

5. These instructions may kindly be brought to the notice of all concerned under your control for compliance.

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*Copy of Punjab Government circular letter No. 7/15/78-2PP/1999, dated 24th April, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Grant of one premature increment to the non-gazetted employees who did not participate in the strike on 8th February, 1978.*

I am directed to say that in Punjab Government Circular letter No. 4548-2PP-78, dated the 16th June, 1978, a decision was conveyed, *inter alia*, for the grant of one premature increment to those non-gazetted employees who did not participate in the strike on 8th February, 1978. This benefit was, however, not extended to those who had reached the maximum of their scales of pay on or before 8th February, 1978. Government has considered the matter further and decided that those non-gazetted Government employees who were stuck at the maximum of their scales of pay on or before 8th February, 1978, and also attended office on 8th February, 1978, thereby not participating in the strike, should be allowed the benefit of one premature increment w.e.f. 8th February, 1978, in the form of personal pay equivalent to the amount of increment last drawn in the scales of pay on or before 8th February, 1978, in terms of rule 2.47(b) of Punjab C.S.R. Vol. I, Part I, notwithstanding the fact that they had not remained at the maximum of their scales of pay for five years as mentioned in rule 4.1 *ibid*.

2. This issues with the concurrence of the Finance Department as conveyed,—*vide* their U.O. No. 10/3/78(4199)-IFR, dated 20th December, 1978.

3. Necessary action in the light of the above decision may be taken at a very early date.

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*Copy of Punjab Government circular letter No. 6/201/78-PP/2315, dated 4th May, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject—Regularisation of services of ad hoc employees—Clarification regarding.**

I am directed to invite your attention to the instructions issued from time to time regarding the regularisation of the services of ad hoc employees, particularly those contained in Circular letters No. 279-SII(3)-73/3046, dated 29th January, 1973 and 4561-3GSI-77/18051, dated 3rd May, 1977. Some points raised by certain Departments in this behalf are clarified as under :—

- (i) *Whether those ad hoc employees who were not recruited through Employment Exchange or by any advertisement can in any way be regularised.*

In this behalf, instructions contained in circular letter No. 6/127/78-PP/45, dated 5th January, 1979, may be complied with. These instructions reiterate the conditions about recruitment through Employment Exchange except in the case of work-charged employees who were later on appointed on ad hoc basis in regular establishment.

- (ii) *Whether those ad hoc appointments which were originally made by an authority not competent to make the appointment, can be regularised.*

In these cases, the competent authority should now scrutinize such appointments and if these are found to be in order and the prescribed conditions are fulfilled, the competent authority may issue revised appointment orders with retrospective effect, i.e., the date from which the original appointments were made.

- (iii) *Whether the services of those ad hoc appointees can be regularised who did not fulfil the conditions of knowledge of Punjabi up to Matriculation standard according to the instructions of the Department of Education (Language).*

If the employees concerned are holding technical posts they may be given six months time for acquiring knowledge in Punjabi which may be tested by the competent authority as laid down in the

1. No. 3107-  
Language-1-68/  
21806, dated  
29th July, 1968  
2. No. 2452-1  
Language-75/  
17676, dated 20th  
August, 1975.

instructions issued by the Department of Education (Language) but if they are holding non-technical posts, the appointing authority concerned may now give the test of the employees. Instructions of the Department of Education (Language) contained in circular letters referred to in the margin may be kept in view and a clearance may be obtained where necessary from the said department in the light of these instructions.

*Whether the services of the ad hoc employees of the following nature can be regularised :*

- (iv) having breaks in service which cannot be condoned ;
- (v) not having the qualifications prescribed for the post ;
- (vi) not fulfilling the condition regarding age at the time of first recruitment ; and /or
- (vii) *not having satisfactory work and conduct.*

Since such employees do not fulfil conditions which are essential, their services cannot be regularised. They should be replaced by duly qualified candidates immediately on a regular basis, if possible, and on *ad hoc* basis if absolutely necessary. However, in respect of employees falling in category (iv) above, their services may be terminated as and when the candidates selected on regular basis join.

- (viii) Whether the services of those *ad hoc* employees should also be regularised, who were working on *ad hoc* basis and were in position on 1st January, 1973, 31st March, 1977 as the case may be and fulfilled the prescribed conditions but whose services were terminated by default without processing their cases for regularisation of services.

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

Attention is also invited to the following extract from instructions No. 4426-6/133/78/3PP/17898, dated the 1st June, 1978 :

"The Services of *ad hoc* employees not covered by the circular, dated 3rd May, 1977, should be terminated as and

when the candidates recommended by the Punjab Subordinate Services Selection Board etc. report for duty."

2. In the light of the aforesaid policy, it is clear that the services of those *ad hoc* employees who fulfilled the requisite conditions for regularisation of their appointments were not to be terminated. If services have been terminated in such cases by default, that may not deprive the employees concerned of the regularisation of services. The question of regularisation of their services may be considered and suitable intimation be sent to them unless they have since been absorbed on a regular basis in some other department.

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*Copy of Punjab Government circular letter No. 8/20/79-PP/3313, dated 24th May, 1979 from the Department of Personnel and Administrative Reforms addressed all Heads of Departments, etc., etc.*

*Subject.—General policy regarding postings and transfers of Punjab Government employees.*

I am directed to refer to Punjab Government instructions issued,—*vide* circular letter No. 8/20/79-PP/1759, dated the 19th April, 1979, on the subject noted above and to say that on account of repolling in some parts of the Ferozepur Parliamentary Constituency, instructions were issued,—*vide* Circular letter No. 8/110/78-PP/2549, dated the 9th May, 1979, that the transfer of officials dealing with elections including Police officials should be avoided up to 13th May, 1979 or any other date which may be communicated to them by the Chief Electoral Officer, Punjab or the Election Commission of India so that the repolling in the said Constituency is conducted smoothly. I am further to inform that in view of the ensuing Municipal Elections scheduled to be held in the State on 10th June, 1979, this matter has been considered again and it has been decided that the general transfers of Punjab Government employees may this year be ordered only between 11th June, 1979 to 30th June, 1979 so that Elections to the Municipal Committees in the State can also be conducted smoothly. In other words no general transfer be effected till 10th of June, 1979. If any transfers

have already been ordered these should be given effect to only after the municipal elections are over. I am, therefore, to request you that suitable steps may kindly be taken by you accordingly, so as to complete the general transfers of the Punjab Government employees up to 30th June, 1979.

2. These instructions may also kindly be brought to the notice of all concerned under your control for strict compliance.

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*Copy of Punjab Government circular letter No. 1/43/78-1PP/ , dated 24th May, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Extension in joining time in the case of candidates recruited through the Punjab Public Service Commission/ Subordinate Services Selection Board etc.—Fixation of seniority.*

I am directed to say that, according to Government instructions contained in circular letter No. 13178-4GS-61/41501, dated the 23rd November, 1961, candidates recruited through the Punjab Public Service Commission/Subordinate Services Selection Board etc., are allowed a maximum period of a fortnight to join their appointments or the training courses, if any, where preliminary training is prescribed. Suitable extensions in joining time can be given by the Appointing Authorities/Administrative Departments in cases where candidates are unable to join the post for any *bona fide* reason, but such extensions are not expected to exceed a total period of two months.

2. It has come to the notice of Government that, in certain cases, the candidates recommended by the Punjab Public Service Commission/S.S.S. Board etc., take a long time to join and seek extension in the joining time even beyond two months for one reason or the other. After joining the post, such candidates also get the benefit of seniority on the basis of the merit determined by the commission/Board notwithstanding the fact that they had delayed their joining the posts and in the meantime, some other candidates, though low in the merit list, had already joined. The question whether there is a need to bring any change in the policy with regard to the period of joining the post and grant of extension thereafter, has been considered by Government. Taking into account the policy of the Government of India in this behalf and

the need to curb the tendency of the candidates to prolong the joining time unnecessarily, it has been decided in supersession of all previous instructions on this subject, to adopt the following policy:—

- (i) A period of two months may be allowed to a candidate to join the appointment or the training course, if any, where preliminary training is prescribed. During this period, the candidate concerned must complete the necessary formalities such as medical examination etc. ;
- (ii) In the offer of appointment, it should be clearly indicated that the offer will lapse if the candidate does not join within the specified period ;
- (iii) If, however, within the period stipulated, a request is received from a candidate for extension of the joining time, it may be considered by the Administrative Department and if the Department is satisfied, an extension for a limited period may be granted but the total period, including the extensions during which the offer of appointment will be kept open, is not to exceed a period of four months. The candidates who join within the above period of four months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed without any detriment to their seniority ;
- (iv) If, even after the extension(s), if any, granted by the Administrative Departments, a candidate does not join within the stipulated time (which is not to exceed a period of 4 months), the offer of appointment should lapse. No extension beyond 4 months is to be given ;
- (v) An offer of appointment which has lapsed is not ordinarily to be revived later, save in exceptional circumstances and on grounds of public interest. The Punjab Public Service Commission/S.S.S. Board, as the case may be, should in all such cases be consulted before such offers are revived ; and
- (vi) In case where the offer has lapsed, if it is revived in consultation with the Punjab Public Service Commission/S.S.S. Board as mentioned in sub-para (v) above, the seniority of the candidates concerned would be fixed

below those who have already joined the post within the prescribed period of 4 months and if a candidate joins before the candidates of next selection join, he would be placed below all others of his batch. If, however, the candidate joins after some or all the candidates of the next selection have joined, he would be placed at the bottom of the candidates of the next batch.

3. The above instructions may be brought to the notice of all concerned.

4. Necessary action to amend the departmental service rules on the above lines may also be taken immediately.

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*Copy of Punjab Government circular U.O. No. 27/6/78-PP, dated 31st May, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Administrative Secretaries to Government, Punjab.*

*Subject.—Reference of cases requiring advice of the Department of Personnel.*

Continuation this Department U.O. No. 27/6/78-1PP, dated the 27th March, 1979, on the subject noted above.

2. It has been noticed that while referring cases to the Department of Personnel and Administrative Reforms for advice, the Administrative Departments usually mark the case to the Chief Secretary in a particular branch and not to the Department of Personnel and Administrative Reforms. Even in the noting of the Administrative Departments, it is mentioned that the advice of the Chief Secretary is being sought. It is pointed out in this connection that the work of the Government is carried on through the Departments mentioned in the Government of Punjab Allocation of Business Rules, 1978. As and when it becomes necessary to seek the advice of the Department of Personnel on any point concerning service matters, the noting in the file of Administrative Department should state this fact and the case should be marked to the Department of Personnel and not to the Chief Secretary. In the event of the matter being very urgent and requiring personal attention of a particular officer, the name of the officer and his designation should be mentioned in brackets after the words "Department of Personnel and Administrative Reforms". It is requested that these instructions may please be noted for observance of all Administrative Departments.

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Copy of Punjab Government circular letter No. 16/99/79-PP/3767, dated 5th June, 1979, from the Department of Personnel and Administrative Reforms addressed 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 a reference to this Department circular letter No. 727-SII(4)-67/4841, dated 17th February, 1967 and to state that in para 9 thereof, it was stated *inter alia* that in those cases where consultation with Finance Department is necessary, such consultation will be done by the Services Department (now called Department of Personnel). It has now been decided that after the Department of Personnel has given its consent to the re-employment etc. of a Government employee, the Administrative Department concerned should itself approach the Finance Department for its concurrence.

ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 10/5/79-ਜੀ. ਈ. 6429, ਮਿਤੀ 16 ਜੁਲਾਈ, 1979, ਵਲੋਂ ਪ੍ਰਸ਼ਨਲ ਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਰਾਜ ਵਿਚ ਸਾਰੇ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਅਤੇ ਸਾਰੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਆਦਿ ਆਦਿ ।

ਵਿਸ਼ਾ:—ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੇ ਜਾਂਦੇ ਪਦ-ਉੱਨਤੀ ਦੇ ਕੇਸਾਂ ਵਿਚ ਨੁਕਸ-ਉੱਨਤੀ ਦੇ ਪ੍ਰੋਫਾਰਮੇ ਵਿਚ ਤਬਦੀਲੀ ਕਰਨ ਬਾਰੇ ।

ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 16357-3ਜੀ ਐਸ.62/41001, ਮਿਤੀ 24 ਨਵੰਬਰ, 1962 ਵੱਲ ਦਿਵਾਇਆ ਜਾਂਦਾ ਹੈ ਜਿਸ ਰਾਹੀਂ ਪਦ-ਉੱਨਤੀ ਦੇ ਕੇਸਾਂ ਵਿਚ ਪ੍ਰਵਾਨਗੀ ਲੈਣ ਹਿਤ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਭੇਜਣ ਲਈ ਪ੍ਰੋਫਾਰਮਾ ਨਿਸ਼ਚਿਤ ਕੀਤਾ ਗਿਆ ਸੀ। ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦਾ ਗਿਆ ਹੈ ਕਿ ਪਦ-ਉੱਨਤੀ ਦੇ ਕਈ ਕੇਸਾਂ ਵਿਚ ਕਈ ਵਿਭਾਗਾਂ ਵਲੋਂ ਨਿਸ਼ਚਿਤ ਪ੍ਰੋਫਾਰਮਾ ਖਿਲਕੂਲ ਨਹੀਂ ਭੇਜਿਆ ਜਾਂਦਾ ਅਤੇ ਕਈ ਵਿਚ ਜੇਕਰ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਤਾਂ ਉਨ੍ਹਾਂ ਵਿਚ ਪੂਰੀ ਸੂਚਨਾ ਖਾਸ ਕਰ ਅਧਿਕਾਰਤ ਹੋਏ ਕਰਮਚਾਰੀਆਂ ਬਾਰੇ ਸੂਚਨਾ ਨਹੀਂ ਦਿਤੀ ਜਾਂਦੀ। ਪਦ-ਉੱਨਤੀ ਕਰਚਾਰੀਆਂ ਦੀ ਸੀਨੀਅਰਤਾ ਪੰਜੀਸ਼ਨ ਵੀ ਨਹੀਂ ਦੱਸੀ ਜਾਂਦੀ ਅਤੇ ਨਾ ਹੀ ਮੁਕੰਮਲ ਆਚਰਣ ਪੱਤਰੀ ਅਤੇ ਮਿਤੀ ਅੰਤ ਤਕ ਮੁਕੰਮਲ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਹੀ ਭੇਜੀ ਜਾਂਦੀ ਹੈ। ਕਮਿਸ਼ਨ ਵਲੋਂ ਪ੍ਰਵਾਨਿਤ ਅਜਿਹੇ ਪਹਿਲੇ ਕੇਸ ਦਾ ਹਵਾਲਾ ਵੀ ਨਹੀਂ ਦਿਤਾ ਜਾਂਦਾ। ਪਦ-ਉੱਨਤੀ ਦੇ ਪ੍ਰੋਫਾਰਮਾ ਅਤੇ ਇਸ ਨਾਲ ਭੇਜੇ ਗਏ ਸਬੰਧਤ ਪੱਤਰਾਂ, ਜਿਵੇਂ ਕਿ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਅਤੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਯੋਗਤਾਵਾਂ ਅਤੇ ਤਜਰਬੇ ਦੇ ਵੇਰਵੇ, ਆਦਿ ਤੇ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦੇ ਤਸਦੀਕ ਵਜੋਂ ਦਸਤਖਤ ਵੀ ਨਹੀਂ ਹੁੰਦੇ। ਇਸ ਤਰ੍ਹਾਂ ਵਿਭਾਗਾਂ ਵਲੋਂ ਭੇਜੇ ਗਏ ਪਦ-ਉੱਨਤੀ ਦੇ ਕੇਸਾਂ ਵਿਚ ਉਪਰੋਕਤ ਉਣਤਾਈਆਂ ਦਾ

ਖਿਆਲ ਨਹੀਂ ਰੱਖਿਆ ਜਾਂਦਾ। ਜਿਸ ਕਾਰਨ ਕਮਿਸ਼ਨ ਦੇ ਦਫਤਰ ਨੂੰ ਉਡਤਾਈਆਂ ਦੂਰ ਕਰ-  
ਵਾਉਣ ਲਈ ਅਜਿਹੇ ਕੇਸਾਂ ਨੂੰ ਬਾਰ ਬਾਰ ਵਾਪਸ ਭੇਜਣਾ ਪੈਂਦਾ ਹੈ ਅਤੇ ਇੰਜ ਕਰਨ ਨਾਲ ਕਈ  
ਕੇਸ ਸਾਲਾਂ ਬੱਧੀ ਲਮਕਾ ਅਵਸਥਾ ਵਿਚ ਪਏ ਰਹਿੰਦੇ ਹਨ।

2. ਉਪਰੋਕਤ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਆਪ ਜੀ ਨੂੰ ਮੁੜ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਦ-  
ਉਨਤੀ ਦੇ ਕੇਸਾਂ ਵਿਚ ਬੇਲੋੜੀਂਦੀ ਦੇਰੀ ਨੂੰ ਰੋਕਣ ਲਈ ਭਾਵੇਂ ਉਹ ਕਿਸੇ ਵੀ ਪੱਧਰ ਤੇ ਕਿਉਂ ਨਾ  
ਹੁੰਦੀ ਹੋਵੇ, ਕੇਸ ਕਮਿਸ਼ਨ ਦੀ ਪ੍ਰਵਾਨਗੀ ਲੈਣ ਹਿਤ ਭੇਜਣ ਸਮੇਂ ਇਸ ਗੱਲ ਨੂੰ ਯਕੀਨੀ ਬਣਾਇਆ  
ਜਾਵੇ ਕਿ ਲੋੜੀਂਦੀ ਸੂਚਨਾ/ਸਮੱਗਰੀ, ਜੋ ਹਰ ਪੱਖੋਂ ਮੁਕੰਮਲ ਹੋਵੇ, ਇਕੋ ਵਾਰੀ ਨਾਲ ਨੱਥੀ ਕੀਤੇ  
ਹੋਏ ਸੋਧੇ ਹੋਏ ਪ੍ਰੋਫਾਰਮਾਂ ਅਨੁਸਾਰ ਭੇਜੀ ਜਾਇਆ ਕਰੇ। ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਨੂੰ ਯਕੀਨੀ  
ਬਣਾਇਆ ਜਾਵੇ। ਅਣਗਹਿਲੀ ਦੀ ਜ਼ਿੰਮੇਵਾਰੀ ਪ੍ਰੋਫਾਰਮੇ ਤੇ ਦਸਤਖਤ ਕਰਨ ਵਾਲੇ ਅਤੇ ਇਸ ਨੂੰ ਪਰ-  
ਵਾਨ ਕਰਨ ਵਾਲੇ ਅਧਿਕਾਰੀ ਦੀ ਹੋਵੇਗੀ।

ਇਸ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ ਜੀ।

#### ਤਰੱਕੀ ਦਾ ਪ੍ਰੋਫਾਰਮਾ

1. ਪ੍ਰੋਫਾਰਮੇ ਦੇ ਸਾਰੇ ਸਵਾਲਾਂ ਦੇ ਉੱਤਰ ਅੱਖਰਾਂ ਵਿਚ ਦਿੱਤੇ ਜਾਣ ਅਤੇ ਡੇਸ਼ਾਂ ਜਾਂ ਬਿੰਦੀਆਂ  
ਨਾ ਲਗਾਈਆਂ ਜਾਣ। ਕੋਈ ਖਾਨਾ ਖਾਲੀ ਨਾ ਛੱਡਿਆ ਜਾਵੇ।
2. ਪ੍ਰੋਫਾਰਮੇ ਨਾਲ ਲਗਾਏ ਸਹਿ-ਪੱਤਰਾਂ ਉੱਤੇ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦੇ ਦਸਤਖਤ ਕਰਵਾ ਕੇ ਉਸ ਨੂੰ  
ਪ੍ਰਮਾਣਿਕ ਬਣਾਇਆ ਜਾਵੇ।

1. ਨਿਸ਼ਚਿਤ ਨਿਯਮ ਜਿਸ ਅਨੁਸਾਰ ਤਰੱਕੀ  
ਮਿਲਣਯੋਗ ਹੈ। ਨਿਯਮਾਂ ਦੀ ਕਾਪੀ  
ਨਾਲ ਲਗਾਈ ਜਾਵੇ।

2. ਕੀ ਸਬੰਧਤ ਨਿਯਮਾਂ ਦੀਆਂ ਸ਼ਰਤਾਂ ਅਨੁ-  
ਸਾਰ ਸਿੱਧੀ ਭਰਤੀ ਤੇ ਤਰੱਕੀ ਹੋਣ ਵਾਲੀ  
ਭਰਤੀ ਬਾਰੇ ਬੰਨ੍ਹੇ ਅਨੁਪਾਤ ਦਾ ਖਿਆਲ  
ਰੱਖਿਆ ਗਿਆ ਹੈ ਅਤੇ ਜੇਕਰ ਅਜਿਹਾ ਹੈ  
ਤਾਂ ਕੀ ਇਹ ਸ਼ਰਤ ਪੂਰੀ ਹੈ?

3. ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਪੱਤਰ ਨੰ: 9129-  
ਜੀ-56/3964, ਮਿਤੀ 17 ਸਤੰਬਰ, 1956,  
ਅਨੁਸਾਰ ਆਸਾਮੀ ਤੇ ਤਰੱਕੀ ਪਾਉਣ ਲਈ  
ਤਜਰਬੇ ਦੀ ਘੱਟੋ ਘੱਟ ਲੰਬਾਈ, ਜਿਹੜੀ  
ਕਿ ਸਰਵਿਸ ਨਿਯਮਾਂ ਵਿਚ ਨਿਸ਼ਚਿਤ ਹੈ ਜਾਂ  
ਕਮਿਸ਼ਨ ਦੇ ਮਸ਼ਵਰੇ ਨਾਲ ਮਿਥੀ ਗਈ ਹੈ  
ਨਿਯਮਾਂ ਜਾਂ ਕਮਿਸ਼ਨ ਦੇ ਮਸ਼ਵਰੇ ਦਾ  
ਹਵਾਲਾ ਦਿਤਾ ਜਾਵੇ

4. (i) ਕਿੰਨੀਆਂ ਆਸਾਮੀਆਂ ਪੰਜਾਬ ਦੀਆਂ ਜਾਤੀ ਦਾ ਕਿੰਨੀਆਂ ਰਾਖਵੀਆਂ  
 ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਅਤੇ ਪਛੜੀਆਂ ਨਾਂ ਆਸਾਮੀਆਂ ਆਸਾਮੀਆਂ  
 ਸ਼੍ਰੇਣੀਆਂ ਦੇ ਤਰੱਕੀ ਦੇ ਰਿਜ਼ਰਵ ਕੋਟੇ ਰਾਖਵੀਆਂ ਰੋਟੇਸ਼ਨ ਅਨੁ-  
 ਵਿਚ ਆਉਂਦੀਆਂ ਹਨ ਹਨ ਸਾਰ ਕਿੰਨਵੇਂ  
 ਕਿੰਨਵੇਂ  
 ਨੰਬਰ ਤੇ ਹਨ

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ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ

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ਹਰ ਸ਼੍ਰੇਣੀ ਦੇ ਕਰਮਚਾਰੀ/ਅਫਸਰ ਵਾਸਤੇ

ਰਾਖਵੀਆਂ ਆਸਾਮੀਆਂ ਦਾ ਵੇਰਵਾ ਸਾਹਮਣੇ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ

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ਖਾਨਿਆਂ ਵਿਚ ਦਿਤਾ ਜਾਵੇ। ਰੋਟੇਸ਼ਨ ਦੇ ਫਾਰਮੂਲੇ ਅਨੁਸਾਰ ਤਰੱਕੀ ਦੇ ਬਲਾਕ ਸਿਸਟਮ ਮੁਤਾਬਿਕ ਰਾਖਵੀਆਂ ਆਸਾਮੀਆਂ ਇਸ ਪ੍ਰਫਾਰਮੇ ਵਿਚ ਦਰਜ ਆਸਾਮੀਆਂ ਵਿਚ ਕਿੰਨਵੇਂ ਕਿੰਨਵੇਂ ਨੰਬਰ ਤੇ ਆਉਂਦੀਆਂ ਹਨ।

(ਪੰਜਾਬ ਸਰਕਾਰ) ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਅਤੇ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਵਿਭਾਗ ਦੇ ਗਬਤੀ ਪੱਤਰ ਨੰ: 1494-ਐਸ. ਡਬਲਿਊ. 1-74/8105, ਮਿਤੀ 4-5-74 ਮੁਤਾਬਿਕ ਇਹ ਸੂਚਨਾ ਦਿਤੀ ਜਾਵੇ।

(ii) ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਮੁਤਾਬਿਕ ਜੇਕਰ ਉਨਤੀ ਇਨ੍ਹਾਂ ਵਰਗਾਂ ਦੇ ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਦੇਣੀ ਬਣਦੀ ਹੋਵੇ ਪਰ ਦਿੱਤੀ ਨਾ ਜਾ ਰਹੀ ਹੋਵੇ ਤਾਂ ਅਜਿਹਾ ਕਰਨ ਦੇ ਕਾਰਨ ਸਪੈਸ਼ਲ ਤੌਰ ਤੇ ਦੱਸੇ ਜਾਣ।

(iii) ਕੀ ਰਾਖਵੀਆਂ ਆਸਾਮੀਆਂ ਨੂੰ ਭੀ ਰਿਜ਼ਰਵ ਕਰਨ ਤੋਂ ਪਹਿਲਾਂ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਤੇ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਭਲਾਈ ਵਿਭਾਗ ਦੀ ਪ੍ਰਵਾਨਗੀ ਲੈ ਲਈ ਗਈ ਹੈ? ਨੰ: ਅਤੇ ਮਿਤੀ ਦੱਸੀ ਜਾਵੇ।

5. (1) ਪੈਰਾ (3) ਵਿਚ ਕਥਿਤ ਪੱਤਰ ਦੇ ਪੈਰਾ 2(iii) ਅਨੁਸਾਰ ਸਲੇਬ ਵਿਚ ਸ਼ਾਮਲ ਕੀਤੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਨਾਉਂ

(2) ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਵਿਚ ਉਨ੍ਹਾਂ ਦੀ ਪੰਜੀਬਨ

(3) ਕੀ ਇਹ ਤਜਰਬੇ ਦੀ ਉੱਤੇ (3) ਵਿਚ ਲਿਖੀ ਸ਼ਰਤ ਤੇ ਸਰਵਿਸ ਨਿਯਮਾਂ ਵਿਚ ਦਰਜ ਹੋਰ ਸ਼ਰਤਾਂ ਪੂਰੀਆਂ ਕਰਦੇ ਹਨ ?

(4) ਸਲੈਬ ਵਿਚ ਦਰਸਾਏ ਗਏ ਕਰਮ-ਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਦੀਆਂ ਯੋਗਤਾਵਾਂ/ਤਜਰਬੇ ਬਾਰੇ ਮੁਕੰਮਲ ਮਿਤੀ ਸਹਿਤ ਵੇਰਵਾ ਅਨੁਲੱਗ ਦੇ ਤੌਰ ਤੇ ਜ਼ਰੂਰ ਭੇਜਿਆ ਜਾਵੇ ।

6. ਕੀ ਉਪਰ ਨੰ: (5) ਤੇ ਦਿੱਤੀ ਤਜਵੀਜ਼ ਵਿਚ ਕੋਈ ਅਧਿਲੰਘਣ ਹੈ ? ਜੇ ਹੈ ਤਾਂ ਅਜਿਹੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਨਾਉਂ ਸਣੇ ਉਨ੍ਹਾਂ ਦੀ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਵਿਚ ਪੰਜੀਸ਼ਨ ਦੇ ਅਧਿਲੰਘਣ ਦੇ ਕਾਰਨ ਦੱਸੇ ਜਾਣ ।

7. ਕਮਿਸ਼ਨ ਦੇ ਚਿੱਠੀ ਨੰ: ਤੇ ਮਿਤੀ ਜਿਸ ਰਾਹੀਂ ਅਜਿਹੀ ਆਸਾਮੀ ਲਈ ਆਖਰੀ ਵੇਰ ਪ੍ਰਵਾਨਗੀ ਦਿਤੀ ਗਈ ਸੀ ।

8. (1) ਨੰ: 5(1) ਅਤੇ (6) ਵਿਚ ਦਿੱਤੇ ਕਰਮਚਾਰੀਆਂ ਦੀ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਨਾਲ ਲਾਈਆਂ ਜਾਣ ।

(2) ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਮਿਤੀ ਅੰਤ ਤੱਕ ਹੋਣੀਆਂ ਚਾਹੀਦੀਆਂ ਹਨ ।

(ਕਮਿਸ਼ਨ ਇਸ ਗੱਲ ਤੇ ਜ਼ੋਰ ਦਿੰਦਾ ਹੈ ਕਿ ਤਰੱਕੀ ਲਈ ਜਾਂ ਅਧਿਲੰਘਣ ਲਈ ਤਜਵੀਜ਼ ਕਰਮਚਾਰੀਆਂ ਦੀ ਗੁਪਤ ਰਿਪੋਰਟਾਂ ਉਨ੍ਹਾਂ ਨੂੰ ਘੱਲਣ ਸਮੇਂ ਤਰੱਕੀ ਦੀ ਮਿਤੀ ਤੱਕ ਮੁਕੰਮਲ ਹੋਣੀਆਂ ਚਾਹੀਦੀਆਂ ਹਨ ।)

9. ਕੀ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਨਾਲ ਨੱਥੀ ਹੈ ਜੋ ਹਾਂ ਤਾਂ ਇਹ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਮਿਤੀ ਅੰਤ ਤਕ ਮੁਕੰਮਲ ਹੋਵੇ ਅਤੇ ਇਹ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦੇ ਦਸਖਤ ਅਧੀਨ ਪ੍ਰਮਾਣਿਤ ਹੋਵੇ ।

ਹਸਤਾਖਰ\_\_\_\_\_

ਆਹੁਦਾ\_\_\_\_\_

*Copy of Punjab Government circular U.O. No. 5/6/78-1PP(2360), dated 18th July, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Administrative Secretaries to Government, Punjab.*

*Subject.—Confirmation of Government employees.*

The Administrative Secretaries to Government, Punjab, may kindly refer to Circular letter No. 5/6/78-1PP/35779, dated the 13th November, 1978, in which the departments were requested to take up immediately, cases of Government employees awaiting confirmation and order confirmation of all those who fulfil the requisite conditions.

2. It has again been represented to Government that though permanent posts are available in many departments, confirmation of eligible employees against such posts are not being made. It will be appreciated that such a situation creates discontentment among Government employees and also defeats the purpose of converting temporary posts into permanent ones, to some extent. It is, therefore, requested that the position in respect of each department under their administrative control may be got assessed and confirmation of Government employees ordered, where possible, without delay. For this purpose, intra-departmental meetings may be held periodically with a view to expediting the disposal of such cases.

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*Copy of Punjab Government circular letter No. 13/1/79-2PP/7347, dated 6th August, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Role of oral instructions in the transaction of Government business—Policy regarding.*

I am directed to say that the role of oral instructions in the transaction of business of Government has been specified in sub-rule 2(ii) of rule 3 of the Punjab Government Employees (Conduct) Rules, 1966 which, *inter alia*, provides as under:—

“No government employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except

when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible."

The purport of this rule is that there shall be on record a written direction from the authority under whose orders a particular decision or action is taken. It follows from this that where action is taken in accordance with the direction of the superior officer, it would be the responsibility of the junior officer to obtain such a direction in writing before taking further action, or where this is not practicable, to seek confirmation thereof, immediately, thereafter. In other words, it is the duty of the superior officer giving this direction to confirm it in writing when such a confirmation is sought by his subordinates. It is not open to the superior officer to refuse to confirm in writing the direction given by him orally, just as it is open to him to state immediately that no such direction was given.

2. The Rules of Business of the Government of Punjab contain the following provisions regarding the orders/instructions given by the Ministers while on tour :—

"A Minister shall, while on tour, be competent :

- (a) to give orders relating to his own department to local officers. These orders shall be in writing, and written information regarding them shall be sent to the Administrative Secretary concerned ; and
- (b) in respect of departments not under him on receipt of a petition or a representation, to ask a local officer, to enquire into it and to submit a report about it to his superior officers.

The purport of the above provisions of the Rules of Business is that the orders of the Minister shall be in writing and that the prescribed channels are not to be ignored.

3. With a view to defining and laying down definite guidelines of the role of oral instructions in the transaction of business of the Government, the matter has been carefully examined by the Government in the light of the above provision of rules and also taking

into account the instructions of the Government of India in this behalf issued recently. It has been decided that :—

- (i) oral instructions should not, as far as possible be given by senior officers to their subordinates ;
- (ii) if the oral instructions are given by any senior officer, they should be confirmed by him in writing immediately thereafter ;
- (iii) if a junior officer seeks confirmation of the oral instructions given to him by the senior officer, the latter should confirm it in writing whenever such confirmation is sought ;
- (iv) receipt of communications from junior officers seeking confirmation of oral instructions should be acknowledged by the senior officers or their personal staff, or the personal staff of the Minister, as the case may be ;
- (v) a junior officer who has received oral orders from his senior officer should seek confirmation in writing as early as practicable ;
- (vi) whenever a member of the personal staff of an officer to whom the instructions have been communicated, will invariably get the confirmation of the Minister or the Chief Minister as the case may be, in writing before initiating any action. This confirmation should be made by the Chief Minister/Minister himself and not by a member of the personal staff.
- (vii) if a junior officer receives oral instructions from the Minister or from his personal staff and the orders are in accordance with the norms, rules, regulations or procedures, they should be brought to the notice of the Administrative Secretary or the Head of the Department, as the case may be, for information ;
- (viii) if a junior officer receives oral instructions from the Minister or from his personal staff and the orders are not in accordance with the norms, rules, regulations or procedure, they should seek further clear orders from the Administrative Secretary or the Head of the Department as the case may be, about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedure.

4. The above policy may be brought to the notice of all employees for compliance.

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*Copy of Punjab Government circular letter No. 13/1/79-2PP/7484, dated 9th August, 1979 from the department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Punjab Government Employees (Conduct) Rules, 1966—Provisions relating to (a) general conduct of the employees, and (b) the unauthorised communication of official information.

I am directed to address you on the subject and to say that the Government of India has issued certain clarifications relating to the provisions contained in rules 3 and 11 of the Central Civil Services (Conduct) Rules, 1964. Since the Punjab Government Employees (Conduct) Rules, 1966 contain provisions similar to those of Central Rules, it has been decided to adopt the clarification given by the Government of India. The points and clarifications given are as under :—

- (i) Whether the scope of rule 3(1) of the Punjab Government Employees (Conduct) Rules, 1966, is so wide as to cover all types of cases many of which may be of a trivial nature or based on frivolous complaints ?

Rule 3(1) of the Punjab Government Employees (Conduct) Rules, 1966, provides that a Government employee shall at all times maintain absolute integrity and devotion to duty and do nothing unbecoming of a Government employee. This rule serves the specific purpose of covering acts of misconduct not covered by other specific provisions of the Rules. It is, therefore, necessary that disciplinary authorities should first satisfy themselves that the alleged acts of misconduct do not attract the provisions of any specific rule before taking recourse to rule 3 (1) *ibid*. Where action is taken under rule 3(1) particularly on grounds of unbecoming conduct, special care should be taken to eliminate cases of trivial nature and also should ensure that disciplinary proceedings under rule 3(1) *ibid* are not initiated on grounds which are unjustified.

- (ii) Where action is taken against a Government employee for violation of clause (iii) of rule 3 (1) of the Punjab Government Employees (Conduct) Rules, 1966, should the

acts of misbehaviour on the basis of which disciplinary action is proposed be simultaneously intimated to the Government employee concerned ?

Under rule 8 (3) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, the disciplinary authority is required to draw up, or cause to be drawn up, the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge and a statement of the imputations of misconduct or misbehaviour in support of each article of charge, containing a statement of all relevant facts. Where it is proposed to impose a minor penalty, rule 10 *ibid* provides that the Government employee should be informed in writing of the imputation of misconduct or misbehaviour on which action is proposed to be taken against him. It is evident from those mandatory provisions that it is necessary that the concerned Government employee should be adequately informed of the acts of misbehaviour simultaneously on the basis of which action is proposed to be taken against him.

- (iii) Should Rule 11 of the Punjab Government Employees (Conduct) Rules, 1966, be a bar to communicating routine or statistical information on request by recognised unions and associations of Government employees ?

Rule 11 *ibid* provides that no Government employee shall, without prior permission, communicate directly or indirectly any information to any other Government employee or any other person to whom he is not authorised to communicate such information. When a request is received from recognised unions and associations of Government employees for supplying routine or statistical information, the authority having custody of such information should make it available after satisfying itself that the information is actually relevant to the purpose given by the Union or Association. If the required information is not readily available or it will have to be collected involving time and labour not commensurate with the purpose in view, the Association or Union should be informed accordingly.

- (iv) Is a quotation by a Government employee of the orders in an individual case of a nature similar to his own case prohibited under the Explanation below rule 11 of the aforesaid rules ?

The explanation below rule 11 of the Punjab Government Employees (Conduct) Rules, 1966, provides that quotation by a

Government employee in his representation of or from any letter, circular or memorandum or from the notes from any file to which he is not authorised to have access or he is not authorised to keep in his personal custody or for personal purposes shall amount to unauthorised communication of information. This provision will not apply to quotation by a Government employee of any order passed in the case of another Government employees whose case is similar to his own provided that the quotation in such a case is from the final orders passed and not from the notings on the file.

2. These clarifications may please be brought to the notice of all Government employees for information and compliance.

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*Copy of Punjab Government circular No. 2/13/79-5PP/ , dated August, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Concessions to Home Guards and Civil Defence Volunteers for recruitment to the State Services.

I am directed to say that the State Government had under its consideration for some time past the suggestions made at the Sixth All India Conference of Home Guards and Civil Defence Volunteers held in Delhi during the year, 1976, as also those made by the Government of India for giving preference to the Home Guards and Civil Defence Personnel in matters of recruitment to vocations like the Forest Guards, Police, Watch and Ward, Security, Fire Services, etc. It has been observed that since the Home Guards and Civil Defence Personnel are trained in Rescue, First Aid, Fire fighting, Relief Operations and Welfare Subjects, etc., and the Home Guards Personnel, in addition, are imparted training in P.T., Drill, Weapons Training, Field Craft Guard Duties, Map readings, Law and Order Duties, etc., their recruitment to the afore mentioned service, or posts, in the State would be useful. The Government have, therefore, decided that in Recruitment Rules for the posts/services such as Forest Guards, Fire Services, Watch and Ward, Police etc., where the training/experience of Home Guards and Civil Defence Personnel would be of added advantage to the administration, the service in Civil Defence and Home Guards Organisations should be included as a desirable qualification.

2. Accordingly, I am directed to request you kindly to take immediate steps for amendment of the relevant Service Rules of your Department and of the organisations under your control.

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

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*Copy of Punjab Government circular letter No. 15/7/78-2PP/7186, dated 27th August, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.*—Writing of annual confidential reports of the departmental officers posted at divisional, district and sub-divisional levels by the Commissioners, Deputy Commissioners and Sub-Divisional Officers (Civil) respectively.

I am directed to invite a reference to Punjab Government letter No. 12078-2GS-76/5473, dated the 9th February, 1977, on the subject in which you were requested to supply a list (in the prescribed proforma) of the officers, of your Department functioning at Divisional, District and Sub-divisional levels direct to the concerned Commissioner, Deputy Commissioner, and Sub-Divisional Officer (C) so as to enable them to write the annual confidential reports on such officers. You were also required to ensure that any addition or deletion in the said list was similarly intimated to the concerned Commissioner/Deputy Commissioner/Sub-Divisional Officer (C). It has been observed by the Government that the instructions are not being observed meticulously with the result that the concerned Commissioners/Deputy Commissioners/Sub-Divisional Officers (C) are finding it difficult to write the reports. I am, therefore, directed to request you that the requisite lists may please be sent to them immediately with copies to Government. Further, to keep the concerned Commissioner/Deputy Commissioner/Sub-divisional Officer (C) informed of the posting and transfers of officers of your Department in the Division/District/Sub-Division, you are also requested to send a copy of the posting/transfer orders whenever these are issued, to the concerned Commissioner/Deputy Commissioner/Sub-Divisional Officer (C).

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*Copy of Punjab Government circular letter No. 8/110/78-6PP/8452, dated 1st September, 1979, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—General Election to Lok Sabha, 1979—Restriction on transfer of Government employees.

I am directed to say that consequent upon the dissolution of the Lok Sabha by the President on the 22nd August, 1979, the Election Commission of India has swung into action on a war footing so as to complete the preparation of electoral rolls by the 31st October, 1979 and to conduct the general election to the Lok Sabha in November-December, 1979 for constituting a new House. With a view to achieving this end, the Election Commission has urged the State Government for help and co-operation in respect of the following matters :—

- (i) Imposing a complete ban on transfers of officers actually connected or likely to be associated with the conduct of these elections till the end of December, 1979.
- (ii) Circumspection in the matter of grant of leave to all these officers so that the election work may not suffer in any manner; and
- (iii) Employment of staff of various Government Departments and local bodies like Teachers, Clerks etc. at the disposal of the election authorities for completion of the gigantic task of enumeration by house to house visits within 20 days even if it would mean temporary inconvenience and dislocation to their regular work.

2. A complete ban on mid-term transfer of Punjab Government employees except with the prior approval of the Chief Minister through the Department of Personnel and Administrative Reforms has already been imposed,—*vide* Punjab Government letter No. 8/20/79-PP/1757, dated 19th April, 1979. This ban should be strictly adhered to. No Government employee should be transferred under any circumstances except with the prior written approval of the Chief Minister. In case a transfer becomes unavoidable on account of promotion or disciplinary proceedings or other eventualities mentioned in sub-para (IX) of Punjab Government circular letter No. 2786-6PP-78/12136, dated 14th April, 1978, prior written approval of the Chief Minister will not be necessary, provided such a transfer does not involve the transfer of any other employee.

3. It has also been decided that all possible help/co-operation may be extended to the Chief Electoral Officer, Punjab in respect of all matters connected with the ensuing Lok Sabha General Election so that these elections are conducted as scheduled to the fullest satisfaction of all concerned.

4. These instructions may be brought to the notice of all concerned working under you for strict compliance.

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

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*Copy of Punjab Government circular letter No. 15/12/79-2PP/8519, dated 4th September, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Writing of Annual Confidential Reports—Recording of "No remarks" by the higher authority.*

I am directed to say that in the annual confidential reports if the final authority records the words "No remarks", "Seen" or simply appends his signatures, the view is generally taken that the remarks recorded by the lower authority stand. It is not interpreted that the remarks of the lower authority get nullified or expunged, whether good or bad. However, a case has come to the notice of the Government where the first reporting authority recorded some adverse remarks and the higher authority recorded 'No remarks'. When the comments of that authority were called for on the representation of the officer, the higher authority sent a reply that the words "No remarks" recorded by it meant that the adverse remarks of the first reporting authority had been washed out.

2. In order to clarify the position, the following relevant extracts from the instructions contained in Punjab Government circular letters quoted in brackets are reproduced :—

*"Para-10—Explanatory Notes".*

X X X X X X  
 "Where, however, an adverse remark has not specifically been denied by a higher authority, it should be conveyed. It is, however, open to that authority to decide

that any adverse remarks need not be communicated x  
x x x x x

(No. 2334-ASI-60/15708, dated 3rd May, 1960.)

"(iii) Where two reporting authorities recommended 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 recommendation of the lower authority, no letter of appreciation should be issued."

(No. 3270-ASI-65/11454, dated 3rd April, 1965.)

In the face of the above provisions, there can be no two opinions about the correct meaning of the higher authority's words 'No remarks'. Nevertheless, in order to put the matter beyond any shadow of doubt, I am directed to clarify that the recording of the words 'No remarks' by the higher/highest authority does not mean that the remarks of the first or second reporting authority cease to exist. On the other hand, they mean that the higher/highest authority agrees with the remarks or has no reason to differ from them, whether good or bad, recorded by the lower authority/authorities.

3. These instructions may please be brought to the notice of all the officers/officials working under you for information and guidance.

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*Copy of Punjab Government circular letter No. 1/16/79-5PP/8596, dated 6th September, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Age concession to candidates detained under MISA or arrested under Defence and Internal Security of India Act who were then within the normal age limits for employment under the State Government.

I am directed to say that it was represented to the Government that the upper age limit may be relaxed for purposes of admission to examinations conducted by the Punjab Public Service Commission, the Punjab Subordinate Services Selection Board, and other

authorities, in the case of persons who had been arrested, detained or imprisoned on account of their alleged political activities or association with the erstwhile banned organisations during the period of Internal Emergency from the 25th June, 1975 to the 21st March, 1977, and were thus deprived of an opportunity for taking the competitive examination for appointment to Government service. After a careful consideration of the matter, it has been decided by the Government that age concession should be given to such candidates subject to the fulfilment of certain conditions. The detailed criteria and procedure for the grant of age relaxation in such cases are indicated below :—

*Ground on which age relaxation will be granted :—*

To be eligible for concession of relaxation of the upper age limits for admission to an examination conducted by the Punjab Public Service Commission/Punjab Subordinate Services Selection Board, or other authorities under the Punjab Government for appointment to a service or post under the Punjab Government, a candidate must establish that :

- (a) He was detained under the Maintenance of Internal Security Act or was arrested under the Defence and Internal Security of India Act, 1971 or Rules thereunder during the period of Internal Emergency between 25th June, 1975, and 21st March, 1977, on account of alleged political activities which resulted in his being deprived of an opportunity for taking the competitive examination;
- (b) At the time he was so prevented from taking such an examination he was eligible and within the normal age limits prescribed for the service or post.

A candidate who fulfils the above conditions of eligibility, but exceeds the prescribed age limit on the relevant date stipulated for any examination conducted in the years 1978 and 1979 will be allowed one chance in respect of each recruitment/examination subject to the following conditions :—

- (i) He should not have availed of all the chances he was entitled to at the time he applies for the examination seeking relaxation of age limit under this scheme;
- (ii) He should not have sat for (i.e., he should have foregone) at least one recruitment examination between June, 1975 to March 1977, for which he was actually eligible and within age limits under the normal rules.

This concession will not be available for admission to any examination which may be held after the 31st December, 1980.

*Proof of detention under MISA or arrest under the Defence and Internal Security of India Act, 1971 or Rules thereunder during the Emergency.*

A candidate who claims the concession for relaxation of age limits should along with his application for admission to any competitive examination held by the Punjab Public Service Commission/Punjab Subordinate Services Selection Board or other Punjab Government authority, in response to an announcement for the examination made by such authority, (i) a certificate from the detaining authority under his seal stating that the candidate had been detained under Maintenance of Internal Security Act, or (ii) a certificate from the Sub-Divisional Magistrate having jurisdiction in the area stating that the candidate had been arrested under the Defence of India Act, 1971 or rules thereunder specifying the dates between which he was imprisoned and certifying that the imprisonment was in pursuance of the candidate's political affiliations or activities or his association with the erstwhile banned organisations.

#### *General*

The Punjab Public Service Commission or the other concerned authority etc. will take into consideration the certificate and the details furnished by the candidate while deciding whether the age relaxation in favour of the applicant is admissible. Their decision in regard to the eligibility of the candidate for age relaxation under these provisions would be final and no appeal will lie to any other authority in this regard.

2. When there is no provision for relaxation of the requirements of any of the rules in the services rules, it would not be possible to grant any such concession through these instructions, and the Departments concerned shall have to amend or modify the Departmental Service rules so as to bring the decisions contained in this circular in consonance with Law, and to implement them. All requisitions for recruitment to various services presently pending with the Punjab Public Service Commission or the Subordinate Services Selection Board or any other recruiting authority of the Government may also be modified on the above lines immediately

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*Copy of Punjab Government circular letter No. 15/7/78-2PP/9027, dated 14th September, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Writing of annual confidential reports of the departmental officers posted at divisional, district and sub-divisional levels by the Commissioners, Deputy Commissioners and Sub-Divisional Officers (Civil) respectively.

