

D.S. Dhesi, IAS

Please ensure strict compliance of these instructions to the

ACSC 11/4/17

L/c.



5479
17/4/17

D.O. No. 62/42/2014-GGSI

Chief Secretary, Haryana,
Chandigarh - 160 001.

E.mail : cs@hry.nic.in

Dated 07-04-2017.

Dear Administrative Secretary,

Kindly refer to this office letter No. 62/42/2014-GGSI dated 18.6.2015 addressed to all the Administrative Secretaries to Government of Haryana vide which all the Departments/Boards/Corporations etc. were directed to ensure that replies/written statements are filed in all Writ Petitions three days prior and in Contempt Petitions seven working days prior to date fixed for hearing. It was further directed that in case instructions are not complied with, the official(s) concerned shall be responsible/liable for costs imposed and departmental proceedings.

It is now being repeatedly pointed out by the Hon'ble Judges hearing Contempt Petitions that period fixed in High Court orders for compliance of the Court directions is rarely being adhered to and rather violated with impunity. It has also been pointed out that neither the orders are complied with within time prescribed nor any extension in time is sought from the Courts giving any justified reasons for extension nor replies are filed a week before date of hearing fixed. It was also pointed out that when Contempt Petition are filed and notices are issued by the Courts even then after receipt of contempt notice, no action is taken promptly and process for compliance of Court order is started a week before the date of hearing fixed in the Contempt Petition. The Hon'ble Judges are of the view that if for any justified reason, the Court order cannot be complied with within time prescribed in the Courts orders, the concerned department/official is required to seek extension of time for compliance of said order within time prescribed in Court order or immediately thereafter so that citizens are not forced to file Contempt Petitions and they may be aware of the fact that the department has sought extension in time from the concerned Court pleading difficulty to adhere to time schedule provided. The Courts also conveyed that if citizens are forced to file Contempt Petitions for non-compliance of the Court orders within time prescribed in the Court orders, then the Courts have to presume that non-compliance of Court order is wilful and concerned official is guilty of contempt even if orders are complied with after expiry of period prescribed or after filing of the Contempt Petitions. The Courts observe that attitude is not adhering to time schedule fixed by the Courts for compliance of Courts orders, forces the Court to summon higher officers for personal appearance

Ensure requisite No 2 approval not pending action required to be taken by this office

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ACSL OF MS No. 5479
Dated 10.4.17

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though same can be avoided by compliance of Court orders in time or by seeking extension in time. The Courts are of the view that the Head of Departments should monitor the Court directions in different cases issued to the concerned departments.

You are, therefore, requested to adhere to the time schedule fixed by the Court for compliance of Court directions in Court orders and if in any particular case, there is difficulty in adhering to time schedule, application for extension of time for compliance of Court order, must be filed promptly within the time fixed for compliance, ~~falling which the officers concerned will be personally liable for non-compliance of the Court orders and costs if any imposed by the Court(s).~~ Replies/written statement must also be filed a week before date of hearing fixed in the cases.

Yours sincerely

D.S. Dhesi

(D.S. Dhesi)

Shri Vijai Vardhan, IAS
Additional Chief Secretary to Govt. Haryana,
Labour Department

कार्यालय श्रम आयुक्त, हरियाणा

पृष्ठांकन क्रमांक स्था0/2017/ 11016-11101

दिनांक: 25-4-17

प्रति निम्नलिखित निम्नलिखित को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

1. अतिरिक्त श्रम आयुक्त, गुड़गाँव(एन0सी0आर0)।
2. सभी अधिकारी, मुख्यालय।
3. अतिरिक्त श्रम आयुक्त, मुख्यालय।
4. अतिरिक्त निदेशक, औद्योगिक सुरक्षा एवं स्वास्थ्य, मुख्यालय।
5. सभी उप श्रम आयुक्त, हरियाणा राज्य।
6. सभी उप निदेशक, औद्योगिक सुरक्षा एवं स्वास्थ्य, हरियाणा राज्य।
7. सभी संयुक्त निदेशक, औद्योगिक सुरक्षा एवं स्वास्थ्य, हरियाणा राज्य।
8. सभी सहायक निदेशक, औद्योगिक सुरक्षा एवं स्वास्थ्य, हरियाणा राज्य।
9. कल्याण अधिकारी (महिला) फरीदाबाद व पानीपत।
10. सभी सहायक श्रम आयुक्त, हरियाणा राज्य।

D.S. Dhesi

उप अधीक्षक (स्था0)

कृते : श्रम आयुक्त, हरियाणा।