

**H.P.BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR OTHER GAZETTED OFFICERS/
OFFICIALS OF HIMACHAL PRADESH SESSION NOVEMBER, 2009**

PAPER-5 **(S.A.D.)**

Time Allowed: 3 Hours.

Maximum Marks: 100

Note:- 1. Attempt any five questions

2. Only bare Acts and Rules are allowed.

Q.No.1 A) Who is eligible to take benefit under Assured Career Progression Scheme (ACP)? **(5Marks)**

B) Consider the following particulars of a government servant:

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|--|-----------|
| a. Date of Appointment as Superintendent Grade-II | 1.08.1987 |
| b) Promotion as Superintendent Grade –I | 1.12.1994 |
| c) Reversion as Superintendent Grade-II | 1.04.1998 |
| d) Date or re- promotion as Superintendent Grade-I | 1.05.1999 |

c) Mr.B, a permanent school lecturer in the pay scale of Rs. 6400-200-7000-220-8100-275-10300-340-10640 is drawing pay at the stage of Rs. 8375/- w.e.f. 1-1-4-1998. He is appointed in HAS Cadre in the pay scale of Rs. 7880-220-8100-275-10300-340-12000-375-13500 with initial start at Rs. 8000/- w.e.f. 1-1-1998. After successful completion of Probation Period of two years, his Services are confirmed in the cadre. What will be the pay of the officer during Probation period and on confirmation in HAS Cadre? When will his pay be Fixed ' as on higher post'? **(10 Marks)**

Q.No.2 A. Write a brief note on Minor Penalties? Can a minor penalty be imposed on an Officer charge sheeted for major penalty? **(6 Marks)**

B. Write whether the following statements are true or false:-

- Penalty with cumulative effect means 'forfeiture of service for increment'.
- When the penalty of stoppage of increments with non- cumulative effect ends, arrears of increments withheld are allowed to government servant.
- Increments can be stopped with retrospective effect.
- Advance Increments do not interfere in the implementation of penalty of stoppage of increments. **(2 x 4= 8 Marks)**

c) Basic Pay of Mr. X is Rs. 8100 w.e.f. 1.3.2001. An order dated 1.7.2001 states that "his next' increment for three years is withheld for 3 years with non-cumulative effect." What will be his pay in the following years: 1.3.2001 to 28.2.2002' 1.3.2002 to 28.2.2003; 1.3.2003 to 29.2.2004; 1.3.2004 to 28.2.2005 and on 1.3.2005? **(6 Marks)**

-2-

- Q.No.3 A. What is meant by 'unrecognized kind of leave? Whether a government Servant is allowed 'salary' or 'Leave salary' when he avails 'unrecognized Kind of leave? **(4 Marks)**
- B. Write a brief note on ordinary kinds of leave admissible to a government Servant. **(6 Marks)**
- C. A permanent government servant is to retire on 31.12.2025. On 31.1.2001 he Applies for grant of 450 days of 'Leave not due on medical grounds' No half Pay leave is due in his credit on 31.1.2001. Determine the number of days for Which leave not due can be sanctioned in his favour. **(5 Marks)**
- D. A Government servant remained on Extra Ordinary Leave for 15.12.2000 to 31.12.2000, determine the period of net credit of EL to be afforded on 1.1.2001. **(5 Marks)**
- Q.No.4 A. List different types of retirements and ways in which a government servant Can be made to quit the job. **(10 Marks)**
- B. Find out the date of retirement of a government servant born on 9.10.1944 Belonging to HAS cadre? What will be his date of retirement if his date of Birth is 1.10.1944? **(4 Marks)**
- C. Whether these statements are True or False:-
- A government servant can be retired prematurely after he/ she has rendered total service of 30 years.
 - The power of Appointing Authority to retire a Government Servant prematurely is absolute.
 - Appointing Authority gives 4 months notice to retire a Government servant.
- (2 x 3= 6 Marks)**
- Q.No.5 A. What will be the difference relating to pensionary benefits between the case of A government servant who is retired by the Government by way of pre-Mature retirement and another government servant who seeks pre- mature Retirement on his own volition? Please quote relevant provision of Rules. **(8 Marks)**
- B. The service record of a Government servant is very good throughout his Service career. He is running in the last year of service when in a particular Case the record shows his integrity to be doubtful. Appointing authority Serves a notice of premature retirement on him. Comment whether the action Is within the competence of the Appointing Authority or not. Also quote the Relevant provision of Rules in support of your answer. **(8 Marks)**
- C. Can the appointing authority retire a government servant pre- maturely if it is Of the personal opinion that the government servant is inefficient? Please Comment. **(4 Marks)**

Q.No.6 A. A Government servant is habitual of remaining absent without proper sanction Of leave. He also over stays his leave on almost all occasions. He has been Given show cause notice to improve his work and conduct many times but he Fails to take note of the show cause notices. He is charge sheeted under rule 16 of CCS (CCA) Rules and the charge of remaining absent without Permission/ approval is proved with the help of documents (e.g. attendance Register, show cause notices, replies to the notices and the noting on the file). Write a reasoned detailed order considering the evidence before you imposing Penalty on the official. Make necessary assumptions for the purpose.

(14 Marks)

B. What is meant by 'dies no'? It is a penalty? Can period of unauthorized Absence of a government official be treated as 'dies- non' without holding an Inquiry under Rule 14/ Rule16 CCS (CCS) Rules? **(6 Marks)**

Q.No.7

1. Following charges are made against a Kanungo posted in the Revenue Department by the Tehsildar after visiting the spot and after examining and Comparing the record:
 - (i) That he gave wrong demarcation report in order to benefit private persons. The demarcation report showed government land as part of adjoining private land.
 - (ii) That as there were trees standing on the said government land the private person sold the trees as part of private sale causing financial loss to the government.
 - (iii) That the official also tempered the revenue papers in order to cover up his misdeeds.
2. A preliminary inquiry conducted by ADM established that all the above Charges were correct.
3. DC orders inquiry under Rule 14 CCS (CCA) Rules an ADC is appointed As Inquiry Officer.
4. The Inquiry Officer, during the course of inquiry, appoints a local Commission under the District Revenue Officer and gets the demarcation done again. The demarcation shows that the Kanungo, in connivance with the Patwari concerned, had indeed given a wrong report and had wrongly shown government land to be private land. The IO examines the witnesses on both sides, takes into account the evidence available on record, the report of Tehsildar and the Preliminary Inquiry and concludes that all three charges were proved.

Now assuming that you are the Inquiry Officer, write a reasoned Inquiry Report. Make required assumptions. **(20 Marks)**

- Q.No.8 An Officer is caught red handed while taking bribe by the Vigilance Department on 25.12.2007. He is produced before the Court where he is Remanded to Police Custody. The Department suspends the officer on 1.1.2008. Prosecution sanction is later given and a challan is produced in the Court:
- a) Can disciplinary proceedings continue with the Criminal Case?
 - b) What will be the position regarding Subsistence Allowance in this case?
 - c) Suppose the Disciplinary Authority (DA) decides to wait for Court verdict before starting (CCA) Rules in case the officer is acquitted by the trial court?
 - d) Assume that the officer is still under suspension at the time of acquittal (on the technical grounds) of the officer by the trial court and the Government decides to file appeal in the higher court and the officer is reinstated. What would be the fate of suspension period in this case?
 - e) Can the Disciplinary Authority award penalty on the same charge in which the officer is acquitted by the Court on technical grounds but charges are found proved by the Inquiry Officer? What options are available before the Disciplinary Authority regarding Suspension Period?

(20 Marks)
