

MOST IMMEDIATE

No. 49/9/2006-4Pol
HARYANA GOVERNMENT
CHIEF SECRETARY'S OFFICE
POLITICAL AND PARLIAMENTARY AFFAIRS DEPARTMENT

Dated Chandigarh the 17th August, 2011

To

- 1 All Financial Commissioners & Principal Secretaries to Government, Haryana.
- 2 All Heads of Departments in Haryana.
- 3 Commissioners, Ambala/Hisar/Gurgaon/Rohtak Divisions.
- 4 The Registrar, Punjab & Haryana High Court.
- 5 All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
- 6 The Registrars of all Universities in Haryana.

Subject:- Action to be taken on the recommendations of Haryana Lokayukta Annual Report 2010-11.

Sir,

I am directed to address you on the subject noted above and to say that the Haryana Lokayukta Act, 2002 (Haryana Act No. 1 of 2003) has come into force with effect from 1.8.2004. In this Act, the appointment and functions of Lokayukta have been provided for enquiry and investigation into allegations and grievances against public servants and for matters connected therewith. The Hon'ble Lokayukta Haryana in his annual report makes recommendations on various issues on the basis of grievances received against public servants. Instructions have been issued from time to time on the basis of recommendations/observations made in the annual report.

2. On the basis of annual report of the Lokayukta for the financial year 2010-11, following instructions are issued for follow up action :-

i) Ensuring Accountability-

It has been observed that in case of any lapse on the part of the department, responsibility is fixed many time at the lower level whereas the matter is decided at the higher level, which is not appropriate.

All the departments are advised that in such cases the responsibility should be fixed appropriately. Only lower level officials should not be made accountable. Responsibility of officers/officials should be fixed to the extent that he is held responsible for the lapse. All the departments are requested to ensure that the procedure laid down in the Rules of Business should be followed strictly.

ii) Violation of Rules and Guidelines

The violation of Rules and Guidelines by the public servants are either overlooked or mild punishments are given. It has been observed by Lokayukta in complaint No. 135 of 2008, that a large number of educational institutions did not comply with the norms and furnished false or forged documents in support of their

claims for recognition. Further, it has come to the notice that some public servants had pursued some courses without seeking prior permission from the Competent Authority.

On the basis of the last report of Hon'ble Lokayukta, all the Universities situated in Haryana were asked to ensure strict action against the authorities granting affiliation to the educational institutions, who do not fulfill all the requisite conditions. The same observations have also been made by the Lokayukta in the present report. Therefore, Education Department is directed to ensure that proper procedure should be followed in granting affiliation to any educational institution.

Besides, all the departments are requested to ensure disciplinary action against the officers/officials who pursue higher education without prior approval of competent authority.

iii) Timely reporting of the Annual Confidential Reports

It has come to notice that the powers to record the Annual Confidential Reports of their subordinates are misused by some public servants as a tool of harassment. In many cases the Annual Confidential Reports are not recorded in time which results in delay in promotion or a higher grade to them. It is, therefore, necessary that the persons responsible for delay in recording the Annual Confidential Reports of their subordinates should be held accountable.

All the departments are directed to ensure that ACR's of all officers/officials are recorded within the prescribed time limit.

General Administration Department (General Services-III) is requested to issue fresh guidelines in this regard and prescribe penalty against the officers who do not record the ACRs within stipulated period.

iv) Undue delay in departmental proceedings

In the last two reports, Lokayukta had emphasized on the need for streamlining the procedure in departmental inquiries. It has been mentioned in the present report that a time schedule should be fixed for completing the departmental proceedings which should be strictly adhered to so that the guilty can be punished at the earliest.

All the departments are requested to ensure timely action against the delinquent officials as per rules.

v) Encroachments and unauthorized construction on Government's land

Lokayukta has observed that no prompt action is taken against illegal or unauthorized construction on the public property. Any unauthorized construction or encroachment is directly related to the failure on the part of the public servant who is entrusted with the duty to ensure that the public property is not usurped. It is necessary that stringent action is taken not only against the encroachers but also against the public servants who fail to discharge their duty in preventing the same. It has further been

mentioned that the delinquent officials should not only be awarded punishment but should also be made liable to make good the financial loss caused to the Government and also to bear the cost of further litigation for the eviction/removal of the encroachment.

The concerned departments, who are having lands, are requested to direct the officers/ officials that action should be taken against the encroachers and in future these matters may be viewed seriously. Action may also be taken against the officers/officials who have not restricted the encroachments before its happening.

vi) False/wrong enquiry reports

It is observed that in many cases the officers entrusted with the enquiry try to shield the delinquent public servants by submitting wrong/false reports. Such conduct of the enquiry officer is worse than the misconduct of the public servant against whom the enquiry is instituted. For this purpose, it is necessary that the Government agencies change their mindset and attitude by adopting zero tolerance to corruption, inefficiency and mal-administration.

All the departments are requested that the departmental enquiries should be dealt with promptly and as per rules and instructions without any fear and favour.

3. I am further directed to request you that whenever a reference/observation is received from the Hon'ble Lokayukta necessary action should be taken promptly as per Government instructions. If due to some administrative reasons, it is not possible to take action or to submit requisite information within the stipulated period, the Hon'ble Lokayukta may be informed well in time.

4. These instructions may please be brought to the notice of all concerned working under your administrative control for strict compliance.

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Yours faithfully,
Ramesh Kumar
Under Secretary Political.

