

A module  
on  
**HARYANA CIVIL SERVICES RULES 2016**  
**PUNISHMENT AND APPEAL**  
**EMPLOYEES CONDUCT**  
&  
**APAR/ACR**



National Centre for School Leadership



विद्यालय नेतृत्व अकादमी  
राज्य शैक्षिक अनुसंधान एवं प्रशिक्षण परिषद्, हरियाणा  
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## **PART-A: HARYANA CIVIL SERVICES (PUNISHMENT AND APPEAL) RULES 2016**

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These rules cover procedure for imposing penalty on a Government Employee in case of misconduct.

### **PUNISHING AUTHORITY**

- Authority competent under these rules or respective service rules regulating the appointment and conditions of the services of ge, to impose any of the penalties (minor or major) specified in the rules on a government employee.

### **MINOR PENALTIES**

- Warning with copy in the personal file.
- Censure [*expression of severe displeasure*]
- Withholding of promotion for a specified period up to one year.
- Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders.
- Withholding of increment(s) without cumulative effect.

### **MAJOR PENALTIES**

- Withholding of increment(s) with cumulative effect.
- Withholding of promotion for specified period more than one year.
- Reduction to a lower stage in the pay scale for a specified period, with the specific directions as to whether normal increment shall be admissible or not during the currency of the specified period of reduction, and further, whether on the expiry of period of reduction his pay is to be restored or not.
- Reduction to a lower pay structure, post or service for a period of more than one year from which he has been promoted which shall ordinarily be a bar to the promotion of the GE to the pay structure, post or service from which he was reduced, with pay structure, post or service from which the ge was reduced and his seniority and pay on such restoration to that pay structure, post or service.
- Compulsory retirement [*retirement from service of GE as a measure or punishment under these rules, irrespective of age or length of service or such employees*]
- Removal from service [*removed person is not debarred from future employment under the govt.*]
- Dismissal from service [*disqualification for future employment under the govt.*]

## **EVENTS NOT TO BE TREATED AS PENALTIES**

- Withholding of increments of GE for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment.
- Non-promotion of a GE.
- Withdrawal or non-grant of ACP pay structure on foregoing promotion.
- Reversion of a GE officiating in higher pay structure, post or service to a lower pay structure, post or service on the ground that he is considered to be unsuitable for such higher pay structure, post or service on any administrative grounds but not connected with his conduct.
- Reversion of GE, promoted or appointed to any service, post or pay structure during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing such probation.
- Retirement on superannuation on attaining the maximum age of retirement.
- Termination [*discharge from services on whatever reason by the competent authority but not by way of removal or dismissal from service*] of the service –
- of a GE appointed on probation, during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probations; or
- of a temporary GE appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post of before the due time in accordance with the terms of appointment; or
- of a GE employed under an agreement in accordance with the terms of such agreement.

## **SUSPENSION**

- The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority empowered under these rules, may place a GE under suspension where –
- A disciplinary proceeding against him is contemplated or is pending, or
- A case against him in respect of any criminal offence is under investigation, inquiry or trial, or
- He has engaged himself in the activities prejudicial to the interest of the security of the state.

- Where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.
- An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the competent authority.
- Where a GE is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by it in writing, direct that the GE shall continue to be under suspension until the termination of all or any of such proceedings.
- An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority, which made or is deemed to have made the order or by any authority to which that authority is subordinate.
- Where a GE against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid, where the disciplinary proceedings are not initiated against him before the expiry of period of ninety days from the date from which the employee was suspended.
- The competent authority in the matter may, at any time before the expiry of the said period of 90 days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing and after seeking the approval of next higher authority allow continuance of suspension beyond 90 days but not beyond 180 days without the disciplinary proceedings being initiated.
- The order of suspension shall stand revoked, being invalid, unless the punishing authority obtains the approval of next higher authority and informs the GE under suspension the specific period of extension of suspension before the expiry of period of 90 days or extended period of another 90 days, as the case may be.

### **DEEMED SUSPENSION**

- A GE shall be deemed to have been placed under suspension by an order of the appointing authority –
- With effect from the date of detention, if he is detained in custody whether on a criminal charge or otherwise, for a period of exceeding 48 hours.
- With effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding 48 hours [period of 48 hours shall be

computed from the commencement of imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account] and is not forthwith dismissed or removed or compulsorily retirement consequent to such conviction.

- Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a GE under suspension is set aside on appeal or review under these rules and the case is remitted for further inquiry or action or with any directions, the order of his suspension shall be deemed to have continued in force on and from the date of original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a GE is set aside or declared or rendered void in consequence of or by a decision of a court of law, and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further inquiry [inquiry shall not ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merit of the case] against him on the allegation on which the penalty of dismissal, removal, compulsory retirement was originally imposed, the GE shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

### **SUSPENSION AND WITHHOLDING OF EMOLUMENTS**

- When a GE is suspected of being concerned in the embezzlement of govt. Money, and is placed under suspension, the authority competent to order his dismissal may direct, that unless he furnishes security for the reimbursement of the said money to the satisfaction of his immediate superiors, the payment of any sum due to him by the government on the date of his suspension, shall be deferred until such time as the said authority passes final orders on the charges framed against him.
- GE shall be entitled to the payment of a subsistence allowance in respect of the period for which the admissible emoluments , if any, are withheld.
- Procedure for imposing minor penalties
- No order for imposing a minor penalty shall be passed on GE unless he has been given an adequate opportunity of making any representation, that he may desire to make, and such representation has been taken into consideration.

- Above para is not applicable where an order is based on facts that has led to his conviction in criminal court; or has been passed superseding him for promotion to a higher post on the grounds of his unfitness for that post on account of the existence of unsatisfactory record.

### **PROCEDURE FOR IMPOSING MINOR PENALTIES**

- The requirements of this rule may for sufficient reasons to be recorded in writing, be waived where it is not practicable to observe them and where they can be waived without injustice to the government employee concerned.

