

Mdlt to upload.

CMS (Meeting)

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2/m  
26/2/2020

ਪੰਜਾਬ ਸਰਕਾਰ  
ਚੋਣ ਵਿਭਾਗ  
(ਚੋਣ ਸ਼ਾਖਾ)  
3/3/2020

1839  
26/2/2020

D/Admn.

ਸੇਵਾ ਵਿਖੇ

1. ਸਮੂਹ ਵਿਸ਼ੇਸ਼ ਮੁੱਖ ਸਕੱਤਰ/ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ/ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ/ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ/ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ/ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ।
2. ਸਮੂਹ ਡਵੀਜ਼ਨਲ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ।
3. ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ, ਪੰਜਾਬ।
4. ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਪੰਜਾਬ।
5. ਸਮੂਹ ਬੋਰਡ ਅਤੇ ਕਾਰਪੋਰੇਸ਼ਨਾਂ ਦੇ ਚੇਅਰਮੈਨ/ਮੈਨੇਜਿੰਗ ਡਾਇਰੈਕਟਰ, ਪੰਜਾਬ।
6. ਰਜਿਸਟਰਾਰ, ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ।

Diary No. 212-2020  
26/2/2020

✓ CE/HIS & D  
CE/P&M /  
Sr. PS  
Director/Admn.

Dy. C.E./HR & Admn.  
Dy. C.E./S&D  
Dy. GM/IT  
P.S.

ਮੀਮੇ ਨੰ: Elec-8/20/2014/4 ਈਐਲ/ 47  
ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 7.2.2020

ਵਿਸ਼ਾ:- Disciplinary Proceedings against Officials appointed on Election Duty-regarding

Diary No. 464/INST/2019/EP  
Dtd. 24.2.2020

ਕਿਰਪਾ ਕਰਕੇ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੇਚਲ ਕੀਤੀ ਜਾਵੇ ਜੀ।

2. ਵਿਸ਼ਾ ਅੰਕਿਤ ਮਾਮਲੇ ਸਬੰਧੀ ਮੁੱਖ ਚੋਣ ਅਫ਼ਸਰ, ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਪੱਤਰ ਨੰ: Elec-2020/R-150, dated 9.1.2020 ਸਮੇਤ ਨਾਲ ਨੱਥੀ ਭਾਰਤ ਚੋਣ ਕਮਿਸ਼ਨ, ਨਵੀਂ ਦਿੱਲੀ ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਪੱਤਰ ਨੰ: 464/INST/2019/EP, ਮਿਤੀ 17.12.2019 (1), 464/INST/2009/EP, ਮਿਤੀ 31.3.2009, 464/INST/2019/EP, ਮਿਤੀ 17.12.2019 (2), 51/8/6/2019/EMPS/213, ਮਿਤੀ 19.7.2019 ਅਤੇ ਨੰ: 11012(4)/2008/Estt.(A), ਮਿਤੀ 28.7.2008 ਦੀ ਕਾਪੀ ਆਪਣੇ ਭੇਜਦੇ ਹੋਏ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਪੱਤਰਾਂ ਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ/ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨ ਨੂੰ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਜੀ।

116/PstocMD(T)  
20-2-2020

ਪਿ.ਅੰ ਨੰ: Elec-8/20/2014/4 ਈਐਲ/ 47

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 7.2.2020

ਉਪਰੋਕਤ ਦਾ ਇਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਅਧੀਨ ਸਕੱਤਰ, ਭਾਰਤ ਚੋਣ ਕਮਿਸ਼ਨ, ਨਿਰਵਾਚਨ ਸਦਨ, ਅਸ਼ੋਕਾ ਰੋਡ, ਨਵੀਂ ਦਿੱਲੀ ਨੂੰ ਉਨ੍ਹਾਂ ਦੇ ਪੱਤਰ No. 464/INST/2019/EP, ਮਿਤੀ 17.12.2019 ਦੇ ਹਵਾਲੇ ਵਿੱਚ।
2. ਵਿਸ਼ੇਸ਼ ਕਾਰਜ ਅਫ਼ਸਰ/ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ।
3. ਮੁੱਖ ਚੋਣ ਅਫ਼ਸਰ, ਪੰਜਾਬ, ਐਸ.ਸੀ.ਓ. ਨੰ: 29-30, ਸੈਕਟਰ-17-ਈ, ਚੰਡੀਗੜ੍ਹ ਨੂੰ ਉਨ੍ਹਾਂ ਦੇ ਪੱਤਰ ਨੰ: Elec-2020/R-150, dated 9.1.2020 ਦੇ ਹਵਾਲੇ ਵਿੱਚ।

