੀਆ ਭਰਨ ਦੀ ਆਗਿਆ ਦਿੱਤੀ ਗਈ ਹੈ। ਇਸ ਸੀਮਿਤ ਸਮੇਂ ਅਰਥਾਤ 6 ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ, ਨਿਯਮਤ ਤੌਰ ਤੇ ਨਿਯੁਕਤੀ ਕਰਨ ਦਾ ਸਾਰਾ ਕੰਮ ਮੁਕੰਮਲ ਕਰਨਾ ਜ਼ਰੂਰੀ ਹੁੰਦਾ ਹੈ। ਪਰੰਤੂ ਇਹ ਵੇਖਣ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਆਮ ਤੌਰ ਤੇ ਕਮਿਸ਼ਨ ਜਾਂ ਬੋਰਡ ਦੀ ਪਰਵਾਨਗੀ ਲੈਣ ਵਿਚ ਅਣਗਹਿਲੀ ਕਰਦੇ ਹਨ, ਜਿਹੜਾ ਕਿਸੇ ਭਰ੍ਹਾਂ ਵੀ ਉਚਿੱਤ ਨਹੀਂ ਜਾਪਦਾ। ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੇ ਭਿੰਨ ਭਿੰਨ ਵਿਭਾਗਾਂ ਵਲੋਂ ਅਜਿਹੀਆਂ ਬੇਕਾਇਦਾ ਨਿਯੁਕਤੀਆਂ ਦੇ ਅਜਿਹੇ ਮਸਲੇ ਸਰਕਾਰ ਦੇ ਨੋਟਿਸ ਵਿਚ ਲਿਆਂਦੇ ਹਨ ਜਿਹੜੇ ਕਈ ਸਾਲਾਂ ਤੋਂ ਤਦ-ਅਰਥ ਆਧਾਰ ਤੇ ਚਲੇ ਆ ਰਹੇ ਹਨ। ਅਧੀਨ ਸੇਵਾਵਾਂ ਵਿਚ ਤਦ-ਅਰਥ ਤੌਰ ਤੇ ਕੀਤੀਆਂ ਨਿਯੁਕਤੀਆਂ ਦੀ ਸਥਿਤੀ ਹੋਰ ਵੀ ਅਸੰਤੋਸ਼ਜਨਕ ਹੈ। ਅਜਿਹੀਆਂ ਅਣਗਹਿਲੀਆਂ ਕਿਸੇ ਤਰ੍ਹਾਂ ਉਚਿੱਤ ਨਹੀਂ।

3. ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀਆਂ ਦੀ ਪੱਧਰ ਤੇ ਤਦ-ਅਰਥ ਆਧਾਰ ਤੇ ਕੀਤੀ ਨਿਯੁਕਤੀ ਨੂੰ 6 ਮਹੀਨੇ ਤੋਂ ਵੱਧ ਸਮੇਂ ਲਈ ਅਨੁਚਿਤ ਕਾਰਨਾਂ ਕਰਕੇ ਅਤੇ ਨਿਯਮਤ ਨਿਯੁਕਤੀਆਂ ਲਈ ਯੋਗ ਕਦਮ ਉਠਾਏ ਬਿਨਾਂ ਚਾਲੂ ਰੱਖਣ ਦੀ ਰੁਚੀ ਨੂੰ ਰੋਕਣ ਹਿਤ ਇਸ ਮਸਲੇ ਤੇ ਵਿਚਾਰ ਕਰਨ ਮਗਰੋਂ ਨਿਮਨ ਲਿਖਤ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ :—

- (1) ਜਿਥੇ ਤਦ-ਅਰਥ ਆਧਾਰ ਤੇ ਲੱਗੇ ਅਧਿਕਾਰੀਆਂ ਦੀ ਮੁਢਲੀ ਨਿਯੁਕਤੀ ਦਾ ਸਮਾਂ 6 ਮਹੀਨੇ ਤੋਂ ਅੱਗੇ ਪ੍ਰਬੰਧਕੀ ਹਿੱਤਾਂ ਕਾਰਨ ਵਧਾਉਣਾ ਪਏ ਤਾਂ ਸਬੰਧਤ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਇਸ ਬਾਰੇ ਮਹਾਂ ਲੇਖਾਕਾਰ, ਪੰਜਾਬ ਨੂੰ ਇਹ ਸਰਟੀਫੀਕੇਟ ਜਾਰੀ ਕਰੇ ਅਤੇ ਤਨਖਾਹ ਬਿਲ ਨਾਲ ਵੀ ਲਗਾਵੇ ਕਿ ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਦੀ ਨਿਯੁਕਤੀ

6 ਮਹੀਨੇ ਤੋਂ ਅੱਗੇ ਪ੍ਰਬੰਧਕੀ ਹਿੱਤ ਵਿਚ ਵਧਾਈ ਕੀਤੀ ਹੈ ਅਤੇ ਉਸ ਆਸਾਮੀ ਤੇ ਬਕਾਇਦਾ ਨਿਯੁਕਤੀ ਲਈ ਮੰਗ-ਪੱਤਰ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ/ਅਧੀਨ ਸੇਵਾਵਾਂ ਚੋਣ ਬੋਰਡ/ਵਿਭਾਗੀ ਚੋਣ ਕਮੇਟੀ (ਨੰਬਰ ਅਤੇ ਮਿਤੀ ਦਰਸਾਉਂਦੇ ਹੋਏ) ਨੂੰ ਭੇਜਿਆ ਜਾ ਚੁੱਕਿਆ ਹੈ।

(II) ਜਿਥੇ ਤਦ-ਅਰਥ ਆਧਾਰ ਤੇ ਕੀਤੀ ਤਰੱਕੀ ਦਾ ਸਮਾਂ ਪ੍ਰਬੰਧਕੀ ਹਿੱਤਾਂ ਵਿਚ 6 ਮਹੀਨੇ ਤੋਂ ਅੱਗੇ ਬਧਾਉਣਾ ਪਵੇ ਤਾਂ ਮਹਾਂ ਲੇਖਕਾਰ, ਪੰਜਾਬ ਨੂੰ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਵਲੋਂ ਇਹ ਸਰਟੀਫੀਕੇਟ ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਤਨਖਾਹ ਬਿਲ ਨਾਲ ਵੀ ਲਗਾਇਆ ਜਾਵੇ ਕਿ ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਦੀ ਸੂਟੇਬਿਲਟੀ ਦੀ ਪਰਵਾਨਗੀ ਲਈ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ/ਅਧੀਨ ਸੇਵਾਵਾਂ ਚੋਣ ਬੋਰਡ/ਵਿਭਾਗੀ ਚੋਣ ਕਮੇਟੀ (ਜਿਹੜੀ ਵੀ ਸਥਿਤੀ ਹੋਵੇ) ਨੂੰ ਲਿਖਿਆ ਜਾ ਚੁੱਕਿਆ ਹੈ।

(III) ਜਿੱਥੇ ਸਿੱਧੀ ਭਰਤੀ ਜਾਂ ਤਰੱਕੀ ਦੇ ਕੇਸ ਵਿਚ ਨਿਯਮਤ ਨਿਯੁਕਤੀ/ਤਰੱਕੀ, ਅਤੇ ਸਬੰਧਤ ਸੰਸਥਾ ਵਲੋਂ ਸੂਟੇਬਿਲਟੀ ਪ੍ਰਵਾਨ ਕਰਨ ਸਮੇਂ ਭੇਜੇ ਹਵਾਲੇ ਬਾਰੇ ਸਰਟੀਫੀਕੇਟ ਤਬਾ ਅਨੁਸਾਰ ਨਹੀਂ ਦਿੱਤਾ ਜਾ ਸਕਦਾ, ਉਥੇ ਸਬੰਧਤ ਅਧਿਕਾਰੀ/ਕਰਮਚਾਰੀ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਬਾਰੇ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਤਦ ਅਰਥ ਆਧਾਰ ਤੇ ਲੱਗੇ ਅਧਿਕਾਰੀ/ਕਰਮਚਾਰੀ ਦੇ ਪੇ-ਬਿਲ ਨਾਲ ਇਸ ਕਾਰਵਾਈ ਸਬੰਧੀ ਸਰਟੀਫੀਕੇਟ ਲਾਇਆ ਜਾਵੇ।

4. ਜਿਹਾ ਕਿ ਉਪਰੋਕਤ ਦਰਸਾਈ ਸਵੈ-ਸਪਸ਼ਟ ਵਿੱਧੀ ਤੋਂ ਪਰਤੱਖ ਹੈ ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀਆਂ ਕਰਨ ਲਈ ਵਿਸ਼ੇਸ਼ ਪ੍ਰਬੰਧਕੀ ਲੋੜ ਦਾ ਹੋਣਾ ਜ਼ਰੂਰੀ ਹੈ। ਉਨ੍ਹਾਂ ਨੂੰ ਅੱਗੇ ਜਾਰੀ ਰੱਖਣ ਲਈ ਇਸ ਲੋੜ ਤੋਂ ਇਲਾਵਾ ਨਿਯਮਾਂ/ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਅਨੁਸਾਰ ਪ੍ਰਮਾਣਿਤ/ਨਿਸਚਿਤ ਵਿੱਧੀ ਅਪਣਾਉਣਾ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ ਅਰਥਾਤ ਸਬੰਧਤ ਆਸਾਮੀਆਂ ਨੂੰ ਨਿਯਮਤ ਢੰਗ ਨਾਲ ਭਰਨ ਲਈ ਕਦਮ ਉਠਾਉਣੇ; ਜਿੱਥੇ ਤਰੱਕੀ ਦਾ ਕੇਸ ਹੋਵੇ ਉਸਨੂੰ ਸਬੰਧਤ ਚੋਣ ਸੰਸਥਾ ਵਲੋਂ ਪਰਵਾਨ ਕਰਾਉਣਾ; ਇਸ ਸਬੰਧੀ ਅਣਗਹਿਲੀ ਕਰਨ ਵਾਲਿਆਂ ਵਿਰੁੱਧ ਕਾਰਵਾਈ ਕਰਨਾ; ਅਤੇ ਇਨ੍ਹਾਂ ਸਬੰਧੀ ਲੋੜੀਂਦੇ ਸਰਟੀਫੀਕੇਟ ਦੇਣਾ ਜ਼ਰੂਰੀ ਹੈ। ਕਿਉਂਜੋ ਇਸ ਵਿਧੀ ਅਨੁਸਾਰ 6 ਮਹੀਨੇ ਤੋਂ ਵੱਧ ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀਆਂ ਸਬੰਧੀ ਚੋਣ ਸੰਸਥਾਵਾਂ ਨੂੰ ਪੂਰੀ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇਗੀ ਤੇ ਉਨ੍ਹਾਂ ਦੀ ਰਜ਼ਾਮੰਦੀ ਅਨੁਸਾਰ ਨਿਯੁਕਤੀ ਅਗੋਂ ਚਾਲੂ ਰਹੇਗੀ ਇਸ ਲਈ ਇਨ੍ਹਾਂ ਨਿਯੁਕਤੀਆਂ ਨੂੰ ਪ੍ਰਬੰਧਕੀ ਲੋੜ ਅਨੁਸਾਰ ਅਗੋਂ ਜਾਰੀ ਰੱਖਣ ਲਈ ਥੋੜ੍ਹੇ ਸਮੇਂ ਲਈ ਬਰੋਕ ਪਾਉਣ ਦੀ ਲੋੜ ਨਹੀਂ ਰਹਿੰਦੀ ਕਿਉਂਕਿ ਕੇਵਲ ਅਜਿਹੀ ਬਰੋਕ ਨਾਲ ਕੋਈ ਅਨਿਯਮਤ ਨਿਯੁਕਤੀ ਨਿਯਮਤ ਨਹੀਂ ਬਣ ਜਾਂਦੀ।

5. ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਕਤ ਹਦਾਇਤਾਂ ਇਨ ਬਿਨ ਪਾਲਣਾ ਲਈ ਆਪਣੇ ਅਧੀਨ ਸਮੂਹ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆ ਦੇਣ ਅਤੇ ਉਨ੍ਹਾਂ ਨੂੰ ਨੋਟ ਕਰਵਾ ਲੈਣ ਅਤੇ ਇਸ ਪਾਲਣਾ ਵਜੋਂ ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜਣ ਦੀ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 6490-2SII-74, dated the 30th August, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Ban on the smoking in Government offices, Courts and Government Institutions etc.

It has been decided by Government that in future no smoking will be permitted in Government offices, Courts and Government Institutions. You are requested to ensure that Government employees and public alike comply with this decision. A notice to the effect that smoking is prohibited may be displayed at prominent places in all Government offices, Courts and Government institutions.

2. These instructions override the instructions contained in Punjab Government Circular letter No. 9591-SII (3)-69/10444, dated the 19th/22nd May, 1970.

3. Kindly acknowledge receipt.

Copy of U.O. Circular letter No. 6756-1SII-74, dated the 16th September, 1974 from the Chief Secretary to Government, Punjab to all the Administrative Secretaries to Government, Punjab, etc.

Subject : Determination of principles to be followed for appointment to civil posts under Article 320 of the Constitution.

Will all the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. In terms of provisions of Article 309 of the Constitution read with instructions No. 6029-GS-60, dated the 21st June, 1960, every Service/Cadre/Post under the State Government is required to be regulated by Service Rules. This is a constitutional obligation upon all the Administrative Departments, which should be discharged in an unexceptional manner as emphasized by repeated instructions issued from time to time.

3. Finalisation of Service Rules, of course takes its own time as it requires observance of procedure specified in Punjab Government instructions dated 21st June, 1960 referred to above. This, however, does not mean that till the finalisation of the rules, the mode and principles of recruitment/appointment/promotion e.g. qualifications, experience etc. should remain vague and undecided in respect of services/posts which are newly created and which do not stand regulated by any Service Rules.

4. In this connection attention is invited to the extract (copy enclosed) from the book regarding Regulation of Instructions governing the work of the Punjab Public Service Commission.

5. It needs no clarification that the competence of various Administrative Departments and Appointing Authorities in regard to appointments emanates from the Service Rules, if framed by the Governor under Article 309 of the Constitution. In the absence thereof to avoid any legal implications, the principles of recruitment should be got approved from the Punjab Public Service Commission in terms of Article 320 of the Constitution. The principles so approved may later on form the basis of Rules to be framed under Article 309 of the Constitution. As policy regarding Promotion, seniority, confirmation and condition of services is allocated to the Services Department in terms of Business of the Punjab Government Allocation Rules, 1972 and the various Service Rules are required to be sent to Services Department for comments before finalisation in terms of instructions dated 21st June, 1960, it would also be necessary to have the views of Services Department, while determining the principles of recruitment as stated above. These would ultimately form the basis of the Service Rules.

6. It has, however, been observed that the Departments make appointments without completing the essential formalities as referred to above. The appointments so made continue for long period, which later on create administrative and legal complications. In order to avoid such eventualities as also to comply with the constitutional provisions and the Government instructions, it is requested that in future whenever a new post or a service is created,

before making any appointment thereto, the principles to be followed in making appointment as also explained in the extract enclosed, may first be determined in consultation with the Punjab Public Service Commission and the Services Department. According to the urgency of the situation it may be ensured that these principles are got determined on top priority basis.

[Extracts taken from the Book regarding Regulations and instructions governing the work of the Punjab Public Service Commission].

PART IV-K

(Principles to be followed in making Appointment to Civil Services and posts in consultation with the Public Service Commission under Article 320(3)(b) of the Constitution of India)

43. 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 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. 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.

44. 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. It may, therefore, be ensured 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 rules is desired, consultation with the Commission should precede the placing of the requisition on the Commission.

45. 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.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗੇਰ ਸਰਕਾਰੀ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ : 6560-2ਸII-74, ਮਿਤੀ 19 ਸਤੰਬਰ, 1974
ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ
ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।

ਵਿਸ਼ਾ :--ਮੁਅੱਤਲ ਕਰਮਚਾਰੀਆਂ ਦੇ ਕੇਸਿਸ਼ ਨੂੰ ਛੇਤੀ ਨਿਪਟਾਉਣ ਵਿਚ ਹੋਈ ਦੇਰੀ ਦੇ ਕਾਰਨ
ਦੀ ਛਾਨ ਬੀਨ ਕਰਨਾ।

ਕੀ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਸਾਰੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਕਿਰਪਾ ਕਰਕੇ ਉਪ-
ਰੋਕਤ ਵਿਸ਼ੇ ਵਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੋਚਲ ਕਰਨਗੇ ?

2. ਪੰਜਾਬ ਸਰਕਾਰ ਦੀਆਂ ਹਦਾਇਤਾਂ ਨੰ 3520-ਸII(3)-73, ਮਿਤੀ 26 ਜੂਨ, 1973
ਦੇ ਪੈਰਾ 2 ਵਿਖ ਮੁਅੱਤਲੀ ਦੇ ਕੇਸਾਂ ਨੂੰ ਛੇਤੀ ਨਿਪਟਾਉਣ ਵਿਚ ਹੋਣ ਵਾਲੀ ਅਯੋਗ
ਢਿਲ ਤੋਂ ਬਚਣ ਲਈ ਸਮੂਹ ਵਿਭਾਗਾਂ ਨੂੰ ਹਰ ਮਹੀਨੇ ਦੀ ਪੰਜ ਤਾਰੀਖ ਨੂੰ ਸਬੰਧਤ ਪ੍ਰਬੰਧਕੀ
ਸਕੱਤਰ ਨੂੰ ਤਿੰਨ ਮਹੀਨੇ ਤੋਂ ਵੱਧ ਪੇਂਡਿੰਗ ਕੇਸਾਂ ਬਾਰੇ ਇਕ ਵਿਸਥਾਰ ਪੂਰਵਕ ਸਟੇਟਮੈਂਟ ਨਿਸਚਿਤ
ਪ੍ਰਫਾਰਮੇ ਤੇ, ਭੇਜਣ ਲਈ ਬੋਨਤੀ ਕੀਤੀ ਗਈ ਸੀ। ਇਸ ਸਟੇਟਮੈਂਟ ਦਾ ਭਾਵ ਇਹ ਸੀ ਕਿ
ਦੇਰੀ ਦੇ ਕਾਰਨਾਂ ਦੀ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਜੀ ਦੀ ਪੱਧਰ ਤੇ ਛਾਨ ਬੀਨ ਕੀਤੀ ਜਾ ਸਕੇ। ਦੇਰੀ ਦੇ
ਦੋਸ਼ੀ ਹਲਕਿਆਂ ਨੂੰ ਲੋੜੀਂਦੇ ਆਦੇਸ਼ ਜਾਰੀ ਕੀਤੇ ਜਾ ਸਕਣ। ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੇ ਨਾਲ
ਨੱਥੀ ਨਿਸਚਿਤ ਪਰੋਫਾਰਮਾ ਵਿਚ ਇਹ ਸ਼ਰੂਰੀ ਨੋਟ ਦਿੱਤਾ ਗਿਆ ਹੈ ਕਿ ਸਵੈ ਸਪਸ਼ਟ ਸੂਚਨਾ ਭੇਜੀ
ਜਾਵੇ ਅਤੇ 'ਕੋਰਟ ਕੇਸ' ਅਤੇ 'ਪੁਲਿਸ ਕੇਸ' ਆਦਿ ਕਥਨ ਨਾ ਲਿਖੇ ਜਾਣ।

3. ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਵਿਚ ਪ੍ਰਾਪਤ ਹੋਈਆਂ ਉਪਰੋਕਤ ਸਟੇਟਮੈਂਟਾਂ ਦੀਆਂ ਨਕਲਾਂ ਤੋਂ ਪਤਾ
ਲਗਦਾ ਹੈ ਕਿ ਵਿਭਾਗਾਂ ਵਲੋਂ ਹਦਾਇਤਾਂ ਦੀ ਠੀਕ ਪਾਲਣਾ ਨਹੀਂ ਕੀਤੀ ਜਾ ਰਹੀ ਅਤੇ ਮੁਅੱਤਲੀ

ਦੇ ਕੇਸਿਜ਼ ਨੂੰ ਨਜਿੱਠਣ ਵਿਚ ਹੋ ਰਹੀ ਢਿੱਲ ਬਾਰੇ ਵਿਸਥਾਰ ਪ੍ਰਦਰਸ਼ਕ ਅਤੇ ਵਿਸ਼ੇਸ਼ ਕਾਰਨ ਨਹੀਂ ਦੱਸੇ ਜਾਂਦੇ ਅਤੇ ਅਮ ਕਰਕੇ 'ਕੋਰਟ ਕੇਸ' ਅਤੇ 'ਪੁਲਿਸ ਕੇਸ' ਜਾਂ ਹੋਰ ਸੰਖਿਪਤ ਰੀਮਾਰਕਸ ਦੇ ਕੇ ਸਟੇਟਮੈਂਟ ਭੇਜ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ। ਇਸ ਦੇ ਨਤੀਜੇ ਵਜੋਂ ਮਾਮਲੇ ਦੀ ਸਹੀ ਪ੍ਰਗਤੀ ਬਾਰੇ ਨਹੀਂ ਪਤਾ ਲਗਦਾ ਅਤੇ ਵਿਭਾਗਾਂ ਤੋਂ ਰਿਪੋਰਟਾਂ ਮੰਗਣ ਦਾ ਸਹੀ ਮੰਤਵ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੁੰਦਾ।

4. ਉਪਰੋਕਤ ਸਥਿਤੀ ਦੇ ਸਨਮੁੱਖ ਉਨ੍ਹਾਂ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਨ੍ਹਾਂ ਅਧੀਨ ਸਾਰੇ ਵਿਭਾਗਾਂ ਵਲੋਂ ਹਰ ਮਹੀਨੇ ਪ੍ਰਾਪਤ ਹੋਣ ਵਾਲੀਆਂ ਰਿਪੋਰਟਾਂ ਦੀ ਚੰਗੀ ਤਰ੍ਹਾਂ ਛਾਣ ਬੀਨ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਇਹ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਕਿ ਸਬੰਧਤ ਹਲਕਿਆਂ ਤੋਂ ਪੂਰੀ ਸੂਚਨਾ ਪ੍ਰਾਪਤ ਹੋਵੇ ਅਤੇ ਇਸ ਗੱਲ ਦੀ ਤਸਲੀ ਵੀ ਕੀਤੀ ਜਾਵੇ ਕਿ ਕੋਈ ਕੇਸ ਬਿਨਾਂ ਯੋਗ ਕਾਰਨਾਂ ਦੇ ਲਾਮਕ ਅਵਸਥਾ ਵਿਚ ਨਾ ਰਵੇ। ਜਿਥੇ ਅਯੋਗ ਢਿੱਲ ਪਾਈ ਜਾਵੇ, ਉਸਦੇ ਫਲਸਰੂਪ ਵਿੱਤੀ ਤੇ ਪ੍ਰਬੰਧਕੀ ਢਿੱਲ ਲਈ ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਅਤੇ ਕਰਮਚਾਰੀ ਦੀ ਸ਼ੁਮੇਲੀ ਮਿਥੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 8042-SII(ASO)-74/38357, dated the 20th November, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to invite a reference to instructions contained in the Punjab Government circular letter No. 279-SII(3)-73/3046, dated the 29th January, 1973, on the subject noted above, and to say that the process of regularisation of services of *ad hoc* employees in terms of the said instructions was to be completed within a period of one month and an intimation to this effect was required to be sent to the Services Department. The need for expeditious completion of the process of regularisation of the appointments of the *ad hoc* employees was further stressed in the Punjab Government circular letter No. 2760-SII(3)-73, dated the 15th May, 1973, and it was again desired therein that the requisite information should be sent to the Services Department without delay. Final clearance report about such cases is, however, still awaited from various Departments. Although it is hoped that a bulk of such cases would have been settled by now, yet there may be cases not decided so far, *inter-alia* involving any point of doubt.

In accordance with the instructions dated 29th January, 1973 referred to above, cases of *ad hoc* employees were

required to be screened by the respective Departmental Selection Committees. With the constitution of the Punjab Subordinate Services Selection Board, the Departmental Committees have ceased to function with effect from the 15th October, 1974. Therefore, the pending cases of the nature mentioned above may be referred to the Services Departments for advice. In referring such cases, complete details, viz. the prescribed qualification, with reference to the provisions in the relevant rules or instructions, the date and mode of recruitment, experience of the employees and the report of their work and conduct during the period of *ad hoc* employment and reasons of delay in the finalisation of the case, may be clearly indicated. All such pending cases may be referred to the Services Department *within fifteen days* so as to ensure that no case of *adhoc* employee remain un-decided by the 31st December, 1974, at the latest.

Copy of Punjab Government Circular letter No. 7832-1SII-74/40507, dated the 4th December, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Appointment of persons on *ad hoc* basis not possessing qualifications/experience prescribed in the Rules.

I am directed to refer to the subject noted above and to say that it has been brought to the notice of Government by the Punjab Public Service Commission that the various departments are appointing such persons on *ad hoc* basis who do not possess the minimum qualifications/experience prescribed in the respective rules.

2. Rule 3(c) of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955 and Government instructions issued from time to time only empower the appointing authorities to make appointments for a period not exceeding 6 months, which is to be exercised in exigency of circumstances. This is, however, to be done within the approved principles including qualifications prescribed for the post and no relaxation of the basic qualifications/experience etc. can be made therein. You are, therefore, requested to ensure that no person with

qualifications/experience lower than those prescribed in the respective rules, is appointed even on *ad hoc* basis.

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

Copy of Punjab Government Circular letter No. 5905-6SII-74/39479, dated the 4th December, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Ex-gratia grants and other facilities for families of Government employees, who die while in Service—Clarification with regard to issuing of authority letters for the payment of ex-gratia grants.

I am directed to invite your attention to item No. 5 of the Punjab Government Circular letter No. 8548-SII (3)71/1167, dated the 11th January, 1972 wherein it was mentioned that the authorisation for the disbursement of **ex-gratia** grants should be issued by the Appointing Authority as in the case of anticipatory pension. The authorisation for disbursement of anticipatory pensions in respect of Gazetted officers is, however, issued by the Accountant General, Punjab, and not by the Appointing Authority. Consequently the Departments/quarters concerned have been making references to the A.G., Punjab, for issuing authority letters for the payments of the **ex-gratia** grants to the members of the families of the deceased gazetted Government employees.

2. With a view to avoid delay in such cases, the matter has been examined further in consultation with the Accountant General, Punjab and the Finance Department, and it has been decided that the payment of **ex-gratia** grants to the families/ dependents of the deceased Government employee was gazetted or non-gazetted. the necessary sanctions issued by the Appointing Authorities, regardless of the fact whether the concerned Government employee was gazetted or non-gazetted. The Treasury Officers concerned shall also facilitate the payment of the **ex-gratia** grants accordingly on the basis of the sanctions issued by the Appointing Authority.

3. Since **ex-gratia** grant is to be calculated on the basis of the emoluments last drawn by the Government employee concerned, a verification to this effect in the case of a deceased gazetted employee may invariably be got made from the office of the Accountant General, Punjab, before the sanction is issued by the Appointing Authority for the payment of the *ex-gratia* grant.

4. In any case all these steps should be taken expeditiously, so hat the payment of **ex-gratia** grants to the families/dependents of the deceased Government employees is not un-necessarily delayed.

5. This issues with the concurrence of the Finance Department,—*vide* their U.O. Nos. 3934-6FR-73/31474, dated the 7th March, 1974 and 4805-6FR-74, dated the 5th August, 1974.

Copy of U.O. Circular letter No. 7563-5SII-74, dated the 5th December, 1974 from the Chief Secretary to Government, Punjab to all the Administrative Secretaries to Government, Punjab, etc.; etc.

Subject : Framing/amendment of service rules for each class of service/posts under the Punjab Government — Revised Model Service Rules, 1973.

Will the Financial Commissioners and all the Administrative Secretaries to Government, Punjab, kindly refer to Services Department U.O. communication No. 6780-DSSII (2)-73, dated the 5th November, 1973, on the subject noted above ?

2. Rule 19 of the Model Service Rules, 1973, regarding interpretation of Service Rules reads as under:—

"If any question arises as to the interpretation of any of the provisions of these rules, the same shall be referred to the Chief Secretary whose decision thereon shall be final."

The rule is so worded as to give an impression that the right of interpretation of rules, which should normally vest in the courts, had been taken by the Executive. It

has, therefore, been decided on the analogy of Government of India's policy to amend Rule 19 of the Model Service Rules, 1973 quoted above, as under :—

“If any question arises as to the interpretation of the rules, the Chief Secretary shall decide the same”.

It is requested that the rule, as revised above, may be kept in view while incorporating the rule regarding interpretation in various Service Rules relating to their Departments. Necessary amendment may please be made where called for.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 5403 2ਸII-74/39168, ਮਿਤੀ 6 ਦਸੰਬਰ, 1974 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ: ਤਰੱਕੀ ਦੇ ਕੇਸਾਂ ਵਿਚ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਗੁਪਤ ਰਿਕਾਰਡ ਦੇ ਨਾ-ਮੁਕੰਮਲ ਰੂਪ ਵਿਚ ਭੇਜਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 9365-ਸII-4 (1)-67/1301, ਮਿਤੀ 24 ਜਨਵਰੀ, 1968 ਵਲ ਦਿਵਾਉਂਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੇ ਸਰਕਾਰ ਦੇ ਨੋਟਿਸ ਵਿਚ ਇਹ ਗਲ ਲਿਆਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਵਿਭਿੰਨ ਵਿਭਾਗਾਂ ਵਲੋਂ ਪਾਲਣਾ ਸਹੀ ਢੰਗ ਨਾਲ ਨਹੀਂ ਕੀਤੀ ਜਾਂਦੀ ਰਹੀ, ਜਿਸ ਦੇ ਵਲਸਰੂਪ ਸਬੰਧਤ ਮਸਲਿਆਂ ਨੂੰ ਨਜਿਠਣ ਵਿਚ ਅਣ ਉਚਿਤ ਦੇਰੀ ਹੁੰਦੀ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਕਾਰਜ ਵਿਧੀ ਬਾਰੇ ਹਦਾਇਤਾਂ ਦੇ ਭਾਗ 4(ਉ) ਦੇ ਪੈਰਾ 15 ਦੀ ਉਲੰਘਣਾ ਹੁੰਦੀ ਹੈ।

2. ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਤਰੱਕੀ ਦੇ ਮਾਮਲਿਆਂ ਨੂੰ ਜਿਨ੍ਹਾਂ ਵਿਚ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਪਰਵਾਨਗੀ ਵੀ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਲੋੜੀਂਦੀ ਹੁੰਦੀ ਹੈ, ਨੂੰ ਛੇਤੀ ਨਿਪਟਾਉਣ ਦੇ ਆਸ਼ੇ ਵਜੋਂ ਆਪ ਸਭ ਨੂੰ ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਪ ਨਿਮਨ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਨੂੰ ਯਕੀਨੀ ਬਣਾਉਣ ਲਈ ਲੋੜੀਂਦੇ ਕਦਮ ਉਠਾਓ :—

(1) ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਕਾਰਜ ਵਿਧੀ ਬਾਰੇ ਹਦਾਇਤਾਂ ਦੇ ਉਪਰੋਕਤ ਹਵਾਲੇ ਦੇ ਪੈਰਾ 15 ਵਿਚ ਦਰਜ ਪਰੋਵਾਹਮੇ ਅਨੁਸਾਰ ਮੁਕੰਮਲ ਰੂਪ ਵਿਚ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਅਤੇ ਹੋਰ ਸਮਗਰੀ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੀ ਜਾਇਆ ਕਰੇ।

(2) ਤਰੱਕੀ/ਸਜ਼ਾ ਦੇ ਕੇਸ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜਣ ਤੋਂ ਪਹਿਲਾਂ ਹਰ ਪਖ ਤੋਂ ਮੁਕੰਮਲ ਕਰਕੇ ਭੇਜੇ ਜਾਇਆ ਕਰਨ ਅਤੇ ਆਚਰਣ ਪੱਤਰੀਆਂ ਮਿਤੀ ਅੰਤ ਤਕ ਮੁਕੰਮਲ ਕਰਕੇ ਭੇਜੀਆਂ ਜਾਣ ਤਾਂ ਜੋ ਕਿਸੇ ਕੇਸ ਨੂੰ ਕਮਿਸ਼ਨ ਵਲੋਂ ਵਾਪਸ ਕਰਨ ਦੀ ਲੋੜ ਨਾ

ਪਵੇ। ਜੇਕਰ ਕਿਸੇ ਅਫਸਰ ਦੀ ਕਿਸੇ ਸਾਲ ਦੀ ਜਾਂ ਕੁਝ ਸਮੇਂ ਦੀ, ਰਿਪੋਰਟ ਲਿਖੀ ਨਾ ਗਈ ਹੋਵੇ ਤਾਂ ਸਬੰਧਤ ਵਿਭਾਗ ਅਜਿਹਾ ਸਰਟੀਫੀਕੇਟ ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਤੋਂ ਲਿਖਵਾ ਕੇ ਆਚਰਨ ਪੱਤਰੀ ਵਿਚ ਸ਼ਾਮਲ ਕਰ ਦੇਣ ਕਿ ਇਸ ਸਮੇਂ ਵਿਚ ਕਰਮਚਾਰੀ/ਅਧਿਕਾਰੀ ਦੀ ਰਿਪੋਰਟ ਨਹੀਂ ਲਿਖੀ ਗਈ ਸੀ ਜਾਂ ਗੁਮ ਹੋ ਗਈ ਹੈ, ਪਰ ਉਸਦਾ ਆਚਰਨ ਤੇ ਵਿਹਾਰ ਤਸਲੀਬਖਸ਼ ਰਿਹਾ ਹੈ :

3. ਜੇ ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਠੀਕ ਢੰਗ ਨਾਲ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਜਿਹਾ ਕਿ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੇ ਭਰੋਸਾ ਦਿਵਾਇਆ ਹੈ, ਉਨ੍ਹਾਂ ਵਲੋਂ ਲੋੜੀਂਦੀ ਪਰਵਾਨਗੀ 3-4 ਹਫ਼ਤਿਆਂ ਦੇ ਅੰਦਰ ਅੰਦਰ ਸਬੰਧਤ ਵਿਭਾਗ ਨੂੰ ਉਪਲਬਧ ਹੋ ਸਕੇਗੀ। ਜਿਥੇ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵਲੋਂ ਅਣਉਚਿਤ ਢਿਲ ਕੀਤੀ ਗਈ ਹੋਵੇ ਉਨ੍ਹਾਂ ਮਾਮਲਿਆਂ ਸਬੰਧੀ ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

4. ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਸਹੀ ਸਹੀ ਪਾਲਣਾ ਵਾਸਤੇ ਸਮੂਹ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਇਹ ਹਦਾਇਤਾਂ ਨੋਟ ਕਰਵਾ ਦਿਤੀਆਂ ਜਾਣ।

5. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 9092-ASO(SII)-74, dated the 9th December, 1974 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Ensuring prompt issue of salary slips and letters authorising other payments to officers.

I am directed to address you on the subject cited above and to say that the Accountant General, Punjab was requested to devise some method for more prompt action in the issue of the salary slips and in issue of authority letters for other payments.

2. The Accountant General, Punjab has agreed to take action in all such cases promptly, provided that specified instances of unwarranted delay in his office are brought to his notice. I am, therefore, to advise, you to bring to the notice of the Accountant General, Punjab any such specific cases.

3. It has also been pointed out by the Accountant General that complete papers including the sanctions of the posts etc. are not sent by the various Departments to his office complete in all respects. You are, therefore, requested kindly to ensure that these papers are sent to the

Accountant General's office complete in all respects so that the authority letters for the issue of the salary slips can be issued by the Accountant-General's office promptly.

Copy of Punjab Government Circular letter No. 8946-2SII-74/43784, dated the 1st January, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Speedy disposal of cases of Government employees under suspension.

I am directed to invite your attention to Punjab Government Circular letter No. 3520-SII(3)-73/, dated the 23rd/26th June, 1974, on the subject noted above and Inspector General of Police, Punjab's letter No. 19661-710/E-3, dated the 25th November, 1974 (Copy enclosed) addressed to all Heads of Police offices in Punjab, prescribing the time limits within which the police investigation of criminal cases registered against Government employees should be completed viz. 4 months for ordinary criminal cases and 6 months for complicated cases. You are requested to keep this time limit in view while making a review of the suspension cases in your departments. In cases in which it is found that action has not been taken by the Police within the prescribed schedule, resulting into avoidable delay, the matter may be brought to the notice of Inspector General of Police, Punjab for necessary action at his end because ultimately it is the Department concerned which has to keep a watch over the progress of the cases.

2. Kindly acknowledge receipt.

Copy of letter No. 19661-710/E-3, dated the 25th November, 1974, from the Inspector-General of Police to All Heads of Police Officers in Punjab and copy to the Chief Secretary to Government, Punjab (in Services Department).

Subject : Speedy disposal of cases of Government employees under suspension.

Memorandum :

Continuation this office endorsement No. 12300-12340/B-5, dated the 12th July, 1973, on the above subject.

2. The State Government have observed that a large number of its employees remain under suspension for

very long periods as the criminal cases in which they are arrested/suspended, drag on under police investigation indefinitely. This results in not only a good deal of harassment to the officials under suspension, but also results in considerable loss to the State, when they are exonerated and reinstated after long periods of suspension. With a view to minimise these adverse affects, it has been decided that investigations of criminal cases registered against Government employees be completed with utmost speed and the following outer limits of the periods allowed for such investigations be ensured at all levels :—

- (a) for all types of ordinary criminal cases—4 months.
- (b) for complicated criminal cases—6 months with the approval of DIG.
- (c) for extraordinary complicated cases—over 6 months with the approval of I.G.P.

3. The time limits as prescribed in para 2 above are the outer limits and efforts shall be made to complete the investigations even earlier than these limits. In cases, where extension in the time limit is warranted, the District S.P./Investigating officer shall apply 15 days in advance with cogent reasons for such extension to the appropriate authority. Officers not complying with these instructions shall render themselves liable for strict disciplinary action against them. The District Superintendents of Police and the Range Deputy Inspectors General of Police shall ensure that these instructions are followed in letter and spirit.

4. The receipt of this communication be acknowledged.

Copy of Punjab Government Circular letter No. 196-(GOI)-2SH-74/44174, dated the 9th January, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Resignation from service—procedure in respect of.

I am directed to invite your attention to the subject noted above and to say that it is felt that the policy on

various aspects of resignation from service by the Punjab Government employees needs to be laid down in a consolidated form taking into account the instructions issued in this behalf from time to time, the policy of the Government of India and the upto-date circumstances. The following instructions, are therefore, issued for deciding such cases :

2. (a) **In regard to permanent Government employee.**—Rule 5.9 of the Punjab Civil Services Rules Volume II lays down that normally a notice of three months is to be given to a permanent government employee before his services are dispensed with on the abolition of his post. There is, however, no corresponding rule laying down the period of notice to be given by a permanent government employee tendering his resignation from service. Thus, the resignation of a permanent government employee becomes legally effective only when it is accepted by the competent authority. It is, therefore, not open to a permanent government employee to tender his resignation and quit service forthwith or at any time afterwards till his resignation is accepted and he is relieved of his duties. It is for the competent authority to decide, on receipt of a letter of resignation from a permanent government employee, whether or not to accept the resignation. Relevant Rule/Instructions.

(b) **In regard to temporary government employees.**—In the case of temporary government employees, Government are generally in favour of a reciprocal relationship between themselves and their employees in the matter of notice period. Rule 2.4(b) of the Punjab Civil Services Rules Volume II, lays down that a notice of one month is to be given to a temporary government employee before his services are dispensed with. Similarly, a temporary government employee shall be required to give one month's notice, while submitting his resignation. In either case, if the notice period falls short of one month, the gap is to be made good by the payment of pay and allowances for the period by which the notice period falls short of one month.

3. Within the ambit of Rules referred to above the decision to accept the resignation should be taken as early as possible and in any case not later than three months in the case of permanent Government employees, and one Circumstances under which resignation should be accepted.

month in the case of temporary government employees, both from the date of receipt of letter of resignation by the competent authority. The rationale of this policy is that it will not be in the interest of Government to retain by compulsion the services of a reluctant employee.

Exceptions to the above general principles especially in relation to permanent government employees will have to be made in special circumstances, e.g. :—

(i) In cases in which the Government have incurred expenditure on the higher education or training of the government employee concerned, with a clear commitment on his part to serve the Government for a fixed term of years on the completion of the educational course or training as the case may be ;

(ii) In cases in which the conduct of a Government employee is under investigation and there is a likelihood of of the institution of a departmental enquiry against him ; and

(iii) **(in the case of permanent government employees only).**—Where the government employee concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightaway, but only when alternative arrangement for filling the post have been made.

The above instances are merely illustrative and are not exhaustive. In a case where the Department concerned is of the opinion that Government should exercise their right to withhold or to refuse acceptance of the resignation a decision should be taken after careful consideration of all aspects. If there is a doubt the case be referred to the Services Department through the Administrative Secretary with complete justification for the proposed course of action.

Resignation
of Govern-
ment employee
whose
conduct is
under
enquiry and/
or suspen-
sion.

4. In order to have a safeguard against possible evasion by employees of enquiry proceedings by the strategem of submission of resignation it is necessary to observe the following policy :—

Where an enquiry or investigation, whether preliminary or regular, is pending against a Government employee (whether he has been placed

under suspension or not) and he submits his resignation, such resignation should not normally be accepted until he is cleared of the charges. Where, however, the acceptance of resignation in such a case is considered necessary in public interest, because one or more of the conditions stated below are fulfilled, the resignation may be accepted with the prior approval of the Head of the Department in the case of holders of Class III and IV posts and that of the Government in respect of holders of Class I and II posts :—

- (i) where the allegation/charges do not involve moral turpitude ; or
- (ii) where the evidence against the delinquent Government employee is not strong enough to raise the presumption that if the departmental proceedings were continued the Government employee would likely to be removed or dismissed from service ; or
- (iii) where the departmental proceedings are likely to be so protracted that it would be in the public interest to accept the resignation.

