

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
DIRECTORATE OF TRAINING & TECHNICAL EDUCATION,
MUNI MAYARAM MARG, PITAMPURA, DELHI-110034.
ESTABLISHMENT-IV (Phone No: 011-27322927).**

No: F.3 (35)/2019/VSE/TTE/E-IV/PART FILE/ 5191-97

Dated: 14/01/2020

To,

The Principals/HOO,
All Institutes of Technology/ITIs/BTC Pusa, IBBS (CSI),
Controller, BTE/ Dy. App. Adviser,
Under Department of Trg. & Tech. Education,
Govt. of NCT of Delhi.

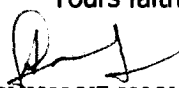
Sub: Disciplinary proceedings against officials appointed on election duty.

Sir/Madam,

Kindly refer to the subject mentioned above. In this regard, I am directed to forward herewith a copy of letter no. 464/INST/2019/EPS dated 17.12.2019, letter no. 464/INST/2009/EPS dated 31.03.2009, Office Memorandum No. 11012(4)/2008-Estt(A) dated 28.07.2008 received from the Election Officer (Vigilance), vide its Letter no. F.CEO/Admn/118/04/2019/75360-75422 dated 24.12.2019 for appropriate action.

Yours faithfully,

Encl: As above


**(ASHWANI KANSAL)
DY. DIRECTOR (ADMN)**

No: F.3 (35)/2019/VSE/TTE/E-IV/PART FILE/

Dated:

Copy to:-

1. Election officer (Vigilance), Office of the Chief Electoral Office Old St. Stephen's College Building Kashmere Gate, Delhi-110006.
2. The Deputy Director (Admn.), DTTE (HQ)
3. PS to Secretary/Director (TTE)
4. PA to Joint Director (TTE/Admn.)
5. System Analyst, Computer Branch, DTTE (HQ), with the request to upload the office letter on the website of DTTE.
6. Guard File.


**(ASHWANI KANSAL)
DY. DIRECTOR (ADMN)**

391/comp
15/01/2020

08/R&I/TTE
01/01/2020

DIRECTOR (TTE)
Diary No. 69
Dated 06-01-20



कार्यालय, मुख्य चुनाव अधिकारी, दिल्ली

OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI

पुराना सेंट स्टीफन कॉलेज भवन,
कश्मीरी गेट, दिल्ली - 110006,

Old St. Stephen's College Building,
Kashmere Gate, Delhi-110006.

No. F.CEO/Admn/118/04/2019/75360-75422 Dated: 24/12/2019
cd-000549291

To

All Head of Department/Autonomous Bodies
Govt. of NCT of Delhi
Delhi/New Delhi.

Office of the Secretary (TTE)
Government of NCT of Delhi

Diary No. 20
Date: 01/01/2020

Sub: Disciplinary proceedings against officials appointed on election duty.

I am directed to enclose herewith the following letters, received from Election Commission of India, on the subject captioned above, for appropriate action :-

1. Letter No. 464/INST/2019/EPS dated 17.12.2019, addressed to the Chief Secretary, Himachal Pradesh, Shimla;
2. Letter No. 464/INST/2009/EPS dated 31.03.2009 addressed to the Chief Secretaries of All States and Union Territories.
3. Office Memorandum No. 11012(4)/2008-Estt(A)-dated 28.07.2008 of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)
4. Letter No. 464/INST/2019/EPS dated 17.12.2019, addressed to the Chief Secretaries of All the States/UTs.

Yours faithfully,

(SATENDRA KUMAR)
ELECTION OFFICER (VIGILANCE)
Ph.: 011-23965176

Encl: as above.

S.O(A)

24/12/19
6/1

120/2-IV

07/01/2020

01/01/2020
1-2020
15/1/2020

DD (Admin)

DDA
06/01/2020
TTE



भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

दूरभाष सं./Tel.No: 011-23052246
फैक्स/Fax :011- 23052001
वेबसाइट/Website: www.eci.gov.in

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

दिनांक/Dated: 17th 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).

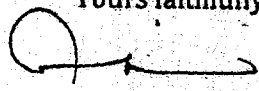
291/C

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.

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.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009-EPS

Dated: 31st 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 faking 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 a 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

137
26810

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 28th 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.

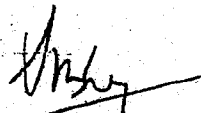
The instructions issued in this regard were reiterated in the DOPT's O.M. dated 20.3-2008 wherein it was emphasized that the aforementioned Terms of Settlement have to be complied with while adhering to the provisions of the relevant disciplinary rules.

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.

26710

-2-

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.



भारत निर्वाचन आयोग
ELECTION COMMISSION OF INDIA

दूरभाष सं./Tel.No: 011-23052246
फैक्स/Fax : 011-23052001
वेबसाइट/Website: www.eci.gov.in

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

सं./No. 464/INST/2019/EPS

दिनांक/Dated: 17th December 2019

To

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 130C 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).

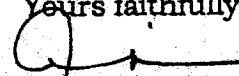
3. Further, Ministry of Personnel, Public Grievances and Pensions, DoPT, vide their OM no. 11012 (4)/2008-Estt. (A) dated 26.07.2008 directed that it shall be mandatory for the disciplinary authorities to consult the Election Commission of India if the matter is proposed to be closed only on the basis 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.