

267. *Application for commutation of pension* :—Applications for commutation of pension are not to be examined and put up for orders until orders sanctioning that pension have been issued to the Accountant General and P.P.O. issued by him.

268. *Expenditure against the Secretariat Grant* :—When it is proposed to incur any expenditure which is to be debited to one of the Haryana Civil Secretariat Grants, prompt intimation of the fact should be communicated to the Under Secretary/Deputy Secretary (General) to enable him to submit in time application for additional grants, if required.

APPENDIX 'A'

(Para 259)

No. 7473-73-75/14433

From

The Chief Secretary to Govt. Haryana,
Chandigarh.

To -

- (i) All Heads of Departments in Haryana,
Commissioners, Ambala & Hissar Divisions
All Deputy Commissioners, D.I.G. (CID) &
Sub Divisional Officers.
- (ii) Registrar, Punjab & Haryana High Court,
Chandigarh and All District & Sessions
Judges, in Haryana.

Dated, Chandigarh the 8th June, 1976.

Subject :—Verification of Character & Antecedents of persons before their first appointment to Govt. service.

Sir,

I am directed to invite reference to Haryana Government letters No. 2087-7S-75/9680, dated 16-4-75 and No. 9393-7S-75/37226, dated 24-12-1975, on the subject cited above and to forward herewith the following two communications received from the Department of Personnel & Administrative Reforms, Government of India, New Delhi :—

- (a) Letter No. 18011/I(S)/75 Estt.(B) dated 1-8-75.
- (b) O.M.No. 18011/I(S)/75-Estt (B) dated 1-8-75.

2. It has been decided that the instructions contained in the above two references should be strictly followed in respect of candidates seeking employment under the State Govt. as well.

3. Your attention is particularly invited to the following points in the instructions :—

- (a) Normally, as a rule, all appointments should be made only after the character and antecedents of the person to be appointed have been verified but if a candidate is appointed under exceptional circumstances without prior verification of character etc. then no indication (either orally or in writing) should be given to the candidate that his appointment or retention in service is subject to satisfactory verification.

(b) Appointments made, if any, under exceptional circumstances, without prior verification of the character etc. shall be on a purely provisional basis.

(c) If under exceptional circumstances as mentioned in sub-para (a) above, an appointment is made without verification of character and antecedents, then simultaneously with the appointment, necessary steps should be taken to have the character and antecedents verified and should it become necessary to terminate the services on account of adverse reports received subsequent to the appointment, the fact that action is being taken on the result of a false report should not be divulged to the employee nor should the nature or substance of the report received from the police be communicated under any circumstances to the employees.

(d) Reference to the District Magistrate/D.I.G., C.I.D. for verification of character and antecedents should be in the standard form as prescribed by the Government of India and annexed to O.M. dated 1-8-75 referred to above (at Form I).

(e) In order that proper identity of the candidate is established, photograph(s) of the candidate must also be forwarded along with the reference to the Supdt. of Police/D.I.G., C.I.D.

(f) Suitability of candidates for appointment to Civil Posts should be determined in the light of principles laid down by the Government of India in their O.M. No. 18011/1(8)/75-Estt. B, dated 1-8-1975 (copy enclosed)

4. It has been brought to the notice of the State Government that in the matter of verification of character and antecedents, the time schedule laid down in para 4 of the State Government letter No. 1824-S-69/9201, dated the 22nd May, 1969, is not being strictly adhered to. Amongst other reasons, this may be due to the fact that the attestation forms which are to be sent by the department direct to the District Superintendent of Police and the D.I.G., C.I.D. are in some cases being sent to the District Magistrate. This is not in accordance with the procedure laid down in the letter referred to above. While addressing the District Magistrate regarding verification of character and antecedents, one copy each of the attestation form is to be sent direct by the department concerned to the District Superintendent of Police and the Deputy Inspector General of Police, C.I.D. who after doing the needful have to send the papers to the District Magistrate. The attestation forms are not to be sent direct to the District Magistrate. It has also come to notice that in most of the cases only one attestation form is being sent, whereas instruction provide for the despatch of two attestation forms. The idea of prescribing time schedule is to cut down delay in verification of character and antecedents to the minimum, but by not following the procedure prescribed therein, the departments concerned are themselves causing additional delay. I am directed to bring these instructions to your notice once again for strict compliance. Default in this behalf will be seriously viewed.

5. You are requested to bring these instructions to the notice of all officers under your control including the quasi-Government organisations, public sector undertakings, autonomous bodies etc. and request them to comply with these instructions scrupulously.

