

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

SECTOR 44-C, CHANDIGARH-160045

ਮੋਬਾਈਲ: 9814013764

EMAIL ID : ਈ ਮੇਲ ਆਈ ਡੀ

hcarora.highcourt@gmail.com

ਮਕਾਨ ਨੰਬਰ -2299

ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 26.5.2019

To

1. Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
2. Chief Secretary, Government of Haryana, Haryana Civil Secretariat, Chandigarh.

Subject:- Demand for transparency in personal hearing for deciding departmental statutory appeals filed by the Government employees.

By E-mail

Dear Sirs,

I hereby serve the following notice on you:-

1. That the present is an era of transparency, ushered in by the enactment of Right to Information Act, 2005. Even the preamble of the Act takes notice of the ground reality that corruption flourishes due to non-maintenance of transparency in the administrative set up.

2. That you will kindly appreciate that even the Hon'ble Supreme Court of India has issued interim directions from time to time in Writ Petition(s) (Criminal) No. 99/2015 (Pradyuman Bisht Vs. Union of India & others) on 14.8.2017 that CCTV cameras are installed in all subordinate Courts in such phased manner as may be considered appropriate by the concerned High Courts. The schedule for the aforesaid purpose may be laid down within one month and information furnished to the Hon'ble Supreme Court within 2 months. It was further directed in Para No. 12 of the aforesaid judgment that audio recording may also be done of the proceedings of Lower Courts and the similar directions may also be issued by the Government for maintenance of transparency through installation of CCTV cameras in various Administrative

Tribunals, like State Administrative Tribunals, Armed Forces Tribunals, Central Administrative Tribunals, and other such Tribunals. The purpose of these directions is obvious, and the same hardly needs be explained in the instant notice.

3. That it is further pertinent to state that the Hon'ble Supreme Court has issued an order dated 6.4.2018 in SLP (C)-33995-34027/2017 (The State of Meghalaya and another Vs. Phikirbha Khariah and others), decided on 6.4.2018, that as far as possible, selection process conducted by the Selection Bodies, especially the State Public Service Commissions and the State Selection Boards, be videographed. It is desirable that at examination centres as well as interview centres, CCTV cameras are installed to the extent viable. The footage of such CCTV cameras may be seen by an independent committee of three members and report of such committee may be placed on the website concerned.

4. That it also hardly needs be stated that the statutory appeals/departmental appeals under the disciplinary process regulations/rules, the concerned Appellate Authority has to take decisions on such appeals filed by the Government employees. Such appeals against the orders of dismissal are usually decided by the Appellate Authority, after giving personal hearing to the concerned Government servant. It is pertinent to state that the decision of appeal against the punishment of dismissal imposed on Government servant is a question of life and death for such Government servant. It would inspire confidence of the concerned Government servant if the proceedings of personal hearing of such appeals are decided by the Appellate Authority, after recording those proceedings through CCTV cameras along with audio recording. That will not only inspire confidence of the concerned Government servant, but also would result into maintenance of transparency of the system. The Appellate Authority has hardly anything to lose, in case the proceedings of appeal are video recorded, even if there is no provision for personal hearing in the relevant disciplinary action rules. The requirement of transparency also implies that even in the absence of any provision for giving such personal hearing, the same should be afforded to the concerned Government servant, at least against the orders of dismissal from service, to avoid any factual disputes about the substance of the arguments raised by such Government servant, during personal hearing.

I would therefore, call upon you to kindly issue appropriate directions to all the Departmental Heads to the above effect, for the purpose of inspiring the confidence of the Government servants, who have to face departmental action,

at least at the stage of considering their appeal against the orders of punishment, particularly the orders of dismissal from service. I expect you to issue appropriate directions in the above matter, within a period of one month from the date of receipt of this notice by you, failing which I shall be left with no other alternative except to approach the Hon'ble High Court of Punjab and Haryana at Chandigarh by way of a PIL for the purpose of redressal of my legitimate grievance mentioned above.

Meanwhile, please, acknowledge receipt of this notice.

Thanking you.

Yours sincerely,

(HARI CHAND)

ADVOCATE