

No. 4/47/2019-1ELECTION
HARYANA GOVERNMENT
Chief Secretary's Office
Election Branch

Dated, Chandigarh the 7th January, 2020

To

1. The All Administrative Secretaries to Government Haryana.
2. The All Heads of Department in Haryana.
3. The All MD's/CA Boards/ Cooperations in Haryana.
4. All the Divisional Commissioner in Haryana.
5. All the Deputy Commissioner-cum- District Electoral Officers in Haryana.

Subject:- Disciplinary Proceedings against officials appointed on Election Duty- regarding.

--00--

Sir,

I am directed to refer to a copy of letter no. 464/INST/2019/EPS, dated 17th December, 2019 received from Sanjeev Kumar Prasad, Under Secretary, Election Commission of India and forwarded the same for taking further necessary action in the matter with the request that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India, if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision.

Yours faithfully

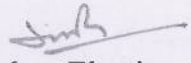

Superintendent Election,
for Chief Secretary to Government Haryana.

On 6/1/2020

Endst. No. 4/47/2019-1Election

Dated Chandigarh the 7th January, 2020

A copy is forwarded to the Chief Electoral Officer Haryana, 30-Bays Building Sector-17, Chandigarh (copy also endorsed to you) for taking further necessary action.


Superintendent Election,
for Chief Secretary to Government Haryana.

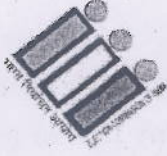
On 6/1/2020

PK (STD)

Chief Secretary's Office

Dy. No.: 160592

Date: 19/12/19



भारत निर्वाचन आयोग ELECTION COMMISSION OF INDIA

दूरभाष सं./Tel.No: 011-23052246

फैक्स/Fax : 011-23052001

वेबसाइट/Website: www.eci.gov.in

सं./No.464/INST/2019/EPS

To

The Chief Secretaries of
All the States/UTs.

निर्वाचन सदन,

अशोक रोड, नई दिल्ली -110001

Nirvachan Sadan, Ashok Road,

New Delhi -110001

दिनांक/Dated: 17th December 2019

(Reference: Letter no. 464/INST/2009-EPS dated 31.03.2009)
Subject: Disciplinary Proceedings against Officials appointed on Election Duty-
regarding.

Sir/Madam,

I am directed to refer to the Commission's letter referred to above and to reiterate hereby the abovesaid instruction on Disciplinary Proceedings against Officials appointed on Election Duty.

2. Your attention is invited to section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951, and the Commission's order no. 4/2001-J.S-II dated 07.02.2001 issued in light of the Order dated 21.09.2000 of the Hon'ble Supreme Court in Writ Petition (C) No. 606 of 1993 (Election Commission of India Vs. Union of India and Ors.), taking on record the terms of settlement arrived at between the Election Commission and Union Government in the matter of disciplinary control of the Commission over officers appointed to perform election duties. Reference is also invited to the OM No. 11012/7/98-Estt (A), dated 08.11.2000 (copy enclosed).

3. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their OM no. 11012 (4)/2008-Estt. (A) dated 28.07.2008 directed that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision.

निर्वाचन शाखा

क्रम संख्या

दिनांक

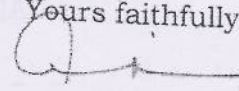
161722

18-12-19

4. Accordingly, it should be ensured that disciplinary authorities should mandatorily consult the Election Commission before closing any matter arising out of disciplinary proceedings initiated on the recommendation of the Commission. Reference in such cases may be routed through the Chief Electoral Officer of the State.

5. The Chief Electoral Officer shall refer each such reference as and when received from the State govt. to the Commission with his/her comments thereon.

Yours faithfully,



(SANJEEV KUMAR PRASAD)
UNDER SECRETARY

Copy to: The Chief Electoral Officers of all States and Union Territories with a direction to bring this to the notice of the Chief Secretary of your State/UT and report compliance.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009-EPS

Dated: 31st March, 2009.

To,

- (1) The Chief Secretaries of
All States and Union Territories.
- (2) The Chief Electoral Officers of
All States and Union Territories.

Sub: - Disciplinary proceedings against officials appointed on election duty.

Sir,

I am directed to state that the Commission has recently received inputs that some of the State Governments are taking or proposing to take, action to suspend or initiate disciplinary proceedings for acts of omission /commission committed by them in past, against certain officers/ officials and Police Personnel who are or likely to be deployed on election duty, on their own without intimating the Commission. The Commission has taken a serious note of it and it does not approve of such unilateral action by the state Govts.

2. Your attention is invited to Sec 13cc of R.P. ACT 1950 and Sec 28A of R.P. ACT 1951, and Commission's Order No. 4/2001-J.S-II dated 07.02.2001 issued in the light of observation of Supreme Court of India Order dated 21.9.2000 in writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and Others), reproduced as item 16 of Compendium of Instruction Vol-III which is available in the Commission's website also.

3. The Commission, having considered the matter has directed that written prior permission of the Commission is mandatory before suspending/ initiating any disciplinary proceedings against officer/official connected with conduct of elections is during the period of election.

4. The CEOs shall refer each such reference as and when received from the State Govt to Commission with their comments.

Kindly acknowledge the receipt.

Yours faithfully

(SUMIT MUKHERJEE)

UNDER SECRETARY