

From:

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

To,

1. All Administrative Secretaries, to the
Government of Himachal Pradesh,
Shimla-171002.
2. All the Divisional Commissioner, H.P.
3. All the Head of the Department, H.P.
4. All the Deputy Commissioner, H.P.

Dated, Shimla-171001

1-5-1999.

Subject: Un-authorized drawal of salaries of employees by
the DDOs in various departments in Himachal Pradesh.

Sir,

I am directed to say that some time past it has been observed that as a result of faulty orders/ implementation more than one official joins at a station against a post whereas such posts remain vacant at other places. Further it has also come to the notice of the Government that even most of the departments allow the officials to work at a particular station over & above the sanctioned strength, and their salary is drawn from the station where such vacancies are lying vacant.

This action on the part of Departments not only creates financial irregularities thereby inviting unnecessary audit objections, but also leads to overstaffing at one station & understaffing at other stations. Further, this practice is also depriving the population of the needy areas of services of the officials who are infact paid from these stations, but are working at other stations.

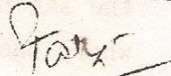
This practice prevailing in the Department has been viewed seriously by the Government and it has been decided to discontinue this practice. In order to ensure the implementation of

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the decision of the Government, it has also been decided that in future all Drawing and Disbursing Officers shall record a certificate on the salary bill to the effect that the officials have actually worked at the station shown in the bill during the month for which salary is being claimed. A bill without this certificate shall not be passed. Any deviation from these instructions shall render the concerned Drawing and Disbursing Officer and Treasury Officers liable for disciplinary action. These instructions may please be brought to the notice of all Drawing and Disbursing Officers and District Treasury/ Treasury and Sub Treasury officers working under your control.

It is also requested that a detailed report in this regard be sent to this Department within a week for consideration of the Government.

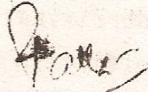
Yours faithfully,


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

Ends.No.Per(AP-B)F(10)-1/99

Dated, 1-5-1999.

Copy forwarded to the All Managing Director, Boards/ Corporations in the Himachal Pradesh for necessary action in the matter.


Joint Secretary(Personnel) to the
Government of Himachal Pradesh.
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No.Per(AP-B)F(10)-1/99-loose
Government of Himachal Pradesh
Department of Personnel(AP-II)

From

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

To

1. All Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171002.
2. All Heads of the Department, Himachal Pradesh.
3. All Deputy Commissioner, Himachal Pradesh.
4. All Managing Directors, Boards/Corporation in Himachal Pradesh.
5. All Registrar of Universities, Himachal Pradesh.

Dated: Shimla-171002

27th July, 2000.

Subject:- Un-authorized drawal of salaries of employees by the DDOs in various Departments in Himachal Pradesh.

Sir,

Jai Hind.

I am directed to say that necessary instructions on the above subject were issued vide this Department letter of even No. dated 1st May, 1999 wherein it was stressed that the pay of the Government servants may be drawn only from the stations where they have actually worked. It has been brought to the notice of this Department by the Finance Department that large number of cases are being received by them from various Departments for drawal of salaries of the surplus staff against vacancies in relaxation of the provisions of aforesaid instructions.

The matter regarding identification of surplus staff as well as drawal of their salaries was under consideration of the Government for some time past.

Now, after due consideration and in consultation with the Finance Department, it has been decided that in future the Administrative Departments shall identify the surplus employees and decide drawal of their salaries at their own level keeping in view the following guidelines:-

1. The employee who has been transferred and posted to another station and joins there as per norms, but the incumbent against whom he has been posted ..2..

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and who evaded such orders shall be treated as surplus. However, in case such employee obtains stay from Court, another person who has been transferred and posted against him shall be treated as surplus. The employees who are going to retire within next six months, are staying there may not be termed as surplus.

2. Salary shall be released only in such cases of surplus employees against vacancies where final adjustment has been made or the employee has retired from service or is due to retire within next six months.
3. In all ^{such} cases, the surplus period shall be treated as leave of the kind due.
4. In order to provide adequate opportunity to the concerned employees for adjustment, the period of surplus shall begin after one month from the date of joining of substitute.
5. In case of posting of Two employees at one place, the concerned DDO/ HOD shall take immediate steps for adjustment and relieving of surplus employees to enable them to join at their new places of posting. Court cases shall be followed on top priority basis.

You are, therefore, requested that these instructions may be brought to the notice of all concerned for strict compliance.

Please acknowledge receipt.

Yours faithfully,

D. K. Jambhale
Under Secretary (Personnel) to the
Government of Himachal Pradesh.
on file

Ends.No.Per(AP-B)F(10)-1/99-loose dated, Shimla-2 27th July, 2000.

Copy to the Under Secretary (Finance Regulation) to the Government of Himachal Pradesh Shimla-171002 for information with reference to his U.O.No.Fin(C)B(7)-8/98 dated 25th May, 2000.

D. K. Jambhale
Under Secretary (Personnel) to the
Government of Himachal Pradesh.
on file

No.Per(AP-B)F(10)-1/99 Loose
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, Shimla-171 002
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. All Managing Directors of Boards/ Corporations in Himachal Pradesh.
6. All Registrar of Universities in Himachal Pradesh.

Dated Shimla-171 002

1st December, 2005

Subject : Un-authorized drawal of salaries of employees by the DDOs in various Departments in Himachal Pradesh.

