

No. 13/3/97-2GSI

From

The Chief Secretary to Government, Haryana.

To

1. All the Heads of Departments, Commissioners Ambala, Rohtak, Gurgaon & Hisar Divisions.
2. All Deputy Commissioners & Sub-Divisional Officers (Civil) in Haryana.
3. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 4th December, 1997.

Subject — Judgment/directions of the Hon'ble and Haryana High Court in LPA No. 782 of 1996 filed by the Punjab Government in the CWP. No. 10866 of 1992 titled as Darshan Singh Sandhu and others Vs. State of Punjab

Sir,

I am directed to invite your attention to the subject noted above and to say that Hon'ble Punjab & Haryana High Court in the LPA. No. 782 of 1996 filed by the Punjab Government in CWP. No. 10866 of 1992 titled as Darshan Singh Sandhu & others Vs. State of Punjab has passed the following judgement/ directions :—

" The State while granting such entitlement which accrues from the statutory provisions governing the conditions of service of employees, it is expected that State would act fairly, judiciously and would respect the statutory rules framed and strictly implement them. Compliance to Rules and fairness in State action is the basis of administrative/executive actions. Even if the State wishes to accommodate certain officers, we are of the considered view that it has no authority to issue instructions contrary to the Rules of instructions which would frustrate, undermine or negate the spirit of Rules. Changing of qualifications prescribed under the Rules by administrative instructions would be contrary to the settled principle of law and would suffer from lack of inherent jurisdiction."

2. In view of the above judgement/directions of the Hon'ble Punjab & Haryana High Court, it should be taken care of while issuing instructions on any subject that instructions are in no way contrary to the Rules or would frustrate, undermine or negate the spirit of Rules.

3. It is requested that the above judgement/directions of Hon'ble Punjab & Haryana High Court may be brought to the notice of all concerned for their information and strict compliance.

Yours faithfully

Sd/-

(R. D. Gugnani)

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.

A Copy is forwarded to all the Financial Commissioners/Commissioners & Secretaries to Government, Haryana for information and necessary action.

Sd/-

Under Secretary, General Administration,
for Chief Secretary to Government, Haryana.