### **PROCEDURE FOR IMPOSING MAJOR PENALTY**

Inquiry before imposing major penalty

- No order of imposing a major penalty shall be passed against a person to whom these rules are applicable unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
- An inquiry needs to be conducted (by punishing authority or by appointing inquiry officer) whenever the punishing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a GE.
- In case of complaint of sexual harassment, the complaint committee established in each department or officer for inquiring into such complaint shall be deemed to be the inquiry officer appointed by the punishing authority for the purpose of these rules.
- Where it is proposed to hold an inquiry against a GE under this rule, the punishing authority shall draw up or cause to be draw up –
  - ❖ The substance of imputation of misconduct or misbehaviour into definite and distinct statement of charges
  - ❖ A statement of imputation of misconduct or misbehaviour in support of each statement of charge, which shall contain
    - a statement of all relative facts including any admission or confession made by the GE.
    - a list of documents by which and a list of witness by whom, the statement of charges are proposed to be sustained.
- The punishing authority shall deliver or cause to be delivered to the GE, a copy of the statement of charges, the statement of the imputations of misconduct or misbehaviour and a list of document and witness by which each statement of charge is proposed to submit, within such time as may be specified (not more than 45 days), a written statements of his defence and to state whether he desires to be heard in person.

- In case the competent authority is satisfied with the written statement of defence given by the charged person, it may drop the charge-sheet without resorting to the procedure of conducting enquiry. Similarly, if the competent authority after considering the WS of defence of the charged person is of the opinion that awarding of minor punishment shall meet the end the justice, then the authority competent may award minor punishment without following the procedure of conducting the enquiry.

**On receipt of the WS of defence, the punishing authority may-**

- Itself inquire into such of the statement of charges as are not admitted; or
- If it considers so to do, appoint an inquiry officer for the purpose; and
- Where all statement of charges have been admitted by the GE in his written statement of defence, the punishing authority shall record its findings on each charge after taking such evidence as it may think fit and shall take further action.
- If no WS of defence is submitted by the charged person within the specified period or extended period, if any, allowed by the punishing authority after due consideration, the punishing authority may itself inquire into the statement of charges or may, if it considers it necessary to do so, appoint an inquiry officer for the purpose.
- Where the punishing authority itself inquires into any article of charges or appoints an inquiry officer for holding an inquiry into such charges, it shall be by an order appoint a GE or legal practitioner, to be known as the presenting officer to present on its behalf the case in support of the statement of charges.

**The punishing authority shall forward to the inquiry officer –**

- A copy of the article of charges and the statement of the imputation of misconduct or misbehaviour;
- A copy of WS of defence, if any submitted by the charged person;
- A copy of the statement of witnesses, if any.
- Evidence providing the delivery of the documents required to be delivered to the charges person.
- A copy of the order appointing the presenting officer.
- The charged person shall appear before the IO on such day and at such time within ten working days from date of receipt by him of the statement of charges and the statement of the imputations or misconduct or misbehaviour as the IO may, by a notice in writing, specify in this behalf, or within such further time not exceeding ten days, as the IO may allow.

- The IO appointed to conduct inquiry shall serve maximum two notices to the charged person to appear before him for presenting his case. In case the charged person does not appear after the service of two notices, the IO shall be competent to proceed ex-parte in the matter. However, after considering the circumstances to be recorded, the IO may serve third notice also.
- If the charged person refuses or omits to plead, the IO shall inquire to produce the evidence by which he proposes to prove the statement of charges, and shall adjourn the case to the later date not exceeding thirty days, after recording an order that the charged person may for the purpose of preparing his defence -
- Inspect within five days of the order or within such further time not exceeding five days as the IO may allow, the documents.
- Submit a list of witnesses to be examined on his behalf.
- Apply orally or in writing for the supply of copies of the statements, if any recorded, of witnesses mentioned in the list , in which case the inquiring authority shall furnish to him such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the punishing authority; and
- Give a notice within ten days of the order or within such further time not exceeding ten days, as the inquiring authority may allow for the discovery or production of any documents which is in the possession of government, but not mentioned in the list and the GE shall also indicate the relevance of the document required by him to be discovered or produced by the government.
- The person against whom a charge is being enquired into, shall be allowed to obtain the assistance of a GE or a retired GE if he so desires, in order to produce his defence before the IO, if the charge(s) are likely to result in the dismissal of the person from the service of the govt. , such person may, with the sanction of the IO be represented by the counsel.
- If the charged person, who has not submitted any of the statement of charges in his WS of defence, appears before the IO, such officer shall ask him whether he is guilty or has any defence to make. If he pleads guilty to any of the articles of the charge, the IO shall record the plea, sign the record and obtain the signature of the charged person thereon.
- The IO shall return to the charged person a finding of guilt in respect of these statements of charges to which the charged person pleads guilty.
- The person charged shall {*subject to the conditions described in sub rule 7(3)*} be entitled to cross examine the witness, to give evidence in person and to have such witness called,



as he may wish, provided that the officer conducting the enquiry may for reasons to be recorded in writing, refuse to call any witness.

- The proceedings shall contain a sufficient record of the evidence and statement of the findings and the grounds thereof.
- It shall not be necessary to frame any additional charge when it is proposed to take action in respect of any statement of allegation made by person charged in the course of his defence.
- Where any major penalty is proposed to be imposed upon a person on the ground of conduct which has led to his conviction on a criminal charge; or where an authority empowered to dismiss or remove him, or reduce him in rank is satisfied that, for some reasons to be recorded by him in writing, it is not reasonably practicable to give him an opportunity of showing cause against the action proposed to be taken against him, or wherein the interest of the security of the state it is considered not expedient to give to that person such an opportunity.
- If any question arises whether it is reasonably practicable to give to any person an opportunity to defend himself, the decision of punishing authority shall be final.
- Where any person has made a statement on oath, in evidence before any criminal or civil court, in any case, in which charged person was party and had full opportunity to cross-examine such person and where it is intended to prove the same facts as deposed to by such person in such statement in any inquiry, shall not be necessary to call such person to give oral evidence in corroboration of that statement. The certified copy of the statement previously made by him in any such case may be read as part of the evidence. However, the officer conducting the inquiry shall, in the interest of justice order the production of witness in person either for further examination or for further cross-examination by person charged.
- The charged person shall not be allowed, except at discretion of the IO, to be exercised in the interest of justice to call as a witness in his defence any person whose statement has already been recorded and whom he has had opportunity to cross-examine, or whose previous statement has been admitted.