5. Except as otherwise stated above, the appointing authority in respect of the service or post in question is the authority competent to accept the resignation of the Government employee concerned.

6. In the case of permanent Government employees the resignation will take effect from the date it is accepted by the competent authority and the employee is relieved of his duties, while in the case of temporary government employee it would take effect from the date on which one month's notice expires or earlier from the date to be determined by the Department keeping in view the number of days for which the employee deposits the salary in lieu of notice period.

7. No temporary government employee, who has intimated his intention of resigning from service shall be granted leave during the notice period. In case he avails of leave during the notice period, the notice period shall be deemed to have been extended by or to have fallen short

Authority competent to accept the resignation.

Date when a resignation becomes effective.

Effect of leave during notice period in case of temporary Government employees.

of, the period for which he remains on leave. Recovery of pay and allowances, as may be necessary, shall be effected accordingly.

Authority
competent to
permit
withdrawal
of resigna-
tion.

8. A resignation becomes effective when it is accepted and Government employee is relieved of his duties. Where a resignation has not become effective and the Government employee wishes to withdraw it, it is open to the authority which accepted the resignation to refuse the request for such withdrawal.

9. The above instructions do not take away the powers at present enjoyed by the Administrative Departments or other competent authority under the East Punjab Essential Services (Maintenance) Act, 1947.

10. The above instructions do not cover the *ad hoc* employees or such employees appointed on contract basis where services are terminable without any notice.

11. You are requested to kindly ensure that the above instructions are brought to the notice of all concerned for meticulous observance.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਯੁਕਤੀ ਪੱਤਰ ਨੰ: 1293-2ਸII-75, ਮਿਤੀ 17 ਫਰਵਰੀ, 1975 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਆਦਿ।

ਵਿਸ਼ਾ: ਸਰਕਾਰੀ ਦਫ਼ਤਰਾਂ, ਅਦਾਲਤਾਂ ਅਤੇ ਸਰਕਾਰੀ ਸੰਸਥਾਵਾਂ ਵਿਚ ਤਮਾਕੂ/ਸਿਗਰਟ ਪੀਣ ਤੇ ਮਨਾਹੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਪੱਤਰ ਨੰ: 6490-2ਸII-74 ਮਤੀ 30 ਅਗਸਤ, 1974 ਵੱਲ ਆਪ ਜੀ ਦਾ ਧਿਆਨ ਦਿਵਾਉਂਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦਾ ਆਦੇਸ਼ ਹੋਇਆ ਹੈ ਕਿ ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਇਹ ਲਿਆਂਦਾ ਗਿਆ ਹੈ ਕਿ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਦਫ਼ਤਰਾਂ ਅਤੇ ਵਿਦਿਅਕ ਸੰਸਥਾਵਾਂ ਆਦਿ ਵਿਚ ਅਜੇ ਸਿਗਰਟ ਨੋਸ਼ੀ ਪੂਰੀ ਤਰ੍ਹਾਂ ਰੋਕੀ ਨਹੀਂ ਗਈ ਹੈ। ਇਸ ਲਈ ਆਪ ਨੂੰ ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਪ ਨਿਜੀ ਤੌਰ ਤੇ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਕਰਮਚਾਰੀਆਂ/ਅਫਸਰਾਂ ਵੱਲੋਂ ਸਿਗਰਟ ਨਾਂ ਪੀਣ ਦੀਆਂ ਹਦਾਇਤਾਂ ਦੀ ਸਮੇਂ ਸਮੇਂ ਸਿਰ ਅਚਨਚੇਤ ਚੇਕਿੰਗ ਆਦਿ ਰਾਹੀਂ ਪੂਰੀ ਪਾਲਣਾ ਕਰਾਓ।

ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਹੇਠੀ ਜਾਵੇ

ਬਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 267-2ਸ II-75/9435, ਮਿਤੀ 24 ਮਾਰਚ, 1975 ਵੱਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ:—ਚਿਤਾਵਨੀ ਅਰਥਾਤ ਤਾੜਨਾ ਦਾ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਆਚਰਨ ਪੱਤਰੀਆਂ ਵਿੱਚ ਰੱਖਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਮੈਨੂੰ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 1724-

ਸII(3)-71, ਮਿਤੀ 8 ਜੂਨ, 1971, ਵੱਲ ਦਿਵਾਉਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਜਿਸ ਰਾਹੀਂ ਇਹ ਸਪਸ਼ਟ ਕੀਤਾ ਗਿਆ ਸੀ, ਕਿ:

“ਕਿਸੇ ਕਸੂਰਵਾਜ਼ ਕਰਮਚਾਰੀ ਨੂੰ ਚਿਤਾਵਨੀ (ਜ਼ਬਾਨੀ ਜਾਂ ਲਿਖਤੀ ਰੂਪ ਵਿਚ), ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ (ਦੰਡ ਅਤੇ ਅਪੀਲ) ਨਿਯਮਾਵਲੀ, 1970, ਅਨੁਸਾਰ ਇਕ ਦੰਡ ਨਹੀਂ ਕਿਣਿਆ ਜਾਂਦਾ ਪਰ ਜਦੋਂ ਅਜਿਹੀ ਚਿਤਾਵਨੀ ਦੀ ਇਕ ਨਕਲ ਕਿਸੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਦੀ ਨਿਜੀ ਫਾਈਲ ਵਿਚ ਰੱਖੀ ਜਾਂਦੀ ਹੈ ਤਾਂ ਕਾਨੂੰਨੀ ਦ੍ਰਿਸ਼ਟੀਕੋਣ ਤੋਂ ਇਹ ਇਕ ਦੰਡ ਬਣ ਜਾਂਦਾ ਹੈ ਕਿਉਂਕਿ ਇਸ ਦਾ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦੇ ਸੇਵਾ ਮਾਮਲਿਆਂ ਤੇ ਬੁਰਾ ਅਸਰ ਪੈ ਸਕਦਾ ਹੈ। ਇਸ ਲਈ ਅਜਿਹੀ ਚਿਤਾਵਨੀ ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਦੀ ਜਾਤੀ ਮਿਸਲ ਵਿਚ ਰੱਖਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਸੰਵਿਧਾਨਿਕ ਤੌਰ ਤੇ ਜ਼ਰੂਰੀ ਸਮਝਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਉਸ ਨੂੰ ਆਪਣੀ ਸਥਿਤੀ ਸਪਸ਼ਟ ਕਰਨ ਦਾ ਯੋਗ ਮੌਕਾ ਦਿੱਤਾ ਜਾਵੇ।”

2. ਇਸ ਸਬੰਧ ਵਿਚ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 6696-ਸ II(1)-73/573, ਮਿਤੀ 24 ਜਨਵਰੀ, 1974 ਰਾਹੀਂ ਇਹ ਸਪਸ਼ਟੀਕਰਨ ਦਿਤਾ ਗਿਆ ਸੀ ਕਿ ਜਦੋਂ ਸਾਧਾਰਨ ਤਾੜਨਾ ਕਿਸੇ ਕਰਮਚਾਰੀ ਦੀ ਜਾਤੀ ਮਿਸਲ ਤੇ ਰੱਖੀ ਜਾਂਦੀ ਹੈ ਤਾਂ ਉਸ ਦਾ ਭਾਵ ਉਸ ਨੂੰ ਸੈਨਸੇਅਰ (censure) ਕਰਨਾ ਹੁੰਦਾ ਹੈ ਅਤੇ ਇਸ ਲਈ ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ (ਦੰਡ ਅਤੇ ਅਪੀਲ) ਰੂਲਜ਼, 1970 ਵਿਚ ਨਿਰਧਾਰਿਤ ਵਿਧੀ ਦੀ ਪਾਲਣਾ ਕਰਨੀ ਚਾਹੀਦੀ ਹੈ। ਇਸ ਮਾਮਲੇ ਨੂੰ ਕਾਨੂੰਨੀ ਦ੍ਰਿਸ਼ਟੀਕੋਣ ਤੋਂ ਵੇਰ ਵਿਚਾਰਿਆ ਗਿਆ ਹੈ। ਇਸ ਸਬੰਧੀ ਕਾਨੂੰਨੀ ਸਲਾਹ ਇਸ ਪ੍ਰਕਾਰ ਹੈ:—

“It cannot be said that every warning placed on the personal file amounts to censure. A distinction will have to be drawn between the warning issued on account of any general lapse on the part of a Government employee and a warning issued as a result of the employee being held guilty of misconduct. The correct view would be that a warning with a copy on personal file will become censure only when it is issued as a result of disciplinary action by the disciplinary authority under the Punishment and

Appeal Rules holding the employee concerned guilty of misconduct. Therefore, it is not necessary to observe the procedure laid down in the Punishment and Appeal Rules in every case where a warning is to be administered."

3. ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਸੰਖਿਪਤ ਵਿਚ ਸਥਿਤੀ ਇਸ ਪਰਕਾਰ ਬਣਾਈ ਹੈ ਕਿ :

(ੳ) ਜਦੋਂ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਮੌਖਿਕ ਤੌਰ ਤੇ ਜਾਂ ਲਿਖਤੀ ਰੂਪ ਵਿਚ, ਪਰ ਜ਼ਾਤੀ ਮਿਸਲ ਤੇ ਰਖੇ ਬਿਨਾਂ, ਤਾੜਨਾ ਦੇਣੀ ਹੋਵੇ ਤਾਂ ਇਸ ਲਈ ਪਹਿਲਾਂ ਤੋਂ ਕੋਈ ਮੌਕਾ ਦੇਣਾ ਕਾਨੂੰਨੀ ਤੌਰ ਤੇ ਜ਼ਰੂਰੀ ਨਹੀਂ;

(ਅ) ਜਦੋਂ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਜਨਰਲ 'ਲੈਪਸ' ਦੇ ਕਾਰਨ ਤਾੜਨਾ ਦਿੰਦੇ ਹੋਏ ਉਸ ਦੀ ਇਕ ਨਕਲ ਜ਼ਾਤੀ ਮਿਸਲ ਤੇ ਰੱਖੀ ਜਾਵੇ ਤਾਂ ਉਸ ਨੂੰ ਉਪਰੋਕਤ ਹਵਾਲੇ ਵਾਲੀਆਂ 8 ਜੂਨ, 1971 ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਕੇਵਲ ਪਹਿਲਾਂ ਤੋਂ ਆਪਣਾ ਸਪਸ਼ਟੀਕਰਨ ਦੇਣ ਲਈ ਮੌਕਾ ਦੇਣਾ (prior opportunity of explanation) ਜ਼ਰੂਰੀ ਹੈ, ਕਿਉਂਜੋ ਉਸ ਦੀ ਜ਼ਾਤੀ ਮਿਸਲ ਤੇ ਰੱਖੀ ਗਈ ਤਾੜਨਾ ਦੇ ਫਲਸਰੂਪ ਉਸ ਤੇ ਇਕ ਧੱਬਾ ਆਵੇਗਾ ਪਰ ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ (ਦੰਡ ਤੇ ਅਪੀਲ) ਨਿਯਮ, 1970 ਵਿਚ ਮਿਥੀ ਵਿਧੀ ਦੀ ਪਾਲਣਾ ਦੀ ਲੋੜ ਨਹੀਂ;

(ੲ) ਜਦੋਂ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਮਿਸ-ਕੰਡਕਟ ਦੇ ਆਧਾਰ ਤੇ ਦੇਸ਼ ਪਾਕੋ ਉਸ ਨੂੰ ਕੇਵਲ ਤਾੜਨਾ ਦੇਣ ਦਾ ਪ੍ਰਸਤਾਵ ਹੋਵੇ ਅਤੇ ਅਜਿਹੀ ਤਾੜਨਾ ਦੀ ਨਕਲ ਉਸ ਦੀ ਮਿਸਲ ਤੇ ਰੱਖਣ ਦਾ ਫੈਸਲਾ ਕੀਤਾ ਜਾਵੇ ਤਾਂ ਉਪਰੋਕਤ ਪੈਰਾ 2 ਵਿਚ ਦਿੱਤੇ ਸਪਸ਼ਟੀਕਰਨ ਅਨੁਸਾਰ ਇਹ ਇਕ ਸੈਨਸ਼ੋਅਰ ਦੀ ਸਜ਼ਾ ਹੋਵੇਗੀ, ਜਿਸ ਲਈ ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ (ਦੰਡ ਤੇ ਅਪੀਲ) ਨਿਯਮ, 1970 ਵਿਚ ਮਿਥੀ ਵਿਧੀ ਦੀ ਪਾਲਣਾ ਕਰਨੀ ਜ਼ਰੂਰੀ ਹੋਵੇਗੀ। ਪਰੰਤੂ ਕਿਸੇ ਕਾਨੂੰਨੀ ਜਾਂ ਪ੍ਰਬੰਧਕੀ ਭੁਲੇਖੇ ਤੋਂ ਬਚਣ ਲਈ ਇਹ ਠੀਕ ਹੋਵੇਗਾ ਕਿ ਅਜਿਹੀ ਤਾੜਨਾ ਦਾ ਨਾਮ 'ਸੈਨਸ਼ੋਅਰ' ਹੀ ਦੇ ਦਿੱਤਾ ਜਾਵੇ। ਭਾਵ ਇਹ ਕਿ ਮਿਸ-ਕੰਡਕਟ ਦੇ ਫਲਸਰੂਪ ਨਿਯਮਾਂ ਵਿਚ ਦਰਜ, minor penalty ਵਿਚੋਂ ਸਭ ਤੋਂ ਪਹਿਲੀ penalty 'ਸੈਨਸ਼ੋਅਰ' ਦੇ ਦਿੱਤੀ ਜਾਵੇ।

4. ਇਹ ਹਦਾਇਤਾਂ ਸਮੂਹ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆ ਦਿੱਤੀਆਂ ਜਾਣਗੀਆਂ ਜੋ ਇਸ ਮਾਮਲੇ ਸਬੰਧੀ ਕੋਈ ਕਾਨੂੰਨੀ ਉਲਝਣ ਉਤਪੰਨ ਨਾ ਹੋਵੇ।

5. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

ਕਾਪੀ ਅ.ਸ. ਪ. ਨੰ: 2172-2ਸII-75/15598, ਮਿਤੀ 28 ਅਪ੍ਰੈਲ, 1975 ਵਲੋਂ ਸ਼੍ਰੀ ਰਾਜਨ ਕਸਿਯਪ, ਆਈ. ਏ. ਐਸ., ਸੰਯੁਕਤ ਸਕੱਤਰ, ਸੇਵਾਵਾਂ ਤੇ ਰਾਜਨਤਿਕ ਵਲੋਂ ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਇਕ ਕਾਪੀ ਸਾਰੇ ਵਿਭਾਗੀ ਦੇ ਮਖੀ ਆਦਿ ਆਦਿ ਨੂੰ।

ਵਿਸ਼ਾ:—ਵਾਰਸ਼ਿਕ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਨੂੰ ਛੇਤੀ ਲਿਖਣ ਬਾਰੇ।

ਕਿਰਪਾ ਕਰਕੇ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਾਈਏ ਵਿਚ ਦਿੱਤੇ ਅੱਧ ਸਰਕਾਰੀ ਪੱਤਰਾਂ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੋਚਲ ਕਰਨਾ।

1. ਅ.ਸ.ਨੰ: 5637-2ਸII-74, ਮਿਤੀ 20-7-74
2. ਨੰ: 5637-2ਸII-74, ਮਿਤੀ 9-8-74
- (1) ਹਰ ਸਾਲ ਅਪਰੈਲ ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ ਰਿਪੋਰਟਾਂ ਲਿਖਣ ਦੇ ਕੰਮ ਨੂੰ ਮੁਕੰਮਲ ਕੀਤਾ ਜਾਇਆ ਕਰੇ ਅਤੇ ਉਸ ਤੋਂ ਤੁਰੰਤ ਬਾਅਦ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ; ਅਤੇ
- (2) ਸਾਲ 1973-74 ਅਤੇ ਪਹਿਲਾਂ ਦੀਆਂ ਰਿਪੋਰਟਾਂ ਬਾਰੇ ਆਪ ਜੀ ਵੱਲੋਂ ਆਪ ਅਧੀਨ ਵਿਭਾਗਾਂ ਦੇ ਸਮੂਹ ਅਮਲੇ ਸਬੰਧੀ ਕਨਸੋਲੀਡੇਟਿਡ ਰੂਪ ਵਿਚ ਸਰਟੀਫਿਕੇਟ ਦਿੱਤਾ ਜਾਵੇ ਕਿ ਰਿਪੋਰਟਾਂ ਲਿਖੀਆਂ ਜਾ ਚੁੱਕੀਆਂ ਹਨ।
3. ਨੰ: 6710-2 ਸII-74, ਮਿਤੀ 3-9-74
4. ਨੰ: 315-2ਸII-75, ਮਿਤੀ 29-1-75

ਹਾਈਏ ਵਿਚ ਦਰਜ ਪੱਤਰਾਂ ਦੇ ਜਾਰੀ ਹੋਣ ਦੇ ਬਾਵਜੂਦ ਇਹ ਵੇਖਿਆ ਗਿਆ ਹੈ ਕਿ ਉਪਰੋਕਤ ਆਇਟਮ (2) ਤੇ ਮੰਗੀ ਸੂਚਨਾ ਬਹੁਤ ਸਾਰੇ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਨਹੀਂ ਪ੍ਰਾਪਤ ਹੋਈ। ਨਾ ਹੀ ਇਸ ਬਾਰੇ ਵਿਸਥਾਰ ਨਾਲ ਕਾਰਵਾਈ ਨਾ ਕਰਨ ਸਬੰਧੀ ਕਾਰਣ ਦੱਸੇ ਗਏ ਹਨ।

3. ਕਰਮਚਾਰੀਆਂ/ਅਫਸਰਾਂ ਦੀਆਂ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਸਮੇਂ ਸਿਰ ਲਿਖਣ ਦਾ ਮਹੱਤਵ ਇਹ ਹੈ ਕਿ ਇਸ ਤਰ੍ਹਾਂ ਉਨ੍ਹਾਂ ਦੇ ਸੇਵਾ ਮਾਮਲੇ ਸਮੇਂ ਸਿਰ ਪ੍ਰਬੰਧਕੀ ਉਚਿਤਤਾ ਅਨੁਸਾਰ ਨਜਿੱਠੇ ਜਾ ਸਕਦੇ ਹਨ, ਜਿਸ ਨਾਲ ਅਮ ਨਿਪੁੰਨਤਾ ਵਧਾਈ ਜਾ ਸਕਦੀ ਹੈ। ਇਸ ਆਸ਼ੇ ਨੂੰ ਸਾਹਮਣੇ ਰੱਖਦੇ ਹੋਏ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕਰਦਾ ਹਾਂ ਕਿ ਆਪ ਇਸ ਮਸਲੇ ਵੱਲ ਨਿੱਜੀ ਧਿਆਨ ਦਿਓ ਅਤੇ ਇਹ ਯਕੀਨੀ ਬਣਾਓ ਕਿ ਕਰਮਚਾਰੀਆਂ/ਅਫਸਰਾਂ ਦੀਆਂ ਸਾਲ 1973-74 ਤੱਕ ਦੀਆਂ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਮੁਕੰਮਲ ਕਰਨ ਬਾਰੇ ਲੋੜੀਂਦਾ ਸਰਟੀਫਿਕੇਟ ਮੁੱਖ ਮੰਤਰੀ ਜੀ ਨੂੰ ਮੰਤਰੀ ਇਨਚਾਰਜ ਦੇ ਰਾਹੀਂ ਛੇਤੀ ਭੇਜਿਆ ਜਾਵੇ। ਇਸ ਗੱਲ ਨੂੰ ਵੀ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਕਿ ਸਾਲ 1974-75 ਦੀਆਂ ਰਿਪੋਰਟਾਂ ਵੀ ਅਪਰੈਲ ਮਹੀਨੇ ਦੇ ਅੰਦਰ ਅੰਦਰ ਲਿਖੀਆਂ ਜਾਣ ਅਤੇ ਲੋੜੀਂਦਾ ਸਰਟੀਫਿਕੇਟ ਦਿੱਤਾ ਜਾਵੇ।

4. ਕਿਰਪਾ ਕਰਕੇ ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਲੋੜੀਂਦੇ ਆਦੇਸ਼ ਆਪ ਦੇ ਅਧੀਨ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀਆਂ ਨੂੰ ਦਿੱਤਾ ਸਹਿਤ ਪਾਲਣਾ ਕਰਨ ਅਤੇ ਅਗਵਾਈ ਹਿਤ ਭੇਜੇ ਜਾਣ ਅਤੇ ਮੈਨੂੰ ਇਸ ਕਾਰਵਾਈ ਸਬੰਧੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

Copy of U.O. Circular letter No. 803-1SII-75, dated the 29th April, 1975 from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab, etc.

Subject : Confirmation of Heads of Departments.—Submission of cases to the Chief Minister.

Will the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab kindly refer to the subject noted above ?

2. Government instructions contained in Circular letter No. 8892-4GS(I)-65/32042, dated the 22nd September, 1965 *inter alia*, require that apart from the proposals for the creation of the posts of Heads of Departments or for the declaration of any post as Head of Department, proposals for posting and transfers of Heads of Departments should be submitted to the Chief Minister, through the Chief Secretary. With the amendment of Rule 28 of the Rules of Business of the Government of Punjab, as circulated,—*vide* U.O. No. 3727-4GA-74, dated the 8th January, 1975, it has now become necessary for all the Departments to submit to the Chief Minister proposals for the confirmation of Heads of Departments as well, before the issue of orders. In order to ensure uniformity of practice, it has been decided that such proposals should also be routed through the Chief Secretary (in Services II Branch) as in the case of posting and transfers of Heads of Departments. These instructions may be brought to the notice of all concerned for compliance.

Copy of Punjab Government Circular letter No. 564-2SII-75/15048, dated the 15th May, 1975 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject : Crossing of efficiency bar—policy/rules regarding upto date position.

I am directed to invite your attention to Punjab Government circular letter No. 3805-SII(3)-73, dated the 16th October, 1973, on the subject noted above and to say that following points have been raised for clarification :—

- (i) Should there be a time-limit for initiating cases regarding crossing of efficiency bar ?
- (ii) Whether it is necessary to indicate the period for which the efficiency bar may be stopped in cases where stoppage of efficiency bar is on grounds other than unfitness ?

- (iii) To what extent a penalty awarded under the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, to an employee before his efficiency bar was due to be crossed, should be taken into account while considering the question of crossing of efficiency bar ?

2. The position is clarified seriatim as follows :—

- (i) In paragraph 2 of the instructions referred to above it has been stated that the increment next above efficiency bar shall not be given to a Government Employee without the specific sanction of the authority empowered to withhold the increment. It is neither desirable and nor conducive to administrative efficiency to prolong the decision in such cases. It is, therefore, incumbent upon the competent authority to take up the case of crossing of efficiency bar of a Government employee well in time so that a decision to allow or not to allow a Government employee to cross the efficiency bar is taken and orders issued before the date it falls due or if unavoidable, within reasonable time after due date.

In order to ensure that action in such cases is initiated well in time and a decision is taken without any avoidable delay, it would be appropriate to make it clear to the concerned officials/officers that it will be their personal responsibility to take up such cases well in time and without any delay. Suitable disciplinary action may be taken where such cases are delayed.

- (ii) Paragraph 6 of the instructions referred to above provide for a review in cases where stoppage of efficiency bar is on grounds of unfitness. In other cases where stoppage of efficiency bar is on grounds other than unfitness, it is necessary that period for which an efficiency bar is stopped should be indicated in the order and after the expiry of the period so specified the Government employee concerned

should be allowed to cross the efficiency bar by issuing another order unless some other factor has intervened to justify stoppage of efficiency bar according to rules for a further period. In that case a clear order may be passed within time.

- (iii) In paragraph 5 of the instructions quoted above, it has, *inter alia*, been provided that 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 adequate. In view of this position it would not be proper to order stoppage of efficiency bar merely by taking into account a penalty already awarded. As a matter of principle of natural justice and fairness the record as a whole prior to the date of efficiency bar should be taken into consideration by the competent authority so as to determine the yardstick of crossing the efficiency bar as laid down in paragraph 5(iii) of the instructions *ibid*. But in the scales of pay in which there are two or more efficiency bars, the record subsequent to crossing of the earlier efficiency bar should be kept in view.

Copy of Circular letter No. 1442-2SII-75/8009, dated the 22nd May, 1975 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject : Grant of leave to civil employees, who are wives of Defence Services Personnel.

I am directed to refer to Punjab Government circular letter No. 2295-9GS (II)-64/13551, dated the 22nd/27th April, 1964, on the above subject,—*vide* which it was *inter alia* provided that the wives of Defence Services Personnel, in temporary civil employment might be granted extraordinary leave, in relaxation of rules, for the period during which their husbands remained posted to family stations and such employees could rejoin civil post on the expiry of the period of their husband's posting to family stations

2. The instructions referred to above are deficient about the limit on the duration of extraordinary leave at a time. The matter has further been considered and in order to check uncertainty as well as to avoid any misuse of this facility it has been decided that in such cases not more than six months' leave may be granted at a time as admissible under rule 8.137 of the Punjab Civil Services Rules, Volume I. Part I.

3. You are requested to note these instructions and to bring them to the notice of all concerned for information and necessary action.

Copy of Punjab Government Circular letter No. 3565-1SII-75/20396, dated the 5th June, 1975 from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject : Condition of experience for promotion and recruitment.

I am directed to address you on the subject noted above and to say that to ensure that the promotion posts are manned by mature/experienced persons, a standard of experience was required to be laid down,—vide Punjab Government Circular letter No. 9129-G-56/3964 dated the 17th September, 1956. It has been observed that firstly necessary experience is yet to be prescribed for a number of posts, secondly the experience prescribed for certain posts does not meet full requirements of the job, and thirdly recourse to relaxation in the condition of experience is frequently taken.

2. In such cases in which relaxation of the condition of experience was made in accordance with Circular letter No. 6256-SII(3)-71/29750, dated the 12th November, 1971, the employees concerned were not entitled to the regular scale of the higher post and were to be given the minimum of the scale till such time the requisite experience was fulfilled.

3. Not prescribing any experience for promotion posts or for recruitment to higher posts, where required or prescribing inadequate experience, or taking resort to relaxation after having prescribed an experience, all these aspects retard the administrative efficiency. Moreover relaxation of experience prescribed in Service Rules is not legally permissible. This fact was also made clear in the instructions issued,—*vide* Circular letter No. 2122-DSGS-63/38118, dated the 27th November, 1964, wherein it was stressed that the basic conditions of recruitment (which includes promotions) viz. qualifications and experience etc. cannot be relaxed and that in case where the exigency of administration permits, the relaxed standard of qualifications and experience can be adopted only by making an amendment to relevant service rules.

4. The legal position in regard to the relaxation of qualification/experience has once again been examined in consultation with the Legal Remembrancer and Secretary to Government, Punjab, Legislative Department. Government has been advised that the relaxation in question is permissible only in terms of the provisions in the relevant service rules and that any relaxation of the qualifications/experience by means of executive instructions would not be legally valid to the extent such a relaxation is in conflict with the basic rules. Where the relevant provision in the service rules enables the Government to relax any rule regulating the conditions of service, such a rule will not empower Government to relax the rules relating to recruitment/promotion.

5. In the above circumstances and keeping in view the fact that maintenance of efficiency of administration is of paramount importance, Government desire that all Departments should review the position of all the services under their control so as to—

- (a) prescribe an adequate experience for all categories of posts and make a provision in Service Rules in this behalf ;
- (b) recast realistically, where so necessary, the existing service rules in respect of posts for

which a condition of experience is already prescribed ; and

- (c) lay down, if considered fit, in the relevant Rule itself the categories of posts for which and the extent upto which the basic condition of experience could be relaxed according to the exigency of circumstances. While making such a provision of relaxation of experience, the alternative higher qualifications, if any, in consideration of which relaxation would be permissible may also be indicated.

The basic and important consideration in the fixation of quantum, the nature of experience and the extent of its relaxation as required above should in all cases be to secure maximum efficiency in the manning of the post concerned. The period spent on the lower post before one could get next promotion, could realistically be taken into account as one of the basis of the conditions of experience to be prescribed. The condition of experience once prescribed should apply uniformly.

6. In cases in which a person takes advantage of the relaxation, as laid down in the rules, as mentioned in item (c) above, the first annual increment in the new pay scale could be granted to such beneficiary only one year after the date on which he has completed the minimum experience as laid down in Punjab Government Circular letter No. 6256-SII(3)-71/29750, dated the 12th November, 1971.

7. You are requested to take immediate steps to amend the service rules of the department on the above lines, wherever called for.

The receipt of this communication may also be acknowledged.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੁਜਰੀ ਪੱਤਰ ਨੰ: 3873-ਸੀ[1](ਏ.ਐਸ.ਓ)-75, ਮਿਤੀ 11 ਜੂਨ, 1975 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ।

ਵਿਸ਼ਾ : ਕਾਰਪੋਰੇਸ਼ਨਾਂ, ਬੋਰਡਾਂ, ਬੈਂਕਾਂ ਆਦਿ ਵਿੱਚ ਨਵਿਰਤੀ ਦੀ ਆਯੁ ਉਪਰੰਤ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਸੇਵਾ ਵਿੱਚ ਰੋਮਣ ਦੀ ਮਨਾਹੀ ।

ਕੀ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ ਅਤੇ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਕਿਰਪਾਲਤਾ ਕਰਨਗੇ ?

2. ਜਿਹਾ ਕਿ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਨੂੰ ਪਹਿਲਾਂ ਹੀ ਸਪੱਸ਼ਟ ਕੀਤਾ ਗਿਆ ਹੈ, ਸਰਕਾਰ ਦੀ ਬੁਨਿਆਦੀ ਨੀਤੀ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਅਤੇ ਹੋਰ ਅਧਿ-ਸਰਕਾਰੀ ਅਦਾਰਿਆਂ ਵਿੱਚ ਵੀ ਸਰਕਾਰ ਦੇ ਨੁਮਾਇੰਦਿਆਂ ਰਾਹੀਂ ਜਾਂ ਹੋਰ ਉਚਿਤ ਉਪਰਾਲਾ ਕਰਕੇ ਲਾਗੂ ਕੀਤੀ ਜਾਣੀ ਚਾਹੀਦੀ ਹੈ।

3. ਉਪਰੋਕਤ ਦ੍ਰਿਸ਼ਟੀਕੋਣ ਤੋਂ ਇਸ ਗੱਲ ਦੀ ਪਤਾਚਲ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਸਰਕਾਰ ਦੀ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਰਿਟਾਇਰਮੈਂਟ ਉਪਰੰਤ ਮੁੜ ਨਿਯੁਕਤ ਕਰਨ ਸਬੰਧੀ ਨੀਤੀ-ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਵਿੱਚ ਲਾਗੂ ਹੈ ਜਾਂ ਨਹੀਂ। ਇਸ ਸਬੰਧੀ ਜਿਹੜੇ ਵੇਰਵੇ ਇਕਤਰਤ ਕੀਤੇ ਗਏ ਉਨ੍ਹਾਂ ਤੋਂ ਇਹ ਪ੍ਰਤੱਖ ਹੁੰਦਾ ਹੈ ਕਿ ਰਾਜ ਸਰਕਾਰ ਦੀਆਂ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਅਤੇ ਅਧਿ-ਸਰਕਾਰੀ ਅਦਾਰਿਆਂ ਵਿੱਚ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ, ਜਿਹੜੇ ਆਪਣੀ ਨਿਵਿਰਤੀ ਉਮਰ ਛੇਗ ਵੇ ਰਿਟਾਇਰ ਹੁੰਦੇ ਹਨ, ਵਿਚੋਂ ਕਈਆਂ ਨੂੰ ਆਮ ਕਰਕੇ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਅਤੇ ਅਧਿ-ਸਰਕਾਰੀ ਅਦਾਰਿਆਂ ਵਿੱਚ ਨਿਯੁਕਤ ਕਰ ਲਿਆ ਜਾਂਦਾ ਹੈ।

4. ਸਰਕਾਰ ਨੇ ਇਸ ਮਾਮਲੇ 'ਤੇ ਵਿਚਾਰ ਕਰਕੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਮੁੱਖ ਨੀਤੀ ਦੇ ਤੌਰ ਤੇ ਜਿਹੜੇ ਕਰਮਚਾਰੀ ਸਰਕਾਰ ਦੀ ਸੇਵਾ ਤੋਂ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਨਿਵਿਰਤ ਕੀਤੇ ਜਾਂਦੇ ਹਨ ਉਨ੍ਹਾਂ ਨੂੰ ਰਾਜ ਸਰਕਾਰ ਦੀਆਂ ਕਾਰਪੋਰੇਸ਼ਨਾਂ, ਅਧਿ-ਸਰਕਾਰੀ ਅਦਾਰਿਆਂ, ਬੈਂਕਾਂ ਅਤੇ ਬੋਰਡਾਂ ਆਦਿ ਵਿਖੇ, ਆਮ ਕਰਕੇ, ਅਜਿਹੀ ਨਿਵਿਰਤੀ ਉਪਰੰਤ ਨਿਯੁਕਤ ਨਾ ਕੀਤਾ ਜਾਵੇ। ਇਸ ਗੱਲ ਦਾ ਉਪਰਾਲਾ ਕੀਤਾ ਜਾਵੇ ਕਿ ਲੋੜ ਅਨੁਸਾਰ ਕੇਵਲ ਉਨ੍ਹਾਂ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਉਪਰੋਕਤ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਅਤੇ ਅਦਾਰਿਆਂ ਦੀ ਸੇਵਾ ਵਿੱਚ ਲਿਆ ਜਾਵੇ ਜਿਹੜੇ ਸੇਵਾ ਵਿੱਚ ਬਰਕਰਾਰ ਹੋਣ।

5. ਉਪਰੋਕਤ ਮੁੱਖ ਨੀਤੀ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਸਮੇਂ ਜੇ ਕਿਸੇ ਮੈਰਿਟਸ ਦੇ ਅਧਾਰ ਤੇ ਅਤੇ ਅਤਿ ਵਿਸ਼ੇਸ਼ ਲੋੜ ਪੈਣ ਤੇ ਕਿਸੇ ਨਿਵਿਰਤ ਕਰਮਚਾਰੀ ਨੂੰ ਨਿਯੁਕਤ ਕਰਨਾ ਹੋਵੇ ਤਾਂ ਸਰਕਾਰ (ਸਬੰਧਤ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ) ਦੀ ਪਹਿਲਾਂ ਤੋਂ ਕੋਲੀਅਰੇਂਸ ਲੈ ਲਿੱਤੀ ਜਾਵੇ।

6. ਉਪਰੋਕਤ ਨੀਤੀ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨ ਲਈ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਨੂੰ ਇਹ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਹ ਸਬੰਧਤ ਅਧਿਕਾਰੀਆਂ ਅਤੇ ਆਪਣੇ ਅਧੀਨ ਸਮੂਹ ਕਾਰਪੋਰੇਸ਼ਨਾਂ, ਅਧਿ-ਸਰਕਾਰੀ ਅਦਾਰਿਆਂ, ਬੋਰਡਾਂ, ਬੈਂਕਾਂ ਆਦਿ ਨੂੰ ਲੋੜੀਂਦੀ ਹਦਾਇਤ ਜਾਰੀ ਕਰਨ ਅਤੇ ਇਸ ਗੱਲ ਨੂੰ ਯਕੀਨੀ ਬਣਾਉਣ ਕਿ ਸਰਕਾਰ ਦੀ ਇਹ ਨੀਤੀ ਸਹੀ ਅਰਥਾਂ ਵਿੱਚ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਵਿਚ ਲਾਗੂ ਕੀਤੀ ਜਾਵੇ। ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਨੂੰ ਇਸ ਸਬੰਧੀ ਕੀਤੀ ਕਾਰਵਾਈ ਬਾਰੇ ਸੂਚਿਤ ਕਰਨ ਦੀ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ।

7. ਇਸ ਖੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Circular letter No. 2358-SII(6)-75/20274, dated the 19th June, 1975 addressed to All Heads of Departments stationed at Chandigarh, Registrar, Punjab and Haryana High Court, Chandigarh, Accountant-General, Punjab, All Financial Commissioners, Punjab and the Administrative Secretaries to Government, Punjab.

Subject : Ex gratia grants and other facilities for families of Government employees, who die while in service.

I am directed to invite your attention to Punjab Government circular letter No. 3906-SII(6)-71/17723,

dated the 9th July, 1971. It was provided therein that in a case where the deceased Government employee was in possession of Government accommodation his/her family would be allowed to retain the accommodation for one year after his/her death, the rate of rent being the same as was chargeable from him/her at the time of his/her death. In other cases, the house rent allowance admissible to the deceased employee would continue to be given to the family for one year after his/her death.

2. In accordance with the provision of Rule Sr. A.M. 12 of Government Residence (Chandigarh Administration Pool) Allotment Rules, 1972, the family of a deceased Government employee is allowed to retain at the normal rate of house rent the accommodation at Chandigarh for a period of four months only whereafter the Chandigarh Administration insists upon the payment of monthly rent at a rate which is twice the Standard Licence Fee. It creates hardship for the family of a deceased Government employee to have to pay rent at this exorbitant rate. It has been decided that those Chandigarh based families of deceased Government employees, who are in possession of Government accommodation, may be granted monthly house rent allowance at the rate of 12½ per cent of the last pay drawn by the deceased Government employee for a period of eight months from the date on which they are required to pay the increased rent. The house rent allowance will be paid by the Department/office in which the concerned Government employee was serving before his/her death.

3. This issues with the concurrence of the Finance Department conveyed.—vide their U.O. No. 2089-FICW (5)-75, dated 3rd April, 1975.

ਬਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਲਿਖਤੀ ਪੱਤਰ ਨੰ: 3600-2ਸII-75/22209, ਮਿਤੀ 24, ਜੂਨ, 1975 ਵਾਲੇ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ।

ਵਿਸ਼ਾ : ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਦਾ ਪ੍ਰਚਾਲਣ—ਗਿਆਨੀ ਜਾਂ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿੱਚ ਐਮ. ਏ. ਦੀ ਯੋਗਤਾ ਪ੍ਰਾਪਤ ਬਰਨ ਵਾਲੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਉਤਸ਼ਾਹ ਦੇਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਜੀ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਂਨੂੰ ਇਹ ਲਿਖਣ ਦਾ ਆਦੇਸ਼ ਹੋਇਆ ਹੈ ਕਿ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਦੇ ਰਾਜ ਭਾਸ਼ਾ ਵਲ ਜਾਣ ਨਾਲ ਹਰ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਲਈ ਇਹ ਫ਼ਰਜ਼ੀ ਹੋ ਗਿਆ ਹੈ ਕਿ ਉਹ ਇਸ ਭਾਸ਼ਾ ਦਾ ਵੱਧ ਤੋਂ ਵੱਧ ਗਿਆਨ ਪ੍ਰਾਪਤ ਕਰੇ ਤਾਂ ਜੋ ਸਰਕਾਰੀ ਕੰਮ ਵਾਸਤੇ

ਠੀਕ ਅਤੇ ਸੁਚੱਜੇ ਢੰਗ ਨਾਲ ਹੋਵੇ। ਇਸ ਆਗੇ ਨੂੰ ਪੂਰਾ ਕਰਨ ਵਿੱਚ ਜਿੱਥੇ ਹਰ ਕਰਮਚਾਰੀ ਦਾ ਆਪਣਾ ਫਰਜ਼ ਹੈ ਉਥੇ ਸਰਕਾਰ ਭੀ ਕੁਝ ਸਮੇਂ ਤੋਂ ਇਸ ਗੱਲ 'ਤੇ ਵਿਚਾਰ ਕਰ ਰਹੀ ਸੀ ਕਿ ਕੁੱਝ ਅਜਿਹਾ ਪ੍ਰਬੰਧ ਕੀਤਾ ਜਾਵੇ ਜਿਸ ਦੇ ਸਨਮੁੱਖ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਵਿੱਚ ਪ੍ਰਬੰਧਨਤਾ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਉਤਸ਼ਾਹਿਤ ਹੋਣ। ਇਸ ਉਦੇਸ਼ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਜਿਹੜੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਗਿਆਨੀ (ਪੰਜਾਬੀ ਵਿੱਚ ਆਨਰਬਲ) ਜਾਂ ਪੰਜਾਬੀ ਵਿੱਚ ਐਮ. ਏ. ਦੀ ਯੋਗਤਾ ਪ੍ਰਾਪਤ ਕਰਨਗੇ ਉਨ੍ਹਾਂ ਨੂੰ 100/- ਰੁਪਏ ਦਾ ਨਕਦ ਇਨਾਮ ਦਿੱਤਾ ਜਾਵੇਗਾ। ਇਹ ਫੈਸਲਾ ਇਸ ਪੱਤਰ ਦੇ ਜਾਰੀ ਹੋਣ ਦੀ ਮਿਤੀ ਤੋਂ ਲਾਗੂ ਹੋਵੇਗਾ। ਇਸ ਇਨਾਮ ਲਈ ਕੇਵਲ ਹੇਠ ਲਿਖੇ ਵਰਗਾਂ ਦੇ ਕਰਮਚਾਰੀ ਪਾਤਰ ਹੋਣਗੇ :—

- (1) ਉਹ ਕਰਮਚਾਰੀ ਜਿਨ੍ਹਾਂ ਨੂੰ ਦਫਤਰੀ ਨੋਟ ਜਾਂ ਚਿੱਠੀਆਂ ਲਿਖਣੀਆਂ/ਦਾਖੀਪ ਕਰਨੀਆਂ ਪੈਂਦੀਆਂ ਹਨ। ਇਸ ਵਿੱਚ ਸਾਰੇ ਮਨਿਸਟਰੀਅਲ ਕਰਮਚਾਰੀ ਆ ਜਾਣਗੇ;
- (2) ਉਹ ਕਰਮਚਾਰੀ/ਅਫਸਰ ਜਿਨ੍ਹਾਂ ਨੂੰ ਉਪਰੋਕਤ ਮੱਦ (1) ਵਿੱਚ ਦਸੇ ਕਰਮਚਾਰੀਆਂ ਦਾ ਕੰਮ ਸੁਪਰਵਾਈਜ਼ ਕਰਨਾ ਪੈਂਦਾ ਹੈ।
2. ਉਪਰੋਕਤ ਇਨਾਮ ਦੇਣ ਦੀ ਸਮਰਥਾ ਨਿਯੁਕਤੀ ਅਧਿਕਾਰੀ ਨੂੰ ਹੋਵੇਗੀ ਅਤੇ ਇਸ ਸਬੰਧੀ ਖਰਚ ਸਬੰਧਤ ਵਿਭਾਗ ਨੂੰ ਆਪਣੇ ਸਾਲਾਨਾ ਬਜਟ ਵਿੱਚੋਂ ਹੀ ਕਰਨਾ ਪਵੇਗਾ।
3. ਇਹ ਹਦਾਇਤਾਂ ਵਿੱਤ ਵਿਭਾਗ ਦੀ ਪ੍ਰਭਾਨਗੀ ਸਿਹਤੀ ਉਨ੍ਹਾਂ ਗੈਰ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰ: 467-1 ਐਡ. ਆਰ-75, ਮਿਤੀ 7 ਮਈ, 1975 ਰਾਹੀਂ ਦਿੱਤੀ ਸੀ, ਨਾਲ ਜਾਰੀ ਕੀਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ।

ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ ਜੀ।

Copy of Punjab Government Circular letter No. 1454-SII(6)-75/21326, dated the 27th June, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : *Ex gratia* grants and other facilities for families of Government employees, who die while in Service—Clarification with regard to issuing of Authority letters for the payment of *ex gratia* grants.