1. Sr. Xen/Personnel
2. Sr. Xen/Admn.
3. Sr. Xen/Rectt.
4. ASE/Trg. Cell
5. Dy. Secy/ Estt.
6. Dy. Secy/ General
7. US/ RTI/ Court Cases

Dy. CE/HR & Admn

ਉਪ ਸਕੱਤਰ ਚੋਣ  
on website and cells  
26/2/2020

OFFICE OF THE  
CHIEF ELECTORAL OFFICER, PUNJAB

ELECTORAL  
COMMISSION

1W

SCO, No. 20-22, Sector 17-B, Chandigarh  
Phone: 0172-2704701, 2704743, 2704772 | Fax: 0172-2707970 | Email: ceo\_punjab@eci.gov.in, dyceoa@punjab.gov.in

No: Elec-2020/R-150

Dated 9 January 2020

Handwritten notes in Gurmukhi script: 58969, 16/01/20

To

The Chief Secretary,  
Government of Punjab,  
Punjab Civil Secretariat-1,  
Chandigarh.

Handwritten notes: cs has already marked an e-n to PS Personnel

**Subject: Disciplinary Proceedings against Officials appointed on Election Duty-regarding.**

Handwritten notes: PSP (BWP) 13/1/20

Respected Sir,

This is with reference to letter No. 164/INST/2019/EP, dated 17th December 2019 (copy enclosed) received from Election Commission of India on the subject cited above.

Handwritten notes in Gurmukhi script: 14/01/2020

Ministry of Personnel, Public Grievances and Pensions, DoPT vide their OM no. 11012 (4)/2008-Estt. (A) dated 28.07.2008 has directed that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India if the matter is proposed to be closed only on the basis of a written explanation given by the officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision.

Handwritten notes in Gurmukhi script: 14-01-2020

In this connection, it is requested that as per the directions of Election Commission of India, you are requested to ensure that disciplinary authorities should mandatorily consult the Election Commission before closing any matter arising out of disciplinary proceedings initiated on the recommendation of the Commission. Such reference may kindly be routed through the Chief Electoral Officer (CEO) of the State.

Yours faithfully,

Chief Electoral Officer,  
Punjab

07-01-2020



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www.ceopunjab.nic.in

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भारत निर्वाचन आयोग  
ELECTION COMMISSION OF INDIA

दूरभाष नं./Tel.No: 011-23052246  
फैक्स/Fax: 011-23052001  
वेबसाइट/Website: [www.eci.gov.in](http://www.eci.gov.in)

निर्वाचन सदन,  
अशोक रोड, नई दिल्ली -110001  
Nirvachan Sadan, Ashok Road,  
New Delhi -110001

सं./No.464/INST/2019/EPS  
To

दिनांक/Dated: 17<sup>th</sup> December 2019

The Chief Secretaries of  
All the States/UTs.

(Reference: Letter no. 464/INST/2009-EPS dated 31.03.2009)  
Subject: Disciplinary Proceedings against Officials appointed on Election Duty-  
regarding.

Sir/Madam,

I am directed to refer to the Commission's letter referred to above and to reiterate hereby the abovesaid instruction on Disciplinary Proceedings against Officials appointed on Election Duty.

2. Your attention is invited to section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951, and the Commission's order no. 4/2001-J.S-II dated 07.02.2001 issued in light of the Order dated 21.09.2000 of the Hon'ble Supreme Court in Writ Petition (C) No. 606 of 1993 (Election Commission of India Vs. Union of India and Ors.), taking on record the terms of settlement arrived at between the Election Commission and Union Government in the matter of disciplinary control of the Commission over officers appointed to perform election duties. Reference is also invited to the OM No. 11012/7/98-Estt (A), dated 08.11.2000 (copy enclosed).

3. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their OM no. 11012 (4)/2008-Estt. (A) dated 28.07.2008 directed that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision.

