

No. 28/4/94-IH(7)-2013/
Chandigarh Administration
Department of Personnel

13887

Chandigarh, dated the

30/7/13

17940

To

DP/GMCH-
32

All the Administrative Secretaries/
Head of Departments/Offices/Institutions/
Boards/Corporations,
Chandigarh Administration.

- 1 AUG 2013

Subject: Implementation of judgement given in the case of Mohan Singh Vs. Punjab State and others (CWP No.15230 of 2012)(O&M).

Since the miscellaneous work is being dealt/marked to the Establishment Branch-IV. Hence, may forward the PUC in original to circulate the same with the direction to comply the instructions laid down while issuing/passing any orders relating to suspension/imposing punishment etc under PCS (Punishment & Appeal) Rules, 1970 if so approved.

Sir/Madam,

I am directed to address you on the subject noted above and to state that a Government employee may prefer an appeal against all or any of the orders mentioned in Rule 15 of Punjab Civil Service (Punishment & Appeal) Rules, 1970. If under the Punjab Civil Services (Punishment & Appeal) Rules, 1970 any punishment is given to the accused officer/official, then the orders dated 09.08.2012 passed by the Hon'ble Punjab & Haryana High Court in C.W.P. No.15230 of 2012 (O&M) titled Mohan Singh Vs. State of Punjab and others should be kept in mind. The main paragraph of the judgement is as under

"To avoid any such occasion in future and also with a view to guide the employees regarding their statutory right to file appeal or avail of any other remedy in accordance with the applicable Rules/Regulations, it would be appropriate if authority, which passes the order of punishment or any other order, specifically mentions therein on the top or in the end that an appeal against the order is maintainable to the designated authority and even the period for availing such a remedy."

2. It has been noticed that generally while passing any orders relating to suspension/imposing punishment etc. under the Punjab Civil Services (Punishment & Appeal) Rules, 1970 as are applicable to the employees of U.T. Chandigarh, the name and designation of the Appellate Authority and the period by which the appeal can be preferred against the impugned order are not mentioned, resulting into non-availing the opportunity of preferring an appeal by the affected employee. This practice is not in consonance with the judgement of the Hon'ble High Court in the case of Mohan Singh Vs. State of Punjab & other referred to above.

3. It has now been decided by the Chandigarh Administration that as and when any order under the Punjab Civil Services (Punishment & Appeal) Rules, 1970 or under any other rule is passed, the name and designation of the Appellate Authority and the period within which the appeal can be preferred be indicated on the top or at the end of the order.

V.O.
OS, E-X
AL
18/8/13
R/L

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No. 160812
Dated

J.P.T

4. The contents of this communication may kindly be brought to the notice of all officers/officials working under your control for strict compliance.
5. These instructions will be applicable with immediate effect.

Yours faithfully,


Additional Secretary Personnel,
Chandigarh Administration.

Endst. No. 28/4/94-IH(7)-2013/ 13888

Dated: 30/7/13

A copy is forwarded to all the Administrative Branches of the Chandigarh Administration Secretariat for strict compliance.


Additional Secretary Personnel,
Chandigarh Administration

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH
(Hospital Building), Sector 32-B Chandigarh-160030 (Ph: 0172-2665253-59, Fax: 0172-2608488)
(ESTABLISHMENT BRANCH-IV)

Endst. No. GMCH-E-IV-EA-1(24/2)-2013/ 30429-116 Dated, Chandigarh the 23 AUG 2013

A copy is forwarded to the Computer Programmer, GMCH, Chandigarh with a request to e-mail the same to the followings for information and strict compliance:

1. All HOD's, GMCH-32, Chandigarh.
2. The HOD/MRD & IT Centre, GMCH-32, Chandigarh.
3. The Deputy Medical Superintendent- I & II, GMCH, Chandigarh.
4. Incharge, Dept. of Pharmacy, GMCH-32, Chandigarh.
5. The Deputy Controller (F&A), GMCH-32, Chandigarh.
6. The Assistant Registrar (Academic), GMC, Chandigarh.
7. The Assistant Controller (F&A)-I & II, GMCH-32, Chandigarh.
8. The Section Officer (Accounts) & Section Officer (Audit), GMCH, CHD.
9. The S.O-II, GMCH-32, Chandigarh for necessary arrangements.
10. The Nursing Superintendent, GMCH-32, Chandigarh.
11. The Assistant Dispensary Superintendent, GMCH, Chandigarh.
12. The Chief Dietician, GMCH, Chandigarh.
13. All Office Superintendents, GMCH-32, Chandigarh.
14. The Law Officer/Legal Cell & RTI Cell, GMCH, Chandigarh.
15. The Acting Librarian, GMCH, Chandigarh.
16. The Computer Programmer, GMCH, Chandigarh.
17. The In charge Communications, GMCH, Chandigarh.
18. PA to DP/ADA/MS for kind information of the DP/ADA/MS.


Additional Director (Admn.)