### **SUBMISSION OF INQUIRY REPORT**

- After the close of inquiry, the IO shall prepare his report indicating the following –
- Statement of charges and the allegations framed against the GE;
- His explanation, if any;
- Oral and documentary evidence produced in support of the charges;

- Oral and documentary evidence led in defence;
- Findings on the charges.
- The IO shall give clear findings on each of the charges so that GE shall know from the findings on what ground he has been found guilty. Each finding shall be supported by evidence and reasons thereof. The findings are in the nature of a report to the competent authority to enable it to pass final orders. Such findings are to assist but do not bind him. He himself alone has to come to a final decision. Moreover, the inquiry officer shall not in any case recommend or propose any penalty.
- The IO shall forward to the punishing authority the records of inquiry which shall include –
  - The report;
  - The WS of defence, if any, submitted by the charged person;
  - The oral and documentary evidence produced in the course of the inquiry;
  - Written briefs, if any, filed by the presenting officer or the charged person or both during the course of the inquiry; and
  - The orders, if any, made by the punishing authority and the inquiry officer in regard to the inquiry.

### **ACTION ON THE INQUIRY REPORT**

- After the inquiry against a charged person has been completed, the punishing authority shall forward or cause to be forwarded a copy of the enquiry report, and where the punishing authority does not agree with the enquiry report or any part thereof, the reasons for such disagreement shall be communicated along with the enquiry report, to the charged person who may submit, if he so desires, a WS to the punishing authority within a period of one month from the date of such communication.
- The punishing authority shall consider the representation, if any, submitted by the charged person and record its findings before proceeding further in the matter for imposing punishment.

### **RIGHT OF APPEAL**

- GE shall be entitled to appeal to such superior authority as may be prescribed by government in the rules regulating his conditions of services against an order not being an order of govt.-
- Imposing upon him any of the penalties.
- Discharging him in accordance with the term of his contract, if he has been engaged on a contract for a definite, or for an indefinite periods and has rendered, under either form of

contract, continuous service for a period not exceeding five years at the time when his services are terminated;

- Reducing or withholding the amount of pension admissible under the rules governing pension;
- Termination of service;
- and order which denies or varies to his disadvantages his pay, allowances, pension or other conditions of service as regulated by rules or by agreement;
- Premature retirement from service in public interest before attaining the age of superannuation.

### **PERIOD OF LIMITATION OF APPEAL**

- No appeal preferred under this rule shall be entertained unless such appeal is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant.
- It can be entertained within next 45 days, if there is sufficient cause for not preferring the appeal in time.

### **ORDER WHICH MAY BE PASSED BY THE APPELLATE AUTHORITY**

- The appellate authority shall consider whether the –
- Facts on which the order was based have been established;
- Facts established afford sufficient ground for taking action; and
- Penalty is excessive or adequate and after such consideration, shall pass such order as it thinks proper;
- No penalty shall be increased unless opportunity is given to the person concerned to show cause why such penalty not be increased .
- An authority, against whose order an appeal is preferred, shall give effect to any order passed by the appellate authority.

### **SECOND APPEAL WHERE PENALTY IS INCREASED**

In case penalty is increased, the penalty inflicted by an authority subordinate to it upon a person to whom these rules apply, such person shall be entitled to submit a second appeal within sixty days to the authority prescribed in the rules regulating his conditions of service.

### **RIGHT OF REVISION**

- If an appeal or second appeal has been rejected, may apply for revision to such superior authority as may be prescribed in the rules regulating the conditions of service.
- The power of revision shall be exercised only-

- If the appellate authority is one other than govt; and
- On the ground of material irregularity in the proceedings of the IO or appellate authority, or on the discovery of new and important matter of evidence, which after the exercise of diligence was not within the knowledge of the petitioner, or could not be produced by him when the order were passed against him or on account of some mistake or error on the face of the record.

### **POWER OF SUPERIOR AUTHORITY TO REVISE THE PROCEEDING OF AN INFERIOR AUTHORITY**

- The govt. Or the HOD may call for and examine the records of any case in which a subordinate authority passed any order or has inflicted any of the penalties or in which no order has been passed or penalty inflicted and after making further investigation, if any, may confirm, remit, reduce or increase the penalty or subject to these rules.
- The govt. May, at the time of consideration of memorial, submitted under its general or special or special instructions published from time to time by the GE on whom a penalty is imposed review any order passed by the govt.
- The penalty already imposed shall not be enhanced unless an opportunity has been given to the GE who has submitted memorial to show cause why it may not be enhanced.

### **PROHIBITION AS TO COLLECTIVE APPEAL**

Every person preferring an appeal shall do so separately and in his own name.

### **COMMON PROCEEDINGS**

- Where two or more GEs are concerned in any case, the governor or any other authority competent to impose the penalty of dismissal from service on all such GEs may make an order directing that disciplinary action against all of them may be taken in a common proceedings.
- If the authorities competent to impose the penalty of dismissal on such GEs are different, an order for taking disciplinary action in a common proceeding shall be made by the highest of such authorities.

### **MANUAL OF THE PRESENTATION OF APPEAL OR APPLICATION FOR REVISION**

- Every appeal for revision preferred under these rules, shall contain material statements and arguments relied upon by the appellant or applicant, shall contain no disrespectful or improper language, and shall be submitted through head of office to which the appellant belong.

