

From

The Chief Secretary to Govt. Haryana,

To

1. All Heads of Deptt.
Commissioners Ambala, Hisar, Rohtak and
Gurgaon Division.
2. The Registrar,
Punjab & Haryana High Court,
Chandigarh.
3. All Deputy Commissioner & Sub-Divisional
Officers (C) in Haryana.

Dated, Chandigarh, the 13.11.2000

Subject:

Rationalising the mechanics of imposing punishment
and filing of appeal in respect of Group 'A' & 'B'
Officers.

Sir,

I am directed to address you on the subject noted
above and to say that Govt. has re-examined the instructions
contained in Govt. Letter No. 23/18/89-1GSII, dated 12th April,
1990 which had stipulated that:-

Group 'B'

If the punishment has been given by the Head of
Deptt. the administrative Secretary of the Deptt.
should be appellate authority. In respect of
major punishment, the punishing authority would
be the Administrative Secretary while the
appellate authority would be the Govt.

Group 'A'

In respect of Group 'A' officers, the power of
inflicting minor punishment would be exercised
by the Administrative secretaries while the
appeals against such orders would lie to the
Govt. However, for major penalties, the powers
of inflicting major punishment in respect of
this category of employees would remain with
the Govt. as at present. No appeal would lie
against such penalty. However, in such cases
the provision regarding submission of memorials
to the Governor can be followed.

On re-examination, it has been observed that these
instructions especially in the case of major penalty of dismissal
or removal are not in conformity with the provision of Article
311(I) of the Constitution, which lays down that:-

311(1) No person who is a member of a civil service
of the Union or an all India Service or a civil
service of a state or holds a Civil Post under
the Union or a State, shall be dismissed or removed
by an authority subordinate to that by which he
was appointed.

In view of the above constitutional provision, when the appointing authority is the Govt., the power of awarding punishment of dismissal or removal, can not be delegated to the Administrative Secretaries. It has therefore, been now decided to rationalise the mechanism of imposing punishment and filing appeals in respect of Group 'A' & 'B' Officers of the Govt. as Under:-

Group 'B'

- a) In the case of minor punishment, the punishing authority should be the Head of the Deptt. and appellate authority should be the Govt.
- b) In the case of major punishment concerning removal and dismissal, the punishing authority should be the Govt. However, there will be no appellate authority.
- c) In respect of other major penalties, the punishing authority would be Administrative Secretaries concerned while the appeal against such orders would lie to the Govt.

Group 'A'

- (a) In respect of Group 'A' officers, powers of awarding minor punishment should be exercised by the Administrative Secretary and the appeal against such orders would lie to the Govt.
- (b) However, for major penalties the powers of inflicting major punishment in respect of Group 'A' officers would remain with the Govt., as at present. No appeal would lie against such penalties.

Yours faithfully,

P. D. Kalra
Under Secretary General Administration
for Chief Secretary to Govt., Haryana.

A copy is forwarded to all the Financial Commissioners/Commissioners and the Administrative Secretaries to Govt., Haryana for information and necessary action.

P. D. Kalra
Under Secretary Gen. Administration
for Chief Secretary to Government, Haryana.

To

All the Financial Commissioners/Commissioners & Administrative Secretaries to Govt. Haryana.

U.O.No. 22/18/89-4GSII

Dated: