

Government of Himachal Pradesh
Department of Horticulture

No.HTC-B(15)17/2013

Dated, Shimla-2, the

NOTIFICATION

In supersession of this department's Notification of even No. dated 23.07.2016, in exercise of the power conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the services, Designated Officer, first appellate authority, second appellate authority and stipulated time limits pertaining to Horticulture Department for the purpose of Act ibid:

Sr. No.	Services	Workflow	Officers concerned	Days	Designation of Designated Officer	Time limit for providing services	Designation of first appellate authority	Designation of second appellate authority.
1	Grant of License for Registration/ Renewal of fruit nurseries under 'The Himachal Pradesh fruit Nursery Registration Act 1973'	Scrutiny of application	Horticulture Development Officer Block	5	Senior Plant Protection Officer	45 Days after receipt of application complete in all respects in accordance with	Joint Director of Horticulture, Shimla	Director of Horticulture, Himachal Pradesh.
		Spot Inspection and recommendation	Horticulture Development Officer Block/Subject Matter Specialist/ Deputy Director of Horticulture	25				
		Issue of license	Subject Matter Specialist (Nursery Inspection & Certification)/Competent Authority	30				
2	Advisory service on Plant Nutrition through Leaf Analysis	Scrutiny of application Sample Collection and forwarding to lab	Horticulture Development Officer Block/ Subject Matter Specialist/ Deputy Director of Horticulture	15	i) Senior analytical Officer at Directorate level ii) Deputy Director of the Distt concerned	120 Days after receipt of sample form farmer	Joint Director of Horticulture, Shimla	Director of Horticulture, Himachal Pradesh.
		Sample Analysis and recommendation	Horticulture Development Officer / Subject Matter Specialist (Plant Nutrition)	90				
3	Community Canning Service	Preparation of processed products	Subject Matter Specialist (Microbiologist & Quality Control) / Fruit Technologist.	20	Fruit Technologist	20 Days after receipt of raw material	Joint Director of Horticulture Shimla	Director of Horticulture, Himachal Pradesh.
4	Grant of subsidy on inputs /infrastructure created/other horticulture activities under MIDH /RKVY/ PMKSY	Scrutiny of application	Horticulture Development Officer/ Subject Matter Specialist	5	Deputy Director Horticulture of concerned District	30 days after satisfactory field verification of completion of approved work as per availability of the budget under the relevant scheme of state Govt. / Central Govt.	Joint Director of Horticulture (Externally aided projects), Shimla-2	Director of Horticulture, Himachal Pradesh, Shimla-2.
		Spot Inspection and recommendation	Horticulture Development Officer/Subject Matter Specialist/ Deputy Director of Horticulture	25				
		Release of assistance to the applicant through NEFT /RTGS	Deputy Director of Horticulture/Subject Matter specialist.	30				

By Order
Sd/-
(Jagdish Chander Sharma)
Principal Secretary (Hort.) to the
Government of Himachal Pradesh.

Endst. No. As above

Dated, Shimla-2 the **03.01.2017**

Copy forwarded to:-

1. The Secretary, State Information Commission, H.P. Shimla-2.
2. All Deputy Commissioners, H.P.
3. The Secretary (AR) to the Govt. of Himachal Pradesh. Shimla-2.
4. The Director of Horticulture, w.r.t. his letter No. 5-8/2014(GG)Udyan-IV, dated 30th November, 2016.
5. All Addl./Joint/Deputy Directors of Horticulture.
6. The Controller, Printing & Stationary Department, Shimla-3 for publication in Rajpatra.
7. Guard File.

(R. R. Patyal.)
Joint Secretary (Hort.) to the
Government of Himachal Pradesh
Ph. No.: 0177-2622765

Government of Himachal Pradesh
Department of Horticulture

No. HTC –B (15)17/2013

Dated, Shimla-2, the 28.02.2017

NOTIFICATION

In partial modification to this department's notification of even No. dated 08-02-2017, in exercise of the power conferred by section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011. The Governor, Himachal Pradesh is pleased to appoint State Information Commissioner as Second Appellate Authority in place of Director of Horticulture, HP for the purpose of the Act *ibid*.