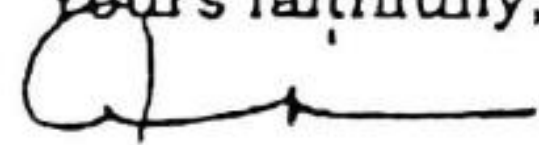
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4. Accordingly, it should be ensured that disciplinary authorities should mandatorily consult the Election Commission before closing any matter arising out of disciplinary proceedings initiated on the recommendation of the Commission. Reference in such cases may be routed through the Chief Electoral Officer of the State.

5. The Chief Electoral Officer shall refer each such reference as and when received from the State govt. to the Commission with his/her comments thereon.

Yours faithfully,



(SANJEEV KUMAR PRASAD)  
UNDER SECRETARY

Copy to: The Chief Electoral Officers of all States and Union Territories with a direction to bring this to the notice of the Chief Secretary of your State/UT and report compliance.

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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009-EPS

Dated: 31<sup>st</sup> March, 2009

To,

- (1) The Chief Secretaries of  
All States and Union Territories.
- (2) The Chief Electoral Officers of  
All States and Union Territories.

Sub: - Disciplinary proceedings against officials appointed on election duty.

Sir,

I am directed to state that the Commission has recently received inputs that some of the State Governments are taking or proposing to take, action to suspend or initiate disciplinary proceedings for acts of omission /commission committed by them in past, against certain officers/ officials and Police Personnel who are or likely to be deployed on election duty, on their own without intimating the Commission. The Commission has taken a serious note of it and it does not approve of such unilateral action by the state Govts.

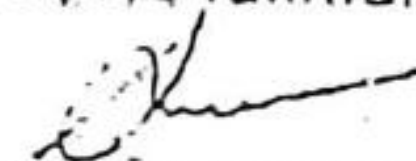
2. Your attention is invited to Sec 13cc of R.P. ACT 1950 and Sec 28A of R.P. ACT 1951, and Commission's Order No. 4/2001-J.S-II dated 07.02.2001 issued in the light of observation of Supreme Court of India Order dated 21.9.2000 in writ Petition (C) No 606 of 1993 (Election Commission of India Vs. Union of India and Others), reproduced as Item 16 of Compendium of Instruction Vol-III which is available in the Commission's website also.

3. The Commission, having considered the matter has directed that written prior permission of the Commission is mandatory before suspending/ initiating any disciplinary proceedings against officer/official connected with conduct of elections is during the period of election.

4. The CEOs shall refer each such reference as and when received from the State Govt to Commission with their comments.

Kindly acknowledge the receipt.

Yours faithfully

  
(SUMIT MUKHERJEE)

UNDER SECRETARY

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भारत निर्वाचन आयोग  
ELECTION COMMISSION OF INDIA

दूरभाष सं./Tel.No: 011-23052246  
फैक्स/Fax :011- 23052001  
वेबसाइट/Website: [www.eci.gov.in](http://www.eci.gov.in)

निर्वाचन सदन,  
अशोक रोड, नई दिल्ली -110001  
Nirvachan Sadan, Ashok Road,  
New Delhi -110001

दिनांक/Dated: 17<sup>th</sup> December 2019

सं./No.464/INST/2019/EPS  
To

The Chief Secretary  
Himachal Pradesh, Shimla

(Reference: 1. 51/8/6/2019-EMPS dated 19.07.2019  
2. 464/INST/2009-EPS dated 31.03.2009)

Subject: Disciplinary Proceedings against Officials appointed on election duty- reg.

Sir,

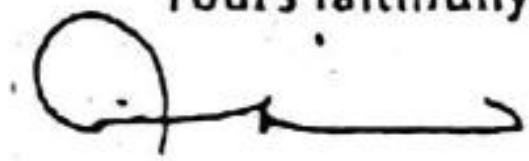
I am directed to refer your letter no-Per(A-I) B (14)-2/2019 dated October, 2019, tendering unconditional apology for not consulting Election Commission of India before dropping the disciplinary proceedings against Sh. Mukesh Repaswal, SDO(C). The disciplinary proceedings were dropped on the basis of written explanation given by officer concerned and same was intimated to the Commission vide Government of Himachal Pradesh order dated 27.06.2019, which was in contravention to the Commission's existing instructions (464/INST/2009-EPS dated 31.03.2009) and other provisions mentioned therein. While accepting the apology in this case, the Commission has taken a serious note of the action of the State Government in not following the due process.