I am directed to invite a reference to instructions contained in the Punjab Government Circular letter No. 5905-6SII-74/39479, dated the 27th November/4th December, 1974, on the subject cited above, wherein it was laid down that the payment of *ex gratia* grants to the families/dependents of the deceased Government employees shall be disbursed on the basis of necessary sanctions issued by

the Appointing Authorities, regardless of the fact whether the concerned Government employee was gazetted or non-gazetted and the Treasury Officers concerned shall also facilitate the payment of the *ex-gratia* grants accordingly on the basis of the sanctions issued by the Appointing Authority. It has been noticed that the payments in such cases have been delayed especially in the case of gazetted officers for the reason that the position regarding the source through which the disbursement of *ex-gratia* grants and other cash benefits was to be made is not clearly laid down. Ordinarily such payments were desired to be made by the authority and in accordance with the procedure, normally applicable. However to make things clear with a view to removing any doubt about the procedure of disbursement to be actually followed, it is intimated that the disbursement of *ex-gratia* grant and other facilities etc. in such cases would be arranged as follows :—

- (a) In the case of Gazetted Officers, the amount will be drawn and disbursed by the concerned Head of the Department. The sanction to be issued by the Appointing Authority will also normally contain the name(s) and full addresses of the dependent(s) to whom the payment is to be made as also the name of the Treasury at which the payment is to be made. The emoluments last drawn and admissible to the deceased gazetted officer may invariably be got verified from the office of the Accountant-General, Punjab, before the sanction is issued by the Appointing Authority.
- (b) In the case of non-gazetted officials, the amount will be drawn and disbursed by the Drawing and Disbursing Officer of the office where the deceased employee last served. The sanction to be issued by the Appointing Authority will contain the name(s) and full addresses of the dependent(s) to whom the payment is to be made as also the name of the Treasury at which the payment is to be made. The last pay drawn and admissible in the case of non-gazetted officials will be got verified by the sanctioning authority from the Drawing and

Disbursing Officer of the office where the deceased employee last served.

- (c) In cases where the sanction is issued by the Government by virtue of its being Appointing Authority, the copy of the sanction will be endorsed to the following :—

- (i) Head of the Department concerned ;
- (ii) Widow/husband/dependents etc. of the deceased employee, as the case may be;
- (iii) Accountant-General, Punjab; and
- (iv) Secretary to Government, Punjab, Finance Department (in FG Br).

- (d) in cases, where the sanction is issued by an authority other than the Government, the copy of sanction will be endorsed to the following:—

- (i) Drawing and Disbursing Officer of the office, where the deceased employee last served ;
- (ii) Widow/husband/dependents etc. of the deceased employee, as the case may be;
- (iii) Accountant-General, Punjab; and
- (iv) Secretary to Government, Punjab, Finance Department (in FG Br).

2. It is observed that some of the Departments draw the *ex gratia* grants of gazetted officers and non-gazetted officials on pay bill forms whereas some Departments draw the amount on simple receipt form, in the absence of a standard form of the bill for this purpose. Since the Death-cum-Retirement-Gratuity in respect of all retired Officers/Officials is drawn on simple receipt form irrespective of the status, it has been decided that the *ex gratia* grants and other cash benefits etc. should also be drawn on simple receipt form.

3. The expenditure on *ex gratia* grants and other facilities etc. will be booked under head, Major Head "288—Social Security and Welfare—E—Other Social Security and Welfare Programmes (b) Other Programmes (9) *ex gratia* payments to Families of Ministers and Government Servants etc. dying in harness"

4. These instructions will apply to cases which arose on or after 1st November, 1970 and in which the payment has not been made so far.

5. This issues with the concurrence of the Finance Department conveyed,—*vide* their U.O. No. 3469-6FR-75, dated the 29th May, 1975.

Copy of Punjab Government Circular letter No. 3082-2SII-75/22713, dated the 2nd July, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Confidential Reports—Issue of Letters of Appreciation.

1. 2334-ASI-
60/15708,
dated 3rd
May, 1960

2. 472-ASI-
64/11586,
dated 9th
April, 1964.

3. 3270-ASI-
65/11454,
dated 4th
March, 1965

I am directed to address you on the subject noted above and to say that instructions as per circular letters noted in the margin were issued in regard to the issue of letters of appreciation on the basis of Annual Confidential Report. The circumstances in which such letters of appreciation should be issued, as explained in the instructions referred to above, have not been appreciated completely in various cases which have come to the notice of Government. The basic requirements for the issue of letters of appreciation are, therefore, reiterated below :—

- (i) The letters of appreciation should be recommended and issued only "in really deserving cases on the basis of exceptionally good work and not merely on the performance of routine duties with more than average ability and industry".
- (ii) At least two authorities, when there are two or more such competent authorities, should make the recommendation in clear terms.

- (iii) The work proposed for commendation should be clearly indicated.
- (iv) Where there is only one reporting authority and it recommends clearly the issue of an appreciation letter and also indicates the work proposed for commendation, an appreciation letter may be issued in such cases.
- (v) In cases where the first reporting authority recommends an appreciation letter in clear terms indicating the work proposed for commendation and the second authority simply endorsed it by saying 'I agree', an appreciation letter may be issued as the words 'I agree' amount to endorsing the recommendation of the first reporting authority notwithstanding the fact that the second reporting authority did not clearly say in so many words that an appreciation letter may be issued.
- (vi) Where two reporting authorities recommend the issue of an appreciation letter and the highest authority does not contradict that recommendation but records the words 'Seen' or 'No remarks' or simply appends his signature, an appreciation letter may be issued. Where, however, the final authority controverts the recommendations of the lower authority, no letter of appreciation should be issued.
- (vii) Where the two lower reporting authorities do not recommend the issue of an appreciation letter but the highest authority makes the recommendation for such a letter in clear terms, a letter of appreciation should not be issued straightway. In such cases, a reference to the two lower reporting authorities where there are two or more such authorities should be made asking for their views on the issue of a letter of appreciation. A letter of appreciation should be issued only if at least one of the lower reporting authorities is also of the view that an appreciation letter should be issued.

2. Keeping in view the importance of the letters of appreciation and to make them really objective, it is requested that the basic points as stated above should be brought to the pointed notice of all concerned so that the instructions are observed carefully. It may be especially kept in view that apart from other conditions, it is essential that the recommendation for the issue of letters of appreciation, whenever made, must in every case be supported by clearly indicating the work proposed for commendation. If the above instructions are not complied with in the desired manner, it will not be permissible to issue the letter of appreciation.

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

Copy of Punjab Government Circular letter No. 2482-4GA-75/24182, dated the 4th July, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Role of Government Servants during Emergency.

In addressing you on the subject noted above, I am directed to invite your attention to Rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 which *inter alia* provides that no Government employee shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of or assist in any other manner, any political movement or activity. It has been noticed that some Government employees indulge in loose talk and criticise the policies and programmes of Government established by law at the Centre and in the States. It is reiterated that no Government employee should indulge in loose talk, gossip or give currency to rumours or indulge in criticism of Government or its policies and programmes. In fact nothing should be said or done by a Government servant which may be prejudicial to Government or its activities. On the other hand they should conduct themselves in such a way that they leave no scope for any feeling that they are aligned with or even privately or informally take interest in any particular political party, group or person. The Government servants should set high standards of conduct which should be an example for others to follow. In all their dealings they

should keep the interests of the people and that of the State paramount.

2. Similarly no consideration, personal, party, political or communal should have any play in any Administrative field like; appointments, promotions, postings, transfers, investigations of crimes, issues of permits, quotas and licences. Impartially, fairplay and integrity should be the watchword of Administrative Conduct in spheres referred to above, both in Districts and at Headquarters.

3. Instances have also come to notice where official secrets have leaked out from Government Offices. In terms of Rule 11 of Punjab Government Employees (Conduct) Rules, 1966, this constitutes gross misconduct and complete lack of discipline on the part of officials concerned. The gravity of this misconduct/lack of discipline increases manifold in an emergency. I am, therefore, to request you to keep a close watch on the activities of your subordinates and if you suspect any particular individual, it shall be your duty and responsibility to report the matter to Government and initiate suitable disciplinary action against the defaulting Government servant.

4. Government attach the greatest importance to these instructions and expect full compliance in both letter and spirit by all its employees. These instructions, should, therefore, be brought to the personal notice of all Government employees working under your control for careful note and strict compliance.

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

Copy of Punjab Government Circular letter No. 4558-1SII-75/24127, dated the 4th July, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Restriction on grant of leave to Government employees in the context of the present Emergency in the country.

I am directed to address you on the subject noted above and to say that in view of the present Emergency

the administrative work on many fronts has to be discharged with more promptness. The immediate enforcement of the economic measures announced by Government requires all the more vigorous functioning of the State administration. With this object in view, it has to be ensured that all the Government employees and functionaries devote their maximum attention to their duties. For this their uninterrupted presence is very essential.

2. In the above circumstances, you are requested to ensure that in order to discharge the additional responsibilities consequent upon the present Emergency, leave should be sanctioned to Government employees only for unavoidable and pressing reasons. In this context it need not be repeated that in terms of Rule 8.15 of the Punjab Civil Services Rules Volume I, Part I, leave cannot be claimed as of right.

3. Kindly get these instructions noted by all concerned and acknowledge receipt.

**Copy of Punjab Government Circular letter
No. 4623-3SII-75, dated the 4th July, 1975
from the Chief Secretary to Government, Punjab, to
all Heads of Departments etc., etc.**

Subject : Punctuality in Government offices.

I am directed to address you on the subject noted above and to say that from time to time instructions have been issued by the Government to the effect that punctuality in attendance at the place of the duty by Government employees should be ensured by surprise checks, by establishing example of punctuality by the officers and by disciplinary action in cases in which the punctuality has not been observed.

2. In this connection instructions were also issued that the tendency on the part of the Government employees to leave office early on the days preceding holidays and arrive late on the days subsequent to the holidays should be strictly discouraged. To curb truancy amongst Government employees periodical checks were

also required to be made and suitable action taken against the truants after obtaining their explanation.

3. It needs no repetition that punctuality, complete devotion to duty and uninterrupted presence in the offices are the basic requirements of the Government service apart from being the requirement under the Conduct Rules and the discipline expected of Government employees. In the present circumstances when there is a state of emergency in the country and certain measures for the maintenance of law and order and for the economic upliftment of the countrymen have to be enforced with maximum promptness and vigour, the sense of punctuality as a matter of habit and uninterrupted presence in the offices or places of duty are the paramount needs of the hour. All the Government employees are, therefore, called upon to appreciate the situation explained above, give maximum co-operation, ensure punctuality and uninterrupted presence in the offices and at the places of duty, as the case may be.

In the light of above it may be ensured (i) that all the employees should reach office or the place of duty in time (ii) that they do not leave office before the closing hours, and (iii) that they do not indulge in truancy during duty hours.

Serious notice may please be taken of the lapses in this behalf for disciplinary action where called for.

4. In order to ensure that the employees who stick to their duty till the close of the working hours do not face any inconvenience in the matter of getting any conveyance to leave for home, wherever there is arrangement of Government buses for carrying employees to offices/places of duty and back to home, the organisation running such buses should be asked to make arrangement in such a way that the buses do not move from the place of the duty with undue haste and they move only after 10-15 minutes of the closing hours of the institutions or offices concerned.

5. The above instructions may be noted by all concerned. Receipt of this letter may please be acknowledged.

Copy of U.O. Circular letter No. 4659-1SII-75, dated the 9th July, 1975, from the Chief Secretary to Government, Punjab, to all the Administrative Secretaries to Government, Punjab.

Subject : Protection of service conditions of Civil Government employees, who are permitted to take up military service during the present emergency—Question of extending the same concessions by the Corporate Bodies in Punjab.

With a view to encouraging State Government employees to join military service during emergency, the Rules called the Punjab Government National Emergency (Concession) Rules, 1965 were framed by Government which, *inter alia*, provided for the protection of service conditions e.g. seniority, promotion, confirmation of all such civil employees joining military service. In addition to this 20 per cent posts to be filled by direct recruitment were also reserved for those released armed forces personnel who joined army service or were commissioned on or after the 1st November, 1962, and were released any time thereafter.—*vide* notification No. GSR-63/Const./Art. 309/68, dated the 17th June, 1968. The concessions envisaged in the Rules mentioned above were also extended to those civil employees, who joined or were recalled for military service during the present emergency.—*vide* Circular letter No. 325-SII(3)-72/5866, dated the 24th February, 1972.

2. In order that the Government policy in such matters be also reflected in the various Corporate bodies functioning in Punjab State, the Financial Commissioners/Administrative Secretaries to Government, Punjab, were requested.—*vide* U.O. No. 138-SII(3)-72, dated the 20th January, 1972 to advise the Corporations/Autonomous bodies and other similar undertakings under their control to consider the question of adopting Government policy in so far as recruitment to services under such bodies was concerned. It is presumed that necessary action in this behalf would have been taken by them.

3. The employees of the Corporate bodies should also be encouraged to take up military service. This is, however, only possible if their service interests, as in the case

of State Government employees, are safeguarded. It is, therefore, requested that necessary steps may be taken in this behalf and the Corporations/Autonomous bodies under their control may be advised and persuaded to adopt Government policy with regard to safeguarding of service interests of their employees, who come forward to join military service or have already joined military service, as provided in the Punjab Government National Emergency (Concessions) Rules, 1965.

Copy of Punjab Government Circular letter No. 4748-3SII-75/25173, dated the 10th July, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Use of Government employees for private work
Instructions to prohibit it.

I am directed to address you on the subject noted above and to say that from time to time instructions have been issued by Government to the effect that the practice of taking private work in different forms from Government servants, especially from Class IV employees, should be stopped as it amounts to misconduct and misuse of official position. It was also reiterated that the use of Government servants as regular whole-time domestic servants would be treated as an act of dishonesty meriting the severest punishment.

2. Despite the instructions, referred to above, it has been observed that the practice in question continues in one form or other. There is a general grievance that the services of subordinate employees are put to grave misuse by some officers for personal works.

3. Government takes very serious view of this matter and desire that you should advise all the Government employees working under your control to bring to an end the corrupt practice of misusing the services of the subordinates, because this practice cuts at the very roots of the rights given to the employees under the labour legislation. You are, therefore, requested to ensure that these instructions are carried out in letter and spirit and strict action is taken against defaulters.

Copy of Punjab Government Circular letter No. 216(GOI)-2SH-75, dated the 22nd July, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Strengthening of administration—Weeding out corrupt, dishonest or inefficient officers/officials from services

It needs no emphasis that efficiency and integrity of Government servants are the basic requirements of good administration. At the present time of emergency, when time-bound economic programmes are at hand, it is imperative to root out inefficiency and dishonesty in whatever form they are observed. The relevant provisions of various rules, instructions already empower Government to weed out employees whose continuance in service is undesirable. Although there are adequate and exhaustive provisions for dealing with inefficient and dishonest employees, the real necessity is for proper screening of cases for action. Some of the relevant provisions are discussed in the succeeding paragraphs for purposes of facility.

2. Rule 3 of the Government Employees (Conduct) Rules, 1966 reads as follows :—

“3. General—(1) Every Government employee shall at all times—

- (i) maintain absolute integrity :
- (ii) maintain devotion to duty : and
- (iii) do nothing which is unbecoming of a Government employee.

For weeding out the inefficient dishonest element and those with doubtful integrity, the following measures are laid down in various instructions and Rules :—

- (i) **Rule 5.32 and 5.32-A of C.S.R. Volume II—In this** ^{Rule 53(1)} _(ii) Rule a specific provision is made that the appointing authority can retire a Government employee when he attains the age of 55 years by giving him three months notice. Similarly a

Rule 5.32-A
(b).

Government employee, who has not attained the age of 55 years can be retired after his completing 25 years or more of qualifying service.

It is also clarified in the note given under Rule 5.23 that when it is in the public interest to dispense with the services of a Government employee on account of his inefficiency, dishonesty, corruption or infamous conduct, it could be done by following the provisions of the Rules.

(ii) Vide various circulars issued by the Government, detailed instructions were issued as regards the manner in which the cases of retirement under the Rules referred to above should be processed. The broad features of the instructions are reiterated below for facility of reference :—

P.G. No.
4776-JGS
(1)-64/15823,
dated 19th
21st May,
1964.

(a) The record of a Government employee should be carefully examined by the appointing authority and a provisional judgement formed as to whether he should be retired on attaining the age of 55 years. This should be done 6 months prior to the date on which the employee attains the age of 55 years. The decision should be taken well in advance so that in the event of retirement of the employee at the age of 55 being finally decided upon a notice could be given to the employee concerned 3 months before the date on which he is to attain the age of 55 years.

P.G. No.
20 8-SII(2)
1/16-58,
dated 30th
June, 197

(b) When the appointing authority has reasonable cause to believe that a Government employee is lacking in integrity, it should be appropriate to consider him for premature retirement irrespective of his ability and efficiency. For this purpose even a single adverse remark about the integrity of a Government employee should be sufficient to retire him prematurely; the only exception being when the entry is of a distance past and if he had already been promoted on the next post on which his honesty has been beyond doubt.

P.G. No.
2019-SII(2)-
71/12411,
dated 25th
May, 1972.

- (c) In case a Government employee's integrity is not in doubt but his physical or mental condition is such as to make him inefficient for further service, it should be appropriate to consider him for pre-mature retirement.
- (d) A Government employee, who has been assessed as 'Average' should not be retired at the age of 55 years. In considering whether an officer/official falls below the average standard, the question may sometimes arise as to whether he should be judged with reference to the requirements of his substantive grade or those of the grade in which he has been officiating. It is not unusual for a Government employee, who has earned good reports in his substantive grade to prove inadequate in his officiating grade. Ordinarily his fitness to continue in service up to the age of 58 years may be judged in relation to his substantive grade, and if he is good enough for that grade but not for the higher grade in which he has been officiating, he may be reverted to his substantive grade but retained in service.
- (iii) Vide Circular letter No. 2468-SII(6)-67/32057, dated the 29th November, 1967 while accepting the recommendations of the Punjab Administrative Reforms Commission (para 4.27 of the Report of the Commission), Government had issued instructions that inefficiency should be recognised as a ground for major punishment. It was considered, when this decision was taken, that in order to improve efficiency there is need for curative measures not only at the commencement of the career of an employee, i.e. at the time of recruitment/training etc. but also at any time during the course of service if the employee is then found inefficient.
- (iv) Vide Circular letter No. 2314-SII(3)-72/12580, dated the 30th May, 1972, Government have issued instructions emphasising the need of

thorough scrutiny of the property returns of Government employees, which they are required to submit in compliance with the provisions of Punjab Government Employees (Conduct) Rules, 1966, in order to ensure that the particulars mentioned in the property returns correspond with the known sources of income of Government employee. It is also further provided that if as a result of the scrutiny it is found that the employee concerned could be impeached or suitably proceeded against, necessary action should be initiated by the punishing authority in terms of the Punjab Civil Service (Punishment and Appeal) Rules. That punishing authority is required to send quarterly progress reports to the concerned Administrative Secretary.

- (v) In the Punjab Civil Services (Punishment and Appeal) Rules, 1970 also, there are adequate provisions for Government to deal with inefficient, dishonest or other unsuitable Government employees. Penalties such as those of compulsory retirement, reduction in rank mentioned in Rule 5 of the Rules *ibid* are specifically referred to in this behalf.

(a) In the explanation to Rule 5 *ibid*, it is *inter alia*, clarified that the following shall not amount to a penalty:

- (i) reversion of a Government employee officiating in a higher service, grade or post to a lower service grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or any administrative ground unconnected with his conduct :
- (ii) reversion of a Government employee appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation :

(iii) compulsory retirement of a Government employee in accordance with the provisions relating to his superannuation or retirement;

(iv) termination of the services—

(a) of a Government employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or rules and orders governing such probation ; or

(b) of a temporary Government employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment ; or

(c) of a Government employee employed under an agreement, in accordance with the terms of such agreement.

(b) Attention is also invited in this behalf to the following provision in Rule 13 of the Rules *ibid*.

'Special procedure in certain cases.—Notwithstanding anything contained in rules 8, 9, 10, 11 and 12—

(i) where any penalty is imposed on a Government employee on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the punishing authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules ; or

(iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules the

punishing authority may consider the circumstances of the case and make such orders thereon as it deems fit :

Provided that the Commission shall be consulted where such consultation is necessary, before any orders are made in any case under this rule.'

3. In the light of the above, you are requested to take all steps to improve the administrative efficiency and to root out graft or lack of integrity in whatever form they may be noticed. Any of the methods mentioned above can, according to the requirements of the situation, be made use of to deal with a particular case. It may be added that primary responsibility of checking the corruption where it exists and also plugging all the loop holes rests with the Administrative Departments concerned in terms of the Vigilance Manual.

4. For ensuring definite improvement in the efficiency and establishing clean administration, Government would expect immediate and serious consideration at your end. Steps taken in this direction may kindly be intimated to the Administrative Department, with a copy to the Services Department.

Copy of Punjab Government Circular letter No. 5240-2SII-75, dated the 23rd July, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Strengthening of administration — Weeding out corrupt, dishonest or inefficient officers/officials from services—Provision of retirement at the age of 50 years.

I am directed to invite your attention to the instructions issued,—vide P.G. Circular letter No. 216(GOI)-2SII-75, dated the 22nd July, 1975, on the subject noted above and to say that the question of retiring Government employees at the age of 50 years in cases in which it is considered necessary to do so in the public interest, on the lines of the general policy of the Government of India, has

been considered and it has been decided that on the analogy of the provisions in Rules 5.32 and 5.32-A of Punjab Civil Services Rules, Volume II, any Government employee may be considered for retirement in the following manner :—

If he is in Class I service or Class II service or Class III service or post and had entered Government service before attaining the age of 35 years after he has attained the age of 50 years.

2. While considering the question of retirement of a Government employee on the above lines, the criteria and the general principles as laid down in the instructions dated 22nd July, 1975 referred to above may kindly be kept in view.

3. Where it is necessary in the public interest to make the pre-mature retirement effective immediately, and where three months' notice is not given or notice for a period less than three months is given, the employee shall be entitled to get pay and allowances for three months or the period by which the notice falls short of three months, as the case may be.

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

[Extract from Punjab Govt. Gaz. (Extra.) July 28, 1975]
(Srvn. 6, 1897 Saka)

PUNJAB GOVERNMENT

GENERAL ADMINISTRATION (SERVICES) DEPARTMENT

Notification

The 28th July, 1975

No. GSR 76/Const./Art. 309/75.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling thereunto and with the previous approval of the Central Government under sub-section (7) of section 115 of the

States Reorganisation Act, 1956 and sub-section (6) of section 82 of the Punjab Reorganisation Act, 1966, the Governor of Punjab hereby makes the following rules, namely :—

Short title
and com-
mencement.

1. (1) These rules may be called the Punjab Civil Services (Premature Retirement) Rules, 1975.

(2) They shall come in to force at once.

Definitions.

2. In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

(1) "appropriate authority" means the authority which has the power to make substantive appointments to the post or service from which the Government employee is required or wants to retire or any other authority to which it is subordinate.

(2) "employee" means any person appointed to public services and posts in connection with the affairs of the State of Punjab, excluding those listed in rule 7.

(3) "qualifying service" means service qualifying for pension.

Premature
Retirement.

3. (1) (a) The appropriate authority shall, if it is of the opinion that it is in public interest to do so, have the absolute right, by giving an employee prior notice in writing, to retire that employee on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.

(b) The period of such notice shall not be less than three months :

Provided that where at least three months' notice is not given or notice for a period less than three months is given, the employee shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rates at which he was drawing them immediately before the date of retirement, for a period of three months

or, as the case may be; for the period by which such notice falls short of three months.

(2) Any Government employee may, after giving at least three months' previous notice in writing to the appropriate authority retire from service on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice :

Provided that no employee under suspension shall retire from service except with the specific approval of the appropriate authority.

4. A retiring pension and death-cum-retirement gratuity shall be granted to a Government employee, who ^{Retiring Pension and gratuity.} retires or is required to retire under rule 3.

5. The provisions of these rules shall have effect notwithstanding any thing inconsistent therewith ^{Overriding effect.} contained in any other rules for the time being in force.

6. All rules regulating the conditions of service ^{as Repeal.} respects premature retirement of persons appointed to public services and posts in connection with the affairs of the State of Punjab, in force immediately before the commencement of these rules, are hereby repealed :

Provided that—

(a) such repeal shall not affect the previous operation of the rules hereby repealed or anything done, or any action taken, thereunder :

(b) any proceedings under the rules hereby repealed, pending at the commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules as if such proceedings were proceedings under these rules.

*7. Nothing in these rules shall apply to—

Saving.

the members of the All India Services:

*Amended, vide Notification No. G.S.R. 84/Cons./Art. 187, 234 and 309/
Amd. (I)/75, dated 18-8-1975.

Interpreta-
tion

8. If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor or such other authority, as may be specified by the Governor by a general or special order and the Governor or such other authority shall decide it.

R. S. TALWAR,
Chief Secretary to Government,
Punjab.

Copy of Punjab Government Circular letter
No. 212(GOI)-ISII-75/28364, dated the 31st July, 1975,
from the Chief Secretary to Government, Punjab, to
all Heads of Departments etc., etc.

Subject : Concession to ex-servicemen for recruitment to
the State Services — exclusion of certain
categories.

I am directed to address you on the subject noted above and to say that ex-servicemen seeking employment in the State services are given age concession and second preference for recruitment against vacancies reserved for released army personnel according to instructions issued from time to time. A question has arisen as to whether the persons who have served in the following organisations are also entitled to be treated as ex-servicemen for the purpose of extending the aforesaid concessions or not :—

- (1) Assam Rifles.
- (2) Lok Sahayak Sena etc.
- (3) M.E.S.

2. The matter has been considered in consultation with the Government of India and it has been decided that the service rendered in the above organisations would not be counted for benefits admissible to ex-servicemen.

Copy of Circular letter No. 3885-2SIII-75/27600, dated the 5th August, 1975 from the Chief Secretary to Government, Punjab to all Heads of Departments etc., etc.

Subject : Grant of special casual leave to ex-servicemen in Civil posts, who stay in hospital for replacement/treatment of their artificial limbs.

I am directed to refer to Punjab Government letter No. 4213-SII(3)-72/26696, dated the 9th October, 1972, which *inter alia* provides that special casual leave for a maximum period of 15 days, once in a Calendar year, should be allowed to ex-servicemen, who are employed in a civil capacity and who have to go to Artificial Limb Centre and stay in Hospital for the purpose of replacement/treatment of their artificial limbs and to say that the matter has been reconsidered by Government and it has been decided that the concession of special casual leave for 15 days may be allowed to such e-servicemen on more than one occasion in a calendar year, if need be.

Copy of Circular letter No. 4419-SII(6)-75/30050, dated the 11th August, 1975, from the Chief Secretary to Government, Punjab, to all the Heads of Departments, etc., etc.

Subject : Regularisation of the appointments of the employees recruited on *ad hoc* basis.

I am directed to address you on the subject noted above and to say that in accordance with the instructions issued,—*vide* Punjab Government Circular letter No. 279-SII(3)-73/3046, dated the 29th January, 1973, the cases of *ad hoc* employees completing one year service on 1st January, 1973 and fulfilling other necessary conditions were required to be screened by the respective Departmental Selection Committees within one month of the date of issue of the instructions. Subsequently, with the constitution of the Punjab Subordinate Services Selection Board, the Departmental Selection Committees ceased to function with effect from 15th October, 1974. In order to alleviate any further hardship to *ad hoc* employees, all the Departments were advised,—*vide* circular letter No. 8042-SII(ASO)-74/38357, dated the 20th November, 1974 to refer the pending cases of the *ad hoc* employees to the

Services Department for advice within 15 days, so as to settle all such cases by the 31st December, 1974.

2. It has come to the notice of Government that a number of cases of **ad hoc** employees, who have completed one year's service on 1st January, 1973, are still pending in various Departments. From this it would appear that the instructions referred to above have not strictly been followed. Besides, the drawal of salary of **ad hoc** employees, beyond six months is in contravention of instructions contained in Punjab Government circular letter No. 3737-SII(ASO)-74, dated the 29th August, 1974, according to which steps are required to be taken simultaneously for the regularisation of appointments or recruitment on regular basis, as the case may be. This is obviously an act of administrative impropriety for which responsibility devolves on those officials who have failed to take action in accordance with Government's directions. It also creates resentment among the employees whose cases are fit for regularisation but all have lingered on far more than 2 years.

3. Government takes a serious view of the matter and desire that all cases of the nature referred to above should be finalised immediately.

4. It is requested that the officials dealing with such cases may be made personally responsible for the lapses, if any, and suitable action taken against them in case they fail to refer such cases to the Services Department along with the complete information and clear recommendations as per enclosed **proforma** through the Administrative Department by the 20th August, 1975. You may also take suitable action against those responsible for the delay that has occurred so far.

PRO FORMA

Name and Designation	Date of Birth	Date of appointment (see Service Book)	Whether through Employment Exchange— indicate number and date of the communication	Prescribed qualifications with reference to the Services Rule	Qualifications possessed by the candidate at the time of original appointment
1	2	3	4	5	6
(Attested copy to be enclosed)					
Nature of post— whether regular or leave vacancy	Particulars of service with dates	Notional Break, if any, with date	Justification for condonation of break	Report on work and conduct (original reports to be supplied)	Recommendations of the Department
7	8	9	10	11	12
Signature of the Appointing Authority.					

Copy of Punjab Government Circular letter No. 5977-1SU-75/35371, dated the 17th September, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc. etc.

Subject : Assessment of methods and procedure of recruitment and selection by the Public Service Commission for 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 invite your attention to Government instructions contained in Circular letter No. 10918-G-53/8033, dated the 12th February, 1954 requiring all departments to send to the Punjab Public Service Commission every year extending to three years or more as the circumstances warrant, special assessment reports about the amount and quality of work done by the candidates recruited through them. This was, *inter alia*, done with a view to finding out as to how far the mode of selection, particularly selection by interview, had proved suitable in selecting right type of persons and whether there was a need to bring any change in the method and procedure of recruitment and selection.

2. It has now been brought to the notice of Government by the Punjab Public Service Commission that despite the instructions referred to above and the fact that in every letter of recommendation of candidates, a special mention is made by the Commission to send the requisite reports with regard to the work and quality of the candidates concerned, such reports are not invariably sent by the Departments.

3. Efficiency is the paramount need for good administration and it can only be achieved if right type of persons are selected to man important Government assignments. This has become more significant in the present time. I am, therefore, to request you that the work and quality of new recruits may be carefully assessed as laid down in the instructions referred to above and report sent to the Commission every year extending to three years or more as may be necessary, so as to enable

them to judge as to how far the mode of selection, adopted by the Commission has proved suitable in selecting right type of material or whether there is a need for any change therein. It would also enable the Departments/Offices concerned to make proper valuation of the officers/officials selected for direct recruitment and put on probation under the relevant service rules. This evaluation would be useful for deciding the question of confirmation or extension of period of probation of the officers/officials concerned.

The receipt of this communication may also be acknowledged.

Copy of Punjab Government Circular letter No. 2090-2SII-75/3767, dated the 22nd September, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject : Writing of annual confidential reports — Communication of adverse remarks.

I am directed to invite a reference to the Punjab Government letter No. 2334-ASI-60/15708, dated the 3rd May, 1960, on the subject noted above and to state that paragraph 10 thereof, *inter alia*, lays down as follows :—

"An officer should not at any time be kept ignorant of the 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.

xx	xx	xx	xx
xx	xx	xx	xx

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 (Punjab Government letter No. 5515-ASI-61/25297, dated 11th July, 1961, may be referred to)."

The objective of the above policy to communicate adverse remarks is that the employee concerned should get an opportunity to know his defects, if any, which he should consciously endeavour to remedy in the subsequent year.

2. Government have noticed that the instructions for the adverse remarks to be conveyed promptly to the employees concerned are not being observed. In some cases the adverse remarks are communicated very late.

3. If the remarks are not conveyed within the first few months after the completion of the year to which the annual confidential report may relate, the employee concerned would be deprived of the earliest opportunity to make improvement in the light of the advice from the adverse remarks communicated to him. Thus the basic purpose of communication of adverse remarks, that is to ensure improvement in the person concerned would be defeated. This would be against the administrative interest as also against the interest of the individual.

4. Government have taken serious note of the above situation and desire that the policy to convey the adverse remarks promptly to the employee concerned must be followed in letter and spirit. Government further desire that the communication of the adverse remarks should in no case be delayed beyond three months of the receipt of the annual confidential report in the office/organisation concerned from the reporting/reviewing authority. It has also to be ensured by this prompt communication of adverse remarks that representations, if any, against such adverse remarks, which are to be made within three months of the communication, are settled at the earliest. This will enable the employee concerned to know finally the impact of the adverse remarks so that he has full opportunity to rectify his defects at the earliest. This will also serve an administrative interest.

5. The instructions quoted in para 1 above also make it clear that no notice should be taken of adverse remarks if they have not been conveyed. Thus the non-

ਮੁੜ ਨਿਯੁਕਤੀ ਵਾਸਤੇ ਪੂਰੀਆਂ ਹੋਣ ਵਾਲੀਆਂ ਸ਼ਰਤਾਂ

ਕਿਸੇ ਵੀ ਕਰਮਚਾਰੀ ਨੂੰ ਸੁਪਰਾਨੈਨੁਏਸ਼ਨ ਦੀ ਮਿਤੀ ਤੋਂ ਬਾਦ ਮੁੜ ਨੌਕਰੀ ਤੇ ਨਹੀਂ ਲਾਇਆ ਜਾਵੇਗਾ ਛੁੱਟ ਉਹਨਾਂ ਹਾਲਤਾਂ ਦੇ ਜਿਹੜੀਆਂ ਲੋਕ ਹਿਤਾਂ ਲਈ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੋਣ ਅਤੇ ਜਦੋਂ ਇਹ ਗਲ ਸਾਫ਼ ਹੋਵੇ ਕਿ ਸੇਵਾ ਵਿਚਲੇ ਹੋਰ ਕਰਮਚਾਰੀ ਉਹ ਨਿਯੁਕਤੀ ਸੰਭਾਲਣ ਦੇ ਹਾਲਾਂ ਕਾਬਲ ਨਹੀਂ ਹਨ। ਰੀਟਾਇਰ ਹੋਣ ਵਾਲੇ ਕਰਮਚਾਰੀ ਦੀ ਸੂਝ ਭਾਵੇਂ ਕਿੰਨੀ ਹੀ ਜ਼ਿਆਦਾ ਹੋਵੇ ਅਤੇ ਉਸ ਦੀਆਂ ਸੇਵਾਵਾਂ ਕਿੰਨੀਆਂ ਹੀ ਸਲਾਘਾ ਯੋਗ ਹੋਣ, ਤਾਂ ਵੀ ਇਹ ਇਨ੍ਹੇ ਕਾਫ਼ੀ ਕਾਰਣ ਨਹੀਂ ਕਿ ਇਕੱਲੇ ਇਹਨਾਂ ਦੇ ਅਧਾਰ ਤੇ ਉਸ ਨੂੰ ਮੁੜ ਨੌਕਰੀ ਦਿੱਤੀ ਜਾਵੇ। ਇਸ ਲਈ ਮੁੜ ਨੌਕਰੀ ਤੇ ਲਾਉਣ ਨੂੰ ਉਤਮ ਯੋਗਤਾ ਦਾ ਇਨਾਮ ਨਹੀਂ ਸਮਝਿਆ ਜਾਵੇਗਾ।

2. ਜਦੋਂ ਕੋਈ ਆਸਾਮੀ, ਜਿਸ ਤੇ ਰੀਟਾਇਰ ਹੋਣ ਵਾਲੇ ਕਰਮਚਾਰੀ ਨੂੰ ਲਾਏ ਜਾਣ ਦੀ ਤਜਵੀਜ਼ ਹੈ, ਅਜਿਹੀ ਹੋਵੇ ਜਿਹੜੀ ਕਾਰਪੋਰੇਸ਼ਨਾਂ, ਬੋਰਡਾਂ ਸਬੰਧੀ ਚੋਣ ਸੰਸਥਾ ਦੁਆਰਾ ਭਰੀ ਜਾਣੀ ਹੋਵੇ ਤਾਂ ਸੰਬੰਧਿਤ ਸੰਸਥਾ ਕੋਲੋਂ ਇਸ ਸਬੰਧੀ ਅਪ੍ਰਾਪਤੀ ਸਰਟੀਫਿਕੇਟ ਲੈ ਲੈਣਾ ਚਾਹੀਦਾ ਹੈ ਕਿ ਯੋਗ ਵਿਦਿਅਕ ਯੋਗਤਾ ਅਤੇ ਤਜਰਬੇ ਵਾਲੇ ਵਿਅਕਤੀ ਬਾਹਰੋਂ ਨਹੀਂ ਮਿਲਦੇ ਜਾਂ ਇਹ ਕਿ ਲੋੜੀਂਦੀ ਵਿਦਿਅਕ ਯੋਗਤਾ ਅਤੇ/ਜਾਂ ਤਜਰਬੇ ਵਾਲਾ ਕੋਈ ਹੋਰ ਵਿਅਕਤੀ ਲੱਭਿਆ ਨਹੀਂ ਜਾ ਸਕਿਆ। ਇਹ ਗਲ ਯਕੀਨੀ ਬਣਾਉਣ ਲਈ ਕਿ ਰੀਟਾਇਰ ਹੋਣ ਵਾਲੇ ਵਿਅਕਤੀ ਦੀ ਥਾਂ ਲਈ ਯੋਗ ਵਿਅਕਤੀ ਲੱਭਣ ਸਬੰਧੀ ਨੌਕਰ ਨੀਤੀ ਨਾਲ ਕੋਸ਼ਿਸ਼ਾਂ ਕੀਤੀਆਂ ਜਾਣ ਆਸਾਮੀ ਖਾੜੀ ਹੋਣ ਤੋਂ ਘੱਟ ਘੱਟ ਚਾਰ ਮਹੀਨੇ ਪਹਿਲਾਂ ਸੰਬੰਧਿਤ ਚੋਣ ਸੰਸਥਾ ਨੂੰ ਲਿਖਿਆ ਜਾਵੇਗਾ।

3. ਜੇ ਉਹ ਆਸਾਮੀ ਜਿਸ ਤੇ ਰੀਟਾਇਰ ਹੋਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਮੁੜ ਲਾਏ ਜਾਣ ਦੀ ਤਜਵੀਜ਼ ਹੈ ਅਜਿਹੀ ਹੈ ਜਿਸ ਤੇ ਭਰਤੀ ਕਰਨੀ ਚੋਣ ਸੰਸਥਾ ਦੇ ਅਧਿਕਾਰ ਤੋਂ ਬਾਹਰ ਹੈ ਤਾਂ ਅਜਿਹੀ ਭਰਤੀ ਕਰਨ ਵਾਲਾ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਇਵਜ਼ੀ ਵਿਅਕਤੀ ਦੀਆਂ ਸੇਵਾਵਾਂ ਪ੍ਰਾਪਤ ਕਰਨ ਸਬੰਧੀ ਕੀਤੀਆਂ ਗਈਆਂ ਕੋਸ਼ਿਸ਼ਾਂ ਸਾਫ਼ ਤੌਰ ਤੇ ਦਰਸਾਏ ਹੋਏ ਉਕਤ (2) ਅਧੀਨ ਦੱਸਿਆ ਅਪ੍ਰਾਪਤੀ ਸਰਟੀਫਿਕੇਟ ਰਿਕਾਰਡ ਕਰੇਗਾ।

4. ਪਟਵਾਰੀਆਂ ਤੋਂ ਛੁੱਟ ਜਿਨ੍ਹਾਂ ਨੂੰ ਕਿ 70 ਸਾਲ ਦੀ ਉਮਰ ਤੱਕ ਮੁੜ ਲਾਇਆ ਜਾ ਸਕਦਾ ਹੈ, ਨੌਕਰੀ ਤੇ ਮੁੜ ਲਾਏ ਜਾਣ ਲਈ ਤਜਵੀਜ਼ ਕੀਤੇ ਕਰਮਚਾਰੀ ਦੀ ਉਮਰ 60 ਸਾਲ ਤੋਂ ਘੱਟ ਹੋਣੀ ਚਾਹੀਦੀ ਹੈ। ਡਾਕਟਰਾਂ ਨੂੰ ਵੀ 65 ਸਾਲ ਦੀ ਉਮਰ ਤੱਕ ਮੁੜ ਨੌਕਰੀ ਤੇ ਲਾਇਆ ਜਾ ਸਕਦਾ ਹੈ।

5. ਨੌਕਰੀ ਤੇ ਮੁੜ ਲਾਏ ਜਾਣ ਲਈ ਤਜਵੀਜ਼ ਕੀਤੇ ਵਿਅਕਤੀ ਦਾ ਸਰਵਿਸ ਰਿਕਾਰਡ ਤਸੱਲੀਬਖਸ਼ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ। ਵਿਸ਼ੇਸ਼ ਤੌਰ ਤੇ ਨੌਕਰ ਨੀਤੀ ਤੇ ਈਮਾਨਦਾਰੀ ਲਈ ਉਸ ਦੀ ਚੰਗੀ ਸੁਹਿਰਤ ਹੋਣੀ ਚਾਹੀਦੀ ਹੈ। ਇਸ ਮੰਤਵ ਲਈ ਉਸ ਦੇ ਕਰੈਕਟਰ ਰੋਲ ਅਤੇ ਪਰਸਨਲ ਵਾਈਲ ਦੀ ਚੰਗੀ ਤਰ੍ਹਾਂ ਜਾਂਚ ਕੀਤੀ ਜਾਵੇਗੀ ਅਤੇ ਪ੍ਰਾਪਤ ਹੋਣ ਵਾਲੀ ਕਿਸੇ ਵੀ ਹੋਰ ਸੰਬੰਧਿਤ ਸੂਚਨਾ ਨੂੰ ਧਿਆਨ ਵਿਚ ਰੱਖਿਆ ਜਾਵੇਗਾ।

6. ਨੌਕਰੀ ਤੇ ਮੁੜ ਲਾਏ ਜਾਣ ਲਈ ਤਜਵੀਜ਼ ਕੀਤਾ ਜਾਣ ਵਾਲਾ ਕਰਮਚਾਰੀ ਸਰੀਰਕ ਅਤੇ ਦਿਮਾਗੀ ਤੌਰ ਤੇ ਫਿਟ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ। ਇਸ ਮੰਤਵ ਲਈ ਉਹ ਸਿਵਲ ਸਰਜਨ ਦਾ ਮੈਡੀਕਲ ਸਰਟੀਫਿਕੇਟ ਪੇਸ਼ ਕਰੇਗਾ।

7. ਨੌਕਰੀ ਤੇ ਮੁੜ ਲਾਏ ਜਾਣ ਲਈ ਤਜਵੀਜ਼ ਕੀਤਾ ਕਰਮਚਾਰੀ ਸੰਬੰਧਿਤ ਵਿਭਾਗ ਦੇ ਤੁਲਨਾਤਮਕ ਸੀਨੀਅਰਤਾ ਵਾਲੇ ਹੋਰ ਸਮਰੱਥ ਕਰਮਚਾਰੀਆਂ ਦੇ ਹਿਤਾਂ ਤੇ ਮਾੜਾ ਅਸਰ ਨਹੀਂ ਪਾਵੇਗਾ।

8. ਨੌਕਰੀ ਤੇ ਮੁੜ ਲਾਏ ਜਾਣ ਲਈ ਕਿਸੇ ਵੀ ਖਾਸ ਕਰਮਚਾਰੀ ਨਾਲ ਤਰਜੀਹੀ ਸਲੂਕ ਨਹੀਂ ਕੀਤਾ ਜਾਵੇਗਾ। ਜਦੋਂ ਕਿਸੇ ਵਿਭਾਗ ਨੂੰ ਤਜਰਬੇਕਾਰ ਕਰਮਚਾਰੀਆਂ ਦੀ ਘਾਟ ਪ੍ਰਤੀਤ ਹੋ ਰਹੀ ਹੋਵੇ ਅਤੇ ਜਦੋਂ ਮੁੜ ਨੌਕਰੀ ਤੇ ਲਾਉਣ ਤੋਂ ਬਿਨਾਂ ਹੋਰ ਕੋਈ ਚਾਰਾ ਨਾ ਹੋਵੇ ਤਾਂ ਉਨ੍ਹਾਂ ਤੋਂ ਛੁਟ ਜਿਹੜੇ ਬਰੀਰਕ ਤੇ ਦਿਮਾਗੀ ਤੌਰ ਤੇ ਫਿਟ ਨਾ ਹੋਣ ਜਾਂ ਜਿਨ੍ਹਾਂ ਦਾ ਸਰਵਿਸ ਰਿਕਾਰਡ ਮਾੜਾ ਹੋਵੇ, ਮੁੜ ਨੌਕਰੀ ਲਈ ਸੁਪਰਅਨੁਏਸਨ ਤੇ ਪੁੱਜਣ ਵਾਲੇ ਸਾਰੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਕੇਸ ਤੇ ਵਿਚਾਰ ਕੀਤੀ ਜਾਵੇਗੀ। ਵਿਤਕਰੇ ਦੀ ਨੀਤੀ ਨਹੀਂ ਅਪਣਾਈ ਜਾਣੀ ਚਾਹੀਦੀ।

Copy of Punjab Government Circular letter No. 3806-2SIII-75/34783, dated the 26th September, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Restriction on the grant of maternity leave to women Government employees.