I am directed to say that in Punjab Government circular letter No. 12078-2GS-76/5473, dated 9th February, 1977, on the subject noted above, In which you were requested to supply lists of the officers of your Department functioning at Divisional, District and Sub-divisional levels direct to the concerned Commissioner, Deputy Commissioner and Sub-Divisional Officer (Civil) so as to enable them to record their remarks in the annual confidential reports on your officers in respect of the following aspects of their work :—

- (i) reputation for honesty ;
- (ii) relationship with public ; and
- (iii) implementation of departmental schemes and policies of Government.

Further instructions were issued in circular letter No. 15/7/78-2PP/7136, dated 27th August, 1979, that in order to ensure the meticulous observance of the instructions, the concerned Commissioner/Deputy Commissioner/Sub-Divisional Officer (Civil) should be kept informed of the posting and transfer of officers of your Department.

2. I am now directed to say that in case a proforma has been prescribed for recording the annual confidential reports on the Officers of your Department as should be the case, it may please be modified so as to provide a place for the recording of remarks by the Commissioners, Deputy Commissioners and S.D.Os (Civil). This work may please be completed at the earliest and a copy of the proforma so modified should be furnished to this Department for information and record.

3. I am further to request that you should obtain the remarks on your field officers from the concerned Commissioner/Deputy Commissioner and S.D.O. (Civil) and place them on the ACR files of the pertinent officers of your Department without fail. Without these remarks, the ACRs would not be treated as complete.

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*Copy of Punjab Government circular letter No. 14/36/78-2PP/9342, dated 21st September, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Suspension of Government Employees—Review of the general policy.

I am directed to invite your attention to Punjab Government Circular letter No. 1270-2PP-78/15809, dated 16th May, 1978, on the subject noted above, which laid down that in a case where charge-sheet is not served within 3 months from the date of suspension of a Government employee or where final decision cannot be taken within a period of one year from the date of Suspension, the employee concerned should be eligible for re-instatement. A question has arisen as to what should be done in a case where the Vigilance Department is unable to put up a challan in a competent Court of Law against an employee even after a year of his suspension.

2. In this connection, it is pointed out that sub-rule (5) (c) of rule 4 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 provides that an order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate. This means that there is no legal bar to re-instate an employee under suspension even if the disciplinary proceedings/criminal case/police investigation have not been completed. Further the Inspector General of Police Punjab has laid down specific outer limits of period for expeditious investigation of criminal cases registered against the Government employees as under :—

- (a) for all types of ordinary criminal cases.....4 months.
- (b) for complicated criminal cases.....6 months, with the approval of D.I.G.
- (c) for extraordinarily complicated cases ..... over 6 months with the approval of I.G. Police.

This Schedule was circulated to you,—vide P. G. letter No. 8946-2SII-74, dated 1st January, 1975.

3. Taking into account the above position, it has been decided by Government that where an employee is deemed to have been

placed under suspension under rule 4(2) *ibid* on account of his detention in custody for a period exceeding forty-eight hours, or where the employee is placed under suspension on account of a case against him in respect of any criminal offence under investigation or inquiry by the Police, and the Vigilance Department/Police authorities fail to put up a challan in the Court of Law within six months of the date of suspension of the employee concerned, he should be eligible for re-instatement subject to the condition that if there is a *prima-facie* case for his dismissal or removal from service or where his continuance in service is likely to cause embarrassment, and hamper the investigation process, he may not be re-instated.

4. The above clarification may be brought to the notice of all concerned for strict compliance.

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*Copy of Punjab Government circular letter No. 16/3/78/2PP/11297, dated 15th November, 1979, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject:**—Treatment of the period intervening between the date of premature retirement and the date of re-instatement in Service—policy regarding.

I am directed to say that in Punjab Government letter No. 6106-2GS-76, dated 27th August, 1976, it was laid down *inter alia* that the period of absence from duty, i.e., from the date of premature retirement till the date of resumption of duty in the case of an employee who is re-instated in service, may be regulated according to rules, 4.20, 4.22 and 4.23 of the Punjab C.S.R., Volume II. With a view to laying down a uniform policy in the matter and after taking into account the policy of the Government of India, it has now been decided by the Government that the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty or as leave of the kind due and permissible or *dies non*, as the case may be, taking into account the merits of each case. The earned leave due and admissible is indicated in Rule 8.116 of Punjab C.S.R., Vol. I, Part I. After a Government employee is allowed leave due and admissible to him under rule 8.116 *ibid*, he can also be allowed half pay leave, extraordinary leave due and admissible to him in continuation of the earned leave.

2. Further, in the case of employees who had been prematurely retired on grounds of inefficiency and by the time the higher authority to consider the representations against such premature retirement came to the conclusion that the premature retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated Government employee notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, or as leave of the kind due and admissible or *dies non*, as may be considered appropriate by the competent authority.

3. The cases which have already been decided need not be reopened and the pending cases may be decided in the light of these instructions.

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*Copy of Punjab Government circular letter No. 13/7/79-2PP/11533, dated 22nd November, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Holding of elective Offices in Sports bodies by Government employees—Instructions regarding.

I am directed to say that it has been observed that many Government Officers/Officials have been holding Offices in sports bodies at the National or State level for a number of years. The Government of India has already prohibited the Officers of the All-India Services from holding any elective office in such bodies without the prior sanction of the Government.

2. Taking into account the policy of the Government of India, the State Government has decided that a Government employee shall not seek election to any elective office without the previous sanction of the Government. Ordinarily, a Government employee should not be permitted to accept an elective post in an organisation, like the Sports Control Board at National or State level unless the election is likely to be unanimous. Even after such a election he should not ordinarily be permitted to hold such an office for more than one term or for a period exceeding four years, whichever is less. Before granting sanction of the Government to an employee for this purpose, the concerned department may seek the views of the Department of Sports regarding the interest and other qualifications of the employee concerned in the Games/Sports in which he intends to be an office-bearer.

3. A formal amendment to the Punjab Government Employees (Conduct) Rules, 1966, will be issued separately in due course.

4. These instructions should be observed strictly.

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*Copy of Punjab Government circular letter No. 20/26/79-(4PP)/11655, dated 27th November, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.*—Submission of representations and advance copies thereof by Government employees in respect of matters connected with their conditions of service.

I am directed to invite a reference to Punjab Government circular letter No. 6936-SII(33)-73, dated 22nd October, 1973, laying down the procedure for the submission of representations and advance copies thereof by Government employees in respect of matters connected with their conditions of service. In para 1 (g) thereof, it was clarified that 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.) and that Government employees who did not observe these instructions would be liable to disciplinary action in terms of Punjab Government circular letter No. 7398-SII (3)-71, dated 15th December, 1971.

2. I am now directed to clarify that submission of representations and advance copies, thereof, by Government employees direct to the Punjab Public Service Commission/Subordinate Services Selection Board collectively or to Chairman/individual member would also be considered as an act meriting disciplinary action.

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

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*Copy of Punjab Government circular letter No. 13/28/79-PP/11711, dated 28th November, 1979 from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Guidelines for the conduct of the Government employees in relation to the forthcoming General Elections to the Lok Sabha.

I am directed to say that the General Election (Midterm) to the Lok Sabha will be held in the month of January, 1980 and the notification calling the General Election will be issued in the beginning of December, 1979. In relation to the last general elections held in March, 1977, instructions regarding the conduct of Government employees during elections were issued by the State Government,—vide Circular letter No. 57(GOI)-2GS-77, dated 3rd, February, 1977. These instructions stressed that all government employees should maintain an attitude of strict impartiality.

2. The Government employees should not only be impartial but should also appear to be impartial in relation to the elections. In short, they are required so to conduct themselves as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favouring any party or any candidate. They are not expected to take any part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual or group as against another.

3. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government officers should not themselves organise any election meeting or be present in person during any such meetings, except for only such officers who may have to be present to the extent necessary for maintaining law and order and making the necessary security arrangements. The question as to whether a public meeting addressed by a Minister was officially sponsored or was one held for election propaganda has to be decided by the Minister himself. If the meeting is an election meeting, the arrangement for organising it is not to be made by Government employees on the Minister's behalf and the expenditure in that connection is to be borne by him or his party. It is further made clear that a public

meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

4. In this connection, I am also to enclose a copy of the Government of India, Ministry of Home Affairs Office Memorandum No. 25/44/49-Ests. dated 10th October, 1949, which clarifies the position regarding the participation of Government employees in political activities vis-a-vis the attendance by the Government employees at political meetings for your information. The contents of the said Office Memorandum may also be brought to the notice of all Government employees for their guidance.

5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and the same hour, the party which applies first should be given preference.

6. Further, your attention is specially invited to the provisions of section 134-A of the Representation of the People Act, 1951, which reads as follows :—

**"134-A PENALTY FOR GOVERNMENT SERVANTS FOR ACTING AS ELECTION AGENT, POLLING AGENT OR COUNTING AGENT.**

If any person in the service of the government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both."

7. In this connection, I am also to invite your attention to rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 which, *inter alia*, prohibits the Government employees from taking part in politics and elections.

8. I am, therefore, directed to request you to bring these instructions to the notice of all Government employees working under your control and to ensure meticulous compliance thereof during the forthcoming Lok Sabha Elections. Any disregard of these instructions would be considered by the Government as a serious act of indiscipline. In cases of doubt, a Government employee should not hesitate to consult his superior officer.

The above instructions are only illustrative and not exhaustive.

COPY

No. 25/44/49-Ests.  
Government of India  
Ministry of Home Affairs

New Delhi, the 10th  
October, 1949.

OFFICE MEMORANDUM

*Subject.*—Participation by Government servants in political activities—Attendance by Government servants at political meetings.

Attention is invited to the Ministry of Home Affairs' Office Memorandum No. 25/44/49-Ests., dated the 17th September, 1949, dealing with the scope of Rule 23(i) of the Government servant's Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government servant at public meeting organised by political parties would amount to participation in a political movement within the meaning of the Rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph 1 viz :—

- (i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and
- (ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action :—

- (1) Attendance at meetings organised by a political party would always be contrary to Rule 23(i) of the Government

Servants Conduct Rules unless all the following conditions are satisfied :—

- (a) that the meeting is a public meeting and not in any sense a private or restricted meeting;
- (b) that the meeting is not held contrary to any prohibitory order or without permission where permission is needed; and
- (c) that the Government servant in question does not himself speak at, or take active or prominent part in organising or conducting the meeting.

(2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation in a political movement, *frequent or regular* attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathiser of the aims and objects of that party and that in his official capacity he may favour or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

(3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic rights e.g. the right to vote at elections to Legislatures or Local Self-Government institutions.

3. I am to request that Government servant under the control of the Ministry of Finance etc. may be informed accordingly.

Sd./—S. B. BAPAT,  
Joint Secretary to the Government of India.

To

All Ministries of the Government of India etc., etc.

*Copy of Punjab Government circular letter No. 14/35/78-2PP/11743, dated 28th November, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Punjab Civil Services (Punishment and Appeal) Rules, 1970—Question whether retired Government employees can be allowed to assist Government employees involved in disciplinary proceedings.

I am directed to say that rule 8(8) of the Punjab Civil Services (Punishment and Appeal) 1970 provides that a Government employee involved in disciplinary proceedings may take the assistance of any other Government employee to present the case on his behalf. The question whether a Government employee involved in disciplinary proceedings can be allowed to take assistance of a retired Government employee to present his case on his behalf has been considered by the Government. Taking into account the policy of the Government of India in the matter, it has been decided that a Punjab Government employee involved in disciplinary proceedings may also take the assistance of a retired Government employee subject to the following conditions :—

- (i) The retired Government employee concerned should have retired from service under the State Government.
- (ii) No retired Government employee can take up more than three cases at a time. At the time of appearance before the inquiry officer, the retired Government employee should certify that he has not more than three cases in hand at that time.
- (iii) A retired Government employee can not assist a Government employee in disciplinary proceedings after the expiry of three years from the date of his retirement. The retired Government employee should produce before the Inquiring Officer, a declaration regarding the date of his retirement.
- (iv) If the retired Government employee is also a legal practitioner, the restrictions on engaging a legal practitioner by a delinquent Government employee to present the case on his behalf, contained in rule 8(8) of the Punjab Government Employees (Punishment and Appeal) Rules, 1970 would apply.

3. The formal amendment to the Punjab Civil Service (Punishment and Appeal) Rules, 1970 to give effect to the above decision will be issued separately.

4. These instructions may please be brought to the notice of all the employees for their information.

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*Copy of Punjab Government circular letter No. 15/16/79-2PP/11933, dated 5th December, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Deputy Commissioners in Punjab and copy of all Heads of Departments etc., etc.*

**Subject.**—Writing of confidential reports—Work connected with Lok Sabha Elections.

I am directed to say that in Punjab Government Circular letters noted in the margin, the Divisional Commissioners, Deputy Commissioners and Sub-Divisional Officers(C) were authorised to write annual confidential reports of the departmental officers at divisional, district and sub-divisional level respectively, on the following aspects of their work :—

(i) Reputation for honesty ;

(ii) Relationship with public ;

(iii) Implementation of development schemes and policies of Government.

1. No. 14102/  
GI-57/22998.  
dated 15th  
November, 1957.  
2. No. 10542-  
GII-59/26741.  
dated 17th  
December, 1959.  
3. No. 6780-  
SII(1)69/28237  
dated 28th  
November, 1989

2. The Election Commission of India has desired that for the effective control and supervision of Election work, the entries may be made in the Annual Confidential Reports of the State Government Officers/Officials appointed as election authorities in so far as their work connected with the elections is concerned. It has been decided that at the time of recording the views in the A.C. Rs., in pursuance of above mentioned instructions, the Deputy Commissioners will also make a mention in the annual confidential reports about the performance of the departmental officers at district level put on Election duty in connection with the coming Lok Sabha Election. These remarks will be covered under the broad category (iii) mentioned in paragraph 1 above.

3. Kindly ensure meticulous compliance of these instructions.

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*Copy of Punjab Government circular U.O. No. 10/81/79-2GE, dated 6th December, 1979, from the Department of Personnel and Administrative Reforms addressed to all Administrative Secretaries to Government, Punjab.*

**Subject.**—Procedure to be followed in cases of difference of opinion between a Department of Government and the Punjab Public Service Commission.

Article 320 of the Constitution of India, *inter alia*, provides that the State Public Service Commission is to be consulted—

- (a) on all matters relating to methods of recruitment to civil services and for civil posts ;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers ;
- (c) on all disciplinary matters affecting a person serving under the Government of a State in a civil capacity, including memorials or petitions relating to such matters.

The Punjab Public Service Commission (Limitation of Functions) Regulations, 1955 (as amended from time to time) which were framed under proviso to Article 320(3) of the Constitution specify cases it is not necessary to consult the Commission.

2. According to the procedure prescribed in paragraphs 19—21 (Part IV-B) of the Regulations and Instructions governing the work of the Punjab Public Service Commission, all cases in which there is a difference of opinion between a Department of the Government and the Commission, are to be referred to the Chief Minister through the Chief Secretary (in the Services Departments—now Department of Personnel and Administrative Reforms). This procedure was prescribed to ensure uniformity of practice and that the Punjab Public Service Commission is duly consulted in all cases in which such consultation is necessary. Since the Department of Personnel and Administrative Reforms, apart from being the administrative department of the Punjab Public Service Commission, is also assigned with the work of framing policy on all matters relating to recruitment, promotion, transfer, punishment, appeal etc., it could judge in a better way whether the advice/opinion given by the Commission in a particular case of recruitment, promotion, punishment etc is appropriate or not.

3. For sometime past, it has been observed that the procedure outlined above is not being followed by the various departments and cases of difference of opinion between the Departments and the Commission are not submitted to the Chief Minister through the Chief Secretary (in the Department of Personnel and Administrative Reforms). It is, therefore, requested that it may be ensured that the procedure detailed in paragraphs 19—21 (Part IV) of the Regulations and Instructions governing the work of the Punjab Public Service Commission is invariably followed and all cases where there is a difference of opinion between the Department and the Punjab Public Service Commission are referred to the Chief Minister through the Chief Secretary (in the Department of Personnel and Administrative Reforms).

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*Copy of Punjab Government circular U.O. No. 13/28/79- PP, dated 6th/7th December, 1979, from the Department of Personnel and Administrative Reforms, addressed to all Administrative Secretaries to Government, Punjab.*

*Subject.—Guidelines for the conduct of the Government employees in relations to the forthcoming General Elections to the Lok Sabha.*

In this Department's Circular letter No. 13/28/79-PP/11711, dated the 28th November, 1979, guidelines were conveyed to all Heads of Departments, Commissioners of Divisions, etc., with copies to all Administrative Secretaries, that Government employees must maintain an attitude of strict impartiality during the coming Lok Sabha Elections. In this connection, it has further been decided that officers of Government who are concerned with the recruitment of personnel in autonomous and semi-autonomous bodies like Corporations, Cooperative Societies and institutions, Municipal Corporation, Municipal Committees etc., should also conduct themselves in a very impartial manner and should not give rise to the impression that in making recruitment, they have favoured members of any group or community. In order to guard against an adverse presumption, it is necessary that all officers of Government concerned with recruitment of personnel in Corporations and autonomous bodies must maintain an attitude of strict impartiality.

2. It is requested that suitable instructions on these lines may be issued to the concerned officers in the Corporations and autonomous bodies under the control of the respective Administrative Departments.

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Copy of Punjab Government Circular letter No. 14/35/78-2PP/11930, dated the 7th December, 1979, addressed to all Heads of Departments, Commissioners of Divisions, Registrar, Punjab and Haryana High Court, Deputy Commissioners, Sub-Divisional Officers (Civil) and Administrative Secretaries to Government, Punjab.

**Subject.**—Punjab Civil Services (Punishment and Appeal) Rules, 1970—Minimising delay in the finalisation of disciplinary cases.

I am directed to say that in Punjab Government Circular, letter No. 234-(GOI)-2SII-75/35048, dated the 4th/8th September, 1975, certain guiding principles were *inter-alia* laid down for the expeditious finalisation of disciplinary cases against the Government employees. However, it is felt that disciplinary proceedings are very often inordinately delayed. One of the reasons is that time limits for completing certain stages of inquiry into charges against a Government employee as laid down in sub-rules (7) and (11) of rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 are not strictly followed. The following guidelines may, therefore, be kept in view so as to ensure the expeditious disposal of disciplinary cases.

2. Sub-rule (7) of rule 8 *ibid* provides that a Government employee shall be required to appear in person before the Inquiry Authority at any time prescribed after the expiry of 10 working days from the date of the receipt of the charge-sheet. It would, therefore, be justified if the charged employee is given not more than 10 days for submitting his written statement of defence in reply to the charge-sheet under sub-rule (4) of rule 8 *ibid*.

2.1. The Statement of defence under rule 8 (4) *ibid* is expected to be limited simply to admitting or denying the charges communicated to the employee, and for such admission or denial, inspection of documents is not necessary. Therefore, a request for inspection of documents at this stage made by the delinquent employee may not be accepted and it may be explained to the employee that he would get full opportunity to inspect the listed documents during the course of inquiry as per rule 8(11) *ibid*.

2.2. Although no time-limit as such has been stipulated for the submission of the report by the Inquiry Officer after completion of the oral inquiry, ordinarily it would be possible for an Inquiry Officer to submit the inquiry report within a period of one month from the conclusion of the inquiry proceedings.

2.3. If these time-limits and principles are assiduously observed, the period from the date of serving a charge-sheet in a disciplinary case to the submission of the report by the Inquiring Officer should ordinarily not exceed six months as laid down in Punjab Government Circular letter No. 12277-V(I)-59/13470, dated the 10th September, 1959.

3. After the submission of the Inquiry Report by the Inquiry Officer, where the punishing authority is competent to impose any of the minor penalties but not competent to impose any of the major penalties, comes to the conclusion that a major penalty may be imposed on an employee, he shall forward the records of the inquiry to such punishing authority as is competent to impose any of the major penalties under rule 8 (21) *ibid* within one to one and a half months from the receipt of the inquiry report. In cases where consultation with the Public Service Commission is necessary under the rules, a reference to the Commission may be made for its advice within one to one and a half months of the receipt of the inquiry report.

4. It is important not only for improving the discipline in the offices and the maintenance of integrity in the public services, but also for the morale of the public servants, particularly those involved in disciplinary cases, that such cases are finalised with the utmost speed. I am, therefore, directed to stress the need for prompt action at all stages of the disciplinary proceedings as stated above with a view to ensuring their expeditious finalisation. Where a case is delayed at a particular stage beyond the time-limit stipulated for that stage, a statement of reasons for the delay should be submitted to the next higher authority for such action as may be considered necessary to process the case expeditiously.

5. The above instructions may kindly be noted for careful observance by all concerned.

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Note :—Copy of Punjab Government Circular letter No. 234-(GOI)-2SII-75/35048, dated 4th/8th September, 1975, is enclosed as it was not printed in the previous Manual of Instructions on Service Matters.

Copy of Punjab Government Circular Letter No. 234-(GOI)-2SII-75/35048, dated the 4th/8th September, 1975 from Chief Secretary to Government, Punjab to all Heads of Departments, etc., etc.

Subject.—Punjab Civil Services (Punishment and Appeal) Rules, 1970—Instructions regarding principles to be followed in dealing with departmental enquiries.

I am directed to address you on the subject noted above and to say that in connection with the departmental enquiries against Government employees it is felt that there might be misunderstanding about the "standard of proof" required for establishing the charge. The Supreme Court in its judgment in the Civil Appeal No. 1758 of 1970 (Decided on 28th October, 1971). Case of Union of India versus Sardar Bahadur (1972) has categorically laid down as under :—

"A disciplinary proceedings is not a criminal trial. The standard of proof required is that of preponderance of probability and not proof beyond reasonable doubt."

The above principle decided by the Supreme Court should invariably be kept in view while dealing with disciplinary cases against the Punjab Government employees.

2. In the present circumstances when in the context of emergency it is most desirable that disciplinary action against Government employees is finalised without any unnecessary delay, it is considered expedient to take note of various factors which contribute to undue delay and faulty disposal of departmental enquiries. The Government of India have laid down certain guiding principles for their various Departments to avoid procedural delay in disposal of cases of discipline. On the lines of the said guiding principles, the following points are brought to the notice of all Departments :—

- (a) The procedure prescribed in Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 is applicable only to cases in which the charges are so serious as to call for one of the major penalties, i.e., Dismissal, Removal or Reduction in the rank, etc. A more summary procedure is already available for less serious charges. Enquiries in such cases should be ordered only where it is considered very essential and where facts of the case are not otherwise sufficient to justify imposition of a minor penalty within the terms of Rule 10 of the Rules

*ibid*, read with P.G. Circular letter No. 7028-SII(3)-71/30619, dated 24th November, 1971. The provisions of Rule 8 of the Rules *ibid* are merely designed to ensure compliance, with a salutary principle of justice and public policy which has also been incorporated in Article 311 of the Constitution of India, viz., that no man should be condemned or punishment without being allowed a reasonable opportunity to defend himself. The prescribed procedure, therefore, requires that the officer concerned should be told in the form of written charges exactly what he is alleged to have done and on what evidence, oral or documentary the allegations are based in order that he may have an opportunity to inspect the documentary evidence, to test the oral evidence by cross-examination and to furnish such evidence as he may wish to adduce in his own defence. If, as a result of the enquiry it is decided that the Government employee concerned should be dismissed, removed or reduced in rank, he has to be given a further opportunity to show cause, if any, against the actual punishment proposed. Any opportunity short of this would amount to a denial of the reasonable opportunity which is guaranteed by Article 311.

(b) There is, however, nothing in these minimum requirements which must necessarily lead to protracted proceedings or to a failure to secure just punishment to the accused. The officer conducting a departmental enquiry has to hold the balance even between the interest of the State and the avoidance of injustice to the employ concerned. He is free to take a responsible, reasonable and prudent view of the facts and the circumstances of the case and is not bound by the rigid limitation regarding the admissibility of evidence and the degree of proof applicable to prosecutions before Criminal courts. Provided the Inquiry Officer gives the necessary time and effort, confines his attention to the main points at issue and firmly resists any attempt by the accused employee to introduce irrelevancies or to adopt deliberate dilatory tactics, there is no reason why satisfactory expedition in disposal should not be achieved in all cases without departing from the prescribed procedure.

(c) The various factors which may contribute to undue delay and faulty disposal of disciplinary cases are :—

(i) Officers conducting the departmental enquiries may be so preoccupied with other duties that they can only

spare a few hours at a time at long intervals for the enquiry itself.

- (ii) Unfamiliarity with the procedure or inadequate appreciation of the difference between a departmental enquiry and a trial in a Criminal Court, may lead to over-elaboration, or lack of firmness dealing with dilatory tactics.
- (iii) Avoidable delay may sometimes occur at the stage when the enquiry officer has submitted his report and the appropriate authorities have to make up their minds whether the findings are to be accepted and if so what the punishment should be.
- (iv) Where, under the rules consultation with the Punjab Public Service Commission is necessary some undue delay may occur in making the reference to the Commission, and in the consideration of the case by that body.

3. The delay caused by excessive pre-occupation or unfamiliarities with the procedure could be easily avoided by adopting the following measures :—

- (i) In each Department according to the volume of work, a penal of officers may be made or the officers nominated who have sufficient back-ground and knowledge of the procedure of the departmental enquiries/disciplinary cases. The services of such officers, should be utilised for departmental enquiries. Particular care may be taken not to entrust inquiries to the persons having no sufficient knowledge about the procedure of inquiries.
- (ii) If in a case it is considered necessary that the work load on account of an important enquiry entrusted to such an officer is excessive the desirability of relieving temporarily such an officer of some or all of his normal duties may be considered. The period for which such an arrangement is necessary to be continued would of course, be decided by the competent authority who would also make local arrangements for disposal of the work.
- (iii) The Inquiry Officer so appointed should familiarise himself with the rules and essential procedural requirements and appreciate the difference between departmental enquiries and trials in the Criminal Courts, especially in

the context of the Supreme Court Judgment quoted in para 1 above. A close personal contact with Services Department in regard to the points of doubt arising out of Punjab Civil Services (Punishment and Appeal) Rules, 1970 and with the Vigilance Department where any general matter concerning inquiry by the said Department is communicated, when the case under inquiry is with the Inquiry Officer, will enable the officers to resolve any doubts or difficulties which may arise.

(iv) As regards the causes of delay mentioned in (iii) and (iv) of para 2(c) above much improvement will be effected if,

(a) it is impressed upon all concerned that both public interest as well as humanitarian consideration demand that no avoidable delay should occur in the disposal of disciplinary cases; and

(b) any failure to give such cases due priority is itself regarded as a dereliction of duty and should be suitably dealt with.

(v) As to the possibility of delay occurring in the consideration of the case and tendering of their advice by the Public Service Commission, the procedure laid down in P.G. letter No. 7532-DSSH(2)-73, dated the 9th November, 1973, if meticulously followed would ensure expeditious action on the part of the Commission.

4. The above instructions may kindly be noted by all concerned for careful compliance.

5. Kindly acknowledge receipt.

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Copy of Punjab Government circular letter No 13/29/79-2PP/12528, dated 19th December, 1979, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.

Subject.—Collection of funds by Government employees prohibition on.

I am directed to say that complaints have been received from certain quarters that Government machinery is being used for the

collection of funds for the Red Cross. Some senior officers have also been reported to be associating themselves with collection of funds by organizing Wrestling matches, music functions etc., ostensibly with the object of collecting funds for providing relief to sufferers of natural calamities. In this connection, attention is invited to rule 10 of the All India Services (Conduct) Rules, 1968, and rule 12 of the Punjab Government Employees (Conduct) Rules, 1966, which lay down that no government employee shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of any fund, or any collection in cash or kind, in pursuance of any objective whatsoever. Specific instructions forbidding the collection of funds for the Red Cross were issued many times in the past, the latest bearing No. 2/48/78/Pol (1), dated 29th November, 1978.

2. I am directed to request that the provisions of the rules and instructions quoted above may be specifically brought to the notice of every employee working under your control. It shall be the duty of every Head of Department/Head of Office to ensure that these instructions are scrupulously observed by every employee in letter and spirit. If any breach thereof comes to the notice of Government, a very strict view of the matter will be taken and the defaulting employee shall render himself liable to severe disciplinary action.

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Copy of Punjab Government circular letter No. 7/15/19-2PP/51 dated 2nd January, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc. etc.

**Subject.**—Grant of one premature increment to the non-Gazetted employees who did not participate in the strike on 8th February, 1978.

I am directed to say that the Punjab Government circular letter No. 1548-2PP-78/, dated 16th June, 1978, a decision was conveyed, *inter-alia* for the grant of one premature increment to those non-gazetted employees who did not participate in the strike on 8th February, 1978. It was stated therein that the grant of the premature increment will not mean crossing of efficiency bar automatically in cases where the grant of this increment would involve crossing of Efficiency Bar, but it will be released after the final decision in the prescribed manner in regard to the crossing of efficiency bar was taken.

2. A question has arisen as to how to regulate the grant of the premature increment with effect from 8th February, 1978, in the case of an employee who was not allowed to cross the efficiency bar from the due date, which either fell before or immediately after 8th February, 1978, on account of his being not fit to cross the efficiency bar, and he also remained held up at the efficiency bar for a specific period which extended beyond 8th February, 1978. The matter has been considered by Government and taking into account the legal complications in allowing the premature increment with effect from 8th February, 1978, in such cases, it has been decided that the premature increment may be granted from the date the employee is allowed to cross the stage of efficiency bar by the competent authority. However, no arrears will be paid from 8th February, 1978, to the date of actual crossing of the efficiency bar by the official.

3. Necessary action in the light of the clarification given above may kindly be taken immediately.

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*Copy of Punjab Government circular letter No. 16/5/78-2PP/915, dated 29th January, 1980, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments, etc. etc.*

*Subject.—Voluntary Retirement after completion of 20 years qualifying service—Amendment to the Punjab Civil Services (Premature Retirement) Rules, 1975.*

I am directed to say that,—vide Punjab Government instructions No. 4427-2PP-78/17892, dated the 7th June, 1978, it was decided to allow an employee to seek premature retirement if he has completed 20 years qualifying service and to get proportionate pension and gratuity. In the light of these instructions, suitable provisions in the Punjab Civil Services (Premature Retirement) Rules, 1975 have been made as per Punjab Civil Services (Premature Retirement) (First Amendment) Rules, 1979 published in the Punjab Government Gazette, Legislative Supplement,—vide No. G.S.R. 168/Const./Art. 309 read with Art. 234/Amd. (2)/79, dated 7th December, 1979. A copy of the notification is enclosed for your information and circulation among the employees working under you.

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(Published in the Punjab Government Gazette, Legislative Supplement, dated the 7th December, 1979)

# GOVERNMENT OF PUNJAB

## DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

### (PERSONNEL POLICIES BRANCH)

#### Notification

The 29th November, 1979.

No. G.S.R. 168/Const./Art. 309 read with Art. 234/Amd. (2)/79.— In exercise of the powers conferred by the proviso to article 309 read with article 234 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 Punjab Civil Services (Premature Retirement) Rules, 1975, namely :—

1. (1) These rules may be called the Punjab Civil Services (Premature Retirement) (First Amendment) Rules, 1979.

(2) They shall be deemed to have come into force on and with effect from the seventh day of June, 1978.

(3) They shall not apply to the Secretariat staff of the Legislative Assembly.

2. In the Punjab Civil Services (Premature Retirement) Rules, 1975 (hereinafter referred to as the said rules), in rule 3, after sub-rule (2), the following sub-rules shall be inserted, namely :—

“(3) (a) At any time after an employee has completed twenty years of qualifying service, he may, by giving notice of not less than three months in writing to the appropriate authority, retire from service.

(b) The notice of voluntary retirement given under this sub-rule shall require acceptance by the appropriate authority.

(c) Where the appropriate authority does not refuse to grant the permission for retirement before the expiry of

the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(4) The employee, who has elected to retire under sub-rule (2) or sub-rule (3) and has given the necessary notice to that effect to the appropriate authority, shall be precluded from withdrawing his notice except with the specific approval of the appropriate authority :

Provided that the request for withdrawal shall be made before the intended date of his retirement.

Note 1.—A notice of less than three months may also be accepted by the appropriate authority in deserving cases, with the concurrence of the State Government in the Department of Personnel and Administrative Reforms.

Note 2.—If an employee retires under sub-rule (2) or (3) above while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave shall be recovered as provided in rule 8.119 (d) of the Punjab Civil Services Rules, Volume I, Part I.

Note 3.—In computing the notice period of three months referred to in rule 3, the date of service of the notice and the date of its expiry shall be excluded."

3. In the said rules for rule 4, the following rule shall be substituted, namely :—

- "4. (1) A retiring pension and death-cum-retirement gratuity shall be granted to an employee who retires or is required to retire under rule 3.
- (2) While granting proportionate pension and gratuity to an employee retiring under sub-rule (3) of rule 3, his qualifying service as on the date of intended retirement shall be increased by a period not exceeding five years, so however, that the total qualifying service of the employee as so increased shall not in any case exceed thirty years or the period of qualifying service which the employee would have completed had he retired on the date of his superannuation, whichever be less.

- (3) The pension and gratuity of the employee retiring under sub-rule (3) of rule 3 shall be based on the emoluments as defined in rule 6.19-C, and 6.24 of the Punjab Civil Services Rules, Volume II, and the increase in his qualifying service under sub-rule (2) shall not entitle him to any notional fixation of pay for purposes of calculating pension and gratuity.
- (4) The amount of pension to be granted after allowing increase in the qualifying service under sub-rule (2) shall be subject to the provisions of rules 2.2 and 6.4 of the Punjab Civil Services Rules, Volume II'.

K. S. NARANG,

Chief Secretary to Government, Punjab.

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*Copy of Punjab Government circular letter No. 9/2/80-(4PP)1174, dated 9th February, 1980, from the Department of Personnel and Administrative Reforms, addressed 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 say that in Punjab Government Circular letter No. 4741-SIL-(3)-71, dated 11th February, 1972, (Pages 628-629 of Vol. I) instructions were conveyed that whenever a judicial decision is pronounced in respect of any service matter, a copy of the judgement should be sent to this Department for enabling it to examine its policy in proper perspective as well as to review it, if considered expedient in the light of the judicial pronouncement. It has been noticed that these instructions are not followed by many departments. I am, therefore, to request that the said instructions may be brought again to the notice of all concerned for being acted upon carefully.

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*Copy of Punjab Government circular letter No. 20/4/79-2PP/1423, dated 13th February, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

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

I am directed to say that Punjab Government Circular letter No. 14102-G-I-57/22998, dated 15th November, 1957, and No. 10542-GIII-59/26741, dated 17th December, 1959, stated, *inter alia*, that the Deputy Commissioners at the district level, and the Commissioners of Divisions at the level of Division, would coordinate all the activities of Government and they could call for assistance from all departmental officers posted in the Districts/Divisions. This matter of fundamental relationship between the administrative personnel having a responsibility of coordination and technical personnel like Doctors, Engineers, Agricultural Experts and others having specialised knowledge in their various disciplines has been further considered. The technical personnel have well-defined responsibilities and they carry these out in accordance with the directions of Government. Whereas they are normally independent like officers of other services, yet in the very nature of things, coordination is required between various officers and departments to execute various projects and schemes with the necessary speed. This job of coordination is vested in certain executive officers and evidently while exercising this coordinative authority, they are expected to so conduct themselves as to build an atmosphere of mutual trust, confidence and cordiality so that the technical personnel do not suffer under a sense of being considered inferior to administrative personnel. Government expects that the executive and the technical personnel should function in such a manner as should give no chance of a clash between them. In order to remove any misunderstanding that may arise, meetings and discussions should be held by the Commissioners and Deputy Commissioners with officers of other departments at regular intervals to sort out problems in a spirit of cordiality and mutual trust. Complaints, if any, from public against particular officers/departments should be discussed in the meeting of the District Grievances Committees in accordance with the established procedure

2. At times, complaints are received by the Deputy Commissioners or Sub-Divisional Officers (Civil) about the alleged use of substandard materials in a project by the officers of the PWD. A complaint of this nature should normally be referred to the

higher officers of the concerned Department or the Head of the Department. In suitable circumstances, a complaint can be brought to the notice of Secretary to Government, Department of Public Works, or any other concerned Department, for being looked into. The concerned Deputy Commissioner or Sub-Divisional Officer (C) should not *suo moto* take upon himself the task of seizing samples and conducting enquiries.

3. I am directed to request you that these instructions may please be noted carefully and observed meticulously.

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*Copy of Punjab Government circular U.O. No. 12/3/80-6PP, dated 7th March, 1980, from the Department of Personnel and Administrative Reforms addressed to all Administrative Secretaries to Government, Punjab.*

*Subject.—Appointment of Chairmen of various Corporations/Boards in the State.*

All Administrative Secretaries to Government, Punjab may kindly refer to the subject noted above.

2. With a view to streamlining the administration of Corporations/Boards in the State and also to keep it flexible to serve the best interests of public service, it has been decided that unless it is necessary either as an obligation of a contract or under a provision of law, all appointments to the posts of Chairmen of various Corporations/Boards in the State should be made effective "till further orders."

3. It is requested that meticulous compliance with this decision may please be ensured.

4. The receipt of this communication should be acknowledged.

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*Copy of Punjab Government circular U. O. No. 12/4/80-6PP, dated 15th March, 1980 from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners and Administrative Secretaries to Government, Punjab.*

**Subject.**—Misuse of official position for political purposes by the Chairmen of various Corporations/Boards in the State.

The Governor-in-Council in a meeting held on the 26th February, 1980 decided, *inter alia*, that suitable instructions should be issued to ensure that the non-official Chairmen of the Corporations do not make use of their official position for any political purposes.

2. All Financial Commissioners and Administrative Secretaries are requested kindly to ensure that the non-official Chairmen of the Corporations/Boards under their administrative control do not misuse their official position for any political purposes in connection with the coming Vidhan Sabha Elections or otherwise and issue further suitable directions/instructions to the concerned functionaries for strict compliance.

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*Copy of Punjab Government circular letter No. 18/1/80-5PP/3203, dated 21st March, 1980, from the Department of Personnel and Administrative Reforms, addressed 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 refer the instructions contained in Punjab Government letter No. 80 (GOI)-SII (3)-73/12092, dated 18th April, 1973, on the subject noted above and to state that sub-clause (a) of clause 7 of Punjab Government Notification No. 8018-SII (ASO)-74/33252, dated 15th October, 1974 relating to the functions of the Punjab Subordinate Services Selection Board has been amended,—*vide* Punjab Government Notification No. 12/2/80-GE/2545, dated 11th March, 1980. Consequently, in para 3 of P.G. letter, dated 18th April, 1973, referred to above, for the letter and figure, 'Rs. 299' appearing twice, the letter and figure 'Rs. 699' shall be and shall be deemed to have been substituted on and with effect from the 18th October, 1979.

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*Copy of Punjab Government circular letter No. 7/14/79-PP/3530, dated 27th March, 1980, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments, etc., etc.*

**Subject.**—Withholding of increment at the efficiency bar stage when an official has been subject to disciplinary proceedings/enquiry.

I am directed to say that the instructions contained in Punjab Government circular letter No. 4091-ASII-60/20836, dated 8th June, 1960, laid down that in a case where the question of crossing the efficiency bar has not been decided before the date on which employee concerned was due to cross it the decision on it should be based on consideration of his record up to the date on which the crossing of efficiency bar was due, and that allowing him to cross the same with effect from the due date, notwithstanding his subsequent conduct, will not have any effect on the punishment which may have to be imposed upon him for any misconduct after the date from which he has allowed to cross the efficiency bar. In case the concerned employee is allowed to cross the efficiency bar on the basis of his record, he is to be informed that the fact that he has been allowed to cross the efficiency bar is independent of the action which might be taken against him on the basis of disciplinary proceedings.

2. Detailed instructions on the subject of crossing of efficiency bar by government employees were issued in Punjab Government circular letter No. 3805-SII (3)-73, dated 16th October, 1973. In para 7 thereof, it was laid down that where it is proposed to stop an employee at the efficiency bar in the time scale of pay as a penalty, i.e., on grounds other than unfitness on the basis of record the procedure laid down under rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, should be observed. About stoppage of an employee at the efficiency Bar on grounds of unfitness on the basis of record, it was clarified that although it would not be a penalty, yet keeping in view the principle of natural justice and the fact that the order of stopping an employee at the efficiency bar entails evil consequences for him, it would be desirable to give him an opportunity to explain his position before such an order was passed. These instructions are in accordance with the legal pronouncements of the Courts and contain the latest thinking of Government.

3. I am now to say that Office Memorandum No. F.1. (II) E, III (A)/67, dated 21st September, 1967, addressed by the Ministry of

Finance, Government of India, to all Ministeries of the Government of India etc., was circulated to all Heads of Departments, Commissioners of Divisions, etc.,—vide Punjab Government endorsement No. SII-4(1)-68/3187, dated 13th February, 1968. It contained instructions to the effect that if the case for the crossing of efficiency bar by the Government employee had not been considered on account of the pendency of disciplinary/vigilance case against him, he may, in the event of complete exoneration, be allowed to cross the efficiency bar with effect from the due date retrospectively, unless the competent authority decides otherwise. But if the employee is not completely exonerated, his case for crossing of efficiency bar cannot be considered with retrospective effect from the due date and such a case may be considered only with effect from the date following the conclusion of the disciplinary/vigilance case, taking into account its outcome. The matter has been examined and it has been considered that the instructions contained in this Office Memorandum are at variance with those contained in Punjab Government circular letters, dated 8th June, 1960 and 16th October, 1973, mentioned above. Besides, the application of these instructions would deprive an employee of an opportunity afforded by the instructions, dated 16th October, 1973 and also cause double financial loss to an employee. In view of this position, I am directed to say that in future, cases of this type may be examined only in accordance with the provisions of Punjab Government circular letters, dated 8th June, 1960 and 16th October, 1973 and not in accordance with the Government of India Office Memorandum, dated 21st September, 1967, which would cease to be applicable to such cases.

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*Copy of Punjab Government circular letter No. 18/44/79-5PP/3655, dated 31st March, 1980, from the Department of Personnel and Administrative Reforms, addressed 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 refer to Punjab Government instructions contained in their letter No. 80(GOI)-SII(3)-73/12092, dated 18th April, 1973, on the subject noted above, and to say that cases have come to the notice of Government that the dependents of deceased Government employees have been experiencing difficulties in securing employment on compassionate grounds as provided for in

the scheme under reference. The responsibility to explore the possibility of accommodating the dependent of a Government servant who dies while in service is basically that of the authority in whose office/department the employee was working at the time of death.

It has accordingly been decided that where it is not possible to accommodate a prospective beneficiary under this scheme in the Department/office in which his/her parent was serving at the time of death, the particulars of such a person should be circulated to all Heads of Departments/offices in the State and the matter pursued to its logical conclusion by the authority concerned.

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

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*Copy of Punjab Government circular letter No. 13/29/79-2PP/3707, dated 1st April, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Collection of funds by Government employees—Prohibition on.*

I am directed to say that reports have reached Government that funds are being collected by some Government officers/officials for one purpose or the other. In this connection, attention is invited to rule 10 of the All India Services (Conduct) Rules, 1968 and Rule 12 of the Punjab Government Employees (Conduct) Rules, 1966 which lay down that no Government employee shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contribution to, or otherwise associate himself with the raising of any fund, or any collection in cash or kind, in pursuance of any objective whatsoever. Specific instructions forbidding the collection of funds for the Red Cross also were issued many times in the past, the latest bearing No. 13/29/79-2PP/12528, dated 19th December, 1979.

2. I am directed to request that the provisions of the rules and instructions quoted above may be specifically brought to the notice of every employee working under your control. It shall be the duty of every Head of Department/Head of Office to ensure

that these instructions are scrupulously observed by every employee in letter and spirit. If any breach thereof comes to the notice of Government, a very strict view of the matter will be taken and the defaulting employee shall render himself liable to severe disciplinary action.

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*Copy of Punjab Government circular letter No. 8/11/80-6PP/3769, dated 2nd April, 1980, from the Department of Personnel and Administrative Reforms, addressed to all heads of Departments etc., etc.*

**Subject.**—General election to the Punjab Vidhan Sabha—Restriction on transfer of Government employees.

I am, directed to invite your attention to Punjab Government circular letter No. 8/20/79-PP/1757, dated 19th April, 1979, which *inter alia* laid emphasis on general transfers of Punjab Government employees being made between the period from 15th April to 15th May, thereby placing a ban on mid-term transfers except with the prior written approval of the Chief Minister. The matter has been reconsidered in the context of the ensuing general elections to the Punjab Vidhan Sabha and it has been decided that no transfers of Punjab Government employees should be made henceforth. In a case when transfer is considered absolutely necessary, it should be made only after obtaining the prior written approval of the Governor of Punjab through the Department of Personnel and Administrative Reforms. In case, however, a transfer becomes unavoidable on account of promotion or disciplinary proceedings or other eventualities mentioned in part I(IX) of Punjab Government circular letter No. 2786-6PP/78/12136, dated 14th April, 1978, prior written approval of the Governor of Punjab will not be necessary, provided such a transfer does not involve the transfer of any other employee. I am accordingly directed to state that all transfers of Punjab Government employees should be stopped till further orders.

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

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

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*Copy of Punjab Government circular letter No. 13/29/79-2PP/3426, dated 8th April, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Guidelines for the conduct of Government employees in relation to the Vidhan Sabha Elections.

I am directed to say that the mid-term Elections to the Punjab Vidhan Sabha are likely to be held soon. In relation to the Elections to the Lok Sabha held in January, 1980, detailed instructions regarding the conduct of Government employees during Elections were issued,—*vide* Punjab Government circular letter No. 13/29/79-2PP/11711, dated 28th November, 1979. These instructions are reiterated and may be deemed to be applicable *mutatis mutandis* to the coming Vidhan Sabha elections. In particular, the attention of all Government employees should be drawn to rule 5 of All India Services (Conduct) Rules, 1968 and rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 which clearly prohibit Government employees from becoming members of or otherwise associating with, any political party or organisation taking part in politics or assisting in any other manner any political movement or activity, or taking part in, or canvassing or using their influence for an election to any legislature or local authority.

2. I am directed to request that the provisions of the rules and instructions quoted above may be specifically brought to the notice of every employee working under your control. It shall be the duty of every Head of Department/Head of Office to ensure that these instructions are scrupulously observed by every employee in letter and spirit. If any breach thereof comes to the notice of Government, a very strict view of the matter will be taken and the defaulting employee shall render himself liable to severe disciplinary action.

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*Copy of Punjab Government circular letter No. 4/4/80-1PP/4130, dated 18th April, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Bifurcation of cadre strength of Clerks—Guidelines for appointment to the posts of Senior Clerks.

I am directed to say that on the recommendations of the Second Pay Commission as contained in paras 12.31 and 12.32 of its Report,

It has been provided under item 17 of Schedule 'B' of the Punjab Civil Services (Revised Scales of Pay) Rules, 1979 that the cadre strength of Clerks in each Department as on 1st January, 1978 be divided in the ratio of 50 : 50 in two scales of pay (i) Rs. 400—10—450/15—525/15—600 and (ii) Rs. 510—15—600/20—700/25—800, applicable to Clerks and Senior Clerks respectively. Subsequently, Finance Department in their Circular letter No. 38/42/79-FR (9) 174, dated 7th January, 1980, authorised all Heads of Departments to bifurcate the cadre strength of Clerks as on 1st January, 1978, in respect of permanent posts and temporary posts separately, adding that the strength existing on 28th February, should be bifurcated further on the 1st of March every year. It was also stated therein that appointments against the posts of Senior Clerks would be made by the competent authorities concerned on the basis of guidelines to be issued by the Department of Personnel and Administrative Reforms.

2. The matter has been considered at length by Government. It is an accepted principle that when a post/posts is/are up-graded, the incumbents thereof automatically acquire a right to be appointed on the up-graded post(s). The crucial dates of 1st January, 1978, 1st March, 1978, 1st March, 1979, and 1st March, 1980, have already passed. The guidelines being issued now would be applicable to the appointments to be made in future and not to those having been made already.

