

No. PER (AP) C-A (3)-4/2018
Government of Himachal Pradesh
Department of Personnel (AP-III)

From

The Chief Secretary to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, Shimla-2

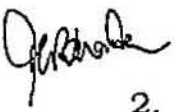
Dated: Shimla-171002, the 25th June, 2021.

Subject: - Regarding cadre of Law Officers in various Government
Departments.

Madam/Sir,

I am directed to refer to the subject cited above and to say that the proposals from various departments relating to up-gradation of post of Law Officers on the analogy of Sonia Banyal case are being received in this department. The erstwhile Hon'ble H.P. Administrative Tribunal, vide its judgment in OA No.5858 of 2017- Sonia Banyal Vs. State of HP and ors had passed the following orders on 04.04.2018:-

"15. While parting, we deem it proper to impress upon respondent No.1 (State), through the Chief Secretary to the Government of Himachal Pradesh, to look into the entire matter in a holistic manner and take steps for formulation of Recruitment & Promotion Rules alongwith provision for a hierarchical set up of promotion for such like posts in the concerned departments of the State Government in the light of the law laid down by the Hon'ble Supreme Court and followed by our own Hon'ble Court in judgments referred to hereinabove"



2. In various departments, only one or two posts of Law Officers exist and it is observed that in most of the departments, benefit of promotion to the post of Deputy Director (Legal) has already been given to the existing Law Officers, on the analogy of decision of the erstwhile Hon'ble H.P. Administrative Tribunal in the matter of Smt. Sonia Banyal. There are instances that the Law Officers have been promoted as Deputy Director (Legal) instead of making promotion first to the level

of Sr. Law Officer, followed by Assistant Director (Legal) and thereafter to the level of Deputy Director (Legal).

3. In order to ensure opportunity of career advancement, the Department of Personnel has issued instructions in July, 2017 vide which No Objection was conveyed to the departments for considering the proposal of upgradation of existing post(s) of Legal Assistant/Law Officer by the concerned Administrative Department(s) by providing promotion avenues to the incumbents working on these posts, as a measure personal to the incumbent, in consultation with the Finance Department with prior approval of the Council of Ministers.

4. There already exists the posts/cadre of Assistant District Attorneys in the Prosecution Department to be filled up from amongst the eligible Law Graduates by direct recruitment with channels available for further promotion to the posts of Deputy District Attorney, District Attorney and Joint Director.

5. **The matter was considered by the CMM and it has been decided to declare the cadre of Law Officers existing in various Government Departments, as a dying cadre.** In the case of incumbents already working in such Government department(s), opportunity of advancement can be ensured by providing promotional avenue to the incumbents by up-gradation of their existing post(s), as a measure personal to the incumbent, keeping in view merit of each case. (In future, new post(s) shall be sanctioned in the Department of Prosecution, from where the Officers shall be deployed on secondment basis to various Government departments.)

6. Accordingly, in future whenever a post/services of a legal officer is/are required in any department, requisition for placement of service of a suitable officer on secondment basis may be sent to the Home (Prosecution) Department after consulting Finance Department and taking approval of the competent authority so that a post is created in the Home (Prosecution) Department for the purpose. The respective

Administrative Secretaries may write to Home Department for creation of appropriate number and level of positions of Attorneys as will be required when the position will become available on retirement/vacancy of the present incumbents.

7. It is therefore, requested that necessary steps for implementation of the Cabinet decision may kindly be taken forthwith.

Yours faithfully,



(O.P. Bhandari)
Joint Secretary (Personnel) to the
Government of Himachal Pradesh.
Telephone No. - 0177-2626097

Endst. No. As above. Dated: Shimla-171002, the 25th June, 2021.

Copy to:-

1. The Addl. Chief Secretary (Home-Prosecution) to the Government of Himachal Pradesh, Shimla-2 alongwith a copy of the memorandum considered and approved by the Cabinet in its meeting held on 24-05-2021.
2. The Secretary (GAD) to the Government of Himachal Pradesh, Shimla-2 w.r.t. Item No.11 of the Cabinet meeting held on 24-05-2021 for kind information.



(O.P. Bhandari)
Joint Secretary (Personnel) to the
Government of Himachal Pradesh.