By Order

Jagdish Chander Sharma
Principal Secretary (Hort.) to the
Government of Himachal Pradesh

Endst. No. As above

Dated, Shimla-2 the 28-02-2016

Copy forward to: -

1. The Secretary, State Information Commission, H.P .Shimla-2
2. All deputy Commissioners, H.P.
3. The Secretary (AR) to the Govt. of Himachal Pradesh, Shimla-2
4. The Director of Horticulture, H.P. Shimla-2
5. All Addl./Joint/Deputy Directors of Horticulture.
6. The Controller, Printing & Stationary, Department, Shimla-3 for publication in Rajpatra.
7. Guard File.

(R.R. Patyal.)
Joint Secretary (Hort.) to the
Government of Himachal Pradesh.
Ph. No.0177-2622765

No.HTC-B(15)17/2013

Dated, Shimla-2, the

NOTIFICATION

In supersession of this department's Notification of even No. dated 23-07-2016, in exercise of the power conferred by Section 3 of the Himachal Pradesh Public Service Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to notify the services, Designated Officer, first appellate authority, second appellate authority and stipulated time limits pertaining to Horticulture Department for the purpose of Act ibid:

Sr. No.	Services	Workflow	Officers concerned	Days	Designation of Designated Officer	Time limit for providing services	Designation of first appellate authority	Designation of second appellate authority
1	2	3	4	5	6	7	8	9
1	Grant of License for Registration/ Renewal of fruit nurseries under The Himachal Pradesh fruit Nursery Registration Act 1973	Scrutiny of application	Horticulture Development Officer Block	5	Senior Plant Protection Officer	45 Days after receipt of application complete in all respects in accordance with	Joint Director of Horticulture, Shimla	Director of Horticulture, Himachal Pradesh.
		Spot Inspection and recommendation	Horticulture Development Officer Block/Subject Matter Specialist/ Deputy Director of Horticulture	25				
		Issue of license	Subject Matter Specialist (Nursery Inspection & Certification)/ Competent Authority	30				
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		Sample Analysis and recommendation	Horticulture Development Officer/ Subject Matter Specialist (Plant Nutrition)	90				
3	Community Canning Service	Preparation of processed products	Subject Matter Specialist Microbiologist & Quality Control/Fruit Technologist.	20	Fruit Technologist	20 Days after receipt of material	Joint Director of Horticulture Shimla	Director of Horticulture, Himachal Pradesh.

4	Grant of subsidy on inputs /infrastructure created/other horticulture activities under MIDH /RKVY/ PMKSY	Scrutiny of application	Horticulture Development Officer/ Subject Matter Specialist	5	Deputy Director Horticulture of concerned District	30 days after satisfactory field verification of completion of approved work as per availability of the budget under the relevant scheme of state Govt /Central Govt.	Joint Director of Horticulture (Externally aided projects), Shimla-2	Director of Horticulture, Himachal Pradesh, Shimla-2.
		Spot Inspection and recommendation	Horticulture Development Officer/Subject Matter Specialist/ Deputy Director of Horticulture	25				
		Release of assistance to the applicant through NEFT /RTGS	Deputy Director of Horticulture/ Subject Matter specialist.	30				

By Order

(Jagdish Chander Sharma)
Principal Secretary (Hort.) to the
Government of Himachal Pradesh.

Dated, Shimla-2 the 3-1-17

Endst. No As above
Copy forwarded to:-

1. The Secretary, State Information Commission, H.P. Shimla-2.
2. All Deputy Commissioners, H.P.
3. The Secretary (AR) to the Govt. of Himachal Pradesh, Shimla-2.
4. The Director of Horticulture, w.r.t. his letter No. 5-8/2014(G.G.)Udyan-IV dated 30th November, 2016.
5. All Addl./Joint/Deputy Directors of Horticulture.
6. The Controller, Printing & Stationery Department, Shimla-3 for publication in Rajpatra.
7. Guard File.

