

Copy of letter No. 5747-GII-58/37663, dated the 19.12.1959, from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

**Subject :—**Re-appointment of Temporary Government Servants where their services are terminated under terms of their employment.

While considering certain memorials to the Governor, Government have come across case in which the services of a temporary Government servant were terminated upon reduction in staff. Thereafter on a representation made by their official the department concerned passed orders reinstating him with retrospective effect to his original post after a period of more than three years. At that time the official was not given any benefit of the period during which he remained out of service. He represented that the intervening period-between the date of termination of his services and the date of reinstatement-should be treated as a period spent on duty and that he should consequently be given full benefit of pay and seniority. The representation of the official had to be accepted after taking into consideration various aspects of the case, particularly the legal one and Government have consequently had to pay a heavy sum in respect of arrears claimed.

2. It will be seen that the services of a temporary Government servant were terminated and that he was taken back after three years. He had, however, to be paid for all these three years for which he did not do any work. There would normally have been no compulsion to make this payment as his post was temporary and according to his terms of appointment his services could have been terminated without notice. The compulsion in this case arose from the fact that the official was reinstated instead of being appointed afresh. When he was again absorbed after a period of three years his letter of appointment should not have stated that he had been 'reinstated'. The word 'reinstatement' which was quite unnecessary gave a different complexion to the whole case resulting in substantial loss to the Government. The conclusion obviously is that the order of reinstatement was carelessly passed and carelessly drafted and that the department did not choose to examine the financial implications of its order.

3. This case is being brought to your notice as an instance of careless handling. I am to request you to see that such instances do not recur and that orders are passed after careful scrutiny. I am directed to request you to bring these instructions to the notice of your subordinates also.