I am directed to address you on the subject noted above and to say that maternity leave to female Government servants is admissible under rules 8.86 and 8.137-A of the Punjab Civil Services Rules, Volume I, Part, I, but there is no provision about the number of occasions on which this leave can be granted.

2. It has now been decided by the Punjab Government that maternity leave shall not be granted to female Government servants, who have three or more children living. This decision, however, will not affect the existing rules and instructions applicable to cases of miscarriage/abortion.

3. Necessary amendment is being carried out by the Finance Department in the relevant rules.

Copy of Punjab Government Circular letter No. 6520-2SII-75/38581, dated the 26th September, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Punjab Civil Services (Premature Retirement) Rules, 1975—Weeding out corrupt, dishonest or inefficient officers/officials from services.

I am directed to address you on the subject noted above and to say that with the publication of the Punjab Civil Services (Premature Retirement) Rules, 1975 in the

Scope of Rules.

Government Gazette (Extraordinary) on 28th July, 1975, the "appropriate authority" as defined in the Rules *ibid* has been given absolute right to retire any Government employee on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice, by giving that employee prior notice of three months in writing. This right has to be exercised if, in the opinion of the authority concerned, it is in 'Public interest' to do so.

Previous
rules of
premature
retirement.

2. Previously, Rules 5.32 and 5.32-A of Punjab Civil Services Rules Volume II were being invoked to consider cases of premature retirement of Government employees, where this was called for, on completion by the employees of 25 years of qualifying service or of 55 years of age. These Rules had laid down certain conditions for observance. In regard to the manner in which the provisions of the said rules were required to be enforced, the latest instructions were circulated,—vide P.G. Letter No. 216-(GOI)-2SII-75/, dated 22nd July, 1975, wherein, the text of the previous instructions on the subject was given in detail. As regards 'compulsory retirement' as a measure of penalty in terms of Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, the procedure laid down therein was required to be observed.

Policy of
Government—
absolute
right.

3. It is necessary to lay down clearly the policy of Government for the exercise of the absolute right by the appropriate authorities to order premature retirement under the Punjab Civil Services (Premature Retirement) Rules, 1975. The essential features of the Government policy in this behalf are, therefore, stated as under.

Objective
of the
Policy.

4. The primary anxiety of Government is in the interest of administrative efficiency, to ensure that deadwood, or more precisely, the inefficient and the corrupt element should be weeded out from the services. It is with this end in view that absolute right to retire a Government employee prematurely has been acquired through the Rules notified on 28th July, 1975.

Basis to
formulate
opinion.

5. The absolute right vesting in the 'appropriate authority', as defined in the aforesaid rules, viz., (the authority which has the power to make substantive appointments to the post or service from which the

Government employee is required or wants to retire or any other authority to which it is subordinate) as an agent of the welfare State should, however, be utilised judiciously in order that the 'public interest' is really served by the premature retirement of the employee concerned. The said authority may formulate its opinion by (i) scrutiny of the confidential reports of the employee concerned; and (ii) by taking into consideration any other substantial material that it might have before it.

6. It is not feasible to lay down in absolute terms as to how many adverse entries about inefficiency, incompetence or lack of integrity would justify the premature retirement under the new Rules. The service record as a whole would determine the merits of each case in this behalf. Quite often, the confidential roll alone would be sufficient to guide the appropriate authority in reaching a conclusion. The remoteness of an adverse entry (already communicated to the employees concerned and not expunged), the gravity of a blot and other developments in the service career of the employees concerned, such as the crossing of efficiency bars, confirmation, promotion to a higher post or any other meritorious service rendered by the employees concerned would have their relative importance. Conclusive and proven reports based on inspections, and departmental and vigilance enquiries would also be helpful in taking decisions under the Rules.

7. It needs no reiteration that Government wishes to retain in its service only those employees whose integrity is un-impeachable. Thus, even a single entry depicting the employee concerned as a person of doubtful integrity (generally fortified by reasons) and the adverse remarks thereabout having been communicated and not expunged should justify the appropriate authority in considering him for premature retirement under the new rules. If the adverse remarks on the integrity is of a distant past and there are certain intervening factors in the service of the employee as referred to in para 6 above, the appropriate authority would formulate its opinion after taking into account the cumulative effect of the record of the employee concerned. It is also relevant to add in this behalf that the appropriate authority may consider the premature retirement of Government employee if it has reasonable

Cumulative effect of record.

Integrity at pivotal criterion,

cause to believe that the employee concerned is lacking in integrity, irrespective of an assessment of his ability or efficiency in work.

Fitness for
retention in
substantive
rank/post.

8. If a Government employee is officiating in a higher post consequent upon his promotion in such a grade after having earned good reports in his substantive grade and if his efficiency is not considered adequate in the higher grade, ordinarily his fitness to continue in service beyond the age of 50 years or 25 years service may be judged in relation to his substantive grade. But if he is good enough for the substantive grade but not for the higher grade in which he has been officiating, he may be reverted to his substantive grade, but retained in service.

Stages of
review of
cases.

9. Rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975, permits the appropriate authority to consider the premature retirement of an employee at any time after he has completed 25 years qualifying service or 50 years of age. It thereby enables the appropriate authority to review the cases of even those Government employees whose continuance in service beyond the age of 55 years according to the previous instructions might have been considered. Unless there are extenuating circumstances, repeated reviews for continuance in service of Government employees at various points of time after they have completed 50 years of age should not become common. Such repeated reviews breed insecurity even among those employees whose continuance in service is desirable. In case, however, some special facts come to notice which lead the appropriate authority to conclude that a particular employee has so deteriorated in his performance that his continuance requires further scrutiny, such a review can be held. It would be advisable when making the first review under the Premature Retirement Rules for the cases of all Government employees who have completed the qualifying service of 25 years or are about to complete the age of 50 years or have completed the age of 50 years to be reviewed. Even if the cases of some employees for continuance beyond the age of 55 years have been cleared earlier, such a general review would ensure that an identical yardstick is applied when deciding the cases of all concerned employees in a particular category.

Therefore, a constant watch on the work and conduct of the employees nearing 50 years of age or and completing 25 years of qualifying service and during the period subsequent thereto would be required. For administrative convenience the cases of such employees be reviewed as follows:—

- (1) When a Government employee completes 25 years qualifying service, if it is earlier than his completion of 50 years age or/and when a Government employee is to attain the age of 50 years, as the case may be ; and
- (2) When a Government employee is to attain the age of 55 years.

In case a Government employee is cleared at the time of first review, he should be allowed to continue till the second review and in case a Government employee is cleared at the second review, he should be allowed to continue upto the age of 58 years without any fresh review unless another review is justified by any exceptional reasons, such as his subsequent work or conduct or the state of his physical health, which may make such earlier retirement clearly desirable.

Every review should be made well in advance, that is, six months prior to the date on which an employee attains the age of 50 years or completes 25 years qualifying service and 55 years age, as the case may be, so as to enable the appropriate authority to give three months notice to the employee concerned. The cases in which a review was made according to the previous policy, at 55 years age should be reconsidered in the light of the above criteria for observance of the Punjab Civil Service (Premature Retirement) Rules, 1975 and a suitable decision taken.

10. Under the Punjab Civil Services (Premature Retirement) Rules, 1975 [Rule 3(1) (b) thereof] a notice of three months is necessary to be given to the Government employee whose premature retirement is to be ordered in terms of these rules. It has also been provided therein that in case atleast three months notice is not given or notice for a period less than three months is

Notice period and entitlement of pay and allowances in lieu thereof.

given, the employee concerned shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rates at which he was drawing them immediately before the date of retirement, for a period of three months, or, as the case may be, for the period by which such notice falls short of three months.

The above provision, *inter-alia*, enables the appropriate authority to order premature retirement forthwith i.e., without three months notice or with a notice less than three months in cases in which the exigency so demands. Consequently the affected employees become entitled to the amount of pay and allowances etc. for the period by which notice falls short of three months. This entitlement however, does not mean that if the payment is not made forthwith, it would result in legal complications. It is, of course, desirable to make this payment as early as possible but in cases where immediate payment is not possible this should not be taken to be a cause of obstruction in giving effect to premature retirement of the employee concerned, where ever called for, in the opinion of the appropriate authority.

Authority
competent to
retire.

11. The appropriate authority which has been empowered to order retirement in the extant rules has been defined under Rule 2(1) as the "authority, which has the power to make substantive appointments to the post or service from which the Government employee is required or wants to retire or any other authority to which it is subordinate". It is thus clear that premature retirement shall have to be made, where necessary, by the authority which has the power to make substantive appointments and not necessarily by the authority which made previously any substantive appointment or confirmation in the case of any employee, who may be presently officiating and might be holding lien in some other post. The authority which is superior authority to the one referred to above can also pass an order of premature retirement.

A.C.Rs to
be written
more realistically.

12. The last and the most important point to be observed by the Departments is that special care by the reporting/reviewing authorities in recording the annual confidential reports of their subordinates is essential. These reports assume great importance in the context of the indispensable need for maintaining efficiency and clean administration. For premature retirement, the annual

confidential reports, as explained above would play a vital role. It is, therefore, a matter of paramount importance that the recording of annual confidential reports should be done with frankness, fearlessness and with a view to give the correct estimate of the employees concerned. It has to be realised by the reporting/reviewing authorities that any wavering depiction or ill-considered remarks on the work and conduct of the employees under them can do a great harm to the administration and public interest. Reporting officers should therefore, come out clearly and without any hesitation to express their views.

13. It is requested that the above instructions may please be noted by all concerned for very careful compliance. It is also requested that the Departments may furnish to Services Department a quarterly return, indicating the total number of cases of employees of all classes (including Class IV) reviewed as indicated in para 9 above separately, classwise, and the number of cases where it has been decided to retire the persons concerned, in the public interest. The first return should pertain to the quarter, July—September, 1975, and sent to this Department so as to reach it not later than the 15th October, 1975. Returns for subsequent quarters should reach this Department by the 15th of the month following the quarter to which the report may relate.

14. Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 6921-2SII-75/40096, dated the 3rd October, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc, etc.

Subject : Submission of property returns by the employees working under the control of Punjab Government — Strict observance of the Conduct Rules.

I am directed to say that under rule 18 of the Punjab Government Employees (Conduct) Rules, 1966, the State Government employees are required to submit annual returns of immovable property and movable property each year. For the submission of property returns by the members of the All India Services and the State Government employees working under the control of the

Punjab Government, a **pro forma** was prescribed,—vide P.G. letter No. 2130-SII(3)-69/32577, date the 17th December, 1969. It was also explained in these instructions that complete details of the property held (not only the new acquisitions during the preceding financial year but their entire property) are required to be furnished each year. It was also enjoined upon Government employees that for convenience of checking, they should mention in the remarks column of the **pro forma** the new acquisitions or disposals during the year under report and to indicate particulars of the permission of the competent authority for each acquisition and disposal, obtained, if any under the respective rules.

2. It has come to the notice of Government that not only are the property returns not submitted in time each year but also in many cases incomplete property returns are submitted, inasmuch as the entire property owned is not indicated. It has further been noticed that many Government employees do not observe the provisions of the relevant rules of the Punjab Government Employees (Conduct) Rules, 1966, in many matters relating to transfer of property, including sale and purchase of movable property, investments, lending, borrowings and acceptance of gifts. Many Government employees do not obtain sanction of competent authorities as required by the rules and some employees do not even intimate at the proper time to the competent authorities the transactions which are required to be within the knowledge of that authority. The result is that very often requests are received for the grant of ex-post-facto sanction.

3. The primary object of submission of property returns by Government employees is to see that no Government employee possesses movable and immovable property disproportionate to his known source of income. To achieve this object Government issued instructions,—vide Punjab Government letter No. 2314-SII(3)-72/12580, dated the 30th May, 1972, inter alia, emphasising that property returns of the Government employees be thoroughly scrutinised. If as pointed out in para 2 above, the relevant provisions of the Conduct Rules are not meticulously observed and the property returns submitted by the Government employees do not depict the real position, the whole purpose of having such returns would be defeated. Government, therefore, takes serious note of such irregularities/non-compliance of the provisions of the Conduct

Rules. I am, therefore, directed to request you to emphasise on all concerned the importance that Government attaches to the submission of property returns by the Government employees regularly by the end of April each year. You are further requested to bring to the notice of Government employees the necessity of careful observance by them of the relevant provisions of the Punjab Government Employees (Conduct) Rules, 1966 while entering into any transactions of the type attracted by the rules.

4. Non compliance of the provisions of the rules *ibid* would, in future, be viewed more seriously by the Government and stern action would be taken against the employees found at fault.

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

Copy of Punjab Government Circular letter No. 1637/ISII-75/41597, dated the 15th October, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject : Counting of purely temporary service for purposes of experience for promotion.

I am directed to invite a reference to Punjab Government Circular letter No. 1028-GII-57/27804, dated the 29th March, 1957, which provided that 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 not to be given the benefit of previous *ad hoc* service for purposes of fixation of seniority. A question has further arisen whether such *ad hoc* service can be counted as experience so as to fulfil the condition with regard to the minimum qualification prescribed for a particular post for which the official is to be considered for promotion. The matter has been considered by Government and it has been decided that *ad hoc* service rendered by a Government employee prior to regular appointment, should not be counted towards experience as well, as thereby an *ad hoc* employee cannot be allowed to get preference over a regular employee especially in the matter of promotion. For purposes of experience the service would start from the date of regular appointment.

2. The above instructions may kindly be brought to the notice of all concerned for strict compliance and the receipt of these instructions may also be acknowledged.

Copy of Punjab Government Circular letter No. 7463-3SII-75/41635, dated the 17th October, 1975 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject : Implementation of the Apprentices Act, 1961.
Implementation of 20 Point Economic Programme announced by the Prime Minister.

1. No. 8419-21B(2)-75/27301, dated 25th August 1975. I am directed to address you on the subject noted above and to say that instructions (as mentioned in the Margin) have been issued separately by Government and by the Director of Industries, Punjab in his capacity as the State Adviser under the Apprentices Act, 1961; through advertisements in the Press, *inter-alia* for laying emphasis upon the obligations of Government Departments under the aforesaid Apprentices Act, 1961 in regard to the appointment of apprentices.

2. No. 3927-2GA-75, dated 19th September, 1975.

2. It is clarified now in regard to the authority competent to appoint apprentices, that whichever authority is competent to make appointments of certain categories of employees, is also competent to engage apprentices for a specified period under the Act. *ibid* as clarified in Punjab Government instructions No. 8419-21D(2)-75/27301, dated the 25th August, 1975, in the manner and through the sources of Employment Exchange, general advertisement and as specified by State Apprentices Adviser in his instructions No. 17/App/AD and P/11/2/75/11888, dated the 11th July, 1975. In other words it is not necessary to constitute Departmental Selection Committees to appoint the Apprentices or to utilise the agency of Subordinate Services Selection Board for this purpose. It is further clarified that service as apprentice does not in itself entitle the person concerned to an automatic regular appointment to a post in the department. You are, therefore, requested to go ahead with the immediate implementation of the Apprenticeship Scheme under the Apprentices Act, 1961, in consultation, if necessary, with the Director of Industries, Punjab as the Adviser to Government, Punjab, under the Apprentices Act, 1961.

Copy of Punjab Government Circular letter No. 7949-SII(ASO)-75/42317, dated the 29th October, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Constitution of the Subordinate Services Selection Board, Punjab—Residuary work of Departmental Selection Committees.

I am directed to invite a reference to the Punjab Government letter No. 8411-SII(ASO)-75/36005, dated the 7th November, 1974, on the subject noted above and to say that upon the setting up of the Punjab Subordinate Services Selection Board, all the Departments were required to place their demands/requirements of the staff, in the prescribed *proforma*, with the Board immediately, in respect of all appointments of direct recruitment to posts carrying an initial pay of Rs. 91/- to Rs. 299/- per mensem. It has, however, been brought to the notice of the Government that some Departments are not sending their requisitions to the Board and are continuing making appointments on *ad hoc* basis.

2. As mentioned in the letter under reference, the appointing authorities are competent to fill up vacancies only on *ad hoc* basis, for a period of six months, in emergent circumstances. It is, however, incumbent upon the said authority to complete all procedural formalities for regular appointment within the said period of six months. It is, therefore, desirable that the requisition must be placed with the Board simultaneously while filling up any post on *ad hoc* basis. These instructions, are being flagrantly violated by some of the Departments and the Government has taken a serious view of it. I am, therefore, to request you to ensure that the requisitions are placed with the Board in accordance with the instructions under reference, within ten days of the receipt of this letter, positively and an intimation to that effect be also sent to the Services Department.

Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 7869-SII(ASO)-75/41458, dated the 29th October, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Grant of re-employment/extension in service to Government employees on or after their attaining the age of superannuation—Refusal of leave preparatory to retirement.

I am directed to invite a reference to the Punjab Government circular letter No. 727-SII(4)-67/4841, dated the 17th February, 1967, and to say that on the basis of the policy of the Government of India, it has been decided to amend paragraph 13 of the letter under reference to read as follows :—

13. Any employee due for superannuation, who proposes to avail himself of leave preparatory to retirement, shall intimate, in writing, his intention to do so, to the Head of his Department, through the proper channel, with an advance copy to his Administrative Department. This advance copy shall reach the Administrative Department atleast sixty days before the date on which he proposes to proceed on leave or sixty days from the date from which ordinarily the leave preparatory to retirement would commence in his case. The period of lapse, if any, shall be deducted from the maximum amount of leave which can be granted after retirement, i.e., 120 days. Of the 60 days thus available to the Government for dealing with the case, the Administrative Department may utilize up to 20 days for consulting the Subordinate authorities, as necessary, for taking a decision whether or not to refuse the leave applied for, and if the latter, to what extent. The time schedule to be observed by the different levels of the administrative hierarchy within the Department shall

be laid down by the Administrative Departments, by standing instructions. Any case, in which the Administrative Department propose to refuse the leave applied for shall, with full justification for the proposal, be referred to the Services Department, not later than 20 days from the receipt of the advance copy of the leave application in the Administrative Department.

Copy of Punjab Government Circular letter No. 8033-SII (ASO)-75/42160, dated the 10th November, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject :—Procedure to be followed, when a relative of any member of the Selection Board/Committee presents himself as candidate for appointment to the public service/post

I am directed to say that in accordance with the provision of Article 16(1) of the Constitution of India, equal opportunity has to be provided to all citizens in matters relating to employment or appointment to any post or office under the State. The spirit of the Constitution requires that the selection should not only be impartial but should also appear to be impartial to all right minded persons. If any candidate for appointment to public service has a relative on the Board of Selection and such a relative takes part in the selection, the candidate concerned is likely to enjoy the undue benefit of acquaintance with a member of the selection committee which benefit is not available to others, and the principle of equal treatment provided in the Constitution will be liable to be disturbed. It is desirable that there should be no reasonable apprehension in the mind of the other candidates, of bias in selection. I am, therefore, directed to point out that when a relative of a member of the Selection Board or Commission presents himself as a candidate for appointment to the public service or post, the member concerned should

communicate the fact to the Head of Department as well as to the office of the Selection Board/Committee or Commission, as the case may be, as soon as he becomes aware of his relative appearing as a candidate, and must withdraw from the Board/Committee or Commission until the Selection in which his relative is a candidate is decided. The basic principle as decided by the court is that "a judge who is interested in the subject matter of a selection should be precluded from acting as a judge or in any way associating with the selection". I am to request that the aforesaid principles of impartiality may be brought to the notice of all concerned for careful observance.

Copy of Punjab Government Circular letter No. 8767-2SH-75/45614, dated the 21st November, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject :—Punjab Civil Services (Premature Retirement) Rules, 1975—Payment to the officers retired prematurely under these rules.

I am directed to address you on the subject noted above and to say that following points have been raised for clarification :—

- (i) Whether the employee retired under the Punjab Civil Services (Premature Retirement) Rules, 1975 is to be considered to have retired with effect from the date of order of premature retirement in case three months' pay and allowances are paid and the date on which three months notice expires in case three months notice is given to the employee, or his retirement date be regulated by the instructions issued by Finance Department,—vide No. 240-GOI-6FR-74/20436, dated the 7th October, 1974 and No. 6722-6FR-74/25704, dated the 20th December, 1974.

- (ii) What claim is to be treated as the last claim (in terms of rule 4.25 of the Punjab Subsidiary Treasury Rules, Volume I.) of the employees retired under the Premature Retirement Rules.
- (iii) Whether any authority from the Accountant-General, Punjab, in case of Gazetted Officers is required for the payment of three months' pay and allowances in lieu of three months notice?

2. The matter has been considered by Government and the position is clarified as under absoriatim :—

- (i) The retirement date will be the date from which the employee is required to retire or seeks retirement, under the Premature Retirement Rules, 1975.
- (ii) In the case of three months' notice, last claim should be in respect of period from the first of the last month to the date of retirement in which the three months notice expires. In cases where the retirement is made with immediate effect by payment of three months' pay and allowances, the last claim should be in respect of the period from the first of the month to the date of that month on which he is relieved of the post; and
- (iii) No authority from the Accountant-General, Punjab is required. However, the claim for last period be released after the receipt of "No Demand Certificate".

3. The above clarification issues with the concurrence of the Finance Department,—vide their U.O. No. 7447-6FR-75, dated 7th November, 1975.

Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 8142-3SII-75/49482, dated the 24th November, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Criteria to determine domicile of a person and Home District/Tehsil/Town of a Government employee for various matters.

I am directed to invite a reference to Government instructions contained in Circular letter No. 11350-SII(6)-68/4896, dated 27th February, 1969 laying down *inter alia*, the criterion to determine domicile of a person for purpose of granting a domicile certificate, etc. According to these instructions domicile is a place where a person has his permanent home for the purpose of determining his civil status as distinguished from Nationality which determines his political status. Thus the term 'Domicile of Punjab' would mean a person who has acquired the domicile of Punjab State by birth or by choice or by operation of law. An employee of the Punjab Government is, therefore, to be treated as a person of a domicile of Punjab for all intents and purposes. It has, however, been brought to the notice of Government that the children of Punjab Government employees who were in employment of Punjab State before re-organisation of the States and are at present working in Government/Semi-Government Institutions such as P.G.I. and Engineering College in Chandigarh, are facing hardship for getting admissions to educational institutions, etc., in Punjab as they are not treated as those belonging to Punjab. The matter has been considered by Government and it has been decided that irrespective of the fact that such persons are now working in Central Government Institutions in Chandigarh, whether on account of allocation or permanent absorption in such Government or semi-Government institutions, and were in employment of the Punjab State before re-organisation, of course not those allocated to Haryana/Himachal Pradesh would be treated as domicile of Punjab and thus would be entitled to all rights and benefits admissible to persons actually residing in Punjab. I am, therefore, to request, you to ensure that no discrimination on this account is made between the persons residing in Punjab or those former

Punjab Government employees who are now working in Central Government Institutions in Chandigarh, whether on deputation on account of allocation or permanent absorption in such Institutions.

Copy of Punjab Government Circular letter No. 8835-2SH-75/51895, dated the 15th December, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Grant of Honorarium to the Inquiry Officers appointed to conduct departmental enquiries against Government servants.

I am directed to address you on the subject noted above and to say that the question of laying down principles for the grant of honorarium, if any, to the officers conducting departmental enquiries outside the sphere of their normal duties has been considered and it has been decided to proceed as follows in such cases:—

- (a) In each case the quantum of work will have to be adjudged with reference to the requirements of rule 5.55 of the Punjab C.S.R. Volume I. Part I;
- (b) Merely the entrustment of an enquiry to an officer of the same or other Department will not be a sufficient basis for the grant of honorarium.
- (c) The basic consideration for the grant of honorarium will be whether the work of the enquiry-coupled with the normal work/duties of the officer conducting the enquiry, warrants additional remuneration over and above the normal salary.
- (d) If the total work load, in terms of item (c) above, involves extra labour beyond the norm and the requirements of rule 5.55 *ibid* are fulfilled, only then the question of granting honorarium

may be determined. The amount of honorarium may be determined according to the volume of the work, but it should not exceed Rs. 500 in any case.

2. The above criteria has been laid down after due consideration of the fact that whether an enquiry relates to the Department in which the enquiry officer is employed or not, the enquiry has to be conducted within office hours, and each such enquiry may not necessarily cause an abnormal burden on the officer.

3. Instructions contained in Punjab Government Circular letter No. 3746-SII(2)-72/18760, dated 8th August, 1972 would be deemed to have been modified to the above extent.

4. Kindly acknowledged receipt.

Copy of Punjab Government Circular letter No. 9623-SII (6)-75/51897, dated the 15th December, 1975, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Priority list for various categories of persons for employment in State Service—Rehabilitation of disabled Ex-Servicemen and widows/dependents of the deceased Government Servants and Defence Service Personnel killed or disabled severely in action.

I am directed to invite a reference to Punjab Government instructions contained in circular letter No. 80(GOI)-SII(3)-73/12092, dated the 18th April, 1973, on the subject noted above and to say that while first priority for absorption in Government service has to be given to employees declared surplus on account of abolition of an organisation or some other reason considered fit by Government *inter-alia* on account of assessment made by Staff Inspection Units, it is to be ensured that only efficient and honest persons are reabsorbed like this. With

this object in view, it has been decided that all such cases of absorption should be considered in consultation with the Department/Appointing Authority under whom the employee concerned was working previously before being declared surplus and fully keeping in view confidential record of his previous service.

2. Kindly acknowledge receipt of this letter.

Copy of Punjab Government Circular letter No. 9392-1SII-75, dated the 19th December, 1975, 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—Adhoc appointment.

I am directed to refer to the subject noted above and to say that it has come to the notice of Government that recruitment on *ad hoc* basis is generally made by the Departments without first obtaining the medical certificate of health from the persons concerned and *ad hoc* arrangement in this manner continuous for years. Such an action of the Department not only violates the provisions of the Civil Services Rules, but also allows the concerned employees to continue in Government service without having been declared medically fit. In this connection attention is invited to Rule 3.1 of the Punjab Civil Services Rules, Volume I, Part I, which provides that no person can be appointed to a post in Government service without a medical certificate of health. However, under Rule 3.3 of the Rules, *ibid*, a Government employee appointed in a temporary vacancy of less than 6 months duration, is exempted from producing a medical certificate of fitness. In other words, the persons appointed against regular vacancies or vacancies created for a period of 6 months or more are required to produce a medical certificate of health before appointment, irrespective of the fact whether it is an *ad hoc* appointment or a regular

one. You are, therefore, requested to ensure that the provisions of the Rules referred to above are complied with and no person is appointed even on *ad hoc* basis without a medical certificate of health, in future unless the vacancy is of less than 6 months duration.

The receipt of this communication may also be acknowledged.

Copy of U.O. No. 124-SII(6)-76, dated the 7th January, 1976 from Chief Secretary to Government, Punjab, addressed to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab and copies endorsed to all Heads of Departments etc. etc.

Subject:—Writ petitions by the Government employees—Written Statements to be filed by responsible officers of the Government.

Will the Financial Commissioners and Administrative Secretaries to Government, Punjab, kindly refer to the subject cited above?

2. It has been observed by the Government that in Civil Writ Petitions on service matters filed by the Government employees wherein Government is impleaded as respondent through the Administrative Secretary concerned, the Written Statements are sometimes filed by junior Departmental officers. In such Writ Petitions, important questions of interpretation of service Rules, propriety of certain Government orders and instructions etc. are often involved. As such, it is important that the affidavits on behalf of Government be filed by accredited responsible officers of Administrative Department only and not by junior Departmental officers. They are, therefore, requested to bring these instructions to the notice of all concerned for strict compliance.

Copy of U.O. Circular letter No. 9171-1SII-75, dated the 12th January, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab.

Subject:—Appointment by promotion to be made on merit—Revision of the Departmental Service Rules to bring them in line with the Punjab

Services (Appointment by Promotion) Rules,
1962.

Will the Financial Commissioners and Administrative Secretaries to Government, Punjab kindly refer to the subject noted above ?

2. Under the Punjab Services (Appointment by Promotion) Rules, 1962, notwithstanding the provisions contained in the respective Service Rules, appointment by promotion to any Scheduled post is to be made by selection on merit and no person is entitled to claim as of right promotion to such post on the basis of seniority. The posts mentioned in the Schedule to which these rules relate, cover superior posts, e.g., those of District or Deputy Secretary level or Deputy Director level or above and not ordinary ministerial posts and the like. Since the framing of these Rules in 1962, a number of new posts similar/identical to those mentioned in the Schedule referred to above, might have been created in various departments, it is necessary that the principles for filling these posts in a manner as provided in the Punjab Services (Appointment by Promotion) Rules, 1962, is followed. This can, however, be done if the Departmental Rules provide for the same. It is, therefore, necessary that while framing rules in respect of new posts or incorporating such posts in the Departmental Rules, it is ensured that these should provide for making promotion by selection on merit alone. The Financial Commissioner, Punjab and Administrative Secretaries to Government, Punjab, are, therefore, requested to examine the position with respect to departments under them and take immediate steps to specify such posts as are not covered by the Rules of 1962 and their respective Service Rules, in so far as the promotion thereto by the method of merit-cum-seniority (with more emphasis on selection) is concerned, and to prepare/revise the rules accordingly by observing the procedure laid down in Government instructions contained in U.O. No. 6029-GS-60, dated the 21st June, 1960. The Services Department may be supplied a copy of the list of the posts specified as above and kept posted with the progress made in this behalf.

Copy of Punjab Government Circular letter No. 9770-1SH-75/413, dated the 13th January, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Approaching the Services Branch of the Punjab Civil Secretariat in connection with Service matters.

I am directed to invite your attention to Rule 20 of the Punjab Government Employees (Conduct) Rules, 1966 which provides that no Government employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Government. Instructions have been issued by Government from time to time emphasising upon the Government employees the need for strictly observing the provisions of the Conduct Rules. It was made clear that any violation of rules/instructions would be met with punishment which would be sufficiently severe to act as a deterrent to others also.

2. The Services II Branch of the Punjab Civil Secretariat, *inter alia*, deals with different types of service matters. It is also the concerned branch for laying down policy and giving advice in matters relating to appointment, promotion, seniority, punishment, etc. It has been observed that employees from different departments whose cases are referred to the Chief Secretary for advice, visit the Services II Branch and try to discuss the merits of their cases with the Assistants/Superintendent, which hinders the impartial and objective assessment of the merits and demerits of the case. Since such an action by the Government employee is a misconduct within the meaning of the Government Employees (Conduct) Rules, the Government employees concerned or any other employee on their behalf must not approach any official in the Services II Branch in this connection. If it is found that these instructions are still being contravened, the matter will be brought to the notice of the concerned departments for taking strict disciplinary action against the defaulting officer/official.

3. It has also been noticed that employees from various departments come to the Services II Branch for obtaining copies of circulars on various service matters issued by Government from time to time. Sometimes the number of such employees is so large that it hinders the working of the branch. Normally every department is required to maintain properly all such instructions, as has been specifically stressed in Punjab Government Circular letter No. 3223-SII(3)-72/12890, dated the 31st May, 1972. If, however, despite the above, it becomes necessary to obtain a copy of a particular instructions, from the Services II Branch, it should be done between 4 to 5 P.M. every day and no employee should come for this purpose outside these prescribed hours.

4. It is requested that the above instructions may kindly be brought to the notice of the officers/officials working under you for strict compliance.

5. Receipt of these instructions may also be acknowledged.

Copy of U.O. Circular letter No. 9361-2SII-75, dated the 13th January, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab.

Subject .—Use of workshops of the autonomous bodies by their employees to repair private cars owned by them—Avoidance of.

Will the Financial Commissioners and all the Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. It has come to the notice of Government that Government employees on deputation with the autonomous bodies sometimes use the workshops of those bodies to repair their own private cars. Government take serious notice of such impropriety. It is, therefore, requested that autonomous bodies under their control may be

advised not to allow the use of workshops for the repair of private vehicles owned by the employees. Any breach of these instructions may kindly be taken serious note of and strict disciplinary action taken against the defaulters.

3. A copy of the instructions issued in this behalf by them may kindly be sent to Services Department.

Conv of Punjab Government Circular letter No. 8506-1SH-75/474, dated the 28th January, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject :—Re-employment of reservists in Government service.

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 reluctance is shown by the Departments to employ defence service personnel, who are transferred to the 'Reserve' perhaps on the ground that much inconvenience is caused during their absence on the refresher training courses. In this connection attention is invited to Punjab Government Circular letter No. 4594-GII-59/9974, dated the 29th July, 1959 in which it has already been made clear that the liability of the reservists for periodical training is not to act as a bar to their civil employment. These instructions further clarify that in the event of Reservists called for training, the Heads of Departments could fill in such vacancies temporarily provided that the period of absence of the officials concerned from civil duty exceeded 14 days. As such there should be no difficulty in relieving such reservists and there is also no question of any dislocation of Government work. I am, therefore, to request you to ensure that no discrimination is made in the matter of employment of Reservists in civil posts unless they are otherwise found unfit for the post. These instructions may be brought to the notice of all concerned.

Copy of Punjab Government Circular letter No. 294-GOI-28II-75, dated the 29th January, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—The Punjab Civil Services (Punishment and Appeal) Rules, 1970—Rule 14, thereof—Provision regarding appeal.

I am directed to address you on the subject noted above and to say that there is following provision in Rule 14 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 :—

“Orders against which no appeal lies :—

Notwithstanding anything contained in this part, no appeal shall lie against—

(i) any order made by the Governor:

(ii) any order of an interlocutory nature or of the nature to step-in-aid of the final disposal of a disciplinary proceedings other than an order of suspension;

(iii) any order passed by an inquiring authority in the course of an inquiry under rule 8.”

2. In the respective service rules of all the Departments, which are required to be framed for each post and cadre under the State Government, under Article 309 of the Constitution of India, there has to be a provision regarding discipline, penalties and appeals. In terms of Rules 6 and 16 of the Rules mentioned in para 1 above, the punishing authorities and the appellate authorities are required to be indicated in the service rules in the form of an appendix.

3. It has been observed that in the case of gazetted officers, normally ‘Government’ is indicated in the appendix to the service rules as the punishing authority. In terms of Rule 2(c) and 2(e) of the Rules, *ibid*, the word ‘Government’ means the ‘Government of the State of

Punjab' and the 'Governor' means 'the Governor of Punjab'. Further in accordance with the provisions of the General Clauses Act, the 'State Government' means the 'Governor' and the decision of any Minister or officer under the Rules of Business of the State Government is the decision of the Governor. Judgment of the Supreme Court in Shamsher Singh's case (A.I.R. 1974 S.C. 2192) also supports this view. Therefore, legally 'Government' and 'Governor' are synonymous.

4. In terms of Rule 14 quoted in para 1 above, no appeal lies against any order passed by the Governor. In this connection it is clarified that although no appeal lies against the order passed by the Governor yet the aggrieved Government employee has avenue of making a petition to the Governor and he can also move through a representation for review of the order passed by the Governor, under the provisions of rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. Thus it would be admissible for him to seek reconsideration of his case in the following manner :—

- (i) to submit a representation in terms of Punjab Government instructions No. 6936-SII(3)-73, dated 22nd October, 1973;
- (ii) to seek review under Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970; and
- (iii) by submitting memorial in terms of Punjab Government instructions No. 9369-G-51/1680, dated 12th February, 1952.

5. The above clarification may kindly be brought to the notice of all concerned for keeping in view while considering the representations from the affected employees where rule 14, *ibid* is attracted.

6. Kindly acknowledge receipt.

Copy of U.O. Circular letter No. 343(GOI),2SH-75, dated the 29th January, 1976 from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab.

Subject :—Proviso (c) to Article 311(2) of the Constitution—Rule 13 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970—Satisfaction of the Governor that in the interest of the security of the State it is not expedient to hold an inquiry.

Will the Financial Commissioners and All Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. In a recent judgment in Shamsheer Singh's case (A.I.R. 1974 S.C. 2192), the Supreme Court has over-ruled their earlier decision taken in the case of Sardari Lal versus Union of India (Civil Appeal No. 576 of 1969). The Supreme Court has now pointed out that "the rules of business and the allocation among the Ministers of the said business indicate that the decision of any Minister or officers under the Rules of Business made under these two articles, viz., Article 77(3) in the case of President and Article 166(3) in the case of Governor of the State, is the decision of the President or the Governor respectively". In the said judgment it has been held that neither the President nor the Governor has to exercise executive functions personally. It would thus be clear that the requirement of proviso (c) to Article 311(2) of the Constitution would be satisfied if the matter is submitted to the Minister-in-charge under the relevant rules of business and receives the approval of the Minister.

3. In view of the above Supreme Court Judgment it has been decided that it would be sufficient if the cases coming within the proviso (c) to Article 311(2) of the Constitution and Rule 13(iii) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, are submitted to the Minister-in-charge for necessary orders.

Copy of Punjab Government Circular letter No. 383-GOI-3SIL-76/3631, dated 4th February, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Foreign Assignment of Government servants on direct application in response to advertisements in Newspapers made by foreign Governments.