(R. R. Patyal)
Joint Secretary (Hort.) to the
Government of Himachal Pradesh
Ph. No.: 0177-2622765

12-1-17

50 (AR)

12/01/2017

SMJ NED

**THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE
ACT, 2011**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Notification of services, designated officers, first appellate authority, second appellate authority and stipulated time limits by the State Government.
4. Right to obtain service within stipulated time limit.
5. Providing services in stipulated time limit.
6. Appeal.
7. Powers and functions of second appellate authority.
8. Penalty.
9. Protection of action taken in good faith.
10. Bar of jurisdiction.
11. Power to make rules.
12. Power to remove difficulties.

**THE HIMACHAL PRADESH PUBLIC SERVICES GUARANTEE
ACT, 2011**

(ACT NO. 34 OF 2011)¹

(Received the assent of the Governor on the 21st September 2011 and was published in Rajpatra, Himachal Pradesh both in Hindi and English on 24th September, 2011, pp. 3245-3253).

An Act to provide for the delivery of services to the people of the State of Himachal Pradesh within the stipulated time limit and for the matters connected therewith or incidental thereto.

Amended, repealed or otherwise affected by,-

H.P. Act No. 18 of 2019², assented to by Governor on 13th November, 2019, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated the 19th November, 2019, pp. 8039-8041.

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha . For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 25th August, 2011, pp. 2461 and 2465.

2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 31st August, 2019, pp. 5393 and 5394-5395.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Public Services Guarantee Act, 2011.

(2) It shall extend to the whole of the State of Himachal Pradesh.

¹[(3) It shall be deemed to have come into force on the 24th day of September, 2011.]

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) “designated officer” means an officer notified as such for providing the services under section 3;
- (b) “eligible person” means person who is eligible for the notified services;
- (c) “first appellate authority” means an officer who is notified as such under section 3;
- (d) “notification” means a notification published in the Official Gazette ;
- (e) “Official Gazette” means the Rajpatra, Himachal Pradesh;
- (f) “prescribed” means prescribed by the rules made under this Act ;
- (g) “right to service” means right to obtain the service within the stipulated time limit under section 4;
- (h) “service” or “public service” means any service notified under section 3;
- (i) “second appellate authority” means the State Information Commission notified as such under section 3 ;
- (j) “State Government” means the Government of Himachal Pradesh;
- (k) “stipulated time limit” means maximum time to provide the service by the designated officer or to decide the appeal by the appellate authorities as notified under section 3 ; and
- (l) “State Information Commission” means the State Information Commission constituted under sub-section (1) of section 15 of the Right to Information Act, 2005 (22 of 2005).

3. Notification of services, designated officers, first appellate authority, second appellate authority and stipulated time limits by the State Government.- The State Government may, from time to time, notify the services, designated officers, first appellate authority, second appellate authority and stipulated time limits for the purpose of this Act.

1. Sub-section (3) substituted vide H.P. Act No. 18 of 2019.

4. Right to obtain service within stipulated time limit.- The designated officer shall provide the service notified under section 3 to the person eligible to obtain the service, within the stipulated time limit.

5. Providing services in stipulated time limit.- (1) Stipulated time limit shall start from the date of receipt of application for notified service by the designated officer or the person subordinate to him authorized to receive such applications and such application shall be duly acknowledged by him.

(2) The designated officer on receipt of an application under sub-section (1) shall, within the stipulated time limit, either provide service or reject the application and in case of rejection of application, shall record the reasons in writing and intimate to the applicant.

(3) Where a request has been rejected under sub-section (2), the designated officer, shall communicate to the person making the request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.

(4) If the designated officer does not comply with sub-section (1), then the applicant aggrieved from such non-compliance may appeal to the first appellate authority.

6. Appeal.- (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided the service within the stipulated time limit, may file an appeal to the first appellate authority within thirty days from the date of rejection of application or the expiry of the stipulated time limit, as the case may be :

Provided that the first appellate authority may admit the appeal after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The first appellate authority may order the designated officer to provide the service within the specified period or may reject the appeal.

(3) An appeal under sub-section (1) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total period of forty-five days from the date of filling thereof, as the case may be, for reasons to be recorded in writing.

(4) If the designated officer does not comply with the order of providing the service under sub-section (2), then the applicant aggrieved from such non-compliance may file a second appeal to the second appellate authority.