3. The recommendations of the Second Pay Commission as accepted by Government envisage the bifurcation of the cadre of Clerks in each Department into Clerks and Senior Clerks on a 50 : 50 basis. The duties such as minor noting and drafting, preparation of bills, recording of files record-keeping, maintenance of stores and stock, etc., have been suggested by the Commission for being assigned to the Senior Clerks, while the Clerks would perform routine duties like those of diary, despatch and type etc. The duties which have been assigned to the Senior Clerks are not of a difficult nature, and a person who has worked as a Clerk in a Government office for a few years can be considered to have acquired the necessary knowledge and experience for performing them. Though the duties of posts of Senior Clerks and Clerks involve some difference in responsibility, yet the difference is not so large as to attract the formation of a separate independent cadre for the Senior Clerks. The placement of a Clerk in the scale of Senior Clerk would not thus involve any promotion in the conventional sense, from a post of lower responsibility to a post of distinct higher responsibility or from one cadre to another or from a lower class to a higher class of service. Therefore, such aspects as reservation for the Scheduled Castes or other categories or framing of separate Service Rules are not relevant. The objective will be well achieved if persons working as

Clerks are appointed as Senior Clerks on the basis of seniority, subject to their suitability as adjudged on the basis of satisfactory service record.

4. As it has been decided not to create a separate cadre of Senior Clerks, there would be no need to define the Senior Clerks as a separate cadre in the Service Rules of the various Departments. The cadre of Clerks can be shown to be bifurcated in the ratio of 50 : 50 carrying the following scales:—

- |                    |                                   |
|--------------------|-----------------------------------|
| (i) Clerks         | ... Rs. 400-10-450/15-525/15-600; |
|                    | &                                 |
| (ii) Senior Clerks | ... Rs. 510-15-600/20-700/27-800; |

In the official hierarchy, the next post higher than Clerk/Senior Clerk is that of Assistant. Promotion to this post would, therefore, be made from among those Clerks (where Clerks are the feeding cadre) who are now designated as Senior Clerks in accordance with the provision to be so made in the respective Departmental Service Rules wherever necessary. Though normally they would even otherwise be eligible for promotion as Assistant on the basis of their length of service, yet this provision may be necessary to dispel any doubts about later interpretation.

5. This may be brought to the notice of all concerned. The receipt of this communication may also be acknowledged.

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*Copy of Punjab Government circular letter No. 7/15/78/2PP/4521, dated 29th April, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Grant of Premature increment to those non-gazetted Punjab Government employees who did not participate in the strike on 8th February, 1978 and who were on deputation to the Punjab State Undertakings/Boards.*

I am directed to state that in Punjab Government Circular letter No. 4548-PP-78, dated 16th June, 1978, a decision was conveyed, *inter alia*, for the grant of one premature increment to those non-gazetted Punjab Government employees who did not participate in the strike on 8th February, 1978. A question arose subsequently as to whether the non-gazetted Government employees on deputation to the Punjab State Undertakings/Boards, were also entitled to the grant of the

aforesaid increment. It was clarified,—vide Punjab Government Circular letter No. 7/15/78-2FP/34, dated 20th February, 1979, that the Circular letter, dated 16th June, 1978 of the Punjab Government might be considered by the Board of Directors of the Undertaking/Board concerned for an appropriate decision keeping in view the circumstances that prevailed on 8th February, 1978, in each undertaking.

2. Further clarification has been sought in this behalf on the following points:—

- (i) Whether the Board of Directors has to recommend to Government for the release of one premature increment or the Board can itself release such increment to the deputationists ?
- (ii) In case the premature increment is released by the Corporations/Boards, would the parent Department of the Government employee concerned honour the grant of such increment when the deputationist concerned is reverted ?
- (iii) Whether the employees of the Corporations who are direct appointees are also covered under the Government instructions for the grant of premature increment ?

3. The matter has been considered by Government and it is clarified that the decision of Government to grant premature increment to the non-gazetted Punjab Government employees, who did not participate in the strike on 8th February, 1978, is not applicable *ipso facto* to the Government employees on deputation to the Punjab State Undertakings/Boards and the employees directly appointed by such bodies. However, the proposal, if any, for the grant of premature increment may be placed before the Board of Directors of the Undertaking/Board for an appropriate decision in respect of its employees, including the deputationists. In case the decision to grant a premature increment on the pattern adopted by the Government is taken by the Board of Directors in respect of the employees of the Corporations including the deputationists, the Government would have no objection in principle to allow the benefit of premature increment for non-participation in strike on 8th February, 1978, to Punjab Government employees on deputation to Punjab State Corporations/Boards. This increment will be allowed in the time-scale applicable to the Government employees on their departmental posts as they stood on 8th February, 1978, and formal orders to this effect would be issued by the parent department on the basis of the decision of the Board of Directors concerned.

4. Necessary action in the light of the clarification given above may kindly be taken immediately.

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*Copy of Punjab Government circular order No. 6/234/78-3PP/ , dated 2nd May, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

### ORDER OF THE PRESIDENT OF INDIA

Whereas pending regular appointments to be made through the Subordinate Services Selection Board, *ad hoc* appointments had to be resorted to in administrative interest after notifying the vacancies to the Employment Exchanges or by issuing advertisements, as the case may be, by the various appointing authorities ;

2. Whereas the *ad hoc* appointments made as above had to be continued as an administrative necessity on account of delay in making regular appointments as aforesaid ;

3. Whereas the Punjab Subordinate Services Selection Board has been abolished with effect from 21st March, 1980, leaving behind the process of selection of candidates yet to be finalised in many cases ;

4. Whereas Punjab Government have decided to entrust the selection of candidates for the various posts already notified to the defunct S.S.S. Board and also to be notified in future by the various appointing authorities, to the Central Selection Committee and Departmental Selection Committees ; and

5. Whereas a number of *ad hoc* employees have put in sufficient service and their regularisation is posing an administrative problem;

6. Now, therefore, it has been decided after taking all relevant facts of the case into consideration that with a view to mitigating hardship to the *ad hoc* employees to the extent possible or reasonable as also to make use of experience gained by them, the following priorities should be observed in making regular appointments to posts, which fell within the purview of the defunct S.S.S. Board:—

- (i) The services of such *ad hoc* employees as have already been recommended by the defunct Board before its dissolution for regular appointments and have been awaiting posting orders may be regularised straightway.

- (ii) Cases of those candidates, other than *ad hoc* employees, who have already been recommended by the defunct Board before its dissolution for regular appointment and have been awaiting posting orders should be scrutinised by the Central Selection Committee and/or Departmental Selection Committees, as the case may be, and those found suitable may be appointed to either the existing vacancies or by replacement of the junior-most *ad hoc* employees on the basis last come first go.
  - (iii) Those *ad hoc* employees who had appeared in a test/interview held by the defunct S.S.S. Board and the result of their selection was not declared ; but are now found successful, on the basis of the said test, by the Central Selection Committee or the Departmental Selection Committee(s), as the case may be, should be recommended straightway for regularisation according to their merit.
  - (iv) Those *ad hoc* employees who are not found successful in the test held by the defunct Board shall be given a proper test by the Central Selection Committee or the Departmental Selection Committee as the case may be, and if found suitable, shall be recommended to the respective appointing authorities for regular appointments. Similarly, those *ad hoc* employees whose services have to be terminated in any event because of the absorption of the candidates already recommended by the defunct S.S.S. Board will also be tested and screened likewise and recommended to the needy appointing authority according to their requisition for regular appointments, if found suitable.
  - (v) Those persons who are unemployed at present but find places according to merit in the list prepared by the Central Selection Committee and/or the Departmental Selection Committees, shall be absorbed against existing vacancies without disturbing the *ad hoc* employees mentioned above.
  - (vi) The service of those *ad hoc* employees who are found unsuitable will be terminated and the vacancies so caused will be utilised to absorb those candidates who are not adjusted under (v) above and became surplus.
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ਗ਼ਸਤੀ ਪੱਤਰ ਨੰ: 9/64/78-5 ਜੀ. ਈ. /5367, ਮਿਤੀ 15 ਮਈ, 1980 ਵੱਲੋਂ ਪ੍ਰਸ਼ਨਲ ਤੇ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਵੱਲ ਸਾਰੇ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਸਾਰੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।

ਵਿਸ਼ਾ:—ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਸੇਵਾ ਦੌਰਾਨ ਭਾਰਤ ਵਿਚ ਵਿਦਿਅਕ ਯੋਗਤਾ ਵਧਾਉਣ ਤੇ ਅਗੇਤ ਤਰੱਕੀਆਂ ਦੇਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਸੇਵਾ ਦੌਰਾਨ ਭਾਰਤ ਵਿਚ ਵਿਦਿਅਕ ਯੋਗਤਾ ਵਧਾਉਣ ਤੇ ਅਗੇਤ ਤਰੱਕੀਆਂ ਦੇਣ ਲਈ ਨੀਤੀ ਨਿਸ਼ਚਿਤ ਕਰਨ ਦਾ ਪ੍ਰਸ਼ਨ ਪਿਛਲੇ ਕੁਝ ਸਮੇਂ ਤੋਂ ਸਰਕਾਰ ਦੇ ਵਿਚਾਰ ਅਧੀਨ ਚਲਿਆ ਆ ਰਿਹਾ ਹੈ। ਸਰਕਾਰ ਨੇ ਇਸ ਸਬੰਧੀ ਵਿਚਾਰ ਕਰਨ ਲਈ ਇਕ ਕਮੇਟੀ ਬਣਾਈ ਸੀ, ਉਸ ਕਮੇਟੀ ਦੇ ਵਿਚਾਰ ਅਨੁਸਾਰ ਕਿਸੇ ਕਰਮਚਾਰੀ ਨੂੰ ਉਸ ਵਲੋਂ ਨੌਕਰੀ ਉਪਰੰਤ ਪ੍ਰਾਪਤ ਕੀਤੀ ਉਚੇਰੀ ਵਿਦਿਅਕ ਯੋਗਤਾ ਕਰਕੇ ਅਗੇਤ ਤਰੱਕੀਆਂ ਦੇਣ ਦੀ ਕੋਈ ਉਚਿਤਤਾ ਨਹੀਂ ਕਿਉਂਕਿ ਕਰਮਚਾਰੀ ਵਲੋਂ ਯੋਗਤਾ ਵਿੱਚ ਵਾਧਾ ਕਰਨਾ ਨੌਕਰੀ ਦਾ ਇਕ ਅਨਿਖੜਵਾਂ ਅੰਗ ਹੈ।

2. ਸਾਰੇ ਪੱਖਾਂ ਨੂੰ ਵਿਚਾਰਨ ਉਪਰੰਤ ਸਰਕਾਰ ਨੇ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਜਿਹੜੇ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਸੇਵਾ ਦੌਰਾਨ ਭਾਰਤ ਵਿੱਚ ਰਹਿ ਕੇ ਆਪਣੀ ਵਿਦਿਅਕ ਯੋਗਤਾ ਵਧਾਉਂਦੇ ਹਨ (ਮਿਸਾਲ ਵਜੋਂ ਗਰੈਜੂਏਸ਼ਨ, ਪੌਸਟ ਗਰੈਜੂਏਸ਼ਨ, ਐਲ. ਐਲ. ਬੀ. ਆਦਿ ਕਰਦੇ ਹਨ) ਨੂੰ ਕੋਈ ਅਗੇਤ ਤਰੱਕੀ ਨਹੀਂ ਦਿਤੀ ਜਾਵੇਗੀ। ਇਸ ਲਈ ਅਗੋਂ ਇਸ ਵਿਭਾਗ ਨੂੰ ਅਗੇਤ ਤਰੱਕੀ ਦੇਣ ਬਾਰੇ ਕੋਈ ਵੀ ਤਜਵੀਜ਼ ਕਿਸੀ ਵੀ ਕੈਟਾਗਰੀ ਸਬੰਧੀ ਭੇਜਣੀ ਨਹੀਂ ਬਣਦੀ।

*Copy of Punjab Government circular U.O. No. 27/6/78-1PP/ dated 20th May, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners and Administrative Secretaries to Government, Punjab.*

*Subject.—Transmission of cases to the Department of Personnel and Administrative Reforms for advice.*

All the Financial Commissioners and Administrative Secretaries to Government, Punjab, may kindly refer to this Department's U.O. No. 2091-SII(3)-72, dated the 7th April, 1972 on the subject noted above.

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

- (i) cases should be referred to the Chief Secretary (Department of Personnel and Administrative Reforms) for advice only after fully examining the issues involved therein ;

- (ii) cases which are clear and straight should be decided by the Administrative Department themselves so as to avoid unnecessary references ;
- (iii) the point (s) requiring clarification/advice should be clearly brought out ;
- (iv) all relevant papers having direct bearing on the case be added alongwith a duplicate copy of the Administrative Department's note ; and
- (v) the orders of the Administrative Secretary concerned have been obtained for referring the case.

3. It has, however, been observed that the above instructions are not being fully observed despite the fact that the same were reiterated,—vide this Department's U.O. Circular No. 27/6/78-1PP, dated 27th March, 1979. Thus many cases which could have been decided at the Administrative Department's level on the basis of rules and instructions continue to be received in the Department of Personnel and Administrative Reforms. Some times cases are referred to this Department by officers at lower level and in an incomplete form without even adding the essential documents required for disposal, thereof. Such incomplete and half backed references thus consume time, labour and energy unnecessarily at all levels. It is, therefore, requested that necessary steps should please be taken to ensure meticulous compliance of the instructions referred to above.

4. In case a self contained U.O. reference has to be sent to this Department, it should be signed by an officer not below the rank of Under Secretary.

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*Copy of Punjab Government circular U.O. No. 6/234/78-3PP dated 20th May, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners and Secretaries to Government, Punjab.*

*Subject.—Regularisation of services of ad hoc employees under the Punjab Government.*

All Administrative Secretaries to Government, Punjab may please refer to U.O. No. 1255-PS/Governor, dated 14th May, 1980, forwarding a copy of Governor's minute of even date (copy enclosed for ready reference).

2. In this connection, attention is invited to Punjab Government order No. 6/234/78-3PP, dated 2nd May, 1980 copy endorsed to them,—vide this Department I.D. No. 6/234/78-3PP/4700 of same date wherein they were requested to ensure that action taken in the matter was finalised by 31st May, 1980 positively. It is hoped that action taken in this direction would have been reported to Secretary to Governor for the information of Governor within the stipulated period i.e. by 20th May, 1980. It is requested that the report of action taken in the matter may please be sent to the Department of Personnel and A.R. also for the information of Chief Secretary.

3. Attention in this connection is also invited to this Department order No. 6/234/78-3PP, dated 16th May, 1980 circulated with endst. No. 6/234/78-3PP/5570, dated 19th May, 1980.

The Government have taken a decision to regularise the *ad hoc* employees. I have been receiving representations from *ad hoc* employees from which I find no action seems to have been taken by the departments. I should like to know by 20th May, 1980 the total number of *ad hoc* employees in the departments, how many have been regularised by now and how many remain as *ad hoc* and what the Departments propose to do about the remaining *ad hoc* employees.

(Sd/-) . . . .  
GOVERNOR  
14-5-80

*Copy of Punjab Government circular letter No. 1/54/78-3PP/5622, dated 20th May, 1980, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

*Subject.—Verification of character and Antecedents of persons before their first appointment to Government service/ Government controlled undertakings.*

I am directed to invite a reference to Punjab Government circular letter No. 2502-G-51/3399, dated 11th June, 1951, followed by subsequent circular letter noted in the margin, and to state that the instructions contained therein, as supplemented from time to time, lay down the procedure for the verification of character and antecedents of persons before their first appointment to service, either on *ad hoc* basis or on regular basis under Government or in Public Sector Undertakings, Autonomous Bodies, Corporations, etc. It has been brought to the notice of Government that in some cases, such verification in respect of exservicemen and released armed forces

1. No. 8074-ASII-61/45279, dated 28-12-61.  
2. No. 2638-SII (6) 68/8839, dated 4-4-68.  
3. No. 1396-SII (6) 68/7462, dated 17-3-69.  
4. No. 125-(G O)-2DII-76, dated 26-4-76.

personnel was not done before appointing them to civil jobs and consequently an officer who was being proceeded against by the Defence Ministry got an appointment under State Government. It has, therefore, been decided that prior verification about the service background, character roll and performance of all Class-II and Class-I posts in the case of selected Exservicemen and released armed forces personnel, in addition to Local police verification, should also be got done from the Defence Ministry or concerned organisation of the Defence Establishment before actually appointing them to jobs under the Government- or in Public Sector Undertakings. It has also been decided that cases involving appointments of Ex-servicemen and released personnel to posts in the rank of Managing Directors of Corporations or equivalent posts in Government, the pay scales of which exceed Rs. 2,000 per mensem should be routed through the Chief Secretary, for obtaining orders of the competent authority.

2. I am directed to request that this decision of Government should be brought to the notice of all concerned for strict compliance

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

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*Copy of Punjab Government circular letter No. 2/13/79-5PP/6584, dated 10th June, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.—**Concessions to Territorial Army Personnel for recruitment to the State Services.

I am directed to state that the State Government had under its consideration the question of granting concessions to the Territorial Army Personnel in the matter of recruitment to certain categories of civil employment. It has been observed that as the experience in Territorial Army helps in imparting discipline and as the Territorial Army personnel are trained in P.T., Drill, Weapon Training, Guard duties, Map reading, Law and order duties etc., their recruitment to the civil services or posts with such or similar job requirements in the State would be useful. It has accordingly been decided that for recruitment to services or posts under the State Government, where the training/experience of Territorial Army Personnel would be of added advantage to the administration, the service in Territorial Army should be included as a desirable qualification in the relevant conditions of recruitment.

2. Accordingly, I am directed to request you to kindly take immediate steps for amendment of the relevant Service Rules, of your Department, if necessary.

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

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*Copy of Punjab Government circular letter No. 8/15/80-6PP/7285, dated 30th June, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Census 1981—Deployment of Punjab Government employees for census : concessions in office attendance and restrictions on transfers : provision of vehicles.

I am directed to refer to Punjab Government circular No. 16/57/79-IAS(7)/2165, dated 30th April, 1979, wherein you were asked to extend all assistance and cooperation in work connected with Census 1981 to the Director, Census Operations, Punjab, Chandigarh, as set up by Government of India, Ministry of Home Affairs.

2. In this connection on the specific request of Shri D. N. Dhir, IAS, Director, Census, Punjab, the State departments of Revenue, Local Government, Public Instruction (Schools and Primary Education), Economic and Statistical Organisation, Cooperative Societies, Social Welfare and Welfare of Scheduled Castes and Backward Classes, Panchayats, Industries, Labour and Employment, Food and Civil Supplies, Health and Family Welfare, Agriculture, Animal Husbandry, Consolidation of Holding and Colonization and Forests had further issued adequate and necessary instructions to the heads of their local offices to extend active assistance in development of their personnel in the field as enumerators and supervisors.

3. The first phase of 1981 Census that consisted of houselisting/enterprise listing has since been successfully concluded in April, 1980.

The second and final field operation, viz., enumeration (actual head count) is slated for 9th February, to 28th February, 1981, with revisional round from 1st March to 5th March, 1981. Around 30,000 employees are proposed to be drafted for this purpose as enumerators and supervisors. Each enumerator shall be canvassing household schedules and individual slips during the said period, for a population of plus minus 700. Prior to actual association with enumeration, the personnel so drafted, will be required to attend at least three training classes which will entail their absence from the offices.

Claim on their time will, therefore, be about 2 to 3 hours a day from 9th to 28th February, 1981, almost the whole period from 1st to 5th March and the days required for attending training classes prior to enumeration.

Though the persons so appointed are generally expected to cover the areas allotted to them outside their office hours, in practice, an enumerator who attends to enumeration work in the morning may find it difficult to reach office in time. Similarly, those attending to the enumeration work in the afternoon have to leave their offices early.

4. In the second place and equally important is the need that once an incumbent is drafted for the Census duty, he is allowed continuity of stay at his place of posting. He may neither be transferred from his place nor entertained for long spells of leave.

5. In order that the full cooperation of the State Government employees is ensured for the efficient conduct of 1981 Census, the following instructions are laid down :—

- (i) The heads of the departments (particularly those who have field hierarchies and are mentioned above in para 2) should issue instructions to the local heads of the offices in the field to actively assist the census officers at the district/corporation, sub-division and charge levels to supply expeditiously up dated lists of field personnel when asked for development as enumerators and supervisors for Census 1981.
- (ii) When deployment is so effected by the relevant Census officers, the local heads of the offices should ensure that their staff attends to the work faithfully and conscientiously, and particularly receives the training connected with their assignment when asked for by the Census charge officers.
- (iii) The employees so deployed in Census work should be considered as on duty and permitted to be away from their offices for half a day (in the forenoons or afternoons) from 9th February to 28th February, 1981, and are also allowed to be exclusively on Census work all the day from 1st March to 5th March, 1981.
- (iv) Mid-term transfers of Punjab Government Employees, on reasons other than those specified in sub-para (IX)

of para 1 of Punjab Government circular letter No. 2786-6PP-78/12136, dated 14th April, 1978, can be ordered by the Heads of the Departments only after obtaining the prior approval of Chief Minister, through this Department. These instructions should be meticulously followed to ensure that the employees so drafted are not transferred from their present stations of postings for the period from September, 1980, to March, 1981, unless there are absolutely unavoidable circumstances like promotions or disciplinary proceedings, and further that they are not entertained for leave on long spells (unless there are compelling circumstances) during this period of training and deployment.

- (v) The work assigned to the employees in connection with census and its proper compliance with scheduled time should be taken into consideration for suitable entry into their ACRs on account of merit shown. Conversely, any slackness in the discharge of their duties in this respect should expose them to departmental punishment in addition to the penal liability that they may incur under the Census Act, 1948.

6. The Divisional Deputy Directors, Census Operations appointed by the Government of India and Census Charge Officers (who have not been provided with vehicles) need to be provided with vehicles during the period from 9th February to 5th March, 1981, so as to enable them to move fast in their respective jurisdiction to keep up the tempo of Census operations and to ensure the good quality and full coverage. The Deputy Commissioners in their district may draw upon the Government vehicles under their control (or even with other heads of the local offices on mutual arrangements) for use by the Deputy Directors, Census and Census Charge Officers against payment of propulsion (P.O.L.) charges by the Census Department.

7. It is emphasised that State Government share with the Census organisation their anxiety to ensure that the Census operations, which are timebound, are carried out with total success both in terms of coverage and in quality in the State. Hence, the need for meticulous observance of the above instructions and the instructions issued by the Director, Census, Punjab from time to time cannot be over emphasised.

The receipt of this letter may be acknowledged.

Copy of Punjab Government circular letter No. 20/19/80-1PP/7433, dated 2nd July, 1980, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.

**Subject.**—Expeditious finalisation of cases of Government employees in service matters—Necessity therefor.

I am directed to refer to Punjab Government endowment No. 5072-2SII-76, dated the 8th July, 1976, on the subject noted above, and to say that it is still being noticed that Government employees tend to approach higher authorities, including Ministers direct, or bring outside influence to settle their pending service matters. 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, fixation of seniority, confirmation etc.
- (ii) Suspension and disciplinary cases.
- (iii) Crossing of efficiency bar etc.
- (iv) Disposal of representations against adverse remarks.

2. One of the primary responsibilities of the Departments is to devise ways for the expeditious and fair 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.

## PROMOTIONS

3. A Government employee would have a very well founded grouse if his turn for promotion comes round and he is not promoted from the due date. In many cases the vacancies can be fore-

seen, such as those occurring on account of retirement. The cases of eligible and suitable employees due for promotion should be taken up in hand a month or two in advance of the date of the occurrence of the vacancy, and a decision taken about the promotion of the suitable employee well in time. In this way, the vacant post would be filled up without loss of time, ensuring continuity of government work, and secondly, the concerned employee would have reason to feel satisfied that the promotion due to him has been given to him without delay. All such cases should now be decided without avoidable delay. In future, all vacancies likely to occur should be listed at least two months prior to their availability and action initiated to fill them up.

### SENIORITY CASES

4. It has been observed that in many departments, cases about the seniority of government employees are not decided for long periods, with the result it becomes difficult to take timely decisions about the promotion of suitable employees when vacancies occur and their turn for promotion comes round. Very often, there is a spate of representations, counter-representations and even writ petitions in the High Court. This inevitably leads to waste of valuable time of the Government and to generation of feelings of bitterness amongst the affected employees. It is, therefore, necessary that cases about the fixation of seniority of government employees should be decided on priority basis in accordance with the principles laid down in the departmental service rules and the instructions of Government. Heads of Departments and Administrative Secretaries should periodically review all pending cases in this respect and make concerted efforts to remove the bottlenecks in their finalisation.

### CONFIRMATION

5. Though permanent posts are available in many Departments, confirmation of eligible employees against such posts are not being made expeditiously. It will be appreciated that such a situation creates discontentment among government employees and also defeats the purpose of converting temporary posts into permanent ones, to some extent. It is, therefore, requested that the position in respect of each Department under your control may be got assessed and confirmation of Government employees

ordered, where possible, without delay. For this purpose, intra-departmental meetings may be held periodically with a view to expediting the disposal of such cases.

## SUSPENSION

6. (i) Superseding all the instructions with regard to suspension of Government employees, it was laid down,—vide Punjab Government letter No. 1270-2PP-78/15809, dated 16th May, 1978, that every proposal for suspension of a Government employee should be carefully considered and suspension ordered only if circumstances fully justify it. Suspension should not be ordered unless the allegations are of such a serious nature that, on the basis of available material, a *prima facie* case for dismissal or removal or the employee concerned is made out, or his continuance in service is likely to cause embarrassment, and hamper the investigation process. Ordinarily, it should be sufficient to transfer the employee concerned to prevent him from having an opportunity to interfere with witnesses or temper with the evidence.

(ii) Except in cases of rare urgency, an employee should not be suspended until a proper charge-sheet has been served upon him and his explanation obtained and found unsatisfactory. When an employee is henceforth placed under suspension, the charge-sheet should, in any case, be served on him within a period of three months. In case the charge-sheet is not served within three months, he should be eligible to be reinstated.

(iii) The entire process of serving the charge-sheet holding the enquiry and taking of decision with regard to the final action to be taken in the case should be completed within a period of one year from the date of suspension of the employee. In cases where a decision cannot be taken within a period of one year, the concerned employee should be eligible for reinstatement.

(iv) In cases where the decision making process is delayed because of the dilatory tactics adopted by the delinquent employee, the period of suspension may exceed one year, of course, he should be afforded full opportunity to defend himself and should not be denied consultation of necessary records, etc.

(v) In all cases, the Minister-in-charge would be competent to issue orders with regard to any extension of the period of suspension of the employee.

(vi) In cases which are sub-judice, it will not be necessary to obtain the approval of the Minister-in-charge for the continued suspension of the employees concerned, so long as the matter remains sub-judice.

(vii) The Administrative Departments shall obtain monthly reports from the Heads of Departments/offices regarding the progress of investigation/enquiry in suspension cases, scrutinise them, and bring the delay, if any, to the notice of the Minister-in-charge.

(viii) Where cases of suspended employees have been referred to a Court of law and there is an avoidable delay in the trial court, the matter shall be brought to the notice of the Registrar, High Court through a confidential communication for taking suitable action. In such cases the employee under suspension shall not be eligible for reinstatement after one year if the proceedings in the court are not completed.

### **EFFICIENCY BARS**

7. 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 order 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 any unjustified delay.

### **REPRESENTATION AGAINST ADVERSE REMARKS**

8. 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 their 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 representations also causes repercussions on the cases of promotion, crossing of efficiency bar etc. of the employees concerned.

9. Despite the directions referred to above, Government have observed that these instructions are not being followed meticulously. No concrete steps have been taken by the Administrative Departments/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. It has specially been observed that :

- (a) Government employees are not being confirmed expeditiously, in spite of the fact that permanent posts are available.
- (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.
- (d) Cases of promotions, seniority fixation and disciplinary proceedings have not been expeditiously dealt with.

10. The above state of affairs, Government feels requires to be remedied to improve efficiency in the administration. 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.

*Copy of Punjab Government circular letter No. 13/8/79/2PP/7930, dated 5th July, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Action against Government employees under proviso (C) to Article 311 (2) of the Constitution—Review of cases of employees who were dismissed/removed from service during internal Emergency.

In continuation of Punjab Government letter No. 3995-2PP-78, dated 1st June, 1978, on the subject noted above, I am directed to enclose a copy of Office Memo No. 34013/4/79-Estt (B), dated 6th December, 1979, received from the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms. The Government of India letter, dated 10th May, 1977, referred to therein has already been circulated.—*vide* Punjab Government, Home Department letter No. 3798-3H-77/21339, dated 7th July, 1977.

2. The Government of Punjab had decided to adopt the policy of the Central Government contained in the communication referred to above for its employees. Necessary action in this direction may please be taken in accordance with the procedure laid down in para 3 of Punjab Government letter dated 1st June, 1978, referred to above.

It is further clarified that the employees who were in employment on contract basis or on *ad hoc*/temporary basis for a specific period, on the date they were suspended/dismissed, may be given benefit of pay and allowances upto the date, till which, they were so employed.

3. This issues with the concurrence of the Finance Department given,—*vide* its U.O. No. 36/18/78/4FR, dated 7th May, 1980.

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*Copy of letter No. 34013/4/79-Estt. (B), dated the 6th December, 1979, from the Deputy Secretary to the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi, to all the Ministers/Departments of Government of India.*

#### OFFICE MEMORANDUM

**Subject.**—Action against Central Government servants under proviso (C) to Article 311 (2) of the Constitution—Review of cases of employees who were dismissed/removed from service during Emergency—also review of cases of dismissal or removal from service otherwise than above provisions of the Constitution.

Attention is invited to this Department's O. M. No. 34013/4 (S)/77-Estt. (B), dated 10th May, 1977, and 5th October, 1977 on the subject mentioned above. According to provisions contained in the above-mentioned office memoranda the employees who had been reinstated in service in terms of the instructions, are to be given full pay and allowances for the period intervening between the date of dismissal/removal from service or termination of service and the date of re-instatement in service subject to the condition specified therein. Similarly in the case of those employees who were detained under MISA, in respect of the period of suspension full pay and allowances, for the period of suspension should be given subject to the conditions laid down in the Office Memorandum, dated 5th October, 1977. The instructions also provide that the period intervening between the date of dismissal/removal from service or termination of service and the date of reinstatement of in service as well as the period of suspension on account of detention under MISA is to be treated as duty only for purposes of increment and pension.

2. It has been represented to this Department that, having allowed the employees in question full payment of pay and allowances for the period of suspension, as well as the intervening period, it is only reasonable to treat the period as duty for all purposes instead of restricting such period being counted only for purposes of increment and pension. The matter has been considered by this Department and it has been decided that in all such cases referred to above where the employees have been allowed full pay and allowances for the period in question, such period including the period of suspension should be treated as duty for all purposes.

3. The Ministry of Finance etc. are requested to communicate the above to all Heads of Departments/Offices under their control.

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*Copy of Punjab Government circular letter No. 6/201/78-PP/3939, dated 7th August, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Regularisation of services of ad hoc employees covered under Government instructions, dated 29th January, 1973 and 3rd May, 1977.*

I am directed to refer to Punjab Government circular letters No. 6/128/78-PP/45, dated 5th January, 1979, and No. 6/201/78-PP/2315, dated 4th May, 1979 on the subject noted above, and to say that in para 5 of the circular letter, dated 5th January, 1979, it was *inter alia*, laid down as under :—

"..... there are a number of ad hoc employees who have been appointed by methods other than direct recruitment. For instance, there are cases where initially certain persons were work-charged employees and were treated on appointment, on ad hoc basis, to posts in the regular establishment. In such cases, the above condition regarding recruitment through employment exchanges shall not deem to be applicable ....."

2. It was pointed out by a department that this part of the instructions had created a somewhat anomalous situation in the case of work-charged employees. The matter has been considered further by Government and it has been decided that only those work-charged employees working on ad hoc basis will be considered for regularisation under the above mentioned instructions who have put in at least 5 years of service on work-charged basis and thus would have become entitled to be regularised as work-charged employees, in terms of the policy instructions contained in Punjab Government letter No. 279-SII (3)-73/3046, dated 29th January, 1973, and order of the President circulated with Punjab Government endst.

No. 4561-3GSI-77/18051, dated 3rd May, 1977, as supplemented from time to time.

3. I am directed to add that in future, no workcharged employee should be appointed against a regular post on *ad hoc* basis unless he has served as a work-charged employee for at least 5 years.

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*Copy of Punjab Government circular letter No. 8/11/80-6PP/10060, dated 12th September, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees—Ban on mid-term transfers.

I am directed to refer to Punjab Government circular letter No. 8/11/80-6PP/9407, dated the 20th August, 1980, wherein it was desired that all transfers of Punjab Government employees which are considered necessary on administrative grounds be effected by the 31st August, 1980, at the latest. It has come to the notice of Government that in some departments/subordinate offices transfers are still being made in disregard of the aforesaid instructions. I am, therefore, to request you to kindly ensure that no transfers should henceforth be made between now and till March, 1981, except with the prior approval of the Chief Minister to be obtained through the Chief Secretary in the Department of Personnel and Administrative Reforms, as prescribed in the aforesaid circular letter.

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

3. Receipt of this letter may please be acknowledged.

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*Copy of Punjab Government circular letter No. 10/27/79-GE/10582, dated 19th September, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Use of State Language as medium in addition to English in competitive examinations held by the Punjab Public Service Commission.

I am directed to refer to your letter No. P & G/24/72/9926, dated the 12th April, 1972, on the subject noted above and to say that the

proposal of the Punjab Public Service Commission for allowing the use of Punjabi language for answering papers (excepting the language paper) in addition to English in the competitive examinations has remained under consideration of the Government. The position obtaining in respect of the competitive examinations held by the Union Public Service Commission and in other States has been examined and the views of various concerned State Government Departments taken into consideration. After careful consideration of all aspects of the matter Government has now decided that in future the candidates may be given the option to answer all question papers, excepting the language paper, in Punjabi medium in addition to the medium of English, in the competitive examinations to be held by the Punjab Public Service Commission. You are, therefore, requested that further necessary action in accord with this decision of Government may be taken and it may be ensured that in future the candidates appearing in competitive examination are afforded the opportunity to answer the Question Papers (excepting the language paper) in Punjabi medium in addition to English medium.

2. The minor expenditure on account of setting of Question Papers and getting them printed in Punjabi in addition to English etc. may be met out of the sanctioned budget grant of the Punjab Service Commission.

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

*Copy of Punjab Government circular U.O. No. 16/20/80-2PP/10914, dated 29th September, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Premature Retirement of Class I and Class II Officers—  
Formation of a Senior Officers Committee.

All Administrative Secretaries to Government, Punjab may please refer to the Punjab Civil Services (Premature Retirement) Rules, 1975 and instructions issued thereunder,—vide Circular letter No. 6520-2SII-75/38581, dated 26th September, 1975. The salient features of the policy contained in these rules and instructions are:—

- (a) Government has the absolute right to retire employees who have completed 25 years qualifying service or attained the age of 50 years with a view to eliminating persons of doubtful integrity and of inefficient performance.

- (b) A review is to be held at two stages in the employee's career; first, when he fulfills one of the conditions mentioned above; and the second, when he attains the age of 55 years. Another review during the intervening period can also be done on exceptional grounds, such as his subsequent work or conduct or the state of his physical health which may make such earlier retirement clearly desirable.
- (c) The right to retire an employee prematurely is to be exercised judiciously, in order to ensure that public interest is really served. The competent authority has to record on the file that it has formed its opinion to retire an employee in public interest. It has also to be ensured that the decision to retire an employee is not arbitrary or is not based on collateral grounds.
- (d) The service record of the employee as a whole is to be considered for forming the opinion to retire him in public interest. Even a single entry against integrity is considered sufficient if it is generally fortified by reasons and has not been written in the distant past, conclusive and proven reports based on inspections, departmental and vigilance enquiries would also be considered in taking a decision to retire an employee.

2. In order to ensure that there is uniformity of approach in the matter of scrutinising the record of service of Gazetted Officers in terms of the aforementioned rules and instructions, it has been decided by Government that all cases of Gazetted Officers may be considered by a Committee consisting of the following officers :—

- (i) Chief Secretary.
- (ii) One Financial Commissioner.
- (iii) Administrative Secretary concerned.

(Note:—When the F.C. himself is the Administrative Secretary concerned, some other F.C. or Administrative Secretary can be co-opted.).

3. The procedure to be followed in this matter is that the scrutiny of the record of service of officers who fulfill either of the

conditions prescribed in the Premature Retirement Rules with regard to age and qualifying service may be taken up by the concerned Administrative Department well in time. The cases of those officers whose record of service is absolutely clean and does not contain any adverse entry of any kind may be considered and decided by the Administrative Department itself with the approval of the Minister-in-Charge as usual. In other cases, if the Administrative Department, on scrutinising the record, forms the opinion that a particular officer may be considered for premature retirement, a memorandum containing an analysis of his service record and the comments of the concerned Head of Department and Administrative Secretary/Minister should be prepared and forwarded in quintuplicate (5 copies) to the Department of Personnel for being placed before the aforesaid Senior Officers Committee. It should be accompanied by the original character roll. The memorandum should also indicate the latest position of any Departmental or Vigilance inquiry if in progress against the officer. The Senior Officers Committee would consider the record of service of the officer and of the enquiries, Departmental or Vigilance, if any, and submit its recommendations to the Chief Minister for final orders. The orders of the Chief Minister would be communicated to the concerned Administrative Department for action accordingly.

4. The same procedure would be followed at the time of conducting the second review at the time of the attainment of the age of 55 years by the officers.

5. The cases which have already been decided should not be reopened. The cases which arise after the issue of these instructions will be dealt with in the manner prescribed herein.

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*Copy of Punjab Government circular letter No. 8/11/80-6PP/11171, dated 6th October, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees.

I am directed to refer to Punjab Government circular letter No. 8/11/80-6PP/9407, dated the 20th August, 1980, on the subject noted above, and to clarify that as indicated in circular letter

No. 2786-6PP-78/12136, dated 14th April, 1978, a mid-term transfer which becomes necessary to fill a vacancy after making the general transfers arising as a result of the following eventualities :—

- (a) Suspension ;
- (b) Resignation ;
- (c) Retirement ;
- (d) Removal from service ;
- (e) Deputation including deputation from long term training ; and
- (f) Promotion ;

will continue to be ordered by the Administrative Secretaries/ Heads of the Departments or any other subordinate authority competent to do so, as the case may be, as heretofore, without obtaining the prior approval of the Chief Minister provided that, in such cases also, the transfer should not involve the transfer of any other employee. In any other case where the Department considers the transfer of an official absolutely unavoidable, it shall be necessary to obtain the prior approval of the Chief Minister, through the Chief Secretary in the Department of Personnel and Administrative Reforms (Personnel Policies Branch) as already desired,—vide Punjab Government instructions referred to above.

2. These instructions may kindly be brought to the notice of all concerned under your control for compliance.

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*Copy of letter No. 8/234/78-PP/11207, dated 7th October, 1980, from the Chief Secretary to Government, Punjab addressed to all Administrative Secretaries to Government, Punjab ; All Heads of Departments, Commissioners of Divisions, Deputy Commissioners, Registrar, Punjab & Haryana High Court, and Sub-Divisional Officers (C) in the State, with a copy to PSCM Secretaries/Private Secretaries to Ministers for information of Chief Minister and Ministers.*

**Subject.—Policy and procedure regarding *ad hoc* appointments.**

In modification of the instructions contained in circular letter No. 7053/6/234/3PP/78/32037, dated 29th September, 1978 on the subject noted above, I am directed to say that it has been decided

by Government that pending decision regarding the regularisation of services of the presently serving *ad hoc* employees, no further *ad hoc* appointments should be made from the open market, through Employment Exchanges or otherwise, till further orders. Recruitment to posts carrying initial pay within the range of Rs. 325 and Rs. 699 p.m. (both inclusive) shall be made through the Central Selection Committee constituted,—vide Punjab Government notification No. 12/19/80-IGE/6114, dated 29th May, 1980 in the case of common category of employees, viz., Clerks, Typists, Steno-typists, Stenographers and Assistants, and through the Departmental Selection Committees constituted,—vide circular letter No. 12/19/80-IGE/3582, dated 28th March, 1980, in the case of employees other than those mentioned above.

2. Steps should be taken to ensure strict compliance with this decision of Government.

3. Receipt of this letter may please be acknowledged.

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*Copy of Punjab Government circular letter No. 8/11/80/6PP/18909, dated 24th October, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees—Communication of orders of Chief Minister.

I am directed to refer to Punjab Government, circular letter No. 8/11/80-6PP/9407, dated 20th August, 1980, and circular letter No. 8/11/80-6PP/11171, dated 6th October, 1980, on the subject noted above, and to say that the matter of posting and transfer of Punjab Government employee has been considered further. At times members of public who call upon the Chief Minister also make requests in connection with transfers of Government employees. It has been decided that orders passed by the Chief Minister in their disposal will be conveyed to the concerned Departments by the following officers on behalf of the Chief Minister :—

- (i) The Principal Secretary to Chief Minister, Punjab for gazetted staff; and

- (ii) The Under Secretary (II) (S. Bakhshish Singh) for non-gazetted staff.

No other officer of the Chief Minister's office is authorised to convey posting/transfer orders in this respect. As far as possible, the orders will be conveyed in writing and the communication would bear a proper number and date from the offices of the two officers mentioned above. In urgent cases, however, orders may be conveyed by them on telephone but confirmation in writing will invariably follow for record of the Department.

2. I am directed to request that such orders may be implemented immediately by the appropriate authorities without reference to Chief Secretary (in the Department of Personnel and Administrative Reforms).

3. These instructions may also please be brought to the notice of all concerned under your control for compliance.

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*Copy of Punjab Government circular Endst. No. 6/234/78-3PP/11961, dated 28th October, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

#### ORDER OF THE GOVERNOR OF PUNJAB

In supersession of this Department Order No. 6/234/78-3PP, dated the 2nd May, 1980, it has been decided by the Governor of Punjab that the services of all *ad hoc* employees holding the posts carrying an initial pay of Rs. 325 to Rs. 699 p.m. (both inclusive) in various Government Departments/offices shall be regularised subjects to the following conditions :—

- (i) that the *ad hoc* employees should have completed a minimum of one year's service on the 30th September, 1980. While calculating the period of service any break of notional nature falling between *ad hoc* appointments in the same category of posts and in the same Department may be ignored. In other words, the break in *ad hoc* service would not be ignored in cases where :—
  - (a) the employee concerned left service of his own volition whether to join some other department or for some other reasons; or

- (b) 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.
- (ii) that they fulfil the conditions of eligibility as prescribed (i. e., they have been recruited through the Employment Exchange or by open advertisement) academic qualifications, experience and the condition of age at the time of their first *ad hoc* appointment in accordance with the Departmental Service Rules and instructions issued by the government,
- (iii) that their record of service is satisfactory,
- (iv) that they have been found medically fit for entry into government service and that their character and antecedents have also been duly verified and found suitable for Government Service,
- (v) that a regular post/vacancy is available for regularisation,
- (vi) that they have been found fit for regularisation by the Departmental Selection Committees constituted in accordance with instructions contained in Government Circular letter No. 12/19/80-IGE-3582, dated 28th March, 1980. These Departmental Selection Committees shall also consider cases of common categories of employees.
- (vii) *Inter se* seniority of *ad hoc* employees will be determined on the basis of service rendered on *ad hoc* basis. The older member will be senior to a younger member appointed on the same date. All such *ad hoc* employees will be placed junior to those working on regular basis.

2. These cases of such *ad hoc* employees who have already completed three years' service on 30th September, 1980 and have satisfactory record of service but who do not fulfil the prescribed conditions with regard to qualifications, age or mode of their initial recruitment will also be considered for regularisation in relaxation of these conditions if the Departmental Service Rules applicable to those employees provide for relaxation of these conditions of recruitment.

3. The orders of regularisation of *ad hoc* services will be effective from the 1st October, 1980, and the process of finalisation of all such cases shall be completed within a maximum period of three months.

4. In order to arrest the practice of allowing continued *ad hoc* appointments beyond the period of six months pending regular recruitment to be made against vacancies/posts required to be filled up on regular basis by the method of direct recruitment, as also to ensure equal opportunity for all aspirants seeking employment, the State Government has already decided to stop further *ad hoc* appointments,—*vide* circular letter No. 6/234/78-PP/11207, dated 7th October, 1980. Recruitment to these posts shall be made by the Punjab Public Service Commission/Subordinate Services Selection Board or the Departmental Selection Committee(s), as the case may be.

5. The *ad hoc* employees whose services are regularised under these orders will henceforth be governed by the relevant Departmental Service Rules and government instructions issued from time to time.

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*Copy of Punjab Government circular letter No. 16/3/78-2PP/12747, dated 19th November, 1980, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

*Subject.*—Treatment of the period intervening between the date of premature retirement and the date of reinstatement in service—Policy regarding.

I am directed to say that in Circular letter No. 16/3/78-2PP/11297, dated 15th November, 1979 on the subject noted above, instructions were issued to the effect that if a Government employee retired under the Premature Retirement Rules, 1975, is reinstated in service, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the competent authority as duty, or as leave of the kind due and permissible, or as *dies non*, taking into the account the merits of each case. A clarification has been sought as to the meaning of the term '*dies non*'. After obtaining clarification from the Government of India who had used this term in their own instructions, I am directed to inform you that the term '*Dies non*' is used in common parlance as a period which does not exist. As such if a certain

portion in the period of service of a Government employee is treated as 'dies non' it would mean that it does not exist at all and this period does not count for pension, for leave, for seniority or any other purpose.

2. This clarification may please be brought to the notice of all concerned for guidance.

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*Copy of Punjab Government circular letter No. 13/14/80-2PP/12905, dated 25th November, 1980, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Fixation of time limit for advice by the Punjab Public Service Commission in disciplinary cases.

I am directed to refer to the instructions contained in Punjab Government Circular letter No. 7532-DSS-II-(2)-73, dated 9th November, 1973, "Manual of Instructions on services Matters" pages 719-723) on the subject noted above and to say that these instructions specifically lay down *inter alia* that for eliminating delay in finalising disciplinary cases against Government employees, information complete in all respects should be furnished to the Punjab Public Service Commission in the first instance. The Commission has, however, mentioned in paragraph 34 of its report for the year 1979-80 that the cases of disciplinary action, appeals etc. referred to it by the various departments continue to be incomplete in one respect or the other necessitating back-references resulting in avoidable delay. This indicates that the aforesaid instructions are not being observed in letter and spirit by the various departments.

2. Government attach tremendous importance to the expeditious disposal of disciplinary cases. To achieve this end, instructions have been issued from time to time emphasising finalization of disciplinary cases on a time-bound basis. In view of this, it is again requested that in order to facilitate finalization of disciplinary cases, appeals etc. expeditiously, it may please be ensured that in future, information complete in all respects is sent by you to the Commission in the first instance.

3. It is requested that these instructions may please be brought to the notice of all concerned for meticulous compliance.

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Copy of Punjab Government circular letter No. 6/234/78-3PP/13582, dated 1st January, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.

Subject.—Policy and Procedure regarding *ad hoc* appointments.

I am directed to invite your attention to this Department circular letter No. 6/234/78-PP/11207, dated 7th October, 1980, and Order circulated with endorsement No. 6/234/78-3PP/11961, dated 28th October, 1980, on the subject noted above and to say that Department has sought clarification whether the decision placing ban on *ad hoc* appointments is applicable to non-gazetted posts only or whether it is also applicable to gazetted posts/those posts recruitment to which is made through the Punjab Public Service Commission. The matter has been carefully considered by Government and it is clarified that the ban in question is applicable to all posts, gazetted as well as non-gazetted, which are meant to be filled by the method of direct recruitment on regular basis.