Copy of letter No. 18011/1(S) 75-Estt.(B), dated 1-8-75 from the Director, Government of India, Cabinet Secretariat Department of Personnel & Administrative Reforms, New Delhi to the Chief Secretaries of all States & Administrations in Union Territories, etc.

Subject :—Verification of Character and antecedents of candidates selected for appointment to Civil posts under the Govt. of India—Secrecy of police reports and criteria to be observed in determining the suitability.

Attention is invited this Department's Secret O.M.No. 18011/1(S)/75-Estt.(B) dated 1-8-1975 (copy enclosed) on the subject noted above reiterating the criteria to be observed for determining the suitability of candidates for appointment. I am to request that the State Govt. may advise the authorities concerned to verify the character and antecedents of the candidates selected for appointment under the Central Govt. regarding whom references are made by the authorities concerned, to the State Govt., with specific reference to the criteria mentioned at (a) and (b) of para 1 of MHA OM No. 3/8(S)/67-Estts. (B), dated 27-9-67, which have also been reiterated in the enclosed O.M.

2. It is also suggested that the State Govt. may consider reiterating their instructions, if any, adopting similar principle in regard to the verification of character and antecedents of candidates being considered for appointment to civil posts under the State Government.

3. In actual practice, it has been observed that it takes a long time for completing the formalities of verification of character and antecedents and sometimes it was not possible to wait till the procedure of verification was completed particularly when large number of candidates have to be appointed every year. The State Governments are requested to impress on all the authorities concerned under the State, the need for expediting the verification of character and antecedents of candidates. If these are expeditiously verified the need for appointing persons in Government service without verification of their character and antecedents will be obviated.

4. The receipt of this letter may please be acknowledged and the action taken by the State Government in this regard may please be intimated at an early date.

Copy of letter No. 18011/1(S)/75-Estt. (B), dated the 1st August, 1975 from the Director, Government of India, Cabinet Secretariat Department of Personnel & Administrative Reforms, New Delhi to All Ministries/Departments of the Government of India etc. etc.

Subject :—Verification of Character and Antecedents of candidates selected for appointment to Civil Posts under the Government of India—Secrecy of police reports and criteria to be observed in determining the suitability.

Attention of the Ministries/Departments is invited to the various instructions contained in the Brochure on verification of Character and Antecedents of candidates selected for appointment to civil posts under the Govt. of India as also to subsequent instructions laying down the procedure to be followed in this regard and in particular to the Minister of Home Affairs (now Deptt. of

Personnel & AR) OM No. 3/8(S)/67 Estt. B, dated 27th September, 1967 which inter alia lays down the criteria to be observed in determining the suitability of candidates to be appointed to Civil posts under the Central Government. It has been brought to notice that in certain cases, the appointing authorities made appointment of candidates without prior verification of Character and Antecedents and later, on receipt of verification reports, failed to observe the prescribed criteria in determining the suitability of candidates for appointment to civil posts under the Central Govt. Furthermore in some cases the contents of the police reports were also made known to the appointees or their attorneys and were also produced before the courts of Law. The termination of services of the appointees with adverse reports in such cases where proper procedure as prescribed was not followed by the authorities concerned has been criticised in certain courts and has also caused various administrative difficulties. This matter has been carefully reviewed in the light of the observations made by the court and it has been decided that all authorities concerned should in future scrupulously follow the various instructions prescribed in this regard by Government.

2. Instructions already exist that no indication (either orally or in writing) should be given to any candidate who is appointed under exceptional circumstances without prior verification of Character etc. that the appointment or retention in service is subject to satisfactory verification of character and antecedents. It has also been laid down that in cases where it becomes necessary to terminate the services on account of adverse reports received subsequent to the appointment, the fact that action is being taken on the results of a police report should not be divulged to the employees nor should the nature or substance of the report received from the police be communicated under any circumstances to the employee. In this connection attention is invited to M.P.A. (now Deptt. of Personnel & AR) Office Memo No. 36/39/54 Estt. B dated February 12, 1958 and OM No. 3/2/58 Estt. B dated August 13, 1955.

3. All Ministries are requested to bring the above instructions to the attention of candidates Government's service. In this regard as brought out in the OM dated 27th September, 1967 referred to in Para 1 above is that no person should be considered unfit for appointment solely because of his political opinions but care has to be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Persons who are actively engaged in subversive activities including members of any organisations, the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Govt. An individual may be considered unsuitable for public employment only on the ground of his actual participation in or association with any objectionable activity or programme. Specifically, the following shall be considered undesirable for employment in civil posts in the public services :—

- (a) Those who are or have been, members of, or associated with, anybody or association declared unlawful after it was so declared, or
- (b) Those who have participated in, or association with, any activity or programme—
 - (i) aimed at the subversion of the Constitution, or