7. Powers and functions of second appellate authority.- (1) A second appeal against the decision under sub-section (2) of section 6 shall lie within sixty days from the date of decision to the second appellate authority:

Provided that the second appellate authority may admit the appeal after the expiry of the period of sixty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The second appellate authority may order the designated officer to provide the service within such period as he may specify or may reject the appeal:

Provided that in addition to order to provide service, he may impose penalty under section 8.

(3) The first appellate authority and the second appellate authority shall, while conducting proceedings under this section have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908).

(4) In any appeal proceedings, the onus to prove that denial of a request was justified shall be on the designated officer, who denied the request or failed to provide the services within stipulated time limit.

8. Penalty.- (1) Where the second appellate authority is of the opinion that the designated officer has failed to provide service or has caused delay in providing such service without sufficient and reasonable cause, then he may impose a lump sum penalty which shall not be less than one thousand rupees but not more than five thousand rupees:

Provided that the designated officer shall be given a reasonable opportunity of being heard before any order of penalty is passed against him.

(2) The second appellate authority may order to give any amount as compensation to the appellant from out of the penalty imposed under this section, but the amount of such compensation shall not exceed the amount of penalty imposed:

Provided that any penalty imposed under this section on the designated officer for delay in providing the service or refusal to provide service shall be borne by such officer in personal capacity but not as a functionary of the State Government unless the second appellate authority directs otherwise:

Provided further that the second appellate authority may, after hearing the designated officer, apportion the amount of penalty amongst designated officer and any other officer(s) as may be found to have contributed to such denial or delay in providing the service.

(3) If the second appellate authority is satisfied that the designated officer has failed to discharge the duties under this Act, without sufficient and reasonable cause, then it may also recommend to the appointing or disciplinary authority of the designated officer that disciplinary action under the applicable service rules be also initiated against such officer.

9. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in

good faith done or intended to be done under this Act or the rules made thereunder.

10. Bar of jurisdiction.- Save as otherwise expressly provided in this Act, every order made by designated officer, first appellate authority or second appellate authority shall not be called in question by any court or before any officer or authority.

11. Power to make rules.- (1) The State Government may, by notification published in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, in which it is so laid or successive sessions aforesaid, the Legislative Assembly agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

**VALIDATION SECTION ADDED VIDE THE HIMACHAL PRADESH
PUBLIC SERVICES GUARANTEE (AMENDMENT AND
VALIDATION) ACT, 2019 (ACT NO. 18 OF 2019)**

3. Validation.- Notwithstanding anything contained in any law or in any judgment, decree or order of any court, all the things done or actions taken, notifications and rules etc. notified under the principal Act on or after 24th September, 2011, shall for all purposes be deemed to be and to have always been, validly done, taken or passed as if the principal Act was in force on that date and shall not be called in question before any court, tribunal, commission or authority on the ground of any defect in the commencement of the principal Act.

(Authoritative English Text of this Government Notification No.Per(AR)B(15)-1/2010 vol-I, dated 21.11.2011 as required under article 348(3) of the Constitution of India)

Government of Himachal Pradesh
Administrative Reforms organization.

NOTIFICATION

No. Per(AR)B(15)-1/2010-Vol-I

Dated

21.11.2011

Whereas the draft Himachal Pradesh Public Services Guarantee Rules, 2011 were published in the Rajpatra, Himachal Pradesh dated 19/10/2011 vide this Department notification of even number dated 17/10/2011 for inviting objection(s) or suggestion(s) from the person(s) likely to be affected thereby within a period of 30 days from the date of their publication;

And whereas the objection(s) or suggestion(s) received within the stipulated period have been duly considered by the Government;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the Himachal Pradesh Public Services Guarantee Act, 2011, the Governor, Himachal Pradesh is pleased to make the following rules, namely:-

1. Short title and commencement. - (1) These rules may be called the Himachal Pradesh Public Services Guarantee Rules, 2011.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Himachal Pradesh Public Services Guarantee Act, 2011;

(b) "Form" means a form appended to these rules; and

(c) "section" means the section of the Act.

(2) The words and expressions used in these rules but not defined shall have the same meanings as respectively assigned to them in the Act.