2. As regards the *ad hoc* appointments already made before the issue of the above mentioned instructions, I am directed to clarify the position as under :—

- (i) In the case of *ad hoc* appointments made against posts carrying initial pay within the range of Rs. 325 and Rs. 699 p.m. (both inclusive), the term of such appointees may be extended further by the Administrative Department, with the approval of the Minister-in-Charge and this Department, as necessary, in accordance with the procedure outlined in Punjab Government letter No. 7053/6/234/3PP-78/32037, dated 29th September, 1978, provided the vacancy stands notified to and has been finally accepted by the Punjab Subordinate Services Selection Board (now defunct) or the Central/Departmental Selection Committee, as the case may be, subject to the condition that the *ad hoc* appointment shall not be continued beyond 31st January, 1981, i.e., the date by which the cases of regularisation of all *ad hoc* employees are required to be finalised.
- (ii) In the case of *ad hoc* appointments made against posts carrying initial pay of Rs. 700 p.m. and above, and falling within the purview of the Punjab Public Service Commission, the term of such appointees may be extended

further beyond the initial period of six months by the Administrative Department with the approval of the Minister-in-Charge, in accordance with the procedure outlined in Punjab Government letter dated 29th September, 1978, mentioned above, provided the vacancy stands notified to and has been finally accepted by the Punjab Public Service Commission, subject further to the condition that the approval of the Punjab Public Service Commission is also obtained in terms of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955.

3. I am to emphasise that the cases about the regularisation of *ad hoc* employees must be finalised in terms of the Punjab Government Order dated 28th October, 1980, referred to in para (1) above, within a period of three months, i.e., upto 31st January, 1981. Government would not be prepared to grant any further extension in *ad hoc* appointments beyond that date.

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

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*Copy of Punjab Government circular letter No. 4/18/80-1PP/14, dated 1st January, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Bifurcation of cadre strength of Steno-typists—Guidelines for.*

I am directed to say that as per provisions contained in item No. 21 of Schedule 'B' of the Punjab Civil Services (Revised scales of pay) Rules, 1979, the following two revised scales equal to Clerks/Senior Clerks were sanctioned for the Steno-typists, in addition to the special pay of Rs. 25 p.m.:—

(a) Rs. 400-10-450/15-525/15-600.

(b) Rs. 510-15-600/20-700/25-800.

These scales were to be allowed by bifurcating the cadre strength of Steno-typists in the ratio of 50 : 50 as on 1st January, 1978, and subsequently every year on 1st March. Necessary guidelines for the bifurcation of the cadre strength of Clerks for allowing senior scale have already been issued,—*vide* this department circular letter No. 4/4/80-1PP/4130, dated 18th April, 1980. The matter

regarding issuing of such guidelines for the bifurcation of cadre strength of the Steno-typists has been engaging the attention of the Government. After considering the matter at length, necessary guidelines in this regard are, therefore, now issued by Government in consultation with the Department of Finance.

2. As in the case of Clerks, the cadre, strength of the Steno-typists as on 1st January, 1978, in respect of permanent posts and temporary posts separately should be bifurcated in the ratio of 50 : 50 in two scales of pay mentioned in para 1 above. The Steno-typists placed in both these scales would be entitled to special pay of Rs. 25 p.m. The Steno-typists placed in the senior scale would be designated as Steno-typists Grade-I and those placed in the lower scale would be designated as Steno-typists Grade-II. The cadre strength of the Steno-typists should be bifurcated further on the 1st March of every year based on the strength existing on 28th February. Once the strength has been so bifurcated on the 1st March in a year, there is no objection to the Steno-typists being placed in the senior scale at any time of the year to fill up the assessed number of posts or vacancies arising as a result of promotions or resignations etc., thereafter.

3. The placement of a Steno-typist in the scale of Steno-typist Grade-I would not involve any promotion in the conventional sense from a post of lower responsibility to a post of distinct higher responsibility or from one cadre to another or from a lower class to a higher class of service. Therefore, such aspects as reservation for the Scheduled Castes or other categories or framing of separate Service Rules are not relevant. The Steno-typists Grade-I should be appointed on the basis of seniority, subject to their suitability as adjudged on the basis of satisfactory service record.

4. It is an accepted principle that when a post/posts is/are upgraded, the incumbents thereof automatically acquire a right to be appointed on the upgraded post(s). Since the crucial dates of 1st January, 1978, 1st March, 1978, 1st March, 1979, and 1st March, 1980, on which the number of posts in the scale of Steno-typist Grade-I was to be assessed, have already passed, the service record of those persons, who had become eligible for that scale on these dates, need not be screened now and they would automatically, get that scale from the relevant dates. In other words, the guidelines being issued now would be applicable to the appointments to be made in future and not to those having been made already.

5. This may be brought to the notice of all concerned. The receipt of this communication may please be acknowledged.

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*Copy of Punjab Government circular letter No. 10/23/80-5PP/621, dated 19th January, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Implementation of reservation policy in the case released Armed Forces Personnel.

I am directed to say that according to the Demobilised Armed Forces Personnel (Reservation of vacancies in the Punjab State Non-Technical Services) Rules, 1968, as amended from time to time, and the Demobilised Indian Armed Forces Personnel (Reservation of vacancies in Punjab Civil Service) (Executive Branch) Rules, 1972, twenty per cent of non-technical posts and vacancies in the Punjab Civil Service (Executive Branch) to be filled in by direct recruitment are reserved for the Released Indian Armed Forces Personnel. In order to safeguard their interests, it has also been laid in the aforesaid Rules that where in any year, any vacancies reserved for the Released Indian Armed Forces Personnel remain unfilled on account of non-availability of suitable Released Armed Forces Personnel, such a vacancy is to be filled up temporarily from any other sources in accordance with the recruitment Rules for the time being in force for filling up vacancies which are not reserved and such a vacancy shall be carried forward to the next succeeding year, provided that no such vacancies shall be carried forward for more than four years. In Punjab Government circular letters noted in the \*margin, it was further stressed that second preference is to be given to ex-servicemen who are otherwise fit for employment by fulfilling the prescribed qualifications for the post in question, but who are not covered by the term "Released Indian Armed Forces Personnel". It has been brought to the notice of Government that these rules/instructions are not being followed meticulously and as a result thereof, quite a number of Released Indian Armed Forces Personnel/Ex-servicemen remain un-employed.

2. The matter has been considered by the Government, and with a view to ensuring due representation in services to the Released Indian Armed Forces Personnel/Ex-servicemen, as provided in the aforesaid rules/instructions, it has been decided that where Released Indian Armed Forces Personnel/Ex-servicemen are not available for the vacancy/vacancies reserved for them, the appointing authority shall have to obtain a non-availability certificate from the Department of Defence Services Welfare, Punjab, before the reserved vacancies are filled up temporarily from any other source in accordance with the recruitment rules for the time being in force for filling up vacancies which are not reserved.

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

2. No. 7328-Services 2 (2)-69/24225, dated 3rd September, 1969;

3. No. 3808-SII (3)-71/20988, dated 12th August, 1971;

and

4. No. 611-SII (3)-72/5112, dated 15th February, 1972.

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

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*Copy of Punjab Government circular letter No. 6/234/78-3PP/854, dated 22nd January, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

*Subject.*—Extension in the period of *ad hoc* appointments beyond the period of six months and one year in respect of employees who have not completed one year's service on 30th September, 1980.

*Reference :* This department circular letter No. 6/234/78-3PP/13582, dated 1st January, 1981.

Certain *ad hoc* employees of the offices of Director, Project Coordination Directorate, Punjab and Deputy Registrar, Cooperative Societies, Patiala have brought to the notice of government that their services are being terminated in terms of the above-mentioned clarificatory instructions issued by this department, whereby it was, *inter alia*, made clear that the cases of all eligible *ad hoc* employees for the regularisation of their services should be finalized by the 31st of January, 1981, after which no further extension would be granted for such continued *ad hoc* appointments. It was also stated in the above-mentioned instructions that the cases of continued *ad hoc* appointments are covered under the Policy Instructions issued,—vide letter No. 7053/6/234/3-PP-78/32037, dated 29th September, 1978 according to which approval of the Minister-in-Charge or the Chief Minister may be obtained, as the case may be. It is, therefore, made clear that the cases of all eligible *ad hoc* employees relating to their regularization may be finalized by the end of January, 1981, positively under intimation to Government. However, the cases of all other *ad hoc* employees who were recruited prior to the issue of instructions banning *ad hoc* appointments and whose services cannot be regularized in terms of the Policy instructions dated 28th October, 1980, may be considered for the continuation of their services in the light of Government Instructions dated 29th September, 1978, referred to above, till suitable candidate(s) recommended by the recruiting agency for appointment on regular basis join their duties.

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ਗ: ਸ: ਗਸਤੀ ਪੱਤਰ ਨੰ: 4/1/81-3 ਪੀ ਪੀ/11545, ਮਿਤੀ 12 ਫਰਵਰੀ, 1981 ਵਲੋਂ ਪ੍ਰਸ਼ਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ ਆਦਿ।

ਵਿਸ਼ਾ:—ਵਿਦਿਅਕ ਯੋਗਤਾ ਰੱਖਣ ਵਾਲੇ ਦਰਜਾ ਚਾਰ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਦਰਜਾ ਤਿੰਨ ਦੀਆਂ ਆਸਾਮੀਆਂ ਤੇ ਪਦ ਉਨਤ ਕਰਨ ਸਬੰਧੀ ਉਪਬੰਧ।

ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਇਸ ਵਿਭਾਗ ਦੇ ਗਸਤੀ ਪੱਤਰ ਨੰ: 1487-ਐਸ-11(3)-72/10190, ਮਿਤੀ 25 ਅਪ੍ਰੈਲ, 1972 ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੋਚਲ ਕਰਨ।

2. ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦਾ ਗਿਆ ਹੈ ਕਿ ਕੁਝ ਵਿਭਾਗਾਂ ਵਿਚ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਦਰਜਾ ਚਾਰ ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਪਦ ਉਨਤੀ ਰਾਹੀਂ ਦਰਜਾ ਤਿੰਨ ਦੀਆਂ ਆਸਾਮੀਆਂ ਤੇ ਨਿਯੁਕਤੀ ਲਈ ਵਿਚਾਰਿਆ ਨਹੀਂ ਜਾਂਦਾ। ਸਰਕਾਰ ਵਲੋਂ ਤਦ ਅਰਥ ਨਿਯੁਕਤੀਆਂ ਕਰਨ ਤੇ ਲਾਈ ਰੋਕ ਦੇ ਸਨਮੁੱਖ ਸਿਖਿਆ ਵਿਭਾਗ ਵਲੋਂ ਇਸ ਵਿਸ਼ੇ ਸਬੰਧੀ ਸਪੱਸ਼ਟੀਕਰਣ ਮੰਗਿਆ ਗਿਆ ਹੈ ਕਿ ਕੀ ਦਰਜਾ ਚਾਰ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਕਲਰਕਾਂ ਦੀਆਂ ਖਾਲੀ ਆਸਾਮੀਆਂ ਵਿਰੁੱਧ ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀ ਦਿਤੀ ਜਾ ਸਕਦੀ ਹੈ ਜਾਂ ਨਹੀਂ। ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਵਿਭਾਗਾਂ ਨੂੰ ਚਾਹੀਦਾ ਸੀ ਕਿ ਦਰ ਪ੍ਰਤੀਸ਼ਤ ਦਰਜਾ ਤਿੰਨ ਦੀਆਂ ਆਸਾਮੀਆਂ ਵਿਰੁੱਧ ਵਿਭਾਗੀ ਦਰਜਾ ਚਾਰ ਕਰਮਚਾਰੀਆਂ ਲਈ ਜਿਹੜੇ ਲੋੜੀਂਦੀਆਂ ਵਿਦਿਅਕ ਯੋਗਤਾਵਾਂ ਪੂਰੀਆਂ ਕਰਦੇ ਹੋਣ, ਵਿਭਾਗੀ ਸੇਵਾ ਨਿਯਮਾਂ ਵਿਚ ਪਦ ਉਨਤੀ ਰਾਹੀਂ ਨਿਯੁਕਤੀ ਕਰਨ ਦਾ ਉਪਬੰਧ ਕੀਤਾ ਜਾਂਦਾ ਅਤੇ ਉਸ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਂਦੀ। ਇਸ ਲਈ ਇਹ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੇ ਪੈਰਾ 3 ਵਿਚ ਦੱਸੀ ਗਈ ਵਿੱਧੀ ਅਨੁਸਾਰ ਜਿਨ੍ਹਾਂ ਵਿਭਾਗਾਂ ਵਿਚ ਦਰਜਾ ਚਾਰ ਦੇ ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਖਾਲੀ ਪਈਆਂ ਆਸਾਮੀਆਂ ਵਿਰੁੱਧ ਪਦ-ਉਨਤ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੋਵੇ ਵਿਭਾਗੀ ਚੋਣ ਕਮੇਟੀਆਂ (ਜਾਂ ਸਰਕਾਰ ਵਲੋਂ ਨਿਯੁਕਤ ਕੀਤੀ ਏਜੰਸੀ) ਰਾਹੀਂ ਰੇਗੂਲਰ ਨਿਯੁਕਤੀ ਲਈ ਵਿਚਾਰ ਲਿਆ ਜਾਵੇ। ਅਗੋਂ ਲਈ ਇਸ ਬਾਰੇ ਵਿਭਾਗੀ ਸੇਵਾਵਾਂ ਨਿਯਮਾਂ ਵਿਚ ਲੋੜੀਂਦਾ ਉਪਬੰਧ ਕਰਨ ਲਈ ਤੁਰੰਤ ਕਾਰਵਾਈ ਮੁਕੰਮਲ ਕੀਤੀ ਜਾਵੇ।

*Copy of Punjab Government circular letter No. 3/54/78-2PP/2340, dated 2nd March, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Promotion of clerks to the post of Assistants—Condition of passing the Assistant Grade Examination.

I am directed to address you on the subject noted above and to say that in the year, 1957, a qualifying test namely, Assistant Grade Examination, *inter alia*, for purpose of promotion from Clerk to Assistant was introduced in all the Departments and broad pattern for regulating appointments to the cadre of Assistants in vogue in the Punjab Civil Secretariat was circulated to all the Departments for adoption. Accordingly some of the Departments issued executive orders laying down the condition of Assistant Grade Examination

and in some cases statutory provision was made in the respective Service Rules. The condition of passing Assistant Grade Examination for being eligible for promotion to the rank of Assistant has been the subject of litigation which has ultimately come to close with the Judgment of the Supreme Court in the case of State of Haryana, etc., *versus* Shamsher Jung Bahadur as reported in 1972 S.L.R. 441-444. On account of this litigation the Assistant Grade Examination could not be held by the Punjab Subordinate Services Selection Board since, 1964, and the promotion to the post of Assistants have been made on provisional basis subject to the passing of Assistant Grade Examination.

2. To enable Government to examine the desirability of regularising the appointment of those persons who have been promoted provisionally subject to the passing of Assistant Grade Examination and have worked for several years as Assistants, I am directed to request you to intimate within 15 days positively, whether:—

- (i) There exists a provision regarding Assistant Grade Examination in the departmental Service Rules or in the absence of departmental Service rules any order has, been issued laying down the condition of Assistant Grade Examination.
- (ii) If the reply is in the affirmative, whether there is any provision in the Departmental Rules for relaxation of the condition of passing the test and whether this condition has been relaxed in any case to regularise any appointment. If so, a copy of the necessary orders issued in this behalf may be sent to Government.

3. This may be treated as most urgent.

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*Copy of Punjab Government circular letter No. 28/9/78-3 PP/2424, dated 3rd March, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Guidelines regarding functions and powers of the Chairmen of State Corporations/Government Companies.

In supersession of the guidelines regarding the functions and powers of the Chairmen of State Corporations/Government Companies forwarded to you with this department Circular letter No. 28/9/78-3PP/30895, dated 18th September, 1978, I am directed to enclose

the revised guidelines on the above subject. These may kindly be brought to the notice of all Corporations/Government Companies under the administrative control of departments under your charge.

*Guidelines regarding functions and powers of the Chairmen of State Corporations/Government Companies.*

1. Chairman shall be the authority to initiate the annual confidential report of the Managing Director. In respect of other senior officers for whom the Managing Director is the reporting authority, Chairmen shall be the reviewing authority. In respect of officers for whom the Managing Director is the reviewing authority, the Chairman shall be the accepting authority.
2. All meetings of the Board of Directors shall be convened by the Managing Director on such date and time as is approved by the Chairman.
3. Agenda for the meeting of the Board of Directors shall be drawn up by the Managing Director. The Chairman shall be competent to add items to be included in the Agenda.
4. All significant information concerning the functioning of the Corporation shall be made available by the Managing Director to the Chairman. In addition, the Chairman may call for information from Managing Director on any aspect of the working of Corporation, but he is not entitled to summon individual files.
5. The Chairman may visit and check from time to time various field officers and operating units of the Corporation within the State. Points for action arising from such visits shall be communicated by the Chairman to the Managing Director.
6. Copies of the tour programme issued by various senior officers of the Corporation shall invariably be endorsed to the Chairman.
7. Wherever the Chairman so desires, he shall be associated with a meeting of the Field Staff convened by the Managing Director at the Corporation's headquarter.
8. Ordinarily responsibility for furnishing reports to Government and undertaking correspondence with Government

on behalf of the Corporation shall be with the Managing Director. However, in important matters of policy, it shall be open to the Chairman to send a demi-official communication to the Administrative Secretary/Minister-in-Charge.

9. The Board of Directors as a whole has final responsibility for direction and control under the Laws, Rules and Regulations applicable to Corporations/Autonomous undertakings. Hence, in the event of difference of opinion between the Chairman and Managing Director, the concerned matter should be placed before the Board of Directors for decision.
10. The Chairman should confine his power of general guidance to matters of broad management and policy and leave day-to-day administration of the affairs of the Corporation to the charge of the Managing Director. While undertaking his functions and exercising his powers, the Chairman should observe the established management practices and, in particular, the Managing Director should be the channel of communication.
11. Unless a system of executive Directors, like Financial Director, Personnel Director, etc., is adopted, the Managing Director only is the Chief Executive of the Corporation and all work of the Corporation would be done through him. In this background, the powers of the Chairmen would be those as defined in the Articles of Association of each Corporation and as clarified in these guidelines.

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*Copy of Punjab Government circular letter No. 4/2/81-1PP/2697, dated 10th March, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

*Subject.—Demand of the Punjab Subordinate Services Federation for the creation of Channels of promotion in all cadres.*

I am directed to address you on the subject cited above and to say that the Punjab Subordinate Services Federation has demanded that the channels of promotion may be created in all cadres under the various Departments which are blocked such as classical and vernacular teachers, Pharmacists, Lady Health Visitors, ANMs etc. It is requested that the demand of the Federation may be considered sympathetically with a view to providing avenues of promotion.

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*Copy of Punjab Government circular letter No. 15/7/80-2PP/3386, dated 26th March, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject—Writing of Annual Confidential Reports.*

I am directed to invite your attention to the instructions contained in explanatory note (i) below paragraph 3 of the consolidated circular letter No. 2334-ASI-60/15708, dated 3rd May, 1960, wherein it was stressed that very slight defects should be brought to the notice of an officer verbally in the way of advice and guidance and need not find mention in confidential reports unless they are of a type which have been more than once brought to the subordinates attention but which he nevertheless persists in. It has been observed by Government that the authorities while writing Annual Confidential Reports of their subordinates continue to make mention of such matters as have nothing to do with the performance of an officer e.g., the officer has a long stay at a particular station and requires shifting etc., which as a matter of policy should not find place in the Annual Confidential Reports. An officer holds an appointment subject to the pleasure of the Government and his continuance at a particular station is not a matter of his choice. The remarks of the type mentioned above are not of a remediable nature for which the official/officer could make an effort to improve or remove the same. In view of this, I am directed to impress upon you that the instructions of Government referred to above, should be brought to the notice of all concerned again and the tendency of recording remarks unrelated to an officer's performance should be stopped immediately. The recommendations regarding transfers etc. should be sent to the authorities concerned in separate communications.

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*Copy of Punjab Government circular letter No. 13/29/79-2PP/3388, dated 26th March, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject—Collection of funds by Government employees—prohibition on.*

I am directed to refer you to Punjab Government circular letter No. 13/29/79-2PP/3707, dated 1st April, 1980, in which attention was

Invited to rule 10 of the All India Services (Conduct) Rules, 1968 and rule 12 of the Punjab Government Employees (Conduct) Rules, 1966, and it was directed that no Government employee should, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contribution to or otherwise associate himself with the raising of any fund or any collection in cash or kind, in pursuance of any objective whatsoever. Government have received reports that these instructions are not being complied with and some of the officers continue to associate themselves with the raising of funds for Red-Cross and the like, from members of the public visiting their offices for registration of documents and renewal of licences etc. Even village panchayats are reported to have been induced to make contribution to such funds. Government are inclined to take a serious view of the violation of these instructions and wish to make it clear that there should be no forcible collection of funds for any purpose what-so-ever from members of the public visiting Government offices for registration of documents and renewal of licences etc. There is, however, no objection to the voluntary donations being accepted for Red Cross. I am, therefore, directed to request that these instructions may please be brought to the notice of all employees working under your control for strict compliance. Any violation of these instructions, in future, will merit disciplinary action against the concerned officer/official.

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*Copy of Punjab Government circular U.O. No. 16/20/80-2PP/3517, dated 30th March, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

**Subject.—Premature Retirement of Class I and Class II Officers—Formation of a Senior Officers Committee.**

All Administrative Secretaries to Government, Punjab, may please refer to this Department U.O. Circular No. 16/20/80-2PP, dated 29th September, 1980, on the subject noted above.

2. To ensure uniformity of approach in the matter of scrutinising the record of service of Gazetted Officers to be considered for retirement under the Punjab Civil Services (Premature Retirement) Rules, 1975, a Senior Officers Committee was constituted,—vide U.O. referred to above. The matter has been reconsidered and it has been decided to abolish this Committee to enable departments to

take expeditious decisions at their own level. Consequently, the procedure prior to the constitution of the Senior Officers Committee will continue to be followed in the matter and no reference to the aforesaid Committee will be necessary.

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*Copy of Punjab Government circular letter No. 13/4/81-2PP/4048, dated 14th April, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

*Subject.—Association of Government employees with the activities of Rashtriya Swayam Sewak Sangh/Jamat-e-Islami.*

I am directed to say that in the Punjab Government Circular letter No. 944-SII(6)-67/1518, dated 19th/20th January, 1967, it was stated that the participation of Punjab Government employees in the activities of the Reshtriya Swayam Sewak Sangh and the Jamaat-e-Islami would be violative of the provisions of sub-rule (1) of rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 and will render them liable for disciplinary action. A copy of the letter No. 15014/3/(S)/80-Estt(B), dated 28th October, 1980, received from the Government of India, Ministry of Home Affairs, on the subject noted above is enclosed for further guidance. I am, directed to request you to kindly bring these instructions to the notice of all the Government employees working under you for strict compliance.

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*Copy of Office Memorandum No. 15014/3(S)/80-Estt(B), dated 28th October, 1980, from Shri K. C. Sharma, Joint Secretary to Government of India, Department of Personnel and Administrative Reforms (Ministry of Home Affairs) addressed to all Ministries/Departments of the Government of India, etc. etc.*

*Subject.—Association of Government servants with the activities of Rashtriya Swayam Sewak Sangh/Jamat-e-Islami.*

The undersigned is directed to invite the attention of the Ministry of Finance, etc. to the provisions of sub-rule (1) of rule 5 the Central Civil Services (Conduct) Rules, 1964 under which

"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 of the various Ministries is also drawn to this Ministry's O.M. No. 3/10(S)/66-Estt.(B) dated the 30th November, 1966 wherein it was clarified that the Government have always held the activities of both the Rashtriya Swayam Sewak Sangh and the Jamaat-e-Islami to be of such a nature that participation in them by Government servants would attract the provisions of sub-rule (1) of rule 5 of the Central Civil Services (Conduct) Rules, 1964 and that, any Government servant, who is a member of or is otherwise associated with the aforesaid organisations or with their activities, is liable to disciplinary action.

2. In the context of the current situation in the country, the need to ensure secular out-look on the part of Government servants is all the more important. The need to eradicate communal feelings and communal bias cannot be overemphasised.

3. No notice should be taken by Government and its officers, local bodies, State-aided institutions of petitions or representations on communal basis, and no patronage whatsoever should be extended to any communal organisation.

4. Ministry of Finance etc. are, therefore, requested to specially bring once again to the notice of all Government employees, working in or under them, the above quoted provisions in para 1 on the subject. It is emphasised that any disregard of these instructions should be considered as a serious act of indiscipline and suitable action initiated against the erring employee.

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*Copy of Punjab Government circular letter No. 4/3/81-1PP/3500, dated 15th April, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

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

I am directed to invite a reference to Punjab Government letter No. 1497-4GS-62/4059, dated the 13th February, 1962, (Page 252 of Manual of instructions on Service Matters Vol. I) in which the procedure to be followed in cases, where the turn of an officer/official,

whose conduct is the subject of an enquiry (which also includes an enquiry pending in the Vigilance Department), comes up for promotion or retirement, was prescribed. It was *inter alia* laid down therein that promotion of an officer/official (who is otherwise eligible/fit for promotion) should not be withheld if no *prima facie* case has been established against him upto the date he is due for promotion. It was further laid down therein that where a *prima facie* case has been established, i.e. on a preliminary investigation of the complaint, actionable material under the relevant punishment and Appeal Rules, has been brought out and it is intended to take action against him under the aforementioned rules, his promotion should be withheld.

2. It has been brought to the notice of the Government that the aforementioned instructions are not being followed by some of the Department while deciding the cases of promotion. I am accordingly to request you to kindly ensure that the aforesaid instructions are strictly followed in the Department/Offices under your control.

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*Copy of Punjab Government circular letter No 22/9/78-1PP/4646, dated 29th April, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

*Subject.—Postings, Transfers, Confirmations etc. of Heads of Departments—Submission of cases to the Chief Minister.*

I am directed to address you on the subject cited above and to say that the Government instructions contained in Circular letter No. 8892-4GS(1)-65/32042, dated 22nd September, 1965, read with U.O. communication No. 803-ISII-75, dated 29th April, 1975, *inter alia*, require that the proposals for the creation of posts of Heads of Departments or for the declaration of any post as Head of Department, proposals for the posting, transfers and confirmation of Heads of Departments, should be submitted to the Chief Minister through the Chief Secretary (in the Department of Personnel). It has been observed that these instructions have not been followed by some of the departments. It is, therefore, once again impressed upon all the departments to follow these instructions.

2. Kindly acknowledge its receipt

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*Copy of Punjab Government circular letter No. 6/48/81-3PP/4868, dated 5th May, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc. etc.*

**Subject.**—Regularisation of services of *ad hoc* employees who have completed one year's service on 30th September, 1980.

I am directed to refer to Punjab Government letter No. 6/234/78-3PP/11961, dated the 28th October, 1980, on the above subject and to say that some departments have sought clarification as to whether these instructions are applicable to those employees who have been appointed/promoted to Class III posts on *ad hoc* basis from amongst Class IV employees in pursuance of the instructions contained in Punjab Government letter No. 1487-SII(3)-72/1190, dated the 25th April, 1972. The matter has been considered and it has been decided that Class IV employees who have been appointed or promoted to Class III posts on *ad hoc* basis pending their clearing the examination to be conducted by the Subordinate Services Selection Board, will also be entitled to be regularised if they fulfil the terms and conditions laid down in Punjab Government letter dated the 28th October, 1980, mentioned above. Steps may, therefore, be taken urgently to regularise their services as early as possible.

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*Copy of Punjab Government circular letter No. 14/35/78-2PP/5165, dated 12th May, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

**Subject.**—Punjab Civil Services (Punishment and Appeal) Rules, 1970 Minimising delay in the finalisation of disciplinary cases.

I am directed to invite your attention to Punjab Government Circular letter No. 14/35/78-2PP/11930, dated 7th December, 1979, in which some guidelines were laid down to ensure the expeditious disposal of disciplinary cases against Government employees. It was, *inter alia*, stated therein that a charge-sheeted employee should be given not more than 10 days for the submission of his written statement of defence in reply to the charge-sheet under sub-rule (4) of rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, and that as the statement of defence under rules *ibid* is expected to be limited simply to admitting or denying the charges

communicated to the employee and for such admission or denial, inspection of documents is not necessary, a request for inspection of documents at this stage made by the delinquent employee may not be accepted.

2. It was represented to Government that the period of 10 days for submission of reply to the charge-sheet is too inadequate. The matter has been again considered by Government and it is felt that there is substance in the representation. Accordingly, Government have decided to increase the period for furnishing reply to the charge-sheet to 20 days from the present 10 days. Further, the inspection of record at the preliminary stage may also be allowed within the aforesaid 20 days, if a request for the same is received.

The above instructions may kindly be brought to the notice of all concerned for careful observance.

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*Copy of letter No. 13/10/78-2PP/5677, dated Chandigarh, the 22nd May, 1981 from Under Secretary, Personnel, Government of Punjab, Department of Personnel and Administrative Reforms (Personnel Policies Branch) to all the Heads of Departments, etc. etc.*

**Subject.**—No Objection Certificate for the issue of Passport to Government servants.

I am directed to invite your attention to Punjab Government letter No. 403-2SII-76, dated the 24th May, 1976, in which guidelines for the issue of 'No Objection Certificates' for the grant of passport to Government servants intending to go abroad were issued. Government have reconsidered the matter keeping in view the provisions of the Passport Act, 1967. Government have been advised that there is no provision in the Passport Act or in the Rules framed thereunder regarding the production of a 'No Objection Certificate' from the Head of the Department in which a Government employee is serving, and as such, 'No Objection Certificate' cannot be made a condition precedent to the issue of a passport. As the instructions regarding the issue of 'No Objection Certificate' have no statutory base and a passport cannot be refused by the Passport Authority to a Government servant merely because of the non-production of this certificate Government have decided to withdraw the aforesaid instructions. As a result, Government

employees, like other citizens, will seek passport from the Passport Issuing Authority in the prescribed manner without the production of 'No Objection Certificate' from the Head of the Department concerned.

2. Government employees who have been issued passport will apply for the grant of Ex-India Leave for going abroad, while sanctioning Ex-India Leave it should be ensured that—

- (i) no disciplinary proceedings or Police/Vigilance enquiry or court case is pending against the Government employee.
- (ii) Government employees who have taken House Building Loans or Loans for the purpose of Motor Vehicle and mortgaged the house/plot built/purchased with Government loan to Government or hypothecated the vehicle to Government.
- (iii) Government employees who have executed bond to serve the Government satisfy the condition of the bond by depositing the bond money in Government Treasury.

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*Copy of Punjab Government circular letter No. 6/234/78-3PP/5942, dated 27th/28th May, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

**Subject.**—Policy and procedure regarding *ad hoc* appointments.

I am directed to refer to this Department Circular letter No. 7053/6/234/3PP/78/32037, dated the 29th September, 1978, wherein it was laid down that *ad hoc* appointments for a period not exceeding six months be made with the approval of Minister-in-charge and further extension beyond the period of six months/one year be made with the approval of the Minister-in-charge/Chief Minister. It was also laid down therein that in the case of an *ad hoc* promotion, a detailed reference about the suitability of the concerned officer should have been sent to the Punjab Public Service Commission before allowing extensions. The matter has been examined further and it is felt that as promotions are ordered after following the principles and the procedure laid down by the Government, it is not fair to term them as *ad hoc*. In fact, these are regular promotions awaiting ratification by the

Punjab Public Service Commission. As laid down in regulation 3 of the Punjab Public Service Commission (Limitations of functions) Regulations, 1955, it is not necessary to consult the Commission on the suitability of candidates for initial appointment (including promotion) to a post for a period not exceeding 6 months if the exigencies of the service so require and there is likely to be an undue delay in making appointment after consultation with the Commission. The intention is that such appointments be got ratified by the Commission within a period of six months. The Department should, therefore, order appointments by promotion and refer the case simultaneously to the Punjab Public Service Commission. After the matter has been referred to the Commission, it is for the Commission to convey advice expeditiously. The officer should be allowed to continue in position till the advice of the Commission is received. In view of this position, the Departments should ensure that the cases of promotion are referred to the Commission positively within a period of one month. Where a case has been referred to the Commission, the Department should treat the promotion as 'provisional' and release the salary of the officer concerned to save him from financial hardship. It has been decided that, in such cases, where the promotion case has been referred to the Commission, extensions in provisional promotions beyond the period of one year should be allowed by the Departments with the approval of the Minister-in-charge, and such provisional promotions should be regularised on receipt of the advice of the Commission.

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*Copy of Punjab Government circular letter No. 1794-5PP-81/6152, dated 2nd June, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments, etc., etc.*

*Subject.—Framing/Amendment of Service Rules for each Class of Service/posts under the Punjab Government—Revised Model Service Rules.*

I am directed to refer to Model Service Rules, 1973 (at pages 710—719 of Manual of Instructions on Service matters) copy of which was forwarded,—vide endorsement No. 6780-DSSII(2)-73, dated 5th November, 1973, and to state that in rule 9(3)(b)(ii) of the rules *ibid*, for the words "on the expiry of the first period of probation" (appearing at page 715 in lines 31-32 of the Manual referred to above) the words "on the expiry of the period of probation specified in sub-rule (1)" shall be substituted.

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Copy of Punjab Government circular U.O. No. 16/20/80-2PP/dated 4th June, 1981, from the Department of Personnel and Administrative Reforms addressed to all the Administrative Secretaries to Government, Punjab.

**Subject.**—Premature Retirement of Class I and Class II Officers—  
Review of cases.

All the Administrative Secretaries to government, Punjab may please refer to the Punjab Civil Services (Premature Retirement) Rules, 1975 and the instructions issued,—vide U.O. reference No. 6520-2SII-75, dated the 26th September, 1975 and U.O. Reference No. 16/20/80-2PP, dated the 29th September, 1980.

2. According to provisions of rule 3 of the Punjab Civil Services (Premature Retirement) Rules, 1975, the appropriate authority has to consider the premature retirement of an employee at any time after he has completed 25 years qualifying service or attained the age of 50 years. For administrative convenience, as per instructions, dated 29th September, 1975, referred to above; cases of such employees are to be reviewed as under :—

- (i) When a Government employee completes 25 years qualifying service, if it is earlier than his completion of 50 years of age or and when a Government employee is to attain the age of 50 years, as the case may be ; and
- (ii) When a Government employee is to attain the age of 55 years.

For uniformity of approach in the matter of scrutinising the record of service of Gazetted Officers in terms of aforesaid Rules and instructions, a committee had been constituted,—vide instructions, dated 29th September, 1980 referred to above which was however, abolished,—vide U.O. No. 16/20/80-2PP, dated the 30th March, 1981. The Departments have now to take expeditious decisions at their own level. They are, accordingly, requested to review the service records of all the Gazetted Officers in the Departments under their administrative control and sift out officers considered fit to be retired prematurely on the basis of unsatisfactory record of service and process their cases keeping in view the provisions of Rules *ibid* and instructions issued thereunder from time to time, under intimation to the Personnel and Administrative Reforms Department,

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*Copy of Punjab Government circular letter No. 2626-5PP-81/, dated 8th June, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

*Subject.—Condition of experience for promotion and recruitment.*

All the Financial Commissioners and Administrative Secretaries to Government, Punjab may kindly refer to Government instructions contained in para 3 of U.O. reference No. 7737-1SII-76, dated the 28th August, 1976 (pages 890-891 of Manual of instructions on Service Matters) in which the legal position in regard to the relaxation of the qualifications/experience as prescribed in the Departmental Service Rules was indicated. It was explained that the relaxation of the basic conditions of recruitment/promotion viz., qualification and experience is not permissible even though in the Service Rules of various Departments there is usual clause permitting certain relaxations.

2 It has been observed that in disregard of these instructions some of the Departments have allowed relaxation in qualifications/experience both at the stage of initial recruitment and promotion which has resulted in a spate of representations from the persons adversely affected by such relaxations requesting revision of seniority. It is, therefore, reiterated that relaxation of basic conditions of recruitment/promotion viz., qualification and experience both at the stage of initial recruitment and promotion, should not be allowed in any case. Where the department feels the necessity to revise the prescribed qualifications/experience, steps should be taken to amend the Service Rules keeping in view the instructions contained in U.O. Circular letter No. 6780-DSSII(2)-73, dated the 5th November, 1973 (pages 708—710 of Manual of Instructions on Service Matters).

3. These instructions may kindly brought to the notice of all under their administrative control for strict compliance in future. Any lapse in this behalf will be viewed seriously.

*Copy of Punjab Government circular letter No. 13/4/81-2PP/7171, dated 18th June, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments, etc. etc.*

*Subject —Association of Government employees with the activities of Rashtriya Swayam Sewak Sangh/Jamat-e-Islami.*

I am directed to invite a reference to Punjab Government instructions contained in circular letter No. 13/4/81-2PP/4048, dated the 14th April, 1981 on the above subject and to say that as clarified by the Government of India in their letter No. 15014/3 (S)-80/

Estt. (B), dated the 22nd of January, 1981, the words "Jamaat-e-Islami" mentioned therein would cover both the Jamaat-e-Islami Hind" the "Jamaat-e-Islami Jammu and Kashmir". This may please be brought to the notice of all the Government employees working under you.

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*Copy of Punjab Government circular letter No. 13/15/81-2PP/7168, dated 18th June, 1981 from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

**Subject.**—Expeditious finalisation of departmental inquiries against Government employees—Furnishing of monthly progress reports in respect of Gazetted Officers to the Chief Secretary.

All Financial Commissioners and Administrative Secretaries to Government, Punjab, to please refer to the Punjab Government circular letter No. 12227-V(1)-59/13470, dated the 10th December, 1959 (pages 140-41 of the Service Manual) regarding expeditious finalisation of departmental inquiries against Government employees.

2. Government have observed that inspite of repeated instructions for the expeditious finalisation of the departmental inquiries against Government employees and laying down of time-schedule within which various stages in an inquiry case are to be completed, the cases of departmental inquiries are not being processed expeditiously. The delay in such case is neither in the interest of Government nor the official concerned. In fact, it generally results in financial loss to the Government. The Administrative Departments are, therefore requested to strictly adhere to the time-schedule prescribed for various stages in these cases and in the event of non-cooperation by the employee concerned for the finalisation of his case without delay, appropriate action be taken including *ex parte* decision by the Inquiry Officer, wherever the circumstances so warrant. It has been decided that the progress in departmental inquiry cases against Gazetted Officers should be reviewed periodically to obviate any delay in the speedy finalisation of such cases. The Departments should send monthly reports to Government in the enclosed proforma, in respect of the Gazetted Officers, by the 10th of each month, for submission of the same to the Chief Minister, Punjab.

These instructions may please be brought to the notice of all concerned for meticulous observance.

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**MONTHLY PROGRESS REPORT IN RESPECT OF ENQUIRIES AGAINST GAZETTED OFFICERS  
FOR THE MONTH OF \_\_\_\_\_ NAME OF THE DEPARTMENT \_\_\_\_\_**

| Serial No. | Name of Officer with Designation | Nature of allegations | Date of initiating departmental Proceedings | Date of suspension, if placed under suspension | Present position of the case | Reasons of delay | Date of final order disposing of inquiry proceedings if decided | Remarks, if any |
|------------|----------------------------------|-----------------------|---------------------------------------------|------------------------------------------------|------------------------------|------------------|-----------------------------------------------------------------|-----------------|
| 1          | 2                                | 3                     | 4                                           | 5                                              | 6                            | 7                | 8                                                               | 9               |
|            |                                  |                       |                                             |                                                |                              |                  |                                                                 |                 |

*Copy of Punjab Government circular letter No. 13/4/81-2PP/7169, dated 18th June, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Association of Government Servant with the activities of Anand Marg.

I am directed to forward a copy of the Government of India, Ministry of Home Affairs letter No. 15014/6(S)80-Estt.(B), dated the 31st December, 1980 and to say that this will apply *mutatis mutandis* to the State Government employees. Their membership of or association with the activities of movement known as Anand Marg would attract the provision of sub-rule 1 of Rule 5 of the Punjab Government Employees (Conduct) Rules, 1966 and will render them liable to disciplinary action. These instructions may kindly be brought to the notice of all the Government employees working under you for strict compliance.

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*Copy of letter No. 15014/6/(S)/80-Estt.(B), dated the 31st December, 1980, from the Joint Secretary to the Government of India, Ministry of Home Affairs/Grih Mantralaya, Department of Personnel and Administrative Reforms, New Delhi, to the Chief Secretaries of all State Governments.*

**Subject.**—Association of Government servant with the activities of Anand Marg.

I am directed to say that the Government of India consider that a Government servant's membership of or association with the activities of movement known as Anand Marg would attract the provisions of sub-rule (1) of Rule 5 of the Central Civil Services (Conduct) Rules, 1964 which lays down 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. Instructions have been issued to the Ministries etc. at the Centre that a Government servant who contravenes the provisions of the above rule and takes part in the activities etc. of Anand Marg or any of its organisations (see list in Annexure) would be liable to disciplinary action.

2. I am to request that if there is no objection the State Government may also consider the question of issuing similar instructions in the case of State Government servants. Hindi version will follow.

## ANNEXURE

1. VSS (Volunteer Social Service).
  2. Amra Bengali.
  3. The Progressive Federation of India.
  4. The Proutist Form of India.
  5. Angika Samaj.
  6. Pragatisheel Magahi Samaj.
  7. Nagpuri Samaj.
  8. Maithili Samaj.
  9. Pragatisheel Bhojpuri Samaj.
  10. Awadhi Samaj.
  11. Braj Samaj.
  12. Bundeli Samaj.
  13. Garhwali Samaj.
  14. Kumaoni Samaj.
  15. Pragatisheel Haryana Samaj.
  16. Asi Punjabi.
  17. Proutist League.
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*Copy of Punjab Government circular letter No. 4/18/80-1PP/7217, dated 19th June, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments, etc. etc.*

**Subject.**—Bifurcation of cadre strength of Steno-typists—Guidelines for.

I am directed to invite a reference to Punjab Government circular letter No. 4/18/80-1PP/14-15, dated the 1st January, 1981, on the subject cited above and to say that a clarification has been sought as to how the Steno-typists, who became/become entitled to the scale of Rs. 510—800 by virtue of their seniority as clerks, but were/are not senior enough in the cadre of Steno-typists for being placed in the scale of Steno-typists Grade I, should be adjusted while allowing the revised pay scales in the ratio of 50 : 50, in accordance with the said instructions.

2. The matter has been carefully considered by the Government and it is clarified that the cadre of Steno-typists has to be bifurcated into Grade I and Grade II on 50 : 50 basis. The Steno-typists who, by virtue of their lien in the cadre of clerks became/become entitled to the higher grade of Rs. 510—800 but are not senior enough in the cadre of Steno-typists for being placed in the scale of Steno-typists Grade I, should be given the option either to revert to the cadre of clerks or forego the grade of Rs. 510—800 and continue as Steno-typists. They will get the scale of Steno-typists Grade I strictly on their turn in the cadre of Steno-typists. In future, Senior Clerks may be debarred from appearing in the examination for appointment as Steno-typists unless they are willing to forego the senior scale of clerk till they are entitled to the Grade I of the Steno-typists in the cadre of Steno-typists.

3. This may please be brought to the notice of all concerned the receipt of this communication may please be acknowledged.

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*Copy of Punjab Government memo No. 15/16/79-2PP/7297, dated 22nd June, 1981, from the Department of Personnel and Administrative Reforms, addressed to the Chief Electoral Officer, Punjab, Chandigarh and copy to all Heads of Departments etc., etc.*

**Subject.**—Control of Chief Electoral Officers over other election authorities in the State—Writing of confidential reports.

Continuation of endst. No. 15/16/79-2PP/11935, dated the 5th December, 1979, regarding the writing of the confidential reports of

the officers deputed for work relating to the conduct of elections to the Lok Sabha and the State Vidhan Sabha.

2. The matter was discussed at the conference of the Chief Electoral Officers held on 1st February, 1980. As a result of discussion, the Election Commission of India have decided that the Chief Electoral Officers need not record the reports on the work of all the Returning Officers/District Election Officers. Where, however, a particular good task done by a Returning Officer/District Election Officer calls for a special commendation or where bad work of an officer is required to be commented upon adversely, the observations of the Chief Electoral Officer may be forwarded to the Chief Secretary or the authority concerned after showing the same to the Election Commission for being placed in the confidential report file of the officer concerned. These instructions of the Election Commission of India may please be noted for compliance.

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*Copy of Punjab Government circular letter No. 16/42/78-2PP/7300, dated 22nd June, 1981, from the Department of Personnel and Administrative Reforms, addressed 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 invite your attention to Punjab Government Circular letter No. 6520-2SII-75/38581, dated the 28th September, 1975, relating to the weeding out of corrupt, dishonest or inefficient officers/officials from service under the Punjab Civil Services (Premature Retirement) Rules, 1975, and to say that Government have reviewed the matter in the light of the revised policy of the Government of India and other administrative requirements. Government have decided to lay down the following additional guidelines, in the matter:—

- (i) Although the entire service record of an employee has to be considered, premature retirement should not be ordered if during the last 5 years the work and conduct of the employee has been good or better than that.
- (ii) Ordinarily no retirement should be ordered within a period of one year preceding the date of superannuation of the Government employee.

- (iii) If an adverse entry relating to integrity exists in the confidential reports during the 10 years preceding the review, or if after its recording there has been no change in the class, status or the post of the officer, that single entry should be considered sufficient for ordering premature retirement.
- (iv) If the adverse report on integrity relates to the distant past or is more than 10 years old, the subsequent record of the employee should be scrutinised carefully. If the subsequent reports vouch-safe the integrity of the employee in unambiguous terms, the inference is that he has improved his conduct and it should not be necessary to order his premature retirement. A similar view can be taken if an employee has been promoted after the recording of the adverse remarks

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

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*Copy of Punjab Government circular letter No. 18/20/78-5PP-81/7796, dated 30th June, 1981, from the Department of Personnel and Administrative Reforms addressed 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 refer to the instructions in Punjab Government letter No. 80(GOI)-SII-(3)-73/12092, dated 18th April, 1973 (at pages 678—680 of Manual of Instructions on Service Matters) on the subject noted above and to state that in para 1 under Priority No. 4(i) the words "killed in action" should please be substituted by the words "killed in service while performing duties" with immediate effect.

*Copy of Punjab Government circular I.D. No. 5/57/81-5GE/dated, 30th June, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners and Administrative Secretaries in the State.*

**Subject.**—Assignment of Indian Experts for posts under International Organisation and Foreign Governments—Instructions regarding policy guidelines.

All the Financial Commissioners and all the Administrative Secretaries may please refer to the instructions contained in this Department letter No 4/11/78-Trg/1689-91, dated 18th February, 1980, on the noted subject.

2. Of late, it has been under consideration of this Department whether any change in the instructions contained in para 2 of the Punjab Government instructions No. 4/11/79-Trg/1689-91, dated 18th February, 1980, with regard to the forwarding of application to the Government of India of the State Government, employees for consideration on foreign assignment is needed. After due consideration, it has been decided that in future the application of Government employees for registration etc. with the Government of India for foreign assignment be sent to the Government of India by the Administrative Department at their own level, after obtaining the approval of Chief Minister, Punjab. A copy of the letter sent to the Government of India in this behalf should invariably be forwarded to this Department also for record. While, forwarding such applications, Government instructions circulated,—vide this Department U.O. No. 3/13/81-TRG.I. dated 22nd June, 1981, be meticulously adhered to.

The receipt of this letter may please be acknowledged.

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*Copy of Punjab Government circular letter No. 14/36/78-2PP/8008, dated 1st 3rd July, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc.*

**Subject.**—Circumstances in which a Government employee may be placed under suspensions—Observations of Supreme Court regarding.