## **WITHHOLDING OF APPEALS AND APPLICATION FOR REVISION**

- An appeal for revision may be withheld by the HOO, if –
- It is appeal/application for revision in a case in which under these rules, no appeal or application for revision lies; or
- It does not comply with the provisions of rules
- It is an appeal and is not preferred within the prescribed period or
- it is repetition of a previous appeal or application for revision and is made to the same appellate or revisionary authority by which such appeal or application for revision has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case.
  - In every case in which an appeal or application for revision is withheld, the appellant shall be informed of the fact and the reasons for it and a copy thereof forwarded to the appellate authority, if any together with a copy of the appeal or application for revision so withheld.
  - An appeal or application for revision withheld on account of failure to comply with the provisions of rules may be submitted at any time within one month of the date on which the appellant or applicant has been informed of the withholding of the appeal or application and if resubmitted in a form which complies with those provisions, shall not be withheld.
  - Any appellate or revisional authority may call for the record of any appeal or application for revision withheld by an authority subordinate to it, which under these rules may be made to it and may pass such order thereon as it considers fit.

## **PART-B: HARYANA CIVIL SERVICES (EMPLOYEES CONDUCT) RULES 2016**

Conduct of a person reflects in the personality of that person. These rules tells that what type of behavior a Government Employee should have and what are Dos and Don'ts for a GE.

### **EXTENT OF APPLICATION**

These rules shall apply to all Government employees appointed to any civil service or post in connection with the affairs of the State of Haryana including—

- (i) employees working on contract basis;
- (ii) employees working on ad-hoc basis;
- (iii) work-charged employees;
- (iv) daily wages employees;
- (v) any other category of Government employee to whom the competent authority may by general or special order, direct that these rules shall apply to them.

### **Provided that nothing in these rules shall apply to**

- (i) members of the All India Services who are subject to the All India Services (Conduct) Rules, 1968;
- (ii) employees serving in a Department under Haryana Government on deputation from Centre or any other State Government or any other source, for a limited duration.
- (iii) holders of any post in respect of which the Government may, by general or special order, declare that these rules do not apply.

*Note — If any doubt arises as to whether these rules apply to any person or not, the decision shall lie with the General Administration Department of Government of Haryana.*

### **DEFINITIONS**

- (a) "Government" means the Government of the State of Haryana;
- (b) "Government employee" means any person appointed to any civil service or post in connection with the affairs of the State of Haryana.
- (c) "members of family" in relation to a Government employee includes—
  - (i) the wife or the husband, as the case may be, of the Government employee, whether residing with the Government employee or not but does not include a wife or husband, as the case may be, separated from the Government employee, by a decree or order of a competent court;
  - (ii) son or daughter or step son or step-daughter of the Government employee and wholly dependent on him, but does not include a child or step-child who is no longer in any

way dependent on Government employee or of whose custody the Government employee has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the Government employee or to the Government employee's wife or husband and wholly dependent on the Government employee;

(d) "**Prescribed authority**" means—

(i) (a) Government in the case of a Government employee holding a post of Group A except where any lower authority is specified by the Government for any purpose;

(b) Head of Department in the case of a Government employee holding a post of Group B;

(c) Head of Office in the case of a Government employee holding a post of Group C or D;

(ii) In respect of a Government employee on foreign service or on deputation to any other Department or any other Government, the parent department on the cadre of which such Government employee is borne; or the department to which he is administratively subordinate as member of that cadre.

*Note.— The terms not defined in these rules but defined in Haryana Civil Services (General) Rules, 2016 shall have the same meaning for the purpose of these rules.*

## **GENERAL**

(1) Every Government employee shall at all times—

(i) maintain absolute integrity ;

(ii) maintain devotion to duty;

(iii) do nothing which is unbecoming of a Government employee; and

(iv) act in accordance with the Government's policies.

*Explanation.— A Government employee who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) above.*

(2) (i) Every Government employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government employees under his control and authority.

*Note.— This sub rule shall be invoked only in cases where there has been a failure on the part of supervisory officer concerned to take all possible steps to ensure the integrity and devotion to duty of all Government employees under his control and authority.*

- (ii) Every Government employee shall, in the discharge of his official duties, act in a courteous manner and shall not adopt dilatory tactics in his dealings with the public or otherwise.
- (3) (i) No Government employee shall, in the performance of his official duties, or in the exercise of powers conferred on him act otherwise than in his best judgment, except when he is acting under the direction of his official superior.
- (ii) The direction of the official superior shall, ordinarily, be in writing. Oral direction to subordinate shall be avoided, as far as possible. When the issue of oral direction becomes unavoidable, the official shall confirm it in writing immediately thereafter.
- (iii) A Government employee, who has received oral direction from his official superior, shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

***Explanation—** Nothing in sub-clause (i) above shall be construed as empowering a Government employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.*

## **ACT AND CONDUCT WHICH AMOUNT TO MISCONDUCT**

The following acts and omissions amount to misconduct:-

- (i) willful insubordination or disobedience, whether alone or jointly with others, to any lawful and reasonable order of a superior;
- (ii) Infidelity, unfaithfulness, untrustworthiness, theft and fraud, or dishonesty in connection with the activities of the Government or handling of its property;
- (iii) strike, picketing, gherao, striking work or inciting others in contravention of the provisions of any law or rule having the force of law;
- (iv) gross moral misconduct, acts subversive of discipline, riotous or disorderly behavior during or after the office hours at any place;
- (v) riotous and disorderly behavior during and after the working hours or in work place;
- (vi) negligence or neglect of work or duty amounting to misconduct;
- (vii) habitual negligence or neglect of work or duty;
- (viii) habitual absence without permission and over-staying leave;
- (ix) conviction by a Criminal Court.



## **THE ACT OR CONDUCT OF AN EMPLOYEE MAY AMOUNT TO MISCONDUCT—**

- (i) if the act or conduct is prejudicial or likely to be prejudicial to the interests of the employer/ department or to the reputation of the employer/ department;
- (ii) if the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to his employer/ department;
- (iii) if the act or conduct of a employee makes it unsafe for the employer to retain him in service;
- (iv) if the act or conduct of the employee is so grossly immoral that all reasonable men say that the employee cannot be trusted;
- (v) if the act or conduct of the employee is such that the employer/ Department cannot rely on the faithfulness of his employee;
- (vi) if the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly;
- (vii) if the employee is abusive or if he disturbs the peace at the place of his employment;
- (viii) if he is insulting and insubordinate to such a degree as to be incompatible with the continuance of the relation of employer/ Department and employee;
- (ix) if the employee is habitually negligent in respect of the duties for which he is engaged;
- (x) if the neglect of the employee though isolated, tends to cause serious consequences.

