

मुख्य सचिव, हरियाणा द्वारा विभागाध्यक्षों आदि को सम्बोधित परिपत्र क्रमांक 5672-3 जी0 एस0-I-77/25892 दिनांक 14-9-77 की प्रति ।

विषय :—संविधान की धारा 311(2) के परन्तुक (सी) के तहत केन्द्रीय सरकार के कर्मचारियों के विरुद्ध की गई कार्यवाही सेवा से पदच्युत/निष्कासित कर्मचारियों के मामलों का पुनरीक्षण ।

मुझे निदेश हुआ है कि उपरोक्त विषय की ओर आप का ध्यान दिलाऊँ और भारत सरकार के पत्र क्रमांक 34013/4 (एस)/77-एसटेबलिशमेंट (बी), दिनांक 10-5-1977 तथा इसके अनुलग्नक की प्रति संलग्न करते हुए आप से अनुरोध करें कि इस सम्बन्ध में भारत सरकार द्वारा लिए गए निर्णय के अनुसार राज्य सरकार के कर्मचारियों के मामलों में ऐसी ही कार्यवाही की जाए ।

2. इस सम्बन्ध में वित्त विभाग की सहमति उनके अशाः क्रमांक 4097-I-एफ0 जी0-I, दिनांक 8-8-1977 द्वारा ले ली गई है ।

3. कृपया इस पत्र की पावती भेज दें ।

भवदीय,

हस्ता/-

उप-सचिव, सामान्य प्रशासन,

कृते: मुख्य सचिव, हरियाणा सरकार ।

क्रमांक 5672-3 जी0 एस0-I-77/25093 दिनांक 14-9-1977

एक प्रति वित्तियुक्त, राजस्व/प्रशासकीय अधिकारी को अनुलग्नकों सहित, महालेखाकार, हरियाणा, चण्डीगढ़ को सूचनार्थ भेजी जाती है ।

Copy of confidential/Most Immediate letter No. 34013/4(S)/77-Estt.(B) from the Government of India  
Bharat Sarkar, Dep't of Personnel and Administrative Reforms (Karmak Aur Prashanik Sudhar Vibhag  
Ministry of Home Affairs.

New Delhi, the 10th May, 1977.

**Subject :—**Action against Central Government servants under proviso(c) to Articles 311 (2) of the Constitution Review of the cases of employees who were dismissed remove from service.

#### OFFICE MEMORANDUM

The undersigned is directed to say that Government have since reviewed the Policy relating to the cases of central Government employees who had been dismissed or removed from service during the internal emergency by invoking the provisions of proviso (c) to Article 311(2) of the Constitution. It has now been decided that all the Central Government employees who had been dismissed/removed from service under proviso(c) to Article 311(2) of the constitution for their alleged links with the RSS, CPM, (ML), Jamaate-Islami and Anand Marg should be reinstated immediately. As regard the employees who were associated with the activities of CP(ML) prior to the dismissal or removal from service, a written undertaking should be obtained from them that they will eschew the path of violence prior to their being reinstated. The question of reinstating those connected with the Mizo National Front is being examined separately.

2. It has also been decided that such of the Central Government employees, as were involved in espionage and other objectionable & illegal activities are not to be reinstated. In the event of any doubt in regard to any particular case, the Department of Personnel & A.R. may be consulted.

3. Further it has also been decided that the period between the date of dismissal/removal from service and the date of reinstatement of the employee concerned shall be treated as duty for purposes of drawal of increments and pension and for this intervening period the employees shall be paid 50% of the salary. Where the reinstated Government servant has secured employment during any period between the dismissal removal and reinstatement, the amount payable to him after reinstatement for the intervening period shall be reduced by the emolument earned by him during such employment. Further while making the payment to the employee concerned, the actual amount of compassionate allowance including the death-cum-retirement gratuity, if any, paid to the employee during the intervening period should be recovered.

4. It has further been decided that all Central Government employees who had been detained under MISA and who have since been released should be reinstated forthwith. The period for which such employees were under suspension would be treated as on duty for purposes of increment and pension. They would be paid subsistence allowance for the period of suspension an amount equal to 50% of the salary.

5. Cases of such employees as were convicted by the courts under any substantive law like the DISIR should also be reviewed without further delay.

6. Ministry of Finance etc, are requested to take urgent action according and bring the contents of this O. M. to the notice of all heads of Departments/Offices under their control.

7. Hindi version will follow.

Sd/—

(R. RAGHAVACHARI)  
DIRECTOR (ESTABLISHMENT)

**MOST/IMMEDIATE CONFIDENTIAL**

No. 34013/4(S), 77-Estt.(B) Government of India/Bharat Sarkar Department of Personnel and Administrative Reforms Karmik Aur Prashasnik Sudhar Vibhag Ministry of Home Affairs.

New Delhi, the 10th May, 1977.

To

The Chief Secretaries of all State Governments/Administrations in Union Territories.

*Subject :-* Action against Central Governments Servants under proviso (c) to article 311(2) of the constitution Review of cases of employees who were dismissed/removed from service.

Sir,

I am directed to forward herewith a copy of the instructions issued by the Government of India to the various Ministries Departments on the subject mentioned above and to request that the State Governments, if they have no objection, may also like to review on these lines, the cases of the State Government employees who might have been dismissed/removed from service during internal emergency under proviso(c) to Article 311(2) of the Constitution, for their links with various political parties.

Yours faithfully,  
Sd/-

(R. RAGHAVACHARI)  
DIRECTOR (ESTABLISHMENT)