

circumstances. Such applications, if granted, in most, if not in all cases, be subject to the condition of immediate retirement. Applications from officers to take up such employment should be carefully examined in the Secretariat.

The principle underlying these orders applied to all services, but in the case of members of All India Services, the sanction of Government of India is necessary. While forwarding such a request the views of the State Government should be specifically communicated to the Government of India in the Ministry of Home Affairs.

43. *Acceptance of private employment by Government employees retirement* :—While there are no definite rules on the subject, it is desirable that retired Government employees, especially gazetted officers, if they want to accept directorships, partnerships or agencies, or of employment by, any company or firm or individual engaged in commercial business, or associated with the management of land in India, within two years of their retirement, should obtain the consent of the State Government under whom they were serving before retirement. In a case in which a retired officer was appointed by one Government, and his proposed employment lies in the jurisdiction of another, the decision will rest with the later Government after consultation with the former.

(B. file No. 187 (H. Gazette) 1924.)

44. *Employment of Class IV Government employees as private Servant* :—Class IV Government employees should not be burdened with 'beggar' of any kind. Where an individual Class IV Government employee applies for permission to engage in or under takes other work outside office hours on receipt of remuneration and the Head of Department/office concerned is satisfied that engagement on such duties will not interfere with the applicants, official duties such an application may be considered on merits, on the analogy of rule 75 of the Haryana Government Employees' Conduct Rules, 1945, under which it is permissible for higher classes of Government employees to undertake such work and thereby to supplement their income. These employees should not, however, behind the excuse of work outside office hours, be employed on menial household duties such as sweeping of rooms, cleaning of utensils and cooking of meals etc. Those indulging in using Class IV employees as private servants shall be liable to severe disciplinary action as laid down in Haryana Government letter No. 287-IGSI 72/3104, dated the 8th Feb., 1972.

45. *Imposition of penalties and fines on Government Employees* :—The recognised forms of penalties which may be imposed by competent authority on Government employees, other than Class IV Government employees, are laid down in the Civil Services (Punishment and Appeal) Rules. These rules do not recognise the imposition of fines as a form of punishment. It is, therefore, irregular to impose fines on Government employees whether Gazetted or non-gazetted.

Similarly fines cannot be imposed on class IV Government employees.

46. *Personal Files* :—(1) The Joint/Deputy Secretary, Secretariat Establishment shall maintain for each Secretaries to Minister and Under Secretary (on HSS Cadre), and the Under Secretary, Secretariat Establishment shall like-wise maintain for each Private Secretary, P.A.s, Stenos and Superintendents, Dy.

Superintendents, Assistants, Clerks, Restorers etc. etc, a personal file (in prescribed forms). This will be a record of annual or periodical reports earned by the officers/officials as also commendation, censure or punishment, awarded. These officers shall keep these files confidential and entries there in shall be taken into account in all questions affecting increments (efficiency bar), promotion, confirmation, retention in service beyond the age of 50/55 years, grant of pension (including D.C.R.G.).

2. In March, every year blank forms (prescribed for this purpose), referred to above, shall be supplied to the various concerned reporting officers/officials who happen to have worked under them during the reporting year for more than three months.

3. An officer on leaving Secretariat should, if he has not done so within six months previously during the reporting year, record his opinion on the work and conduct of an officer/official (officers/officials) working under him/her. Officer/officials are forbidden from approaching a reporting officer on his/her transfer from the Secretariat to write such reports on plain papers or on prescribed forms supplied to him/her by such officers/officials. If a reporting officer wants to write such reports he/she should request the under/ Deputy Secretary, Secretariat Establishment to supply him/her with the necessary forms for this purpose. On receiving such requisition, the under Secretary, Secretariat Establishment shall have the matter examined to make sure that the action of the officer in writing such report(s) is in order, before the form(s) is (are) supplied to him/her.

4. The work and conduct of an officer/official shall be reported on by at least two officers. However, in the case of Clerk, Stenos, Drivers, Peons, etc. who exclusively work under one officer, report shall be recorded by such an officer. Reports on the work and conduct of Assistant shall be initiated by Deputy Superintendent. While in the case of PAs reports shall be initiated by their Private Secretaries/Secretaries to Ministers or other officers under whose subordination they have worked for more than 3 months during the reporting years.

(5) While recording a report on the work and conduct of an official, the reporting officer should state whether the officer/official concerned has been able satisfactorily to discharge the duties assigned to him/her and whether he/she is able, conscientious, hard working and the degree of the qualities in these directions, punctual, has maintained discipline, is accessible and hears and deals with complaints properly and is also courteous in his/her behaviour. The report should also specifically bring out any defects remediable or otherwise, so that a complete picture of the official's/officer's work including favourable and unfavourable points is available.

