

From

The Chief Secretary to Government Haryana.

To

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

Dated Chandigarh, the 31st May, 2006.

Subject:- Regarding consideration of promotion during the currency of stoppage of increments.

.....

Sir,

I am directed to refer to the subject noted above and to invite your attention to para-2 of the Haryana Government instructions issued vide letter No.3508-4GS1-1-73/18540, dated 19.7.73 which inter-alia provide that if an employee has been awarded punishment of stoppage of one or more grade increments and his turn comes up for promotion during the currency of stoppage of his grade increment(s), the decision for his eligibility for promotion or otherwise should be taken keeping in view his overall record and he should be considered fit for promotion if his over all record makes him eligible for promotion notwithstanding the fact that the punishment awarded to him becomes ineffective on his promotion.

2. In a judgement of the Hon'ble Supreme Court in the case of State of Tamilnadu Versus Thiru K.S. Muragesan & others (C.A.Nos.3432-33 of 1995) decided on 28.2.1995, reported as 1995(3)RSJ 271, this Hon'ble Court has held that:-

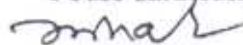
“.....Unless the period of punishment gets expired by efflux of time, the claim for consideration during the said period cannot be taken up. Otherwise, it would amount to retrospective promotion which is impermissible under the Rules and it would be a premium on misconduct. Doctrine of double jeopardy has no application and non-consideration is neither violative of Article 21 nor Article 14 read with Article 16 of the Constitution”

3. The State Government has considered the matter in the light of aforesaid judgement and it has been decided that no promotion should be allowed to any employee during the currency of punishment of stoppage of his grade increment(s). The instructions issued vide

letters No.6034-2GS1-71/32498, dated 18.11.71 and No.3508-4GS1-1-73/18540, dated 19.7.73 shall stand modified to the extent indicated above.

These instructions may be brought to the notice of all concerned for their information and strict compliance.

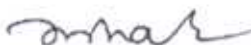
Yours faithfully,



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

21/5

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.



Deputy Secretary General Administration,
for Chief Secretary to Government Haryana

To

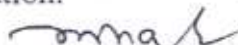
21/5

All the Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana.

U.O.No. 13/2/2006-2GS1 Dated Chandigarh, the 31st May, 2006.

Endst.No. 13/2/2006-2GS1 Dated Chandigarh, the 31st May, 2006.

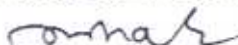
A copy is forwarded to All the Managing Directors of all the Boards/
Corporations and Public Undertakings for their information.



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

21/5

A copy is forwarded to Principal Secretary/Additional Principal Secretary I & II/ OSD-I & II/ Senior Special Private Secretary/ Senior Private Secretary/ Private Secretary to Chief Minister/ Deputy Chief Minister/ Ministers for information.



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

To

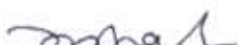
21/5

Principal Secretary/Additional Principal Secretary I & II/ OSD-I & II/
Senior Special Private Secretary/ Senior Private Secretary/ Private
Secretary to Chief Minister/ Deputy Chief Minister/ Ministers.

U.O.No. 13/2/2006-2GS1 Dated Chandigarh, the 31st May, 2006.

Endst.No. 13/2/2006-2GS1 Dated Chandigarh, the 31st May, 2006.

A copy is forwarded to all the Superintendents/ Section Officers/ Deputy Superintendents and other officers in Haryana Civil Secretariat and Financial Commissioner's office for information and necessary action.



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

21/5