I am directed to say that the Government of India have intimated that in the recent past several instances have come to their notice where a Government servant applied for a foreign assignment in response to an open advertisement by that Government and got selected without any reference to the Government of India and in some cases to the State Governments. Eventually when the question of the release of the concerned officer/official was considered, the Government of India was placed in an embarrassing position as the release of the officer was not in accordance with the existing policy of the Government for selection of personnel for foreign assignments.

2. Government take a serious view of such cases. It is not conducive to discipline for Government servants to seek employment elsewhere using their position under the Government as a spring board to better their prospects outside Government. In case a Government servant wishes to apply directly for a post outside Government, he has first to resign from his post under the Government or instead, he should apply through proper channel.

3. In view of the above Supreme Court Judgment it brought to the notice of the officers/officials working under you for strict compliance.

4. Receipt of these instructions may please be acknowledged.

**Copy of Punjab Government Circular Letter No. 8176-
ISII-75/75-4360, dated the 5th February, 1976 from the
Chief Secretary to Government, Punjab to all Heads of
Departments etc., etc.**

**Subject:—Procedure for dealing with officials/officers
placed on probation.**

I am directed to address you on the subject noted above and to say that in the absence of any general instructions with regard to dealing with the cases of persons placed on probation, varied standards are being adopted by the departments in dealing with such cases. An instance has come to the notice of Government where it was detected early enough that the employee was undesirable in every way but instead of terminating his services or reverting him to his previous post even on completion of the stipulated period of probation, the department extended by one year this period of probation. He was again found to be indulging in undesirable activities and the department had to terminate his services. It has, therefore, become necessary to lay down certain guidelines in dealing with the probationers.

2. Under Rule 9 of the Model Services Rules which are adopted by the departments while framing departmental service rules, persons appointed to any service of the State Government are to be placed on probation for a period of two years, if recruited by direct appointment and one year if recruited otherwise. There is also a provision for extending this period, subject to the condition that the total period including extensions, does not exceed three years.

3. The purpose of putting a fresh entrant or a promotee/transferee on probation is to test his fitness or otherwise to hold the post on which he is appointed. As such a constant watch on his work and conduct is required to be kept during the period of probation and if the Appointing Authority is satisfied after watching his work and conduct for sometime that the person concerned is not fit to hold the post and the extension in the period of probation as permissible by the relevant Service Rules or the terms of appointment will do no good, his services

may be dispensed with, if recruited by direct appointment, or reverted to his former post, if recruited otherwise in accordance with the provisions of the Departmental Service Rules. No notice is required to be given in such cases unless it is provided specifically in the terms and conditions of appointment (ordinarily in the cases of appointment straightway on probation no notice need be provided). The Punishment and Appeal Rules are also not attracted, as termination of services/reversion of a Government employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the rules and orders governing such probation, is not a penalty under explanation (vii) and (v) below rule 5 of the Rules, *ibid*.

4. Since a candidate after selection by the Punjab Public Service Commission/Subordinate Services Selection Board or any other regular selecting agency as the case may be, is appointed on a particular post, cannot be fully aware of the duties/functions of the post, it is likely, for him, to take sometime to understand properly the requirements of the job. For this purpose he would naturally need guidance from officers supervising his work. A special duty is, therefore, cast on the officers to give such a probationer proper guidance and bring to his notice defects, if any, for rectification/improvement. In case it is felt that by extending probation period the probationer may come up to the required standard, it may be extended in accordance with the provisions of the Departmental Service Rules. In no circumstances, however, should the probationary period or the extended probationary period, as the case may be, be allowed to lapse without a clear-cut decision about the future of the official concerned. On satisfactory completion of the period of probation, the official concerned may be confirmed, if a permanent post is available. If, however, no such post is available, a certificate about the satisfactory completion of the period of probation be issued.

5. Government have already issued instructions,—*vide* No. 10918-G-53/3033, dated the 12th February, 1954 and reiterated,—*vide* No. 5977-ISII-75/35371, dated the 17th September, 1975, under which all departments are required to assess carefully the amount and quality of

work done by direct recruits especially during the first three years and send a report to the Punjab Public Service Commission every year. These reports can also help in deciding the future of a probationer.

6. These instructions may be brought to the notice of all concerned for careful note and strict compliance.

7. The receipt of this communication may also please be acknowledged.

Copy of Punjab Government Circular letter No. 1579-2SII-76/7793, dated the 15th March, 1976 from the Chief Secretary to Government, Punjab; to all Heads of Departments, etc. etc.

Subject.—Premature retirement under the Punjab Civil Services (Premature Retirement) Rules, 1975—Clarification regarding certain grounds of Writ Petitions.

I am directed to say that in some of the writ petitions recently filed in the Punjab and Haryana High Court by Government employees of different departments, the following pleas were *inter-alia* taken :—

- (i) That Rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975 is wholly unconstitutional inasmuch as it amounts to imposition of punishment of dismissal or removal from service without affording to an employee like the petitioner an opportunity of being heard and without complying with the procedure contemplated by Article 311(2) of the Constitution of India. Hence the Statutory Service Rule framed by Respondent No. 1 (Chief Secretary to Government, Punjab) is wholly unconstitutional;
- (ii) That the Punjab Civil Services (Premature Retirement) Rules, 1975 are *ultra vires* the Constitution inasmuch as it violate Article 311

of the Constitution of India by achieving the same object of removing a Government servant from service in the garb of premature retirement but without complying with the mandatory procedure provided in Article 311 of the Constitution. Consequently the Rules are liable to be struck down by this Hon'ble Court being un-constitutional;

- (iii) That formation of opinion that the premature retirement is in public interest is a condition precedent before power can be exercised under Rule 3 to retire a Government servant. This has not been done in the present case as the impugned order does not disclose the material on which the opinion has been formed. The impugned order is liable to be quashed being without jurisdiction;
- (iv) That in fact the premature retirement has been ordered in pursuance to a set policy of the Government having State-wide publicity in Press, statements, Radio Broadcasts and speeches of the Chief Minister, Punjab at various places. Not only that even the instructions issued by the Chief Secretary to Government, Punjab,—vide letter No. 216(GOI)2SII-75, dated 22nd July, 1975 clearly direct all the Heads of Departments to weed out corrupt, dishonest and inefficient Government servants from service by compulsorily retiring them forthwith. Consequently, the impugned order of retirement read with the statements of the Chief Minister appearing in Press as well as Radio Broadcasts and the aforesaid policy instructions, clearly gave an impression to the public that the petitioner has been compulsorily retired from service because he was a "dishonest, corrupt or inefficient employee". This casts a clear stigma on his career without affording to him an opportunity of being heard. The impugned order is, therefore, liable to be quashed on this ground alone;

(v) That in any case the impugned order is violative of principle of natural justice inasmuch as apart from a statutory requirement it is only just and fair that before the petitioner is sought to be retired from service before attaining the age of 55 years he should be told in advance the reasons therefor, and an opportunity to explain his position especially when penal consequences of civil nature flow from the impugned order which have the effect of curtailing tenure of service of the petitioner, considerable loss in pension, gratuity and other pensionary benefits. The impugned order is, therefore, bad as the compliance of principles of natural justice has not been made in the present case;

(vi) That in pursuance of the impugned order, the petitioner was relieved on 31st of December, 1975 (afternoon) though three months' salary was not actually disbursed while relieving the petitioner. In fact this amount has not been paid to the petitioner till today. Faced with this situation, petitioner is now left with no other equally efficacious and expedient remedy except to invoke the writ jurisdiction of this Hon'ble Court. Hence this petition.

2. In this connection Government wish to clarify the position *ad-seriatim* as follows for information and guidance to all Departments :—

(i) The basis of the plea thereof runs counter to law laid down by the Supreme Court in C.A. 381/70 *Union of India versus Col. J. N. Sinha* and another delivered on 12th August, 1970, the essential portion of which is reproduced below :—

“Fundamental Rule 56(j) in terms does not require that any opportunity should be given to the concerned Government servant to show against his compulsory retirement. A Government servant serving under the Union of India holds his

office at the pleasure of the President as provided in Article 310 of the Constitution.

But this "pleasure" doctrine is subject to the rules of law made under Article 309 as well as to the conditions prescribed under Article 311. Rules of natural justice are not embodied rules nor can they be elevated to the position of fundamental rights. As observed by this Court in (2) *Kraipak and others v. Union of India*, the aim of rules of natural justice is to secure justice or to put it negatively to prevent miscarriage of justice. These rules can operate only in areas not covered by any law validly made. In other words they do not supplant the law but supplement it. It is, true that if a statutory provision can be read consistently with the principles of natural justice, the courts should do so because it must be presumed that the legislatures and the statutory authorities intend to act in accordance with the principle of natural justice. But if on the other hand a statutory provision either specifically or by necessary implication excludes the application of any or all the principles of natural justice then the court cannot ignore the mandate of the legislature or the statutory authority and read into the concerned provision the principle of natural justice. Whether the exercise of power conferred should be made in accordance with any of the principles of natural justice or not depends upon the express words of the provision conferring the power, the nature of the power conferred, the purpose for which it is conferred and the effect of the exercise of that power".

In this judgement the Supreme Court had not only upheld the validity of Fundamental Rule 56(j) in view of the decision of that

Court in *Shivcharan Singh versus State of Mysore* (A.I.R. 1965 S.C. 280), but have also held that no show-cause notice need be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions. Rules 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975 is similar to Fundamental Rule 56(j). The petition is also not maintainable in the light of this Hon'ble Court Judgement in 1976(1)-SLR-78 (*Gurdial Singh versus State of Punjab*).

- (ii) Position stated in item No. (i) is reiterated.
- (iii) On facts it concerns Respondents No. 2 (Department concerned). It is not essential to disclose the material on which the opinion has been formed to retire prematurely a Government employee in public interest. This fact has been settled by the Supreme Court in the Civil Writ referred to in item (i) above.
- (iv) To retire a Government employee in public interest according to Rules after completion of 25 years qualifying service or 50 years of age is not a stigma, and hence Article 311 is not attracted. This view is supported by the judgements referred to in item (i) above.
- (v) In view of the observations of Supreme Court in Civil Writ referred to in item (i) above which are as follows, the plea is not maintainable :—

“Such a retirement does not take away any of the right that have accrued to the Government servant because of his past service. It cannot be said that if the retiring age of all or a section of the Government servants is fixed at 50 years, the same would involve civil consequences. Under the existing system there is no uniform retirement age for all Government

servants. The retirement age is fixed not merely on the basis of the interest of the Government servants but also depending on the requirement of the society."

- (vi) As regards the legal obligation for payment of three months' pay and allowances in lieu of notice period, it is not essential to make the payment forthwith at the time of relieving of petitioner as per proviso to rule 3(1) (b) of the Punjab Civil Services (Premature Retirement) Rules, 1975. The payment in question can be made in due course. On this account the order of retirement suffers from no infirmity.

The petitioner could also present to the appropriate authority under instructions of Government instead of hastening to file this Writ petition. As such writ in the present case does not lie.

3. The above clarification may kindly be kept in view *mutatis mutandis* while filing affidavits in reply to Writ Petitions concerning their departments. This will also avoid the necessity of filing a separate affidavit in such cases by the Chief Secretary (Services Department) in addition to that which is necessary to be filed by the Department concerned.

Copy of U.O. Circular letter No. 1745-SII-76, dated the 2nd April 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc., etc.

Subject:—Fixation of seniority of Government employees — Principles to be followed.

With the Financial Commissioners, Punjab and Administrative Secretaries to Government Punjab kindly refer to the subject noted above.

2. It has been observed that much of the time of the departments is spent either in examining the cases of dispute of seniority of Government employees or arranging defence of such cases in law courts. These disputes can be eliminated or atleast minimised if the rule relating to seniority lays down an unambiguous principle for the purpose.

3. In order to facilitate the departments in framing departmental service rules, Model Service Rules were framed and circulated among all departments,—vide U.O. No. 6780-DSSII(2)-73, dated the 5th November, 1973. Rule 10 of these Rules, which relates to seniority, is as below :—

“The seniority **inter se** of members of the Service is to be determined by the length of continuous service on a post in the Service :

Provided that where there are different cadres in a Service the seniority shall be determined separately for each cadre ;

Provided further that in the case of members recruited by direct appointment, the order of merit determined by the Commission, the Board or other recruiting authority, as the case may be, is not to be disturbed in fixing the seniority ;

Provided further that in the case of two members appointed on the same date, their seniority is to be determined as follows :

- (a) a member recruited by direct appointment is to be senior to a member recruited otherwise ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of members appointed by promotion or transfer, seniority is to be determined according to the seniority of such members

in the appointments from which they are promoted or transferred ; and

- (d) in the case of members appointed by transfer from different cadres, their seniority is to be determined according to pay, preference being given to a member, who was drawing a higher rate of pay in his previous appointment ; and if the rates of pay drawn are also the same, then by their length of service in those appointments ; and if the length of such service is also the same, an older member is to be senior to a younger member."

According to the above rule, length of continuous service is the basic consideration for determining seniority and those joining service on the same date from different sources viz. direct recruitment, promotion and transfer, a direct recruit is to be placed above a promotee and a promotee above a transferee. If the provision, as quoted above is followed by all departments and is incorporated in the respective rules, there would be least chances of dispute about seniority. They are, therefore, requested to take immediate steps to amend the departmental service rules, wherever necessary, on the above lines.

4. Some of the disputes regarding seniority arise when a post actually meant to be filled by direct recruitment under the relevant service rules is given to a promotee and a subsequent vacancy to be given to a promotee is filled by direct appointment or through some other source. Since seniority is a condition of service and is to follow the actual appointment, it cannot be linked with the post. There is, therefore, no question of assigning seniority to a direct recruit on the basis of the post earmarked for him or *vice versa*. For purposes of seniority, the date of appointment has to be the deciding factor. It is, however, incumbent upon the departments to ensure that in future the ratio/rotation fixed in the respective Service Rules, for filling posts from different sources is always adhered to, to avoid any complications of the type mentioned above.

Copy of U.O. Circular letter No. 4105-SII(5)-76, dated the 6th April, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc., etc.

Subject:—Proper defence of Court cases on service matters.

Will all the Financial Commissioners and Administrative Secretaries to Government, Punjab, kindly refer to the subject cited above.

2. It has been observed that sometimes the court cases on service matters concerning the State Government are neither defended properly nor are attended to at the pertinent time by the concerned Departments. Such negligent handling of the cases results in judgments against the Government, causing huge liability on the State Exchequer and also obstructing the implementation of well considered policies of the State. It has also been found that at time wrong and irresponsible undertakings were given in the courts in some cases which created an awkward situation for the Government in the defence of the case. They are, therefore, requested to pay special attention to the litigation concerning service matters where Government is a party so as to ensure proper and effective defence at the right time.

The receipt of this communication may kindly be acknowledged.

Copy of Punjab Government Circular letter No. 4060-8SII-76, dated the 23rd April, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject:—Grant of Re-employment/extension in Service to Government employees on or after their attaining the age of superannuation — Refusal of leave preparatory to retirement.

I am directed to invite a reference to Punjab Government circular letter No. 727-SII(4)-67/4841, dated the 17th February, 1967 and No. 7869-SII(ASO)-75/41458, dated

the 29th October, 1975, on the above subject and to state that paragraph 13 of the aforesaid letters read as under:—

'Any employee due for superannuation, who proposes to avail himself of leave preparatory to retirement, shall intimate, in writing, his intention to do so, to the Head of his Department, through proper channel, with an advance copy to his Administrative Department at least sixty days before the date on which he proposes to proceed on leave or sixty days from the date from which ordinarily the leave preparatory to retirement would commence in his case. The period of lapse, if any, shall be deducted from the maximum amount of leave which can be granted after retirement i.e., 120 days. Of the 60 days thus available to the Government for dealing with the case, the Administrative Department may utilise upto 20 days for consulting the subordinate authorities, as necessary, for taking a decision whether or not to refuse the leave applied for, and if the latter, to what extent. The time schedule to be observed by the different levels of the administrative hierarchy within the Department shall be laid down by the Administrative Departments, by standing instructions. Any case, in which the Administrative Department proposes to refuse the leave applied for shall, with full justification for the proposal, be referred to the Services Department, not later than 20 days from the receipt of the advance copy of the leave application in the Administrative Department.

2. It has been observed that the above time schedule is not being strictly adhered to by the Departments in the matter of refusal of leave preparatory to retirement. In certain cases, the Government servant concerned, in connivance with the Department, submits the application for L.P.R. at the nick of time or only 4-5 days before the commencement of leave. There after the Department takes its own time in dealing with the application and finds excuses to refuse the leave applied for by

the Government employee. Sometime, the cases for the refusal of leave preparatory to retirement are referred to the Services Department either when the period of leave in full or in part, is almost over. Non-sanctioning of leave preparatory to retirement well in time to the Government Servant concerned also amounts to refusal of leave and the Services/Finance Department are not left with any alternative but to agree with the Administrative Department's proposals for the refusal of leave and to grant its benefit after retirement. In other words, the Government servant concerned manages to get an undue extension of four months after the date of his retirement.

3. In order to curb this tendency on the part of Government employees as also the Departments, it has been decided by the Government that the proposals for the refusal of leave preparatory to retirement should be referred to the Services Department at least one month before the date of commencement of leave and approval of Services/Finance Departments obtained well before the actual commencement of leave. Where the Administrative Department concerned fails to get this approval in time, it may be presumed that the leave preparatory to retirement applied for, has been sanctioned to the concerned Government employee.

No. 124-(GOI)-2SH-76/

The Chief Secretary to Government, Punjab.

To

All the Deputy Commissioners, in the State.

Dated Chandigarh, the 26th April, 1976.

Subject:—Verification of character and antecedents of the persons appointed in the various Public Sector Undertakings, Quasi Government organisations, autonomous bodies etc. under the control of the State Government.

Sir,

I am directed to address you on the subject noted above and to say that in pursuance of the observations of the Public Accounts Committee contained in para 35 of their Report, it has been considered necessary to take measures to guard against the re-employment of a dismissed/removed employee of Government Departments

as well as of Public Sector Undertaking etc. in another public sector Undertaking in the State. At present there is no procedure of getting the antecedents of the candidates selected by the Public Sector Undertakings etc. in the State verified through the district police authorities. In the absence of such a procedure the dismissed/removed employee of one undertaking may get employment in another undertaking. To guard against such a contingency Government have decided that the scheme of verification of character and antecedents as applicable to candidates for employment under the State Government be extended to the appointment made in the various public sector undertakings, quasi-government organisations, autonomous bodies etc. under the control of Punjab Government. You are, therefore, requested to entertain requests from the public sector undertakings of the candidates selected by them for appointment for verifying their character and antecedents in the same manner as applicable to the candidates selected for appointments in Government departments.

2. Kindly acknowledge its receipt.

Yours faithfully,

G. S. AGGARWAL,

Deputy Secretary, Services,

for Chief Secretary to Government, Punjab.

A copy is forwarded to the Secretary to Government, Punjab, Finance Department, in continuation of Services Department U.O. No. 5228-2SII-75, dated 28th August, 1975, for information.

2. He is requested to issue suitable instructions to the Public undertakings/autonomous bodies in this behalf in continuation of his letter No. 600-FD(IC)-75/15457, dated 16th July, 1975 addressed to all public undertakings under intimation to Services Department.

G. S. AGGARWAL,

Deputy Secretary, Services,

for Chief Secretary to Government, Punjab.

To

The Secretary to Government, Punjab,
Finance Department.

U.O. No. 124(GOI)-2SII-76, dated Chandigarh, the
26th April, 1976.

Copy of Punjab Government Circular letter No. 4431-2SII-76, dated the 28th April, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments etc., etc.

Subject:—Punjab Civil Services (Premature Retirement), Rules, 1975 — Weeding out corrupt, dishonest or inefficient officials/officers from service — Quarterly return—Submission of

I am directed to invite a reference to Punjab Government Circular letter No. 6520-2SII-75/38581, dated 26th September, 1975, on the subject noted above and to say that in para 13 of the Circular letter under reference you were requested to furnish to Services Department a quarterly return, indicating the total number of cases of employees of all classes (including Class IV) reviewed classwise, and the number of cases where it has been decided to retire the person concerned, in public interest. Returns for each quarter beginning from July to September, 1975 are required to reach by the 15th of the month following the quarter to which the return may relate.

2. The Departments have not observed the above schedule of time in sending the returns for the quarters July to September and October to December, 1975. This shows that the Departments have not attached the due importance to the matter. Some of the Departments/offices have not sent any return in respect of the above mentioned quarters even upto now. The requisite information is required to be transmitted to the Government of India in a consolidated form for each quarter. It will be possible for the State Government to send the requisite information to the Government of India only, if the Departments observe the prescribed time schedule strictly.

3. You are, therefore, requested to give your personal attention to the matter and to get the requisite information sent to your Administrative Department with a copy to the Chief Secretary (in Services Department) in the prescribed **proforma** attached herewith in respect of your Department for the quarter January to March, 1976 within a week, without fail.

4. You are also requested to ensure that the returns for the subsequent quarters are sent to your administrative departments with a copy to Government (in Service Department) by the 3rd of the month following the quarter to which the return may relate.

5. Government will take very serious notice of any default in this behalf. You may please also fix the responsibility for the lapse concerning your Department and intimate the action taken.

6. Kindly acknowledge receipt.

Proforma

Information regarding action taken for retiring Government employees, who have outlived their utility or whose integrity is doubtful under the Punjab Civil Services (Premature Retirement) Rules, 1975, for the quarter ending.....

Class I Class II Class III Class IV Total

1. Number of cases reviewed.

*2. Number of cases in which it has been decided to retire Government employees in public interest.

*The names and designations of the employees prematurely retired may be indicated in a separate statement to be enclosed with this **proforma**.

Copy of U.O. Circular letter No. 4503-1SII-76, dated the 30th April, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc., etc.

Subject:—Delegation of powers of Head of Department to subordinate authorities.

Will the Financial Commissioners Punjab and Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. Government instructions contained in Circular letter No. 8892-4GS(I)-65/32042, dated the 22nd September, 1965 *inter alia*, require submission of proposals for the creation of the posts of Heads of Departments or for the declaration of any post as Head of Department to the Chief Minister through the Chief Secretary. Instances have come to the notice of Government where certain powers of Head of Department were delegated to subordinate authorities and that too, without referring the matter to the Chief Secretary (in Services Department). Such delegations on the one hand, are against the normal administrative set-up and on the other are likely to lead to a demand of possible division of the Department or for delegation of more powers at a later date. It has, therefore, to be ensured that the delegation of powers or control of Head of Department other than the Head himself is avoided. If, however, in exceptional cases such delegation is considered essential, the matter may be referred to the Chief Secretary (in Services Branch) without fail for obtaining the orders of the Chief Minister.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗਵਰਨੀ ਪੱਤਰ ਨੰ. 4706-2ਸII-76/16272 ਮਿਤੀ 6 ਮਈ, 1976 ਵਲੋਂ
ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਦੇ ।

ਵਿਸ਼ਾ :—ਸਰਕਾਰੀ ਦਫਤਰਾਂ, ਅਦਾਲਤਾਂ ਅਤੇ ਸਰਕਾਰੀ ਸੰਸਥਾਵਾਂ ਵਿੱਚ ਤਮਾਕੂ/ਸਿਗਰਟ ਪੀਣ 'ਤੇ
ਮਨਾਹੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ 'ਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗਵਰਨੀ ਪੱਤਰ ਨੰ. 6450-2ਸII-74, ਮਿਤੀ 30 ਅਗਸਤ,
1974, ਰਾਹੀਂ ਸਰਕਾਰ ਵਲੋਂ ਇਹ ਆਦੇਸ਼ ਦਿੱਤਾ ਗਿਆ ਸੀ ਕਿ ਸਰਕਾਰੀ ਦਫਤਰਾਂ, ਅਦਾਲਤਾਂ, ਅਤੇ

ਸਰਕਾਰੀ ਸੰਸਥਾਵਾਂ ਵਿੱਚ ਸਿਗਰਟ/ਤਮਾਕੂ ਪੀਣ ਦੀ ਆਗਿਆ ਨਹੀਂ ਹੋਵੇਗੀ। ਇਸ ਆਦੇਸ਼ ਦੀ ਪੂਰੀ ਤਰ੍ਹਾਂ ਪਾਲਣਾ ਕਰਵਾਉਣ ਲਈ ਆਪ ਜੀ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਸਮੇਂ ਸਮੇਂ ਸਿਰ ਅਥਨਚੇਤ ਚੈਕਿੰਗ ਆਦਿ ਕੀਤੀ ਜਾਵੇ। ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਬਤੀ ਪੱਤਰ ਨੰ. 5241-2ਸ[II]-75/28361, ਮਿਤੀ 4 ਅਗਸਤ, 1975 ਰਾਹੀਂ ਆਪ ਜੀ ਨੂੰ ਮੁੱਖ ਬੇਨਤੀ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਦਫਤਰ ਦੀ ਬਿਲਡਿੰਗ ਦੀਆਂ ਕੰਧਾਂ ਤੇ ਉਘੀਆਂ ਥਾਵਾਂ ਤੇ ਇਹ ਨੋਟਿਸ ਲਗਾ ਦਿੱਤਾ ਜਾਵੇ ਕਿ ਤਮਾਕੂ/ਸਿਗਰਟ ਪੀਣ ਤੋਂ ਮਨਾਹੀ ਹੈ। ਨਾਲ ਹੀ ਇਹ ਹਦਾਇਤ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਸਰਕਾਰ ਦੇ ਉਪਰੋਕਤ ਹੁਕਮ ਦੀ ਅਫਸਰਾਂ ਅਤੇ ਕਰਮਚਾਰੀਆਂ ਵੱਲੋਂ ਪਾਲਣਾ ਨਾ ਕਰਨ ਬਾਰੇ ਸੀਰੀਅਸ ਨੋਟਿਸ ਲਿਖਤ ਜਾਵੇ ਅਤੇ ਢਿੱਲ ਵਖਾਉਣ ਵਾਲਿਆਂ ਵਿਰੁੱਧ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।

2. ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿੱਚ ਫੇਰ ਲਿਆਂਦਾ ਗਿਆ ਹੈ ਕਿ ਉਪਰੋਕਤ ਸਪਸ਼ਟ ਹਦਾਇਤਾਂ ਦੇ ਬਾਵਜੂਦ ਕਈ ਦਫਤਰਾਂ ਵਿੱਚ ਸਿਗਰਟ ਤੇ ਤਮਾਕੂ ਆਦਿ ਸਰਕਾਰੀ ਅਫਸਰਾਂ ਅਤੇ ਕਰਮਚਾਰੀਆਂ ਵੱਲੋਂ ਪੀਤਾ ਜਾ ਰਿਹਾ ਹੈ। ਬਹੁਤ ਸਾਰੇ ਦਫਤਰਾਂ ਵਿੱਚ ਤਾਂ ਵਰਾਂਡਿਆਂ ਅਤੇ ਕਮਰਿਆਂ ਵਿੱਚ ਇਹ ਲਿੱਖਕੇ ਵੀ ਨਹੀਂ ਲਗਾਇਆ ਗਿਆ ਕਿ ਸਿਗਰਟ ਪੀਣ ਦੀ ਮਨਾਹੀ ਹੈ। ਸਰਕਾਰ ਨੇ ਇਸ ਅਣਗਹਿਲੀ ਦਾ ਸੀਰੀਅਸ ਨੋਟਿਸ ਲਿਖਤਾ ਹੈ। ਇਸ ਲਈ ਆਪ ਜੀ ਨੂੰ ਮੁੱਖ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਸਰਕਾਰ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਸਖ਼ਤੀ ਨਾਲ ਕਰਵਾਓ ਅਤੇ ਜਿਹੜੇ ਕਰਮਚਾਰੀ ਇਸ ਹੁਕਮ ਦੀ ਉਲੰਘਣਾ ਕਰਦੇ ਹਨ ਉਨ੍ਹਾਂ ਦੇ ਵਿਰੁੱਧ ਕਾਰਵਾਈ ਵੀ ਕਰੋ। ਇਸ ਮਾਮਲੇ ਬਾਰੇ ਕੁਝ ਸਮੇਂ ਮਗਰੋਂ ਅਚਾਨਕ ਛਾਪੇ ਵੀ ਮਾਰੇ ਜਾਣੇ ਕਾਰਨ ਤਾਂ ਜੋ ਕਸੂਰਵਾਰ ਕਰਮਚਾਰੀਆਂ ਦਾ ਪਤਾ ਲਗਾਇਆ ਜਾ ਸਕੇ।

3. ਇਸ ਸਬੰਧ ਵਿੱਚ ਕੀਤੀ ਕਾਰਵਾਈ ਬਾਰੇ, ਸਰਕਾਰ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ।

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਬਤੀ ਪੱਤਰ ਨੰ. 4350-7ਐਸ[II]-76/17321, ਮਿਤੀ 11 ਮਈ, 1976 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ

ਵਿਸ਼ਾ:—ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵਲੋਂ ਲਿਖੀਆਂ ਜਾ ਰਹੀਆਂ ਇੰਟਰਵਿਊਆਂ-ਇਤਰਾਜ਼ ਹੀਟਰਾ ਸਰਟੀਫੀਕੇਟ ਜਾਰੀ ਕਰਨ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਜੀ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦਾ ਆਦੇਸ਼ ਹੋਇਆ ਹੈ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਉਨ੍ਹਾਂ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਇੰਟਰਵਿਊ ਕਰਨ ਤੋਂ ਅਸਮਰਥ ਹੁੰਦਾ ਹੈ, ਜਿਨ੍ਹਾਂ ਉਮੀਦਵਾਰਾਂ ਵਲੋਂ ਭੇਜੀ ਹੋਈ ਅਰਜ਼ੀ ਦੇ ਨਾਲ ਇਤਰਾਜ਼ਹੀਣਤਾ ਸਰਟੀਫੀਕੇਟ ਉਨ੍ਹਾਂ ਦੇ ਵਿਭਾਗ/ਦਫਤਰ ਤੋਂ ਸਮੇਂ ਸਿਰ ਨਹੀਂ ਪੁੱਜਦਾ। ਕਮਿਸ਼ਨ ਨੇ ਇਹ ਗ਼ਲ ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਉਂਦੀ ਹੈ ਕਿ ਇਤਰਾਜ਼ ਹੀਟਰਾ ਸਰਟੀਫੀਕੇਟ ਉਮੀਦਵਾਰ ਵਲੋਂ ਇੰਟਰਵਿਊ ਵਾਲੇ ਦਿਨ ਤੱਕ ਵੀ, ਜਿਸ ਉਮੀਦਵਾਰ ਨੂੰ ਕੱਚੇ ਤੌਰ ਤੇ ਇੰਟਰਵਿਊ ਲਈ ਬੁਲਾਇਆ ਹੁੰਦਾ ਹੈ, ਨਹੀਂ ਪਹੁੰਚਦਾ, ਕਿਉਂਕਿ ਅਜਿਹਾ ਸਰਟੀਫੀਕੇਟ ਵਿਭਾਗ/ਦਫਤਰ ਦੇ ਮੁੱਖੀ ਵਲੋਂ ਜਾਰੀ ਕੀਤਾ ਜਾਂਦਾ ਹੁੰਦਾ ਹੈ। ਇਹ ਅਣਗਹਿਲੀ ਗ਼ੱਤਰ ਜਾਂਦਾ ਹੈ ਕਿ ਸਬੰਧਤ ਵਿਭਾਗ/ਦਫਤਰ ਦੇ ਦਫਤਰੀ ਅਮਲੇ ਦੀ ਅਣਗਹਿਲੀ ਦੇ ਕਾਰਨ ਇਹ ਸਰਟੀਫੀਕੇਟ ਸਮੇਂ ਸਿਰ ਉਮੀਦਵਾਰ ਨੂੰ ਜਾਰੀ ਨਹੀਂ ਹੁੰਦਾ ਅਤੇ ਇਹ ਕਮਿਸ਼ਨ ਨੂੰ ਸਮੇਂ ਸਿਰ ਨਹੀਂ ਭੇਜਿਆ ਜਾਂਦਾ। ਇਸ ਛੋਟੀ ਜਿਹੀ ਅਣਗਹਿਲੀ ਦੇ ਫਲਸਰੂਪ ਉਮੀਦਵਾਰ ਨੂੰ ਕਨਨਾਈ ਅਤੇ ਹਾਨੀ ਹੁੰਦੀ ਹੈ।

3. ਉਪਰੋਕਤ ਸਥਿਤੀ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ, ਆਪ ਜੀ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਜਿਨ੍ਹਾਂ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਨੇ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ, ਪਟਿਆਲਾ ਨੂੰ ਉਨ੍ਹਾਂ ਦੇ ਵਿਗਿਆਪਨ ਦੇ ਆਧਾਰ ਤੇ ਭਿੰਨ ਭਿੰਨ ਆਸਾਮੀਆਂ ਦੀ ਇੰਟਰਵਿਊ ਜਾਂ ਪ੍ਰੀਖਿਆ ਲਈ ਬੁਲਾਇਆ ਜਾਂਦਾ ਹੈ ਅਤੇ ਜਿਨ੍ਹਾਂ ਤੋਂ ਕਮਿਸ਼ਨ ਨੇ ਇਤਰਾਜ਼-ਹੀਨਤਾ ਸਰਟੀਫਿਕੇਟ, ਦੀਮੰਗ ਕੀਤੀ ਹੁੰਦੀ ਹੈ, ਉਨ੍ਹਾਂ ਨੂੰ ਜੇਕਰ ਲੋੜੀਂਦਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਹੋ ਸਕਦਾ ਹੋਵੇ, ਤਾਂ ਇਹ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਕੇ ਸਮੇਂ ਸਿਰ ਪੰਜਾਬ ਲੋਕਸੇਵਾ ਕਮਿਸ਼ਨ, ਪਟਿਆਲਾ ਨੂੰ ਭੇਜ ਦਿਤਾ ਜਾਇਆ ਕਰੇ ਤਾਂ ਕਿ ਅਜਿਹੇ ਉਮੀਦਵਾਰ ਬੇਲੋੜੇ ਨੁਕਸਾਨ ਤੋਂ ਬੱਚ ਸਕਣ। ਇਸ ਸਬੰਧੀ ਕੀਤੀ ਅਣਗਹਿਲੀ ਦਾ ਸੰਜੀਦਾ ਨੋਟਿਸ ਲਿਤਾ ਜਾਵੇਗਾ।

3. ਆਪ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਸਬੰਧਤ ਦਫਤਰੀ ਅਮਲੇ/ਅਧਿਕਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿਚ ਵਿਸ਼ੇਸ਼ ਤੌਰ ਤੇ ਲਿਆਉਂਦੀਆਂ ਜਾਣ ਅਤੇ ਇਨ੍ਹਾਂ ਦੀ ਪਾਲਣਾ ਸਹੀ ਢੰਗ ਨਾਲ ਕਰਵਾਈ ਜਾਵੇ।

4. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਗੰਜੀ ਭੇਜੀ ਜਾਵੇ ਜੀ।

Copy of Punjab Government Circular letter No. 5283-SII-76, dated the 11th May, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Rule 20 of Punjab Government Employees (Conduct) Rules, 1966 — Convassing of non-official or other influence by Government employees — Strict observance of

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 7398-SII(3)-71, dated 15th December, 1971, wherein it was brought home to all Government employees that convassing of non-official or other influence by them upon the superior authorities (including Ministers) in furtherance of their service interests involves breach of rule 20 of Punjab Government Employees (Conduct) Rules, 1966, and instructions issued from time to time in this behalf. It was also indicated in the instructions, that if any Government employee chooses to ventilate his grievances or asserts his claim repeatedly by bringing any political influence or other influence and also infringes the prescribed procedure and channel of submission of representations in respect of his service interests, he shall be liable to be subjected to disciplinary action under the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

2. It has been observed that the above instructions and statutory provisions are being circumvented for personal interests and so Government have taken a serious view of the breach of the instructions. I have, therefore, been directed to convey to you that any laxity in this behalf would not be tolerated by Government and strict disciplinary action would be taken against the defaulters. This fact may be brought home once again to all Government employees of all categories and the meticulous observance of these instructions be ensured.

3. You are further requested to ensure that the genuine grievances of the Government employees in service matters are redressed without any avoidable delay according to the prescribed procedure, rules and instructions *inter alia* as per para 3 of Punjab Government Circular letter No. 5847-SII(6)-69/17995, dated 30th June, 1969, wherein it has been emphasized that with a view to avoid unnecessary delay in finalising the cases of Government employees, monthly meetings may be arranged between the Administrative Department and Head of Department to review the progress of each case and further ways and means be devised to expedite such cases. Justice given to Government employees in this manner will also act as a deterrent against the breach of instructions referred to above. You are, therefore, requested to take necessary action in this behalf.

Kindly acknowledge receipt of this letter.

Copy of Punjab Government Circular letter No. 1383-SII(8)-76/19326, dated the 19th May, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject:—Grant of re-employment/extension in service to Government employees on or after their attaining the age of Superannuation.

I am directed to invite your attention to Punjab Government instructions issued,—*vide* circular letter No. 727-SII(4)-67/4841, dated the 17th February, 1967, wherein the

policy of the State Government was clearly laid down in regard to the grant of re-employment/extension in service to Government employees on or after their attaining the age of superannuation and the procedure to be adopted for the processing of these cases. According to these basic instructions, it is only in exceptional cases, justified on extraordinary administrative reasons, that the cases of re-employment and extension in service on or after the attaining the age of superannuation can be considered. It was also clearly stressed therein that the appointing authorities should keep a close watch on the progress of the case of each retiree to ensure that the question of appointing his substitute is settled well in advance of the date of his retirement or the date of his proceeding on leave preparatory to retirement as the case may be. In spite of all this, the State Government has noticed a tendency amongst various Departments to delay the arrangements to relieve the person near retirement. This creates an embarrassing situation, mounted by pressure to make avoidable re-employment.

2. With a view to ensuring that the question of selection of a successor of a retiring employee is taken up well in time, so that proposals for re-employment and extension in service or refusal of leave preparatory to retirement are made only in genuine cases, it has been decided that in all Departments the position in respect of the retiring employees be reviewed every month so as to facilitate that a person, who has to superannuate in the coming six months is relieved on the due date without any hurdle. Further if a person, who is superannuated is serving against a post or assignment which requires a particular training/technique, suitable steps should be taken to put an under study in position or the alternative arrangements made forthwith or in advance according to rules so that the tendency of unnecessary re-employment or extension in service is checked.

3. These instructions shall come into force immediately and may be brought to the notice of all concerned for strict compliance in future.

Kindly acknowledge receipt.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ. 2617-ਸII (5)-76, ਮਿਤੀ 24 ਮਈ, 1976 ਵਲੋਂ
ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁਖੀ ਆਦਿ ।

ਵਿਸ਼ਾ:—ਤੱਦ-ਅਰਥ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਸਿਵਲ ਰਿਟਸ ਜੋ ਕਿ 11 ਫਰਵਰੀ, 1976 ਨੂੰ ਰੱਦ ਹੋਈਆਂ ।

ਪ੍ਰਿਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਸਰਕਾਰ ਦੇ ਪਿਠ ਅੰਕਣ ਨੰ. 1873-ਸII(5)-76, ਮਿਤੀ 5 ਅਪ੍ਰੈਲ, 1976 ਦੇ ਹਵਾਲੇ ਵਿੱਚ ।

2. ਸਿਵਲ ਰਿਟ ਨੰ. 5017/1975—ਗਿਆਨ ਚੰਦ ਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਤੇ ਹੋਰ ਜਿਸ ਨਾਲ ਕਈ ਇਕ ਹੋਰ ਰਿਟਸ ਵੀ ਡਿਸਮਿਸ ਹੋਈਆਂ ਸਨ ਸਬੰਧੀ ਪੰਜਾਬ ਤੇ ਹਰਿਆਣਾ ਹਾਈ-ਕੋਰਟ ਦੇ ਡੀਵੀਜ਼ਨ ਬੈਂਚ ਦੇ ਫੈਸਲੇ ਮਿਤੀ 11 ਫਰਵਰੀ, 1976 ਵਿੱਚੋਂ ਨਿਮਨ ਅੰਕਤ ਟ੍ਰਕ ਆਪ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆਏ ਜਾਂਦੇ ਹਨ, ਤਾਂ ਜੋ ਅੱਗੋਂ ਤੋਂ ਤੱਦ-ਅਰਥ ਨਿਯੁਕਤ ਕਰਮਚਾਰੀਆਂ ਸਬੰਧੀ ਸਥਿਤੀ ਸਮੂਹ ਹਲਕਿਆਂ ਨੂੰ ਸਪੱਸ਼ਟ ਹੋ ਜਾਵੇ ਅਤੇ ਕੇਸਿਜ਼ ਡੀਲ ਕਰਨ ਵੇਲੇ ਭਲੀ ਭਾਰੀ ਸਮੂਹ ਦੇ ਰਖੇ ਜਾਣ :—

“.....The petitioners being *ad hoc* employees, have no right to claim the regularisation thereby ignoring the claims of a number of other qualified candidates, who are entitled to compete for the posts which the petitioners are holding, if the said posts are filled in by open competition through recruitment by normal channel.

It is well established that *ad hoc* appointment is a make-shift arrangement which is made keeping in view the exigencies of the Services and cannot take the place of a regular appointment. The protection of Article 16 of the Constitution of India, has to be made available to all the qualified candidates, who are entitled to compete for a post. But in the case of *ad hoc* appointments, the regular method of recruitment is deviated from and the posts are manned by *ad hoc* appointees so as to carry on the work of the posts for a limited period. It cannot be denied that all the petitioners, who are appointed on *ad hoc* basis, did not compete with the other qualified candidates, who would have competed if the posts were filled in after due advertisement in a regular manner. It is in this background that the provisions of Article 16 of the Constitution of India, which provisions have been invoked by the learned counsel for the petitioners, have to be kept in mind while considering the contention of the learned counsel for the petitioners.

.....The *ad hoc* employees, who completed one year's service on January 1, 1973, and who are covered by the policy decision, formed one class in themselves and the other *ad hoc* employees, who had not completed one year's service on January 1, 1973, or who were not even appointed till that date, is another class and, therefore, it is idle to contend that there is discrimination amongst the employees belonging to the same class.