I am directed to say that the Supreme Court in the case *Niranjan Singh and others v. Parbhakar Rajaram Kharote and*

others (SLP No. 393 of 1980) have made some observations about the need/desirability of placing a Government employee under suspension against whom serious charges have been framed by a Criminal Court, unless exceptional circumstances suggesting a contrary course exist. A copy of the Supreme Court's judgement along with Office Memorandum No. 129/16/81-AVDI, dated 23rd March, 1981 of Government of India to all their Ministries and Departments, reiterating therein the provision of rules/instructions on the subject, is enclosed.

2. Rule 4(1) (b) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, provides that the competent disciplinary authority may place a Government employee under suspension where a case against him in respect of any criminal offence is under investigation, enquiry or trial. Further, in the Punjab Government circular letter No 8261-2GS-76/38262, dated 26th August, 1977, it has been laid down *inter alia* that the orders of suspension under the rules *ibid* should not be modified or revoked by the authority before the Court proceedings, if instituted, have been completed, judgement delivered and the employee needs to be reinstated as a result of judgement. Thus, the existing rules/instructions on the subject already cover the cases which the Supreme Court have in view. Nevertheless, the Supreme Court's judgement, the existing rules/instructions on the subject and the contents of this letter may kindly be brought to the notice of all concerned for strict observance.

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*Copy of letter No. 129/16/81-AVDI., dated the 23rd March, 1981, from the Under Secretary to the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi, to all Ministries and Departments of the Government of India and copies endorsed to all State Governments.*

#### *Office Memorandum*

*Subject.—Circumstances in which a Government servant may be placed under suspension—Observations of the Supreme Court, regarding.*

The undersigned is directed to state that the Supreme Court in the case *Niranjan Singh and others versus Prabhakar Rajaram*

Kharote and others (SLP No. 393 of 1980) have made some observations about the need/desirability of placing a Government servant under suspension against whom serious charges have been framed by a criminal court, unless exceptional circumstances suggesting a contrary course exist. The Supreme Court has further directed to Government to take suitable sensitized measures to pre-empt recurrence of the error highlighted in the judgement. A copy of the Supreme Court's judgement in the case is enclosed.

2 Rule 10 (I) (b) of the CCS (CCA) Rules, 1965, already provided that the competent disciplinary authority may place a Government servant under suspension where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Similar provision exists under the All India Services (Discipline and Appeal) Rules, 1969 and other corresponding rules. In this Department's O.M. No. 43/56/64-AVD, dated the 22nd October, 1964, certain guidelines relating to the circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension have been broadly indicated. It will be seen therefrom that the 'Public interest' should be the guiding factor in deciding the question of placing a Government servant under suspension. Thus the existing rules/instructions on the subject already cover the cases which the Supreme Court have in view. Nevertheless the Supreme Court's judgement the existing rules/instructions on the subject and the contents of this O.M. may kindly be brought to the notice of all concerned.

3. As and when criminal charges are framed by a competent court against a Government servant, the disciplinary authority should consider and decide the desirability of placing such a Government servant under suspension in accordance with the Rules, if he is already not under suspension or otherwise if, the Government servant is already under suspension or is placed under suspension, the competent authority should also review the case from time to time, in accordance with the instructions on the subject and take a decision about the desirability of keeping him under suspension till the disposal of the case by the court

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*Copy of letter No. 129/16/81-AVD.L, dated the 26th March, 1981, from the Under Secretary to Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi, to the Chief Secretary, Madhya Pradesh Government, (General Administration Department), BHOPAL and copies endorsed to all State Governments.*

*Subject.—Circumstances in which a Government servant may be placed under suspension—Observations of the Supreme Court regarding.*

I am directed to refer to your letter No. 287/767/1/3/80, dated the 7th July, 1980 on the subject noted above and to forward herewith for information a copy of this Department's Office Memorandum of even number, dated 23rd March, 1981, addressed to all the Ministries and Departments of the Central Government issued in this matter.

# IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) No. 393 of 1980

NIRANJAN SINGH AND ANOTHER

—Petitioners.

*versus*

PRABHAKAR RAJARAM KHAROTE AND OTHERS

—Respondents.

## ORDER

KRISHNA IYER, J.—

"No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment" is a part of Universal Declaration of Human Rights. The content of Article 21 of our Constitution, read in the light of Article 19 is similarly elevating. But romance about human rights and rhetoric about constitutional mandates lose credibility if, in practice, the protectors of law and minions of the State become engineers of terror and panic people into fear. We are constrained to make these observations as our conscience is in consternation when we read the facts of the case which have given rise to the order challenged before us in this petition for special leave.

The petitioner, who has appeared in person, is the complainant, in a criminal case where the accused are 2 Sub-Inspectors and Constables attached to the City Police Station, Ahmednagar. The charges against them, as disclosed in the private complaint, are of murder and allied offences under as 302, 341, 395, 404, read with as 34 and 120-B of the Penal Code. The blood-curdling plot disclosed in the complaints is that pursuant to a conspiracy the brother of the complainant was waylaid by the police party on August 27, 1978, as he was proceeding to Shirdi. He had with him some gold ornaments and cash. He was caught and removed from the truck in which he was travelling, tied with a rope to a neem tree nearby, thus rendering him a motionless target to a macabre shooting. One of the Sub-Inspectors fired two shots from his revolver on the chest of the deceased at close range and killed him instantaneously. The policemen, having perpetrated this vally, vanished from the scene. No action was taken by the State against the criminals. How could they when the preservers of the peace and investigators of crime themselves become plained executors of murders? The victim's brother was an advocate and he filed a private complaint. The learned magistrate ordered an inquiry under section 202 Cr. P.C. took oral evidence of witnesses at some length and held. "Thus taking an overall survey of evidence produced before me. I am of the opinion that there is sufficient grounds to proceed against all the accused for the offences under as 302, 323, 342, read with S. 34, IPC". Non-bailable warrants were issued for production of the accused and the magistrate who refused bail, stayed the issuance of the warrants although we are unable to find any provision to end him to do so. The police-accused moved the sessions court for bail and in a elaborate order the sessions court granted bail subject to certain directions and conditions. The High Court, which was moved by the complainant for reversal of the order enlarging the accused on bail, declined to interfere in revision but added additional conditions to ensure that the bail was not abused and the course of justice was not thwarted.

It is fair to state that the case in the complaint, verified under section 202, Cr. P.C. to have some veracity does not make us leap to a conclusion of guilt or refusal of bail. On the contrary, the accused policemen have aversion that the victim was himself a criminal and was sought to be arrested. An encounter ensued, both sides sustained injuries and the deceased succumbed to arm shot even as some of the Police party, sustained revolver wounds but survived. May be the defence case, if reasonable true, may obviate them of the crime, although the story of encounters during arrest and unwitting injuries resulting in casualties, some times become a mask to hide easy liquidation of human life by heartless policemen when some

one allergic to Authoriresists their vices. The Police have the advantage that they prepare the preliminary record which may 'Kill' the case against them. The disquieting syndrome of policemen committing crimes of killing and making up perfect paperwork cases of innocent discharge of duty should not be ruled out when courts examine rival versions. Indeed we must emphasise that the Judge shall be said and, shall confine himself to the evidence in the case when adjudging the guilt of the accused. We were, constrained to make the observations above because the Sessions Judge, quite unwarrantedly, discussed at prolix length the probabilities of the influenced by what we have Police party's exculpatory case and held:—

'So it is reasonable to held that there was a scuffle and resistance offered by the victim Amarjeet Singh before shots were fired at his person by the accused No 1'.

Detailed examination of the evidence and elaborate documentation of the merits should be avoided while passing orders on bail applications. No party should have the impression that his case has been prejudiced. To be satisfied about a *prima facie* case is needed but it is not the same as an exhaustive exploration of the merits in order itself.

Grant of bail is within the jurisdiction of the Sessions Judge but the court must not, in grave cases, gullibly dismiss the possibility of Police—Accused intimidating the witness with cavalier case. In our country intimidation by Policemen, when they are themselves accused of offences, is not an unknown phenomenon and the judicial process will carry credibility with the community only if it views impartially and with commonsense the pros and cons undeterred by the psychic pressure of Police presence as indictees.

Let us now get to grips with the two legal submissions made by the petitioner. The first jurisdictional hurdle in the grant of bail, argues the petitioner, is that the accused must fulfill the two conditions specified in Section 439 Cr. P.C. before they can seek bail justice. That provision reads:—

439. (1) A High Court for court of sessions may direct—

- (a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section.

- (b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified.

Here the respondents were accused of offences but are not in custody, argues the petitioner, so no bail since this basic condition of being in Jail is not fulfilled. This submission has been rightly rejected by the Court below. We agree that, in one view, an outlaw cannot ask for the benefit of law and he who flees justice cannot claim justice. But here the position is different. The accused were not absconding but had appeared and surrendered before the Sessions Judge. Judicial jurisdiction arises only when persons are already in custody and seek the process of the Court to be enlarged. We agree that no person accused of an offence can move the Court for bail under Section 439 Cr. P.C. unless he is in custody.

When is a person in custody, within the meaning of Section 439 Cr. P.C. ? When he is in curess either because he is held by the investigating agency or other police or allied authority or is under the control of the court having been remanded by judicial order, or having offered himself to the court's jurisdiction and submitted to its orders by physical presence. No lexical dexterity nor precedential profusion is needed to case to the realistic conclusion that he who is under the control of the court or is in the physical held of an officer with coercive power is in custody for the purpose of Section 439. This word is of elastic semantic but its core meaning is that the law has taken control of the person. The equivocatory quibblings and hide-seek-niceties sometimes heard in court that the police have taken a man into informal custody but not arrested him, have detained him for interrogation but not taken him into formal custody and other like criminological dubieties are unfair evasions of the straight forwardness of the Law. We need not dilate on this shady facet here because we are satisfied that the accused did physically submit before the Sessions judge and the jurisdiction to grant bail thus arose.

Custody, in the context of Section 439, (We are not, be it noted dealing with anticipatory bail under 438) is physical control or at least physical presence of the accused in court coupled with submission to the jurisdiction and orders of the Courts. He can be in custody not merely when the Police arrests him, produces him before a Magistrate and gets a remand to judicial or other custody. He can be stated to be in judicial custody when he surrenders before the court and submits to its directions. In the present case, the Police Officers applied for bail before a Magistrate who refused bail and still the accused without surrendering before the Megistrate,

obtained an order for stay to move the Sessions Court. This direction of the Magistrate was wholly irregular and may be, enabled the accused persons to circumvent the principle of Section 439 Cr. P.C. We might have taken a serious view of such a course, indifferent to mandatory provisions, by the subordinate magistracy but for the fact that in the present case the accused made up for it by surrender before the Sessions Court. Thus, the Sessions Court acquired jurisdiction to consider the bail application. It could have refused bail and remanded the accused to custody, but in the circumstances and for the reasons mentioned to custody, but in the jurisdiction in favour of grant of bail. The High Court added to the conditions subject to which bail was to be granted and mentioned that the accused had submitted to the custody of the Court. We, therefore, do not proceed to upset the order on this ground. Had the circumstances been different we would have demolished the order for bail. We may frankly state that had we been left to ourself we might not have granted bail but, sitting under Art. 136 do not feel that we should interfere with a discretion exercised by the two courts below.

We are apprehensive that the accused being police officers should not abuse their freedom and emphasise that the Inspector-General of Police of the State of Maharashtra will take particular care of to take two steps. He should have a close watch on the functioning of the concerned police officers lest the rule of law be brought into discredit by officers of the law being allowed a larger liability than other people, especially because the allegations in the present case are grave and, even if a fragment of it be true, does little credit to the Police force. It must be remembered that the allegations are that the deceased was dragged out of a truck to a secluded place, later tied to a tree and shot and killed by the police officer concerned.

We hasten, to make it clear that these are one sided allegations and the accused have a counter-version of their own and we do not wish to make any implication for or against either version. The accused policemen are entitled to an unprejudiced trial without any bias against 'Uniformed forces which has difficult tasks to perform.'

We conclude this order on a note of anguish. The complainant has been protesting against the state's bias and police threats. We must remember that a democratic state is the custodian of people, interests and not only Police interests. Then how come this that the teams of ten policemen against whom a magistrate, after due enquiry found a case to be proceeded with and grave charges, including for murder, were framed continue on duty without so much as being suspended from service until disposal of the pending sessions

trial? On whose side is the state? The rule of law is not a one-way traffic and the authority of the State is not for the police and against the people. A responsible Government, responsive to appearances of justice, would have placed police officers against who serious charges had been framed by a criminal court, under suspension unless exceptional circumstances suggesting of contrary course exists. After all, a gesture of justice to courts of justice is the least that a government does to the governed.

We are confident that this inadvertance will be made good and the state of Maharashtra will disprove by deeds Henry Clay's famous censure :

"The arts of power and its minions are same in all countries and in all ages. It marks its victim denounces it and excites the public odium and the public hatred to conceal its own abuses and encroachments."

The observations that we have made in the conclud-countries and in all ages. It marks its victim the country and to the Union of India, that we deem it necessary to direct that a copy of this judgement be sent to the Home Ministry in the Government of India for suitable sensitized measures to pre-empt recurrence of the error we have highlighted.

New Delhi :

Sd/- V. R. Krishna Iyer, J

March 10, 1980.

Sd/- A. P. Sen, J.

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*Copy of Punjab Government circular letter No. 20/17/79-2PP/8175, dated 8th July, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Criterion for grant of permission to Government employees to go abroad on Ex-India leave.

I am directed to address you on the above subject and to say that a number of Government employees have been applying for ex-India leave to visit foreign countries at their own expense or at the expense of their relatives/friends or on being invited by some foreign organisations. The matter has been considered by Government and it has been decided that in dealing with such cases instructions in subsequent paragraphs of this letter may be followed.

2. Government have issued instructions,—*vide* letter No. 13/10/78-2PP/5677, dated the 22nd May, 1981, according to which 'No Objection Certificate' for the issue of passport is no longer required from the Head of the Department. Government employees

like other citizens will seek passport from the passport issuing authority in the prescribed manner without the production of 'No Objection Certificate'.

3. After a Government employee intending to visit abroad has obtained passport, he shall apply for the grant of ex-India leave and permission to go abroad. He may be asked to furnish the following informations:—

- (i) Object of visit.
- (ii) If sponsored, exact relationship with the person sponsoring.
- (iii) How stay ex-India will be financed.
- (iv) Source of funds for travel.

A Government employee may be granted ex-India leave if the competent authority is satisfied that the need for leave is genuine and the employee has the necessary resources.

4. These instructions may please be brought to the notice of all Officers/officials working under you for information and necessary action

ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 2573-5 ਪਪ-81/8461, ਮਿਤੀ 15 ਜੁਲਾਈ, 1981 ਦਾ ਉਤਰਾ...ਵਲੋਂ ਪ੍ਰਸ਼ਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ ਆਦਿ।  
ਵਿਸ਼ਾ :—ਪੰਜਾਬ ਰਾਜ ਵਿਚ ਕਲਾਸ ਅਤੇ II ਅਧਿਕਾਰੀਆਂ ਦੀਆਂ ਆਸਾਮੀਆਂ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਰਾਹੀਂ ਭਰਨ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਕਲਾਸ I ਅਤੇ II ਦੀਆਂ ਸਿੱਧੀ ਭਰਤੀ ਦੀਆਂ ਆਸਾਮੀਆਂ ਭਰਨ ਲਈ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵਲੋਂ ਜਾਰੀ ਕੀਤੇ ਵਿਗਿਆਪਨਾਂ ਦੇ ਹਵਾਲੇ ਵਿਚ ਪੰਜਾਬ ਸਰਕਾਰ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਪਾਤਰ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਅਰਜ਼ੀਆਂ ਸਬੰਧੀ ਕਮਿਸ਼ਨ ਨੂੰ ਸੰਬੰਧਤ ਵਿਭਾਗ ਨੂੰ ਇਹ ਤਸਦੀਕ ਕਰਨ ਲਈ ਕਿਹਾ ਜਾਂਦਾ ਹੈ ਕਿ ਜਿਨ੍ਹਾਂ ਦੀਆਂ ਅਰਜ਼ੀਆਂ ਭੇਜੀਆਂ ਜਾ ਰਹੀਆਂ ਹਨ ਦੇ ਵਿਰੁੱਧ ਕੋਈ ਅਜਿਹਾ ਦੂਸ਼ਣ ਤਾਂ ਨਹੀਂ ਜਿਸ ਅਨੁਸਾਰ ਉਹ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀ ਨੌਕਰੀ ਲਈ ਅਪਾਤਰ ਬਣਦੇ ਹੋਣ। ਇਸ ਮਾਮਲੇ ਤੇ ਵਿਚਾਰਨ ਉਪਰੰਤ ਅਤੇ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਸਹਿਮਤੀ ਨਾਲ ਇਹ ਫੈਸਲਾ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਪੰਜਾਬ ਸਰਕਾਰ ਅਧੀਨ ਕੰਮ ਕਰ ਰਹੇ ਪਾਤਰ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਅਰਜ਼ੀਆਂ ਭੇਜਦੇ ਸਮੇਂ ਉਨ੍ਹਾਂ ਵਿਰੁੱਧ ਕੋਈ ਦੂਸ਼ਣ ਆਦਿ ਨਾ ਹੋਣ ਬਾਰੇ ਜੋ ਸਰਟੀਫਿਕੇਟ ਦਿਤਾ ਜਾਂਦਾ ਸੀ ਉਹ ਬੇਲੋੜਾ ਹੋਣ ਕਾਰਨ ਬੰਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਅਗੇ ਤੋਂ ਕਮਿਸ਼ਨ ਨੂੰ ਅਰਜ਼ੀਆਂ ਭੇਜਦੇ ਸਮੇਂ ਇਹ ਸਰਟੀਫਿਕੇਟ ਦੇਣ ਦੀ ਲੋੜ ਨਹੀਂ।

ਕੇਵਲ ਸਿਹਤ ਅਤੇ ਪਰਿਵਾਰ ਭਲਾਈ ਵਿਭਾਗ ਲਈ।

ਇਸ ਨਾਲ ਉਨ੍ਹਾਂ ਦੇ ਗੈ: ਸ: ਪੱ: ਨੰ: 1(236)-80-6ਸਸ3, ਮਿਤੀ 4-7-1980 ਦਾ ਵੀ ਨਿਪਟਾਰਾ ਹੋ ਜਾਂਦਾ ਹੈ।

*Copy of Punjab Government circular letter No. 7/7/81-5PP/8522, dated 15th July, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Crossing of efficiency bar—Policy/Rules regarding up-to-date position.

I am directed to say that para 2 (i) of Punjab Government circular letter No. 504-2SII-75/15048, dated the 15th May, 1975 (pages 778-779 of Manual of Instructions on Service Matters) states that it is 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. But in cases where the crossing of efficiency bar falls due towards the close of the calendar year, competent authorities sometimes wait for the annual confidential reports which are generally received after April and do not issue any orders regarding the crossing of the efficiency bar. The matter has been considered, and in order to avoid delay in such cases, it has been decided that a special report on the work and conduct of the employee concerned should be obtained from the officer (s) under whom the employee may be working on the specific point of suitability to cross the efficiency bar.

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*Copy of Punjab Government circular letter No. 2/7/81-5PP/8542, dated 16th July, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

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

I am directed to invite your attention to Punjab Government letter No. 10266-5GS-61/1134, dated the 11th January, 1962, on the subject noted above, and to say that in partial modification of these instructions, Secretary to Government, Punjab, Education Department,—*vide* his letter No. 46/32-5Edu-5-81, dated the 3rd July, 1981, issued fresh instructions regarding the sports grading certificates. I am to say that it has been decided that sports achievement during the previous three 'calendar years' instead of the 'financial years' should be taken into account.

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Copy of Punjab Government circular letter No. 7/11/78-5PP-81/9122, dated 28th July, 1981, from the Department of Personnel and Administrative Reforms Addressed to all Heads of Departments, etc., etc.

**Subject.**—Crossing of efficiency bar of an employee who has been promoted on *ad hoc* basis pending the concurrence of the Public Service Commission or recruited on *ad hoc* basis pending the regular selection through the prescribed recruiting agency Policy regarding.

A clarification has been sought as to whether the employees who are working on *ad hoc* basis can be allowed to cross the efficiency bar before their appointments are regularised. *Ad hoc* appointments in the past have been made through direct recruitment and also by promotions. In so far as *ad hoc* appointments by direct recruitment are concerned, there should normally be no question of these appointments continuing for 5 to 6 years, that is, the time when the efficiency bar in a grade generally falls due. However, there may be isolated cases where *ad hoc* appointments have continued for such a long period that the employee has reached the stage for crossing of efficiency bar. In such cases the provision governing the grant of increment and/or crossing of efficiency bar as contained in rule 4.8 of the Punjab Civil Services Rules, Volume-I, Part I, is equally applicable if such *ad hoc* employees otherwise continue in service under orders of competent authority. Similarly in the case of *ad hoc* promotions Rule 4.8 *ibid* will also apply.

2. In view of what has been stated above *ad hoc* employees may also be allowed to cross the efficiency bar. However, where the case of an employee in respect of promotions has been referred to the Punjab Public Service Commission for notification, and the Commission has not communicated its concurrence, the employee concerned should be allowed to cross the efficiency bar with the condition that the crossing of the efficiency bar is without prejudice to the outcome of the reference made to the Punjab Public Service Commission in this behalf.

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*Copy of Punjab Government circular letter No. 2/7/81-5PP/9142, dated 28th July, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

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

I am directed to refer to Punjab Government letter No. 2/7/81-5PP/8542, dated the 16th July, 1981, on the subject noted above, and to say that the matter has been reconsidered in consultation with the Education (Sports) Department and it has been decided to modify the decision contained therein to the extent that three financial years instead of three calendar years should be taken into account.

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*Copy of Punjab Government circular letter No. 2/9/79-5PP/9296, dated 30th July, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.*—Issue of certificate of eligibility to certain categories of persons (other than Indian Citizens) for appointment under the Central Government—Delegation of powers to Ministries.

I am directed to refer to Punjab Government endst. No. 18072-10GS-62/45092, dated the 27th December, 1962—*vide* which a copy of the Government of India's Resolution dated the 16th June, 1962 was forwarded and intimated that the domicile instructions in the various service rules would be as per annexure-I. The Government of India has since superseded their earlier instructions relating to the procedure for the issue of certificate of eligibility and have now issued revised instructions,—*vide* office memo. No. 15018/1/78-Estt(B), dated 10th May, 1978, copy of which is enclosed for information and for making necessary amendment in the domicile instructions in the various service rules in accordance with the aforesaid instructions.

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## COPY

No. 15016/1/78-Estt(B)

GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS/GRIH MANTRALYA  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS

(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, dated the 10th May, 1978

*Office Memorandum*

*Subject.*—Issue of certificate of eligibility to certain categories of Persons (other than Indian Citizens) for appointment under the Central Government—delegation of powers to Ministries.

As the Ministry of Finance etc. are aware, the Government of India had issued a Resolution regarding the eligibility for appointment under the Government of India,—*vide* Resolution No. 15014/3(S)/76-Estt(B), dated the 1st March, 1977, copy enclosed for ready reference, in accordance with this Resolution, a candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or an interview conducted by the Union Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary certificate of eligibility has been issued to him by the Government of India.

2. Prior to the issue of the Resolution of the 1st March, 1977, the position was that the appointing authority could, after verification of character and antecedents, appoint the candidates on a provisional basis, and then refer the case to this department for issue of certificate of eligibility along with the following particulars :—

(i) Name

(ii) Father's name

(iii) State/Territory, of which he is a subject or to which he belongs or his nationality.

(iv) Post/Service and Office in which appointed, or likely to be appointed.

- (v) Date of appointment, if made already.
- (vi) Whether appointment is temporary, for a definite period or in a permanent capacity.
- (vii) Whether character and antecedents have been verified and found satisfactory.
- (viii) In case of a migrant, date of migration to India and whether he has intention of settling permanently in India.

On receipt of the above information from the authorities concerned, this Department took action to issue the certificate of eligibility and send the same to the Department for taking in the personal record of the employee.

3. After the issue of the revised Resolution on the 1st March, 1977, the position has changed and no candidate in respect of whom a certificate of eligibility is necessary in terms of the Resolution can be appointed without first obtaining the certificate of eligibility in the candidate's favour from this Department. For this purpose, the appointing authorities are required to take immediate steps, as soon as the selection is made in respect of a candidate, to verify his character and antecedents in accordance with the procedure prescribed by this Department from time to time in respect of such candidate. After completion of the verification, action should be taken to issue the certificate of eligibility.

4. The question whether certificate of eligibility in terms of the Resolution referred to above should continue to be issued by this Department or whether any delation can be made in this regard has been examined in the context of the present policy to maximise delegation and to reduce delay in appointments. It has now been decided that the certificate of eligibility should, in future, be issued by the Ministry/Department itself which is administratively concerned with the post where the candidate is likely to be appointed on the basis of the information referred to in para 2 above) being received from the authorities concerned.

5. A form of the certificate to be issued is also enclosed. In the case of appointments under the Public Sector Undertakings this Department have already stopped issuing such certificates. According to the instructions issued by the Ministry of Finance (Bureau of Public enterprises), it is for the respective Public Sector Undertaking to issue the certificate of eligibility after completion of the

formality of verification of character and antecedents of the candidate and keeping in view, the procedure followed by the Government in respect of Government employees. On the analogy of the orders issued by the Ministry of Finance (Bureau of Public enterprises) in the case of Public Sector Undertakings, there should be no objection to a similar procedure being adopted in the case of employees of autonomous bodies/quasi-Government Organisations etc. which are under the administrative control of the various Ministries/Departments in the matter of issue of certificates of eligibility in the case of employees of the respective bodies/organisations.

6. To ensure that the appointment of candidates in respect of whom the certificates of eligibility is a prior requirement in terms of the Government Resolution referred to above is not delayed, steps should be taken by the appointing authorities to ensure the completion of verification of character and antecedents within the time prescribed, i.e., a maximum of eight weeks. In future, while making a reference to the District Authorities it should be specifically indicated that the nationality of the candidate is also to be verified.

7. Under no circumstances should the candidate be required to approach this Department or the Ministry/Department concerned direct for the issue of certificate of eligibility. It is for the appointing authority concerned to approach the Ministry/Department administratively concerned, for issue of the certificate. This supersedes the earlier instructions relating to the procedure for issue of certificates of eligibility.

8. Ministry of Finance etc. are requested to bring the above to notice of all administrative authorities including Public Sector Undertakings, Autonomous Bodies/Quasi-Government Organisations etc. which are under their administrative control.

N. RANGARAJAN,  
Deputy Secretary to the Government of India.

## GOVERNMENT OF INDIA

MINISTRY/DEPARTMENT.....

File No.....

New Delhi, the.....

## CERTIFICATE OF ELIGIBILITY

In pursuance of Government of India, Department of Personnel and Administrative Reforms Resolution No. 15011/3(S)/76-ESTT (B), dated the 1st March, 1977, the President is pleased to direct that .....

son/daughter/wife of .....  
 being a subject/native of .....  
 shall be eligible to hold any civil officer in connection with the affairs of the Union.

Under Secretary to the Government of India.

## COPY

No. 15014/3(S)/76-Estt (B)

Government of India/Bharat Sarkar  
 Cabinet Secretariat/Mantrimandal Sachivalaya  
 Department of Personnel and Administrative Reforms  
 (Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi the 1st March, 1977.

## RESOLUTION

The Government of India have decided that in supersession of earlier instructions regarding the eligibility for appointment under the Government of India, the standard rule for recruitment will henceforth be modified as follows :—

A candidate for appointment to any Central Service or post must be :

(a) a citizen of India or

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

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

Provided further that candidates belonging to categories (b), (c) and (d) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.

Order :—Ordered that a copy of this Resolution may be communicated to all State Governments, all Ministries of the Government of India etc. and also that the Resolution be published in the Gazette of India.

-Sd/-

(K. D. MADAN)

Joint Secretary to the Government of India.

No. F. 15014/3 (S)/76-Estt (B), Dated

*Copy of Punjab Government circular letter No 13/13/81-2PP/10233, dated 20th/21st August, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Restricting Government employees from indulging in gambling and playing cards with stakes in Public places and clubs.

I am directed to say that it has been noticed by Government for sometime past that officers play cards with high stakes in clubs and sometimes in public places. I am to invite a reference to the following :—

- (i) Sub-rule (iii) of rule 3 of Punjab Government Employees (Conduct) Rules, 1966, and
- (ii) sub-rule (1) of rule 3 of All India Services (Conduct) Rules, 1968.

2. It will be noticed that the above said rules require every Government employee at all times not to do anything which is unbecoming of a Government employee. I am further to add that gambling or playing of cards with high stakes in public places and clubs by Government employee is violative of the above said rules.

3. The relevant provisions of the rules may please be brought to the pointed notice of all employees under your control enjoining upon them not to indulge in gambling or playing cards with high stakes in public places and clubs.

ਗਸਤੀ ਪੱਤਰ ਨੰ: 13/14/80-2ਪੀਪੀ/10609, ਮਿਤੀ 28 ਅਗਸਤ, 1981 ਦਾ ਉਤਰਾ--ਵੱਲੋਂ ਪ੍ਰਸ਼ੰਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਥਾਰ ਵਿਭਾਗ ਵੱਲ ਪੰਜਾਬ ਰਾਜ ਵਿਚ ਸਮੂਹ ਵਿਭਾਗੀ ਮੁੱਖੀ ਆਦਿ ਆਦਿ ।

ਵਿਸ਼ਾ:--ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸਿਜ਼ ਵਿਚ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਮਿਸ਼ਨ ਦੀ ਸਲਾਹ ਦੀ ਪ੍ਰਾਪਤੀ ਲਈ ਸਮਾਂ ਨਿਸ਼ਚਿਤ ਕਰਨ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦਾ ਧਿਆਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗਸਤੀ ਪੱਤਰ ਨੰ: 7532-ਉਸਸ-11-(2)-73, ਮਿਤੀ 9-11-1973 (ਹਦਾਇਤਾਂ ਦੇ ਮੈਨੂਅਲ ਦਾ ਪੰਨਾ 719-723) ਵੱਲ ਦਿਵਾਉਂਦੇ ਹੋਏ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਵਿੱਚ ਹੋਚਨਾਂ ਉਪਰੰਤ ਇਹ ਸਪਸ਼ਟ ਕੀਤਾ ਗਿਆ ਸੀ ਕਿ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸਿਜ਼ ਦੇ ਹੁਕਮ ਨਿਪਟਾਰੇ ਲਈ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਲੋੜੀਂਦੀ ਸੂਚਨਾ/ਰਿਕਾਰਡ, ਪਹਿਲੀ ਵੇਰ ਹੀ ਹਰ ਪੱਖਾਂ ਮੁਕੰਮਲ ਭੇਜਿਆ ਜਾਵੇ ਤਾਂ ਜੋ ਮਿਸ਼ਨ ਨੂੰ ਚੋਹ ਹਵਾਲੇ ਨਾ ਵਹਨੇ ਪੈਣ । ਇਸ ਪੱਖ ਤੇ ਫਿਰ ਗਸਤੀ ਪੱਤਰ ਨੰ: 13/14/80-2ਪੀਪੀ/12905 ਮਿਤੀ 25-11-1980 ਦਿਵਾ ਜੋਰ ਦਿਤਾ ਗਿਆ ਸੀ ਕਿ ਕੋਈ ਵਿਭਾਗ ਪੂਰੀ ਸੂਚਨਾ ਆਦਿ ਮਿਸ਼ਨ ਨੂੰ ਨਹੀਂ ਭੇਜਦੇ ਤੇ ਉਹ ਹੁਣ ਇਸ ਵਲ ਪੂਰਾ ਧਿਆਨ ਦੇਣ ।

2. ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਦੀ ਵਾਰਸ਼ਿਕ ਰਿਪੋਰਟ 1980-81 ਦੇ ਪੈਰਾ 36 ਵਿੱਚ ਹੁਣ ਫਿਰ ਇਹ ਅੰਕਤ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਹਾਲਾਂ ਵੀ ਕਈ ਵਿਭਾਗ ਸਰਕਾਰੀ ਕਰਮਚਾਰੀਆਂ ਵਿਰੁੱਧ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸਿਜ਼ ਵਿਚ ਪਹਿਲੀ ਵੇਰ ਹੀ ਪੂਰੀ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਨੂੰ ਨਹੀਂ ਭੇਜਦੇ ਜਿਸਦੇ ਵਲਸਰੂਪ ਕਮਿਸ਼ਨ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਕਈ ਹਵਾਲੇ ਕਰਦਾ ਹੈ ਤੇ ਇਸ ਤਰ੍ਹਾਂ ਕਰਨ ਨਾਲ ਇਨ੍ਹਾਂ ਕੇਸਿਜ਼ ਵਿਚ ਕਮਿਸ਼ਨ ਦੀ ਸਲਾਹ ਦੇਣ ਲਈ ਅਣ-ਉਚਿਤ ਦੇਰੀ ਹੋ ਜਾਂਦੀ ਹੈ । ਇਸ ਸਥਿਤੀ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ, ਇਹ ਫਿਰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਤਾਂ ਜੋ ਪਹਿਲੀ ਵੇਰ ਹੀ ਮੁਕੰਮਲ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੀ ਜਾ ਸਕੇ ਅਤੇ ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈ ਦੇ ਕੇਸਿਜ਼ ਬਿਨਾਂ ਦੇਰੀ ਤੋਂ ਨਿਪਟਾਏ ਜਾ ਸਕਣ ।

ਇਹ ਹਦਾਇਤਾਂ ਇਨ ਬਿਨ ਪਾਲਣਾ ਲਈ, ਸਮੂਹ ਸਬੰਧਤ ਕਰਮਚਾਰੀਆਂ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦੀਆਂ ਜਾਣ ।

*Copy of Punjab Government circular letter No. 12/5/79-6PP/10726, dated 31st August, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Administrative Secretaries to Government, Punjab and copy to all Heads of Departments, etc., etc.*

**Subject.**—Policy/guidelines for conducting enquiries against the employees of the Corporations/Boards below the rank of Managing Directors.

I am directed to refer to the subject noted above and to say that the question of framing a uniform policy/guidelines for appointment of Inquiry Officers for conducting enquiries against the employees (below the rank of the Managing Directors) of various Corporations/Boards have been engaging the attention of the Government for sometimes past. After careful consideration of the matter, it has been decided as under :—

- (i) As far as possible, enquiries against employees of the Public Undertakings should be done by the Officers of the concerned Corporation/Board ;
- (ii) Where, in exceptional circumstances, it may be necessary to entrust the enquiry to an officer of the State Government, the Chief Secretary in IAS or PCS Branches or in Establishment-I Branch should be consulted with regard to the appointment of an officer of the IAS/PCS/PSS Cadre, respectively and the inquiry be entrusted to the officer so nominated by the Chief Secretary. While placing requisition for the appointment of an Inquiry Officer the quantum of honorarium admissible should also be indicated ;
- (iii) No requisition for the appointment of an Inquiry Officer by name should be entertained as acceptance thereof could vitiate the entire proceedings and violate principles of natural justice ;
- (iv) In no case, enquiries or other work involving payment of remuneration should be entrusted by any public undertaking to any officer of the Government without prior permission of the authority competent to grant such permission ; and
- (v) No officer of the State Government should accept such additional work without the prior approval of the competent authority. Any officer doing so will render himself liable to disciplinary action under the Punjab Government employees (Conduct) Rules, 1966.

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

3. Receipt of these instructions may kindly be acknowledged.

*Copy of D.O. letter No PS/SG/81-73(F), dated July 2nd/3rd, 1981, from S. S. Gill, Secretary General (Additional Secretary, Ministry of Education and Culture) Government of India, Special Committee IX Asian Games to Shri I. C. Puri, Chief Secretary, Government of Punjab, Chandigarh.*

As you may be already aware, IX Asian Games will be held from November 19 to December 4, 1982. The task of staging these Games has been entrusted to the Special Organising Committee for IX Asian Games and it has set up a large number of committee to attend to various facts of its job.

2. In such a massive national undertaking it is unavoidable that officials/experts from all over the country are associated with this work. A number of such persons are serving under the Central and State Governments and they are required to attend meetings convened by the Committees of the Special Organising Committee from time to time.

3. It is requested that whenever such officials are required to attend meetings and any of other work connected with the staging of IX Asian Games, it may please be treated as 'Official duty'. This is a small contribution to the successful staging of the Asian Games and it is hoped that there will be no difficulty in complying the above request.

Hall No 1, PRAGATI MAIDAN, MATHURA ROAD, NEW DELHI.

GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS

(PERSONNEL POLICIES BRANCH)

No. 20/21/81-4PP/11008, Dated, Chandigarh, the 4th September, 1981.

A copy is forwarded to :—

(i) All Financial Commissioners to Government, Punjab

(ii) All Administrative Secretaries to Government, Punjab

(iii) All Heads of Departments, Commissioners of the Divisions and Deputy Commissioners in Punjab, for information and necessary action.

2. The visits of all officers/officials to New Delhi at the invitation of the Special Organising Committee, Asian Games or its Committees, in connection with the staging of the Asian Games may please be treated as 'Official duty'.

Sd/- . . . .

Under-Secretary, Personnel.

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*Copy of Punjab Government circular letter No. 6/126/81-3PP/11386, dated 18th September, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.--Need for a time-bound schedule for making recruitment through the Subordinate Services Selection Board.*

I am directed to invite your attention to this Department circular letter No. 12/3/81-IGE/9411, dated the 6th August, 1981, with which a book-let containing the guidelines/Government instructions/directions relating to regular appointments was forwarded and to say, that in this book-let time schedule for completion of various processes of recruitment has been indicated. This schedule can be adhered to only if the Departments place the requisition complete in all respects with the Subordinate Services Selection Board (hereinafter referred to as Board). It should, therefore, be ensured that requisitions sent to the Board are complete in all respects.

2. The Departments are further advised to work-out their requirements of various categories of staff in advance and place requisitions with the Board twice in a year, i.e., in the first week of September and March every year so that the Board may start its work in right earnest and interviews have not be held frequently for filling up the same category of posts. In the six monthly requisitions to be placed with the Board, Departments are advised to include all anticipated vacancies during the next 6 months.

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ਗ਼ਜ਼ਤੀ ਪੱਤਰ ਨੰ: 6/35/80-3 ਪੀ ਪੀ/14540, ਮਿਤੀ 9 ਨਵੰਬਰ, 1981 ਦਾ ਉਤਰਾ ..... ਵੱਲੋਂ ਪ੍ਰਸ਼ਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲੋਂ ਸਮੂਹ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ, ਅਤੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ ਆਦਿ ਆਦਿ।

ਵਿਸ਼ਾ :- ਵਿਭਾਗਾਂ ਦੁਆਰਾ ਕੀਤੀਆਂ ਗਈਆਂ ਆਰਜੀ ਨਿਯੁਕਤੀਆਂ ਬਾਰੇ।

ਮੈਨੂੰ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਆਪ ਜੀ ਦਾ ਧਿਆਨ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਪੱਤਰ ਨੰ: 5402 ਸ(11) 68/23144, ਮਿਤੀ 9-9-1968 (ਮਿਨਅਲ ਆਫ ਇੰਸਟਰਕਸ਼ਨਜ਼ ਦੇ ਪਨਾ 483-84) ਵੱਲ ਦਵਾਵਾਂ ਜਿਸ ਰਾਹੀਂ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਗਈ ਸੀ ਕਿ ਹਰ ਗ਼ਜ਼ਟਿਡ ਆਰਜੀ/ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀ ਸਬੰਧੀ ਯੋਗ ਸੂਚਨਾ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੀ ਜਾਵੇ। ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੇ ਸਰਕਾਰ ਦੇ ਧਿਆਨ ਵਿਚ ਲਿਆਂਦਾ ਹੈ ਕਿ ਕਮਿਸ਼ਨ ਨੂੰ ਤਦ-ਅਰਥ ਆਧਾਰ ਤੇ ਕੀਤੀਆਂ ਗਈਆਂ ਗ਼ਜ਼ਟਿਡ ਨਿਯੁਕਤੀਆਂ ਦੀਆਂ ਕਾਪੀਆਂ ਨਹੀਂ ਭੇਜੀਆਂ ਜਾਂਦੀਆਂ ਅਤੇ ਨਾ ਹੀ ਉਨ੍ਹਾਂ ਨੂੰ ਅਜਿਹੀਆਂ ਨਿਯੁਕਤੀਆਂ ਨੂੰ ਸਮੇਂ ਸਮੇਂ ਸਿਰ ਦਿੱਤੇ ਗਏ ਵਾਧੇ ਦੀ ਕਾਪੀਆਂ ਭੇਜੀਆਂ ਜਾਂਦੀਆਂ ਹਨ। ਇਸ ਲਈ ਸਾਰੇ ਵਿਭਾਗਾਂ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਹਦਾਇਤਾਂ ਦੀ ਪੂਰੀ ਤਰ੍ਹਾਂ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਹਰ ਗ਼ਜ਼ਟਿਡ ਆਰਜੀ/ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀ ਵਿਚ ਵਾਧਾ ਦੇਣ ਬਾਰੇ ਜਾਰੀ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਕਮਿਸ਼ਨ ਨੂੰ ਭੇਜੀ ਜਾਵੇ ਅਤੇ ਨੀਯਤ ਪਰਵਾਹਮੇ ਵਿਚ ਇਕ ਮਾਹਵਾਰੀ ਵਿਵਰਣ ਪਤਰ ਵੀ ਭੇਜੀ ਜਾਵੇ।

*Copy of Punjab Government circular letter No. 3858-5PP-81/15229, dated 24th November, 1981 from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

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

I am directed to invite a reference to Punjab Government letter No. 9393-3GS-62/23720, dated 19th July, 1962, (pages 264-265 of Manual of Instructions on Service Matters),—vide which it is laid down that in the case of ex-servicemen seeking appointment under the State Government made otherwise than on the basis of open competitive test held by the Punjab Public Service Commission the period of previous service rendered by a particular candidate will be deducted from his actual age and if the resultant age does not exceed the prescribed age limit by more than 3 years he will be deemed to satisfy the condition of maximum age for appointment. In rule 4(2)(b) of the Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services)

Rules, 1968, it is provided that no armed forces personnel will be eligible to appear in examination if his age at the time of joining military service exceeds the upper age limit prescribed for direct recruitment to such posts. There is no mention in these rules, as well as in other rules framed for this purpose, of the grant of any additional benefit of 3 years as mentioned in the letter dated 19th July, 1962. In view of this, superseding the instructions dated 19th July, 1962, it is made clear that the concession of age to the Demobilised Army personnel will be given in accordance with the statutory provisions of rules framed for the purpose, from time to time.

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*Copy of Punjab Government circular letter No. 2/9/81-5PP/81/15975, dated 10th December, 1981 from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Framing/Amendment of Service Rules for each class of Services/posts under the Punjab Government—Revised Model Service Rules—Minimum age for entry into Government Service—Fixation of.*

I am directed to invite a reference to Punjab Government letter No. 16781-3GS-62/39458, dated the 5th November, 1962 (pages 272-273 of Manual of Instructions on Service Matters),—vide which it is laid down that the minimum age for entry into Class III service and other superior services shall be 17 years. The matter has been re-considered and it has now been decided to raise the minimum age for entry into Government service to 18 years for Class III service and other superior services. I am also to request that in rule 6 (1) of the Model Service Rules, 1973, for the words "less than seventeen years old" (appearing at page 713 in lines 18-19 of Manual of instructions on Service Matters) the words "less than eighteen years old" shall be substituted.

The Departments may amend their service rules accordingly.

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*Copy of Punjab Government circular letter No. 29/1/78-IPP/16000, dated 11th December, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Applications of Government employees seeking private employment or employment in other Departments of Punjab Government or under other Governments.

I am directed to address you on the above subject and to say that the following general instructions should be observed in future while considering the question of forwarding of applications of Government employees seeking employment elsewhere :—

1. **General.**—No distinction need be made between applications for posts in departments under the Central Government, State Governments, Public Sector undertakings, Semi-Government organisations or private firms. However, if a Government employee applies for an employment in a private concern, he should be required to submit his resignation or notice for retirement according to rules, as the case may be in the event of his final selection. The final decision whether a particular application should be forwarded or not will rest with the appointing authority or any subordinate authority which has been authorised in this behalf. Whether the services of the employee can be spared or not should be the only criterion for taking the decision to forward his application or not. While considering public interest, special technical training given to an employee at Government expense after the commencement of his service should be considered.
2. **Requisitions from private Organisations.**—When a request is received from a private organisation for making available the services of a Government employee by name or otherwise, no name should be forwarded. The Government departments are not expected to function as employment agencies for private organisations.
3. **No Objection Certificate.**—If any employee wants to send the application directly to avoid delay and makes a request for the issue of a 'No Objection Certificate', such a certificate may be issued to the employee who wants to send the application, in case it is decided to spare his services. The 'No Objection Certificate' once issued would be valid

for one year and the employee concerned will not have to obtain fresh 'No Objection Certificate' each time he applies for a post during that year.

4. *Enforcement of Bond.*—The bond which an employee receiving scientific and technical training at Government expense has executed or an undertaking to repay the money in the event of his failure to serve for a specific period should be enforced in those cases where one leaves Government service in order to obtain private employment. However, in the case of a Government employee, who leaves Government service to obtain employment under a Public Sector Undertaking, owned wholly or partly by the Central Government, or by a State Government, or under a semi-Government organisation, a fresh bond should be got executed to ensure that the person concerned serves the new employer for the remaining period of the bond. In this connection, the provisions and instructions referred to in the margin are to be observed.

In cases, where such an employee is allowed to go elsewhere for employment in the interest of the State Government itself, the competent authority shall have the discretion of not enforcing the bond. The competent authority to take decision in such a case shall be the Administrative Secretary concerned.

5. *Lien and Cognate Matters.*—In regard to lien and other cognate matters, the following principles (*inter alia* with reference to the rules and instructions referred to in the margin) should be kept in view :—

- (a) The lien of the Government employee concerned shall be retained for two years in his previous appointment on the analogy of Rule 3.13 of the Punjab C.S.R., Volume I, Part I.
- (b) If the Public Sector Undertaking/autonomous semi-Government organisation concerned proposes to absorb in it the Government employee concerned permanently before the expiry of the period of two years, it would be incumbent on the foreign employer to consult the parent department before issuing orders and such orders should be issued only after the resignation or the request for premature retirement of the

Serial No. 17 of the study leave Rules as contained in appendix 20 of the Punjab C.S.R. Vol. I Part II, Finance Department's instructions No. 8709-(3)FRII-64/9821, dated 22nd October, 1964 as amended from time to time.

No. 10484-FRII-60/10613, dated 1st December, 1960.

No. 1930-2FR-70/25331, dated 21st October, 1970.

No. 5919(7)-FRI-64/6613, dated 8th August, 1964.

No. 4446-6FR-07/18426, dated 11th August, 1967

and  
Instructions issued by F.D. on the subject from time to time.

Government employee has been accepted by the competent authority and with effect from the date of such acceptance.

- (c) If the Government employee is not permanently absorbed within a period of two years from the date of his appointment in the public sector undertaking/autonomous/semi-Government organisation in the manner indicated at (b) above, he should immediately on the expiry of the said period of two years either resign/retire from Government service or revert to his parent department. This resignation would not be deemed to be a resignation within the meaning of Rule 3.17-A of the Punjab C.S.R., Volume II for retirement benefits. Continuity of service benefit is to be allowed in the matter of leave alone. In this connection, instructions referred to in the margin should be duly observed.
  - (d) During the period for which the Government employee's lien is retained by the Parent Department, i. e., the period during which he has the option to revert to his parent department, he should be deemed to be on deputation to the foreign employer, though no deputation allowance shall be permissible in such cases and from the date he resigns his earlier appointment (or retires from service as the case may be), he would be deemed to have permanently transferred to the other organisation.
  - (e) The leave salary and pension contributions should be paid either by the foreign employer or by the Government employee concerned himself (in terms of Punjab Government's instructions contained in letter No. 10484-FR-II-60/10613, dated 1st December, 1960.
  - (f) The Government employee concerned shall continue to be subject to the leave rules of the parent department as long as he is entitled to and does retain the option to revert to his parent department.
6. *Consent about the conditions.*—Before forwarding an application, the written consent of the Government employee concerned regarding the acceptance of the conditions enumerated above, must be obtained and the foreign employer informed accordingly in advance.

