

No. Per(AP-B)E(2)-1/2006  
Government of Himachal Pradesh  
Department of Personnel(AP-II)

From

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

To

1. All Administrative Secretaries to the  
Government of Himachal Pradesh.
2. All Head of Departments in Himachal Pradesh .

Dated Shimla-2, the 14<sup>th</sup> November, 2011.

**Subject:-** Petitions relating to personnel matters filed in Courts,  
Administrative Tribunals etc. handling of.

I am directed to invite your attention to this  
Department OM No. Per(AP-II)E(3)-2/83, dated 28<sup>th</sup> April, 1989  
(copy enclosed) on the subject cited above and to say that it has  
come to the notice of the Government that the instructions  
contained therein should be strictly followed.

Any deviation to these instructions will be viewed  
seriously and action will be initiated against defaulting  
officers/officials.

Yours faithfully,

*M. Man.*

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

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COPY OF DOP O.M. NO. PER(AP-II)E(3)-2/83, DATED 28<sup>TH</sup> APRIL, 1989 ADDRESSED TO ALL SECRETARIES AND HEADS OF DEPARTMENTS IN THE STATE.

Subject:- Petitions relating to personnel matters filed in Courts, Administrative Tribunals etc.- handling of.

The undersigned is directed to say that while the Department of Personnel is nodal department responsible for formulating policies and framing rules relating to pre-mature retirement, seniority, promotion, disciplinary proceedings, reservation for scheduled castes, scheduled tribes, ex-servicemen etc. and other aspects of personnel administration, the administrative departments are responsible for considering individual cases of Govt. servants and issuing appropriate orders thereon in accordance with the rules and instructions on the subject and in consultation with the Department of Personnel if considered necessary.

2. A number of petitions are filed by the Government servants in the H.P. Administrative Tribunal challenging the orders issued by the administrative Departments in individual cases in which the relevant rules and instructions on the basis of which the impugned orders have been issued are also challenged. In most of these cases the Department of Personnel is also impleaded as one of the respondents for the reasons that the relevant rules and instructions were issued by the Department of Personnel or that the impugned orders were issued in consultation with this Department.

3. The existing practice is that in all such cases the petitions contested by the administrative departments concerned both on its behalf as also on behalf of the Department of Personnel, if necessary, in consultation with the latter. However, in some cases, the administrative departments insisted on the Department of Personnel for defending the

Government action on the ground that the rules/instructions challenged in the petitions were issued by this department. This is not the correct procedure to follow. Since each case is to be contested on the basis of the specific facts and circumstances relevant to it, the administrative department will be in a better position to defend the case. If however, any clarification is required on the interpretation or application of the rules or instructions relevant to the case, the concerned department may consult the Finance Department in matters relating to the subjects assigned to F.D. including pension and other matters relating to seniority, promotion etc. the Department of Personnel be consulted. Such consultation can include vetting of the relevant paras of the draft replies and such references will be handled with utmost priority in the Department of Finance and Personnel. However, the primary responsibility for contesting such cases on behalf of the Government will be that of the administrative departments concerned.

4. The above instructions may be brought to the notice of all concerned for compliance.

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