3. Issuing of acknowledgement to the applicant.- (1) The designated officer or the person authorized by him under sub-section (1) of section 5 shall acknowledge the receipt of the application and if necessary documents have not been attached, the person receiving the application shall mention the same in the acknowledgement in Form-I without any time limit:

Provided that where the application is complete in all respects, the person receiving the application shall mention the time limit within which the application for providing service(s) shall be disposed of.

(2) The public holidays falling within the stipulated time limit to dispose of the application for providing of service(s) shall be excluded for the computation of time.

4. Display of information on the notice board and official website.- The designated officer shall cause to exhibit the information of the services to be provided on the official website of his office as well as on the notice board of the office installed at a conspicuous place in Form-II for the convenience of the general public.

5. Procedure in appeals before appellate authorities.- (1) The Memorandum to the appellate authorities shall be filed in duplicate in respect of appeals to be filed before the first

appellate authority and in triplicate for appeals before the second appellate authority on a plain paper without any fee and shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the designated officer against whose refusal to acknowledge the application, or rejection of application, or non-providing of services within the stipulated time limit the first appeal has been filed;
- (iii) name and address of the first appellate authority against whose decision the second appeal has been filed;
- (iv) if the appeal has been filed against the non-issuance of acknowledgement by the designated officer the date of making application and the name and address of the designated officer to whom the application was made;
- (v) Copy of order if any, against which the appeal is filed;
- (vi) the grounds for appeal;
- (vii) prayer or relief sought;
- (viii) verification by the appellant; and
- (ix) any other relevant information which the appellant may like to furnish.

(2) The following documents shall be annexed with every application for appeal, namely:-

- (a) self attested copy of the order against which appeal is filed;
- (b) the copies of the documents mentioned in the application for appeal; and
- (c) the index of the documents annexed with the appeal.

6. **Procedure for hearing and disposal of appeal(s).**- (1) The first and second appellate authorities for the disposal of appeal -

- (a) shall examine the relevant documents, public records or their copies;
- (b) if need be, may authorize any officer to inquire into the matter and to submit to it a report in relation to the findings thereon; and
- (c) may examine the appellant or / and the designated officer or first appellate authority as it deems fit.

(2) Where the first or second appellate authority calls for any official record from the designated officer or the first appellate authority in case of second appeal, it shall return the original record within ten days to the concerned officer or authority after retaining the requisite copies of the same.

7. **Service of notice of hearing by the appellate authorities.**- (1) The appellate authority may cause service of notice of hearing to the parties in any of the following manners, namely:-

- (i) by issuing directions to appellant personally ; or
- (ii) by registered post with acknowledgement due; or
- (iii) through the concerned designated officer.

(2) The parties shall be given prior notice of at least seven days before the date of hearing.

(3) The parties may appear in person or may depute their representatives to argue their case at the time of hearing before the appellate authorities.

(4) Where either of the parties fails to appear in person or through their representative at the date of hearing the appellate authorities shall decide the matter purely on merit exparte.

8. **Orders in appeal.**- In deciding the appeals the following procedure shall be adopted, namely:-

- (a) the orders shall be made publically and shall be recorded in writing and duly signed by the first appellate authority or the second appellate authority, as the case may be;
- (b) the copies of the orders passed by the first appellate authority shall be supplied to the designated officer and the appellant free of cost;

- (c) the copies of the orders passed in second appeal shall be supplied to the appellant, designated officer and the first appellate authority; and
- (d) in case the second appellate authority imposes a penalty under section 8, it shall endorse a copy of the order to the concerned -
 - (i) Drawing and Disbursing Officer with the direction to effect recovery of the Amount of penalty imposed on the designated officer or any other officer as per directions contained in the said order.
 - (ii) Appointing/Disciplinary Authority if a disciplinary action has been proposed in the order under the applicable service rules.

9. Deposit of the penalty amount.- (1) If compensation has been ordered to be paid to the appellant, the amount of penalty shall firstly be utilized for the payment of compensation to the appellant and if there remains any residue amount of penalty after the payment of compensation, it shall be dealt with as per sub-rule (2).

