

No.Per(AP-B)E(5)-1/98
Government of Himachal Pradesh
Department of Personnel(Apptt-II)

From

The Additional Chief Secretary(Personnel) to the
Government of Himachal Pradesh

To

1. All the Administrative Secretaries to the
Government of Himachal Pradesh.
2. All the Heads of Departments in H.P.
3. All the Managing Director/Member Secretary/
Commissioner/Secretary/Chief Executive Officer of
Boards/Corporations/Councils/Authority/Municipal
Corporations/Co-Operative Banks in Himachal
Pradesh.

Dated: Shimla-2, 25th, August, 2020

Subject

**Defending of writ petition by the H.P. Public
Service Commission.**

Sir/Madam,

I am directed invite your attention to this Department's letter of even number dated 20.11.1998 (copy enclosed) vide which procedure was devised to defend the writ petitions in which Commission alone or alongwith some other Department(s) are impleaded as respondent/defendant. It has come to the notice that the above procedure laid down in the instructions ibid are not been followed/ adhered to in letter and spirit. Moreover, after the enactment of HPPSC (Additional Functions) Act, 2018, various Boards, Corporations, Autonomous bodies and State Co-operative Banks etc. are also required to act accordingly.

Hence, the parameters to defend cases where the HP Public Service Commission is impleaded as Respondent are devised in the following manner :-

- (i) The Commission will itself defend suits or petition in which the Commission as such is impleaded as a defendant/respondent and no one else is impleaded as a defendant/respondent.
- (ii) In the matters, where the Commission has been impleaded as Respondent alongwith other Department(s) where particularly the "Recruitment Process" is challenged, the case shall be defended by the Commission itself and the other departments/Respondents will adopt the reply of the Commission.

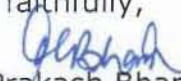
J. B. Sharma

(iii) In respect of following categories of cases, the Commission need not to defend the suits/ petitions and the department concerned alone will defend the suits/proceedings. However, the replies framed by the Department concerned may be shown to the Commission before submission in the Court concerned so that the paras concerning the Commission are vetted by it:-

1. Suits or proceedings in which the Public Service Commission is made a defendant/respondent alongwith other parties such as Union/State Government.
2. Suits or proceedings in which the Members and/or officers of the Public Service Commission are joined as defendants/respondents by designations.
3. Suits or proceedings in which the Member and/or officers of the Public Services Commission are impleaded as defendants/respondents by name.

Therefore, all the Departments, Boards, Corporations, Autonomous Bodies, State Co-operative Banks etc. under the Government of Himachal Pradesh etc. are requested to adhere to these instructions strictly in future.

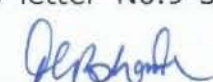
Yours faithfully,


(Om Prakash Bhandari)
Joint Secretary(Personnel) to the
Government of Himachal Pradesh
Tel. No.0177-2626097

Endst. No. As above

Dated:- 25-08-20

Copy forwarded to Secretary, HP Public Service Commission for information with reference to his letter No.9-36/2019-PsC(R-IV)-1298 dated 16.12.2019.


(Om Prakash Bhandari)
Joint Secretary(Personnel) to the
Government of Himachal Pradesh
Tel. No.0177-2626097

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No.Per(AP.B)E(5)-1/98
Government of Himachal Pradesh
Department of Personnel(Apptt.II)

Dated Shimla-2, 20th November, 1998

From

Commr.-cum-Secretary (Personnel) to the
Government of Himachal Pradesh

To

1. All Administrative Secretaries to the Government of Himachal Pradesh
2. All the Heads of Departments in H.P.

Subject:

Defending of writ petition by the H.P. Public Service Commission.

Sir,

Jai Hind.

In continuation of this departments letter No.7-4/71-DP(Apptt.II) dated 3rd January, 1975 on the subject cited above and to say that it has come to the notice of the Government that some departments are not following the instructions issued vide letter referred to above earnestly which is creating unnecessary correspondence and burden on State Exchequer. The following procedure is prescribed to defend the writ petitions in which the Commission alone or alongwith some other Departments is cited as respondent / defendant :-

1. Suits or petitions in which the Commission as such is impleaded as a defendant / respondent and no one else is impleaded as a defendant / respondent.

It has been decided that the Commission will itself defend such suits by engaging a Counsel of their own choice.

2. Suits or proceedings in which a Public Service Commission is made a defendant / respondent alongwith other parties such as Union / State Government.
3. Suits or proceedings in which the Members and / or Officers of the Public Service Commission are joined as defendants / respondents by designations.

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4. Suits or proceedings in which the Members and / or Officers of the Public Service Commission are displeaded as defendants/ respondents by name.

In respect of cases falling under the categories referred to at (2) to (4) above, the Commission in such cases need not to defend the suits and the Departments concerned alone will defend the suits / proceedings. However, the replies framed by the Departments concerned may be shown to the Commission before submission in the Court concerned, so that paras concerning the Commission are vetted by it.

These instructions may please be adhered to in future strictly.

Please acknowledge receipt.

Yours faithfully,

J. K. Mehta

Under Secretary (Personnel) to the
Government of Himachal Pradesh.

Endst No.Per(AP.B)E(5)-1/98 Dated Shimla-2, 20th Nov., 1998

Copy forwarded to the Secretary, H.P. Public Service Commission, Shimla-171 002 with reference to his letter No. 8-4/84-PSC dated 26.10.1998 for information please.

N. K. Mehta
Under Secretary, Personnel to the
Government of Himachal Pradesh.