## **PROHIBITION OF SEXUAL HARASSMENT OF WORKING WOMEN**

- (1) No Government employee shall indulge in any act of sexual harassment of any woman at her work place.
- (2) Every Government employee who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

***Explanation.— For the purposes of this rule, ‘sexual harassment’ includes such unwelcome sexually determined behavior, whether directly or otherwise, as-***

- (a) physical contact and advances;*
- (b) demand or request for sexual favors;*
- (c) making any sexually colored remarks;*
- (d) showing any pornographic material; and*
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.*

## **EMPLOYMENT OF NEAR RELATIVES OF GOVERNMENT EMPLOYEES**

- (1) No Government employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.
- (2) No Government employee shall, except with the prior sanction of the Government, permit his family member to accept employment in any company or firm with which he has official dealings.

Provided that where the acceptance of the employment may not await prior sanction, the position shall be explained to the prescribed authority with the request of ex-post-facto approval.

## **SANCTION OF CONTRACT BY GOVERNMENT EMPLOYEE TO NEAR RELATIVES**

No Government employee shall, in the discharge of his official duties, deal with any matter or give or sanction any contract to any undertaking or any other person, if any member of his family is employed in that undertaking or under that person, or if he or any member of his family is interested in such matter or contract in any other manner. The Government employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed off according to the instructions of the authority to whom the reference is made.

## **TAKING PART IN POLITICS AND ELECTIONS**

- (1) No Government employees shall be a member of, or be otherwise associated with, any political party or any organization, which takes part in politics, nor shall take part in, or subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every Government employee to endeavor to prevent any member of his family from taking part in or subscribing in aid of or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where a Government employee is unable to prevent member of his family from taking part in or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.
- (3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity fall within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government employee shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority.

Provided that a Government employee—

- (a) qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (b) shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

**Explanation—** *The display by a Government employee on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.*

### **JOINING OF ASSOCIATIONS**

- (1) No Government employee shall join or continue to be a member of an association, the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.
- (2) No Government employee shall be a member/ office bearer of more than one such association at State level and at National level, the aims or objectives of which relate to promotion of **sports**. However, the employee of the sports department may become member/ office bearer of only one association at State level and one at National level that too in the area of his own specialty/ discipline.

### **DEMONSTRATION AND STRIKES**

No Government employee shall—

- (i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence; or
- (ii) resort to or in any way abet (encourage) any form of strike in connections with any matter pertaining to his service or any other Government employee.

### **CONNECTION WITH PRINT OR ELECTRONIC MEDIA**

- (1) No Government employee shall, except with the previous sanction of the Government, on wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication or electronic media.
- (2) No Government employee shall except with the previous sanction of the Government or the prescribed authority or except in the bona-fide discharge of his duties—

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles; or

(b) participate in a public media or contribute an article or write a letter to a newspaper or periodical; either in his own name or anonymously or pseudonymously or in the name of any other person:

**Provided that no such sanction shall be required—**

(i) if such publication is through a publisher and is of a *purely literary, artistic or scientific* character; or

(ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character: Provided further that the Government may withdraw at any time, the sanction so granted to a Government employee, after affording reasonable opportunity of being heard, if, there are reasons to believe that the sanction is being misutilised.

### **CRITICISM OF GOVERNMENT**

No Government employee shall, in any radio broadcast or communication over any electronic media or in any document published in his own name or anonymously or pseudonymously or in the name of any other person or in any communication to the press or in any public utterance make any statement of fact or opinion—

(i) which has the effect of any adverse criticism of any current or recent policy or action of the Government of India, Government of Haryana or any other State Government;

(ii) which is capable of embarrassing the relations between the Government of Haryana and the Government of India or the Government of any other State in India; or

(iii) which is capable of embarrassing the relations between the Government of India or the Government of Haryana and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government employee in his official capacity or in the due performance of the duties assigned to him.

### **EVIDENCE BEFORE COMMITTEE OR ANY OTHER AUTHORITY**

(1) Save as provided in sub-rule (3), no Government employee shall except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government employee giving such evidence shall criticize the policy or any action of the Government of India, Government of Haryana or any other State Government.

(3) Nothing in this rule shall apply to evidence given—

- (a) at enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
  - (b) in any judicial enquiry; or
  - (c) at any departmental enquiry ordered by authorities subordinate to the Government.
- (4) No Government employee giving any evidence referred to in sub rule (3) shall give publicity to such evidence.

## **COMMUNICATION OF OFFICIAL INFORMATION**

Every Government employee shall, in performance of his duties in good faith, communicate to a member of public or any organization full and accurate information, which is to be disclosed under the Right to Information Act, 2005 (22 of 2005):

Provided that no Government employee shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof; or information to any Government employee or any other person to whom he is not authorized to communicate such document or information.

## **SUBSCRIPTIONS**

No Government employee shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever.

## **GIFTS**

- (1) Save as otherwise provided in these rules, no Government employee shall accept or permit any member of his family or any other person acting on his behalf to accept any gift.

**Explanation.**— *The expression “gift” shall include free transport, boarding, lodging or other service or any other pecuniary advantage provided by a person other than a near relatives and friends having no official dealings with the Government employee.*

**Note 1.**— *A casual meal or other social hospitality shall not be deemed to be a gift.*

**Note 2.**— *A Government employee shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, Organizations, etc.*

- (2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious and social practice, a Government employee may accept gifts from his near relatives or from his personal

friends having no official dealings with him, but shall make a report to the Government, if the value of such gift exceeds—

- i. Rs. 7,000 in the case of a Government employee holding any Group 'A' post;
- ii. Rs.4,000 in the case of a Government employee holding any Group 'B' post;
- iii. Rs.2,000 in the case of a Government employee holding any Group 'C' post; and
- iv. Rs. 1,000/- in the case of a Government employee holding any Group 'D' post.

