

No. Home(Vig.)-E(3)-6/2017-CWPIL-III  
Government of Himachal Pradesh  
Vigilance Department

From

The Chief Secretary to the  
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the  
Government of Himachal Pradesh, Shimla-2.
2. All the Heads of the Departments  
in Himachal Pradesh.

Dated Shimla-2, the

07-02-2019

Subject:- High Court order dated 24.12.2018 in CWPIL No. 111/2017 titled as Court on its own Motion Vs. State of H.P. & others -Instructions thereon regarding posting of officer/official having doubtful integrity to non sensitive or administrative post etc.

Sir/Madam,

Kindly refer to Vigilance Department's letter No. Home(Vig.)-E(3)-14/2010-IV dated 17.12.2018 regarding scheme for maintenance, review and custody of list of public servant of gazetted status of doubtful integrity (which is available in the Vigilance link of Home Department on the Official Website of the State Government). The instructions dated 17.12.2018 have been issued in conformity with Government of India instructions and the CVC Vigilance Manual, 2017. The Hon'ble High Court after going through these instructions in a hearing in CWPIL No. 111/2017 titled as Court on its own Motion Vs. State of H.P. & others on 24.12.2018 has inter-alia passed the following directions:-

*"xxx Government need to evolve a Policy mechanism to ensure that where integrity of the officer/official is under cloud, he should not be given sensitive or administrative posting and it should be ensured that such officer/official does not get an opportunity to tamper with the record or influence the witnesses/officials whose depositions would be relevant in the matter".*

2. Your kind attention is invited to para 5 (i-iv) and 6 of the instructions issued on 17.12.2018, wherein it has been clearly specified that:-

- 5 (i) The officers/officials, having doubtful integrity, should not be posted on sensitive posts except in unavoidable circumstances.
- (ii) In un-avoidable circumstances, the approval of the highest authority in the State i.e. Hon'ble Chief Minister should be obtained before posting of such officers/officials in sensitive posts, even during non-ban period.
- (iii) The fact that the name of officer(s)/official(s) has been included in the "List of Officers of Doubtful Integrity", should be brought to the notice of the Hon'ble Chief Minister while putting up proposals for the transfer/posting of such officers.
- (iv) That, efforts be made continually that such officers, if posted on sensitive posts, are removed from such posts at the earliest opportunity.

Implementation of above decisions may also be reviewed regularly after interval of 6 months.

6. It is always the effort of the Government to avoid posting of officers/officials of doubtful integrity on sensitive posts. However, at times, non-sensitive posts are not available in all cadres and hence it may become unavoidable to post such officers on sensitive posts. Nevertheless, in such cases, the conduct of officers/officials should be closely monitored.

3. In addition to complying with the above directions, it is further requested that where integrity of the officer/official is under cloud, he should not be given sensitive or administrative posting and it should be ensured that such officer/official does not get an opportunity to tamper with the record or influence the witnesses/officials whose depositions would be relevant in the matter.

4. These instructions are applicable to all the Departments, Corporations, Boards & other Autonomous Institutions etc. under your control and accordingly, it is requested to kindly bring these instructions to the kind notice of all concerned for strict compliance.

5. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

  
(B.K. Agarwal)

Chief Secretary to the

Government of Himachal Pradesh

Endst. No. As above Dated Shimla-171002, the

07-02-2019

Copy to the following for kind information and necessary action to:-

1. All the Divisional Commissioners in Himachal Pradesh.
2. All the Heads of Departments in Himachal Pradesh.
3. All the Deputy Commissioners in Himachal Pradesh.
4. All the Chairmen/Managing Directors/Secretaries and Registrars of all the Public Sector Undertakings/Corporations/Boards/Universities in H.P.
5. The Additional Director General, State Vigilance & Anti Corruption Bureau, Himachal Pradesh, Shimla-171002.

  
07/02/2019  
(Sanjay Kundu)

Principal Secretary (Vigilance) to the  
Government of Himachal Pradesh