7. *Relaxation.*—If any relaxation of any of the provisions of these instructions is to be made, the Department of Personnel and Administrative Reforms shall be consulted.

2. It is requested that the above instructions may kindly be brought to the notice of all concerned for strict compliance.

3. This issues with the occurrence of Finance Department,—vide their U.O. No. 126-PAFS-80, dated 21st January, 1980.

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*Copy of Punjab Government circular letter No. 4/15/81-1PP/16047, dated 14th December, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.*—Counting of *ad hoc*/purely temporary service for purposes of experience for promotion and direct recruitment.

I am directed to invite a reference to Punjab Government circular letter No. 1637/ISII-75/41597, dated the 15th October, 1975 (page 823 of the Manual of Instructions on Service Matters), which provides that the *ad hoc* service rendered by a Government employee prior to regular appointment should not be counted towards experience for promotion. In a case of the Health Department, the Punjab and Haryana High Court has held that the *ad hoc* service is as good as regular service, and that there is hardly any difference in the experience gained by a Government employee while working on *ad hoc* basis and on regular basis. The High Court, has, further held that the *ad hoc* service is also countable towards experience in the matter of promotion when no specific provision in the relevant departmental service rules specifically stating that the experience must be on regular basis, is there.

2. In view of the position stated above, and in modification of the Punjab Government instructions contained in circular letter dated the 15th October, 1975, referred to above, the *ad hoc* service rendered by a Government employee should also count towards experience in the matter of promotion, as well as at the time of

initial recruitment, provided there is no specific clause in the relevant service rules providing that the said experience should be of regular appointment.

3. In the event of any junior person becoming eligible for promotion to a higher post by virtue of his past experience on *ad hoc* service, superseding a senior, the promotion of such junior person should be done on *ad hoc* basis till such time his senior attains the prescribed years of experience to avoid any supersession. Where, however, the Departmental Service Rules provide that the experience on a regular post only shall be counted, the Service Rules should be amended as indicated above.

4. These instructions may kindly be brought to the notice of all concerned for compliance.

Kindly acknowledge receipt.

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*Copy of Punjab Government circular letter No. 4/25-81/1PP/16048, dated 14th December, 1981, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Procedure to be followed in cases where the turn of an officer/official whose conduct is subject to an inquiry, comes for placement in the Selection Grade.

I am directed to say, that some Departments have sought guidance regarding the placement in the Selection Grade of officers/officials whose conduct is subject to any inquiry Government had issued instructions,—*vide* circular letter No. 1497-4GS-62/4059, dated the 13th February, 1962 which were reiterated,—*vide* circular letter No. 4/3/81-IPP/3500, dated the 15th April, 1981, detailing the procedure to be followed in cases where an officer/official whose conduct is under inquiry is due for promotion to a higher post. Government have decided that the same procedure as is followed for promotion to higher posts should be followed *mutatis mutandis* in cases where an officer/official whose conduct is under inquiry, is due for placement in the selection grade.

2. These instructions may please be brought to the notice of all concerned for strict compliance.
  3. Kindly acknowledge receipt.
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*Copy of Punjab Government circular letter No. 6/234/78-3PP/16865, dated 31st December, 1981, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Policy and procedure regarding *ad hoc* appointments.

I am directed to invite your attention to the instructions contained in this Department's circular letter No. 6/234/78-3PP/5942, dated the 27th/28th May, 1981, on the subject noted above and to say that it was stated therein that the Administrative Departments should ensure that cases of promotion are referred to the Punjab Public Service Commission positively within a period of one month and that thereafter extension in "provisional promotion" beyond a period of six months be allowed by the Administrative Departments within the approval of the Minister-in-charge, and that such provisional promotions should be regularised on receipt of the advice of the Commission.

2. The Commission have desired that these instructions may be withdrawn and extension in provisional promotion beyond 6 months may continue to be allowed with the approval of the Commission. The apprehension of Commission is that the Departments will refer incomplete cases to it necessitating back reference which will lead to consequential delay in taking decision by the Commission. It is accordingly requested that while referring promotion cases to the Commission, the Heads of the Departments/Administrative Secretaries should ensure that cases referred to the Commission are complete in all respects. Extension in provisional promotion should be allowed subject to the satisfaction of the Administrative Department that the reference made to the Commission is complete in all respects. The Administrative Departments are also advised to send prompt replies to the reference received from the Commission in such matters.

3. I am to request that these instructions may please be observed meticulously.

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ਗਸਤੀ ਪੱਤਰ ਨੰ: 20/34/81-5 ਪੀ ਪੀ/1293, ਮਿਤੀ 28 ਜਨਵਰੀ, 1982 ਵਲੋਂ ਪ੍ਰਸ਼ੰਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਅਤੇ ਆਦਿ।

ਵਿਸ਼ਾ:—ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ, ਪਟਿਆਲਾ ਕੋਲ ਲਮਕ-ਅਵਸਥਾ ਵਿਚ ਪਏ ਕੇਸਾਂ ਦਾ ਨਿਪਟਾਰਾ ਕਰਨ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਨੂੰ ਸਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਆਗਿਆ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਵਿਭਾਗਾਂ/ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰਾਂ ਵਲੋਂ ਜੋ ਤਰੱਕੀ/ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈਆਂ ਅਤੇ ਦੀਆਂ ਤਜਵੀਜ਼ਾਂ ਘਲੀਆਂ ਜਾਂਦੀਆਂ ਹਨ ਉਹ ਅਮ ਤੌਰ ਤੇ ਕਿਸੇ ਨਾ ਕਿਸੇ ਪੱਖ ਤੋਂ ਨਾ ਮੁਕੰਮਲ ਹੁੰਦੀਆਂ ਹਨ, ਜਿਸਦੇ ਫਲਸਰੂਪ ਸਬੰਧਤ ਵਿਭਾਗ ਨੂੰ ਸਚਨਾ/ਸਪੱਸ਼ਟ ਕਰਨ ਦੇਣ ਲਈ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਪਰ ਸਬੰਧਤ ਵਿਭਾਗਾਂ ਵਲੋਂ ਮੁਕੰਮਲ ਸੂਚਨੀ ਨਾ ਭੇਜਣ ਕਰਕੇ ਪੁਰਾਣੇ ਕੇਸਾਂ ਦਾ ਨਿਪਟਾਰਾ ਨਹੀਂ ਹੋ ਸਕਦਾ ਅਤੇ ਕੇਸ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਪਟਿਆਲਾ ਦੇ ਕੋਲ ਲਮਕ-ਅਵਸਥਾ ਵਿਚ ਪਏ ਰਹਿੰਦੇ ਹਨ। ਇਸ ਤਰ੍ਹਾਂ ਤਰੱਕੀ/ਅਨੁਸ਼ਾਸਨੀ ਕਾਰਵਾਈਆਂ ਅਤੇ ਦੀਆਂ ਤਜਵੀਜ਼ਾਂ ਦੇ ਨਿਪਟਾਰੇ ਲਈ ਉਨ੍ਹਾਂ ਵਿਚ ਪਾਈਆਂ ਗਈਆਂ ਉਣਤਾਈਆਂ ਦੇ ਫਲਸਰੂਪ ਕਮਿਸ਼ਨ ਅਤੇ ਸਬੰਧਤ ਵਿਭਾਗਾਂ ਵਿੱਚ ਲਿਖਾ ਪੜ੍ਹੀ ਦੇ ਕਾਰਣ ਦੇਰ ਹੋ ਜਾਂਦੀ ਹੈ ਅਤੇ ਉਨ੍ਹਾਂ ਦੇ ਅੰਤਮ ਫੈਸਲਾ ਨਾ ਹੋਣ ਕਾਰਨ ਕਈ ਹੋਰ ਅੌਕਸ਼ਾਂ ਦਰਪੇਸ਼ ਆਉਂਦੀਆਂ ਹਨ।

2. ਇਸ ਲਈ ਆਪ ਸਭ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਸ ਸਬੰਧੀ ਆਪਣਾ ਨਿਜੀ ਧਿਆਨ ਦੇ ਕੇ ਪੁਰਾਣੇ ਕੇਸਾਂ ਦਾ ਨਿਪਟਾਰਾ ਕਰਾਉਣ ਲਈ ਕਮਿਸ਼ਨ ਵਲੋਂ ਮੰਗੀ ਗਈ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਅਤੇ ਤੁਰੰਤ ਘਲੀ ਜਾਵੇ ਅਤੇ ਅਗੇ ਨੂੰ ਇਸ ਗੱਲ ਦਾ ਪੂਰਾ ਧਿਆਨ ਰੱਖਿਆ ਜਾਇਆ ਕਰੇ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਜੋ ਤਜਵੀਜ਼ਾਂ ਘਲੀਆਂ ਜਾਇਆ ਕਰਨ ਉਹ ਹਰ ਪੱਖੋਂ ਮੁਕੰਮਲ ਹੋਣ ਅਤੇ ਉਨ੍ਹਾਂ ਵਿੱਚ ਕਿਸੇ ਕਿਸਮ ਦੀ ਉਣਤਾਈ ਨਾ ਹੋਵੇ ਤਾਂ ਜੋ ਲਿਖਾ ਪੜ੍ਹੀ ਵਿਚ ਸਮਾਂ ਨਾ ਨਸ਼ਟ ਹੋਵੇ ਅਤੇ ਕੇਸਾਂ ਦਾ ਨਿਪਟਾਰਾ ਛੇਤੀ ਹੋ ਜਾਇਆ ਕਰੇ।

*Copy of Punjab Government circular letter No. 1/26/81-1PP/1929, dated 9th February, 1982, from the Department of Personnel and Administration Reforms, addressed to all Heads of Departments etc. etc.*

**Subject.**—Counting of the period of maternity leave or any other kind of leave towards completion of probation period.

I am directed to say that almost all the Departmental Service Rules provide for one or two years' probation period at the time of appointment, which is normally extendable up to a period of three years. A question has arisen as to whether in the case of a female employee availing of maternity leave during the probation period; such a period of leave should be counted for purposes of

completion of the probation period. Government have considered the matter at length and feel that when a view can be framed about the work and conduct of an employee even by seeing his/her work only for a period of 3 months, the period of maternity leave which is normally three months, should be counted for calculating her probation period. Even if the maternity leave is extended further up to 6 months, period of one and a half year is sufficient to judge the standard of work and conduct of the employee. It has, therefore, been decided that the period of maternity leave or any other kind of leave not exceeding six months availed of by an employee during or at the end of the probation period should be counted towards the probation period.

2. Kindly acknowledge its receipt.

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*Copy of Punjab Government circular letter No. 17/4/81-2PP/2987, dated 8th March, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Resignation from service—Pay and allowances in lieu of notice period.

I am directed to invite your attention to Punjab Government circular letter No. 196(G.O.I.)-2SII-74/44174, dated the 7th/9th January, 1975, which lays down policy with regard to various aspects of resignation from service by the Punjab Government employees, and to say that in terms of para 2(b) of these instructions, 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, by the Government or the Government employee concerned, as the case may be. A question has now been raised as to whether or not allowances like H.R.A., C.C.A., etc. are also to be recovered from Government employee who wants to pay one month's pay and allowances in lieu of one month's notice. The matter has been considered by the Government and it is clarified that in such a case all allowances which he would have drawn had he continued in service, are to be recovered before his resignation is accepted.

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

3. This issues with the concurrence of the Department of Finance conveyed,—*vide* their U.O. advice No. 37/122/81-4FR dated the 18th January, 1982.

Kindly acknowledge.

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*Copy of Punjab Government circular U.O. No. 13/15-81-Vol III-2PP/2982, dated 8th March, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Expeditions finalisation of departmental inquiries against Gazetted Officers.—Monthly report for the month of November, 1981.

All the Financial Commissioners and Administrative Secretaries to Government, Punjab, may please refer to the Punjab Government circular U.O. No. 13/15/81-2PP, dated the 18th June, 1981, regarding submission of monthly progress reports regarding departmental inquiries pending against the Gazetted Officers.

2. Instructions have been issued time and again emphasising the need of expeditious finalisation of the departmental inquiries against Government employees. Observing that such cases were being delayed and not finalised to a logical end for years together, they were requested,—*vide* communication under reference to send monthly progress reports, on the prescribed proforma. While considering monthly progress reports received from various Departments, it was observed that a fairly large number of cases were still lying pending for a considerably long period, and also that the progress towards finalisation of those cases was slow. With a view to ensure expeditious finalisation of these cases, it was emphasised that time-schedule prescribed for various stages in such cases should be adhered to strictly, and in the event of non-co-operation by the delinquent officer for early completion of inquiry proceedings against him, appropriate action be taken including *ex parte* decision by the Inquiry Officer, if the circumstances so warranted. The report for the month of November, 1981 reveals that no special steps have been taken

for the disposal of pending inquiry cases against the Gazetted Officers and the result is that there has been little progress in the finalisation of these cases. C.M. has observed that the pace of disposal of departmental inquiries needs to be quickened. They are, therefore, requested kindly to look into these cases personally and take suitable measures for their expeditious finalisation.

Kindly acknowledge.

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*Copy of Punjab Government circular letter No. 1/27/78-5PP/3108 dated 12th March, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Criteria to determine the domicile of a person for various purposes — Guidelines for the grant of domicile certificates.

It has been observed that *bona fide* residents of Punjab for the purpose of admissions to educational institutions (including technical/medical institutions) have been experiencing difficulty in obtaining the certificate of domicile. After careful consideration it has been decided that the following categories of persons would be eligible for the grant of domicile certificate, provided that the parents/guardians of persons belonging to any one of the categories mentioned below, are :

- (a) Citizens of India;
- (b) produce an affidavit to the effect that they or their children/wards have not obtained the benefit of domicile in any other State.

#### CATEGORIES :

- (i) Candidates who have passed qualifying examinations from a school/college in Punjab, for selections in any institution where the domicile certificate is required to be produced.

## (ii) Children/Wards of —

- (a) the employees of Punjab Government posted in or outside Punjab State or working on deputation ;
  - (b) the employees of the Government of India posted in Chandigarh or in Punjab in connection with the affairs of the Punjab Government ;
  - (c) the employees of State Government undertakings who are posted in Chandigarh or in Punjab in connection with the affairs of the Punjab Government ;
  - (d) the employees of autonomous bodies in which Punjab Government has 25 per cent or more shares ;
- (iii) Children/Wards of the pensioners of Punjab Government irrespective of the fact that the original home of the retiree is in a State other than Punjab or he has settled after retirement in or outside Punjab ;
- (iv) Children/Wards of persons who have settled in Punjab or had resided in Punjab at any time prior to the date of the submission of the application either in pursuit of a profession or holding of a job, to which effect an affidavit in the former case and the certificate of the employer in the latter case, is produced ;
- (v) Children/Wards of persons who hold immovable property in Punjab but for service in Government of India or in any State Government or business are residing outside the State of Punjab ;
- (vi) The wives of such persons who are *bona fide* residents of Punjab irrespective of the fact that they had belonged to any other State before marriage ; and
- (vii) Persons who were born in Punjab and produce a certificate to that effect.

2. All candidates claiming to be '*bona fide* residents of Punjab' should produce a Punjab Domicile Certificate signed by the Deputy Commissioner/General Assistant to Deputy Commissioner or Sub-Divisional Officer (Civil) of the district/sub-division to which the

candidate belongs. Domicile certificate in respect of the children/wards of Punjab Government employees who are posted at Chandigarh or elsewhere, or in respect of the children/wards of the employees of the Government of India posted at Chandigarh or in Punjab in connection with the affairs of Punjab Government, or in respect of children/wards of the employees of State Government undertakings located at Chandigarh or in Punjab should be issued by their respective Heads of Departments.

3. These instructions may kindly be noted carefully and the receipt of this letter may please be acknowledged.

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*Copy of Punjab Government circular letter No. 20/30/81-2PP/3479, dated 18th March, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc. etc.*

**Subject.**—Consolidated Instructions for dealing with cases of disciplinary action against Punjab Government employees under the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

I am directed to address you on the subject cited above and to say that a large number of instructions have been issued by this Department from time to time for effectively enforcing the provisions contained in the Punjab Civil Services (Punishment and Appeal) Rules, 1970. It has been observed that some of those instructions have become outmodded/obsolete with the issue of new instructions laying down the latest policy of the Government/court pronouncements. It has, therefore, been considered necessary to issue consolidated instructions comprising all the old/new instructions issued so far and which are now operative, for dealing with cases of disciplinary action under the Rules *ibid*. Accordingly, sufficient number of copies of the booklet on the subject have been got printed for supply a copy each to all the Assistants dealing with service matters and all other officers, except clerks, steno-typists, stenographers, Personal Assistants etc., under the service of the Punjab Government, for official use. I am, therefore, to request you to place your requisition accordingly, through special messenger, with the Department of Personnel and Administrative Reforms (in Personnel Policies Branch) so that requisite number of copies of the booklet are issued. The requisition may, however, be kept to the minimum possible.

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*Copy of D.O. letter No. VII/406/12/81, dated 28th December, 1981, from (Shri S. S. Bhatnagar), Deputy Secretary (PV), Government of India, Ministry of External Affairs, New Delhi to the Chief Secretary to Government, Punjab, Chandigarh.*

We have been informed by our Consulate General in Geneva that some of the foreign Missions in Switzerland decline to issue visas to the persons who have not obtained these from the concerned Embassies/Consulates in the country of their domicile. As such, the Consulate General has been finding it difficult to get visas for the visiting Indian nationals for other countries, particularly French, Federal Republic of Germany and Belgium. This places our Consulate General as well as the Officers who wish to obtain visas in Geneva for visiting the neighbouring countries, in an embarrassing position. I would, therefore, request you to kindly advise all the Officers in your Ministry to obtain visas for all the countries they intend visiting on official business to obtain visas from the Embassies/Consulates of the concerned countries in India before they proceed abroad.

With kind regards and best wishes for the new year.

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE  
REFORMS**

(Personnel Policies Branch)

No. 20/14/82-2PP/82/4159,

Dated. Chandigarh, the 30th  
March, 1982.

A copy is forwarded, for information & necessary action, to the following :—

1. All the Financial Commissioners and Administrative Secretaries to Government, Punjab.
2. All the Heads of Departments, Registrar, Punjab & Haryana High Court, Commissioners of Division, Deputy Commissioners and Sub-Divisional Officers (Civil) in the State of Punjab.

(Sd).....

Section Officer, Personnel Policies.

Copy of Punjab Government circular letter No. 12/9/78-(4PP)/4398, dated 7th April, 1982, from the Department of Personnel and Administrative Reforms addressed to :—

1. Excise and Taxation Commissioner, Punjab, Patiala.
2. Director of Health Services, Punjab, Chandigarh.
3. Director, Agriculture, Punjab.
4. Registrar, Co-operative Societies, Punjab, Chandigarh.
5. Director, Information and Publicity, Punjab, Chandigarh.
6. Director of Industries, Punjab, Chandigarh.
7. Director of Food and Supplies, Punjab, Chandigarh.
8. State Transport Commissioner and Director, State Transport, Punjab, Chandigarh.
9. Chief Conservator of Forests, Punjab, Chandigarh.
10. Labour Commissioner, Punjab, Chandigarh.
11. Director, Animal Husbandry, Punjab, Chandigarh.
12. Chief Engineer, Punjab, P.W.D., (Public Health), Patiala.
13. Advocate General, Punjab, Chandigarh.

**Subject.—**Upgradation of 'B' Class offices to 'A' Class Offices.

I am directed to invite your attention to Punjab Government letter No. 4547-4PP-78, dated 16th June, 1978, on the above subject wherein you were *inter alia* requested to take steps to amend the Service Rules, revising the basic qualifications etc. for recruitment in the case of future entrants to the Service.

2. An employee of the Department of Food and Supplies in a Civil Writ No. 4385 of 1979—Shri R. L. Duggal Vs. State of Punjab and others averred that after the upgradation of the office of the Director of Food & Supplies, Punjab, the posts of Superintendents have been upgraded from State Service Class-III to State Service Class-II. The plea of the petitioner was rejected by the Hon'ble High Court on 6th May, 1980. The decision of the High Court

was that unless by amendment of the rules, the posts are taken out from Class-III Service and upgraded to Class-II Service, it cannot be said that the Superintendents are not members of State Service Class-III. The assumption, therefore, that with the upgrading of the offices from Class 'B' to Class 'A', the Superintendents who are members of Class-III Service become members of Class-II Service *ipso facto*, is not tenable.

3. In the light of the above position you are requested to amend the relevant Service Rules so as to exclude the posts of Superintendents from Class-III Service Rules and to include these in Class-II Service Rules in accordance with the provisions of rule 14.5 of Punjab Civil Services Rules, Volume-I, Part-I. Further, in order to give them a gazetted status, it is necessary to notify their appointments in the Government Gazette under the said rule.

4. The amendments in the rules and the gazette notification conferring gazetted status as requested above should be effected prospectively, i.e., from the date the necessary amendments are made in the rules and not from the earlier date, viz., 23rd February, 1977. It will have no effect on the higher pay drawn by the Superintendents of the erstwhile 'B' Class offices with effect from 23rd February, 1977, i.e., the date from which your offices were upgraded to 'A' Class.

5. I am, therefore, directed to request you to kindly take necessary action in the matter on *top priority* basis and intimate the final action to this Department at an early date.

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*Copy of Punjab Government circular letter No. 8/9/81-6PP/4466, dated 8th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees for the year 1982-83.

In continuation of the instructions issued,—*vide* circular letter No. 8/9/81-6PP/3887, dated the 25th March, 1982, on the subject noted above, I am directed to say that on further consideration it has been decided that :

- (1) against para 1(iii) *ibid*, the following be added namely
- (h) death; and

(2) following sub-para be added below para 1

- (xvi) Mutual transfers may be allowed with the approval of Minister-in-Charge even if it is a mid-term or mid-tenure transfer subject to the condition that the public interest should not suffer.

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*Copy of Punjab Government circular letter No. 6/34/82-3PP/4489, dated 8th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Regarding disbursement of salaries to the ad hoc employees in the State.*

I am directed to refer to Punjab Government instructions issued,—vide letter No. 7053/6/234/3PP/78/32037, dated the 29th September, 1978, regarding the procedure to be adopted for making ad hoc appointments, and to say that it has been brought to the notice of the Government that some employees appointed on ad hoc basis at that time had not been disbursed their salary since April, 1981. You are requested to look into the reasons why the salary has not been disbursed to such employees and take steps to ensure that the salary is disbursed without delay.

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*Copy of Punjab Government circular letter No. 10/4/79-5PP/4543, dated 8th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Benefits of military service to the Ex-Servicemen—Simplification of Rules regarding the grant of.*

I am directed to refer to the subject noted above and to say that for granting a number of concessions to Civilian employees and others who had joined the Armed Forces on or after 1st November, 1962, the following sets of Rules had been formulated by the Government :—

- (1) The Punjab Government National Emergency (Concession) Rules, 1965; (In Force till 11th February, 1982).

- (2) The Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968 ; (In force till 11th February, 1982).
- (3) The Demobilised Indian Armed Forces Personnel (Reservation of Vacancies in the Punjab Civil Service) (Executive Branch) Rules, 1972; (In force till 11th February, 1982).
- (4) The Released Indian Armed Forces Personnel (Determination of Eligibility for Promotion) Rules, 1977 ; (In force till 11th February, 1982).
- (5) The Demobilised Indian Armed Forces Personnel Reservation of Vacancies in the Punjab State Technical (Medical and Engineering) Services Rules, 1978 ; and (Lapsed on 31st December, 1978).
- (6) The Demobilised Indian Armed Forces Personnel (Reservation of Vacancies in the Punjab Civil Service) (Judicial Branch) Rules, 1978 ; (Lapsed on 31st December, 1978).

2. Government have now formulated a new set of Rules namely "The Punjab Recruitment of Ex-Servicemen, Rules, 1982" as published in the Punjab Government Gazette,—vide Notification No. GSR 11/Const./Arts. 309, 234 and 318/82, dated 12th February, 1982 (copy enclosed). The new Rules shall now result in restoring the reservation, with effect from the date of their publication in the Gazette, which stood stopped for P.C.S. (Judicial Branch) and Medical and Engineering Services with effect from 31st December, 1978. The other cardinal feature of the new Rules would be that the benefit of military service which was allowed in the matter of seniority according to the previous rules shall no longer be permissible in the new Rules.

3. Government have also decided that with effect from the date the new Rules come into force the reservation for Ex-Servicemen for all the State Services and the posts connected with the affairs of State of Punjab, except the Punjab Vidhan Sabha Secretariat and the Punjab Superior Judicial Service shall stand reduced from 20 per cent to 15 per cent.

The new Rules may kindly be brought to the notice of all the employees working under you for their information and guidance specifically pointing out to them that the old rules (mentioned at Sr. No. 1—4 above) have been repealed.

4. In accordance with the instructions laid down in Punjab Government circular letter No. 4792-ISII-74/23532, dated 25th July, 1974 (pages 750-751 of Manual of Instructions on Service Matters) the points indicated below stand reserved for Released Indian Armed Forces Personnel. In view of the fact that the percentage of posts has now been reduced from 20 per cent to 15 per cent for Ex-Servicemen, the points which shall now stand reserved for Ex-Servicemen have been indicated against the points previously reserved for them :—

|                                                                                                                              |                                                           |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Points reserved for Released Indian Armed Forces Personnel in accordance with Government Instructions dated 25th July, 1974. | The points which shall now be reserved for Ex-Servicemen. |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

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|                                                                                                         |                                                                                       |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 3, 7, 11, 19, 23, 27, 31, 39, 43, 47, 51, 59, 63, 67, 71, 79, 83, 87, 91, 99, and so on<br>(20 Points). | 7, 14, 20, 27, 34, 40, 47, 54, 60, 67, 74, 80, 87, 94, 100, and so on<br>(15 Points). |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

5. The above roster will be effective from 12th February, 1982 i.e. the date of publication of the new Rules in the Punjab Government Gazette. This will be 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 Ex-Servicemen is not to exceed 50 per cent of the vacancies filled in a year [as also provided in the proviso under rule 4(1) of the Punjab Recruitment of Ex-Servicemen Rules, 1982] ;
- (iii) The above roster will not apply to small cadres i.e., where the sanctioned strength is less than posts;

- (iv) It has also been laid down in Rule 4(2) of the Rules *ibid* that where a reserved vacancy remains unfilled on account of non-availability of a suitable Ex-Servicemen, such vacancy may be filled in temporarily from any other source in accordance with the rules regulating the recruitment and conditions of service of persons appointed to such posts as if the vacancy was not reserved and such a reserved vacancy shall be carried forward for the subsequent occasions for recruitment spreading over a period not exceeding four years. With a view to ensure due representation to Ex-Servicemen in service, as provided in the rules *ibid*, it shall be necessary for the appointing authority to obtain a non-availability certificate from the Department of Defence Services Welfare, Punjab before the reserved vacancy (ies) is/are filled up temporarily from any other source in accordance with the recruitment rules for the time being in force for filling up vacancies which are not reserved. In this connection attention is also invited to circular letter No. 14/99/79-8/DW/8, dated 11th January, 1982,—vide which it has been intimated that where an Ex-Servicemen does not himself fulfil the necessary qualifications etc., for the post, only one dependent sons or daughters of Ex-Serviceman, who fulfil the conditions of qualifications, age, etc., prescribed for the various posts (reserved for the Ex-Servicemen), is to be considered on merit subject to non-availability of suitable Ex-Servicemen. The above said instructions may also be kept in mind while filling up the vacancies reserved for Ex-Servicemen.
- (v) The roster already existed would not be abandoned but would now be maintained in continuation from the point in existing roster last filled up. For example, if according to the present roster vacancies upto 19 point have been filled before the publication of the new rules and the 19th point was filled by a released Army Personnel, the next point that will fall to the share of Ex-Servicemen would be 27th and not 20th so as to ensure that the number of reserved points should allow only 15 per cent reservation as envisaged under the rules. In the case of P.C.S. (Judicial Branch) and Medical and Engineering Services the roster is to be started afresh with effect from 12th February, 1982 and be filled up according to the new pattern of points specified in this letter.

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

GOVERNMENT OF PUNJAB

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

(PERSONNEL POLICIES BRANCH)

*Notification*

The 2nd February, 1982

No. G.S.R. 11/Const./Arts. 309, 234 and 318/82.—In exercise of the powers conferred by the proviso to article 309 read with articles 234 and 318 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 regulating the recruitment of Ex-servicemen to the State Civil Services and Posts connected with the affairs of the State of Punjab, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Punjab Recruitment of Ex-Servicemen Rules, 1982.
- (2) They shall come into force at once.
2. *Definitions.*—In these rules, unless the context otherwise requires—
  - (a) 'Armed Forces of the Union' means the Naval, Military and Air Forces of the Union of India ;
  - (b) '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 ;
  - (c) 'Ex-Serviceman' means a person who joined any rank, whether as a combatant or as a non-combatant, on or after the first day of November, 1962, in the Armed Forces of the Union, excluding the Assam Rifles Lok Sahayak Sena, Jammu and Kashmir Military, Territorial Army, Defence

Security Corps and the General Reserve Engineering Force, and has been released or discharged otherwise than on grounds of misconduct or inefficiency ;

(d) 'Government' means the Government of the State of Punjab ;

(e) 'reserved vacancy' means a vacancy reserved under sub-rule (1) of rule 4 for being filled in by the appointment of an Ex-serviceman.

3. *Extent of Application.*—These rules shall apply to all the State Civil Services and Posts connected with the affairs of the State of Punjab, except the Punjab Vidhan Sabha Secretariat Service and the Punjab Superior Judicial Service.

4. *Reservation of Vacancies.*—(1) Subject to the provisions of rule 3, fifteen per cent of the vacancies to be filled in by direct appointment in all the State Civil Services and Posts connected with the affairs of the State of Punjab shall be reserved for being filled in by recruitment of Ex-Servicemen :

Provided that the total number of reserved vacancies including those reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes shall not exceed fifty per cent of the posts to be filled in a particular year.

(2) Where a reserved vacancy remains unfilled for non-availability of a suitable Ex-Serviceman such vacancy may be filled in, temporarily from any other source in accordance with the rules regulating the recruitment and the conditions of service of persons appointed to such posts as if the vacancy was not reserved :

Provided that the reserved vacancy so filled in shall be carried forward for the subsequent occasions for recruitment spreading over a period not exceeding four years, whereafter the vacancy in question shall be treated as unreserved.

5. *Appointment through competitive examination.*—Notwithstanding anything contained in the concerned Service Rules, in case an appointment to any post governed by those rules is made through competitive examination.—

(i) the maximum chances to be given to an Ex-Serviceman for appearing in the said examination shall not exceed three ; and

- (ii) the Ex-Serviceman shall not be required to appear in the optional subject, if any, specified for that examination.

6. *Age*.—No person shall be eligible for appointment against a reserved vacancy, unless his upper age at the time of joining the Armed Forces of the Union or training prior to the Commission in the Armed Forces of the Union, as the case may be, was within the age limits prescribed by the Government for direct appointment to such a vacancy in the concerned Service Rules :

Provided that the maximum age-limit prescribed for appointment to any service or post be relaxed in favour of an Ex-serviceman, who did not join civil post immediately after release from the Armed Forces of the Union to the extent of his continuous service in the Armed Forces of the Union rendered after the 1st day of November, 1962: provided he produces a certificate from the competent authority that he had rendered continuous service in the Armed Forces of the Union after the 1st day of November, 1962, for a period of not less than six months and was released or discharged because of demobilisation or reduction not more than three years prior to the date of his registration at an employment exchange or the date of his application for employment under the Government.

7. *Educational qualifications and experience*.—(1) No person shall be eligible for recruitment to a reserved vacancy, unless he possesses the minimum educational qualifications and experience if any prescribed by the Government for direct appointment to such a vacancy in the concerned Service Rules :

Provided that this rule shall not apply to person having more than three years service in the Armed Forces of the Union for appointment to class IV post or class IV services.

(2) Where the appointing authority is of opinion that a person or category of persons eligible for recruitment against the reserved vacancies has or have by experience or otherwise acquired qualifications and experience equivalent to those prescribed for recruitment by direct appointment to a post or service under the concerned Service rules, it may declare by a general or special order, in writing, that he or they shall be deemed to possess the requisite qualifications and experience :

Provided that in case of any doubt whether a person or category of persons has or have acquired the qualifications and experience referred to above, the decision of the Chief Secretary to

Government of Punjab, in the Department of Personnel and Administrative Reforms, in this behalf, shall be final.

8. *Pay.*—The pay of an Ex-serviceman appointed against a reserved vacancy shall be fixed in accordance with the provisions of Chapter VII of the Punjab Civil Services Rules, Volume II.

9. *General.*—(1) In matters not specifically provided for in these rules, a person appointed against a reserved vacancy shall be governed by the concerned Service Rules.

(2) All concerned Service rules shall be subject to the provisions of these rules and the said rules shall be construed accordingly.

(3) Nothing in these rules shall be construed as depriving any person to whom these rules apply of any right which had accrued to him under the rules, notifications or orders in force immediately before the commencement of these rules.

10. *Repeal.*—The following rules are hereby repealed :—

1. The Punjab Government National Emergency (Concession) Rules, 1965 ;
2. The Demobilised Armed Forces Personnel (Reservation of Vacancies in the Punjab State Non-Technical Services) Rules, 1968 ;
3. The Demobilised Indian Armed Forces Personnel (Reservation of Vacancies in the Punjab Civil Services) (Executive Branch) Rules, 1972 ; and
4. The Released Indian Armed Forces Personnel (Determination of Eligibility for promotion) Rules, 1977.

I. C. PURI,

Chief Secretary to Government,  
Punjab.

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*Copy of Punjab Government circular letter No. 18/11/82-5PP/5043, dated 20th April, 1982, from the Department of Personnel and Administrative Reforms, addressed 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 refer the instructions contained in Punjab Government letter No. 80(GOI)-SII-(3)-73/12092, dated 18th April, 1973, on the subject noted above and to state that cases have come to the notice of the Government wherein the physically handicapped persons for whom medical certificates are issued by the Post-Graduate Institute of Medical Education and Research, Chandigarh and other Government Medical Institutions are not accepted by the appointing authorities and thus the physically handicapped persons have been experiencing difficulty in securing employment on compassionate grounds as provided for in the scheme under reference. It has, therefore, been decided that the serial No. 5 relating to physically handicapped persons of the annexure appended to Punjab Government letter dated 18th April, 1973, referred to above (appearing at page 680 of the Manual of Instructions on Service Matters) be substituted as under :—

"5. Physically handicapped persons

A Medical Certificate of being disabled handicapped but otherwise fit for civil employment against the post applied for from :—

(i) Class-I Medical Officer of any Government Medical Institution/Hospital: or

(ii) P.M.O., C.M.O./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. 4/18/81-1PP/5594, dated 27th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.*—Determination of eligibility for promotion to higher post from the date of occurrence of the vacancy—Instructions regarding.

I am directed to say, that it has been brought to the notice of Government that promotion cases of certain employees are sometimes deliberately delayed with a view to allowing sufficient time to the concerned individual(s) to acquire necessary qualifications/experience prescribed for the relevant higher post(s). Such a practice needs to be discouraged, as it prompts the individual(s) to have the promotion cases delayed to become entitled for consideration for promotion. Resultantly, higher posts remain vacant and this fact necessitates a consideration whether at all there is a need to fill up the higher post(s). Besides, this practice militates against the rights of individual(s) who are eligible for promotion on the date of occurrence of vacancy in higher post(s).

2. The matter has been given careful consideration by Government and it has been decided, that in future the date of occurrence of vacancy shall be taken as the relevant date of determining eligibility of promotion to higher post(s). The other aspects of the subject will continue to be governed in terms of Punjab Government letter No. 8401-4GS-61/33117, dated 8th/11th September, 1961, and Punjab Government letter No. 6256-SII(3)-71/29750, dated 12th November, 1971.

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*Copy of Punjab Government circular letter No. 4/25/81-1PP/5595, dated 27th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.*—Procedure to be followed in cases where the turn of an officer/official whose conduct is subject to an inquiry comes for placement in the Selection Grade.

I am directed to invite a reference to this Department circular letter No. 4/25-81/1PP/16048, dated the 14th December, 1981, on the subject cited above, and to say that some departments have sought clarification on the point whether a vacancy in selection

grade has to be kept reserved for an officer/official who is not considered for placement in the selection grade because of inquiry/disciplinary proceedings pending against him. The matter has been considered by Government. As the grant of a selection grade does not involve change in the nature of duties or the place of posting, the exigency of public service obviously, does not call for the filling up of a selection grade vacancy immediately. It has, therefore, been decided that in cases where it is decided to withhold the grant of selection grade in pursuance of the aforesaid instructions, a selection grade vacancy should always be kept vacant till the finalization of the disciplinary proceedings so that it may be possible to grant Selection Grade from due date on clearance from the disciplinary proceedings. These instructions may please be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt.

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*Copy of Punjab Government circular letter No. 6/234/78-3PP-82/5798, dated 30th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Regularisation of services of ad hoc employees who completed one year's service on 30th September, 1980.

I am directed to refer to the Punjab Government orders issued,—vide No. 6/234/78-3PP/11961, dated the 28th October, 1980, on the subject noted above and to clarify that the above said orders apply only to those posts in the pay range of Rs. 325 to Rs. 699, which fall within the purview of the Punjab Subordinate Services Selection Board. This may be brought to the notice of all concerned.

Please acknowledge receipt.

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*Copy of Punjab Government circular letter No. 8/9/81-6PP/15875, dated 30th April, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees for the year 1982-83.

I am directed to refer to Punjab Government circular letter No. 8/9/81-6PP/3887, dated 25th March, 1982, on the subject noted above and to say that it has been brought to the notice of the Government that certain departments would not be able to finalise the transfers of their employees by the 30th April, 1982, due to their involvement in other important and urgent matters. It has, therefore, been decided that the period for general transfers of the employees as specified in the instructions *ibid* may be extended up to 15th May, 1982. I am, further, to request that this may be brought to the notice of all concerned.

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*Copy of Punjab Government circular letter No. 18/20/78-5PP/5973, dated 3rd May, 1982, from the Department of Personnel and Administrative Reforms, addressed 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 refer to Punjab Government letter No. 80-GOI-SII-(3)-73/12092, dated 18th April, 1973, on the subject noted above and to state that the following sub-para (iv) may please be added at the end of para 2(iii) of the said letter namely:—

“(iv) In case of category No. 3, concerning Government employee who is retired from service on medical grounds, the concession should not be extended to cases where the Government servant has retired on or after attaining the age of 55 years.”

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*Copy of Punjab Government circular letter No. 14/35/78-2PP/6022, dated 6th May, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Punjab Civil Services (Punishment and Appeal) Rules, 1970—Amendment to.*

I am directed to invite a reference to Punjab Government circular letter No. 14/35/78-2PP/11743, dated the 28th November, 1979, laying down the conditions on which a delinquent Government employee may be allowed to take the assistance of a retired Government employee in disciplinary proceedings, and to say that the matter has been reconsidered and it has been decided that a retired Government employee may take any number of cases at a time and that the restriction imposed on him that he cannot assist a delinquent Government employee in disciplinary proceedings after the expiry of three years from the date of his retirement shall also be not applicable to him.

2. Necessary amendment to this extent has also been made in sub-rule (8) of rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970,—vide Punjab Government Notification No. G.S.R. 30/Const./Arts., 187, 309 and 318/Amd.(1)/82, dated the 10th February, 1982, published in Punjab Government Gazette, dated the 19th March, 1982, a copy of which is enclosed. Accordingly, sub-para (ii) and (iii) of para 49 of the booklet on 'Consolidated Instructions on the rules *ibid* shall be deleted and sub-para (iv) thereof shall be renumbered as sub-para (ii).

3. These instructions may please be brought to the notice of all concerned for strict observance.

Kindly acknowledge.

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GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS

(PERSONNEL POLICIES BRANCH)

Notification

The 10th February, 1982

No. G.S.R. 30/Const./Arts., 187, 309 and 318/Amd.(1)/82.—In exercise of the powers conferred by the proviso to article 309 and

clause (b) of article 318 read with clause (3) of article 187 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab, after consultation with the Speaker of the Punjab Vidhan Sabha in so far as such consultation is necessary under the aforesaid provisions, is pleased to make the following rules further to amend the Punjab Civil Services (Punishment and Appeal) Rules, 1970, namely :—

1. (a) These rules may be called the Punjab Civil Services (Punishment and Appeal) (First Amendment) Rules, 1982.

(b) They shall come into force at once.

2. In sub-rule (8) of rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 after the words "any other Government employee", words "or a retired Government employee", shall be inserted.

I. C. PURI,

Chief Secretary to Government, Punjab.

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*Copy of Punjab Government circular letter No. 8/9/81-6PP/6341 dated 11th May, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees for the year 1982-83.

I am directed to refer Punjab Government circular letter No. 8/9/81-6PP/3887, dated 25th March, 1982, on the subject noted above and to say that in para I (ii) of this letter it has been mentioned that a Government employee should normally continue at one post for a minimum period of three years before he or she is considered—due for transfer. Further that mid-tenure transfer should be made only in compelling circumstances when exigencies of public service so require, after obtaining the prior approval of Chief Minister through the Chief Secretary (in the Department of Personnel and Administrative Reforms). It has come to the notice of the Government that certain categories of employees like husband and wife, blind, handicapped, widows and unmarried girls in whose favour Government have allowed concessions in the

matter of their postings and transfers are denied these benefits on the ground that they have not completed the minimum period of three years on the post from which transfer is sought.

2. In this connection, I am to clarify that this condition has been imposed by the Government so that Government employees are not transferred too frequently or at least before the completion of a period of three years. In other words this condition will not apply in cases where transfer is sought by the Government employees themselves on genuine grounds or in mutual transfers which are considered to be in the interest of both the Government as well as the employees.

3. This may be brought to the notice of all concerned under your control for strict compliance.

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*Copy of Punjab Government circular letter No. 8/9/81-6PP, dated 15th May, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Policy regarding postings and transfers of Punjab Government employees for the year 1982-83.*

I am directed to refer to Punjab Government circular letter No. 8/9/81-6PP/5876, dated the 30th April, 1982, on the subject noted above and to say that on further consideration, it has been decided to extend the date for general transfers of Punjab Government employees up to 31st May, 1982.

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

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*Copy of Punjab Government circular letter No. 4/4/80-1PP/7486, dated 1st June, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Bifurcation of cadre strength of clerks/steno-typists for allowing revised pay scales.*

I am directed to invite a reference to the instructions contained in this Department circular letters No. 4/4/80-IPP/24130, dated 18th April, 1980 and No. 4/18/80-1PP/14, dated 1st January, 1981, which

require the bifurcation of the permanent and temporary posts separately, for allowing the revised scales to the clerks and stenotypists. The matter has been considered further by this department in consultation with the Department of Finance. Keeping in view the fact that no separate seniority lists of the persons appointed against permanent posts and temporary posts, are maintained, it is clarified that both permanent and temporary posts should be taken together for determining the number of posts in the higher scale in the prescribed ratio. The determination of the number of higher/lower scale posts has, however, no link with the process of placement of the employees concerned in the higher/lower scale. Placement is to be done strictly in accordance with the criteria laid down in the instructions under reference and a person junior in seniority and holding a temporary post has no claim whatsoever simply because temporary posts exists—in the senior scale of a particular cadre.

2. The instructions under reference further provide for the determination of the number of higher scale posts on 1st January, 1978, and subsequently on the 1st of March every year. It is clarified that once the number of posts to be allowed higher and lower scales, is so determined for any year, the short-term or regular vacancies in the higher scale occurring at any time during the year can be filled by placing the eligible/suitable persons in that scale, provided the over all effective strength of senior scale posts does not exceed 50 per cent of their total strength.

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*Copy of Punjab Government circular letter No. 4/6/81-2PP/7908, dated 7th June, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Writing of Annual Confidential Reports—Recording of remarks by the Reporting/Reviewing Authority—Prescribing of time limit to avoid delay.*

I am directed to invite a reference to Punjab Government circular letter No. 4225-2SII-74/21500, dated the 15th July, 1974, on the above subject, and to say, that it has been repeatedly emphasised that there should be no delay in writing of annual confidential reports and that a certificate should be furnished by all Heads of Departments to the Administrative Secretaries concerned within one month, to the effect that the confidential reports of all the employees have been recorded in their respective departments by the due date.

It has, however, been observed that these instructions are not being followed, with the result that confidential reports on the work and conduct of officials/officers continue to be recorded very late and the requisite certificate is not furnished within the prescribed period. Government have, therefore, reconsidered the whole matter and the following time-limit is prescribed for writing off annual confidential reports :—

- (i) The Annual Confidential Report shall be written for each financial year and transmitted to the reviewing/accepting authority, by the reporting authority by the 31st May each year.
- (ii) The reviewing authority and accepting authority shall record their remarks within a period of one month from the date of receipt of the report from the reporting authority.
- (iii) A confidential report shall also be written when either the Reporting Authority or the employee reported upon relinquishes charge of the post, and, in such a case it shall be written within two months of the relinquishment of his charge of the post.
- (iv) In the event of change of portfolios, a Minister or Minister of State or a Deputy Minister or the Chief Parliamentary Secretary may also, if he had not done so previously, record remarks on the confidential report of officers subordinate to him, within two months of his relinquishing the charge of his previous portfolio.
- (v) All the authorities while recording their remarks on the confidential report, shall indicate the date of recording their remarks on the confidential report.
- (vi) The Heads of Departments shall furnish to their Administrative Secretaries concerned, a certificate by 30th September every year, certifying that all the confidential reports in their departments have been duly recorded and placed in personal files of the officers/officials concerned.
- (vii) In case the annual confidential report in respect of any employee is not recorded by the 30th September, by the authorities concerned, the report written thereafter shall not be placed on his personal file and only a certificate, duly signed by the competent authority, should

be added in personal file of the Government employee that the work and conduct of the officer/official concerned during the period in question, was satisfactory.

2. It has been further decided that adverse notice should be taken of those Reporting Authorities who do not record the annual confidential reports in time, and the superior officers of such Reporting Authorities may record this lapse in the annual confidential reports of such defaulting Reporting Authorities. This decision of Government may kindly be brought to the notice of all concerned for strict compliance.

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*Copy of Punjab Government circular letter No. 13/7/82-2PP/7909, dated 7th June, 1982, from the Department of Personnel and Administrative Reforms, addressed 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 employee—Strict observance of.

I am directed to invite your attention to the instructions contained in Punjab Government circular letter No. 5283-2SII-76, dated the 11th May, 1976, on the above subject wherein it was made clear that convassing of non-official or other influence by the Government employees in furtherance of their service interests involves breach of rule 20 of the Punjab Government Employees (Conduct) Rules, 1966. It was also mentioned therein that if any Government employee chooses to ventilate his grievances or asserts his claim repeatedly by bringing any political or other influence and also infringes the prescribed procedure and channel of submission of representations in respect of service interests, he shall be liable to be subjected to disciplinary action under the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

2. instances have now come to the notice of the Government where some Government employees have, by flagrantly violating these instructions and the statutory provision in the Rules, *ibid*, addressed their representations directly to the Governor of Punjab, concerning their service matters ignoring normal channels as provided in the Service Rules etc. Government have taken a serious view of the matter and I have, therefore, been directed to convey

to you that any breach of these instructions will render such employees liable for disciplinary action under the Punishment and Appeal Rules.

3. These instructions may please be brought to the notice of all concerned for strict observance.

Kindly acknowledge.

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*Copy of Punjab Government circular letter No 6/234/78-3PP-82/7913, dated 8th June, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Policy and procedure regarding ad hoc appointments.*

I am directed to address you on the subject noted above and to say that during the period the Subordinate Services Selection Board, Punjab, remained abolished Government issued instructions,—vide their letter No. 7053/6/234/3PP/78/32037, dated the 29th September, 1978 according to which the Departments had been empowered to meet their requirements of staff, which was required to be recruited through the Board, on *ad hoc* basis. These appointments, to start with, were to be made for a period of six months with the approval of the Minister-in-Charge and these could further be extended for another period of six months with the approval of the Minister-in-Charge. Any further extension beyond a period of one year was to be allowed only with the prior approval of Chief Secretary/Chief Minister. A total ban on *ad hoc* appointments has, however, been imposed,—vide Punjab Government letter No. 6/234/78-PP/11207, dated 7th October, 1980.

