

CWP No. 2017 of 2015 (O&M)

Rattan Chand vs State of Punjab and others

Present: Mr. V. K. Sandhir, Advocate, for the petitioner.
Mr. Pavit Singh Mattewal, Addl. Advocate General, Punjab.
Mr. Jasmeet Singh Bedi, Addl. Advocate General, Haryana.

In pursuance to the order dated 9.2.2015 passed by this Court, affidavits of Sarvesh Kaushal, Chief Secretary, Punjab, and Depinder Singh Dhesi, Chief Secretary, Haryana, have been filed in Court. The same are taken on record.

It has been stated in the affidavit filed by Depinder Singh Dhesi, Chief Secretary, Haryana, that the Punjab Civil Service Rules, amended upto June, 2011, have been compiled by the Finance Department and printed as Compendium of Instructions, Volume-IX. Soft version thereof is available on the website of Finance Department, Haryana. The amendments made subsequently are also available on the website of the Finance Department, Haryana. It has further been submitted that re-drafting of Civil Services Rules is under process, hence, printing of the Rules at this juncture may render them useless in a couple of months.

Mr. Jasmeet Singh Bedi, learned Additional Advocate General, Haryana submitted that upto date amended Service Rules pertaining to the State Government Employees shall be uploaded on the website of Finance Department within a period of four months. As and when any amendment is carried out in the Rules, the same shall be incorporated in the Rules available on the website so that a person requiring a copy of the Rules can have the upto date version. He further submitted that all regulations/instructions issued by the departments shall also be uploaded on the website. In the process it shall be ensured that there are no instructions issued which run contrary to the Service Rules. All pending draft rules shall be finalised at the earliest and notified.

The Chief Secretary, Haryana, shall also call a meeting of the heads of the State owned Boards/ Corporations to sensitize them to do the same exercise within a period of four months, namely, uploading all Service Rules/ Regulations/ Instructions issued by them on their concerned websites.

In the affidavit filed by Sarvesh Kaushal, Chief Secretary, Punjab, it has been stated that the job of up-gradation of Punjab Civil Rules has been entrusted to Baldev Singh, Deputy Controller, Finance & Accounts (retired) on 19.12.2014 and the same is expected to be completed within a period of five months therefrom.

Mr. Pavit Singh Mattewal, learned Additional Advocate General, Punjab, submitted that all regulations/instructions issued by the departments shall also be uploaded on the website within four months. In the process it shall be ensured that there are no instructions issued which run contrary to the Service Rules. All pending draft rules shall be finalised at the earliest and notified.

The Chief Secretary, Punjab, shall also call a meeting of the heads of the State owned Boards/ Corporations to sensitize them to do the same exercise within a period of four months, namely, uploading all Service Rules/ Regulations/ Instructions issued by them on their concerned websites.

On request of learned counsel for the States, adjourned to 30.3.2015.

To be shown in the urgent list.

24.2.2015
vs

(Rajesh Bindal)
Judge

113

CWP No.2017 of 2015

Rattan Chand Vs. State of Punjab and others

Present:- Mr. V.K. Sandhir, Advocate
for the petitioner.

Learned counsel for the petitioner submits that though the Rule quoted in the writ petition is not the appropriate Rule for the purpose of defining family pension, which is Rule 6.17 (and not Rule 6.16-B), the said Rule, i.e. Rule 6.17 of the Punjab Civil Services Rules, Vol-II, as amended vide notification dated 18.04.1991, states that marriage after retirement will be recognized for the purpose of the Scheme.

It is to be noted that, as already stated by this Court many a time over, in cases which have come up recently, the Government publication of the Punjab Civil Services Rules, as has been made available to this Court, is only corrected up to 31.03.1984, which is almost 31 years ago.

The relevant Rule in the present case, as referred to above, given in the Government publication, is to the effect that marriage after retirement will not be recognized for purposes of the Scheme.

In view of the above, this Court had almost dismissed the present petition, till learned counsel produced a copy of a publication by a non-governmental agency, showing the amendment dated 18.04.1991 aforesaid.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Roopam Aggarwal, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice

on behalf of the respondents.

Though earlier also, in another writ petition, this Court had directed the Chief Secretary to file his affidavit as to what he proposes to do with regard to publication by the Punjab Government, of the Punjab Civil Services Rules, with upto date amendments, so far such affidavit has not come up before this Court, possibly because the date in the said case is still some way off.

Consequently, the Chief Secretary, Punjab, is directed to file his personal affidavit, giving therein as to by when a fresh publication by the Government will be issued, with amendments up to date, of the Punjab Civil Services Rules.

Though this matter pertains to the State of Punjab, the same problem exists with the State of Haryana, though in the case of Haryana, the amended Rules are up till 29.02.1992, i.e. also 23 years prior to today.

Consequently, notice be issued to the Chief Secretary, Government of Haryana, who would also file his affidavit as aforesaid.

On the asking of the Court, Dr. Sushil Gautam, learned Deputy Advocate General, Haryana, who is present in Court, accepts notice.

Mr. Rajbir Sehrawat, Advocate, who is present in Court, has apprised this Court that a large number of Rules are available on the websites of various departments of the Government of Haryana, though not exhaustively, and sometimes the said part of the website is inaccessible.

If the Governments of Punjab and Haryana are facing any difficulty, financially or otherwise, in immediately publishing the amended version of the Punjab Civil Services Rules, as applicable to each State, a simple solution could be, as suggested by Mr. Sehrawat, scanning of the Rules with the amended provisions and uploading the same onto the website of the Department of Personnel of each State.

Both the Chief Secretaries would respond to the above suggestion also, in their affidavits.

Adjourned to 24.02.2015.

In case the affidavits are not filed by the next date of hearing, the Chief Secretaries of both the States, shall remain present in Court.

The above said order has been necessitated, in view of the fact that time and again, constantly, the same problem is coming up, with no solution forthcoming from the Government and, on the Administrative side, when this matter was taken up with the Government, by the Registry of this Court, the Governments have given absolutely no commitment with regard to publication of a fresh set of the Rules.

A copy of this order be given to both the learned State counsel, under signatures of the Court Secretary of this Bench.

February 09, 2015
vcgarg

(Amol Rattan Singh)
Judge