(3) In any other case, a Government employee shall not accept any gift without the sanction of the Government, if the value exceeds—

- i. Rs. 1,500/- in the case of a Government employee holding any Group 'A' & 'B' post;
- ii. Rs. 500/- in the case of a Government employee holding any Group 'C' & 'D' post;

(4) Notwithstanding anything contained in sub-rules (2) and (3), a Government employee, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries, if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.

## **PROHIBITION OF DOWRY**

(1) No Government employee shall—

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

*Explanation.— For the purposes of this rule, “dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961), as amended in its application to the State of Haryana.*

(2) Every Government employee after his marriage shall furnish a declaration to his Head of Department that he has not taken any dowry. The declaration shall be signed by his wife, father and father-in-law.

## **PUBLIC DEMONSTRATION IN HONOUR OF GOVT. EMPLOYEES**

(1) No Government employee shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government employee:

**Provided that nothing in this rule shall apply to—**

- (a) a farewell entertainment of a substantially private and informal character held in honour of a Government employee or any other Government employee on the occasion of his retirement or transfer or of any person who has recently quitted the service of any Government; or
  - (b) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.
- (2) No Government employee shall exercise pressure or influence of any sort on any Government employee to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character.

### **PRIVATE TRADE OR EMPLOYMENT**

- (1) Subject to the provisions of sub-rule (2), no Government employee shall, except with the previous sanction of the Government—
- (a) engage directly or indirectly in any trade or business, or
  - (b) negotiate for, undertake, any other employment, or
  - (c) hold an elective office, canvass for a candidate for an elective office, in any body, whether incorporated or not; or
  - (d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
  - (e) take part, except in the discharge of his official duties, in the registration, promotion or a management of any bank or other company registered under the Companies Act, 2013 (18 of 2013) or any other law for the time being in force, or of any Co-operative Society for Commercial purposes or
  - (f) participate in, or associate himself in any manner, in making of—
    - (i) a sponsored media (including radio, televisions) program, or
    - (ii) a media program commissioned by Government media but produced by an outside agency or;
    - (iii) a privately produced radio or televisions or other media program including a video magazine:  
Provided that no previous permission shall be necessary in case a Government employee participates in a programme produced by the Doordarshan or a subject dealt with by him in his official capacity.
  - (g) involve or engage himself in the registration, promotion, management of other kinds of activities of any non-Government Organisation (NGO) if the same is aided by the Central Government, State Government or an international Organization or agency.

- (2) A Government employee may, without the previous sanction of the Government—
- (a) undertake honorary work of a social or charitable nature; or
  - (b) undertake occasional work of literary, artistic or scientific character; or
  - (c) participate in sports activities as amateur (part time/ unpaid); or
  - (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society, or of a club, or similar organization, the aims or objectives of which relate to promotion of sports, cultural, or recreation activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force; or
  - (e) take part in the registration, promotional or management (not involving the holding of elective office) of a Co-operative Society substantially for the benefit of Government employee, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force in any State:

**Provided that—**

- (i) he shall discontinue taking part in such activities if so directed by the Government; and
- (ii) in a case falling under clause (d), or clause (e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

**Explanation I.—** A “Co-operative Society” means a society registered, or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law relating to Co-operative Societies for the time being in force in any State.

**Explanation II.—** Canvassing for a candidate for an elective office referred to in the second proviso shall be deemed to be breach of this sub-rule.

(3) Every Government employee shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government.

(4) No Government employee shall accept any fee for any work done for any public body or for any private person without the sanction of the prescribed authority.

**Explanation.—** The term “Fee” has been defined in Haryana Civil Services (General) Rules.

## **GOVERNMENT ACCOMMODATION**

(1) The Government accommodation allotted to a Government employee shall not be sublet or leased out or used otherwise.



- (2) A Government employee shall, after the cancellation of his allotment of Government accommodation vacate the same within the time limit prescribed by the competent authority.

## **INVESTMENT, LENDING AND BORROWING**

### **(A) Transactions in sale and purchase of shares and debentures etc.—**

- (1) On investment in stock, share, debenture, etc. an intimation shall be sent to the prescribed authority in the form as given ahead:-

- (i) Group 'A' and 'B' employees – If the total transaction in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 50,000/- during the calendar year; and  
(ii) Group 'C' and 'D' employees – If the total transactions in shares, securities, debentures or mutual funds scheme etc. exceeds Rs. 25,000/- during the calendar year.

If an individual transaction exceeds the amount prescribed in sub rule (3) of rule 24 the intimation to the prescribed authority shall still be necessary. The intimation prescribed in sub rule (1) shall be in addition to this, where cumulative transaction(s) i.e. sale, purchase or both in shares, securities, debentures or mutual funds etc. in a year exceed the limits indicated in sub rule (1).

- (2) No Government employee shall make, or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose any purchases of shares from out of the quotas reserved for Directors or their friends and associate shall be deemed to be an investment which is likely to embarrass the Government employee.
- (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

## **LENDING AND BORROWING**

- (1) No Government employee shall save in the ordinary course of business with a bank or a firm of standing duly authorized to conduct banking business, either himself or through any member of his family or any other person acting on his behalf :-
- (a) lend or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or  
(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Government employee may, give to, or accept from, a relative or a personal friend purely temporary one of a small amount free of interest or operate a credit account

with a bonafide trade man or make an advance of pay to his private employee but such amount shall not exceed twelve months basic pay for the construction of house or purchase of built up house and six months basic pay for the purchase of conveyance and other purposes.

Provided further that a Government employee may, with the previous sanction of the Government, enter into any transaction referred to in sub- clause (a) or sub-clause (b).

(2) When a Government employee is appointed or transferred to a post of such nature as shall involve him in the breach of any of the provisions of sub-rule (A)(2) or sub-rule (B)(1), he shall forthwith report the circumstances to the prescribed authority and shall there after act in accordance with such order as may be made by such authority.