(2) The amount of penalty imposed under section 8 shall be deposited in the appropriate Government treasury under the Head of account "0070-Other Administrative Services, 60-Other Services, 800-Other receipts, 13-Penalty and fine under HP Public Services Guarantee Act, 2011".

10. Records to be maintained by the designated officer and the appellate authorities.- The designated officer and first and second appellate authorities shall maintain the records of application received and the appeal filed in registers maintained in Forms-III, IV and V respectively.

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Form-I
(See rule 3)

Acknowledgement under the HP Public Services Guarantee Act, 2011

Received an application for public service under the Himachal Pradesh Public Services Guarantee Act, 2011 for the Service/public Service ----- from Smt./Shri-----

(a) The request is incomplete and following additional documents be attached and requirements fulfilled:-

- 1-----
- 2-----
- 3-----

(b) Application is complete and the time limit for the service is ----- days.

Stamp and signature of authorized Officer
Date-----
Number of Service application.

Name and designation of Designated Officer
Name and Designation of authorized Officer
Name of the Officer-----

FORM-II

(See rule 4)

NOTICE BOARD

Name of the Office -----

Name of the Designated Officer -----

Designation -----

Sr. No.	Name of the service /Public Service.	Documents to be attached with the application. (list enclosed)	Stipulated time limit for providing service(s).	Name and address of the first appellate authority.	Stipulated time limit for disposal of first appeal.	Name and address of the second appellate authority.
1.	2.	3.	4.	5.	6.	7.
1.						
2.						
3.						

- (1) Name and designation of the person authorized to receive application(s) in the office of the designated officer. -----
- (2) Time limit for filing the first appeal. -----
- (3) Time limit for filing the second appeal. -----

Note: Please obtain the acknowledgement of your application.

FORM-III
(See rule 10)

Form of register to be maintained by the designated Officer
Office of the -----
Year-----

Sr. No.	Name and address of the applicant.	Service for which application has been received.	Stipulated time limit for providing service.	Application accepted/rejected.	Date of Order passed and its brief details.
1. 2. 3.	2.	3.	4.	5.	6.

FORM-IV
(See rule 10)

Department of -----
 Form of Register to be maintained in the office of first appellate authority i.e.
 office of -----

Sr. No.	Name and address of the appellant.	Date of filing of first appeal.	Name of the designated officer (alongwith the name of the office) against whose decision appeal is filed.	Last date of stipulated time limit.	Date of Order and brief details of order passed in appeal.
1.	2.	3.	4.	5.	6.
1.					
2.					
3.					

FORM-V

(See rule 10)

Form of register to be maintained in the office of the second appellate authority.

Name of office of the second appellate authority. -----

Sr. No.	Date of filing second appeal	Name of the first appellate authority (along with name of office) against whose decision appeal has been filed.	Particulars of disposal of second appeal (a) Rejection----- (b) Penalty----- (c) Departmental proceedings ----- (d) Payment of compensation. -- -----	Brief details of order passed.
1.	2.	3.	4.	5.
(1)				
(2)				
(3)				

By order

Principal Secretary (AR) to the
Government of Himachal Pradesh

Endst. No. As above.

Dated Shimla-2, the 21.11 2011.

Copy forwarded to the following for information & necessary action:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh
2. All the Divisional Commissioners in Himachal Pradesh.

3. The Accountant General (Audit) HP Shimla-3.
4. The Resident commissioner, HP Himachal Bhavan, Sikandra Road, New Delhi.
5. All the Heads of Departments in Himachal Pradesh.
6. All the Deputy Commissioners in Himachal Pradesh.
7. All the Managing Directors, Boards/Corporations in Himachal Pradesh.
8. The Resident Commissioner, Pangi at Killar, Distt Chamba, HP.
9. All the Vice Chancellors of Universities, in Himachal Pradesh.
10. The Secretary to the Governor, HP Shimla-2.
11. The Secretary, HP Vidhan Sabha, Shimla-4.
12. The Registrar, High Court of Himachal Pradesh, Shimla-171001.
13. The Secretary, State Information Commission, HP Shimla-2.
14. Secretary, HP Public Service Commission, Shimla-4.
15. The Controller, Printing and Stationery, HP for publication in the Rajpatra (Extra Ordinary)

