

No. FIN(PR)-B(15)-1/2015 (Misc.)
Government of Himachal Pradesh
Finance (Pay Revision) Department.

From

Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh.

To

All the Administrative Secretaries to the
Government of Himachal Pradesh.

Dated: Shimla-171 002, the 22nd September, 2017.

Subject:-

Regarding implementation of Court orders and filing of replies to
the Court cases on behalf of Finance Department.

Sir/Madam,

I am directed to invite a reference to this department's letter No. Fin(PR)-E(1)-1/2004 dated: 24th September, 2010 {available on FD's website}, on the subject cited above, wherein it has been observed that the Court orders/judgments passed in various writ petitions relating to grant of higher pay scales, backwages, regularization from back dates etc. are not being handled/dealt with on priority basis by various Administrative Departments as well as at the Directorate level and the cases are referred to the Finance Department almost at the expiry of the stipulated period specified in the Court orders due to which Finance Department finds it difficult to examine the cases in their right perspective.

2. In order to ensure the timely disposal of Court cases it has been emphasized that the departmental officers working under your administrative control may be asked to deal with such cases on priority basis and in cases where concurrence/advice of the Finance Department is required, the matter may immediately be sent by concerned Administrative Department to the Finance Department

3. Attention is also invited to FD's Office Memorandum No. Fin(PR)E(1)-1/2004 dated: 16th February, 2005 {available on FD's website}, vide which it has been made clear that Finance Department acts as nodal and advisory department in respect of grant of pay scales & other allowances/ benefits/ incentives to the employees of the State Government, creation, upgradation, abolition of posts as well as certain service rules like Fundamental Rules, Pension Rules etc. and issues orders in such matters. Implementation thereof is done at the level of Administrative departments/Heads of the Departments.

4. It has also been seen that in some cases where the Finance Department has also been impleaded as a party, concerned Administrative Department(s) do not file a combined reply inspite of the fact that the position of Rules/ advices/ views/ orders of Finance Department is clear on the departmental file. It has clearly been emphasized/ decided that in all such cases where the Finance Department is impleaded as a party, the primary responsibility for contesting such cases on behalf of the Finance Department will be that of the concerned Administrative Department and reply on behalf of Finance Department would be filed by the concerned Administrative Department/ Head of the Department, as the case may be. It has also been noticed that in certain cases, the advice(s)/opinion(s) of the Finance

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Department have further been conveyed in verbatim either to the Heads of the Departments or to the Courts by the Administrative Departments which is not proper as it shows the lack of application of mind at Administrative Department's level.

5. The above instructions are not being adhered to by Administrative Departments in letter & spirit and incomplete cases are being sent time and again to this Department due to which unnecessary delay is occurred in finalization of Court cases. In addition to this, either the replies on behalf of Finance Department are not being filed by the concerned Administrative Departments or FD's advice(s) are conveyed in verbatim to Courts or subordinate offices. It is, therefore, once again requested that these instructions may please be adhered to scrupulously. Besides, it is requested that views/opinion of Finance Department in those cases which are related to the grant of pay scales, allowances and other financial benefits may invariably be obtained before filing the reply/ affidavit in the Court, if the advice/ comments has been not taken earlier in such/alike cases, so that the stand/views of the Finance Department & Administrative Department concerned are not at variance and the court cases are defended in a proper manner. In case, Hon'ble Court(s) levy the cost(s)/ penalty(s) for not filing the reply to the OA/CWP within stipulated period, the same may be recovered from the concerned officer(s)/ official(s) after fixing the responsibility for slackness in his duties and not complying the instructions issued by the government from time to time.

6. These instructions may please be brought to the notice of all concerned immediately for strict compliance and are also available on <http://himachal.gov.in/finance/PayRevision.html>.

Yours faithfully,



{Rajender Sharma}
Under Secretary (Finance) to the
Government of Himachal Pradesh.

Endst. No. As above.

Dated: Shimla-2, the

22nd September, 2017.

Copy forwarded to the following for information and taking further necessary action:-

1. All the Heads of the Departments in Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Deputy Commissioners in Himachal Pradesh.
4. All the Superintendents of Police in Himachal Pradesh.
5. All the Chief Engineer(s)/ Superintending Engineer(s)/ Executive Engineer(s), Public Works Department/ Irrigation & Public Health Department in H.P.
6. All the Section Officers in Finance Department, H.P. Secretariat, Shimla.



{Rajender Sharma}
Under Secretary (Finance) to the
Government of Himachal Pradesh.

Praveen/Instructions-2017
