

**PERSONNEL ATTENTION**  
**MOST URGENT**

No. Home (Vig) E (3)-14/2010-Part-IV  
Government of Himachal Pradesh  
Department of Home (Vigilance)

To

All Administrative Secretaries to the  
Government of Himachal Pradesh

Dated Shimla-2, the 11-1-2016

Subject:- High Courts order dated 18-11-2013 in CWP No. 4916/2010 Sher Singh Vs State of H.P. & others (Instruction thereof -regarding posting of officers/officials having doubtful integrity).

Sir/Madam,

I am directed to refer to this department letter of even number dated 25-11-2013 (which can be downloaded from the Vigilance link of Home Department in the official website of State Government) and subsequent reminders dated 23-06-2014 & 05-08-2015 on the subject cited above and to inform that :-

1. The criteria for treating any officer/official as officer/official having doubtful integrity was specified vide this departments letter No. Home (Vig) A (9)-1/2-11 (Doubtful Integrity) dated 23<sup>rd</sup> April, 2011 ( which can be seen in the Vigilance link of Home Department on the official website of State Government). In the 2<sup>nd</sup>. Para of said letter, it was clearly specified that:-

**“the name of those officers/officials are  
to be included in these lists who have**

been (i) either convicted by the court or against whom criminal proceedings are pending in the court or (ii) who have been awarded major penalty after departmental action or against whom departmental proceedings for major penalty are in process at department level or (iii) who have been prosecuted but have been acquitted on technical grounds and in whose case on the basis of evidence during the trial, there remained a reasonable suspicion about their integrity”.

The purpose of such lists was also specified as (i) to ensure that officers appearing on the list of ODI (Officers of doubtful integrity) are not posted to “sensitive” assignments., (ii) to withhold certificate of integrity, (iii) to ensure non-promotion, after consideration of case of official to a service grade or post to which one is eligible for promotion etc. etc.

2. It is always the effort of the Government to avoid posting of officers/officials of doubtful integrity on sensitive posts. However, at times, non-sensitive posts are not available in all cadets and hence it may become unavoidable to post such officers on posts which can not strictly be done as non-sensitive.
3. The Hon’ble High Court of H.P. while hearing the CWP No. 4916/2010 titled Sher Singh Vs State of H.P. & others, had directed the state Government to avoid



posting of officers/officials of doubtful integrity on sensitive posts.

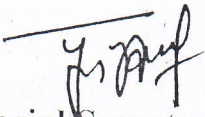
4. In view of Hon'ble High Court's directions, an advisory was issued by this department to all the Administrative Secretaries vide this department letter of even number dated **25-11-2013** (which can be seen in Vigilance link of Home Department on official website of State Govt.) conveying the following decisions of Government:-

- (i) The officers/officials, having doubtful integrity, should not be posted on sensitive posts except in unavoidable circumstance.
- (ii) In un-avoidable circumstances, the approval of the highest authority i.e. Hon,ble Chief Minister should be obtained before posting of such officers/officials on sensitive posts, even during non-ban period.
- (iii) The fact that the name of officer(s)/official (s) has been included in the "List of Officers of Doubtful integrity" should be brought to the notice of the Hon'ble Chief Minister while putting up proposals for the transfer/posting of such officers.
- (iv) That efforts be made continually that such officers, if posted on sensitive posts, are removed from

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such posts at the earliest  
opportunity.

In this regard, you are again requested to ensure that the above said decisions are adhered strictly by the departments, corporation, Boards & other autonomous institutions etc. under your control and implementation of said decisions is also reviewed regularly after interval of 6 months.

Yours faithfully,

  
Special Secretary (Vigilance) to the  
Government of Himachal Pradesh.

Personal Attention  
Urgent

No. Home (Vig) E (3)-14/2010-Part-IV  
Government of Himachal Pradesh  
Department of Home (Vigilance)

From

The Addl. Chief Secretary (Home/Vigilance) to the  
Government of Himachal Pradesh.

To

All Administrative Secretaries to the  
Government of Himachal Pradesh.

Dated Shimla-2, the

30-01-2016

Subject:-

The High Court's direction in CWP No. 4916/2010 Sher Singh Vs  
State of H.P. & others (regarding completion of departmental  
proceedings within stipulated period of three months).