The matter can be looked into from another angle also. The decision of the State Government referred to above was in fact a concession to the *ad hoc* employees, who fulfilled the requirements contained in the decision for regularising their services which concession the State Government gave to them keeping in view the prevailing circumstances at that time. It cannot be legitimately claimed by the petitioners that this concession should be made available to all classes of *ad hoc* employees irrespective of their dates of appointment or completion of their one year's service. The fixation of one year's service as *ad-hoc* employment in the circular was not questioned before us and on the other hand, it was contended that the said period is a reasonable period fixed by the State Government. No person has got a right to file a writ petition for claiming a concession of the type which may have been given by the State Government to a class of persons previously. We are supported in our view in this regard by a decision of the Supreme Court of India in *K. V. Rajalakshiah Setty and another v. State of Mysore and another*, A.I.R. 1967 Supreme Court, 993.

It was contended by Shri Gurcharan Singh, the learned counsel for the petitioners appearing for Shri G. S. Tir, Advocate in C.W.P. No. 6395 of 1975, that the petitioners in this case were selected by the Departmental Selection Committee in 1970, and even though they were selected in open competition by the Departmental Selection Committee, they were not offered appointment by the State

Government on regular basis and they were then subsequently appointed on *ad hoc* basis. It was, however, conceded that they had not put in one year's service as required by the policy decision on January 1, 1973, but it was contended that they have been selected in open competition in 1970 by the Departmental Selection Committee, therefore, their cases should be considered by the Government for regular appointment. We have no jurisdiction to issue any direction to the State Government but we do feel that the case of the petitioners in this writ petition need sympathetic consideration as all these petitioners were admittedly selected by the Departmental Selection Committee of the Education Department in 1970, but for some reason or the other, they could not be offered regular appointments. We hope that the concerned authorities will give due consideration to the cases of these petitioners as and when they make proper representations to the appropriate authorities.

3. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਜਿਸਟਰੇਸ਼ਨ ਭੇਜੀ ਜਾਵੇ

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ੈਰਮੁਅਮਲ ਪੱਤਰ ਨੰ. 2164-2ਸII-76, ਮਿਤੀ 26-5-1976

ਵੱਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਆਇਆ।

ਵਿਸ਼ਾ :—ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਦੀਆਂ ਸਾਲਾਨਾ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਲਿਖਣ ਬਾਰੇ ਭਰਿਸ਼ਟਾਚਾਰ ਖਤਮ ਕਰਨ ਸਬੰਧੀ ਯੋਗਤਾ ਬਾਰੇ ਟਿੱਪਣੀ।

ਕੀ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ ਅਤੇ ਸਾਰੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਇਹ ਪਾ ਕੇ ਉਪਰਾਲਾ ਵਿਸ਼ੇ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੋਜ ਕਰਨਗੇ ?

2. ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਵਿੱਚੋਂ ਭਰਿਸ਼ਟਾਚਾਰ ਦਾ ਮੁੱਲਾਂ ਖਾਤਮਾ ਕਰਨ ਦੀ ਮੁੱਢਲੀ ਜ਼ਿੰਮੇਵਾਰੀ ਸਬੰਧਤ ਵਿਭਾਗ ਦੇ ਮੁੱਖੀ ਦੀ ਹੈ ਅਤੇ ਵਿਭਾਗ ਦੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਨਾਲ ਇਹ ਜ਼ਰੂਰੀ ਹੈ ਕਿ ਉਹ ਦੇਖੇ ਕਿ ਇਹ ਜ਼ਿੰਮੇਵਾਰੀ ਨਿਪੁੰਨਤਾ ਨਾਲ ਨਿਭਾਈ ਜਾ ਰਹੀ ਹੈ। ਇਸੇ ਕਰਕੇ ਹੀ ਮੁੱਖ ਚੋਕਸੀ ਅਫਸਰ ਅਤੇ ਚੋਕਸੀ ਅਫਸਰ ਹਰ ਵਿਭਾਗ, ਵਿੱਚ ਨਿਯੁਕਤ ਕੀਤੇ ਗਏ ਸਨ ਤਾਂ ਜੋ ਭਰਿਸ਼ਟਾਚਾਰ ਵਿਰੁੱਧ ਮੁਹਿੰਮ ਚੱਲ ਨਾਲ ਚਲਾਈ ਜਾ ਸਕੇ। ਇਨ੍ਹਾਂ ਅਫਸਰਾਂ ਨੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਨੂੰ ਭਰਿਸ਼ਟਾਚਾਰ ਦੀ ਖੋਜ ਕੱਢਣ ਅਤੇ ਉਸ ਨੂੰ ਮੁੱਲਾਂ ਖਤਮ ਕਰਨ ਵਿੱਚ ਸਹਾਇਤਾ ਦੇਣੀ ਹੈ ਅਤੇ ਚੋਕਸੀ ਵਿਭਾਗ ਨਾਲ ਤਾਲ ਮੇਲ ਰੱਖਣਾ ਹੈ। ਇਸ ਸਬੰਧੀ ਉਨ੍ਹਾਂ ਦਾ ਧਿਆਨ ਚੋਕਸੀ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਨੰ. 2462-ਚ(12)-68/506, ਮਿਤੀ 1 ਜੂਨ, 1968, ਨੰ. 11285-ਚ-(1)67, ਮਿਤੀ 8 ਫਰਵਰੀ, 1968 ਅਤੇ ਨੰ. 8816-ਚ(3)-75/3062, ਮਿਤੀ 26 ਅਗਸਤ, 1975 ਵੱਲ ਦਿਵਾਇਆ ਜਾਂਦਾ ਹੈ।

3. ਚੌਕਸੀ ਵਿਭਾਗ ਵਲੋਂ ਇਹ ਮਹਿਸੂਸ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੇ ਬਾਵਜੂਦ ਕਈ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਭਰਿਸ਼ਟਾਚਾਰ ਨੂੰ ਖਤਮ ਕਰਨ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਨੂੰ ਯੋਗ ਦੰਗ ਨਾਲ ਨਹੀਂ ਨਿਭਾ ਰਹੇ ਹਨ। ਜੁਲਾਈ, 1975 ਵਿੱਚ ਦਿੱਲੀ ਵਿਖੇ ਸਟੇਟ ਐਂਟੀ-ਕੋਰਪਸ਼ਨ ਅਤੇ ਸੀ. ਬੀ. ਆਈ ਦੇ ਅਫਸਰਾਂ ਦੀ ਹੋਈ ਸਾਂਝੀ ਮੀਟਿੰਗ ਵਿੱਚ ਇਹ ਵੀ ਸਿਫਾਰਸ਼ ਕੀਤੀ ਗਈ ਕਿ ਸਰਕਾਰ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਦੀ ਯੋਗਤਾ ਦਾ ਅਨੁਮਾਨ ਲਾਉਂਦੇ ਸਮੇਂ ਇਸ ਪੱਖ ਨੂੰ ਵੀ ਪੂਰੇ ਧਿਆਨ ਵਿੱਚ ਰੱਖੇ ਕਿ ਉਨ੍ਹਾਂ ਨੇ ਭ੍ਰਿਸ਼ਟਾਚਾਰ ਨੂੰ ਖਤਮ ਕਰਨ ਸਬੰਧੀ ਜ਼ਿੰਮੇਵਾਰੀ ਨੂੰ ਕਿਸ ਹੱਦ ਤੱਕ ਨਿਭਾਇਆ ਹੈ।

4. ਉਪਰੋਕਤ ਪੈਰਾ 3 ਵਿੱਚ ਦੱਸੀ ਸਥਿਤੀ ਤੇ ਵਿਚਾਰ ਕੀਤਾ ਗਿਆ ਹੈ ਅਤੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਵਿਭਾਗ ਦੇ ਮੁੱਖੀ ਦੀ ਸਾਲਾਨਾ ਗੁਪਤ ਰਿਪੋਰਟ ਲਿਖਦੇ ਸਮੇਂ ਇਸ ਪੱਖ ਤੇ ਆਪਣੇ ਵਿਚਾਰ ਵਿਸ਼ੇਸ਼ ਤੌਰ ਤੇ ਜ਼ਰੂਰ ਦਰਜ ਕਰਿਆ ਕਰਨ ਕਿ ਭ੍ਰਿਸ਼ਟਾਚਾਰ ਖਤਮ ਕਰਨ ਸਬੰਧੀ ਵਿਭਾਗ ਦੇ ਮੁੱਖੀ ਨੇ ਕਿਸ ਹੱਦ ਤਕ ਸਫਲਤਾ ਪ੍ਰਾਪਤ ਕੀਤੀ ਹੈ।

Copy of U.O. Circular letter No. 277(GOI)-SII(5)-76, dated the 27th May, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc., etc.

Subject.—Framing/Amendment of Service rules for each class of service/posts under the Punjab Government — Revised Model Service Rules.

Will the Financial Commissioners and all the Administrative Secretaries to Government, Punjab, kindly refer to U.O. No. 6780-DSSII(2)-73, dated the 5th November, 1973, on the above subject ?

2. Consequent upon Sikkim having become part of India and the latest policy of Government of India, sub-rule (I) of rule 4 of the Model Service Rules pertaining to Nationality, Domicile and character of candidates appointed to Service, is modified to the following extent:—

“(1) No candidate shall be appointed to the Service unless he is:—

- (a) a citizen of India, or
- (b) a citizen of Nepal, or
- (c) a subject of Bhutan, or

- (d) a Tibetan refugee, who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (e) a person of Indian origin, who has migrated from Pakistan, Burma, Shri Lanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formally Tanganyika and Zanzibar), with the intention of permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India."

3. It is requested that the rule as revised above may be kept in view while framing service rules/amending the service rules so as to bring them in conformity with the Model Service Rules.

4. The receipt of this letter may pleased be acknowledged.

Copy of Punjab Government Circular letter No. 179-GOI-2SII-76, dated the 31st May, 1976 from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject.—Punjab Civil Services (Premature Retirement), Rules, 1975—Clarifications regarding.

I am directed to address you on the subject noted above and to say that various Departments have been seeking clarifications on the following points arising from the application of Rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975 in cases where Government employees are allowed pay and allowances in lieu of notice for retirement:—

- (i) Whether the pay and allowances for three months are to be reduced by pension and pension

equivalent of gratuity or both are to be paid in full simultaneously during this period.

- (ii) Whether House Rent Allowance and City Compensatory Allowance for three months will be admissible.
- (iii) Whether the pay and allowances to be given in lieu of notice period shall be calculated on the basis of those drawn immediately before retirement or on the basis of pay and allowances including normal increment, if any, which the Government employee would have drawn, had he remained in service during the notice period.
- (iv) Whether income-tax can be deducted at source from the pay and allowances in lieu of the notice period.
- (v) Whether the notice period of three months in lieu of which pay and allowances are given will count as qualifying service for pension.

2. The above points have been considered and the position is clarified as under *ad seriatim* :—

- (i) As the Government employee concerned will retire immediately on payment of pay and allowances in lieu of notice he would be entitled to pension from the date of such retirement and the pension shall not be deferred till after the expiry of the period of three months for which he is paid pay and allowances. In other words, pay and allowances given in lieu of the notice period would be in addition to pension for the said period.
- (ii) The Government employees, who are given pay and allowances in lieu of the notice period are entitled to House Rent Allowance and City Compensatory Allowance at the rates at which they were drawing the allowances immediately

before retirement subject to the conditions prescribed for the purpose of grant of such allowances.

- (iii) The pay and allowances to be given in lieu of the notice period would be the pay and allowances drawn by him immediately before retirement. Since he would stand retired immediately on payment of pay and allowances, the question of taking the date of increment into consideration does not arise.
- (iv) The three months' pay and allowances given in lieu of notice are "Salary" and therefore, income-tax is required to be deducted at source.
- (v) The Government employee would stand retired immediately on payment of three months pay and allowances in lieu of the notice period and will not be in service thereafter. Therefore, the question of counting this period for purposes of pension etc. does not arise.

3. The above clarification issues with the concurrence of the Finance Department,—vide their U.O. No. 3458-6FR-76, dated the 26th May, 1976.

4. Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 5889-1SH-76/21511, dated 11th June, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Relaxation of age-limit for entry into Government service for certain categories of married women.

I am directed to refer to the subject noted above and to say that keeping in view the difficulties experienced by widows, legally separated/divorced women etc., to earn bread for themselves and their unfortunate children, the State Government,—vide instructions noted in the margin, decided to relax maximum age limit for recruitment to State services upto 35 years in the case of the following:

- 1. No. 15003-G-55/75504, dated 23rd November, 1955.
- 2. No. 2010-S11(3)-71, dated 25th May, 1971.
- 3. No. 6220-S11(3)-71, dated 16th September, 1971.

(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;
- (v) Women, whose husbands have re-married; and
- (vi) Wives of serving military personnel or those who are disabled while in military service;

Provided they are otherwise eligible for entry into Government service.

This concession was, however, granted when the normal age of recruitment was 25 years. The upper age limit for recruitment to State services has since been raised to 27 years in the case of non-technical services and 30 years in the case of technical services. In this connection attention is invited to Circular letter No. 4637-SII (3)-72/9939, dated the 10th August, 1972. Since the issue of these instructions, the question of raising correspondingly the upper age limit for the categories as mentioned above, had been under consideration of the State Government. In view of the hardship in which such women are put, it has been decided to raise the upper age limit for recruitment to State services for these categories of women by two years, i.e., from 35 to 37 years in respect of all posts technical or otherwise.

2. These instructions will take effect from the date of issue. These may kindly be brought to the notice of all concerned, especially those dealing with establishment matters.

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

Copy of Punjab Government Circular letter No. 6118-7SII-76/22160, dated 11th June, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject.—Institutional arrangements for determining training needs of Officers and recommendations for their placements — Placements to be co-related to training.

I am directed to address you on the subject cited above and to say that proper training of various personnel is an indisputed necessity of administration. Trained officers can surely promote the efficiency and quicken the pace of disposal of work and completion of various projects. In view of the importance of the matter, it was considered in the Chief Secretaries' Conference held on the 7th and 8th May, 1976, in New Delhi and a decision taken in the Conference is as under:—

“Placements should be co-related to training. States may make institutional arrangements for determining training needs of Officers and for making recommendations for their placements, particularly at the higher levels. Postings should not be made in unrelated areas”.

2. Government have decided to implement this decision in letter and spirit. I am, therefore, directed to request you to ensure that:—

- (i) Training for various jobs under you may kindly be arranged either through the available institutional facilities offered from time to time through various communications of Government or quarters concerned or if the training be of special nature, arrangements be made to organise the same at the Departmental level.
- (ii) Persons trained as such particularly those at the higher level should be posted on the assignments in which their training may be useful.

In other words, it may kindly be ensured that the training arrangements are adequately made and utilised and postings should not be made in areas/assignments unrelated to the training of the Officers.

3. Kindly acknowledge the receipt of this communication.

Copy of Punjab Government Circular letter No. 6108-8SH-76/22119, dated 14th June, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject:—Grant of permission for the commercial employment of Government servants within two years of retirement.

I am directed to invite your attention to the enclosed copy of para 43 of the Secretariat Instructions according to which after retirement, Government servant especially gazetted officers, if they want to accept directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, within two years of their retirement, should obtain the consent of the State Government under whom they were serving. It has now been decided that the permission for commercial employment other than employment in foreign organisations should be freely given subject only to the safeguard that an officer may not take a job with the Private Sector in a field with which he was directly dealing, within two years of retirement. Otherwise, subject to information being given in advance to the Government, an officer should be free to take up private employment even within the period of two years. You are, therefore, requested that the requests for permission for taking up employment in private organisations by Government servants within two years after retirement, may please be considered in accordance with the decision indicated above.

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

Para 43 of the Secretariat Instructions.

Acceptance of private employment by Government servants after retirement:—While there are no definite rules on the subject, it is desirable that retired Government servants, especially gazetted officers, if they want to accept directorships, partnerships or agencies of or employment by, any company or firm or individual engaged in commercial business or associated with the management of land in India, within two years of their retirement, should obtain the consent of the State Government under whom they were serving before retirement. In a case in which a retired officer was appointed by one Government and his proposed employment lies in the jurisdiction of another, the decision will rest with the latter Government after consultation with the former.

Copy of Punjab Government Circular letter No. 6229-1SII-76/23168, dated 18th June, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968 — Amendment thereof.

I am directed to refer to the subject noted above and to say that Government have amended Rule 5(1) of the Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-technical Services) Rules, 1968,—vide Notification No. G.S.R. 45/Const./Art. 309/Amd. (1)/76, dated the 3rd May, 1976 (copy enclosed) so as to restrict the benefit of seniority and pay to certain specified categories of Released Armed Forces Personnel. This amendment may be brought to the notice of all concerned for information and guidance.

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

[Published in the Punjab Government Gazette,
Legislative Supplement, dated the 7th May, 1976]

PUNJAB GOVERNMENT
SERVICES DEPARTMENT

Notification

The 3rd May, 1976.

No. G.S.R. 45/Const./Art. 309/Amd. (1)/76.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968, namely:—

1. These rules may be called the Demobilized Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) (First Amendment) Rules, 1976.
2. They shall be deemed to have come into force with effect from the 1st day of November, 1966.
3. In rule 5 of the Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968, for sub-rule (1) the following sub-rule shall be substituted, namely:—

“(1) seniority and pay of the candidates, who are appointed against the vacancies reserved under rule 3 and who—

- (i) in the case of Emergency Commissioned Officers, are released according to a phased programme ; or
- (ii) in the case of Short Service Commissioned Officers, are released on the expiry of the tenure of their service ; or

- (iii) are invalidated owing to a disability attributable to or aggravated by military service,

shall be determined on the assumption that they joined the service or the post, as the case may be, under the State Government at the first opportunity they had after they joined the military service or training prior to the Commission."

HARDEV SINGH CHHINA,
Chief Secretary to Government, Punjab.

ਨਕਲ ਪੱਤਰ ਨੰ. 403-2ਸ /-76, ਮਿਤੀ 24 ਜੂਨ, 1976 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਸੇਵਾ ਵਿਖੇ ਪੰਜਾਬ ਦੇ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ, ਡਿਵੀਜ਼ਨਾਂ ਦੇ ਕਮਿਸ਼ਨਰ ਆਦਿ ਆਦਿ ।

ਵਿਸ਼ਾ :—ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਵਿਦੇਸ਼ ਜਾਣ ਲਈ ਪਾਸਪੋਰਟ ਪ੍ਰਾਪਤ ਕਰਨ ਵਾਸਤੇ ਵਿਭਾਗਾਂ ਵਲੋਂ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਨ ਬਾਰੇ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੋਂ ਆਪ ਜੀ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿੱਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਵਿਦੇਸ਼ ਜਾਣ ਲਈ ਪਾਸਪੋਰਟ ਪ੍ਰਾਪਤ ਕਰਨ ਵਾਸਤੇ ਵਿਭਾਗਾਂ ਵਲੋਂ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਨ ਲਈ ਵਿਭਾਗਾਂ ਨੂੰ ਜਿਨ੍ਹਾਂ ਗੱਲਾਂ ਦਾ ਧਿਆਨ ਰੱਖਣਾ ਚਾਹੀਦਾ ਹੈ, ਬਾਰੇ ਕੋਈ ਆਮ ਹਦਾਇਤਾਂ ਦੀ ਅਣਹੋਂਦ ਕਾਰਣ ਵੱਖ ਵੱਖ ਵਿਭਾਗਾਂ ਵਿੱਚ ਵੱਖ ਵੱਖ ਤਰੀਕੇ ਅਪਣਾਏ ਜਾਂਦੇ ਹਨ । ਸਰਕਾਰ ਨੇ ਇਸ ਮਸਲੇ ਸਬੰਧੀ ਵਿਚਾਰ ਕੀਤੀ ਹੈ ਅਤੇ ਵਿਭਾਗਾਂ ਦੀ ਅਗਵਾਈ ਲਈ ਹੇਠ ਲਿਖੀ ਨੀਤੀ ਨਿਰਧਾਰਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ :—

- 2.(ੳ) ਵਿਦੇਸ਼ ਜਾਣ ਲਈ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ 'ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ' ਤਾਂ ਹੀ ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ ਜੇਕਰ ਉਸ ਵਿਰੁਧ ਕੋਈ ਵਿਭਾਗੀ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ/ਪੁਲਿਸ ਤਵਤੀਸ ਜਾਂ ਅਦਾਲਤੀ ਕੇਸ ਨਾਂ ਚਲਦਾ ਹੋਵੇ ।

(ਅ) ਵਿਦੇਸ਼ ਜਾਣ ਲਈ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਨ ਤੋਂ ਪਹਿਲਾਂ ਇਸ ਗੱਲ ਦੀ ਪਤਛੋਲ ਕੀਤੀ ਜਾਵੇ ਕਿ ਸੰਬੰਧਤ ਕਰਮਚਾਰੀ ਨੇ ਸਰਕਾਰ ਤੋਂ ਕਿਸੇ ਕਿਸਮ ਦਾ ਕਰਜ਼ਾ ਤਾਂ ਨਹੀਂ ਲਿਆ ਜਿਸ ਦੀ ਅਦਾਇਗੀ ਕਰਨੀ ਰਹਿੰਦੀ ਹੋਵੇ । ਜੇ ਕੋਈ ਕਰਜ਼ੇ ਦੀ ਵਸੂਲੀ ਰਹਿੰਦੀ ਹੋਵੇ ਤਾਂ ਇਹ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਕਿ ਲਏ ਗਏ ਕਰਜ਼ੇ ਦੀ ਰਕਮ ਦੀ ਵਸੂਲੀ ਮਿਥੀਆਂ ਸ਼ਰਤਾਂ ਅਨੁਸਾਰ ਹੁੰਦੀ ਰਹੇਗੀ । ਇਹ ਵੀ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਕਿ ਇਸ ਤੋਂ ਇਲਾਵਾ ਕਰਮਚਾਰੀ ਦੇ ਵਿਰੁਧ ਕੋਈ ਹੋਰ ਵਸੂਲੀ ਨਾ ਰਹਿੰਦੀ ਹੋਵੇ ।

- (ੲ) ਉਪਰੋਕਤ ਮੱਦ (ਅ) ਤੇ ਦੱਸੀ ਰਕਮ ਦੀ ਵਸੂਲੀ ਨੂੰ ਹੋਰ ਯਕੀਨੀ ਬਣਾਉਣ ਲਈ ਸੰਬੰਧਤ ਕਰਮਚਾਰੀ ਨੂੰ ਕਿਸੇ ਪੱਧੇ ਕਰਮਚਾਰੀ ਦੀ ਜ਼ਾਮਨੀ ਝਰਨ ਲਈ ਕਿਹਾ ਜਾਵੇ । ਇਹ

ਜਾਮਨੀ ਨਾ ਕੇਵਲ ਪਹਿਲਾਂ ਬਣਦੀਆਂ ਵਸੂਲੀਆਂ ਨੂੰ ਕਵਰ ਕਰੇ ਸਗੋਂ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕਰਨ ਤੋਂ ਬਾਅਦ ਲਏ ਜਾਣ ਵਾਲੇ ਕਰਜ਼ਿਆਂ ਆਦਿ ਨੂੰ ਵੀ ਕਵਰ ਕਰਨ ਵਾਲੀ ਹੋਣੀ ਚਾਹੀਦੀ ਹੈ। ਇਕ-ਸਾਰ ਨੀਤੀ ਲਈ ਜਾਮਨੀ ਵਾਕਮ ਨਾਲ ਨੱਥੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

(ਸ) ਜਿਨ੍ਹਾਂ ਕਰਮਚਾਰੀਆਂ ਨੇ ਸਰਕਾਰ ਦੀ ਸੇਵਾ ਕਰਨ ਦਾ ਕੋਟੀ ਬਾਂਡ ਭਰਿਆ ਹੋਵੇ ਉਨ੍ਹਾਂ ਦੇ ਬਾਂਡ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋਣ ਤੋਂ ਪਹਿਲਾਂ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਨਾ ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ।

(ਹ) ਜਿਨ੍ਹਾਂ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ ਉਨ੍ਹਾਂ ਨੂੰ ਇਹ ਗੱਲ ਸਪਸ਼ਟ ਕਰ ਦਿੱਤੀ ਜਾਵੇ ਕਿ ਵਿਦੇਸ਼ ਜਾਣ ਲਈ ਉਨ੍ਹਾਂ ਨੂੰ ਛੁੱਟੀ ਆਦਿ ਸਮਰਥਕ ਅਧਿਕਾਰੀ ਤੋਂ ਮੰਨਜ਼ੂਰ ਕਰਵਾਕੇ ਹੀ ਜਾਣਾ ਪਵੇਗਾ ਅਤੇ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਦੇਣ ਨਾਲ ਉਨ੍ਹਾਂ ਨੂੰ ਛੁੱਟੀ ਦੇਣ ਦਾ ਹੱਕ ਨਹੀਂ ਬਣ ਜਾਂਦਾ। ਇਹ ਵੀ ਸਪਸ਼ਟ ਕਰ ਦਿੱਤਾ ਜਾਵੇ ਕਿ ਛੁੱਟੀ ਸਮਾਪਤ ਹੋਣ ਦੀ ਸੂਰਤ ਵਿੱਚ ਜੇ ਕਰਮਚਾਰੀ ਵਿਦੇਸ਼ ਤੋਂ ਵਾਪਸ ਨਹੀਂ ਆਉਂਦਾ ਅਤੇ ਅਣ-ਅਧਿਕਾਰਤ ਛੁੱਟੀ ਤੇ ਰਹਿੰਦਾ ਹੈ ਤਾਂ ਉਸ ਦੀਆਂ ਸੇਵਾਵਾਂ ਖਤਮ ਕਰਨ ਲਈ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇਗੀ।

3. ਉਪਰੋਕਤ ਲੀਹਾਂ "ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ" ਦੇਣ ਲਈ ਮੁੱਖ ਲੀਹਾਂ ਹਨ ਜਿਨ੍ਹਾਂ ਬਾਰੇ ਵਿਭਾਗ ਨੇ ਧਿਆਨ ਰੱਖਣਾ ਹੈ ਅਤੇ ਇਹ ਕੋਈ ਵਿਸ਼ੇਸ਼ ਨਹੀਂ ਹਨ। ਸਮੁੱਚੇ ਤੌਰ ਤੇ ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਨੇ ਇਸ ਗੱਲ ਦਾ ਧਿਆਨ ਰੱਖਣਾ ਹੈ ਕਿ ਕਰਮਚਾਰੀ ਨੂੰ ਇਤਰਾਜ਼-ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਦੇਣ ਨਾਲ ਕੋਈ ਸਰਕਾਰ ਨੂੰ ਪ੍ਰਬੰਧਕੀ ਤੌਰ ਤੇ ਅੰਕੜ ਬੇਸ਼ ਨਾ ਆਵੇ ਅਤੇ ਨਾ ਹੀ ਕੋਈ ਮਾਲੀ ਨਕਸ਼ਾਨ ਹੋਵੇ।

ਇਸ ਪੱਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

SURETY FORM

This deed of guarantee is made this _____ day of _____ 19____ between _____ on of _____, a permanent employee of the Government of the State of Punjab and at present holding the post of _____ in the _____ Department (hereinafter referred to as the surety) of the one part and the Governor of Punjab (hereinafter referred to as the Government) of the other part.

Whereas _____, son of (hereinafter referred to as the employee) is at present holding the post of _____ in the _____ Department of the Government;

And whereas the employee intends to apply for a passport for undertaking journey abroad and has requested the Government to issue him a no objection certificate ;

And whereas the Government has agreed to issue a no objection certificate to the employee on the surety furnishing a guarantee as is hereinafter contained;

Now, therefore, this deed witnesses as follows :—

1. In consideration of the Government agreeing to issue a no objection certificate in favour of the employee thereby enabling him to apply for passport, the surety does hereby guarantee the payment of all sums of moneys which shall at any time be due to the Government from the employee.
2. The surety and the Government hereby mutually agree that the guarantee hereby given shall be a continuous guarantee and shall not be affected by the neglect or forbearance of the Government in enforcement of payment of any moneys the payment whereof is intended to be hereby secured nor shall it be affected by grant of time or any other indulgence by the Government to the employee and that any amount certified by the Government to be due to it from the employee shall be conclusive evidence against the surety of the amount due and shall not be questioned by the surety.

In witness whereof the parties hereto have executed this deed on the date first above written.

Witnesses :

1. _____

2. _____

Surety

for and behalf of the Governor of
Punjab.

ਕਾਪੀ ਪੰਜਾਬ ਸਰਕਾਰ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ. 4464-78II-76/22164, ਮਿਤੀ 28 ਜੂਨ, 1976 ਵਲੋਂ ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਵੱਲ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਨੂੰ।

ਵਿਸ਼ਾ: -- ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਨਵੀਆਂ ਨਿਯੁਕਤੀਆਂ ਸਬੰਧੀ ਮੁਕੱਮਲ ਮੰਗ-ਪੱਤਰ ਭੇਜਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਨੂੰ ਸਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ, ਅਹੀਨ ਸੇਵਾਵਾਂ ਚੋਣ ਬੋਰਡ ਅਤੇ ਅਜਿਹੀਆਂ ਹੋਰ ਨਿਸ਼ਚਿਤ ਚੋਣ ਸੰਸਥਾਵਾਂ (Selecting Agencies) ਰਾਹੀਂ ਰਾਜ ਸਰਕਾਰ ਦੀਆਂ ਵਿਭਿੰਨ ਸੇਵਾਵਾਂ ਵਿੱਚ ਖਾਲੀ ਆਸਾਮੀਆਂ ਉੱਤੇ ਨਿਯਮਤ ਢੰਗ ਨਾਲ ਨਿਯੁਕਤੀਆਂ ਬਿਨ੍ਹਾ ਕਿਸੇ ਦੇਰੀ ਦੇ ਕਰਨੀਆਂ ਹੁੰਦੀਆਂ ਹਨ। ਜ਼ੇਮਿਸ ਅਸੂਲ ਦੀ ਸਹੀ ਸਹੀ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਬਹੁਤ ਸਾਰੀਆਂ ਤਦ-ਅਰਥ ਤੋਰ ਤੇ ਕੀਤੀਆਂ ਜਾਣ ਵਾਲੀਆਂ ਨਿਯੁਕਤੀਆਂ ਦੀ ਲੋੜ ਨਹੀਂ ਪਵੇਗੀ ਨਾ ਹੀ ਨਿਯਮਤ ਨਿਯੁਕਤੀਆਂ ਦੇ ਰਾਹ ਵਿੱਚ ਕੋਈ ਰੁਕਾਵਟ ਹੋਵੇਗੀ।

2. ਕਮਿਸ਼ਨ ਵੱਲੋਂ ਨਿਯਮਤ ਨਿਯੁਕਤੀਆਂ ਲਈ ਸਮੇਂ ਸਿਰ ਸਿਫਾਰਸ਼ਾਂ ਭੇਜਣ ਦੇ ਰਾਹ ਵਿੱਚ ਇਕ ਰੁਕਾਵਟ ਇਹ ਦੱਸੀ ਗਈ ਹੈ ਕਿ ਵਿਭਿੰਨ ਵਿਭਾਗਾਂ/ਸਬੰਧਤ ਅਧਿਕਾਰੀ ਉਨ੍ਹਾਂ ਨੂੰ ਮੰਗ ਪੱਤਰ ਠੀਕ ਢੰਗ ਨਾਲ ਅਤੇ ਮੁਕੱਮਲ ਤੌਰ ਤੇ ਨਹੀਂ ਭੇਜਦੇ। ਖਾਲੀ ਆਸਾਮੀਆਂ ਨੂੰ ਭਰਨ ਸਬੰਧੀ ਮੰਗ-ਪੱਤਰ ਵਿੱਚ ਆਮ ਕਰਕੇ ਨਿਮਨ ਪਹਿਲਾਂ ਤੋਂ ਸੂਚਨਾ ਦੇਣੀ ਬਹੁਤ ਜ਼ਰੂਰੀ ਹੈ ਜਿਹਾ ਕਿ ਮੰਗ-ਪੱਤਰਾਂ ਲਈ ਨਿਸ਼ਚਿਤ ਫਾਰਮ ਵਿੱਚ ਦਰਸਾਇਆ ਹੁੰਦਾ ਹੈ:--

- (1) ਆਸਾਮੀ ਦੀ ਪਦਵੀ, ਸਕੇਲ ਉਸ ਦੀ ਮਨਜ਼ੂਰੀ ਦਾ ਸਮਾਂ ਅਤੇ ਪੱਕੀ ਜਾਂ ਕੱਚੀ ਬਾਰੇ ਸੰਕੇਤ;
- (2) ਆਸਾਮੀ ਲਈ ਨਿਸ਼ਚਿਤ ਯੋਗਤਾਵਾਂ ਤਜਰਬਾ ਜਿਹਾ ਕਿ ਸਬੰਧਤ ਸੇਵਾ ਨਿਯਮਾਂ ਵਿੱਚ ਨਿਸ਼ਚਿਤ ਕੀਤੀ ਹੋਵੇ ਜਾਂ ਨਿਯਮਾਂ ਦੀ ਅਣਹੋਂਦ ਵਿੱਚ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਅਤੇ ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਦੀ ਸਲਾਹ ਨਾਲ ਨਿਯੁਕਤੀ ਅਸੂਲ ਨਿਰਧਾਰਤ ਕਰਦੇ ਸਮੇਂ ਕਾਰਜਕਾਰੀ ਤੌਰ ਤੇ ਮਿੱਥੇ ਗਏ ਹੋਣ।
- (3) ਕੀ ਆਸਾਮੀ ਸੂਰੱਖਿਅਤ ਹੈ ਜਾਂ ਨਹੀਂ ਜਿਹਾ ਕਿ ਸਮਾਜ ਭਲਾਈ ਵਿਭਾਗ ਦੀਆਂ ਰੋਸਟਰ ਸਬੰਧੀ ਹਦਾਇਤਾਂ (ਅਨੁਸ਼ਚਿਤ ਜਾਤੀਆਂ ਅਤੇ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਲਈ) ਅਤੇ ਸੇਵਾਵਾਂ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ (ਸਾਬਕਾ ਫੌਜੀਆਂ ਲਈ) ਨੂੰ ਮੁੱਖ ਰੱਖਕੇ ਦਰਸਾਉਣਾ ਹੁੰਦਾ ਹੈ ਕਿ ਕੀ ਇਹ ਆਸਾਮੀ ਨਿਯਮਾਂ ਵਿਚ ਇਸ ਸ਼ਰਤ ਨੂੰ ਮੁੱਖ ਰੱਖਕੇ ਸੂਰੱਖਿਅਤ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਇੱਕ ਸਾਲ ਵਿੱਚ ਭਰੀਆਂ ਜਾਣ ਵਾਲੀਆਂ ਆਸਾਮੀਆਂ ਦੀ ਕੁੱਲ ਗਿਣਤੀ ਦੀ 50 ਪ੍ਰਤੀਸ਼ਤ ਤੋਂ ਵੱਧ ਰਿਜ਼ਰਵੇਸ਼ਨ ਨਾ ਹੋਵੇ।
- (4) ਸਾਬਕਾ ਫੌਜੀਆਂ ਲਈ ਸੂਰੱਖਿਅਤ ਆਸਾਮੀ ਦੇ ਸਬੰਧ ਵਿੱਚ ਇਹ ਸ਼ਰਤ ਕਿ ਜਿਹੜੇ ਮਿਲਟਰੀ ਵਿਚੋਂ ਰਲੀਜ਼ ਹੋਕੇ ਕਿਸੇ ਹੋਰ ਸੇਵਾ ਵਿਚ ਖਪਾਏ ਜਾ ਚੁਕੇ ਹਨ ਉਹ ਰਲੀਜ਼ਡ ਨਹੀਂ ਰਹਿਣਗੇ ਅਤੇ ਇਸ ਤਰ੍ਹਾਂ ਸੂਰੱਖਿਅਤ ਆਸਾਮੀ ਲਈ ਹੱਕਦਾਰ ਨਹੀਂ ਹੁੰਦੇ, ਸਪੱਸ਼ਟ ਕਰਨਾ ਹੁੰਦਾ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਸੂਰੱਖਿਅਤ ਆਸਾਮੀਆਂ ਤੇ ਲਾਗੂ ਸਬੰਧਤ ਨਿਯਮਾਂ ਦੀ ਸਥਿਤੀ ਦਾ ਪ੍ਰੋਖਣ ਕਰਕੇ ਮੰਗ-ਪੱਤਰ ਭਰੇ ਜਾਣੇ ਹੁੰਦੇ ਹਨ।

(5) ਉਮਰ ਹੱਦ ਵਿਭਿੰਨ ਸ਼੍ਰੇਣੀਆਂ ਲਈ ਸਟੇ ਸੁਰੱਖਿਅਤ ਸ਼੍ਰੇਣੀਆਂ ਦੇ ਜਿਹਾ ਕਿ ਨਿਯਮਾਂ ਅਤੇ ਸਰਕਾਰ ਦੀਆਂ ਹਦਾਇਤਾਂ ਵਿੱਚ ਦਰਜ ਹੈ, ਵੱਖਰੇ ਤੌਰ ਤੇ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਵੇ।

(6) ਕੀ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਇਹ ਚਾਹੁੰਦਾ ਹੈ ਕਿ ਤਕਨੀਕੀ ਅਸਪੀਆਂ ਸਬੰਧੀ ਉਸ ਦਾ ਨਮਾਇੰਦਾ ਇੰਟਰਵਿਊ (Interview) ਸਮੇਂ ਹਾਜ਼ਰ ਹੋਵੇ।

(ਹਦਾਇਤਾਂ ਨੰ. 159-ਜੀ 1-60/11060 ਮਿਤੀ 11 ਅਪ੍ਰੈਲ, 1960)

3. ਮੰਗ-ਪੱਤਰਾਂ ਵਿੱਚ ਪਾਈਆਂ ਗਈਆਂ ਉਪਰੋਕਤ ਤਰ੍ਹਾਂ ਦੀਆਂ ਉਣਤਾਵੀਆਂ ਦੇ ਫਲਸਰੂਪ ਕਮਿਸ਼ਨ ਅਤੇ ਸਬੰਧਤ ਵਿਭਾਗ ਵਿੱਚ ਲਿਖਾ ਪੜ੍ਹੀ ਦੇ ਕਾਰਨ ਨਿਯਮਤ ਨਿਯੁਕਤੀਆਂ ਕਰਨ ਵਿੱਚ ਦੇਰ ਹੋ ਜਾਂਦੀ ਹੈ। ਇਸ ਲਈ ਇਹ ਗੱਲ ਬਹੁਤ ਮਹੱਤਵ ਹੈ ਕਿ ਮੰਗ-ਪੱਤਰ ਪੂਰਨ ਤੌਰ ਤੇ ਭਰਕੇ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ, ਬੋਰਡ ਜਾਂ ਸਬੰਧਤ ਸੰਸਥਾ ਨੂੰ ਭੇਜੇ ਜਾਣ ਤਾਂ ਜੋ ਨਿਯਮਤ ਨਿਯੁਕਤੀਆਂ ਕਰਨ ਵਿੱਚ ਕੋਈ ਦੇਰੀ ਨਾ ਹੋਵੇ ਅਤੇ ਕਿਸੇ ਪੱਖ ਤੇ ਹੋਰ ਲਿਖਾ-ਪੜ੍ਹੀ ਦੀ ਗੁੰਜਾਇਸ਼ ਨਾ ਰਹੇ। ਇਸ ਲਈ ਆਪ ਸਭ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਠੀਕ ਤੌਰ ਤੇ ਪਾਲਣਾ ਕਰਵਾਈ ਜਾਵੇ ਅਤੇ ਇਸ ਸਬੰਧੀ ਜੋ ਕਿਸੇ ਦੀ ਅਣਗਹਿਲੀ ਪਾਈ ਜਾਵੇ ਤਾਂ ਉਸ ਦਾ ਉਚਿਤ ਨੋਟਿਸ ਲੈ ਕੇ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।

4. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ।

Copy of Punjab Government Circular letter No. 253(GAI)-2SII-76/23578, dated the 28th June, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc. etc.

Subject:—Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 — Clarification thereof.

I am directed to address you on the subject noted above and to say that a question has arisen as to whether an employee can submit an application for review of the order passed by the Punishing authority against which the employee has also exercised the right of appeal allowed under the service rules applicable to him. In this connection it is clarified that the words 'any order under these rules' occurring in rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, include any order passed in appeal. In view of this position, a delinquent Government employee who is not satisfied with the decision of the appellate authority is at liberty to make a review petition under rule 21 of the Rule *ibid*.

2. The above clarification may kindly be brought to the notice of all the employees under your control.

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

Copy of U.O. Circular letter No. 5072-2SII-76, dated the 8th July, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc. etc.

Subject:—Expeditious finalisation of cases of Government employees in service matters — Necessity therefor.

Will the Financial Commissioners and All Administrative Secretaries to Government, Punjab, kindly refer to the subject noted above ?

2. Government employees tend to approach higher authorities including Ministers direct or bring outside influence to settle their pending service matters. One of the main reason therefor is that grievances of the Government employees in such matters are not redressed in time, or the case is not dealt with in an equitable manner. A reasonable point of satisfaction amongst the Government employees is the paramount necessity of a good administration so that they may think more of their duty than to bother for their problems in respect of their service matters which are generally of the following nature :—

- (i) Promotions, confirmations, supersessions, fixation of seniority, etc.
- (ii) Suspension and disciplinary cases.
- (iii) Increments, crossing of efficiency bar, etc.
- (iv) Payment of pay and allowances including arrears, T.A. and Honorarium etc. and
- (v) Disposal of representations against adverse remarks.

3. It is one of the primary responsibilities of the Departments, to devise ways for the expeditious and fair

No. 5847-
S11(6)-69/
17995, dated
30th June,
1969.

