

(TO BE SUBSTITUTED BEARING SAME NUMBER AND DATE)

No. 05/52/2016-1AR
GOVERNMENT OF HARYANA
CHIEF SECRETARY'S ORGANISATION
GENERAL ADMINISTRATION DEPARTMENT
(Administrative Reforms Branch)

Dated, Chandigarh the 11th March, 2025

To

1. All the Administrative Secretaries to Govt. Haryana.
2. All the Heads of Departments in the State of Haryana.
3. All the Chief Administrators/Managing Directors of Boards/Corporations in the State of Haryana.
4. All the Divisional Commissioners in the State of Haryana.
5. All the Deputy Commissioners in the State of Haryana.

Subject:- Regarding recovery of penalty imposed by the State Information Commission, Haryana.

Respected Sir/Madam,

I am directed to refer to you on the subject noted above and invite your attention to the Notification No. 5/52/2016-1AR, dated 3rd July 2018, through which the Haryana Right to Information (Amendment) Rules, 2018 were formulated. The aforementioned rules provide as follows:

"The commission shall make order in writing and pronounce the same in the presence of the concerned parties.

The Commission may, at the time of deciding any complaint/appeal, impose penalty on a State Public Information Officer in accordance with the provision of section 20 of the Act.

A copy of the order of the commission imposing penalty on a State Public Information Officer shall be forwarded to the Registrar. After receipt of such order, the Register shall enter the details thereof in a register maintained for the purpose in Form 'C'. The penalty order shall be conveyed by the Registrar vide a letter in form 'D' to the controlling authority concerned for recovery of the penalty amount from the salary of the State Public Information Officer and for the deposit of this amount in the respective head of account fixed by the State Government. The Government shall make necessary arrangements to ensure recovery of the penalty amount from the State Public Information Officer concerned in compliance of the order of the Commission."

2. It is further clarified that the above rules are clear in stating that any penalty imposed by the State Information Commission (SIC) on a State Public Information Officer, in accordance with the provisions of Section 20 of the RTI Act, 2005, should be recovered from the salary of the concerned SPIO. The rules also stipulated that the Government shall make necessary arrangements to ensure the recovery of the penalty amount from the SPIO. Therefore, it is clarified that "Government" means the Government of the State of Haryana in the Administrative Department (please refer to Definition 37 of HCS Rules, 2016). Additionally, it is also clarified that the "Controlling Officer" means a head of the department or any other departmental officer who is entrusted with the responsibility of controlling the incurring of expenditure and/or the collection of

revenue by the competent authority (please refer to Definition 13 of HCS Rules, 2016).

3. It has come to the notice of the State Government that, despite efforts made by the Registrar of the State Information Commission and follow-up with the controlling authorities concerned, the penalty imposed by the Haryana State Right to Information Commission on a State Public Information Officer's has not been recovered by the controlling authority. Due to non-recovery of penalties, a significant amount remains outstanding as recoverable from the SPIOs. The Government has taken a serious view of this lapses on the part of the controlling authorities and has further directed all controlling authorities to initiate the process of recovery of the penalty amount from the HRMS/E-salary of the concerned SPIO at the earliest. Once, the penalty amount is recovered, the Controlling Authority shall deposit the amount in the designated head of account specified by the Commission and submit a compliance report to the Registrar, confirming the recovery and deposit of the penalty amount. The controlling authorities are also at liberty to deduct the penalty amount directly from the salary portal of the concerned SPIO, provided that the SPIO is given adequate opportunity.

4. It has also been decided that controlling authorities may withhold the Last Pay Certificate/No Due Certificate of such SPIOs until the penalty amount has been fully recovered. In the case of retired SPIOs against whom penalty recovery is still outstanding, appropriate action may be taken in accordance with the provisions of Rule 11 of the Haryana Civil Services (Pension) Rules, 2016

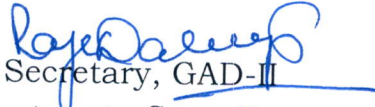
5. You are, therefore, requested that the above instructions may bring to the notice of all concerned for strict compliance in true letter and spirit.


Under Secretary, GAD-II
for Chief Secretary to Govt. Haryana

Endst. No. 05/52/2016-1AR

Dated, Chandigarh the 11th March 2025

A copy of the above is forwarded to the Secretary, State Information Commission, Netaji Subhash Chander Bose Suchana Bhawan IP-8, Sector-03, Near Majari Chowk, Panchkula, Haryana, with the advice to display the list of outstanding penalty recoveries on the Commission's website. This will enable all concerned departments to view the SPIOs against whom penalties have been imposed by the Commission.


Under Secretary, GAD-II
for Chief Secretary to Govt. Haryana

A copy of the above is forwarded to the Additional Chief Secretary, Finance Department, with a request to issue necessary directions to the all DDOs for recovering the penalty from the salary through the HRMS e-salary portal.

To

Additional Chief Secretary to Government, Haryana
Finance Department (FG-I Branch)

U.O. No. 05/52/2016-1AR

Dated, Chandigarh the 11th March 2025