2. Your attention is invited to section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951, and the Commission's order no. 4/2001-J.S-II dated 07.02.2001 issued in light of the Order dated 21.09.2000 of the Hon'ble Supreme Court in Writ Petition (C) No. 606 of 1993 (Election Commission of India Vs. Union of India and Ors.), taking on record the terms of settlement arrived at between the Election Commission and Union Government in the matter of disciplinary control of the Commission over officers appointed to perform election duties. Reference is also invited to the OM No. 11012/7/98-Estt (A), dated 08.11.2000 (copy enclosed).

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- 3. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their OM no. 11012 (4)/2000-Estt (A) dated 28.07.2008 directed that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the disciplinary authorities take a final decision.
- 4. Accordingly, it should be ensured that disciplinary authorities should mandatorily consult the Election Commission before closing any matter arising out of disciplinary proceedings initiated on the recommendation of the Commission. Reference in such cases may be routed through the Chief Electoral Officer of the State.
- 5. The Chief Electoral Officer shall refer each such reference as and when received from the State govt. to Commission with his/her comments.

Yours faithfully,



(SANJEEV KUMAR PRASAD)  
UNDER SECRETARY

Copy to: The Chief Electoral Officer of all States/UTs with a direction to bring this to the notice of the Chief Secretary & report compliance

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S. No. 19 (1)

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# ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 51/8/6/2019-EMPS | 213

Dated: 19<sup>th</sup> July, 2019

To

The Chief Secretary to  
The Government of Himachal Pradesh,  
Shimla.

Ref:

ECI's letter No. 51/8/6/2019-EMPS, dated 11<sup>th</sup> March, 2019.

Subject:

Immediate transfer and Disciplinary Proceedings against Sh. Mukesh Repaswal, Sub Division Magistrate, Chopal- regarding.

Sir,

With reference to your Order No. Per(A-1)B(14)-2/2019, dated 27/06/2019, regarding dropping of the disciplinary proceedings initiated against Sh. Mukesh Repaswal, IAS. I am directed to draw your kind attention to para 2 of the Department of Personnel and Training's Office Memorandum No. 11012(4)/2018-Estt.(A), dated 28<sup>th</sup> July, 2008 (copy enclosed), which state that it shall be mandatory for the disciplinary authorities to consult the Election Commission if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the Disciplinary Authorities take a final decision.

The Commission has directed that you may kindly explain why the Department of Personnel and Training's Office Memorandum No. 11012(4)/2018-Estt.(A), dated 28<sup>th</sup> July, 2008, was not considered before closing the matter.

Yours faithfully,

(Suman Kumur Das)  
Secretary

9/7

जाति पं. नं. / 2019

19 July 2019

Electoral Commission  
New Delhi



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BA  
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No. 11012(4)/2008-Estt. (A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

North Block,  
New Delhi,  
Dated the 28<sup>th</sup> July, 2008

OFFICE MEMORANDUM

Subject : Disciplinary Jurisdiction of Election Commission of India over Government servants deputed for election duties.

The undersigned is directed to refer to the Department of Personnel and Training's O.M. of even number dated 20.03.2008 on the above mentioned subject and to say that attention was drawn therein to the principles and decisions agreed to between the Union Government and the Election Commission of India in respect of disciplinary action against the Government servants deputed for election duties. The relevant Terms of Settlement have been cited in para 1 of DOPT's O.M. No. 11012/7/98-Estt. (A) dated 07.11.2000. As per part(c) of these Terms of Settlement,

- (a) the disciplinary functions of the Election Commission over the officers, staff and police deputed to perform election duties shall extend inter alia to making recommendation to the competent authority for taking disciplinary action for any act of insubordination or dereliction of duty while on election duty; and
- (b) such recommendation shall be promptly acted upon by the disciplinary authority and the action taken will be communicated to the Election Commission within a period of six months from the date of the Commission's recommendation.

The instructions issued in this regard were reiterated in the DOPT's O.M. dated 20-3-2008 wherein it was emphasized that the aforementioned Terms of Settlement have to be complied with while adhering to the provisions of the relevant disciplinary rules.

2. The matter concerning departmental proceedings against officials appointed on election duty has recently been further considered by the Government. It has now been decided that it shall be mandatory for the disciplinary authorities to consult the Election Commission if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the Disciplinary Authorities take a final decision.

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3. All Ministries/Departments are requested to bring the contents of this O.M. to the notice of all concerned for information and compliance.



(P. PRABHAKARAN)  
Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India