

**GOVERNMENT OF HIMACHAL PRADESH
ADMINISTRATIVE REFORMS ORGANIZATION.**

21st. November, 2011

NOTIFICATION

No. Per(AR)B(15)-1/2010-Vol-I-Whereas the draft Himachal Pradesh Public Services Guarantee Rules, 2011 were published in the Rajpatra, Himachal Pradesh dated 19/10/2011 vide this Department notification of even number dated 17/10/2011 for inviting objection(s) or suggestion(s) from the person(s) likely to be affected thereby within a period of 30 days from the date of their publication;

And whereas the objection(s) or suggestion(s) received within the stipulated period have been duly considered by the Government;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh Public Services Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

1. Short title and commencement. - (1) These rules may be called the Himachal Pradesh Public Services Guarantee Rules, 2011.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Himachal Pradesh Public Services Guarantee Act, 2011;

(b) "Form" means a form appended to these rules; and

(c) "Section" means the section of the Act.

(2) The words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them in the Act.

3. Issuing of acknowledgement to the applicant.- (1) The designated officer or the person authorized by him under sub-section (1) of section 5 shall acknowledge the receipt of the application and if necessary documents have not been attached, the person receiving the application shall mention the same in the acknowledgement in Form-I without any time limit:

Provided that where the application is complete in all respects, the person receiving the application shall mention the time limit within which the application for providing service(s) shall be disposed of.

(2) The public holidays falling within the stipulated time limit to dispose of the application for providing of service(s) shall be excluded for the computation of time.

4. **Display of information on the notice board and official website.**-The designated officer shall cause to exhibit the information of the services to be provided on the official website of his office as well as on the notice board of the office installed at a conspicuous place in Form-II for the convenience of the general public.

5. **Procedure in appeals before appellate authorities.**- (1) The Memorandum to the appellate authorities shall be filed in duplicate in respect of appeals to be filed before the first appellate authority and in triplicate for appeals before the second appellate authority on a plain paper without any fee and shall contain the following information, namely:-

- (i) Name and address of the appellant;
 - (ii) Name and address of the designated officer against whose refusal to acknowledge the application, or rejection of application, or non-providing of services within the stipulated time limit the first appeal has been filed;
 - (iii) Name and address of the first appellate authority against whose decision the second appeal has been filed;
 - (iv) If the appeal has been filed against the non- issuance of acknowledgement by the designated officer the date of making application and the name and address of the designated officer to whom the application was made;
 - (v) Copy of order if any, against which the appeal is filed;
 - (vi) The grounds for appeal;
 - (vii) Prayer or relief sought;
 - (viii) Verification by the appellant; and
 - (ix) Any other relevant information which the appellant may like to furnish.
- (2) The following documents shall be annexed with every application for appeal, namely:-

- (a) Self attested copy of the order against which appeal is filed;
- (b) The copies of the documents mentioned in the application for appeal; and
- (c) The index of the documents annexed with the appeal.

6. **Procedure for hearing and disposal of appeal(s).**- (1) The first and second appellate authorities for the disposal of appeal -

- (a) Shall examine the relevant documents, public records or their copies;
- (b) If need be, may authorize any officer to inquire into the matter and to submit to it a report in relation to the findings thereon; and
- (c) May examine the appellant or / and the designated officer or first appellate authority as it deems fit.

(2) Where the first or second appellate authority calls for any official record from the designated officer or the first appellate authority in case of second appeal, it shall return the original record within ten days to the concerned officer or authority after retaining the requisite copies of the same.

7. Service of notice of hearing by the appellate authorities.- (1) The appellate authority may cause service of notice of hearing to the parties in any of the following manners, namely:-

- (i) By issuing directions to appellant personally ; or
- (ii) By registered post with acknowledgement due; or
- (iii) Through the concerned designated officer.

(2) The parties shall be given prior notice of at least seven days before the date of hearing.

(3) The parties may appear in person or may depute their representatives to argue their case at the time of hearing before the appellate authorities.

(4) Where either of the parties fails to appear in person or through their representative at the date of hearing the appellate authorities shall decide the matter purely on merit exparte.

8. Orders in appeal.- In deciding the appeals the following procedure shall be adopted, namely:-

(a) The orders shall be made publically and shall be recorded in writing and duly signed by the first appellate authority or the second appellate authority, as the case may be;

(b) The copies of the orders passed by the first appellate authority shall be supplied to the designated officer and the appellant free of cost;

(c) The copies of the orders passed in second appeal shall be supplied to the appellant, designated officer and the first appellate authority; and

(d) In case the second appellate authority imposes a penalty under section 8, it shall endorse a copy of the order to the concerned -

(i) Drawing and Disbursing Officer with the direction to effect recovery of the amount of penalty imposed on the designated officer or any other officer as per directions contained in the said order.

