

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments in Haryana.
2. The Registrar, Punjab and Haryana High Court.
3. All the Deputy Commissioners in Haryana and Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.
4. The Managing Directors of all Boards and Corporations in Haryana.
5. The Registrars, Maharishi Dayanand University, Rohtak, Kurukshetra University Kurukshetra, Ch. Charan Singh Haryana Agriculture University, Hisar and Guru Jambheshwar University, Hisar.

Dated, Chandigarh, the May 2, 2002

Subject:-

Enactment of Statutory Rules for taking decisions on the Representations made by employees of Haryana Government on different subjects.

Sir,

I am directed to invite your attention on the subject noted above and to say that a large number of writ petitions are filed in the Punjab and Haryana High Court every year by Employees of Haryana Government and its Agencies, primarily, with the grievance that their claim contained in a Representation/Legal Notice etc. is not being considered by the Competent Authority despite there being a Rule, Instruction or Court Judgement in their favour. These writ petitions are normally disposed off by the Hon'ble Court with the directions to consider and decide the same within a stipulated period.

The High Court has also been taking notice of the fact that these representations/legal notices are not decided within the prescribed period, thereby generating another round of litigation by way of Contempt Petitions. Not only this, most of the time the decision on such Representations/Legal Notices, is cryptic and non-speaking. Such an order breeds another round of litigation also.

Taking note of all these factors, a Division Bench of the High Court vide Judgement dated March 21, 2002 passed in CWP No. 4382 of 2002 (Satbir Singh and

others Vs. The State of Haryana and others) has issued the following directions to the States of Punjab, Haryana and UT, Chandigarh:-

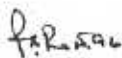
- (i) Where-ever the rights of the parties have been settled by a judgement of the Court the State has taken all remedies available to it in law against that judgement even upto the highest court of the land and the judgment has attained finality, then the State must accept the judgement and implement it in its true spirit and command. There is implicit obligation on the part of the State to grant same relief to other members of the cadre whose claim was based upon identical facts and points of law.
- (ii) The State Government shall as expeditiously as possible in any case not later than four months re-act and respond to a legal notice/representation served upon it by any of its employees for redressal of his grievance/grant of relief, which has been granted to his co-employees similarly situated, in furtherance to the judgement of the Court. Unless, for reasons to be indicated in the reply, the State feels compelled to deny such relief. Needless to point out that denial must neither be evasive not intended to circumvent the orders of the Court;
- (iii) In the event such an employee is compelled to approach the Court of Law, where-upon the Court awards interest and/or costs while allowing such a petition, then the expenditure incurred by the State including the costs/interest paid in furtherance to the orders of the Court should be recovered from the erring officer(s).
- (iv) The concerned quarters of the government are expected to work out the details in furtherance to the above directions and issue pervasive but definite instructions to all its departments forthwith to ensure compliance.

2. The matter has been examined by the State Government in light of the facts the directions issued by the Hon'ble High Court with a view to provide effective mechanism for reducing multiple litigation. After careful consideration, it has been decided that the directions of the Hon'ble High Court as mentioned above may be

complied with forthwith in true letter and spirit so that undesirable litigation is avoided, thereby saving time and money of the Government. Accordingly, immediate steps may please be taken to ensure that all such representations/claims of Employees under your control are decided within the stipulated period in pursuance to the directions of the Hon'ble High Court by the Competent authority passing a speaking order giving cogent reasons, in support his/her decision.

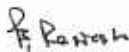
3. These instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,



Under Secretary General Administration,
for Chief Secretary to Government Haryana
21/5/02

A copy is forwarded to all the Financial Commissioners and Principal Secretaries and all the Administrative Secretaries to Government Haryana for information and necessary action.



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for Chief Secretary to Government Haryana
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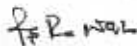
To

All the Financial Commissioners and Principal Secretaries and all the Administrative Secretaries to Government Haryana.

U.O.No. 62/26/2002-6GSI

Dated Chandigarh, the May 2, 2002

A copy is forwarded to all the Branch Officers/Superintendents/Deputy Superintendents of Chief Secretary/F.C. office for information and necessary action.



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for Chief Secretary to Government Haryana
21/5/02

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