### **INSOLVENCY AND HABITUAL INDEBTEDNESS**

(1) A Government employee shall so manage his private affairs as to avoid habitual indebtedness, or insolvency.

(2) A Government employee against whom any legal proceedings are instituted for recovery of any debt due from him or for adjudging him as an insolvent shall immediately report the full facts of the legal proceeding to the Government.

(3) The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of or ordinary diligence, the Government employee may not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon him.

### **MOVABLE, IMMOVABLE AND VALUABLE PROPERTY**

(1) Every Government employee shall submit—

(i) declaration of property on his first appointment to any service or post;

(ii) annual property return as on 31st March of every financial year; and

(iii) property return as and when he is directed by the prescribed authority, showing particulars in detail, in the prescribed Forms appended to these rules at Annexure A and B, regarding

(a) immovable property inherited, owned, acquired or held on lease or mortgage, by him or his spouse or any member of his family, either in their own name or in the name of any other person; and

(b) movable property.

**Explanation.**— For the purpose of this rule the expression “movable property” includes—

(i) cash, bank balance, deposits, Loans and Advances:

(ii) investments in Shares, Securities, Debentures, Bonds etc.;

(iii) jewellery;

- (iv) vehicles, any other means of conveyance;*
- (v) any electric, electronic goods or household items such as refrigerators, air conditioner, LCD, LED, computers, washing machines, furniture etc.;*
- (vi) debts and other liabilities incurred directly or indirectly by him or his spouse or any other member of his family; and*
- (vii) any other movable property owned, acquired or inherited by him or his spouse or any other member of his family.*

**Note 1.**— *The moveable/immoveable properties either acquired by the members of the family of the employee from their own funds or inherited by them shall not attract the provisions of this rule.*

**Note 2.**— *In all returns the value of items of movable property costing less than Rs. 50,000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., shall not be included in such return.*

- (2) No Government employee or any dependent member of his family shall except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any dependent member of his family:

**Provided that the previous sanction of the prescribed authority shall be obtained by the Government employee if any such transaction is—**

- (i) with a person having official dealings with the Government employee; or
  - (ii) otherwise than through a registered dealer.
- (3) Where a Government employee enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds two months' basic pay of the Government employee:
- (4) The Government or the prescribed authority may at any time, by general or special order, require a Government employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so, required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

## **VINDICATION OF ACTS AND CHARACTER OF GOVERNMENT EMPLOYEES**

- (1) No Government employee shall, except with the previous sanction of the Government, have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or on attack of a defamatory character. Provided that if no such sanction is received by the Government employee within a period of three months from the date of receipt of his request by the Government, he shall be free to assume that the permission as sought for has been granted to him.
- (2) Nothing in this rule shall be deemed to prohibit a Government employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government employee shall submit a report to the prescribed authority regarding such action.

## **CANVASSING**

No Government employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of a matter pertaining to his service under the Government.

## **RESTRICTION REGARDING MARRIAGE**

- (1) No Government employee shall enter into, or contract, a marriage with a person having a spouse living.
- (2) No Government employee, having a spouse living shall enter into, or contract, a marriage with any person:
- Provided that the Government may permit a Government employee to enter into, or contract, any such marriage as is referred to in sub-rule (1) or sub-rule (2), if it is satisfied that—
- (a) such marriage is permissible under the personal law applicable to such Government employee and the other party to the marriage; and
- (b) there are other grounds for so doing.
- (3) A Government employee who has married or marries a person other than of Indian nationality shall forthwith intimate the Government.
- (4) Every Government employee shall in his personal capacity observe strictly, the existing policies regarding age of marriage.

## **CONSUMPTION OF INTOXICATING DRINKS AND DRUGS**

A Government employee shall—

- (a) strictly abide by any law, relating to intoxicating drink or drugs, in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) not consume any intoxicating drinks, drugs or smoking in public place
- (d) not appear in a public place in a state of intoxication;
- (e) not be present on duty in a state of intoxication; and
- (f) not use any intoxicating drinks or drugs to excess.

### **PROHIBITION OF CHILD LABOUR**

No GE shall employ any child below the age of 14 years as domestic help.

## **PART-C: APAR/ACR RELATED INSTRUCTIONS**

The performance appraisal report is an important document. It provides the basic and vital inputs for the further developments of an officer. The appraisee, reporting authority and the reviewing authority should undertake the duty of filing up the form with a high sense of responsibility.

Performance appraisal should be used as a tool for human resource development. Reporting Officers should realize that the objective is to develop an officer so that he/she realize his/his true potential. It is not meant to be a fault-finding process but a development tool. The Reporting Officer and the Reviewing Officer should not shy away from reporting shortcomings in performance, attitudes or overall personality of the officer reported upon. The columns should be filled with due care and attention and after devoting adequate time. Any attempt to fill the report in a casual or superficial manner will be easily discernible to the higher authorities. Although the actual documentation of performance appraisal is a year-end exercise, in order that it may be a tool for human resource development, the Reporting Officer and the appraisee should meet during the course of the year at regular intervals to review the performance and to take necessary corrective steps.

Every department devises a proforma for APAR depending upon the nature of duties performed by their employees so that assessment of the work can be done. Reporting Authority, Reviewing Authority and Accepting Authority for are also notified by the department for every post.

In Haryana state, for APAR of a School Principal, Block Education Officer is Reporting Authority; Deputy District Education Officer is Reviewing Authority and District Education Officer is Accepting Authority.

### **REPORTING AUTHORITY SHOULD KEEP IN VIEW BELOW MENTIONED POINTS WHILE RECORDING APAR OF THEIR SUBORDINATES**

- a. Performance appraisal is the recognized and time tested mode of exercising administrative and disciplinary control by a superior authority over its subordinates.
- b. It is objective manner of impressions formulated by such assessment and an essence subjective and administration.
- c. The superior is to act and guide the subordinates like a guardian.