2. A large number of references are still being received by the Department of Personnel and Administrative Reforms asking for further extension in the continued *ad hoc* appointments made by the Departments before 7th October, 1980, which are said to be in public interest. Some of these requests are received by this Department after quite sometime of the expiry date of their previous continued *ad hoc* appointments. Keeping in view the financial hardships involved to the officials and also the fact that the Departments themselves are competent authorities to assess their staff requirements, these requests are almost invariably acceded to. In the circumstances it has been decided by the Government that

in future extension in the *ad hoc* appointments of the staff, if these are in public interest, may be examined by the Departments themselves and necessary sanction be accorded with the approval of the Minister-in-Charge. While doing so it may be ensured that the following conditions have been met with :—

- (i) a proper requisition has been placed with the Subordinate Services Selection Board for making recommendations for filling up the posts on regular basis ;
- (ii) the persons appointed have been sponsored by the Employment Exchange ;
- (iii) the persons appointed fulfil the requisite conditions of appointment under relevant Service Rules.
- (iv) Reservation policy of the Government is strictly adhered to.

4. Above orders may be brought to the notice of all concerned.

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*Copy of Punjab Government circular letter No. 18/6/81-5PP/8014, dated 9th June, 1982, from the Department of Personnel and Administrative Reforms addressed 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 refer to Punjab Government instructions contained in their letter No. 80(GOI)-SII-(3)-73/12092, dated 18th April, 1973, on the subject noted above, and further amplified through Punjab Government letter No. 13225-6GS-76/12197, dated 31st March, 1977, and to say that in the later communication it had been laid down that the date of death of Government employee whose dependent is to be given the benefit under Punjab Government instructions, dated 18th April, 1973, was immaterial. In

other words, the dependents of these Government employees who had died earlier than 18th April, 1973, were also entitled to the benefits offered in the letter dated 18th April, 1973. Cases have come to the notice of the Government whose dependents or deceased Government employees who were recruited before the issue of instructions dated 18th April, 1973 were put on *ad hoc* basis and their cases are sent to the Personnel Department for regularisation with effect from the date of their *ad hoc* appointments. I am directed to make it clear that the benefit under the instructions dated 18th April, 1973, shall be granted from the date of issue of these instructions, i.e., 18th April, 1973 or thereafter and not before this date.

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*Copy of Punjab Government circular letter No. 12/45/80-IGE/8632, dated 18th June, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.—Recruitment to various posts through the Punjab Subordinate Services Selection Board.*

I am directed to invite a reference to the subject noted above and to state that Punjab Government notification No. 12/45/80-IGE/3781, dated 7th April, 1981, provides that all appointments to posts under the Punjab Government carrying an initial salary of not less than Rs. 325 per mensem and not more than Rs. 609 per mensem are to be made through the S.S.S. Board. Para 7(2) of the said notification provides as under :

"It shall not be necessary to consult the Board for suitability of candidates for appointment to :—

- (i) a temporary post, the necessity for which is declared at the time of its creation to be unlikely to continue for more than six months ;
- (ii) a permanent post temporarily for a period not exceeding six months, if owing to an emergency having arisen it is necessary in the public interest, to fill the vacancy immediately and there is likely to be undue delay in making appointment after consultation with the Board ;

(iii) posts to be filled in by promotion or transfer."

2. References have been received from various Departments with regard to the competency of the Departments to make appointments on purely temporary basis for a period of 6 months as provided in para 7(2) quoted above, and also how the Departments are to proceed further, where the period of temporary appointment of six months expires and the Subordinate Services Selection Board has not been able to recommend suitable candidates for those posts. In this connection, I am to clarify that the authority competent to make recruitment, as per service rules, of a post referable to the Subordinate Services Selection Board, is competent to make appointments on purely temporary basis as para 7(2) of the notification under consideration. As regards the continuation of appointments beyond a period of six months on purely temporary basis, and in public interest, these may be allowed with the approval of the Minister-in-Charge under intimation to the Subordinate Services Selection Board, provided the requisition for the recruitment to these posts had already been sent to the Board immediately after filling up the post(s) initially for a period of 6 months on purely temporary basis. However, such extension in appointments may be made for a specified period not exceeding six months subject to the condition that the services of such candidates are liable to be dispensed with after the expiry of the specified period or on the recommendation of the regular candidates by the Subordinate Services Selection Board, whichever is earlier.

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*Copy of Punjab Government circular letter No. 1/20/80-5PP/9209, dated 1st July, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Raising of general upper age limit for recruitment to the various Services under the Punjab Government—Question regarding.*

I am directed to address you on the subject noted above and to say that in terms of Punjab Government letter No. 4637-SII(3)-72/19939, dated 10th August, 1972, at present the general upper age for recruitment to various services under the Punjab Government is 27

years in the case of all non-technical services and 30 years in the case of technical services, [except as provided in rule 3.7(b), (e), (g), (h) and (i) of Punjab Civil Services Rules, Volume I, Part I, whereunder the limit for entry into Government service already stands extended to 35 years and 40 years for certain categories of 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 (30+5) 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.

2. The question of enhancing the general upper age limit has been considered by Government and it has now been decided that the existing general upper age limit for entry into State Government Service, notwithstanding the different provision, if any, in the respective service rules and in rule 3.7(b), (e), (g), (h) and (i) of the Punjab Civil Services Rules, Volume I, Part I, may be raised to 30 years in the case of all non-technical services and 33 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 for these classes can be recruited upto the age of 35 years (30+5) in case of non-technical services and 38 years (33+5) in case of 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 Service 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.

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A copy is forwarded to the Department of Finance (F.R. Branch) for information and necessary action, with reference to their U.O. No. 20/71/80-4FR, dated 20th October, 1981.

2. Necessary amendment of rule 3.6 and 3.7 of Punjab C.S.R. Volume I, Part I on the basis of this decision may kindly be made.

(Sd/-) . . . . .

Deputy Secretary to Government, Punjab  
(Personnel).

To

The Department of Finance,  
(F.R. Branch).

U.O. No. 1/20/80-5PP/Dated, Chandigarh, the 1st July, 1982.

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*Copy of Punjab Government circular U.O. No. 12/9/80-6PP dated 12th July, 1982, from the Department of Personnel and Administrative Reforms, addressed to all the Administrative Secretaries to Government, Punjab, etc., etc.*

### ORDERS OF THE GOVERNOR OF PUNJAB

The Governor of Punjab is pleased to constitute a Committee consisting of the following :—

1. Chief Secretary.....Chairman
2. Secretary, Industries.....Member
3. Financial Commissioner.....Member  
(Development)

4. Principal Secretary to.....Member  
Chief Minister, Punjab.
5. Finance Secretary.....Member-Secretary.
6. Experts.....As the Committee may like to  
co-opt.

This Committee will screen suitable persons from I.A.S./P.C.S. cadres and officers of other departments of the rank of Heads of Departments/Additional Heads of Departments who have had an exposure to the Public/Private Sector Managements, have academic background or experience and aptitude for running a commercial undertaking for inclusion in the reserve list (pool of officers) for top level posts in the Public Enterprises of the State Government. The recommendations of the Committee will be placed before the Chief Minister, Punjab for approval. The reserve pool of officers shall be drawn up after careful evaluation of the officer's suitability.

2. The Committee will evolve its own procedures and modalities for functioning.

3. The Headquarter of the Committee will be at Chandigarh.

ਗੁਜਰੀ ਪੱਤਰ ਨੰ: 2/12/81-5ਪੀਪੀ/82/10044, ਮਿਤੀ 19 ਜੁਲਾਈ, 1982—ਵੱਲੋਂ ਪ੍ਰਸ਼ੰਸਾ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਦਿੱਤਾ ਗਿਆ।

ਵਿਸ਼ਾ:—ਖਾਲੀ ਆਸਾਮੀਆਂ ਨੂੰ ਭਰਨ ਬਾਰੇ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਮੁਕੰਮਲ ਮੰਗ-ਪੱਤਰ ਭੇਜਣ ਬਾਰੇ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਨੂੰ ਸੰਬੰਧਤ ਕਰਦੇ ਹੋਏ ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਨੂੰ ਖਾਲੀ ਆਸਾਮੀਆਂ ਨੂੰ ਭਰਨ ਸਬੰਧੀ ਜੋ ਮੰਗ-ਪੱਤਰ ਘੱਲੇ ਜਾਂਦੇ ਹਨ, ਉਹ ਕਮਿਸ਼ਨ ਦੇ ਕਹਿਣ ਅਨੁਸਾਰ, ਪੂਰੀ ਤਰ੍ਹਾਂ ਮੁਕੰਮਲ ਨਹੀਂ ਹੁੰਦੇ ਅਤੇ ਇਨ੍ਹਾਂ ਨੂੰ ਮੁਕੰਮਲ ਕਰਾਉਣ ਲਈ ਬਾਰ ਬਾਰ ਲਿਖਾ-ਪੜ੍ਹੀ ਕਰਨੀ ਪੈਂਦੀ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਲਿਖਾ-ਪੜ੍ਹੀ ਕਰਨ ਵਿਚ ਬੜਾ ਸਮਾਂ ਲੱਗ ਜਾਂਦਾ ਹੈ ਅਤੇ ਪਾਤਰ ਉਮੀਦਵਾਰਾਂ ਦੀ ਸਿਫਾਰਸ਼ ਨਾ ਕਰਨ ਨਾਲ ਵਿਭਾਗ ਵਿਚ ਖਾਲੀ ਆਸਾਮੀਆਂ ਤੇ ਰੈਗੂਲਰ ਨਿਯੁਕਤੀਆਂ ਨਹੀਂ ਕੀਤੀਆਂ ਜਾ ਸਕਦੀਆਂ। ਕਮਿਸ਼ਨ ਅਨੁਸਾਰ ਮੰਗ-ਪੱਤਰਾਂ ਵਿਚ ਅਸੀਂ ਤੋਂ ਹੋਣ ਅਨੁਸਾਰ ਤਰ੍ਹਾਂ/ਖਾਲੀਆਂ ਪਾਈਆਂ ਜਾਂਦੀਆਂ ਹਨ:—

(ੳ) ਕਈ ਬਾਰ ਕਮਿਸ਼ਨ ਨੂੰ ਮੰਗ-ਪੱਤਰ ਘੱਲਣ ਵਾਲਾ ਵਿਭਾਗ ਮੰਗ-ਪੱਤਰ ਵਿਚ ਇਹ ਨਹੀਂ ਦਰਸਾਉਂਦਾ ਕਿ ਆਸਾਮੀਆਂ ਪੱਕੀਆਂ ਹਨ ਜਾਂ ਕੱਚੀਆਂ ;

(ਅ) ਵਿਭਾਗੀ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਸਿੱਧੀ ਭਰਤੀ ਲਈ ਜੋ ਉਮਰ ਨਿਰਧਾਰਤ ਹੈ ਉਸ ਦਾ ਵੇਰਵਾ ਵਿਭਾਗ ਵਲੋਂ ਮੰਗ-ਪੱਤਰ ਵਿਚ ਨਹੀਂ ਦਿੱਤਾ ਜਾਂਦਾ ;

(ੲ) ਕਈ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਨਵੀਆਂ ਰਚੀਆਂ ਆਸਾਮੀਆਂ ਨੂੰ ਭਰਨ ਲਈ ਜਿਨ੍ਹਾਂ ਸਬੰਧੀ ਵਿਭਾਗੀ ਨਿਯਮਾਂ ਵਿਚ ਕੋਈ ਉਪਬੰਧ ਨਹੀਂ ਹੁੰਦਾ, ਜਾਂ ਵਿਭਾਗੀ ਨਿਯਮ ਹੀ ਨਹੀਂ ਹੁੰਦੇ, ਸਬੰਧੀ ਮੰਗ-ਪੱਤਰਾਂ ਵਿਚ ਉਹ ਵਿਦਿਅਕ ਯੋਗਤਾਵਾਂ ਆਦਿ ਨਹੀਂ ਦਰਸਾਈਆਂ ਜਾਂਦੀਆਂ, ਜਿਨ੍ਹਾਂ ਦੀ ਪ੍ਰਵਾਨਗੀ ਪੰਜਾਬ ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਕੀਤੀ ਹੁੰਦੀ ਹੈ ;

(ਸ) ਮੰਗ-ਪੱਤਰਾਂ ਵਿਚ ਜਨਰਲ, ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ, ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਅਤੇ ਸਾਬਕਾ ਫੌਜੀਆਂ ਲਈ ਰਾਖਵੀਆਂ ਆਸਾਮੀਆਂ ਦਾ ਵੇਰਵਾ ਸਪਸ਼ਟਤਾ ਨਾਲ ਨਹੀਂ ਦਰਸਾਇਆ ਜਾਂਦਾ, ਅਤੇ

(ਹ) ਮੰਗ-ਪੱਤਰ ਵਿਚ ਆਸਾਮੀਆਂ ਦਾ ਵੇਰਵਾ ਉਪਲਬਧ/ਖਾਲੀ ਆਸਾਮੀਆਂ ਨਾਲੋਂ ਘੱਟ ਦਰਸਾਇਆ ਜਾਂਦਾ ਹੈ ਅਤੇ ਇਸ ਤਰ੍ਹਾਂ ਕਰਨ ਨਾਲ ਤਦ-ਅਰਥ ਨਿਯੁਕਤੀਆਂ ਚਲਦੀਆਂ ਰਹਿੰਦੀਆਂ ਹਨ। ਚਾਹੀਦਾ ਤਾਂ ਇਹ ਹੈ ਕਿ ਮੰਗ-ਪੱਤਰ ਵਿਚ ਉਹ ਸਾਰੀਆਂ ਆਸਾਮੀਆਂ ਦਰਸਾਈਆਂ ਜਾਣੀਆਂ ਕਰਨ ਜੋ ਕਿ ਸਿੱਧੇ ਭਰਤੀ ਦੇ ਕੰਟੇ ਦੀਆਂ ਹੁੰਦੀਆਂ ਹਨ।

2. ਸਾਰੇ ਵਿਭਾਗਾਂ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਕਮਿਸ਼ਨ ਨੂੰ ਜੋ ਮੰਗ ਪੱਤਰ ਘੱਲਿਆ ਜਾਇਆ ਕਰੇ ਉਹ ਹਰ ਪੱਖੋਂ ਮੁਕੰਮਲ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ ਅਤੇ ਉਸ ਵਿਚ ਉਕਤ ਦਰਸਾਈਆਂ ਤਰ੍ਹੰਦੀਆਂ/ਪਾਸੀਆਂ ਬਿਲਕੁਲ ਨਹੀਂ ਹੋਣੀਆਂ ਚਾਹੀਦੀਆਂ ਤਾਂ ਜੋ ਕਮਿਸ਼ਨ ਦਾ ਸਮਾਂ ਮੰਗ-ਪੱਤਰਾਂ ਵਿਚ ਤਰ੍ਹੰਦੀਆਂ/ਪਾਸੀਆਂ ਨੂੰ ਦੂਰ ਕਰਾਉਣ ਵਿਚ ਨਸ਼ਟ ਨਾ ਹੋਵੇ ਬਲਕਿ ਪਾਤਰ ਉਮੀਦਵਾਰਾਂ ਦੀ ਸਿਫਾਰਸ਼ ਫੇਰੀ ਤੋਂ ਫੇਰੀ ਕਰ ਸਕਣ ਅਤੇ ਖਾਲੀ ਆਸਾਮੀਆਂ ਤੇ ਸਮੇਂ ਸਿਰ ਰੈਗੂਲਰ ਨਿਯੁਕਤੀਆਂ ਹੋਣ ।

*Copy of Punjab Government circular letter No. 5/66/78-5GE-10500, dated 28th July, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners & Administrative Secretaries, to Government, Punjab & copy to all Heads of Departments, etc., etc.*

**Subject.**—Unauthorised deputation of Government employees with the State Government, Undertakings/Boards etc.

I am directed to invite your attention to the instructions contained in this Department's communication noted in the margin, on the above subject and to state that the Department of Finance, No. 5/32/81-5GE, dated 28th December, 1981 vide their instructions No. 8487-8FR-76, dated 19th November, 1976, authorised the Administrative Departments to extend the period of

deputation of Government employees working under them, upto maximum period of 5 years at their own level, with the express condition that extension beyond 3 years should be allowed in rare cases of special nature, where it is justified on consideration of purely public interest. Despite these categorical instructions, Government employees often continued to remain on deputation/foreign service beyond the maximum period of 5 years.

The Department of Finance reiterated their instructions,—*vide* letter No. 26/24/89-FR(8), dated 23rd July, 1979, clearly pointing out that they would be constrained to decline regularisation of the period spent on deputation beyond the maximum period of 5 years and in case of default, the responsibility will rest on the officer(s) concerned who allow any employee to remain on deputation beyond the prescribed period.

It was also pointed out,—*vide* this Department's D.O. No. 5/32/81-5GE, dated 8th December, 1981, that any such period spent by a Government employee on deputation would be treated as wilful absence from duty entailing forfeiture of his past service as provided under rule 3.17-A(2) read with rule 3.17-A(i) (VIII) of C.S.R. Volume II. It has, however, been felt that the said provisions of the rule sometimes came into play without any fault of the Government employee in cases where he has not been relieved by the foreign organisation to report back to his parent Department. It has accordingly been decided that following two conditions may be added in the terms and conditions of the deputationists :—

- (i) in case the borrowing organisation does not relieve the deputationist immediately after the expiry of the period of 5 years, unless the period has been extended by the competent authority, well before the expiry of the period of 5 years, the employee on deputation would be deemed to have been relieved by the borrowing organisation and he shall report back to his parent Department ;
- (ii) if any Government employee fails to join his parent Department immediately after the expiry of the maximum admissible period of 5 years, he will be governed under the provisions of Rule 3.17-A(2) read with Rule 3.17-A(i) (VIII) of C.S.R., Volume II.

2. In order to ensure that the automatic relieving of the employee after 5 years, where the period has not been extended by the competent authority, may not disrupt the work handled by the deputationist, the borrowing organisation shall make arrangements for filling up the post manned by the deputationist, six months

before the expiry of the maximum period of 5 years and likewise the parent Department would issue orders recalling the deputationist six months before the expiry of the maximum period of 5 years.

3. These instructions may please be brought to the notice of all Corporations/Boards under your Administrative control for strict compliance. Its receipt may please be acknowledged.

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*Copy of Punjab Government circular letter No. 13/7/78-2PP/10692, dated 2nd August, 1982, from the Department of Personnel and Administrative Reforms addressed to all Heads of Departments etc., etc.*

**Subject.**—Amendments to the Punjab Government Employees (Conduct) Rules, 1966.

I am directed to address you on the subject cited above and to say that the Punjab Government Employees (Conduct) Rules, 1966 are based, by the large, on the provisions contained in the Central Civil Services (Conduct) Rules, 1964. Keeping in view the various amendments made by the Central Government in their Rules *ibid* and the provision regarding private trade or employment by the Government employees as contained in the All India Service (Conduct) Rules, 1968, some amendments have been made in the Punjab Government Employees (Conduct) Rules, 1966,—*vide* Notification No. G.S.R.29/Const./Arts. 187, 309 and 318/Amd. (9)82, dated the 10th February, 1982, published in *Punjab Government Gazette* dated the 19th March, 1982 (copy enclosed). A copy of the Corrigendum dated the 28th May, 1982, thereto, published in *Punjab Government Gazette Legislative Supplement*, dated 11th June, 1982, is also enclosed.

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

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## GOVERNMENT OF PUNJAB

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS  
(PERSONNEL POLICIES BRANCH)*Notification*

The 10th February, 1982

No. G.S.R. 29/Const./Arts. 187, 309 and 318/Amd. (9)82.—In exercise of the powers conferred by the proviso to article 309 and clause (b) of article 318 read with clause (3) of article 187 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab, after consultation with the Speaker of the Punjab Vidhan Sabha in so far as such consultation is necessary under the aforesaid provisions, is pleased to make the following rules further to amend the Punjab Government Employees (Conduct) Rules, 1966 :—

1. (a) These rules may be called the Punjab Government Employees (Conduct) (First Amendment) Rules, 1982.

(b) They shall come into force at once.

2. In the Punjab Government Employees (Conduct) Rules, 1966 (hereinafter referred to as the said rules) rule 3, for clause (ii) of sub-rule (2), the following clauses shall be substituted, namely :—

“(ii) No Government employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act other wise than in his best judgment except when he is acting under the direction of his official superior.

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.

(iv) A Government employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.”

3. In the said rules, in rule 8 for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) No Government employee shall, except with the previous sanction of the Government or of the prescribed authority or except in the bona fide discharge of his duties participate in radio broadcast or contribute an article or write a letter to a newspaper or periodical either in his own name or anonymously or pseudonymously or in the name or any other person :

Provided that no such sanction shall be required if such contribution, broadcast or writing is of a purely literary, artistic or scientific character."

4. In the said rules, 'Explanation' below rule 11 shall be omitted.

5. In the said rules, in rule 14 :—

(i) after the proviso to sub-rule (1), the following proviso shall be added, namely :—

"Provided further that if the undertaking of any such work involves holding of any elective office, he shall not seek election to any such office without the previous sanction of the Government."

(ii) for proviso to sub-rule (3), the following proviso shall be substituted, namely :—

"Provided that a Government employee may take part in the registration, promotion or management of—

(i) a literary, scientific, or charitable society or of a company, club or similar organisation the aims and objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 or the Companies Act, 1956, or any other law for the time being in force ; or

(ii) a co-operative society, substantially for the benefit of Government employees registered under the Punjab Co-operative Societies Act, 1961 or any other law for the time being in force."

6. In the said rules, for rule 21, the following rule shall be substituted, namely :—

"21. *Restriction regarding marriage.*—(1) No Government employee who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government employee shall marry any person who has a wife living without first obtaining the permission of the Government.

(3) A Government employee who has married or marries a person other than of Indian Nationality, shall forthwith intimate the fact to the Government."

7. In the said rules, rule 21-A shall be omitted.

I. C. PURI,

Chief Secretary to Government, Punjab.

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS

(Personnel Policies Branch)

*Corrigendum*

The 28th May, 1982

In the Punjab Government Employees (Conduct) (First Amendment) Rules, 1982, published with Government of Punjab, Department of Personnel and Administrative Reforms Notification No. G.S.R. 29/Const./Arts. 187, 309 and 318/Amd. (9)/82, dated the 10th February, 1982, in the Legislative Supplement of the Punjab Government Gazette, dated the 19th March, 1982,—

(i) in rule 3, for "in the name or any other person", read "in the name of any other person", and

(ii) in rule 5, for "in rule 14", read "in rule 15".

I. C. PURI,

Chief Secretary to Government,  
Punjab.

*Copy of Punjab Government circular U.O. No. 10/20/82-5PP/881, dated 4th August, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Administrative Secretaries.*

*Subject.*—Benefits of Military Service to the Ex-servicemen Simplification of Rules regarding the grant of—Question of extending the same benefit by corporate Bodies in Punjab.

All the Administrative Secretaries to Government, Punjab may kindly refer to P.G. Circular letter No. 10/4/79-5PP/4543, dated 8th April, 1982.

2. Government have now formulated a new set of Rules namely "The Punjab Recruitment of Ex-Servicemen Rules, 1982" (a copy of which was circulated to all Heads of Department etc.—*vide* letter under reference).—*vide* which fifteen percent of the vacancies to be filled in by direct appointment in all the State Civil Services and posts connected with the affairs of the State of Punjab, except the Punjab Vidhan Sabha Secretariat Service and Punjab Superior Judicial Service have been reserved for Ex-Servicemen. It is desirable that the above reservation policy of the Government is adopted by the autonomous bodies also. 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 so far as recruitment to services under such bodies is concerned.

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*Copy of Punjab Government circular letter No. 4/3/81-1PP/10884, dated 4th August, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

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

I am directed to invite a reference to Punjab Government circular letter No. 4/3/81-1PP/3500, dated 15th April, 1981, on the subject, wherein it was emphasised that the promotion of an employee on the due date should be withheld only if actionable material under the relevant punishment and appeal rules had been brought out and it was intended to take action against him under the said rules. The matter has been considered further and it has

now been decided by the Government that preliminary enquires will not affect promotion/pension, etc. and only regular enquiries where charge-sheets have been served or challans have been put up in a Court of Law should be taken into consideration for withholding the promotion/pension of the concerned employee.

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

3. Please acknowledge the receipt of this letter.

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*Copy of Punjab Government circular letter No. 4/6/81-2PP/11016, dated 9th August, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.*—Writing of Annual Confidential Reports—Recording of remarks by the Reporting/Reviewing Authority—Prescribing of time-limit to avoid delay.

I am directed to invite a reference to Punjab Government circular letter No. 4/6/81-2PP/7908, dated the 7th June, 1982, on the above subject and to say that clarification has been sought as to whether these instructions are to be given retrospective or prospective effect. I am to clarify that these instructions are effective from the date of issue. The fact may please be brought to the notice of all concerned.

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*Copy of Punjab Government circular letter No. 13/14/80-2PP/11798, dated 27th August, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

*Subject.*—Fixation of time limit for advice by the Punjab Public Service Commission in disciplinary cases.

I am directed to refer to the instructions contained in Punjab Government circular letter No. 7532-DSS-II(2)-73, dated 9th November, 1973 (Manual of Instructions on Service Matters, pages 719—723) followed by circular letter Nos. 13/14/80-2PP/12905, dated 25th November, 1980, and 13/14/80-2PP/10609, dated 28th August, 1981, on the subject noted above and to say that these instructions specifically lay down *inter alia* that for eliminating delay in

finalising disciplinary cases against Government employees, information complete in all respects should be furnished to the Punjab Public Service Commission in the first instance. The Commission has, however still mentioned in paragraph 36 of its report for the year 1981-82 that the cases of disciplinary action, appeals, etc. referred to it by the various Departments continue to be incomplete in one respect or the other necessitating back reference resulting in avoidable delay. This indicates that the aforesaid instructions are not being observed in letter and spirit by various Departments.

2. Government attach tremendous importance to the expeditious disposal of disciplinary cases. To achieve this end instructions have been issued from time to time emphasising finalization of disciplinary cases on a time-bound basis. In view of this it is, again requested that in order to facilitate finalization of disciplinary cases, appeals, etc. expeditiously, it may please be ensured that in future information complete in all respects, is sent by you to the Commission in the first instance.

3. It is requested that these instructions may please be brought to the notice of all concerned for meticulous observance.

Kindly acknowledge.

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*Copy of Punjab Government circular letter No. 7/14/82-2PP/12395, dated 13th September, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.—Annual Confidential Reports.**

I am directed to invite your attention to the instructions contained in para 6 of the Punjab Government Circular letter No. 2334-ASI-60/15708, dated the 3rd May, 1960, on the above subject and to say that in terms of these instructions annual confidential reports on the work and conduct of an employee should be written by atleast two officers, except of course, in the case of those employees mentioned in the Explanatory Note below the aforesaid para, who work exclusively under one officer. A clarification has now been sought as to whether in the Departments where both Superintendents Grade I and Superintendent Grade II are working, Superintendent Grade II, who actually supervises the work and conduct of an employee is to initiate the annual confidential report or this is to be done by Superintendent Grade I who is a Gazetted Officer.

I am to clarify in this behalf that annual confidential reports are to be written by those officers, irrespective of the fact whether they are Gazetted or Non-Gazetted, who actually supervise the work and conduct of an employee subordinate to them and who are actually working under them. In this view of the matter Superintendent Grade-II, though is a Non-Gazetted Officer but actually supervises the work and conduct of an employee, should initiate the annual confident report of that employee and not the Superintendent Grade I, who does not directly supervises the work and conduct of that employee.

2. The above clarification may please be brought to the notice of all concerned for meticulous observance.

Kindly acknowledge.

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*Copy of Punjab Government circular letter No. 16/1/81-2PP/12480, dated 14th September, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Consolidated Instructions for dealing with cases of Premature Retirement of Punjab Government employees under the Punjab Civil Services (Premature Retirement) Rules, 1975.

I am directed to address you on the subject cited above and to say that a large number of instructions have been issued by this Department from time to time for effectively enforcing the provisions contained in the Punjab Civil Services (Premature Retirement) Rules, 1975. It has been observed that some of those instructions have become outmodded/obsolete with the issue of new instructions laying down the latest policy of the Government/Court pronouncements. It has, therefore, been considered necessary to issue consolidated instructions comprising all the old/new instructions issued so far and which are now operative for dealing with cases of premature retirement of Punjab Government Employees under the Rules *ibid*. Accordingly, sufficient number of copies of the booklet on the subject have been got printed for supplying a copy each to all the Assistants dealing with service matters and all other officers, except clerks, steno-typists, stenographers, Personal Assistants etc., under the service of the Punjab Government, for official use. I am, therefore, to request you to place your consolidated requisition including your subordinate

offices accordingly, through special messenger, with the Department of Personnel and Administrative Reforms (in Personnel Policies Branch) so that requisite number of copies of the booklet are issued. No requisition received direct from any subordinate office of a Department shall be entertained. The requisition may, however, be kept to the minimum possible.

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*Copy of Punjab Government circular letter No. 4/2/81-1PP/12551, dated 15th September, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Demand of the Punjab Subordinate Services Federation for the creation of channels of promotion in all cadres.

I am directed to invite a reference to Punjab Government Circular letter No. 4/2/81-1PP/2697, dated 10th March, 1981, on the subject cited above,—*vide* which it was requested that the demand of the Punjab Subordinate Services Federation for the creation of channels of promotion in all cadres which were stagnated might be considered sympathetically with a view to provide avenues of promotion. It has been brought to the notice of Government that some of the Departments have not given due importance to this matter. I am, therefore, to request you kindly to ensure that the matter is given appropriate importance in the Departments under your control.

2. The receipt of this letter may kindly be acknowledged.
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*Copy of Punjab Government circular letter No. 4/14/79-2PP/13117, dated 28th September, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Effect of failure in departmental examination on the grant of increments, promotion, confirmation etc.,—Policy regarding.

I am directed to address you on the subject cited above and to say that in the service rules of some of the Departments the passing of a departmental examination is a pre-conditional for promotion to higher posts and the grant of annual increments. Failure on the part of an employee to pass the departmental examination even

after availing of a specified number of chances, results in the withholding of annual increments, promotion etc. These provisions in the various service rules of different deptts. are not uniform in this respect. For sometime past, the effect of failure in a departmental examination on grant of increments, promotion, confirmation etc. and the conditions to be fulfilled before relaxation, if any, from passing a departmental examination could be granted by the competent authority, has been under the consideration of the Department of Personnel and Administrative Reforms. After careful consideration of various aspects of the matter it has been decided to lay down the following uniform policy in this respect:—

- (i) In services where the passing of departmental examination is considered essential for enabling a Government employee to discharge his duties efficiently, both the promotee and the direct recruit may be required to pass the departmental examination within a period of 2½ years of his appointment.
- (ii) Failure to pass the departmental examination within the aforesaid period shall result in reversion to a lower post in the case of a promotee and termination of services in the case of a direct recruit.
- (iii) The reversion/termination orders shall issue before the expiry of a period of three years from the date of appointment.
- (iv) Annual increments shall be allowed to a Government employee only on passing the departmental examination.
- (v) A Government employee, who passes the departmental examination in one attempt, may be given one advance increment to be absorbed in the normal increment on due date.
- (vi) Since failure to pass the departmental examination within the specified period is to result in reversion or termination of services, the question of confirmation of such an employee shall not arise before passing of the departmental examination.

2. The departmental service rules should be brought in conformity with the instructions contained in this letter, by amendments, where necessary.

3. These instructions, which come into effect from the date of issue, may please be brought to the notice of all concerned for meticulous observance.

4. This issues with the concurrence of the Department of Finance conveyed,—vide their U.O. advice No 37/35/82/1FR. dated the 30th July, 1982.

Kindly acknowledge.

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*Copy of Punjab Government U.O. letter No. 27/6/78-1PP, dated 5th October, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Financial Commissioners, and Administrative Secretaries to Government, Punjab.*

**Subject.**—Transmission of cases to the Department of Personnel and Administrative Reforms for advice.

All the Financial Commissioners and Administrative Secretaries to Government, Punjab, may kindly refer to this Department's U.O. No. 2091-SII(3)-72, dated the 7th April, 1972, on the subject noted above

2. In the instructions referred to above it was emphasised that:—

- (i) Cases should be referred to the Chief Secretary (Department of Personnel and Administrative Reforms) for advice only after fully examining the issues involved therein;
- (ii) cases which are clear and straight should be decided by the Administrative Department themselves so as to avoid unnecessary references;
- (iii) the point(s) requiring clarification/advice should clearly brought out;
- (iv) all relevant papers having direct bearing on the case be added alongwith a duplicate copy of the Administrative Department's note; and
- (v) the orders of the Administrative Secretary concerned have been obtained for referring the case.

3. The aforesaid instructions were reiterated,—vide this Department U.O. Communications No. 27/6/78-1PP, dated 27th March, 1979 and 27/6/78-1PP, dated 20th May, 1980. Despite the fact that these instructions have been reiterated twice, it has been observed that a number of cases are still being referred by the Administrative Departments without acting upon these instructions. Sometimes cases are referred to this Department without fully examining issues involved therein and clearly bringing out the points requiring the advice of this department. Some cases are referred even without obtaining the orders of the Administrative Secretary concerned and without the documents having direct bearing on the cases and the duplicate copy of the A.D's note. Such references increase unnecessary work in the form of avoidable back-references and delays disposal of the cases. It is, therefore, once again requested that while referring cases to this Department for advice, the aforesaid instructions may kindly be meticulously acted upon.

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

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

*Copy of Punjab Government circular letter No. 6/234/78-3PP/14237, dated 26th October, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

#### ORDER OF THE GOVERNOR OF PUNJAB

Whereas all the appointments to the posts under Punjab Government carrying an initial pay of not less than Rs. 325 per mensem and not more than Rs. 699 per mensem, except in the case of the posts in the Punjab and Haryana High Court, Punjab Vidhan Sabha Secretariat, posts which require a medical or para-medical degree or diploma, engineering degree or diploma, technical degree or diploma and such other post which may, from time to time, be excluded by the State Government from the purview of the Board, are required to be made on the advice of the Punjab Subordinate Services Selection Board as per provisions of para 7(1) of the Punjab Government Gazette Notification No. 12/45/80-IGE/3781, dated the 7th/10th April, 1981;

2. Whereas *ad hoc* appointments have been made in several departments in the past in public interest in emergent circumstances, which had to be extended from time to time with the approval of the competent authorities in accordance with the necessity in each case;

3. Whereas in the past, the services of such *ad hoc* employees have been regularised from time to time on the ground of their having continued on this basis for long periods and such regularisation was ordered in the years 1969, 1973, 1977 and 1980;

4. Whereas while regularising the services of *ad hoc* employees with effect from 1st October, 1980,—*vide* orders bearing Endst. No. 6/234/78-3PP/11961, dated 28th October, 1980, a complete ban was imposed on making any fresh *ad hoc* appointments,—*vide* Punjab Government circular letter No. 6/234/78-PP/11207, dated 7th October, 1980;

5. Whereas there were certain *ad hoc* appointees who had been appointed as such prior to the imposition of ban on *ad hoc* appointments but who were not covered by the instructions dated 28th October, 1980, referred to above for regularisation of their services and their *ad hoc* appointments had to be continued according to the necessity in each case in the public interest;

6. Whereas in case the services of *ad hoc* employees of the aforesaid category who have been continuing for a long period are dispensed with now on the arrival of the recommendations of the S. S. S. Board, it would result in great hardship to them;

7. Now, therefore, it has been decided, with a view to mitigate hardship to the *ad hoc* employees, in question, to regularise with immediate effect the services of *ad hoc* employees; working against posts coming within the purview of the S.S.S. Board, who were appointed as such prior to the date on which a ban was imposed on making *ad hoc* appointments i.e., 7th October, 1980, and are still continuing as such, subject to the following conditions:—

- (i) that the *ad hoc* employees should have completed a minimum of one year service on the date of issue of this order. While calculating the period of service, any break of notional nature falling between *ad hoc* appointments in the same category of posts and in the same department may be ignored. In other words, the breaks in *ad hoc* service would not be ignored in case where:—

- (a) the employee concerned left service of his own volition whether to join some other department or for some other reasons; or

- (b) 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.
- (ii) that they fulfil the conditions of eligibility as prescribed (i.e., they have been recruited through the Employment Exchange or by open advertisement), academic qualifications, experience and the condition of age at the time of their first *ad hoc* appointment in accordance with the Departmental Service Rules and instructions issued by the Government;
- (iii) that their record of service is satisfactory;
- (iv) that they have been found medically fit for entry into Government service and that their character and antecedents have also been duly verified and found suitable for Government service;
- (v) that a regular post/vacancy is available for regularisation;
- (vi) that they have been found fit for regularisation by the Departmental Selection Committees to be constituted in accordance with instructions contained in Government circular letter No. 12/19/80-1GE/3582, dated 28th March, 1980. These Departmental Selection Committees shall also consider cases of common categories of employees.
- (vii) *Inter se* seniority of *ad hoc* employees will be determined on the basis of service rendered on *ad hoc* basis. The older member will be senior to a younger member appointed on the same date. All such *ad hoc* employees will be placed junior to those working on regular basis.

8. The cases of such *ad hoc* employees who have already completed three years' service on the date of issue of this order and have satisfactory record of service but who do not fulfil the prescribed conditions with regard to qualifications, age or mode of their initial recruitment will also be considered for regularisation in relaxation of these conditions if the Departmental Service Rules applicable to those employees provide for relaxation of these conditions of recruitment.

9. The orders of regularisation of *ad hoc* services will be effective from the date of issue of this order and the process of finalisation of all such cases shall be completed within a maximum period of three months.

10. It has also been decided to exclude the posts held by the *ad hoc* employees under reference from the purview of the Punjab Subordinate Services Selection Board, with immediate effect.

11. The *ad hoc* employees whose services are regularised under this order will henceforth be governed by the relevant Departmental Service Rules and Government instructions issued from time to time.

ਗੁਜਰੀ ਪੱਤਰ ਨੰ: 6/35/80-3 ਪੀ.ਪੀ./14907, ਮਿਤੀ 12 ਨਵੰਬਰ, 1982 ਵੱਲੋਂ ਪਰਸੋਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਵੱਲੋਂ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀਆਂ ਨੂੰ ਆਦਿਤ ।

ਵਿਸ਼ਾ :—ਲੋਕ ਸੇਵਾ ਕਮਿਸ਼ਨ ਵੱਲੋਂ ਪ੍ਰਵਾਨਗੀ ਦੀ ਆਸ ਵਿਚ ਕੀਤੀਆਂ ਗਈਆਂ ਆਰਜ਼ੀ ਨਿਯੁਕਤੀਆਂ ਦੇ ਸਮੇਂ ਵਿਚ ਵਾਧੇ ਬਾਰੇ ।

ਪੰਜਾਬ ਪਬਲਿਕ ਸਰਵਿਸ ਕਮਿਸ਼ਨ ਦੇ ਕੰਮ-ਕਾਰ ਸਬੰਧੀ ਸਾਲ 1981-82 ਦੀ ਵਾਰਸ਼ਿਕ ਰਿਪੋਰਟ ਦੇ ਪੇਰਾ 20 ਦਾ ਹਵਾਲਾ ਦਿੰਦਿਆਂ, ਮੈਨੂੰ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਉਕਤ ਪੇਰਿਆਂ ਵਿਚ ਅੰਕਤ ਅਯੋਗ ਦੀ ਨਾਲ ਹੋਈਆਂ ਕਥਿਤ ਅੰਤਰਾਲ ਨਿਯੁਕਤੀਆਂ ਜਾਂ ਇਨ੍ਹਾਂ ਦੀ ਮਿਆਦ ਵਿਚ ਵਾਧੇ ਬਾਰੇ ਪੂਰਾ ਵਿਵਰਣ, ਵਿਭਾਗ ਵਾਰ, ਪਰਸੋਨਲ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸੁਧਾਰ ਵਿਭਾਗ ਨੂੰ ਭੇਜੇ ਤਾਂ ਜੋ ਦੋਸ਼ੀ ਵਿਭਾਗਾਂ ਨੂੰ ਅੱਗੇ ਤੋਂ ਅਜਿਹਾ ਨਾ ਕਰਨ ਅਤੇ ਹਥਲੇ ਕੇਸਾਂ ਦਾ ਨਿਪਟਾਰਾ ਕਰਨ ਦੀ ਹਦਾਇਤ ਜਾਰੀ ਕੀਤੀ ਜਾ ਸਕੇ। ਹਵਾਲਾ ਆਪਣੇ ਪੇਰਾ ਵਿਚ ਕਿਸੇ ਵਿਭਾਗ ਦਾ ਨਾਮ ਨਹੀਂ ਦਿਤਾ ਗਿਆ ਜਿਸ ਕਾਰਨ ਉਚੇਰੇ ਤੌਰ ਤੇ ਕਿਸੇ ਵਿਭਾਗ ਨੂੰ ਉਤਰਾਈ ਜਾ ਤਰ੍ਹਾਂ ਦੂਰ ਕਰਨ ਲਈ ਕਹਿਣਾ ਅਸੰਭਵ ਹੈ। ਭਵਿੱਖ ਵਿਚ ਵੀ ਵਾਰਸ਼ਿਕ ਰਿਪੋਰਟਾਂ ਵਿਚ ਅਜਿਹੀਆਂ ਅਯੋਗ ਦੀ ਨਾਲ ਕੀਤੀਆਂ ਨਿਯੁਕਤੀਆਂ ਸਬੰਧੀ ਪੂਰਾ ਵਿਵਰਣ ਦਿਤਾ ਜਾਵੇ ਤਾਂ ਜੋ ਇਸ ਦਿਸ਼ਾ ਵਿਚ ਨੌਸ ਕਦਮ ਚੁਕਿਆ ਜਾ ਸਕੇ ।

Extract of para 20 of the Annual Report on the working of the Punjab Public Service Commission for the year 1981-82.

20. The Commission has, however, reasons to believe that a good number of *ad hoc* appointees are continuing in Government Service beyond six months without the approval of the Commission.

*Copy of Punjab Government circular letter No. 6/35/80-3PP/14909, dated 12th November, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Appointment on purely temporary basis—Clarification regarding.*

I am directed to invite a reference to Punjab Government circular letter No. 6/234/78-PP/11207, dated 7th October, 1980,—vide which a complete ban has been imposed on making further *ad hoc* appointments pending regular recruitment through the Punjab Subordinate Services Selection Board or the Punjab Public Service Commission, as the case may be. However, in accordance with the provisions of regulation 3(d) of the Punjab Public Service Commission (Limitation of Functions) Regulations, 1955, the Departments are competent to make appointment to a permanent post of a person temporarily for a period not exceeding six months, if such an appointment is in public interest, without consulting the Commission. Similarly, in accordance with the provisions of para 7(2) of the Punjab Government Notification No. 12/45/80-1GE/3781, dated 7th/10th April, 1981, the Heads of Departments have also got powers to make appointments on purely temporary basis for a period not exceeding six months without consulting the Board. Keeping in view the fact that sometimes delay takes place in recommending suitable candidates by the Board,—the Government,—vide their letter No. 12/45/80-1GE/8631, dated 18th June, 1982, have allowed departments to extend the appointments made on purely temporary basis beyond the period of six months, with the approval of the Minister-Incharge, till such time the regular candidates are recommended by the Board.

In the case of posts falling within the purview of Punjab Public Service Commission the appointment made for a period of six months as indicated above can be extended with the approval of the Minister-Incharge in terms of para 2(ii) of the Punjab Government instructions No. 6/234/78-3PP/13522, dated 1st January, 1981. Such extension would, however, be continued with the prior approval of the Personnel and Administrative Reforms Department as laid down in para 4 of the Punjab Government instructions issued,—vide No. 7053/6/234/3PP/78/32037, dated 29th September, 1978.

In the past, the expression '*ad hoc*' and 'appointment on purely temporary basis' have been used taking these as synonymous ones. With the imposition of total ban on *ad hoc* appointments the expression '*ad hoc*' has ceased to exist in official parlance. Therefore,

such appointments are now to be made "only on purely temporary basis" and the expression 'ad hoc' is not to be used.

This clarification may please be brought to the notice of all concerned for their information and compliance.

The receipt of this letter may kindly be acknowledged.

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*Copy of Punjab Government circular letter No. 6/234/78-3PP/14911, dated 12th November, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

*Subject.—Avoidance of delay in finalising the promotion cases with the Punjab Public Service Commission.*

I am directed to invite a reference to the instructions issued,—vide this Department circular letter No. 6/234/78-3PP/5942, dated 27th/28th May, 1981, and No. 6/234/78-3PP/16865, dated 31st December, 1981, regarding speedy finalisation of cases of 'Provisional Promotions', with the Punjab Public Service Commission. The Commission has once again brought it to the notice of the Government that some of the Departments are still not complying with the above instructions. Cases sent to the Commission are incomplete, *ab initio* and further the replies to the references made by the Commission are not sent quickly. The result is that the clearance of the Commission is delayed. I am, therefore, once again to request you kindly to ensure that cases of provisional promotions are sent to the Commission, complete in all respects, within one month of the issue of the orders of promotion and the communications received from the Commission are replied to promptly. In any case extension beyond six months in the Provisional promotion may not be granted in case complete information/documents have not been supplied to the satisfaction of the Commission by the Department.

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

3. Receipt of this communication may be acknowledged.

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*Copy of Punjab Government circular letter No. 20/3/82-2PP/14944, dated the 12th November, 1982, issued by the Department of Personnel and Administrative Reforms (Personnel Policies Branch) to all the Heads of Departments, etc.*

**Subject.**—Delay in the finalisation of departmental proceedings against Government employees—Recommendations of the Public Accounts Committee of the Punjab Vidhan Sabha.

I am directed to address you on the subject cited above and to say that the Public Accounts Committee of the Punjab Vidhan Sabha, in para 16 of their Forty-third Report, have pointed out that in a number of cases action could not be taken by the Departments concerned against the defaulting Government officers involved in irregularities, defalcations, embezzlements, improprieties, etc. mentioned in the Audit paragraphs, because the delinquent officers had, before the paragraphs were finally settled, either retired from service or had died. The Committee has, therefore, recommended that :—

- (i) the department concerned should take immediate steps to remove the objection and initiate action against the employees at fault immediately on receipt of the audit para so that by the time the Committee takes up the scrutiny thereof, action is completed and the defaulters do not escape punishment due to their retirement/death, etc., and
- (ii) a reasonable time-limit should be fixed within which action against the defaulting officers must be completed and in case more time is required, the concerned authority should obtain the approval of the next higher authority, and
- (iii) in case of failure on the part of the officer responsible for taking action against the defaulting subordinate, stern action should be taken against that officer.

2. In so far as the question of fixing of time limit for finalisation of departmental proceedings against the delinquent Government employees is concerned, attention is invited to the instructions contained in Punjab Government circular letter No. 12277-V(I)-59/13470, dated the 10th December, 1959 (Paras 23 to 25) of the Booklet containing Consolidated Instructions on Punjab Civil Services (Punishment and Appeal Rules, 1970), which prescribe the following time-limit to complete the process of investigation and inquiry :—

- (i) The whole process of investigation and enquiry should be completed within six months (excluding period of reference to the Public Service Commission and period where

proceedings are stopped owing to a reference to a Court of law).

- (ii) An extension of the period by another three months may be obtained under the orders of the Minister-in-Charge.
- (iii) If extension beyond nine months [i.e. period (i) and (ii) above] is needed, full facts and justification must be placed before the Cabinet and their approval taken.