(6) Very slight defects should be brought to officers/officials notice verbally in the way of advice and guidance and need not find mention in annual confidential reports, unless they are of a type which have been more than once brought to his/her attention to which he/she never the less persists in. The reporting authorities should give their remarks in the confidential reports on the basis of their personal knowledge or assessment. Where complaints are received against an officer/official reported upon during the year, the reporting officer should give indication whether he believes the complaints to be true or false or that it is premature for him/her to form a definite opinion. It should be clearly stated if the official

reported upon is suspected of corruption or is belied to be corrupt and this opinion should generally be substantiated, by reasons, which may be in the possession of the reporting officer. The reporting officer must be quite honest and frank and discuss an officer's/officials worth from the point of view of his/her integrity openly and frankly. However, any ill considered remarks in this respect may do a lot of mischief and harm.

(7) If an officer(s) relinquishes the charge of his post during a reporting year on account of his transfer or retirement(b) one of his subordinates is transferred or retires during the reporting year, such officer may record remarks in the personal files of the officer(s)/official(s) subordinate to him in respect of the relevant period of the reporting year, provided he/she has not recorded such remarks previously in respect of the same reporting year. Such remarks should be recorded by the retiring officer before the date of his retirement and by other officer as early as possible and in any case before the end of the reporting year concerned.

8. The report(s) written during the middle of the reporting year shall not be forwarded to the successor of the reporting authority, if any, for recording his report but will be submitted for the remarks of the reviewing/accepting authority at the close of the financial year along with the report recorded by the next reporting authority, if any. Thus these reports will be dealt with only at the end of the reporting year and in the same manner as reports for the entire year.

(9) An officer under suspension shall not be competent to record confidential reports of the work and conduct of his/her previous subordinates and officer who has retired from service will not be competent to report remarks in the confidential reports of the officer(s)/official(s) who worked under him or her.

(10) Recognising the good work of an officer/official by a letter of appreciation is a sound and important practice but such letter should not be issued indiscriminately. It should be done in real deserving cases to encourage good work and at the end of prescribed reporting period on an overall assessment of the officer's/official's whole work. It is essential that the greatest care should be taken to limit the number of commendatory letters, and to grant them only in cases really deserving of notice. At least two authorities when there are two or more such competent authorities, should make the recommendation in clear terms. The work proposed for commendation should be clearly indicated and sufficient details given in support thereof so that the justification for the issuance of appreciation letter could be properly examined by the Chief Secretary to Govt. Haryana.

(11) In regard to the communication to subordinate officer/officers in civil employ of unfavourable remarks made by their superiors in annual or other reports of a periodical nature, some general but specified principles need be followed. When report is built up on the individual opinion as noted of different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which should be considered from the point of view of communication. Subordinate officers should not at any time be kept ignorant of the reporting officer's opinion. Where his/her service is not considered satisfactory; criticism should be communicated promptly and should indicate in suitable language, the nature of defects in question. The reporting officer should specifically state whether the defects reported have already been brought in any other communications to the notice of the Subordinate officers concerned. Great attention need be paid to the manner and method of communication in order to ensure that the advice given,

shall having regard to the temperament of the subordinate officer concerned, be most beneficial to him/her. The subordinate officer concerned should be made known briefly, in a sentence or part sentence, the general total impression of his/her report so as to avoid anxiety to him/her on this account.

(12) It is not the intention that even these adverse remarks which have been washed out by the remarks of some superior authority including Ministers should be conveyed. The correct position is that only the adverse remarks recorded or endorsed by the highest authority report on an officer's/official's work and conduct should be communicated where an adverse remarks has not been specifically denied by a higher authority. It should be conveyed. It is, however, open to that authority to decide that any adverse remarks need not be communicated. Where it is so decided, a specific order to this effect should be recorded. Remarks which show the overall assessment of the work of an officer/official as 'average' without any other qualifying word or phrase, should not be treated as adverse and need not be communicated to him.

(13) Where a subordinate officer concerned has been conveyed un-favourable remarks on the basis of a particular annual or periodical report, by no means such communication of adverse remarks is to encourage making representations against them. There can, however, be cases where the adverse remarks made/conveyed are not bonafide or are based on patent error of fact. Such representation calls for examination and where the preliminary examination of the representation does not prima-facie establish that the adverse remarks are malafide or based on a patent error of fact the representation should be disposed of accordingly. In other cases, the representation should be examined on merits after calling for the comments of the concerned reporting officer. Expunction of adverse remarks should be resorted to only in exceptional cases. Detailed procedure, time limit for filing of representations, authorities to whom representations should be addressed etc. laid down by Government in consolidated instructions regarding writing of confidential reports, should be followed in all cases.

(14) Government have also issued, from time to time, instructions as to which documents/communications etc., are to be placed on the personal files of the concerned officers/officials, as also which documents are not to be placed on personal files. Detailed instructions in this regard contained in consolidated instructions regarding confidential reports, shall be effective.

(15) Each personal file, apart from the reports, copies of documents communications etc. to be placed on it, shall contain an index which shall indicate the details of the various reports, documents etc. placed on the personal files.

(16) Personal files of retired Government employees shall be kept for a period of 10 years after their retirement. In respect of those Government employees who resign their appointments or are discharge or dismissed from service or who die while in service, the personal files should be kept for a period of three year from the date of their resignation or discharge or dismissal or death as the case may be destroyed after the aforesaid periods, provided to claim cases is pending in respect of such employees.