To

All Administrative Secretaries to the
Government of Himachal Pradesh

Dated Shimla-2, the 11-1-2016

Subject:- High Courts order dated 18-11-2013 in CWP No. 4916/2010 Sher Singh Vs State of H.P. & others (Instruction thereof –regarding posting of officers/officials having doubtful integrity).

Sir/Madam,

I am directed to refer to this department letter of even number dated 25-11-2013 (which can be downloaded from the Vigilance link of Home Department in the official website of State Government) and subsequent reminders dated 23-06-2014 & 05-08-2015 on the subject cited above and to inform that :-

1. The criteria for treating any officer/official as officer/official having doubtful integrity was specified vide this departments letter No. Home (Vig) A (9)-1/2-11 (Doubtful Integrity) dated 25th April, 2011 (which can be seen in the Vigilance link of Home Department on the official website of State Government). In the 2nd. Para of said letter, it was clearly specified that:-

"the name of those officers/officials are to be included in these lists who have
been (i) either convicted by the court or against whom criminal proceedings are pending in the court or (ii) who have been awarded major penalty after departmental action or against whom departmental proceedings for major penalty are in process at department level or (iii) who have been prosecuted but have been acquitted on technical grounds and in whose case on the basis of evidence during the trial, there remained a reasonable suspicion about their integrity”.

The purpose of such lists was also specified as (i) to ensure that officers appearing on the list of ODI (Officers of doubtful integrity) are not posted to “sensitive” assignments, (ii) to withhold certificate of integrity, (iii) to ensure non-promotion, after consideration of case of official to a service grade or post to which one is eligible for promotion etc. etc.

2. 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 posts which can not strictly be done as non-sensitive.

3. The Hon’ble High Court of H.P. while hearing the CWP No. 4916/2010 titled Sher Singh Vs State of H.P. & others, had directed the state Government to avoid
posting of officers/officials of doubtful integrity on sensitive posts.

4. In view of Hon’ble High Court’s directions, an advisory was issued by this department to all the Administrative Secretaries vide this department letter of even number dated 25-11-2013 (which can be seen in Vigilance link of Home Department on official website of State Govt.) conveying the following decisions of Government:-

(i) The officers/officials, having doubtful integrity, should not be posted on sensitive posts except in unavoidable circumstance.

(ii) In un-avoidable circumstances, the approval of the highest authority i.e. Hon’ble Chief Minister should be obtained before posting of such officers/officials on 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.

In this regard, you are again requested to ensure that the above said decisions are adhered strictly by the departments, corporation, Boards & other autonomous institutions etc. under your control and implementation of said decisions is also reviewed regularly after interval of 6 months.

Yours faithfully,

[Signature]

Special Secretary (Vigilance) to the Government of Himachal Pradesh.
No. Home (Vig) E (3)-14/2010-Part-IV
Government of Himachal Pradesh
Department of Home (Vigilance)

From

The Addl. Chief Secretary (Home/Vigilance) to the
Government of Himachal Pradesh.

To

All Administrative Secretaries to the
Government of Himachal Pradesh.

Dated Shimla-2, the 30-01-2016

Subject:-

The High Court's direction in CWP No. 4916/2010 Sher Singh Vs
State of H.P. & others (regarding completion of departmental
proceedings within stipulated period of three months).

Sir/Madam,

I am directed to refer to refer the subject cited above and to inform that
on the directions of Hon'ble High Court in CWP No. 4916/2010, State of H.P. & others, the
instructions (regarding completion of departmental enquiries within 3 months from the date of
1st hearing taken by the Inquiry Officer) were issued vide this department letter of even number dated 17th September, 2011, (Copy enclosed for ready reference). The Hon'ble High
Court was assured that the departmental proceedings shall be concluded within three months
from first hearing before the enquiry officer. This stand of Government was appreciated by the
Hon'ble Court.

In this regard, you are again requested to kindly ensure that :-

(i) the departmental enquiries/proceedings against officers/officials,
involved in Vigilance cases are completed within 3 months from
the date of 1st hearing taken by the Inquiry officer.

(ii) the status of such enquiries/proceedings is reviewed regularly by
the departments, Corporations, Boards & other autonomous
institutions under your control after interval of 6 months.

Yours faithfully

[Signature]

Special Secretary(Vigilance) to the
Government of Himachal Pradesh.
No. Home(VigE(3) 14/2010(Part-II)
Government of Himachal Pradesh.
Department of Home(Vigilance)

From

The Addl. Secretary-cum-Director (Vigilance) to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the
   Government of Himachal Pradesh.
2. All Head of Departments/MDs, Board
   Corporation, Himachal Pradesh.
3. All Divisional Commissioners/Deputy
   Commissioners, Himachal Pradesh.

Dated Shimla-2, 7th September, 2011

Subject:-

High Court’s order dated 6-9-2011 in CWP No.
4916/2010, Sher Singh Vs State of H.P. & other-
(regarding departmental inquiries against
Government Officers who are involved in
Vigilance Cases.)

Sir,

I am to enclose herewith a copy of order passed by
the Hon’ble High Court on 6-9-2011 in CWP No. 4916/2010, Sher Singh
Vs State of H.P. & other whereby in the last para, the Hon’ble Court has
mentioned as under:--

"The learned Addl. Advocate General is
also directed to get instructions in all
those cases where the Vigilance has
registered cases involving Government
officers, as to whether there was
departmental inquiry and what is the time
taken for completion of the inquiry and file
affidavits by the concerned."
The matter was listed on 12th September, 2011 and the Hon'ble Court allowed 15 days time to file the requisite affidavit by concerned on the above point.

In order to comply the said direction of the Hon'ble Court, you are requested to kindly ensure that:

I. Departmental enquiries, if any, against officers/officials involved in under investigation Vigilances cases, are completed within 3 months from the date of 1st hearing taken by the Inquiry Officer.

II. An affidavit regarding status & time taken in completion of departmental enquiries against officers/officials, involved in under investigation Vigilances cases is filed in the Hon'ble High Court through the Advocate General, H.P., Shimla well before 27th September, 2011

THIS MAY BE GIVEN TOP PRIORITY BEING THE HIGH COURT MATTER.

Yours faithfully,

Addl. Secretary-cum-Director(Vig.) to the Government of Himachal Pradesh.


Copy to the Dy. Advocate General, Himachal Pradesh, Shimla-171001 along with copy of High Court order dated 6-9-2011 for information and is requested to kindly sought more time for filing of requisite affidavit regarding status & time taken in completion of departmental enquiries against officers/officials, involved in under investigation Vigilances cases from the Hon'ble High Court as the same is to be filed by all disciplinary authorities in state, which may take some more time.