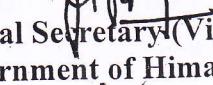
Sir/Madam,

I am directed to refer to refer the subject cited above and to inform that on the directions of Hon'ble High Court in CWP No. 4916/2010, State of H.P. & others, the instructions (regarding completion of departmental enquires within 3 months from the date of 1<sup>st</sup>. hearing taken by the Inquiry Officer) were issued vide this department letter of even number dated 17<sup>th</sup>. September, 2011, (Copy enclosed for ready reference). The Hon'ble High Court was assured that the departmental proceedings shall be concluded within three months from first hearing before the enquiry officer. This stand of Government was appreciated by the Hon'ble Court.

In this regard, you are again requested to kindly ensure that :-

- (i) the departmental enquires/proceedings against officers/officials, involved in Vigilance cases are completed within 3 months from the date of 1<sup>st</sup>. hearing taken by the Inquiry officer.
- (ii) the status of such enquiries/proceedings is reviewed regularly by the departments, Corporations, Boards & other autonomous institutions under your control after interval of 6 months.

Yours faithfully

  
Special Secretary (Vigilance) to the  
Government of Himachal Pradesh



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**PERSONAL ATTENTION**  
**MOST URGENT**  
**TIME BOUND**  
**HIGH COURT MATTER**

No. Home(VigE(3)14/2010(Part-II)  
Government of Himachal Pradesh.  
Department of Home(Vigilance)

From

The Addl. Secretary-cum-Director (Vigilance) to the  
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the  
Government of Himachal Pradesh.
2. All Head of Departments/MDs, Board  
Corporation, Himachal Pradesh.
3. All Divisional Commissioners/Deputy  
Commissioners, Himachal Pradesh.

Dated Shimla-2, 17<sup>th</sup> September, 2011

Subject:-

High Court's order dated 6-9-2011 in CWP No.  
4916/2010, Sher Singh Vs State of H.P. & other-  
(regarding departmental inquiries against  
Government Officers who are involved in  
Vigilance Cases.)

Sir,

I am to enclose herewith a copy of order passed by  
the Hon'ble High Court on 6-9-2011 in CWP No. 4916/2010, Sher Singh  
Vs State of H.P. & other whereby in the last para, the Hon'ble Court has  
mentioned as under:--

"The learned Addl. Advocate General is  
also directed to get instructions in all  
those cases where the Vigilance has  
registered cases involving Government  
officers, as to whether there was  
departmental inquiry and what is the time  
taken for completion of the inquiry and file  
affidavits by the concerned."

(37) (170)

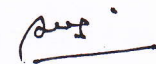
The matter was listed on **12<sup>th</sup> September, 2011** and the Hon'ble Court allowed **15 days time** to file the requisite affidavit by concerned on the above point.

In order to comply the said direction of the Hon'ble Court, you are requested **to kindly ensure that:-**

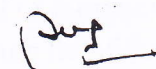
- I. Departmental enquiries, if any, against officers/ officials involved in under investigation Vigilances cases, are completed within 3 months from the date of 1st hearing taken by the Inquiry Officer.
- II. An affidavit regarding status & time taken in completion of departmental enquiries against officers/officials, involved in under investigation Vigilances cases is filed in the Hon'ble High Court through the Advocate General, H.P., Shimla well before 27<sup>th</sup> September, 2011

**THIS MAY BE GIVEN TOP PRIORITY BEING THE HIGH COURT MATTER.**

Yours faithfully,

  
 Addl. Secretary-cum-Director(Vig.) to the Government of Himachal Pradesh.  
 Endst. No. Home(VigE(3)14/2010(Part-II), dated 17-9-2011.

Copy to the Dy. Advocate General, Himachal Pradesh, Shimla-171001 alongwith copy of High Court order dated 6-9-2011 for information and is requested to **kindly sought more time for filing of requisite affidavit regarding status & time taken in completion of departmental enquiries against officers/officials, involved in under investigation Vigilances cases from the Hon'ble High Court as the same is to be filed by all disciplinary authorities in state, which may take some more time.**

  
 Addl. Secretary-cum-Director(Vig.) to the Government of Himachal Pradesh.