

[Authorised English Translation]

**HARYANA GOVERNMENT**  
**GENERAL ADMINISTRATION DEPARTMENT****Notification**

The 6th July, 2007

**No. G. S. R. 20/Const./Art. 309, 187 and 318/2007.**—In exercise of the powers conferred by the proviso to article 309 and clause (b) of article 318 read with clause (3) of article 187 of the Constitution of India, the Governor of Haryana in consultation with the Speaker of the Haryana Legislative Assembly in so far as such consultation is necessary under the aforesaid provisions, hereby makes the following rules further to amend the Haryana Civil Services (Punishment and Appeal) Rules, 1987, namely :—

1. These rules may be called the Haryana Civil Services (Punishment and Appeal) Second Amendment Rules, 2007.

2. In the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (hereinafter called the said rules), in Rule 4A, in sub rule (1),—

(a) after clause (b), before the existing proviso, the following provisos shall be inserted, namely :—

“Provided that where a Government Employee against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid, unless before the expiry of a period of ninety days from the date from which the employee was suspended, disciplinary proceedings are initiated against him :

Provided further that the competent authority in the matter may, at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing and after seeking the approval of next higher authority allow continuance of the suspension beyond the period of ninety days without the disciplinary proceedings being initiated :”;

(b) in the existing proviso, for the words “Provided that”, the words “Provided further that” shall be substituted.

3. In the said rules, in rule 7,—

(A) in sub rule (2), in the proviso—

- (i) in clause (a), the word “and” existing at the end shall be omitted;
- (ii) in clause (b), for sign “.” existing at the end, the sign “;” shall be substituted;
- (iii) after clause (b), the following clauses shall be added at the end, namely :—
  - “(c) the Inquiry Officer appointed to conduct enquiry shall issue maximum two notices to the charged person to appear before him for presenting his/her case. In case charged persons do not appear after the communication of two notices, the Inquiry Officer shall be competent to proceed *ex-parte* in the matter. However, after considering the circumstances to be recorded, the Inquiry Officer may issue third notice also;
  - (d) as per the Punjab Departmental Enquiries (powers) Act, 1955 (Punjab Act 8 of 1955), the officer conducting enquiry under these rules shall be competent to exercise the same powers for summoning of witnesses and for compelling the production of documents as are exerciseable by a Commission appointed for an enquiry under the Public Servants (Inquiries) Act, 1850 (Act 37 of 1850);
  - (e) in case the competent authority is satisfied with the explanation given by the charged person, it may drop the charge-sheet without resorting to the procedure of conducting enquiry. Similarly if the competent authority after considering the reply of the charged person is of the opinion that awarding of minor punishment shall meet the end of justice, then the authority competent may award minor punishment

without following the procedure of conducting the enquiry.”.

(B) for sub-rule (6), the following sub-rules shall be substituted, namely :—

- “(6) After the enquiry against a Government employee has been completed, the disciplinary authority shall forward or cause to be forwarded a copy of the enquiry report, and where the disciplinary authority does not agree with the enquiry report or any part thereof, the reasons for such disagreement shall be communicated alongwith the enquiry report, to the Government Employee who may submit, if he so desires, a written representation to the disciplinary authority within a period of one month from the date of such communication.
- (7) The disciplinary authority shall consider the representation, if any, submitted by the Government Employee and record its findings before proceeding further in the matter as specified in rule 4.”.

PREM PRASHANT,  
Chief Secretary to Government, Haryana.