Further, for the expeditious finalisation of cases of suspended Government employees the following time-limit has been prescribed in the Punjab Government circular letter No. 1270-2PP/78/15809, dated the 16th May, 1978 (Paras 105 to 108 of the aforesaid booklet):—

- (i) The entire process of serving the charge-sheet holding the enquiry and taking of decision with regard to the final action to be taken in the case should be completed within a period of one year from the date of suspension of the employee.
- (ii) In cases where the decision making process is delayed because of the dilatory tactics adopted by the delinquent employee, the period of suspension may exceed one year.
- (iii) In all such cases, the Minister-in-charge would be competent to issue orders with regard to any extension of the period of suspension of the employee.
- (iv) In case which are sub-judice, it will not be necessary to obtain the approval of the Minister-in-charge for the continued suspension of the employee concerned so long as the matter remains Sub-judice.

3. As has been recommended by the Public Accounts Committee, disciplinary action arising out of the Audit paragraphs is required to be initiated/completed without avoidable delay so that the delinquent employee does not escape punishment. In the event of the retirement of the delinquent employee, however, disciplinary proceedings are to continue to a logical conclusion as contained in Punjab Government circular letter No. 8333-SII-(ASO)-75, dated the 12th September, 1975 (Para 29 of the booklet mentioned above). Nevertheless, cases of the nature mentioned by the Committee are required to be finalised as expeditiously as possible and the aforesaid time-limits should be adhered to strictly. Failure on the part of any officer for not taking suitable action against the delinquent

Government employee should be viewed very seriously and, as has been recommended by the Public Accounts Committee, disciplinary action should also be taken against that officer.

4. These instructions may please be brought to the notice of all concerned for meticulous observance.

Kindly acknowledge.

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Copy of Punjab Government circular letter No. 7/15/78-2PP/14947, dated 12th November, 1982, from the Department of Personnel and Administrative Reforms, addressed to :—

1. Excise and Taxation Commissioner, Punjab, Patiala.
2. Director, Health Services, Punjab, Chandigarh.
3. Director, Agriculture, Punjab, Chandigarh.
4. Registrar, Co-operative Societies, Punjab, Chandigarh.
5. Director, Information & Publicity, Punjab, Chandigarh.
6. Director, Industries, Punjab, Chandigarh.
7. Director, Food & Supplies, Punjab, Chandigarh.
8. Director, State Transport and State Transport Commissioner, Punjab Chandigarh.
9. Chief Conservator of Forest, Punjab, Chandigarh.
10. Labour Commissioner, Punjab, Chandigarh.
11. Director, Animal Husbandry, Punjab, Chandigarh.
12. Chief Engineer, Punjab P.W.D., (Public Health), Patiala.
13. Advocate General, Punjab, Chandigarh etc., etc.

Subject.—Grant of one premature increment to the employees who did not participate in the strike on 8th February, 1978.

I am directed to address you on the subject cited above and to say that,—vide Punjab Government circular letter No. 4548-2PP-78,

dated the 16th June, 1978, a decision was conveyed *inter alia* for the grant of one premature increment to those non-gazetted Government employees who did not participate in the strike on 8th February, 1978. A clarification has now been sought by some of the Departments as to whether or not the Superintendents of those B class offices which have been up-graded to that of A-Class,—vide Finance Department circular letter No. 10649-2FR-76, dated the 23rd February, 1977, who did not participate in the strike on 8th February, 1978, but on whom gazetted status is to be conferred only after making necessary amendment in the relevant service rules as envisaged in Punjab Government circular letter No. 12/9/78-(4PP)/4398, dated the 7th April, 1982, are entitled to the grant of one premature increment. This matter has been considered by the Government and it is clarified that the Superintendents of B Class offices upgraded to A-Class had been brought at par with the Superintendents of A-Class Offices w.e.f. 23rd February, 1977, for all intents and purposes and the technical ground alone that they had not been formally conferred gazetted status by 8th February, 1978, cannot entitle them to the grant of one premature increment for not participating in the strike on 8th February, 1978.

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

3. This issues with the concurrence of the Department of Finance conveyed,—vide their U.O. advice No. 10/16/79/1FR, dated the 13th October, 1982.

Kindly acknowledge.

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*Copy of Punjab Government U.O. No. 12/182-6PP, dated 20th December, 1982, from the Department of Personnel and Administrative Reforms, addressed to all the Financial Commissioners & Administrative Secretaries to Government, Punjab.*

**Subject.**—Representation to be given to the persons belonging to the Scheduled Castes on the Board of Directors of the various Corporations set up by the Punjab State.

All India Scheduled Castes Federation, Punjab State and Union Territory have demanded that due representations should be given to persons belonging to Scheduled castes on the Board of Directors of the various Corporations set up by the Punjab State. On consideration of this demand, it has been felt that with a view

to give reasonable representation on the Board of Directors of the various Corporations under their administrative control, all Departments may keep in mind the interests of Scheduled Castes persons and to see that reasonable percentage is given to them at the time the Boards of the various Corporations are constituted.

2. This decision may be brought to the notice of all concerned for compliance.

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*Copy of Punjab Government circular letter No. 5651-PP-82/16552, dated 29th December, 1982, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Applicability of State Government instructions on policy of reservation to cadres consisting of a solitary post.

I am directed to refer to the subject cited above and to state that following the judgment of the High Court of Punjab and Haryana in Letters Patent Appeal No. 651 of 1980 in Civil writ petition No. 836 of 1980, it has been decided by Government that henceforth none of the instructions issued by the State Government on the subject of reservation of vacancies in services for persons belonging to the Scheduled Castes and Backward Classes would be applicable in the case of a cadre consisting of only one post.

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

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*Copy of Punjab Government circular letter No. 20/28/2PP/359, dated 11th January, 1983, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Standing Guide on Annual Confidential Reports.

I am directed to address you on the subject cited above and to say that a large number of instructions have been issued in the past by the Department of Personnel and Administrative Reforms on writing of Annual Confidential Reports of the employees of the Punjab Government and matters connected therewith. Since some

of these instructions have become out-moded/obsolete with the issue of new instructions, it has been under the consideration of the Government to consolidate and compile all these instructions in the form of a booklet for the guidance of the Departments. Accordingly, sufficient number of copies of the booklet, titled as "Standing Guide on Annual Confidential Reports" have been got printed so as to supply a copy each to the officers and Assistants who deal with service matters, except clerks, stenographers, stenotypists, Personnel Assistants, etc., under the service of the Government of Punjab, for official use. I am, therefore, to request you to place your consolidated requisition including for your subordinate offices accordingly, giving details of officers/officials to whom these are required to be supplied, through special messenger, with this Department (in the Personnel Policies Branch) at the earliest. No requisition received direct from any subordinate office of a Department will be entertained. The requisition may, however, be kept to the minimum possible.

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*Copy of Punjab Government circular letter No. 277-PP-83/541, dated 14th January, 1983, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Reservation for the members of Scheduled Castes and Backward Classes in Services—measures to make up deficiency.

I am directed to invite a reference to Punjab Government instructions contained in Department of Welfare circular No. 3/6/82-SWI/9840, dated the 29th October, 1982, and to say that these instructions are hereby withdrawn.

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*Copy of Punjab Government circular letter No. 277-PP-83/543, dated 14th January, 1983, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments etc., etc.*

**Subject.**—Reservation for the members of Scheduled Castes and Backward Classes in Services—measures to make up deficiency—implementation of Supreme Court decision regarding.

I am directed to invite a reference to the policy instructions of the Government in the matter of reservation in direct recruitment

and in promotion wherein it has been laid down that the vacancies occurring from time to time in all classes of Services should be reserved on the basis of appropriate 100-point running rosters and the Scheduled Castes and Backward Class persons appointed on the basis of their merit (in case of direct recruitment) and promoted on the basis of their seniority-cum-merit, should not be counted for the purpose of percentage of reservation.

2. These instructions were challenged in C.W. No. 3882 of 1981—Joginder Singh Sethi and Ors. Vs. State of Punjab and Ors. in the Punjab and Haryana High Court and the writ petition was allowed. The State Government and a respondent Shri Makhanjit Singh filed Special Leave Petitions and Stay Applications in the Supreme Court of India against the decision of the Hon'ble High Court. A Civil Writ No. 7729 of 1982 involving a similar matter has also been filed in the Supreme Court which is to be heard along with above referred two SLPs. These cases came up for hearing in the Supreme Court of India on 19th October, 1982. The Hon'ble Supreme Court has granted Special Leave and has ordered that there will be stay against reversion of any of the persons already appointed, on the basis of instructions to be issued by the Government of Punjab and if any further appointments or promotions are made, the same will be subject to the result of the Writ Petition pending in the Supreme Court.

3. The above orders of the Supreme Court may please be kept in view for strict compliance.

Receipt of this letter may please be acknowledged.

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*Copy of Punjab Government circular letter No. 4/53/82-1PP/638, dated 17th January, 1983, from the Department of Personnel and Administrative Reforms, addressed to all the Financial Commissioners and Administrative Secretaries to Government, Punjab and all Heads of Departments etc., etc.*

**Subject.**—Quick return of Character Rolls to the Punjab Public Service Commission by the Departments in the cases of promotion—Regarding.

I am directed to address you on the subject cited above and to say that it has been brought to the notice of Government by the Punjab Public Service Commission that certain Departments having recalled the character rolls of officers in cases of promotion referred

to the Commission do not return them immediately after the same become free. This results in delay in the final disposal of the cases of promotion. I am, therefore, to request that in case the character roll of an officer, whose case has been referred to the Commission for approval in the matter of promotion, is called back by the Department for same reasons, it may be ensured that the same is immediately returned to the Commission after it becomes free. It may also be ensured that any information/documents required by the Commission are supplied to the Commission at the earliest possible

Kindly acknowledge.

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*Copy of Punjab Government circular letter No. 8/9/81-6PP/656, dated 18th January, 1983, from the Department of Personnel and Administrative Reforms, addressed to all the Financial Commissioners and Administrative Secretaries to Government, Punjab and all Heads of Departments, etc., etc.*

**Subject.**—Policy regarding postings and transfers of Punjab Government employees for the year 1982-83.

I am directed to refer to the instructions issued,—vide Punjab Government circular letter No. 8/9/81-6PP/3887, dated 25th March, 1982, on the subject noted above and to say that on further consideration of the matter, it has been decided that prior approval of Chief Minister through Chief Secretary will not be necessary where any mid-term transfer on genuine grounds and involving personnel faced by hardship such as widows, unmarried girls, blind or otherwise handicapped persons and 'couple cases' are required to be made, provided such transfer do not involve the dislocation of any other employee. There will, therefore, be no objection to such a transfer being ordered by the Departments themselves during the course of the year, provided that the post to which the transfer is being effected is either vacant or available by mutual consent/adjustment between the concerned employees. In no circumstances should a post be got vacated by causing hardship to any other employee.

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

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*Copy of Punjab Government circular letter No. 7/15/78-2PP/1619, dated 15th February, 1983, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Grant of one premature increment to the non-gazetted employees, who did not participate in the Strike on 8th February, 1978.

I am directed to invite a reference to the Punjab Government circular letter No. 7/15/78-2PP/51, dated the 6th January, 1979, on the above subject and to say that it has been brought to the notice of the Government that the clarification on the point as to whether the benefit of one premature increment is to be given to officials who were officiating or working on temporary posts in higher scale on 8th February, 1978, as given in the letter under reference, has been misinterpreted by some of the Departments to mean that the "notional increment" allowed in the lower scale of pay can be made the basis of getting an advance increment in the higher scale of pay. I am, therefore, to clarify that the notional increment in the lower scale of pay, of the lower post, is to be allowed only in the event of reversion of the Government employee to that lower post and not otherwise, and cannot be made a basis for increasing pay in the higher scale of pay. If, therefore, contrary to the above clarification, any pecuniary advantage has been allowed to a Government employee in the higher scale of pay on the basis of the notional increment allowed to him in the lower scale of pay, the same should be withdrawn forthwith from the date it was allowed.

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

3. This issues with the concurrence of the Department of Finance conveyed,—*vide* their U.O. No. 37(68)81-1FR, dated 1st February, 1983.

Kindly acknowledge.

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## PART III

## GOVERNMENT OF PUNJAB

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE  
REFORMS

## (GENERAL ESTABLISHMENT BRANCH)

## Notification

The 17th February, 1983.

No. GSR. 21/Const./Art. 309/83.—In exercise of the powers conferred by article 309 of the Constitution of India, the Governor of Punjab is pleased to make the following rules regulating the allotment of Government houses belonging to the general pool in Punjab, namely:—

1. Short Title and application.—(1) These rules may be called the Punjab Government Houses (General Pool) Allotment Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette—[25-2-1983].

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

- (a) "allotment" means the grant of permission to an employee to occupy a house or a portion thereof owned or controlled by the Government for use by him as residence in accordance with the provisions of these rules;
- (b) "allottee" means an employee to whom a house is allotted under these rules;
- (c) "emoluments" means the amount drawn monthly by an employee as—(i) the basic pay, (ii) technical pay, special and personal pay, and (iii) any other amount which may be specifically classed as pay by the Government;
- (d) "family" means the wife or husband, as the case may be, and children, step-children, legally adopted children, parents, brothers and sisters as ordinarily reside with the employee and are dependent on him;

- (e) "employee" means any person appointed on regular basis to any civil service or post in connection with the affairs of the State of Punjab;
- (f) "Government" means the Government of the State of Punjab;
- (g) "priority date" of an employee in relation to a type of house to which he is eligible under rule 4 means the date of his application for allotment of a house or the date of his joining at the station, where the house is to be allotted, whichever is later:

Provided that where the priority date of two or more employees is the same, it shall be determined on the basis of emoluments drawn by them on that date, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments, and where the emoluments are also equal, on the basis of their length of service, the employee with longer service taking precedence, and where the service is also equal, on the basis of age, the older person taking precedence over the younger:

Provided further that the priority date in respect of an employee shall be maintained at a time for a particular type of house only :

Provided further that the priority date in respect of an employee who has not vacated the house allotted to him at his previous station of posting after the expiry of two months from the date of transfer shall be determined from the date he actually vacates the house in his possession at his previous station of posting.

- (h) "normal rent" means the sum of money payable monthly in accordance with the provisions of clause (b) of rule 5.29 of the Punjab Civil Service Rules, Volume I, Part I, in respect of a house allotted under these rules;
- (i) "house" means any house owned or controlled by the Government and is included in the general pool of houses for allotment;
- (j) "Secretary" means Secretary of a House Allotment Committee set up under rule 3;

- (k) "subletting" includes sharing of house by an allottee with another person with or without payment of rent by such other person:

Provided that sharing of house by an allottee with the members of his family shall not be deemed to be subletting;

- (l) "temporary transfer" means a transfer which involves absence of the employee from the place where he is allotted a house, for a period not exceeding six months;
- (m) "transfer" means transfer of the employee from a station where he is allotted a house to any other station or to an office at that station where he is ineligible for allotment of the house:

Provided that an employee who is in occupation of a house at the time of proceeding on foreign service with state-owned or controlled autonomous body/corporation or public sector undertaking at the same station shall be allowed to continue in occupation of the house on payment of rent at such rate as specified in rule 10.27 of Punjab Civil Services Rules Volume I, Part I, as long as he retains lien on a post in an office under the Government;

- (n) "type" in relation to an employee means the type of house to which he is eligible under these rules.

3. *House Allotment Committee.*—(1) There shall be a Committee, to be called the House Allotment Committee, in each District and Sub-Division for the allotment of houses.

(2) The constitution of Committee referred to in sub-rule (1) at the headquarters of each District except the districts of Patiala, Ferozepur and Jullundur shall be as follows :—

|                                                                                             |              |
|---------------------------------------------------------------------------------------------|--------------|
| (a) Deputy Commissioner                                                                     | ... Chairman |
| *(aa) District and Session Judge                                                            | ... Member   |
| (b) Executive Engineer, Department of Public Works, Building and Roads, Provincial Division | ... Member   |

\*Amd.—vide  
P.G. Notification  
No. G.S.R. 59/  
Const./Art. 309/  
Amd. (4)-84,  
dated 25th June,  
1984.

- (c) One representative to be nominated by the Deputy Commissioner every year by rotation from the officers of the other departments posted at District Headquarters. ... Member
- (d) General Assistants to the Deputy Commissioner ... Secretary

(3) The constitution of the House Allotment Committee at the headquarters of Ferozepur and Jullundur District shall be as follows :—

\*Amd.—vide  
Notification No.  
G.S.R. 55/  
Const./Art. 309/  
Amd. (3)/84,  
dated 30th May,  
1984.

\*A' House Allotment Committee (Upper)

- (a) Commissioner of the Division ... Chairman
- (b) Deputy Commissioner ... Member
- (bb) District and Session Judge ... Member
- (c) Senior most Superintending Engineer, Department of Public Works, Buildings and Roads, Provincial Circle ... Member
- (d) Deputy Inspector General of Police of the Range ... Member
- (e) General Assistant to Deputy Commissioner ... Secretary

'B' HOUSE ALLOTMENT COMMITTEE (LOWER)

- (a) Deputy Commissioner ... Chairman
- (aa) District and Session Judge ... Member
- (b) Senior most Executive Engineer, Department of Public Works, Buildings and Roads ... Member
- (c) One representative to be nominated by the Chairman every year by rotation from the officers of Government posted at the District headquarters ... Member

- (d) General Assistant to Deputy Commissioner ... Secretary

(4) The constitution of the House Allotment Committee at the headquarters of Patiala District shall be as follows :—

**'A' HOUSE ALLOTMENT COMMITTEE (UPPER)**

- |                                                                                            |               |                                                                                                |
|--------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------|
| (a) Commissioner of the Patiala Division                                                   | ... Chairman  |                                                                                                |
| *(aa) Excise and Taxation Commissioner, Punjab, Patiala                                    | ... Member    | *Amd.—vide P.G. Notification No. G.S.R. 61/Const./Art. 309/Amd. (1)/83, dated 21st June, 1983. |
| (b) Deputy Commissioner, Patiala                                                           | ... Member    |                                                                                                |
| (ab) District and Session Judge                                                            | ... Member    |                                                                                                |
| (c) Senior most Chief Engineer, Department of Public Works, Buildings and Roads at Patiala | ... Member    |                                                                                                |
| (d) Deputy Inspector General of Police of the Range                                        | ... Member    |                                                                                                |
| (e) General Assistants to the Deputy Commissioner Patiala                                  | ... Secretary |                                                                                                |

**'B' HOUSE ALLOTMENT COMMITTEE (LOWER)**

- |                                                                                                                                                       |               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| (a) Deputy Commissioner, Patiala                                                                                                                      | ... Chairman  |
| (aa) District and Session Judge                                                                                                                       | ... Member    |
| (b) Executive Engineer, Department of Public Works, Buildings and Roads, Patiala                                                                      | ... Member    |
| (c) One representative to be nominated by the Chairman every year by rotation from the officers of the Department posted in the District headquarters | ... Member    |
| (d) General Assistants to the Deputy Commissioner, Patiala                                                                                            | ... Secretary |

(5) The constitution of the House Allotment Committee at the headquarters of each Sub-Division shall be as follows :—

- |                                                                                                                          |                  |
|--------------------------------------------------------------------------------------------------------------------------|------------------|
| (a) Sub-Divisional Officer (Civil)                                                                                       | ... Chairman     |
| (b) Deputy Superintendent of Police                                                                                      | ... Member       |
| (c) Tehsildar                                                                                                            | ... Member       |
| (d) Sub-Divisional Officer, Department of Public Works, Buildings and Roads concerned with the maintenance of the houses | Member-Secretary |

\*Amended.—  
vide P.G. Notification No.  
G.S.R. 55/Const./  
Art. 309/Amd.  
(3)-84, dated  
30th May, 1984.

(6) At the headquarters of Patiala,\* Jullundur and Ferozepur Districts where there are two separate Committees known as House Allotment Committee (Upper) and House Allotment Committee (Lower), the Government houses of 'A' to 'E' type shall be allotted by the House Allotment Committee (Upper) and houses of 'F' and 'G' type by the House Allotment Committee (Lower).

4. *Classification of houses for allotment.*—(1) Save as otherwise provided in these rules, an employee drawing emoluments specified in column (2) of the Table below shall be eligible for allotment of a house of the type, specified in the corresponding entry in column (1) thereof:

THE TABLE

| Type of House | Pay Range                                                                    |
|---------------|------------------------------------------------------------------------------|
| 1             | 2                                                                            |
| 'A'           | Employees drawing emoluments of Rs. 2,400 or above                           |
| 'B'           | Employees drawing emoluments exceeding Rs. 2,100 but not exceeding Rs. 2,400 |
| 'C'           | Employees drawing emoluments exceeding Rs. 1,600 but not exceeding Rs. 2,100 |
| 'D'           | Employees drawing emoluments exceeding Rs. 1,200 but not exceeding 1,600     |
| 'E'           | Employees drawing emoluments exceeding Rs. 700 but not exceeding Rs. 1,200   |
| 'F'           | Employees drawing emoluments exceeding Rs. 399 but not exceeding Rs. 700     |
| 'G'           | Employees drawing emoluments not exceeding Rs. 399                           |

(2) An application for allotment shall be entertained from an employee only for the house of the type to which he is eligible, under sub-rule (1) :

Provided that if the house of the type to which he is eligible for allotment is not available, he shall be entitled to apply for a house one type below to which he is eligible :

Provided further that if the employee is allotted a house of one type below to which he is eligible, he shall vacate the same on the allotment of the house of the type to which he is eligible.

*Note.*—At a particular district headquarter or Sub-Divisional Headquarter where houses of all types are not available the Chairman of the House Allotment Committee shall ensure that the scale of accommodation allotted shall not exceed that which is appropriate to the status of that employee.

5. *General Pool of Houses.*—A house which has not been earmarked for any particular class of employees by designation under rule 21 or has not been allocated to any particular department shall form part of the general pool of houses at the headquarters of the district or the sub-divisional separately and will be allotted to the employees eligible for allotment of houses under these rules by the House Allotment Committee concerned.

6. *Application for allotment.*—An employee who seeks allotment of a house under these rules shall apply to the Secretary concerned in Form 'A' appended to these rules.

7. *Allotment of houses.*—(1) Save as otherwise provided in these rules, when a house falls vacant, it shall be allotted to an applicant desiring change of accommodation in that type under the provisions of sub-rule (5) of rule 12 and if not required for this purpose to an applicant desiring change of accommodation in that type under the provisions of sub-rule (1) of rule 12 and if not required for this purpose also to an applicant without accommodation having the earliest priority date for that type of house, subject to the following conditions :—

- (i) A house of a type higher than that for which the applicant is eligible under rule 4 shall not be allotted.
- (ii) an applicant shall not be compelled to accept a house of a type lower than that for which he is eligible under rule 4.

(2) The House Allotment Committee may cancel the existing allotment of an employee for the reasons to be recorded in writing and allot to him an alternative house of the same type or, in emergent circumstances, an alternative house of the type next below that of the house in occupation of the employee.

8. *Effect of transfer at the same station.*—If an employee is retransferred to his previous station of posting within six months of his relinquishing the charge of the post at that station, he shall be allowed to retain his old priority date. In case, he was already in authorised occupation of a house under these rules at the station of his transfer, he shall be allowed to retain that house, on normal rent from the date he rejoins, and in case he had vacated the house under his occupation, he shall be allotted a house of the same type as soon as it is available.

9. *Non acceptance of allotment or failure to occupy the allotted house after acceptance.*—(1) If an employee fails to accept the allotment of a house within seven days or fails to take possession of that house after acceptance within ten days of the date of receipt of allotment by him, he shall not be eligible for another allotment for a period of six months from the date of such allotment.

(2) If an employee occupying a lower type of house is allotted or offered a house of the type to which he is eligible or for which he has applied under rule 4, he may, on refusal of the said allotment or offer of allotment be permitted to continue in the previously allotted house on the following conditions, namely :—

- (a) that such an employee shall not be eligible for another allotment for a period of six months from the date of the allotment for the higher type;
- (b) while retaining the existing house, he shall be charged the same normal rent as he would have had to pay in respect of the house, so allotted or offered or the rent payable in respect of the house already in his occupation, whichever is higher.

10. *Period for which allotment subsists and the concessional period for further retention.*—(1) An allotment shall be effective from the date on which it is accepted by the employee and shall remain in force until :—

- (a) the expiry of the concessional period mentioned in the column 2 of the Table given in sub-rule (2); or

(b) it is cancelled or is deemed to have been cancelled under these rules; or

(c) it is surrendered by the employee.

(2) A house allotted to an employee or earmarked for an employee under rule 21, subject to sub-rule (3), may be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof; provided that the house is required for the *bonafide* use of the employees or members of his family :—

TABLE

| Events                                                                                                                | Permissible period for retention of the house                                                                   |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 1. Resignation, dismissal or removal from service, termination of service or unauthorised absence without permission. | One month                                                                                                       |
| 2. Transfer to another station.                                                                                       | Two months or upto the date of occupation of house at the new station of posting, whichever period is earlier . |
| 3. Retirement or pre-mature retirement.                                                                               | Two months                                                                                                      |
| 4. Transfer to an ineligible office at the same station.                                                              | Two months                                                                                                      |
| 5. Death of the allottee                                                                                              | One year                                                                                                        |
| 6. Temporary transfer in India or transfer to a place outside India                                                   | Six months                                                                                                      |

| Events                                       | Permissible period for retention of the house                 |
|----------------------------------------------|---------------------------------------------------------------|
| 7. On proceeding on foreign service in India | Two months                                                    |
| 8. Leave of any kind                         | For the period of leave sanctioned by the competent authority |
| 9. On proceeding on training or study leave  | For full period of training or study leave                    |

*Explanation.*—The period permissible on transfer mentioned against items 2, 4, 6 and 7 shall count from the date of relinquishing the charge of the post and the period for which the employee remains on leave duly sanctioned before joining duty at the new station or office shall not be taken into account in calculating the permissible period.

(3) Where a house is retained under sub-rule (2) the allotment shall be deemed to have been cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty at the same station or the period is extended under sub-rule (5).

(4) An employee who has retained the house by virtue of the concession under item (1) or item (3) of the Table in sub-rule (2) shall on re-employment or reinstatement, as the case may be, at the same station within the period specified in the said Table, be entitled to retain that house and shall be eligible for any further allotment of house under these rules :

Provided that if the emoluments of the employee on re-employment, or reinstatement, as the case may be, do not entitle him to the type of house previously occupied by him, he shall be allotted a house of the type to which he is entitled.

(5) Extension of the period of retention of the house beyond that specified in the Table below sub-rule (2) may be allowed by the Chairman of the House Allotment Committee in special circumstances to be recorded, in writing, on payment of twice the normal

rent payable by the employee (in case of rent free accommodation twice the normal rent which would have been payable had the house not been rent free) for a period not exceeding four months.

**Note.**—Extension under this sub-rule may be allowed in cases where the employee seeks extension on account of his children having been studying in recognised schools, affiliated colleges or other educational institutions recognised by the Government but in no case the extension be given beyond the completion of the annual examination of the children.

11. *Provision relating to payment of rent.*—(1) Where an allotment of a house or alternative house has been accepted the liability for the payment of normal rent shall commence from the date of occupation or the tenth day from the date of receipt of the allotment order, whichever is earlier.

(2) An employee, who after accepting the allotment fails to take possession of the house so allotted within ten days of the receipt of the allotment order, shall be charged normal rent in respect of that house, from such date of a period of one month or till the date on which the new allottee takes possession of the said house, whichever is earlier.

(3) Where an employee, who is in occupation of a house is allotted another house and he occupies the new house, the allotment of the former house shall be deemed to have been cancelled from the date of occupation of the new house. He may, however, retain the former house without payment of normal rent for one day or two days for shifting purposes.

12. *Change of house.*—(1) An employee to whom a house has been allotted under these rules, may apply for a change to another house of the same type or a house of the type for which he is eligible under rule 4 :

Provided that no employee shall be allowed more than one change in respect of one type of house allotted to him.

(2) Application for change of house shall be made in Form B appended to these rules. Seniority amongst the applicants for change of house shall be reckoned from the date of receipt of their applications by the Secretary concerned.

(3) If an employee fails to accept a change of house offered to him within five days of the receipt of such offer or allotment he shall not be considered again for a change of house of that type.

(4) An employee, who after accepting a change of house fails to take possession of it, shall be charged rent for such house in accordance with the provisions of rule 11 in addition to the normal rent payable for the house already in his possession.

(5) An employee may be allowed a change of house on the death of any member of his family if he applies for a change within three months of such occurrence :

Provided that the change shall be given in the same type of house as has already been allotted to the employee.

(6) The employees to whom houses of the same type have been allotted under these rules may apply for permission to mutually exchange their houses. Permission for mutual exchange of their houses may be granted if both the employees are reasonably expected to be on duty at the same station and to reside in their mutually exchanged houses for at least six months from the date of approval of such exchange.

13. *Allotment to husband and wife—eligibility in case of employees who are married to each other.*—(1) No employee shall be allotted a house under these rules unless the wife or the husband as the case may be, of the employee who has already been allotted, a house, surrenders it :

Provided that this rule shall not apply where the husband and wife are residing separately in pursuance of an order for judicial separation made by any court.

(2) Where two employees in occupation of separate houses allotted under these rules, marry each other, they shall, within one month of the date of their marriage, surrender one of the houses.

(3) If a house is not surrendered as required by sub-rule (2), the allotment of the house of the lower type shall be deemed to have been cancelled on the expiry of period specified in sub-rule (2) and if the houses are of the same type, the allotment of either of them, as the Secretary may decide, shall be deemed to have been cancelled on the expiry of the said period.

14. *Personal liability of the employee for payment of rent till the house is vacated and furnishing of surety by temporary employees.*—(1) An allottee shall be personally liable for the payment of the normal rent or such rent as may be due under these rules and for any damages beyond normal wear and tear, caused to the

house or to the furniture, fixture or fittings or services provided therein by the Government during the period for which the house has been and remains allotted to him or where the allotment has been cancelled under any of the provisions of these rules, until the house alongwith the out-house appurtenant thereto have been vacated and full vacant possession thereof has been restored to the Government.

(2) Where the employee, to whom a house has been allotted, is neither a permanent nor a quasi-permanent employee, he shall execute a security bond with one surety in form 'C' appended to these rules. The surety shall be a permanent Government employee serving under the Government of Punjab who shall undertake to pay the normal rent or such rent as may be due under these rules and other charge due from the allottee in respect of such house and services as are provided to the allottee from time to time.

(3) If the surety ceases to be in Government service or becomes insolvent or withdraws his security or ceases to be available for any other reasons, the said employee shall furnish a fresh security bond executed by another surety within thirty days of the date of such event. If he fails, to do so, the allotment of the house to him, unless otherwise decided by the House Allotment Committee, be deemed to have been cancelled with effect from the date of that event.

15. *Surrender of allotment and period of notice.*—(1) The allottee may at any time surrender the house by giving intimation so as to reach the Secretary concerned at least ten days before the date of vacation of the house. The allotment of the house shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the Secretary or the date as specified in the letter, whichever is later. If he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days by which the notice given by him falls short of the period of ten days:

Provided that in exceptional circumstances, the Secretary may accept a notice for a shorter period.

(2) An allottee who surrenders the house under sub-rule (1) shall not be considered again for allotment of the house for a period of one year from the date of such surrender.

16. *Maintenance of house.*—An allottee shall maintain the house and premises in a clean condition to the satisfaction of the

Secretary or any person authorised by him in this behalf. Such allottee shall not grow any trees, shrubs or plants contrary to the instructions issued by the Government nor cut or lop any existing trees or shrubs in any garden, courtyard or compound attached to the house save with the prior permission, in writing, of the Secretary. The trees plantations or vegetation grown in contravention of this rule may be caused to be removed by the Secretary or any person authorised by him in this behalf at the risk and cost of the allottee concerned.

17. *Sub-letting and sharing of house.*—(1) No allottee shall share the house allotted to him or any of the out-houses, garages and cow-sheds appurtenant thereto. The servants quarters, out-houses, garages and cow-sheds may be used only for the bona fide purposes for which these are meant for or for such other purposes as may be permitted by the House Allotment Committee.

(2) No allottee shall sub-let the house or a part thereof:

Provided that the allottee while proceeding on leave, may accommodate in the house any other Government employee eligible for allotment of the house under these rules as a caretaker for the period specified in sub-rule (2) of rule 10, with the permission of the Secretary and in the event of such arrangement of the normal rent shall be payable by the employee who is accommodated in such a house.

18. *Consequence of breach of rules and conditions.*—(1) If the allottee sub-lets the house, erects and unauthorised structures or makes any structural alterations in any part of the house or uses the house or any portion thereof for any purpose other than that for which it is meant or tampers with the electric or water connection or commits any other breach of the rules or the terms and conditions of the allotment or uses the house or premises or permits or suffers the house or premises to be used for any purpose which the House Allotment Committee considers to be improper or conducts himself in a manner which, in the opinion of the House Allotment Committee is prejudicial to the maintenance of harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment the House Allotment Committee without prejudice to any other action that may be taken against him may cancel the allotment of the house.

*Explanation.*—In this sub-rule the term 'allottee' includes a member of his family and any person claiming through him.

(2) Where action to cancel the allotment is taken on account of subletting of the premises by the allottee, a period of fifteen days shall be allowed to the allottee to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or on the expiry of the period of fifteen days from the date of notice to vacate the accommodation whichever is earlier.

(3) Where the allotment of a house is cancelled on account of conduct prejudicial to the maintenance of harmonious relations with neighbours, the allottee, at the discretion of the House Allotment Committee, may be allowed another house of the same type at any other place.

19. *Overstay in house after cancellation of allotment.*—Where after an allotment has been cancelled or deemed to have been cancelled under any of the provisions of these rules, the house remains or has remained in occupation of the allottee, such allottee shall be liable to pay damages for use and occupation of the house, services, furniture and garden charges equal to such market rent as may be determined by the Government from time to time.

20. *Bar to keep cattle.*—The allottee shall not keep cattle on the premises of the house allotted to him, if there is no cattle-shed specially provided therein.

21. *Earmarked houses.*—Each House Allotment Committee shall earmark the house for allotment to the following categories of employees or for such employees as may be decided by the Government from time to time on the recommendation of that Committee.

#### AT DIVISIONAL HEADQUARTERS

- (i) Commissioner of the Division ;
- (ii) Deputy Inspector General of Police ; and
- (iii) Superintending Engineer, Public Works Department, Buildings and Roads, Provincial Circle.

#### AT DISTRICT HEADQUARTERS

- (i) Deputy Commissioner ;
- (ii) District and Sessions Judge ; and
- (iii) Senior Superintendent of Police.

#### AT SUB DIVISION HEADQUARTERS

#### SUB-DIVISIONAL OFFICER (CIVIL)

22. *Failure to hand over the possession of the house.*—(1) If an allottee vacates the house on account of his transfer or for any

other reason, but fails to hand over its possession to the Secretary concerned, he shall be liable for payment of rent equal to such market rent as may be determined by the Government from time to time till the date the house is allotted to another employee or the actual handing over of its possession by him, whichever is later.

(2) If any employee occupies a house other than the house earmarked under rule 21 vacated by its previous occupant without proper allotment, he will be proceeded against under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, and he will also be debarred from the allotment of a house during his entire stay at that station besides being liable to pay the rent equal to such market rent as may be determined by the Government from time to time for the period he keeps the house in his unauthorised possession.

23. *Allotment of house to the member of family of the deceased Employee.*—When an employee dies while in service a house of a type not higher than that of his entitlement may be allotted, out of turn, to a member of his family who is in service of the Government or who joins such service within one year of the date of death of the employee :

Provided that a member of the family of the deceased employee shall not be allotted a house if the family has its own private house at the place of posting of the member of the family of the deceased employee.

24. *Out of turn allotment in certain cases.*—The Government may make out-of-turn allotment in certain cases on the following consideration:—

- (a) Nature of duties involved in the job and the public interest;
- (b) Serious ailment in the family; and
- (c) In the case of retirement of the allottee, allotment to his/her son, daughter, wife or husband, as the case may be, is subject to the conditions that :—
  - (i) the said person to whom the allotment is to be made is eligible for allotment of a house under these rules;
  - (ii) he had been sharing accommodation with the retiring allottee for at least six months before the date of retirement; and
  - (iii) the family of the retiring allottee has no house of its own at the station concerned.

25. *Seniority List.*—Every employee, who applies for allotment of a house under these rules, shall be informed, in writing, by the Secretary concerned about the serial number at which his name has been entered in the seniority list maintained on the basis of priority dates. The decision of House Allotment Committee in regard to the allotment of house will be communicated, in writing, to the employee concerned as early as possible. An employee aggrieved by the decision of the said committee, may within fifteen days of the receipt of the communication of such a decision make a representation to the Government and the decision of the Government shall be final.

26. *Allotment of houses to Central Government employees.*—In special circumstances to be recorded in writing, the Government may allot a house to a Central Government employee, on such terms and conditions, as are contained in these rules.

27. *Ineligibility for allotment of house under these rules.*—No employee shall be allotted a house under these rules if the Department in which he is posted has its own separate houses available for allotment to the employees of that Department at a particular station.

28. *Continuance of allotment made prior to the issue of these rules.*—An allotment which subsists immediately before the commencement of these rules, shall be deemed to be an allotment duly made under these rules notwithstanding the fact that the employee to whom it has been made is not entitled to a house of that type under these rules and all the preceding provisions of these rules shall apply in relation to such allotment.

29. *Over-riding effect.*—The provisions of these rules shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

30. *Interpretation of rules.*—If any question arises as to the interpretation of any of the provisions of these rules Government shall decide the same.

31. *Delegation of power or functions.*—The Government may delegate all or any powers vested in it by these rules to any officer under its control, subject to such conditions as it may deem fit to impose.

32. *Power of relaxation.*—The Government may, for reasons to be recorded, in writing, relax all or any of the provisions of these rules in the case of any employee or house or class of employee or types of houses.

## FORM 'A'

[See rule 6]

To

The Secretary,  
House Allotment Committee, \_\_\_\_\_

Subject.—Application for allotment of a House under Government  
Houses (General Pool) Allotment Rules, 1983.

Sir,

The undersigned applies for allotment of a \_\_\_\_\_ Type  
house and gives below the required information :—

1. Name (in Block letters)
2. Designation.
3. Father's Name.
4. Date of birth of the applicant and  
date of his retirement.
5. Place of duty and present resi-  
dence—
  - (a) Official Address.
  - (b) Residential Address.
6. Date of joining Government  
Service.
7. Date of joining in an office at the  
present station of posting.
8. Particulars of the house already  
under occupation of the applicant,  
if any.

Type \_\_\_\_\_ House No. \_\_\_\_\_

Place \_\_\_\_\_

9. Whether permanent or temporary or working against a leave vacancy, or on purely temporary (on *ad hoc*) basis.
10. Present pay on the date of application—
  - (a) Basic pay and scale of pay
  - (b) Special pay, technical pay and personal pay, if any.
  - (c) Total (a+b).
11. Type of a house to which entitled on the basis of pay particulars in Col. No. 10.
12. Whether he opts to apply for the type of house on the basis of present pay or the type of house one type below that to which he is entitled on the basis of present pay ?
13. Whether he wishes to apply for half house, if so, of which type ?
14. Whether married or unmarried, if married, indicate, if Government house, full/half is in occupation of husband/wife as the case may be.

#### DECLARATION

1. I certify that I have joined duty in the office of \_\_\_\_\_ with effect from \_\_\_\_\_ without any break (in case there is any break, the same may be specified).
2. I certify that I have not been debarred from allotment of \_\_\_\_\_ type house applied for.
  - (a) If debarred give reasons for such debar alongwith the allotment order No. \_\_\_\_\_ dated \_\_\_\_\_ with which previous house was allotted.

- (b) If house was surrendered, No. of house, type of house, with date of vacation may be indicated.

3. I certify that I have not applied for any other type of house.

4. I agree to abide by the Punjab Government Houses (General Pool) Allotment Rules, 1983, as amended from time to time.

5. I certify that I am not in occupation of Government house at my previous station of posting.

6. I certify that the particulars given above are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom. In case the particulars given above are found incorrect, I shall be liable for disciplinary action besides cancellation of allotment of the house.

Yours faithfully,

(Signature of Applicant)

Dated :

Place :

Endst. No.

Dated.

Forwarded in original to the Secretary, House Allotment Committee,—

(a) It is certified that the particulars mentioned above by the applicant are correct.

(b) That he/she started drawing the basic pay of Rs.——— special pay of Rs.———, and it was not decreased due to demotion/leave without pay or any other reason at any time since the date of his/her entitlement.

\*2. Since the applicant is temporary/regular hand the Surety Bond duly filled in and signed by the Head of Department is enclosed.

Head of Office/Department (with seal)

Note.—The Head of Office/Department should not forward any application unless he has satisfied himself about the particulars filled in by the applicant and surety Bond in Form 'C' of the rules has been attached, where required.

\*Strike out if not applicable.

## FORM 'B'

[See rule 12(2)]

*Application for change of house*

1. Name (in Block Letters) \_\_\_\_\_
2. Designation \_\_\_\_\_
3. Date of Joining at the present station \_\_\_\_\_
4. Office Address \_\_\_\_\_
5. Date of making first application for allotment of house at the present station \_\_\_\_\_
6. Pay drawn at the time of joining at the present station \_\_\_\_\_

Scale of pay \_\_\_\_\_

Special pay, if any \_\_\_\_\_

7. House allotted at the present station :

No. of House \_\_\_\_\_ Type \_\_\_\_\_

Locality \_\_\_\_\_ Whether full/half \_\_\_\_\_

Number and date of allotment order \_\_\_\_\_

Date on which this house occupied \_\_\_\_\_

8. Date of entitlement of higher type of house, if any \_\_\_\_\_
9. Is it your first application for change of house in this category ? If not, give number of changes alongwith particulars of the houses you have already been allotted \_\_\_\_\_
10. Stay in the present house \_\_\_\_\_
11. Have you ever been debarred for change of house ? If so, give number and date of the letter issued by the House Allotment Committee in this respect \_\_\_\_\_

12. Have the electricity and water charges of the present house been paid upto date\_\_\_\_\_
13. Locality in which change is required\_\_\_\_\_
14. Reasons for asking change of the house\_\_\_\_\_
15. Are you prepared to accept the change of the house in any other locality in case it is not possible to change the house in the required locality\_\_\_\_\_

16. I certify that the particulars given above by me are true and correct. In case the above information is found incorrect - in any respect, I will be liable to disciplinary action besides cancellation of the allotment of the house already allotted to me. I fully understand that change once allowed shall be final and I will not under any circumstances ask for permission to retain the house already allotted to me. I shall shift to the new house within seven days of the issue of allotment order, failing which my allotment of the house under my possession may be cancelled and I shall be liable to pay rent for the period of over-stay in this house. I shall also be liable to pay rent for the new house till it is reallocated.

Dated :

Signature of the applicant.

Endorsement No.

Dated

Forwarded in original to the Secretary, House Allotment Committee,\_\_\_\_\_ for disposal. It is certified that normal rent from the pay of applicant for the house under occupation of the applicant had been deducted and there is no arrear of house rent against him.

Head of Office/Department.

## FORM 'C'

[See rule 4(2)]

## (FORM OF SURETY BOND)

I \_\_\_\_\_, son of Shri \_\_\_\_\_ at present employed as \_\_\_\_\_ in the office of \_\_\_\_\_ hereby stand surety (which expression shall include my heirs, executors and administrators) to the Governor of Punjab (hereinafter called the Government which expression shall include his successors and assigns) for payment by Shri \_\_\_\_\_, son of \_\_\_\_\_ at present employed as \_\_\_\_\_ in the office of \_\_\_\_\_ of house rent and other dues in respect of the house now allotted to him by the Government as also for any other house, additional accommodation, extra servant quarters or garages that may be allotted to him from time to time by the Government.

2. I, the surety, shall indemnify the Government against all loss and damages until delivery of vacant possession of the same is made to the Government. I, the surety, hereby undertake to pay to the Government forthwith on demand by the Government and without demur all such sums as may be due to the Government as aforesaid and I hereby agree that the Government shall be at liberty (and is hereby irrevocably authorised to do so) to recover the said sums from the salary payable to me and the decision of the Government as to the liability to pay and the quantum of amount so to be recovered shall be final and binding on me.

3. The obligations undertaken by me shall not be discharged or in any way affected by an extension of time or other indulgence granted by Government to the said Shri \_\_\_\_\_ (name of the allottee) or by any other matter or thing whatsoever which under the law relating to sureties would but for this provision have the effect of so releasing me from my such liability.

4. This surety shall not be discharged by my death nor shall it be revocable by me at any time except with the consent in writing of the Government until the delivery of vacant possession of any such house, servant quarter or garage, in occupation of the allottee back to the Government :

Provided however, that this surety shall *ipso facto* terminate from the date Shri \_\_\_\_\_ is declared permanent in any service in the Government of Punjab.

5. The Government shall bear the stamp duty, if any, on this document.

Signed and delivered by the said \_\_\_\_\_ at \_\_\_\_\_ the day of \_\_\_\_\_.

(Signature of Surety)

Signature \_\_\_\_\_

Designation \_\_\_\_\_

Office to which attached \_\_\_\_\_

Address and occupation of witness \_\_\_\_\_

Signature of the Head of the Department/Office in which the Surety is employed.

Dated \_\_\_\_\_

for and on behalf of the Government of Punjab.

K. D. VASUDEVA,

Chief Secretary to Government, Punjab.

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*Copy of Punjab Government circular letter No. 882-PP-83/1781, dated 18th February, 1983, from the Department of Personnel and Administrative Reforms, addressed to all Heads of Departments, etc., etc.*

**Subject.**—Reservation for the members of Scheduled Castes and Backward Classes in Services—Measures to make up deficiency—Implementation of Supreme Court decision regarding.

I am directed to invite a reference to Punjab Government Circular letter No. 277-PP-83/543, dated the 14th January, 1983, on the

subject noted above and to say that, as already intimated, the policy instructions of the Government, that in the matter of reservation in direct recruitment and in promotion in all classes of services, reservation should be made on the basis of appropriate 100-point running rosters, and the Scheduled Castes and Backward Classes persons appointed on the basis of their merit (in case of direct recruitment) and promoted on the basis of their seniority-cum-merit, should not be counted for the purpose of percentage of reservation, had been challenged in the Punjab and Haryana High Court in Civil Writ Petition No. 3882 of 1981—Joginder Singh Sethi and others *versus* the State of Punjab and others. The Hon'ble High Court allowed the writ Petition,—*vide* their Judgement dated 25th May, 1982, [1982 SLR-307].

2. An S.L.P. against the said Judgement of the Hon'ble High Court has been filed by the State Government and another one by Shri Makhanjit Singh, an employee of the Irrigation Department of Punjab in the Supreme Court of India. These S.L.Ps pertain to reservation in Class III and IV services. A Writ Petition—Yash Pal Sharma *versus* the State of Punjab, has also been filed in the Supreme Court praying that the Judgment dated 25th May, 1982, of the Hon'ble High Court referred to above, be made applicable also in Class I and Class II services.

3. These two S.L.Ps and Writ Petition came up for hearing on 19th October, 1982 and the Order passed by the Hon'ble Supreme Court was duly communicated to you.—*vide* letter under reference.

4. Since a doubt had arisen with regard to the actual import of the said Order of the Hon'ble Supreme Court a petition for clarification was filed by the State Government in the Supreme Court of India. This petition came up for hearing before the Hon'ble Supreme Court on 8th February, 1983 and the Hon'ble Supreme Court was pleased to pass a clarificatory Order dated 8th February, 1983, according to which, *inter-alia*, no person who has already been appointed or promoted pursuant to the instructions of the Government of Punjab shall be reverted, but so far as future appointments and promotions are concerned, these shall be made according to the Judgement of Hon'ble High Court and these will be ultimately subject to the result of the Writ petition and appeals pending in the Supreme Court. The order also lays down that in the letter of appointment/ promotion, made in accordance with the High Court Judgement, the State Government will make it clear that the appointment/promotion is subject to the result of the writ petition and the appeals. A copy of the said order is enclosed as Annexure-B.