- d. The entry in APAR/ACR should not be a reflection of personal whims, fancies or prejudices, like or dislikes of a superior.
- e. The entries must reflect of an objective assessment coupled with an effort and guiding the subordinates to secure an improvement in the performance, where need be to admonish him with the object of removing defects for future.
- f. It require need for fairness, justness and objectivity.
- g. A judicious approach is required on the port of Reporting officer, while recording remarks particularly on integrity, efficiency and honesty and it should be based on some material on record
- h. Career prospects of a subordinates largely depends upon the work and character assessment by the Reporting Officer. The reporting officer should therefore adopt fair, dispassionate and constructive approach in estimating and assessing the character, ability, integrity & responsibility displayed by the concerned employee during the relevant period. It should be honest prospective. It should therefore be upon facts.
- i. The remarks should be recorded soon after the close the period under report. Remarks reported after a long period are considered as suspicious.
- j. It is essential that reports to be written punctually.
- k. Slight defects should not be mentioned but these should be brought to the notice of the employee verbally as advice and guidance.

- l. Reporting officer should give a definite opinion on the integrity of their subordinates while writing a performance report. A special mention should be made regarding the integrity of the officer. It should be clearly stated that if the officer is suspected of

### **SOME IMPORTANT POINTS**

- Vide CS to Govt. of Haryana vide no. 61/3/2013-2GS III dated 25.03.15, every entry in ACR i.e. poor, fair, average, good or very good should be communicated to every official/officer with immediate effect in supersession of all previous instructions on the issue.
- No remarks shall be recorded after 31<sup>st</sup> December of the ended financial year. Officer/official shall be assessed on the basis of overall record and self-assessment for the year at the time of promotion, if self-assessment has been submitted in time. Where there is no requirement of submission of self-assessment in the Annual Confidential Report then a “No Report Certificate” against the said report should be prepared and place in personal file of the concerned officer/official and this period should be treated as ‘Blank’. (CS Haryana inst. No. 61/01/2013/-3GS-III dated 6/17.07.18.)

corruption or is believed to be corrupt and his opinion should generally be fortified by reasons, which may be in possession of the reporting officer.

- m. Intention of the Govt. is that the truth about subordinates should be known to reporting officers and brought to the notice of higher authorities.
- n. Performance reports are usually written for the period 1<sup>st</sup> April to 31<sup>st</sup> March every year.
- o. Overall assessment of the work of subordinates should be graded in the recognized categories namely i.e. A+(Outstanding); A (Very Good); B+ (Good); B (Average) and C (Below average).

### **CONVEYING OF ADVERSE REMARKS**

- a) An officer should not at any time be kept ignorant of the reporting officers opinion, where his service is not considered satisfactory. Criterion should be convicted promptly and should indicate in suitable language of the nature of the defects in question.
- b) The reporting officer should specify whether the defects reported have already been brought to the notice of the officer.
- c) The adverse remarks are to be conveyed by the accepting authority.



- d) The adverse remarks should be conveyed as early as possible so that the concerned employee is in position to improve its defects.
- e) “Average” remarks are adverse and are to be conveyed.  
Representation regarding adverse remarks
  - 1) It should be made to competent authority within 45 days.
  - 2) After 1<sup>st</sup> representation against APAR/ACR has been rejected by the competent authority, there is no provision for making 2<sup>nd</sup> representation against advice remarks.
- f) Retired officers are not competent to write A.C.R.s of the subordinates after retirement, however, Govt. vide no. 60/12/82-s(I) dated 14.06.83 has decided that retired officers are competent to send comments on the representation of the employees against adverse remarks.
- g) The Govt. vide no. 30/127/78-S(1) dated 21.12.78 notified that some officers do not send the comments on the representation of the employees made against adverse remarks. The Govt. has decided that in case the officers do not send the comments within 30 days it should be presented that they have nothing to say in the matter and in such cases; the representations should be decided on the basis of facts and merit

### **REPORTING OFFICERS NOT COMPETENT TO WRITE THE ACR/APAR.**

- 1) Premature retired officers are not competent to write the ACR.
- 2) The officer under suspension is not competent to write the ACR.
- 3) A retired officer is not competent to write the ACR.
- 4) No officer should record his remarks in the confidential report of an employee under him unless he has seen his work and conduct for at least three months during the financial year

## **BIBLIOGRAPHY**

### **IMPORTANT DOCUMENTS**

- [Punjab Financial Rules Vol. I](#)
- [Punjab Financial Rules Vol. II](#)
- [Punjab Budget Manual](#)
- [Haryana Civil Services \(General\) Rules 2016](#)
- [Haryana Civil Services \(Compassionate Financial Assistance or Appointment\) Rules 2019](#)
- [Haryana Civil Services \(Assured Career Progression\) Rules 2016](#)
- [Haryana Civil Services \(Punishment and Appeal \) Rules 2016](#)
- [Haryana Civil Services \(Leave\) Rules 2016](#)
- [Haryana Civil Services \(Pay\) Rules 2016](#)
- [Haryana Civil Services \(Revised Pay \) Rules 2016](#)
- [Haryana Civil Services \(General Provident Fund\) Rules 2016](#)
- [Haryana Civil Services \(Pension\) Rules 2016](#)
- [Haryana Civil Services \(Allowances to Govt. Employee \) Rules 2016](#)
- [Haryana Civil Services \( Travelling Allowance\) Rules 2016](#)
- [Haryana Civil Services \(Employee Conduct \) Rules 2016](#)
- [Medical Reimbursement Policy](#)
- [Haryana Civil Services \(Group Insurance \) Rules 1985](#)
- [Manual of Office Procedure Volume I](#)
- [Manual of Office Procedure Volume II](#)
- [HCS Rules 2016](#)
- [Finance Department Instructions \(OLD\)](#)
- [Finance Department Instructions \(NEW\)](#)

### **IMPORTANT WEBSITE**

- [NPS Trust](#)
- [Health Department](#)
- [Chief Secretary Haryana](#)
- [Treasury and Account Department](#)
- [HRMS](#)
- [MIS](#)
- [NIC](#)
- [Finance Department, Haryana](#)

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