No. 5847-
S11(6)-69/
17995,
dated 30th
June, 1969.

settlement of the cases of Government employees, in service matters. With this end in view it was laid down that the Administrative Secretary concerned should obtain a monthly statement about the progress of each case from the Heads of Departments under his control and hold discussions with them.

No. 12277-
V(D)-59/
13470,
dated 21st
December,
1959.
No. 3624-
GS-61/
14607,
dated 21st
April, 1961.
No. 19142-
DSGS-64/
1815, dated
18th January,
1964.
No. 298-3G
S1-66/2190,
dated 16th
February,
1966.
No. 495-S11
(3)-73, dated
13th February
1973.
No. 3520-SU
(3)-73,
dated 26th
July, 1973.
No. 4807-S
11(3)-73/
23556,
dated 30th
July, 1973.
No. 2568-
2S11-74,
dated 15th
April, 1974.
No. 4286-
2S11-74,
dated 21st
June, 1974.
No. 5357-
2S11-74/
22787,
dated 24th
July, 1974.
No. 8946-
2S11-74/
43784,
dated 1st
January,
1975.

4. Government instructions also require that the whole process of investigation and enquiry in the cases against Government employees, especially those under suspension, should be completed within six months and 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 have to be placed before the Council of Ministers and their approval taken. Repeated instructions have been issued to all departments to ensure that cases against Government employees under suspension are finalised within the prescribed period. Suitable disciplinary action is also required to be taken against those responsible for delaying action in such cases. A special responsibility is cast upon the Heads of Departments or the other authorities concerned to avoid delays in completion of the proceedings in suspension cases. Administrative Secretaries are required to review periodically the cases of suspended Government employees in their Departments. Avoidable delays caused in the trial courts in the disposal of the cases against Government employees have to be brought to the notice of the High Court for necessary action. The time limit within which the police investigation of criminal cases registered against government employees is to be completed has also been prescribed by the Inspector-General of Police, Punjab. In case it is found that action has not been taken by the police authorities within the prescribed schedule, resulting into unnecessary delay, the matter has to be brought to the notice of Inspector General of Police, Punjab for necessary action. Thus an overall watch is required to be kept by the Department concerned on the progress of each case as per Government instructions on the subject.

No. 4408-
S11(1)-72/
27670,
dated 20th
October,
1972.

5. The representations against adverse remarks communicated to the employees, if made, are required to be disposed of finally within a period of three months from the date of its submission. This time-limit was fixed

keeping in view the fact that the government employee concerned does not remain in suspense as to the fate of his representation. Delay in deciding such representation also causes repercussion on the cases of promotion, crossing of efficiency bar etc. of the employees concerned.

6. It is incumbent upon the competent authority to take up the cases of crossing of efficiency bar of a Government employee well in time so that a decision to allow or not to allow him to cross the efficiency bar is taken and orders issued before the date it falls due or if unavoidable within reasonable time-limit after due date (except those cases where disciplinary proceedings are pending against the employees). Suitable action has to be initiated against those responsible for an unjustified delay.

No. 504-
2811-75/
15048,
dated 15th
May, 1975.

No. 511.
G(1)-68/
3187, dated
13th Feb-
ruary, 1968.

7. Despite the instructions referred to above Government have observed that—

- (a) the number of Government employees under suspension in many departments, especially Excise and Taxation, B & R Department, Police Department, Home Guards and Civil Defence, Industries Department, Health and Family Planning, Revenue Department (district establishment), Transport Department, etc. is very large and that many of them have been under suspension for a long time (as much as upto six years in some cases); no concrete steps have been taken by the Administrative Department/Departments to expedite such cases; and orders of the appropriate authority have not been obtained for the extension of the period of suspension beyond the prescribed limit. In many cases police investigations have not been completed for a long time and no challans have been filed in the court. No notice seems to have been taken and no reference made to the Registrar, Punjab and Haryana High Court as per requirement of instructions about the cases abnormally delayed in the courts, as is evident

from the monthly reports received by Government;

- (b) Passing of final orders on the representations against adverse remarks is abnormally delayed. One of the reasons of delay in such cases is that the comments of the reporting officers are not received for a long time ; and
- (c) cases of crossing of efficiency bar have not been taken up well in time. In some cases orders are not passed even after a lapse of more than one year, there being no justification to delay the matter.

No. 2581-
Acc-54/664
dated 27th
September,
1954.

8. The above state of affairs, Government feel, requires to be remedied, especially in the context of present emergency when the need of the time is to act speedily so as to improve efficiency in the administration. Suspensions for a longer period are unfair to the official concerned and often prove uneconomical to Government. Suspension of a Government employee should be ordered only where a *prima facie* case of dismissal or removal from service is established. It has to be ensured that in no case should the period of suspension and final orders exceed six months.

Unless there are sufficient reasons the representation against adverse remarks be disposed of within the prescribed period. Comments of the reporting officers/reviewing officers on the representations against adverse remarks, if not received early be obtained by fixing time limit, saying that in case their comments were not received within the stipulated period, it would be presumed that they had no comments to offer. After the expiry of the stipulated period, the cases be forwarded to the competent authority for passing final orders in each case.

9. In the above circumstances, a special campaign is considered essential to finalise the pending cases of Government employees in respect of their service matters. It is, therefore, requested that steps be taken to dispose of such cases within a period of three months, as far as possible, by meticulously observing Government instructions

referred to above. A monthly review of each case be made so as to take necessary steps where called for.

10. A progress report in this behalf indicating the steps taken by them may be sent to the Services Department positively by 7th of each month.

Copy of Punjab Government Circular letter No. 5593-8SII-76/30188, dated the 29th July, 1976, from the Chief Secretary to Government, Punjab, to all Heads of Departments, etc., etc.

Subject:—Grant of re-employment/extension in service to Government employees on or after their attaining the age of superannuation — Refusal of leave preparatory to retirement.

I am directed to invite your attention to Punjab Government circular letters No. 727-SII(4)-67/4841, dated the 17th February, 1967 and No. 7869-SII(ASO)-75/41458, dated the 29th October, 1975,—*vide* which a Government employee applying for leave preparatory to retirement has to give at least two month's notice and if there is a shortfall in the notice period, the same should be deducted from the maximum amount (120 days) of leave preparatory to retirement which can be granted after retirement. The question whether the deduction on account of the shortfall in the notice should be made in all cases irrespective of the fact whether the proposed leave preparatory to retirement is refused or granted, has been considered. It has been decided that in the cases in which L.P.R. is to be refused, if the Government employee had failed to apply two months in advance of the date on which he wanted to proceed on leave preparatory to retirement, the period falling short of the required period of two months, from the date of application should be deducted from the quantum of leave due as L.P.R. (maximum 120 days). As regards the cases where it is proposed to grant the L.P.R. applied for by a Government employee, the procedure indicated below should be adopted.

2. If a Government employee fails to apply for leave preparatory to retirement two months in advance of the date on which he has to proceed on leave, and the administrative authorities concerned do not intend to refuse it in the public interest, they may grant the L.P.R. applied for by him, from the due date of its commencement, if they are in a position to relieve him from that date. In such cases the shortfall need not be deducted from the quantum of leave applied for and sanctioned. If it is not administratively possible for the authorities concerned to relieve the Government employee from the due date of commencement of L.P.R. and some time is required to make alternative arrangements, he/she can be granted leave preparatory to retirement from any subsequent date, not later than two months reckoned from the date of application of the Government employee for leave preparatory to retirement. In such a case the intervening period between the date of commencement of leave preparatory to retirement as applied for by the Government employee and the actual date from which the leave preparatory to retirement is granted, should not be treated as compulsory retention in service. If, however, the administrative authorities actually grant him leave preparatory to retirement from a date later than two months from the date on which L.P.R. had been applied for, then the period of retention in service of the Government employee beyond the two months period reckoned from the date of application to the actual date of commencement of the leave preparatory to retirement, should be treated as period of compulsory retention in service amounting to constructive refusal of leave preparatory to retirement. Such cases, however, should be decided with the approval of Services/Finance Department.

3. Cases already decided will not be reopened.

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

Copy of Punjab Government Circular letter No. 6785-2SII-76/33543, dated the 12th August, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject.—Punjab Civil Services (Premature Retirement), Rules, 1975 — Civil Writ No. 5926 of 1975 — Shri Harchand Singh, AETO, *vs.* State of Punjab and others — Quashing of the order of premature retirement.

I am directed to address you on the subject noted above and to quote below an extract from the Judgment of the Punjab and Haryana High Court in Civil Writ No. 5926 of 1975 — Shri Harchand Singh, A.E.T.O., *vs.* State of Punjab and others, for your information and guidance:—

"The petitioner was retired and the impugned order passed by the Government on the basis of the conclusion—'the petitioner's record has been thoroughly unsatisfactory. In spite of the entries having been expunged, there are still a good number of adverse entries regarding his work, conduct and integrity'. These conclusions are not borne out from the record of petitioner. According to the reply in paragraph 15 of the written statement; there were a number of complaints received against the petitioner after his promotion on March 5, 1975. We specifically enquired from the learned counsel for the State about the alleged complaints. We were informed only one complaint has been received against the petitioner, which was dated October 3, 1975. That complaint, obviously, was received after the impugned order was passed, which is dated October 1, 1975. From all this, we are fully convinced that the authority concerned had not applied its mind to the record of the petitioner so as to warrant the conclusion that it was in public interest to retire the petitioner.

It was then contended by the learned counsel for the respondent State that though the petitioner

had been promoted as an Assistant Excise and Taxation Officer in March 5, 1975 yet it was within the jurisdiction of the Government to retire the petitioner in public interest after perusing the entire record of the petitioner including the one before the date of his promotion. As a principle of law, the appointing authority is not debarred from perusing the entire record of any employee so as to form an opinion whether to retire him or not under rules. The scope and ambit of the power of the Government in this regard were exhaustively considered by a Division Bench of this Court in *Gurdial Singh, Assistant Sub-Inspector of Police vs. The State of Punjab and others*, 1976 Service Law Reporter, 78. In paragraph 38 of the said Judgment, the summary of the conclusion arrived at regarding the various matters in controversy in that case has been given. Whereas the right of Government to retire an employee in public interest has been recognised to the fullest extent according to that decision, it has also been held as follows:—

"An order of premature retirement can be quashed or set aside by a Court only if it is either shown to have been actuated by malice or is shown to have been passed in an arbitrary or capricious manner or by an authority not competent to pass such an order under the relevant service rules."

Thus, it is within the jurisdiction of this Court to quash the order of premature retirement in the exercise of its extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India in case such an order is found to be arbitrary or capricious. From a perusal of the record of the petitioner and the averments made by respondents No. 1 and 2, we are of the considered opinion that the impugned order cannot be termed anything but arbitrary in the circumstances of this case. We are further of the opinion that the retiring authority did not

apply its mind to the record of the petitioner. An extraneous matter like the alleged complaint which was not in existence at the time of the passing of the impugned order was also taken into consideration.

For the reasons recorded above, this writ petition is accepted and the impugned order retiring the petitioner is set aside. There will, however, be no order as to costs."

2. Kindly acknowledge receipt.

Copy of Punjab Government Circular letter No. 344-GOI-2SH-76/34876, dated the 13th August, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject:—Assignment of Indian Personnel to international organisations/foreign Government — acceptance of their resignations while serving abroad.

I am directed to address you on the subject noted above and to say that it is the current policy of the Government of India that Government employees on deputation abroad, to international organisations or foreign governments, who wish to resign from service should return to India and join their parent organisations in this country before their resignations can be accepted. This policy has been adopted for the reasons that (i) the experience the officer gains while abroad is utilised in India, (ii) officers are rotated in assignments abroad in the interests of a wider distribution of opportunities and (iii) as a measure of control, the officers are discouraged from pursuing their own private, as distinct from the national interests while on deputation abroad. However, no such restriction is to be imposed on the right of an officer to retire voluntarily, if he is eligible to do so. Government of India have been following the above policy in the case of Central Government employees. The Government of India have desired that similar policy be followed in respect of employees of the State Governments

and employees of various quasi-governmental organisations. I am, therefore, directed, to request you to kindly follow the above policy meticulously at the time of accepting the resignation of an employee while serving abroad.

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

Copy of U.O. Circular letter No. 7737-ISII-76, dated the 26th August, 1976, from the Chief Secretary to Government, Punjab to the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab, etc., etc.

Subject:—Condition of experience for promotion and recruitment.

Will the Financial Commissioners, Punjab and Administrative Secretaries to Government, Punjab kindly refer to Government instructions contained in Circular letter No. 3565-ISII-75/20396, dated the 5th June, 1975, in which the Departments were, *inter alia*, requested to review the position of all the services under control so as to:—

- (a) prescribe an adequate experience for all categories of posts and make a provision in Service Rules in this behalf;
- (b) recast realistically, where so necessary, the existing service rules in respect of posts for which a condition of experience is already prescribed; and
- (c) lay down, if considered fit, in the relevant Rule itself the categories of posts for which and the extent upto which the basic condition of experience could be relaxed according to the exigency of circumstances. While making such a provision of relaxation of experience, the alternative higher qualifications, if any, in consideration of which relaxation would be permissible may also be indicated.

It was further provided in these instructions that for the purpose of fixation of quantum of experience, the

period spent on the lower post before one could get next promotion, could realistically be taken into account as one of the basis.

2. Despite the fact that a period of more than one year has passed, most of the Departments have not so far taken steps to amend the Rules so as to prescribe the condition of experience realistically.

3. It has been observed that in some cases the necessity of relaxing the prescribed period of experience was felt on some administrative grounds and also to ensure that promotions in the cadre are not un-reasonably obstructed. But such a relaxation would be in violation of the aforesaid instructions. It is, therefore, reiterated that relaxation of the basic conditions of recruitment/promotion viz. qualification and experience is not permissible even though general clause of relaxation of Rules exists in the various Service Rules. It is, therefore, requested that early steps may be taken to recast the Service Rules where necessary keeping in view the Government instructions, dated the 5th June, 1975. If in the meantime any necessity of relaxation to the basic conditions viz. qualification and experience arises, the cases of this nature with complete justification should invariably be referred to the Services Department prior to taking any decision and even before the case is put up to the competent authority for final decision.

4. Services Department may also be kept informed of the action taken in this behalf.

Copy of Punjab Government Circular letter No. 6106-2GS-76, dated the 27th August, 1976, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject:—The Punjab Civil Services Premature Retirement Rules: 1975—Question of consideration of representation against the premature retirement.

I am directed to invite your attention to the detailed instructions issued,—vide Punjab Government circular

letter No. 6520-2SII-75/38581, dated the 26th September, 1975 regarding the weeding out of corrupt dishonest or inefficient employees from services under the Punjab Civil Services (Premature Retirement) Rules, 1975, (hereinafter referred to as the Rules). There is no specific provision in the Rules for review against the order of premature retirement. This aspect has been considered by the Government and following instructions are issued :—

- (a) According to the instructions issued.—*vide* Punjab Government letter No. 6936-SII(3)-73, dated the 22nd October, 1973, Government employees have been allowed to make a representation in any matter connected with their service rights or conditions. A Government employee who has been ordered to be retired prematurely by the appropriate authority under the rules can, therefore, submit a representation against his premature retirement to the next higher authority who shall consider the representation on merits and take appropriate decision.
- (b) The employee concerned will be allowed to resume duty in case it is decided by the higher authority to set aside the premature retirement. His period of absence from duty i.e. from the date of premature retirement till his resuming duty may be regulated according to Rule 4.20: 4.22 and 4.23 of C.S.R. Volume II.
- (c) No second representation will be entertained if the first representation has been considered and rejected.
- (d) Government is competent to review its own decision as well as the decision made by any authority subordinate to it on the representation or on its own motion and take appropriate decision in cases where such a review is called for.

2. Limitation of period of filing representation—

(i) As regards the period within which a representation should be filed, it has been decided that in the case of an employee, who has been served with three months notice for premature retirement, the representation may be filed within one month of the service of the notice upon him.

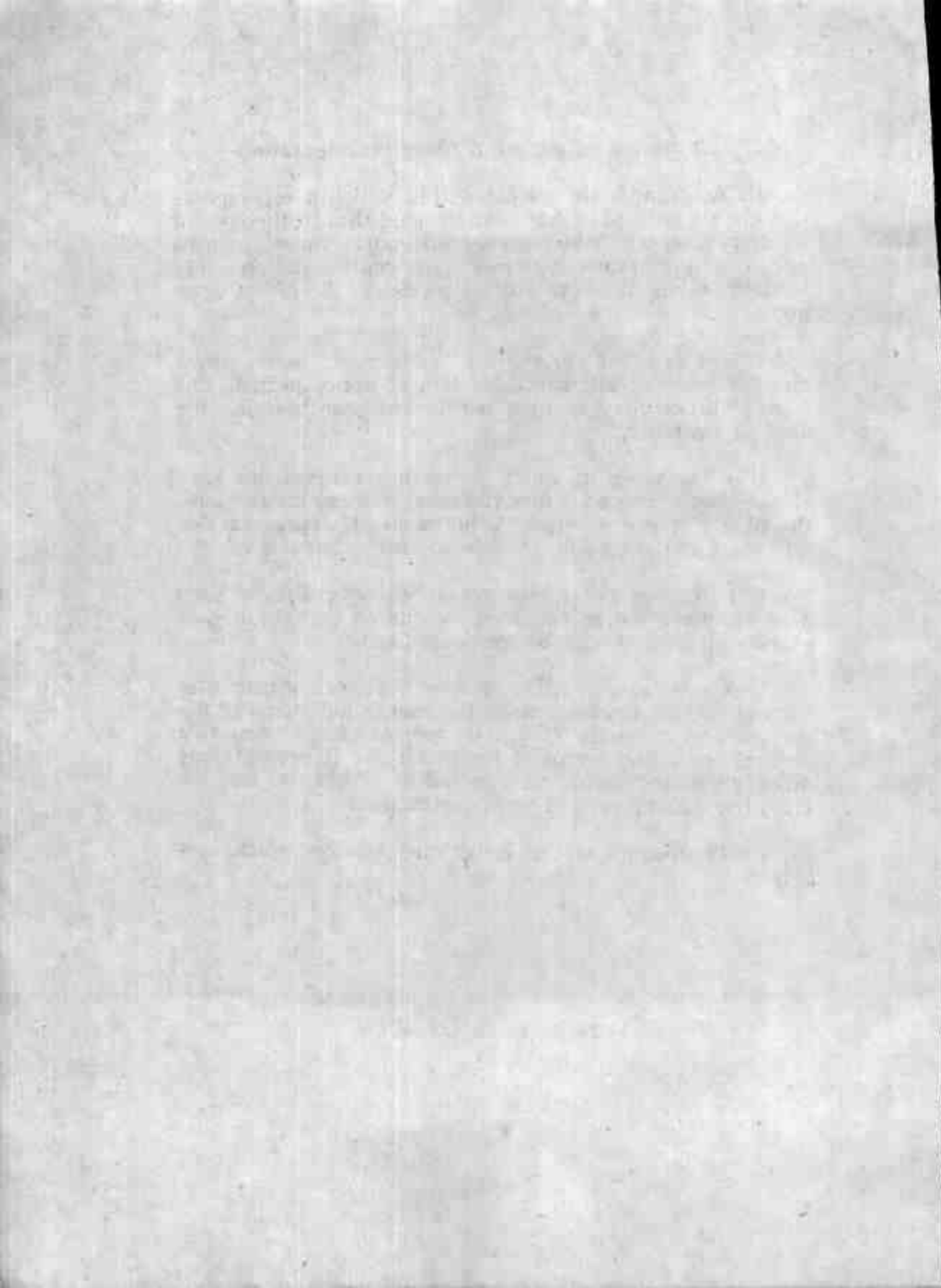
(ii) In case of premature retirement with three months' pay and allowances in lieu of notice period, the representation may be filed within one month from the date of retirement.

(iii) The cases in which premature retirements have already been ordered before the issue of these instructions, the period of one month of submission of representation will start from the date of issue of these instructions.

(iv) In cases where representations have already been filed but have not so far been considered by the higher authority, those should be considered now.

3. Government further desires that such representations should be disposed of by the higher authority at the earliest and normally within the period of notice or two months from the receipt of representation. Representations already pending should be disposed of within two months from the date of issue of these instructions.

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



ALPHABETICAL INDEX

Page No.

ALLOWANCES

Over-time allowance

—to peons who are called to duty after office hours and on holidays.	No. 6576-PI(C)-57/18892, dated 27-9-57	79
	No. 1569-Pol(3)-64/3714, dated 24-2-64	340
	No. 1211-SII(6)-69/5432, dated 27-2-69	495

CONDUCT OF GOVERNMENT EMPLOYEES

Allegation

—against individual Government employees in the press—Provision for legal and financial assistance.	No. 728-8GS-62/1501, dated 15-1-62	236
	No. 4068-DSGS-64/12488, dated 10-4-64	343

Approaching Ministers

Tendency of—direct by Government employees and bringing political or outside influence.	No. 4174-P-54/16154, dated 28-7-54	32
	No. 2319-P(C)-56/9324, dated 2-3-56	63
	No. 2297-P-56/18382, dated 4-5-56	65
	No. 3672-GII-59/248, dated 11-5-59	114
	No. 16110-8GS-62/39005, dated 6-11-62	273
	No. 5394-DSGS(I)-65, dated 6-7-65	366
	No. 5824-3GSI-66, dated 20-10-1966	438
	No. 1915-SII(6)-67/19578, dated 11-7-67	452
	No. 8911-SII(6)-67/1675, dated 19-1-68	459
	No. 5847-SII(6)-69/17995, dated 30-6-69	507

		Page No.
	No. 7398-SIR(3)-71, dated 15-12-71	622
	No. 5283-2SII-67, dated 11-5-1976	861
	No. 5072-2SII-76, dated 8-7-1976	881
Bharat Sewak Samaj		
Attendance of Government servants at the meetings, conventions etc. of—	No. 15948-GS-60/44659, dated 8-12-60	186
Conduct		
—of Government employees in relation to the proper maintenance of family.	No. 4656-6GS-63/24763, dated 25-7-63	333
Punjab Government Employees (Conduct) Rules, 1966	No. GSR.143/Const./Art. 309 & 318/66, dated 5-7-66	417
Punjab Government Servants—Rules, 1955—form of report for purchase of land etc.	No. 8323-6GS-63/22817, dated 5-7-63	309
Co-operative Societies		
Formation of—by Government employees	No. 6375-GS-61/23734, dated 6-7-61	210
Corruption		
Eradication of corrupt practices among officials	No. 15837-7GS-62/39797, dated 8-11-62	273
Discipline		
—amongst the services	No. 10052-SII(6)-68/37030, dated 30-11-68	487
Removal of indiscipline in services—Recommendations No. 113 made by the Punjab Administrative Reforms Commission.	No. 6038-SII(6)-67/30057, dated 7-11-67	453
Emergency		
Role of Government servants during—	No. 2482-4GA-75/24182, dated 4-7-75	791
Essential Services		
The East Punjab—(Maintenance) Act, 1947	No. 43/Leg-47, dated 13-12-47	1
Farewell Entertainments		
Public parties and—in honour of Government employees.	No. 8852-G-50/1-4952, dated 23-12-50	8

No. 15386-G-55/83568,
dated 3-1-56**Investment**

—in shares of Companies— Question of exercising control thereon.	No. 5128-SII(3)-70/27373, dated 22-10-70	586
--	---	-----

Leaving Station of posting

Need to curb tendency to leave station of posting.	No. 8326-DSSII(2)-73, dated 23-11-73	726
---	---	-----

Moral Turpitude

Cases of—	No. 3674-3GSI-66/19544, dated 5-8-66	434
	No. 9897-SII(3)-69/32093, dated 23-12-69	523

Permission

—for celebration of marriage.	No. 16935-GS-60/1295, dated 23-1-61	190
	No. 8493-DSGS(I)-65/ 31233, dated 15-9-65	376
—to enter into business or become partners in firms of a commercial nature	No. 1220-IGSII-65/7944, dated 24-3-65	360

Personal Contacts

Implementation of recommenda- tions of Administrative Reforms Commission No. 99 regarding—with subordinates.	No. 907-SII(6)-69/8441, dated 21-4-69	501
---	--	-----

Political Activities

Participation of Government employees in and agitations.	No. 1036-P-60/12434, dated 19-5-60	174
	No. 4453-9GSII-64/27797, dated 31-8-64	350

	No. 7653-6GSI-65/40644, dated 18-12-65	Page No. 382
	No. 50(GOI)-SII(3)-73/ 12092, dated 17-4-73	675
	No. 3181-SII(3)-73, dated 15-6-1973	684
Private Work		
Employment of peons as private servants.	No. 7307-G-50/14390, dated 31-10-50	7
	No. 4540-GII-57/12538, dated 15-7-57	75
	No. 7686-G-58/19409, dated 31-6-58	91
	No. 3420-SII(3)-73, dated 13-7-73	691
	No. 4748-3SII-75/25173, dated 10-7-75	796
Prohibition		
— to ask for or accept free passes.	No. 6890-G-38, dated 24-8-38	1
— to have contacts with foreign Nationals/Missions/Organisations by Government employees.	No. 2191-SII(3)-70, dated 11-5-70	531
— to use workshops of the auto- nomous bodies by employees to repair private cars owned by them.	No. 9361-2SII, dated 13-1-76	837
— of association with the activi- ties of R.S.S./Jammāt-e-Islām.	No. 944-SII(6)-67/1518, dated 20-1-67	440
— of loose talk with public.	No. 5849-SII(3)-70, dated 15-9-70	585
	No. 2482-4GA-75/24182, dated 4-7-75	791
— of plural marriages by Govern- ment employees.	No. 12897-G-54/1775, dated 18-1-55	37
	No. 1920-G-55/19071, dated 9-4-55	38
	No. 10062-G-55/77334 dated 1-12-55	49
	No. 3992-G-II-56/3421, dated 15-1-57	70

v

—of smoking/drinking by Government employees.	No. 9591-SII(3)-70/10444, dated 19-5-70	Page No. 535
	No. 5613-2SII-74, dated 28-8-74	753
	No. 6490-2SII-74, dated 30-8-74	759
	No. 1293-2SII-75, dated 17-2-75	774
	No. 4706-2SII-76/16272 dated 6-5-1976	859
—of untouchability by Government employees.	No. 4370-SII(3)-70/17876, dated 21-7-70	551

Property

Declaration of movable and immovable—by Government employees.	No. 1116-GII-60/6152, dated 18-2-60	145
	No. 8323-6GS-63/22817, dated 5-7-1963	309
	No. 140-2GSI-65/5259 dated 4-3-65	359
	No. 278-3GS-66/3062, dated 16-2-66	386
	No. 2130-SII(3)-69/32577, dated 17-12-69	520
	No. 2314-SII(3)-72/12580, dated 30-5-72	605
	No. 6522-DSSII(2)-73/30700 dated 8-10-73	700
	No. 6921-2SII-75/40096, dated 3-10-75	821

Punctuality

Observance of—in keeping appointments.	No. 1946-8GS-63/6399, dated 16-2-63	288
	No. 8484-6GS-63/6399, dated 3-7-63	309
—in office attendance.	No. 9676-8GS-62/23655, dated 19-7-62	264

		<i>Page No</i>
	No. 1327-SII(3)-70, dated 3-3-70	529
	No. 1743-SII(3)-70, dated 11-3-70	530
	No. 2197-SII(3)-71/7921, dated 22-3-71	592
	No. 4156-SII(3)-71/20918, dated 6-8-71	609
	No. 1140-SII(3)-73/29630, dated 31-3-73	673
	No. 5431-3S(II)-74/24850, dated 23-8-74	756
	No. 4623-3SII-75, dated 4-7-75	793
Purchase of Articles		
—from subordinates.	No. 3321-GS-61/14042, dated 19-4-61	195
Rules/Procedure		
Strict and sincere observance of— by Ministers and Officers— Recommendation No. 22 of Punjab Administrative Reforms Commission.	No. 9882-SII(6)-68/37537, dated 1-1-69	489

CONFIDENTIAL REPORTS

Annual Confidential Reports

Procedure for recording—of Government employees.	No. 2334-ASI-60/15708, dated 3-5-60	151
	No. 7955-SII(5)-67/31327, dated 18-11-67	454
	No. 3778-SII(1)-71/17239, dated 5-7-71	602
	No. 4225-2SII-74/21500, dated 15-7-74	746
	No. 5637-2SII-74, dated 29-7-74	751
	No. 2172-2SII-75/15598, dated 28-4-75	777
	No. 2164-2SII-76, dated 26-5-76	866

Appreciation letters

Issue of—to Government employees.	No. 2334-ASI-60/15708, dated 3-5-60	151
--------------------------------------	-------------------------------------	-----

	No. 472-ASI-64/11586, dated 9-4-1964	Page No. 342
	No. 3270-ASI-65/11454, dated 3-4-1965	362
	No. 3082-2SII-75/22713, dated 2-7-1975	789
Assessment		
Grading of Government employees—provision of a column of over-all—in the Confidential Report form.	No. 2334-ASI-60/15108, dated 3-5-1960	151
	No. 3498-ASI-66, dated 2-4-1966	388
Class IV Employees		
Writing of confidential reports on—	No. 7814-ASI-65/27821, dated 10-8-1965	374
Relationship		
—between the Commissioners/ Deputy Commissioners and Divisional Officers/District Officers in Divisions/Districts.	No. 14102-GI-57/22998, dated 15-11-1957	82
	No. 10542-GIII-59/26741, dated 17-12-1959	142
	No. 3482-ASI-61/25298, dated 11-7-1961	212
	No. 5582-ASI-64/24704, dated 15-7-1964	349
	No. 6789-SII(1)-69/28237, dated 28-11-1969	519
	No. 10125-SII(1)-70/10419, dated 27-5-1970	548
Representations		
—against adverse remarks	No. 2334-ASI-60/15708, dated 3-5-1960	151
	No. 10250-ASI-65/40176, dated 15-12-1965	381
	No. 3277-SI-67/20363, dated 19-7-1967	452
	No. 4514-SII(1)-71/30328, dated 19-11-1971	618

		<i>Page No.</i>
	No. 4408-SII(1)-72/27670, dated 20-10-1972	659
	No. 2090-2SII-75/3767, dated 22-9-1975	811
	No. 5072-2SII-76, dated 8-7-1976	881
Small Savings		
Recording of remarks about— work by the reporting autho- rities in the confidential roll of Government employees.	No. 8617-SII(1)-73, dated 27-3-1974	735
CONFIRMATION OF GOVERNMENT EMPLOYEES		
Erroneous Confirmations		
Procedure to be followed in cancelling the— of junior officers.	No. 10405-4GS-62/30948, dated 24-9-1962	270
	No. 5958-SII-4(1)-68/20999, dated 29-7-1968	478
Head of Department		
Confirmation of Head of Department Submission of cases to C. M.	No. 803-ISII-75, dated 29-4-1975	777
Work and Conduct		
Consideration of— in the matter of confirmation.	No. 4091-ASII-60/20836, dated 8-6-1960	174
	No. 8372-3GS(II)-65/34785, dated 19-10-1965	378
	No. 7678-SII(3)-71, dated 8-12-1971	622
DECEASED EMPLOYEES— CONCESSION TO FAMILY MEMBERS		
Employment in State Services		
Priority for — for widows/ dependents of deceased Government employees.	No. 80(GOI)-SII(3)-73/12092, dated 18-4-1973	676
Ex-gratia grant		
—and other facilities for fami- lies of Government employees who die while in service.	No. 462-6(FR)-70/12752, dated 15-6-1970	550
	No. 3906-SII(3)-71/17723, dated 9-7-1971	605

		<i>Page No</i>
	No. 8548-SII(3)-71/1167, dated 11-1-1972	625
	No. 702-SII(3)-72/7832, dated 15-3-1972	635
	No. 3747-SII(3)-72, dated 27-9-1972	656
	No. 2968-SII(3)-73/17550, dated 11-6-1973	684
	No. 337-DSSII(1)-74/3061, dated 28-1-1974	729
	No. 5905-6SII-74/39479, dated 4-12-1974	765
	No. 2358-SII(6)-75/20274, dated 19-6-1975	784
	No. 1454-SII(6)-75/21326, dated 27-6-1975	786
House Building Advance		
Waiving off the recovery of —	No. 4295-SII(3)-72/21093, dated 21-8-1972	653
DEPUTATION		
Procedure		
— for selection/nomination of Government employees for deputation	No. 2855-SII-4(1)-69/15429, dated 3-6-1969	505
	No. 6186-SII(6)-69, dated 20-7-1969	510
	No. 8726-SII-4(1)-69/28481, dated 24-10-1969	518
EFFICIENCY BAR—CROSSING OF		
Crossing of Efficiency Bar		
Crossing of efficiency bar—Effect on promotions, punishments/ compulsory retirement	No. 2764-2SII-74, dated 22-4-1974	738
Procedure		
— regarding crossing of effi- ciency bar by Government employees	No. 3574-G-48/35863, dated 5-7-1948	4

	No. 1055-G-51/1308, dated 23-2-1951	<i>Page No.</i> 10
	No. 2112-G-52/1-1303, dated 31-3-1952	24
	No. 4091-ASII-60/20836, dated 8-6-1960	174
	No. 3805-SII(3)-73, dated 16-10-1973	701
	No. 504-2SII-75/15048, dated 15-5-1975	778
	No. 5072-2SII-76, dated 8-7-1976	881
With-holding of Increments		
—at efficiency bar in a time scale	No. SII-4(1)-68/3187, dated 13-2-1968	462
INCENTIVE TO GOVERNMENT EMPLOYEES		
Advance Increments		
Grant of—who go abroad to improve their qualifications	No. 961-4GS-62/5593, dated 16-2-1962	254
	No. 14663-4GS-62/34732, dated 10-10-1962	272
Grant of—for doing work of exceptional merit	No. 4752-IGS(I)-65/14567, dated 7-5-1965	364
Cash Awards		
Grant of—for doing work of exceptional merit	No. 5730-SII-4(1)-68/20346, dated 5-8-1968	479
Grant of—to employees for suggestions emanating from them for improvement in office and administrative pro- cedure for maintenance of integrity	No. 5679-SII-4(1)-68/22577, dated 20-8-1968	481
Grant of—to employees on acquiring the qualifications of Gyani/M.A. (in Panjabi)	No. 3600-2SII-75/22209, dated 24-6-1975	785
Grant of—who learn Chinese, Tibetan and Lahaul and Spitian languages	No. 7176-10GS-64/1773, dated 20-1-1965	357
	10935-IGSI-65/41155, dated 27-12-1965	383

LEAVE

Page No.

Earned leave, casual leave, holidays and working hours

Revised system of—	No. 4376-GII-59/2767, dated 28-5-1959	114
	No. 9091-GII-59/19223, dated 27-10-1959	138
	No. 10343-GII-59/24150, dated 16-12-1959	141
	No. 1929-GII-60/12089 dated 14-4-1960	150
	No. 11981-GS-60/37758, dated 26-10-1960	183
	No. 13083-5GS-60/39681, dated 31-10-1960	184
	No. 14939-8GS-62/39028, dated 14-11-1962	274
	No. 1730-8GS-63/2044, dated 25-2-1963	289
	No. 3741-8GS-63/9352, dated 19-3-1963	293
	No. 7899-9GS(II)-64/38646, dated 8-12-1964	355
	No. 2293-4GSII-66/15013, dated 7-6-1966	414
	No. 1338-2SIH-70/5819, dated 17-3-1970	530
	No. 1876-2SIH-73/10920, dated 4-4-1973	673
	No. 1097-2SIH-73/11862, dated 17-4-1973	675

Late attendance of office

Penalty for— by Government employees	No. 3206-GII-58/54252, dated 18-7-1958	97
--------------------------------------	---	----

Leave preparatory to retirement

Refusal of— to Government employees	No. 2703-3GS-62/9950, dated 29-3-1962	261
-------------------------------------	--	-----

	No. 727-SII(4)-67/4841, dated 17-2-1967	
Leave Travel Concessions		
Grant of— to Government employees	No. 5680-SII(2)-70/24097, dated 14-9-1970	583
Maternity Leave		
Grant of— to female Government employees—admissibility of leave in the case of those recruited on temporary/ <i>ad hoc</i> basis for a limited period	No. 4285-SII(3)-73/27201, dated 31-8-1973	696
Restriction on grant of—to women Government employees	No. 3806-2SIII-75/34783, dated 26-9-1975	815
Pre-examination Training		
Grant of leave to Scheduled Castes and Scheduled Tribes Government employees attending the —centre for I.A.S. etc. examination at Alinabad and Bangalore.	No. 1466-9GS-64/10394, dated 28-3-1964	341
Premature Retirement		
Grant of leave at the time of—	No. 14089-3GS-63/35196, dated 16-9-1963	335
	No. 7496-SII(2)-71, dated 30-11-1971	621
Restriction on grant of leave		
— to Government employees in the context of present emergency	No. 4585-ISII-75/24127, dated 4-7-1975	792
Short leave		
Procedure for counting—	No. 4295-4GS(II)-65/27841, dated 9-8-1965	372
Special Casual Leave		
Grant of—to sportsmen	No. 684-GII-58/13153, dated 14-2-1958	24
	No. 10711-GII-59/24455, dated 30-11-1959	139
	No. 2393-8GS-62/11431, dated 9-4-1962	261
	No. 1952-8GS-63/6924, dated 21-2-1963	288
	No. 2152-8GS-63/7043, dated 25-2-1963	292
	No. 1461-4SIII-69/11361, dated 1-5-1969	502

	No. 2449-2SIII-73/11861, dated 17-4-1973	Page No. 674
Grant of—to Government employees who undergo sterilization operation under the Family Planning Scheme	No. 2202-GII-60/8429, dated 24-3-1960	147
	No. 3231-8GS-62/7571, dated 7-3-1962	257
	No. 11083-8GS-62/26744, dated 7-8-1962	265
	No. 1607-4GSII-66, dated 2-4-1966	388
	No. 4087-4SI-67/32084, dated 5/7-12-1967	457
	No. 4087-4SI-67/32085, dated 5/7-12-1967	458
	No. 4123-2SIII-70/22691, dated 28-8-1970	553
	No. 973-2SIII-71/4753, dated 18-2-1971	591
	No. 5416-2SIII-72/20290, dated 16-8-1972	655
	No. 3409-2SIII-73/15403, dated 19-5-1973	683
	No. 7560-2SIII-73/35080, dated 17-11-1973	725
Grant of—to internal agents appointed under the Small Savings Scheme	No. 8372-4GS-61/32040, dated 7-9-1961	216
Grant of—to Government servants for attending annual general meetings of their recognised associations and meeting with the Government representatives or the Head of Department	No. 10893-4GS-61/37545, dated 20-10-1961	220
	No. 3446-8GS-62/9556, dated 26-3-1962	260
Grant of—to Government servants for participation in cultural programmes on national/international importance	No. 1278-2SIII-72/5831, dated 21-2-1972	631

Grant of—to disabled ex-servicemen appointed to civil posts who stay in hospital for replacement/treatment of their artificial limbs	No. 10147-SII(2)-69/586, dated 8-1-1970	523
	No. 4213-SII(3)-72/26693, dated 9-10-1972	657
	No. 3885-2SII-75/27600, dated 5-8-1975	807

Wives of Defence Services Personnel

Grant of leave to civil employees who are—	No. 2295-9GS(II)-64/13551, dated 27-4-1964	344
	No. 1442-2SII-75/8009, dated 22-5-1975	780

MILITARY SERVICE—BENEFITS OF**Concessions**

—to civilian employees and others who join military service during emergency	No. 57/56-PI(C)-57/21016, dated 18-10-1957	80
	No. 1922-GSII-63/7797, dated 25-2-1963	289
	No. 7477-4GS-63/24400, dated 8-7-1963	313
	No. GSR-160/Const./Art. 309/65, dated 20-7-1965	369
	No. 88-4GSI-66/9554, dated 21-4-1966	389
	No. 3590-4GSI-66/17115, dated 17-6-1966	415
	No. 4544-4GSI-66/27171, dated 11-10-1966	436
	No. 1154-SII(5)-68/5921, dated 5-3-1968	465
	No. 5756-SII(3)-70, dated 5-10-1970	586
	No. 6332-SII(3)-71/26195, dated 29-9-1971	614
	No. 138-SII(3)-72, dated 20-1-1972	627
	No. 611-SII(3)-72/5112, dated 15-2-1972	630

XV

	No. 325-SII(3)-72/5866, dated 24-2-1972	Page No. 632
	No. 4659-ISII-75, dated 9-7-1975	795
	No. 212(GOI)-ISII-75/28364, dated 31-7-1975	806
Employment of ex-servicemen in the State services—relaxation of age	No. 9393-3GS-62/23720, dated 19-7-1962	264
Exemption from payment of examination/application fee	No. 7683-DSSII(I)-73, dated 16-11-1973	724
Relaxation of age limit for entry into Government service for the wives of serving military personnel	No. 19982-3GS-62/45907, dated 27-12-1962	280
	No. 15717-4GS-63/47723, dated 31-12-1963	339
	No. 2010-SII(3)-71, dated 25-5-1971	594
	No. 6220-SII(3)-71, dated 16-9-71	614
	No. 5889-ISII-76/21511, dated 11-6-1976	870
Leave		
Grant of—to civilian employees who are wives of defence services personnel	No. 2295-9GS(II)-64/13551 dated 27-4-1964	344
	1442-2SIII-75/8009, dated 22-5-75	780
Grant of special casual—to disabled ex-servicemen appointed to civil posts who stay in hospital for replacement/ treatment of their artificial limbs	No. 10147-SII(2)-69/586, dated 8-1-1970	523
	No. 4213-SII(3)-72/26693, dated 9-10-1972	657
	No. 3885-2SIII-75/27600, dated 5-8-1975	807
Re-employment		
—of ex-servicemen in civil Government service	No. 2407-4GSI-66/9736, dated 25-4-1966	409
	No. 7328-SII(2)-69/24225, dated 3-9-1969	516
	No. 3808-SII(3)-71/20988, dated 12-8-1971	609