Sir,

I am directed to invite a reference to this department letter of even number dated 27th July 2000 on the subject cited above and to say that the Sr. No. 4 of Para-3 of the above instructions provide that the period of surplus will begin after one month from the date of joining of substitute. It has been brought to the notice of the Government that this provision has been giving rise to Court cases in the eventuality where an employee has got stay orders from the Court/ Tribunal. The matter has been examined and it has been decided that, in future, if a transferred employee gets the transfer order stayed from the Court/ Tribunal against the employee who has joined there in compliance of Government orders, in that case the period of surplus shall begin after three months from the date of joining of substitute. In such cases the salary for this period will be drawn against the vacant post available elsewhere. However, the

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Department concerned shall take immediate steps for vacation of stay from the Court/ Tribunal. If the stay has been granted for valid reasons, the process of adjustment of surplus employee must be initiated at once.

The instructions referred to above may be deemed to have been modified to this extent .

You are, accordingly requested to bring these instructions to the notice of all concerned for compliance in letter and spirit.

Please acknowledge receipt.

Yours faithfully,

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

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No.Per(AP-B)F(10)-1/99-Loose
Government of Himachal Pradesh
Department of Personnel (AP-II)

From

Secretary (Personnel) to the
Government of Himachal Pradesh.

To

The Pr. Secretary (Education) to
The Government of Himachal Pradesh,
Himachal Pradesh, Shimla-2.

Dated Shimla-171002

2nd June, 2010

Subject : Un-authorized drawl of salaries of employees by
the DDOs in various Departments in Himachal
Pradesh.

Sir,

I am directed to refer to the subject cited above and to say that with a view to curb the tendency of permitting two officials to work at a particular station over & above the sanctioned strength and drawing of their salaries un-authorizedly from the station where such posts are lying vacant thereby creating financial irregularities, a uniform guidelines were issued vide this Department letter of even No. dated 1.5.1999 to all Administrative Secretaries, all Divisional Commissioners, HODs and all DCs for compliance. These guidelines were further elaborated vide this Department letter of even No. dated 27th July, 2000 and 1st December, 2005 and it was pressed upon that all Departments may adhere to these instructions/guidelines while deciding the cases for drawl of salaries of employees rendered surplus due to faulty orders or stay granted by the Hon'ble Court. Since these guidelines could not solve the specific situations prevailing in Education Department particularly in the cadre of Teachers, an independent instructions/guidelines were issued by them vide their letter No. Shiksha-II (Kha) 71-2004 Vol- I dated 17th


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June, 2004 which were further re-iterated vide their letter dated 11.8.2008.

The matter as to whether the Education Department may be permitted to regulate the adjustments on transfers if two teachers joins at same station either due to administrative reasons or stay granted by the Hon'ble Court and drawl of their salaries has been considered in this Department and after taking into consideration the peculiar conditions prevailing in Education Department particularly in the cadre of teachers it has been decided that the instructions/guidelines issued by this Department vide letter referred to above shall not be applicable in the case of teachers in Education Department.

Accordingly the instructions issued by the Department of Personnel vide letter referred to above shall not be applicable in the case of teachers in Education Department henceforth. However, their cases shall be decided and regulated under the policy/instructions already issued by the Education Department.


Yours faithfully,


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

Endst.No. Per(AP-B)F(10)-1/99-Loose 2nd June, 2010.

Copy for information is forwarded to:-

1. All Administrative Secretaries to the Government of Himachal Pradesh.
- 2 All Heads of Departments, Himachal Pradesh.
- 3 All Divisional Commissioner, Himachal Pradesh.
- 4 All Deputy Commissioner, Himachal Pradesh.
- 5 All the Chief Executive Officer/ Managing Director, Boards/Corporation and Autonomous Bodies, Himachal Pradesh.
- 6 All Registrar of Universities, Himachal Pradesh.


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

From

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

To

1. All Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171 002
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh.
5. All the Chief Executive Officer/Managing Directors of Boards/ Corporations and Autonomous Bodies in Himachal Pradesh.
6. Registrars of All Universities in Himachal Pradesh.

Dated Shimla-171 002 15th June, 2010

Subject : Un-authorized drawal of salaries of employees by the DDOs in various Departments in Himachal Pradesh.

Sir,

I am directed to invite a reference to this department letter of even number dated 27th July 2000 and 1st December, 2005 on the subject cited above vide which detailed instructions/ guidelines have been issued to regulate the drawal of salaries of those employees who are rendered surplus in the event when two employees are allowed to function at a particular post for one reason or the other.

The Hon'ble High Court has made the following observations in C.M.P 4114 of 2010, C.W.P. 2843/ 2010 and C.M.P No. 4112/2010 titled as Leena Sharma V/s State of H.P. & others.

" In many of the cases, two incumbents are working in the same post, only for the reason that an incumbent, who is transferred to a station is permitted to join duty without duly relieving the person already occupying the post. That is a highly unhealthy practice. We


make it clear that an incumbent transferred to a station, shall not be permitted to occupy the transferred post without duly relieving the person already occupying the post. If the Controlling Officer does not comply with this procedure, the salary of one of the incumbents will be drawn from the salary of the Controlling Officer".

It is, therefore, requested that the above observation of the Hon'ble High Court, may please be brought to the notice of all concerned for strict compliance.

The instructions referred to above may be deemed to have been modified to this extent .

Please acknowledge receipt.

Yours faithfully,


Deputy Secretary (Personnel) to the
Government of Himachal Pradesh