(ii) Appointing/Disciplinary Authority if a disciplinary action has been proposed in the order under the applicable service rules.

9. Deposit of the penalty amount.- (1) If compensation has been ordered to be paid to the appellant, the amount of penalty shall firstly be utilized for the payment of compensation to the appellant and if there remains any residue amount of penalty after the payment of compensation, it shall be dealt with as per sub-rule (2).

(2) The amount of penalty imposed under section 8 shall be deposited in the appropriate Government treasury under the Head of account "0070-Other Administrative Services, 60-Other Services, 800-Other receipts, 13-Penalty and fine under HP Public Services Guarantee Act, 2011".

10. Records to be maintained by the designated officer and the appellate authorities.- The designated officer and first and second appellate authorities shall maintain the records of application received and the appeal filed in registers maintained in Forms-III, IV and V respectively.

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Form-I

(See rule 3)

Acknowledgement under the HP Public Services Guarantee Act, 2011

Received an application for public service under the Himachal Pradesh Public Services Guarantee Act, 2011 for the Service/public Service ----- from Smt./Shri-----

(a) The request is incomplete and following additional documents be attached and requirements fulfilled:-

1-----

2-----

3-----

(b) Application is complete and the time limit for the service is ----- days.

Stamp and signature of authorized Officer

Name & designation of Designated Officer

Date-----

Name & Designation of authorized Officer

Number of Service application.

Name of the Officer-----

FORM-II

(See rule 4)

NOTICE BOARD

Name of the Office-----

Name of the Designated Officer-----

Designation-----

Sr. No.	Name of the service /Public Service	Documents to be attached with the application. (list enclosed)	Stipulated time limit for providing service(s).	Name and address of the first appellate authority.	Stipulated time limit for disposal of first appeal.	Name and address of the second appellate authority.
1	2	3	4	5	6	7
1.						
2.						
3.						

(1) Name and designation of the person authorized to receive application(s)
in the office of the designated officer. -----

(2) Time limit for filing the first appeal. -----

(3) Time limit for filing the second appeal. -----

Note: Please obtain the acknowledgement of your application.

FORM-III

(See rule 10)

Form of register to be maintained by the designated Officer

Office of the -----

Year-----

Sr. No.	Name and address of the applicant.	Service for which application has been received.	Stipulated time limit for providing service	Application accepted/rejected	Date of Order passed and its brief details.
1	2	3	4	5	6
1.					
2.					
3.					

FORM-IV

(See rule 10)

Department of -----

Form of Register to be maintained in the office of first appellate authority i.e. office of -----

Sr. No.	Name and address of the applicant.	Date of filing of first appeal	Name of the designated officer (alongwith the name of the office) against whose decision appeal is filed	Last date of stipulated time limit	Date of Order and brief details of order passed in appeal
1	2	3	4	5	6
1.					
2.					
3.					

FORM-V

(See rule 10)

Form of register to be maintained in the office of the second appellate authority.

Name of office of the second appellate authority. -----

Sr. No.	Date of filing second appeal	Name of the first appellate authority (along with name of office) against whose decision appeal has been filed.	Particulars of disposal of second appeal (a) Rejection----- (b) Penalty----- (c) Departmental proceedings----- (d) Payment of compensation. -----	Brief details of order passed.
1	2	3	4	5
1.				
2.				
3.				

By order

Principal Secretary (AR) to the
Government of Himachal Pradesh

Endst. No. As above.

Dated Shimla-2, the 21.11 2011.

Copy forwarded to the following for information & necessary action:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh
2. All the Divisional Commissioners in Himachal Pradesh.
3. The Accountant General (Audit) HP Shimla-3.
4. The Resident commissioner, HP Himachal Bhavan, Sikandra Road, New Delhi.
5. All the Heads of Departments in Himachal Pradesh.
- 6 All the Deputy Commissioners in Himachal Pradesh.
7. All the Managing Directors, Boards/Corporations in Himachal Pradesh.
8. The Resident Commissioner, Pangi at Killar, Distt Chamba, HP.
9. All the Vice Chancellors of Universities, in Himachal Pradesh.
10. The Secretary to the Governor, HP Shimla-2.
11. The Secretary, HP Vidhan Sabha, Shimla-4.
12. The Registrar, High Court of Himachal Pradesh, Shimla-171001.
13. The Secretary, State Information Commission, HP Shimla-2.
14. Secretary, HP Public Service Commission, Shimla-4.
- 15 The Controller, Printing and Stationery, HP for publication in the Rajpatra (Extra Ordinary)

Joint Secretary (AR) to the
Government of Himachal Pradesh