Reservation of posts

Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968	No. GSR.63/Const./Art. 309/68, dated 17-6-1968	Page No. 475
	No. GSR.45/Const./Art.309/Amd (1)/76, dated 3-5-1976	875
Bar-marking of vacancies for the released army personnel	No. 27-SII(3)-72/5186, dated 15-2-1972	629
	No. 4593-SII(3)-72, dated 2-11-1972	660
	No. 29(GOI)-SII(3)-73/7752, dated 28-2-1973	670
	No. 1966-SII(3)-73/14271, dated 8-5-1973	681
	No. 4792-ISII-74/23532, dated 25-7-1974	750

MISCELLANEOUS**Associations of Employees**

Instructions for the recognition of—other than the associations of Industrial Employees	No. 9505-ASII-62/46617, dated 11th January, 1963	281
---	--	-----

Change of name

Procedure for—by Government employees	No. 12662-HM-52/34401, dated 18th December, 1952	25
	No. 8971-HM-54/66421, dated 2nd November, 1954	34

Change in the date of birth

Procedure for—of Government employees	No. 8180-SII-4(1)-68/31114, dated 9th October, 1968	485
---------------------------------------	---	-----

Corporations/Semi-Government Institutions

Cases relating to various Corporations/Semi-Government Institutions—approval by the Chief Minister	No. 615-SII(3)-74, dated 31st January, 1947	730
--	---	-----

Delegation of Powers		Page No.
—of Head of Department to Subordinate authority	No. 4503-ISII-76, dated 30-4-76	859
Economy		
—in use of paper—Leave and transfer of gazetted officer	No. 18405-9GS-63/46062, dated 19th December, 1963	337
—in the consumption of eatables—instructions regarding	No. 460-SII(3)-73/6757, dated 2nd February, 1973	670
Role of the services in a developing and progressive—	No. 8904-CMP-65, dated 10th July, 1965	367
Foreign assignments		
—of Government employees on direct application in response to advertisements in newspapers made by Foreign Governments.	No. 383-GOI-3SII-76/3631, dated 4-2-1976	842
Forwarding of applications		
Policy regarding Government servants seeking private employment in other Departments of Punjab Government or under other Governments	No. 5803-G-51/1-4506, dated 3rd September, 1951	10
	No. 9868-G-54/8566, dated 2nd March, 1954	31
	No. 8886-ASII-60/41451, dated 23rd November, 1960	185
	No. 1493-ASII-61/9905, dated 27th March, 1961	194
	No. 4350-7SII-76/17321, dated 11-5-76	860
Government communications		
Fixation of some period for giving replies of—	No. 3368-SII(3)-70, dated 20th May, 1970	546
	No. 3747-SII(3)-70/13447, dated 10th June, 1970	550
	No. 4362-SII(3)-70/17135, dated 14th July, 1970	551
Government Instructions—Maintenance		
Maintenance of up-to-date policy instructions of Government on different subjects so as to facilitate correct implementation thereof	No. 3223-SII(3)-72/12890, dated 31st May, 1972	647
Government policies		
Proper and full implementation of—in districts	No. 5103-DSGS(I)-65/25495, dated 15th July, 1965	368
Government record		
Deletion of religion, caste, etc., from the—	No. 14195-4GS-61/42457, dated 28th November, 1961	224

	No. 10839-4GS-62/26792, dated 20th August, 1962	Page No. 266
Presentation of —requisitioned by the High Court or other Courts	No. 10189-SII(3)-69, dated 19th January, 1970	524
Government Servant		
Use of the term Government Ser- vant—Instructions regarding	No. 16670-7GS-62/3024, dated 25th January, 1963	284
Grievances—Redress of		
Seeking redress in Courts of Law by Government servants of grievances arising out of their employment or conditions of service	No. 10208-G-52/5381, dated 25th January, 1953	27
	No. 4198-GII-59/5323, dated 20th June, 1959	128
	No. 18341-DSGS-63/3072, dated 3rd February, 1964	340
Higher Qualifications		
Acquisition of higher qualifica- tions—Permission to Govern- ment employees	No. 13987-5GS-61/43369, dated 4th December, 1961	226
	No. 1149-SII(3)-70, dated 18th February, 1970	525
Home District		
Criteria to determine domicile of a person and —/Tehsil/Town of a Government employee for various matters	No. 11350-SII(6)-69/4896, dated 27th February, 1969	492
	No. 8142-3SII-75/49482 dated 24th November, 1975.	830
Implementation of Judgments		
—containing principles of general nature in regard to service matters	No. 4771-SII(3)-74, dated 11th February, 1972	628
Interview Hours		
Hesitation by officers to see people during—	No. 12685-8GS-62/29614, dated 29th August, 1962	269
Morale of Government Employees		
Recommendation No. 114 of the Punjab Administrative Re- forms Commission regarding restoration of morale in service.	No. 6319-SII (3)-69/24234, dated 11th September, 1969.	517
No objection Certificate		
Grant of—to Government em- ployees obtain passport.	No. 403-2SII-76, dated 24-6-76	876
Office Hours		
Detaining of Stenographers/ P.As outside—	No. 11158-5GS-60/46200, Dated 6th January, 1961.	189

Pay Bills		Page No.
Certificate to be recorded by Gazetted Officers on their—	No. 2881-P-I(C)-58/36941, dated 8th May, 1958	88
	No. 1710-SII(3)-71, dated 27th May, 1971	595
Public Grievances		
Redress of—Machinery thereof	No. 1633-SII(6)-69/6262, dated 27th February, 1969	496
Punjabi		
Use of—in Government offices	No. 3968-SII-4(1)-68/15948, dated 6th June, 1968	475
	No. 244-SII(1)-70/10405, dated 27-5-1970	547
	No. 6586-SII(3)-70/29137, dated 17th November, 1970	587
	No. 7432-SII(6)-73/34673, dated 13th November, 1973	723
Reduction		
—in the number of peons in Government offices	No. 648-6GS-63/3318, dated 14th February, 1963	285
	No. 2297-3GA-70/10514, dated 22nd May, 1970	547
Religion		
Deletion of—, caste, etc. from the Government records	No. 14195-4GS-61/42457, dated 28th November, 1961	224
	No. 10839-4GS-62/26792, dated 20th August, 1962	266
Change of— by Scheduled Castes employees	No. 650-SII(3)-72/8467, dated 17th April, 1972	637
Retrenchment of employees		
Grant of joining time, pay and T.A. to temporary Government employees retrenched from Punjab Government offices and selected for appointment in another such office	No. 7708-FR-55/8812, dated 5th September, 1955	46
Rules of Business		
Disposal of work according to the provisions of—	No. 7103-SII(3)-69/22642, dated 20th August, 1969	515

Salary Slips	Page No.
Ensuring prompt issue of—and letters authorising other payments to officers	No. 9092-ASO(SII)-74, dated 9th December, 1974 768
Service matters	
Approaching Services Branch of Civil Secretariat in connection with—	No. 9770-ISII-75/413, dated 13th January, 1976 836
Proper defence of Court cases on—	No. 4105-SII(5)-76, dated 6th April, 1976 853
Speaking Orders	
Need for issuing—in matters affecting rights of the parties concerned or Government employees	No. 3973-SII(3)-72/16816, dated 18th July, 1972 650
Transmission of cases	
—to the Chief Secretary—procedure regarding	No. 4730-GI-59, dated 25th August, 1959 131
	No. 2091-SII(3)-72, dated 7th April, 1972 636
Welcome-arches	
Raising of—on the visit of the Chief Minister	No. 5653-SII(3)-70, dated 3rd September, 1970 583
Writ petitions	
—by Government employees—written statements to be filed by responsible Officers of the Government.	No. 124-SII(6)-76, dated 7th January, 1976 834
PENSION	
Clearance Certificate	
Issue of—from the Vigilance Department	No. 6994-2GS-63, dated 18th June, 1963 306
Cut in Pension	
Application of Rule 6.4 of Punjab C.S.R. Volume II regarding cut in pension—Observance of procedure	No. 11029-G-54/67098, dated 8th December, 1954 35
	No. 12693-G-54/37937, dated 30th June, 1955 42
	No. 10937-GII-57/2306, dated 20th January, 1958 83
	No. 277-IGS-61/8679, dated 17th March, 1961 191
	No. 6831-6GS-61/23653, dated 3rd July, 1961 210

No. 10019-6GS-61/32534, dated 13th September, 1961	218
No. 821-6GS-62/7587, dated 13th March, 1962	258
No. 7026-SII(3)-72/3104, dated 29th January, 1973	622
No. 5245-SII(3)-73, dated 22nd August, 1973	695
—of Government employees who are retired compulsorily from service under Rule 5.32 of Punjab C.S.R. Volume II	417
No. 3578-2GSI-66/15840, dated 24th June, 1966	417
No. 4820-SII(2)-73/24416, dated 7th August, 1973	694
Disciplinary action—anticipatory pension	
Taking of Disciplinary action against departmental authori- ties who fail to comply with Government orders regarding grant of anticipatory pension to retiring non-gazetted emp- loyees	604
No. 2960-SII(3)-71/17662, dated 7th July, 1971	604
Pension cases	
Steps to be taken to finalise— early	661
No. 6879-SII(3)-72, dated 21st December, 1972	661
With-holding of pension	
—under Rule 2.2 of Punjab Civil Services Rules Volume II	477
No. 5633-SII-4(1)-68/19563, dated 15th July, 1968	477
POSTS	
Classification	
—of posts/services—criteria therefor	335
No. 9875-6GS-63, dated 21st August, 1963	335
No. 1683-SII(3)-71, dated 26th April, 1971	593
No. 1683-SII(3)-71, dated 15th June, 1971	599
Conversion	
—of temporary posts into per- manent ones	220
No. 13531-IGS-61, dated 20th November, 1961	220
PROBATION	
Pay	
—to be allowed to direct recruits to various services during the period of probation	69
No. 15574-G-I-56/8603, dated 19th November, 1956	69

		Page No.
	No. 8605-GIII-59/17447, dated 13th October, 1959	135
	No. 1070-GIII-60/11995, dated 1st April, 1960	148
Procedure		
—for dealing with officials/ officers placed on probation	No. 8176-ISII-75/4300 dated 5th February, 1976	843
Service Rules		
Amendment of—so as to make a provision for proba- tionary period at all stages of promotion	No. 7978-G(II)-57/21306, dated 25th October, 1957	81
	No. 14602-7GS-60/46745, dated 22nd December, 1960	188
PROMOTION		
Ad hoc Service		
Counting of—for purposes of experience for promotion	No. 1637-ISII-75/41597, dated 15-10-1975	823
Appointment by promotion		
—to be made on merit—re- vision of departmental service rule to bring them in line with the Punjab services (Appointment by Promotion) Rules, 1962.	No. 9171-ISII-75, dated 12th January, 1976	834
Departmental Examination		
Exemption from the payment of examination fees in respect of examinations to be conducted by Punjab Public Service Com- mission/S.S.S. Board	No. 13951-8GS-61/42227, dated 1-12-1961	225
Efficiency Bar		
Crossing of efficiency bar—effect on promotion	No. 2764-2SII-74, dated 22-4-1974	738
Enquiry		
Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an — comes up for promotion, to higher post	No. 1497-4GS-62/4059, dated 13-2-1962	252
	No. 584-IGS(I)-66/2807, dated 8-2-1966	384
Qualifications		
Grant of rapid promotions to officers who go abroad to improve their qualifications	No. 961-4GS-62/5593, dated 16-2-1962	254
Premature promotions		
—to higher selection posts — starting salary	No. 4175-7GS-61/13942, dated 20-4-1961	196

	No. 10874-IGSI-65/1653, dated 8-2-1966	384
	No. 6256-SII(3)-71/29750, dated 12-11-1971	617
Punjab Public Service Commission		
Consultation with the — in connection with officiating promotions, etc.—procedure regarding	No. 8638-G-53/85910, dated 28-10-1953	27
	No. 3937-G-54, dated 1-7-1954	32
	No. 9365-SII-4(1)-67/1301, dated 24-1-1968	461
	No. 1315-SII-4(2)-69/12787, dated 16-5-1969	503
	No. 5403-2SII-74/39168, dated 6-12-1974	767
Rules		
The Punjab Service (Appointment by Promotion) Rules, 1962	No. G.S.R.19-Const./Art. 309/62, dated 20-1-1962	241
Selection Grade Posts		
Reservation for Scheduled Castes/ Tribes and Backward Classes in —	No. 1652-SII(3)-71, dated 31-5-1971	596
Seniority-cum-merit		
Procedure to be followed in selection of officers/officials for promotion to higher posts— greater emphasis on merit than on seniority	No. 9129-G-56/3964, dated 17-9-1956	66
	No. 4091-ASII-60/20836, dated 8-6-1960	174
	No. 6468-GS-60/20806, dated 17-6-1960	175
	No. 4044-5GS-61/23179, dated 28-6-1961	209
	No. 8401-4GS-61/33117, dated 11-9-1961	216
	No. 11057-4GS-61/34501, dated 25-9-1961	219
	No. 1490-SII-4(1)-68/5269, dated 28-2-1968	463
	No. 7678-SII(3)-71, dated 8-12-1971	622

Stenographers—promotion on clerical side Page No.

The Punjab Civil Services (Promotion of Stenographers and Steno-typists) Rules, 1961	No. GSR.10-Const./Art. 309/61, dated 26-12-1961	227
	No. 5912-IGSH-65, dated 20-8-1965	376
	No. 176-SII(3)-71, dated 19-1-1971	589

PUNISHMENT AND APPEAL

Allegations

—against individual Government employees in the press—action to be taken in the case of Government employees involved in legal proceedings—provision for legal and financial assistance	No. 728-8GS-62/1501, dated 15-1-1962	236
	No. 4068-DSGS-64/12488 dated 10-4-1964	343

Appeal

The Punjab Civil Services (Punishment and Appeal) Rules, 1970—Rule 14 thereof—provision regarding	No. 294-G01-2SII-75, dated 29-1-1976	839
---	--------------------------------------	-----

Censure

Distinction between warning and censure	No. 5078-GS-61/21489, dated 20-6-1961	207
	No. 267-2SII-75/9435, dated 24-3-1975	775

Departmental Action

—in cases referable to law Courts	No. 3591-GS-61/14511, dated 24-4-1961	204
Expeditious disposal of cases involving financial liability of Government—Delay in taking	No. 7820-6GS-63/21608, dated 27-6-1963	308
Over-stayal abroad of Government employees on study leave beyond a period of five years—Departmental action against.	No. 632-2SII-74/11607, dated 11-4-1974	736

Departmental enquiry

Disciplinary proceedings—Cases of alleged victimisation relating to the office bearers of Punjab Subordinate Services Federation and other employees in connection with the agitation for fulfilment of their demands	No. 2180-SII(3)-72, dated 19-4-1972	638
	No. 6790-SII(3)-73, dated 8-2-1974	731

		Page No.
Expedition finalisation of— against Government employees— delay on account of change of Enquiry Officers—avoidance thereof	No. 1217-SII(3)-73/9133, dated 17-3-1973	672
Fixation of time-limit in cases of —	No. 12277-V(1)-59/13470, dated 10-12-1959	140
	No. 7543-SII(3)-71/30893, dated 26-11-1971	620
Grant of honorarium to the Inquiry officers appointed to conduct — against Govern- ment employees	No. 3746-SII(2)-72/18770, dated 8-8-1972	652
	No. 8835-2SII-75/51895, dated 15-12-1975	831
Permission to Government em- ployees to engage a legal practitioner to present his case before the Enquiry Officer in connection with — / disciplin- ary proceedings	No. 5970-SII(3)-73, dated 18-9-1973	697
Satisfaction of the Governor that in the interest of the security of the State it is not expedient to hold an inquiry.	No. 343(GOI)-2SII-75, dated 29-1-1976	841
The Punjab — (Power) Act, 1955	No. 6888-G-55/16442, dated 15-6-1955	39
Question of initiating fresh pro- ceedings of enquiry on which the Government employee is acquitted by the competent authority in the first instance	No. 2253-SII(3)-72, dated 24-4-1972	639
Supply of copies of documents to the delinquent officials in—	No. 5746-SII(3)-72, dated 16-10-1972	658
Treatment of cases of Government employees not fully exonerated in —	No. 6613-GI-58/20259, dated 7-7-1958	92
Departmental Proceedings		
Departmental proceedings—Ex- tracts from the Judgment of the High Courts and Supreme Court	No. 2886-SII(3)-70/9116, dated 20-5-1970	537
Dismissal		
— of Government employees on conviction	No. 4819-G-II-57/11919, dated 8-7-1957	73
Efficiency Bar		
Crossing of efficiency bar — effect on imposing punishment	No. 2764-2SII-74, dated 22-4-1974	738

Inefficiency	Page No.
Recognition of — as a ground for the imposition of major penalties	No. 2468-SII(6)-67/32058, 456 dated 29-11-1967
Penalty	
Proceedings under Rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970—Indication of a specific—	No. 7028-SII(3)-71/30619, 619 dated 24-11-1971
Punjab Public Service Commission	
Defects in cases referable to — relating to punishment and appeal	No. 2031-S(II)-4(2)-69/2964, 501 dated 28-4-1969
	No. 7532-DSSII(2)I73, 719 dated 9-11-1973
Re-imbursement	
Re-imbursement to Government employees of the cost of investigation into their conduct	No. 5222-GIII-59/15305, 133 dated 17-9-1959
Re-instatement	
Admissibility of pay and allowances of Government employees on —	No. 5213-6GS-63/23036, 332 dated 16-7-1963
	No. 1173-SII(3)-72, 640 dated 25-4-1972
Review	
The Punjab Civil Services (Punishment and Appeal) Rules, 1970—Clarification of Rule 21 regarding—	No. 253-GOI-2SII-76/ 880 23578, dated 28-6-1976.
Rules	
The Punjab Civil Services, (Punishment and Appeal)— 1970	No. G.S.R.87/Const./Art. 553 187, 309 and 318/70, dated 3-9-1970
Suspension	
Entry of suspended Government employees in their respective offices	No. 9136-GII-57/11662, 83 dated 2-1-1958
Permission to leave the head-quarters during —	No. 3161-GIII-60/12446, 150 dated 13-4-1960
Regularisation of the period of — of the employees suspended in connection with the strike on 12, 13 and 14th January, 1971	No. 2179-SII(3)-72, 648 dated 9-6-1972

xxvii

Speedy disposal of cases of Government employees under—	No. 1611-GII-59/5697, dated 5-5-1959	Page No. 110
	No. 3624-GS-61/14507, dated 21-4-1961	197
	No. 19142-DSGS-64/1815, dated 18-1-1964	339
	No. 298-3GSI-66/2190, dated 16-2-1966	385
	No. 495-SII(3)-73, dated 13-2-1973	668
	No. 3520-SII(3)-73, dated 26-6-1973	686
	No. 4807-SII(3)-73/23556, dated 30-7-1973	694
	No. 2568-2SII-74, dated 15-4-1974	738
	No. 4268-2SII-74, dated 21-6-1974	743
	No. 5357-2SII-74/22787, dated 24-7-1974	748
	No. 6458-2SII-74, dated 22-8-19-74	754
	No. 6560-2SII-74, dated 19-9-1974	762
	No. 8946-2SII-74/43784 dated 1-1-1975	769
	No- 5072-2SII-76, dated 8-7-1976	81
—of Government employees— criteria therefor	No. 2581-ACC-54/664, dated 27-9-1954	33
Travelling Allowance		
Fixation of quantum of punishment in cases relating to false drawal of —	No. 2053-ACD-55/753, dated 22-8-1955	45
Reciprocal arrangement with other Government in regard to payment of travelling and other expenses to witnesses in departmental enquiries— Government of Tamil Nadu	No. 1109-SII(3)-70/5106, dated 1-3-1970	529

Warning		
Distinction between --- and Censure	No. 5078-GS-61/21489, dated 20-6-1961	Page No. 207
	No. 267-2SII-75/9435, dated 24-3-1975	775
Placing of --- on personal file of Government employees--- procedure	No. 1724-SII(3)-71, dated 8-6-1971	599
	No. 6696-SII(1)-73/573, dated 24-1-1974	728
	No. 267-2SII-75/9435, dated 24-3-1975	775
RECRUITMENT		
Adhoc Appointment		
Ad-hoc appointment — Issue of certificate of experience	No. 6872-SII(2)-73/3134, dated 30-1-1973	666
Appointment of persons on adhoc basis not possessing qualifications/experience as proscribed in the Rules	No. 7832-ISII-74/40507, dated 4-12-1974	764
Question of continuance of --- without the approval of Commission/Board	No. 1871-SII(3)-71, dated 20-6-1971	600
	No. 3737-SII(ASO)-74, dated 29-8-1974	757
	No. 2617-SII(5)-76 dated 24-5-1976	864
Age		
Employment of ex-servicemen in State Services— relaxation of	No. 9319-P-51/124, dated 18-1-1952	16
	No. 9393-3GS-62/23468, dated 19-7-1962	264
Employment of handicapped persons in the public service— relaxation of ---	No. 7833-7GS-60/33698, dated 21-9-1960	180
	No. 2417—5GSII-66/10248, dated 4-5-1966	410
Minimum --- for entry into Government service	No. 16781-3GSI-62/39468, dated 5-11-1962	272
Relaxation of --- limit for entry into Government service for certain categories of married women	No. 15003-G-55/75504, dated 23-11-1955	48
	No. 4629-GII-58/67584, dated 25-8-1958	98

No. 2572-GS-62/8884, dated 21-3-1962	259
No. 19982-3GS-62/45907, dated 27-12-1962	280
No. 15717-4GS-63/47723, dated 31-12-1963	339
No. 2010-SII(3)-71, dated 25-5-1971	394
No. 6220-SII(3)-71, dated 16-9-1971	614
No. 5889-1SII-76/21511, dated 11-6-1976	870
Relaxation of—in the case of retrenched employees	No. 9319-P-51/124, dated 18-1-1952 16
Relaxation of—in the case of persons appointed on <i>ad hoc</i> basis	No. 510-5GSII-66/4597, dated 8-3-1966 387
	No. 123(GOI)-SII(3)-72/ 18828, dated 28-7-1972 651
Upper—limit for recruitment to State services	No. 2751-GII-58, dated 3-7-1958 92
	No. 4637-SII(3)-72/19939, dated 10-8-1972 653
Application/Examination Fee	
— to be charged by the Punjab Public Service Commission	No. 1636-SII(2)-71/10492, dated 28-4-1971 593
Concession to Released Armed Forces Personnel/ex-service- men in the matter of payment of —	No. 7683-DSSII(I)-73, dated 16-11-1973 724
Concession to Scheduled Castes/ Tribes and Backward Classes in the matter of payment of —	No. 7742-3GS-63/22947 dated 18-6-1963 307
Apprenticeship	
Implementation of the—Act 1961—Appointment of Ap- prentices	No. 7463-3SII-75/41635, dated 17-10-1975 824

XXX

		Page No.
Training of Clerks—Initial recruitment on—basis	No. 8522-GS-61/27256, dated 1-8-1961	212
	No. 7554-10GS-64/39008, dated 8-12-1964	355
	No. 1757-GSII-65/6393, dated 3-3-1965	359
	No. 8069-10GS-64/11669, dated 6-4-1965	363
	No. 5692-IGSII-65/27838, dated 9-8-1965	373
	No. 5173-IGSII-66/24953, dated 19-9-1966	435
	No. 7721-SII(4)-67/30748, dated 8-11-1967	454
	No. 1543-SII(I)-68/5724, dated 1-3-1968	465
	No. 63-SII-4(1)-69/1120, dated 13-1-1969	492
	No. 1975-SII-4(1)-69, dated 13-3-1969	499
Character and Antecedents		
Verification of — of candidates selected for appointment to civil posts	No. 9074-ASII-61/45279, dated 28-12-1961	230
	No. 2638-SII(6)-68/8839, dated 4-4-1968	467
	No. 1396-SII(6)-69/7462, dated 17-3-1969	499
Verification of — of person appointed in the various public sector undertakings, Quasi-Government organisations, autonomous bodies etc. under the control of the State Government.	No. 124(GOI)-2SI1-76, dated 26-4-1976	855
Departmental Committees		
Entrustment of the work of recruitment of subordinate services to the Departmental Committees—Procedure regarding	No. 5848-SII(2)-71/23655, dated 6-9-1971	610
	No. 6428-SII(2)-71/24659, dated 15-9-1971	613
	No. 712-SII(2)-72/7097, dated 7-3-1972	633
	No. 7949-SII(ASO)-75/42317, dated 29-10-75	825

Eligibility	Page No
Appointment of Tibetan refugees to services and posts—eligibility for employment	No. 1100-10GS-63/4707, dated 6-2-1963 284
Nationality and domicile for recruitment in services	No. 18072-10GS-62/45092, dated 27-12-1962 279
Recommendation of National Integration Council—Committee	No. 779-SII(6)-69/8308, dated 22-3-1969 500
Examination	
Holding of combined—for recruitment on similar posts/services	No. 533-GII-59/11327, dated 18-4-1959 107
	No. 671-GII-60/7882, dated 11-3-1960 146
	No. 391-3GS-62/1443, dated 11-1-1962 234
	No. 17999-3GS-62/42246, dated 24-11-1962 275
	No. 18854-3GS-62/44893, dated 17-12-1962 277
	No. 9578-3GSI-64/41005, dated 31-12-1964 356
Half a Million Job	
Scheme formulated under—Programme 1973-74	No. 965-SII(2)-74, dated 6-3-1974 732
	No. 3173-SII(ASO)74/17435, dated 29-5-1974 741
Joining Time	
Fixation of period for joining appointments	No. 13178-4GS-61/41501, dated 23-11-1961 223
	No. 9388-4GS-62/24631, dated 1-8-1962 265
	No. 1036-1GS(1)-65/13310, dated 3-3-1965 358
Medical Certificate of Fitness	
—on first entry into Government service	No. 3863-GII-56/10417, dated 1-2-1957 70
	No. 9392-1SII-75, dated 19-12-75 833

Method and Procedure for Recruitment	Page No.
Assessment of—and selection by the Punjab Public Service Commission—Annual Departmental review during the first three years of service on the work and quality of officers recruited through Commission	No. 10918-G-53/8033, dated 12-2-1954 28
Filling up of vacancies of Clerks in 'A' class offices of Punjab Government	No. 5977-ISII-75/35371, dated 17-9-1975 810
Pay	No. 5622-IGSII-65/32342, dated 22-9-1965 377
Fixation of—of new entrants	No. 643-ASII-61/8010, dated 6-3-1961 191
Personal Data	No. 5165-5GS-66/27092, dated 20-10-1966 436
—of Government employees—collection of	
Priority	
Grant of—for employment to handicapped persons	No. 5290-7GII-59/6949, dated 10-7-1959 129
	No. 2948-SII-4(1)-69/17008, dated 27-6-1969 506
	No. 80(GOI)-SII(3)-73/12092, dated 18-4-73 676
Grant of—for employment of inmates of Homes/Infirmarys	No. 13928-4GS-61/44512, dated 18-12-1961 227
Grant of—to the migrants from Burma and Ceylon for absorption in posts under State Government	No. 5825-SII(4)-66/897, dated 23-11-1966 439
—list for various categories of persons for employment in State services	No. 80(GOI)-SII(3)-73/12092, dated 18-4-1973 676
	No. 9623-SII(6)-75/51897, dated 15-12-75 832
Procedure	
—to be followed when a relative of any member of the Selection Board/Committee presents himself as candidate for appointment to the public service/post	No. 8033-SII(ASO)-75/42160, dated 10-11-75 827
Re-appointment	
—of temporary Government servants when their services are terminated under terms of their employment	No. 5747-GII-58/37663, dated 19-12-1958 102
	No. 7441-5GS-60/41343, dated 10-11-1960 184

Recruitment

Page No.

Exclusion of posts from the purview of the Punjab Public Service Commission/Subordinate Services Selection Board, Punjab	No. 2812-GII-58/49605, dated 27-6-1958	90
—through Punjab Public Service Commission/S. S. S. Board, Punjab	No. 11718-GII-59, dated 12-1-1959	104
	No. 7516-G-54, dated 17-12-1954	36
	No. 16424-G-55/19030, dated 16-3-1956	64
	No. 1625-G-56/19079, dated 16-3-1956	65
	No. 5096-GII-57/70813, dated 12-8-1957	78
	No. 3604-GII(S)-57/21982, dated 2-11-1957	82
	No. 4576-GII-58/34387, dated 12-11-1958	100
	No. 7414-GII-58/3853, dated 17-2-1959	105
	No. 8260-GII-59/13735, dated 4-9-1959	132
	No. 159-GII-60/11007, dated 11-4-1960	149
	No. 8770-GS-60/31537, dated 31-8-1960	178
	No. 5281-4GS-61/21179, dated 19-6-1961	204
	No. 18427-3GS-62/43145, dated 5-12-1962	276
	No. 7918-3GS-63/26112, dated 31-7-1963	334
	No. 8176-SII-4(2)-68/33615, dated 28-10-1968	486
	No. 3565-SII(ASO)-74/19093, dated 17-6-1974	742
	No. 4464-7SII-76/22164, dated 28-6-1976	879

Regularisation of services

Page No.

—of employees recruited on <i>ad hoc</i> basis	No. 1726-SII-4(2)-69, dated 3-3-1969	498
	No. 2600-SII-4(2)-69/14189, dated 22-5-1969	503
	No. 279-SII(3)-73/3046, dated 29-1-1973	664
	No. 1753-SII(2)-73/12067, dated 19-4-1973	680
	No. 2760-SII(3)-73, dated 15-5-1973	682
	No. 4150-SII(2)-73/22501, dated 21-7-1973	692
	No. 6100-SII(3)-73, dated 26-9-1973	698
	No. 8037-SII(3)-73/33658, dated 20-11-1973	725
	No. 8330-SII(2)-73/36811, dated 1-12-1973	727
	No. 8042-SII(ASO)-74/ 38357, dated 20-11-1974	763
	No. 4419-SII(6)-75/30050, dated 11-8-1975	807

Reservation

—of seats for outstanding sportsmen in technical/medi- cal institutions and in service of State Government	No. 10266-5GS-61/1134, dated 11-1-1962	232
	No. 7954-DSGS-64/31831, dated 9-10-1964	351

Reservists

Re-employment of—in Govern- ment service.	No. 8506-1SII-75/474, dated 28-1-1976	838
--	--	-----

RE-EMPLOYMENT/EXTENSION

Re-employment/Extension

Grant of—in service to Go- vernment employees on or after attaining the age of superannuation	No. 5142-3GS-63, dated 25-5-1963	304
	No. 727-SII(4)-67/4841, dated 17-2-1967	442
	No. 1484-SII-4(1)-68/6710, dated 12-3-1968	466

Grant of—in service to Government employees on or after attaining the age of superannuation—concl'd	No. 5167-SII-4(1)-69/19273, dated 17-7-1969	Page No. 509
	No. 1469-SII(2)-73/7690, dated 7-3-1973	671
	No. 4099-SII(ASO)-74/24403, dated 31-7-1974	752
	No. 7869-SII(ASO)-75/41458, dated 29-10-1975	826
	No. 4060-8SII-76, dated 23-4-1976	853
	No. 1383-SII(8)-76/19326, dated 19-5-1976	862
Grant of—in service to employees of Corporate Bodies/Boards/Banks, etc.	No. 5593-8SII-76/30188, dated 29-7-1976	885
	No. 3873-SII(ASO)-75, dated 11-6-1975	783
	No. 266(GOI)-SII(ASO)-75, dated 23-9-1975	813

REPRESENTATIONS FROM GOVERNMENT EMPLOYEES

Memorials

Framing of—Rules	No. 9369-G-51/1-681, dated 12-2-1952	17
—against adverse remarks	No. 2180-4GSI-66, dated 10-5-1966	412

Representations

Dealing with the petitions, memorials and—received by the President of India	No. 1151-SII(3)-70, dated 17-2-1970	525
Instructions regarding dealing with—and giving replies to the representationists	No. 4362-SII(3)-70/17135, dated 14-7-1970	551
	No. 2890-SII(3)-71, dated 31-5-1971	597
	No. 5783-SII(3)-73/27202, dated 31-8-1973	696
—from wives/parents of officers/officials	No. 5201-8GS-62/12393, dated 24-4-1962	262
Submission of—and advance copies thereof by Government employees	No. 9872-5GS-62/29821, dated 28-8-1962	266
	No. 8482-DSGSI-65/34106, dated 19-10-1965	378
	No. 6936-SII(3)-73, dated 22-10-1973	704

RESIGNATION BY GOVERNMENT EMPLOYEES

Page No.

Leave

Grant of——during notice period No. 4455-IGSIL-65/26145, 375
dated 12-8-1965

Permanent Government Employees

Resignation by—— No. 4971-GII-58/74171, 99
dated 22-9-1958

Purely Temporary Government Employees

Resignation from service by—— No. 6772-IGS-64/1923, 357
——period of notice dated 18-1-1965

Temporary Government Employees

Resignation from service by—— No. 1276-G-52, 23
——period of notice dated 5-3-1952

No. 8845-G-54/29154, dated 34
19-10-1954

No. 2727-G-55/31719, dated 39
4-6-1955

No. 7464-GII-58/8003, dated 106
3-4-1959

No. 12545-GII-60/2339, 145
dated 25-1-1960

No. 2073-7GII-60/9530, 147
dated 24-3-1960

No. 6023-7GS-60/25338, 178
dated 26-7-1960

No. 3497-IGS-62/7965, 257
dated 9-3-1962

No. 7868-IGS-65, 380
dated 23-11-1965

No. 1068-SII(6)-69/5780, 496
dated 27-2-1969

No. 196-(GOI)-2SII-74/44174, 770
dated 9-1-1975

No. 344(GOI)-2SII-76/34876, 889
dated 13-8-1976

RETIREMENT

Age

Raising of——of retirement No. 5410-3GS-63/11926, 294
dated 28-3-1963

Compulsory/Premature Retirement

Findings ways and means to deal with unsuitable officers in a more expeditious manner than at present	No. 8562-G-55/16922, dated 29-6-1955 No. 1707-G-II(C)-58/9255, dated 1-4-1958 No. 55-GII-59/1344, dated 3-1-1959	Page No. 40 87 103
Procedure and criteria for dealing with cases for—	No. 14089-3GS-63/35196, dated 16-9-1963 No. 4776-3GS(I)-64/15823, dated 21-5-1964 No. 5582-3GSI-65/21354, dated 11-6-1965 No. 3228-SII(2)-71, dated 3-6-1971 No. 2018-SII(2)-71/16458, dated 30-6-1971 No. 4147-SII(2)-71/17956, dated 12-7-1971 No. 7496-SII(2)-71, dated 30-11-1971 No. 2019-SII(2)-72/12411, dated 25-5-1972 No. 216(GOI)-2SII-75, dated 22-7-1975 No. 5240-2SII 75, dated 23-7-1975 No. 6520-2SII-75/38581, dated 26-9-1975 No. 8767-2SII-75/45614, dated 21-11-1975 No. 1579-2SII-76/7793, dated 15-3-1976 No. 4431-2SII-76, dated 28-4-1976 No. 179-GOI-2SII-76, dated 31-5-1976 No. 6785-2SII-76/33583, dated 12-8-1976 No. 6106-2GS-76, dated 27-8-1976	335 346 366 598 601 608 621 644 797 802 815 828 845 857 868 887 891
The Punjab Civil Services (Premature Retirement) Rules, 1975	No. GSR. 76/Const./Art. 309/75, dated 28-7-1975	803
Efficiency Bar		
Crossing of efficiency bar—effect on compulsory retirement	No. 2764-2SII-74, dated 22-4-1974	738

xxxviii

Enquiry

Page No.

Procedure to be followed in cases where the turn of an officer, whose conduct is subject to— comes up for retirement	No. 1497-4GS-62/4059, dated 13-2-1962	252
--	---------------------------------------	-----

Integrity

Effect of adverse remarks regarding—on the retirement of a Government employee at the age of 55	No. 2018-SII(2)-71/16458, dated 30-6-1971	601
	No. 2019-SII(2)-72/12411, dated 25-5-1972	644

Permission

Grant of—for commercial employment of Government employees within two years of retirement.	No. 6108-8SII-76/22119, dated 14-6-76	873
--	---------------------------------------	-----

SENIORITY —FIXATION OF

Direct Recruitment

Determination of seniority of candidates recruited through the Punjab Public Service Commission/S.S.S. Board	No. 946-4GS-62/8282, dated 15-3-1962	258
	No. 16355-8GS-62/42251, dated 24-11-1962	274

Ex-Cadre post

Fixation of seniority of Government employees appointed against ex-cadre/isolated posts which are subsequently included in regular cadre	No. 6876-SII-4(1)-69/23629, dated 2-9-1969	515
--	--	-----

Principles

— to be followed in the fixation of seniority of Government employees	No. 1745-1SII-76, dated 2-4-1976	850
---	----------------------------------	-----

Temporary service

Counting of purely—for purposes of seniority	No. 1028-GII-57/27804, dated 29-3-1957	72
	No. 8924-GII-59/21613, dated 28-10-59	138

Transfer*Page No.*

Determination of seniority of Government employees who are recruited by—from other Departments.	No. 7957-IGSI-65/35111, dated 20-10-1965	379
---	--	-----

SERVICE RULES**Appointment by Promotion**

—to be made on merit-revision of Departmental Services Rules to bring them in line with the Punjab Services (Appointment by Promotion) Rules, 1962	No. 9171-ISII-75, dated 12-1-1976	834
--	-----------------------------------	-----

Principles of Appointment

Determination of principles to be followed for appointment to civil posts under Article 320 of the Constitution of India	No. 3028-3GS-62/19037, dated 11-6-1962	263
	No. 11034-3GS-62/34530, dated 26-9-1962	271
	No. 6756-ISII-74, dated 16-9-1974	759

Probation

Amendment of Service Rules so as to make provision for probationary period at all stages of promotion	No. 7978-G(II)-57/21306, dated 25-10-1957	81
	No. 14602-7GS-60/46745, dated 22-12-1960	188

Procedure

Recruitment and conditions of service—Rules relating to various Departments of the Punjab State —for finalisation of Service Rules	No. 6029-GS-60, 21-6-1960	176
	No. 7503-SII(3)-70/1728, dated 20-1-1971	590
	No. 6780-DSSII(2)-73, dated 5-11-1973	708
	No. 7563-SSII-74, dated 5-12-1974	766
	No. 277(GOI)-SII(5)-76, dated 27-5-76	867

Ratio of each method of appointment

Appointment by direct recruitment, by promotion and by transfer —to be prescribed in the Service Rules	No. 8217-SII-4(1)-68/31257, dated 10-10-1968	485
--	--	-----

Relaxation		Page No.
Rules relating to the powers of State Government to dispense with or relax the requirement of any Rule regulating the conditions of service of Government employees	No. 2122-DSGS-63/38118, dated 27-11-1964	352
	No. 3502-IGSII-66/16434, dated 22-6-1966	416
	No. 3565-ISII-75/20396, dated 5-6-1975	781
	No. 7737-ISII-76, dated 26-8-1976	890
Rules		
The Demobilized Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services)——, 1968	No. GSR. 63/Const./Art. 309/68, dated 17-6-1968	475
	No. GSR. 45/Const./Art. 309/Amd. (I) 76, dated 3-5-1975	875
The Punjab Government Employees (Conduct) Rules, 1966	No. GSR. 143/Const./Art. 309, and 318/66, dated 5-7-1966	417
The Model Service——, 1973.	No. 6780-DSSI(2)-73, dated 5-11-1973	708
The Punjab Civil Services (Premature Retirement) Rules, 1975	No. GSR. 76/Const./Art. 309/75, dated 28-7-1975	803
The Punjab Civil Services (Promotion of Stenographers and Stenotypists)——1961.	No. G.S.R. 10/Const./Art. 309/62, dated 26-12-1961	227
The Punjab Civil Services (Punishment and Appeal)——, 1970	No. GSR. 87/Const./Art., 187, 309, and 318/70, dated 3-9-1970	553
The Punjab Government National Emergency (Concessions) ——1965	No. GSR. 160/Const./Art. 309/65, dated 20-7-1965	369
The Punjab Service (Appointment by Promotion)——, 1962	No. GSR. 19/Const./Art. 309 /62, dated 20-1-1962	241
The Punjab State (Class IV) Service—— 1963	No. GSR. 123/Const./Art. 309/63, dated 23-5-1963	295

TRAINING

Page No.

Procedure

—for the selection of candidates for Post-graduate Training or Technical Training in India/or abroad	No. 9138-P-60, dated 28-11-1960	185
	No. 2855-SII-4(T)-69/15429, dated 3-6-1969	505
	No. 8726-SII-4(I)-69/28481, dated 24-10-1969	518
	No. 6118-7SII-76/22160, dated 11-6-1976	872

TRANSFERS OF GOVERNMENT EMPLOYEES

General Principles

— to be observed in making postings and transfers	No. 8954-SGS-60/36687, dated 5-10-1960	182
	No. 15905-2GS-60/46567, dated 19-12-1960	188
	No. 1081-SII-68/9785, dated 8-4-1968,	470
	No. 8285-SII-4(1)-68/33528, dated 26-10-1968	486
	No. 6519-SII(1)-69/20180, dated 22-7-1969	511
	No. 2568-SII(2)-73/13387, dated 28-4-1973	681
	No. 2974-SII(2)-73/16001, dated 24-5-1973	683
	No. 3569-SII(ASO)-74, dated 18-5-1974	740

Leave

—on medical certificate at the time of postings/transfer of a Government servant	No. 8522-GI-59/19157, dated 26-10-1959	136
--	--	-----

Posting and Transfers

—of Heads of Departments	No. 5885-SSIII-69/24754, dated 17-9-1969	518
--------------------------	--	-----

Posting in Home District	Page No.	
Posting of gazetted officers in their home districts	No. 1224-SII-4(I)-70/3976, dated 20-2-1970	526
Serious illness		
Procedure to be followed in the event of Government officers/officials returning to duty after having suffered from serious illness	No. 2423-IGS(I)64/12900, dated 27-4-1964	44
Tenure		
Fixation of—of Secretaries/Heads of Departments/Deputy and Under Secretaries/Commissioners/Deputy Commissioners	No. 3734-IGSII-65/17769, dated 27-5-1965	365