Joint Secretary (AR) to the
Government of Himachal Pradesh

हिमाचल प्रदेश सरकार
प्रशासनिक सुधार संगठन

संख्या : पर (ए आर) बी 15-1/2010 – वाल्यूम-1 तारीख, 21.11.2011
अधिसूचना

प्रारूप हिमाचल प्रदेश लोक सेवा गारंटी नियम, 2011 को, इस विभाग की समसंख्यक अधिसूचना तारीख 17-10-2011 द्वारा, इससे सम्भाव्य प्रभावित होने वाले व्यक्तियों से इनके प्रकाशन की तारीख से तीस दिन की अवधि के भीतर, आक्षेप(पों) या सुझाव (वों) आमंत्रित करने के लिए राजपत्र, हिमाचल प्रदेश में तारीख 19-10-2011 को प्रकाशित किए गए थे ;

और नियत अवधि के भीतर प्राप्त हुए आक्षेप (पों) या सुझाव (वों) पर सरकार द्वारा सम्यक रूप से विचार किया गया ;

अतः हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश लोक सेवा गारंटी अधिनियम, 2011 की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती हैं, अर्थात :-

- | | |
|---------------------------------|--|
| 1 संक्षिप्त नाम
और प्रारम्भ. | (1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश लोक सेवा गारंटी नियम, 2011 हैं। |
| | (2) ये नियम राजपत्र, में इनके प्रकाशन की तारीख से प्रवृत्त होंगे। |

2 परिभाषाएं :-

- (1) इन नियमों में जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो,—
- (क) "अधिनियम" से हिमाचल प्रदेश लोक सेवा गारंटी अधिनियम, 2011 अभिप्रेत है; और
- (ख) "प्ररूप " से इन नियमों में संलग्न प्ररूप अभिप्रेत है ; और
- (ग) "धारा" से अधिनियम की धारा अभिप्रेत है।

- (2) उन शब्दों और पदों का, जो इन नियमों में प्रयुक्त हैं, किन्तु परिभाषित नहीं हैं, कमशः वहीं अर्थ होंगे जो उनके अधिनियम में हैं।

3. आवेदक को अभिस्वीकृति जारी करना .- (1) पदाभिहित अधिकारी या धारा 5 की उपधारा (1) के अधीन उसके द्वारा प्राधिकृत व्यक्ति आवेदन की प्राप्ति अभिस्वीकृत करेगा और यदि आवश्यक दस्तावेज संलग्न नहीं किए गए हैं ; तो आवेदन प्राप्त करने वाला व्यक्ति बिना किसी समय सीमा के अभिस्वीकृति (प्ररूप -1) में उसका उल्लेख करेगा :

परन्तु जहां आवेदन सभी प्रकार से पूर्ण हैं, तो आवेदन प्राप्त करने वाला व्यक्ति उस समय सीमा का उल्लेख करेगा जिसके बीच सेवा(ओं) को उपलब्ध करवाने के आवेदन का निपटारा किया जायेगा।

(2) सेवा(ओं) को उपलब्ध करवाने के लिए आवेदन के निपटारे की नियत समय सीमा के भीतर आने वाले सार्वजनिक अवकाश समय की गणना करते समय अपवर्जित किए जाएंगे ।

4. सूचना का नोटिस बोर्ड और ऑफिसियल वेबसाइट पर प्रदर्शित करना.- पदाभिहित अधिकारी जनसाधारण की सुविधा के लिए प्ररूप-2 में उपलब्ध करवाई जाने वाली सेवाओं की सूचना अपने कार्यालय की ऑफिसियल वेबसाइट के साथ-साथ सहज दृश्य स्थान पर प्रतिष्ठापित कार्यालय नोटिस बोर्ड पर प्रदर्शित करवाएगा।

5. अपील प्राधिकारियों के समक्ष अपील की प्रक्रिया.- (1) अपील प्राधिकारियों को ज्ञापन प्रथम अपील प्राधिकारी के समक्ष दायर की जाने वाली अपीलों की बाबत द्विप्रतीक में और द्वितीय अपील प्राधिकारी के समक्ष अपीलों के लिए तीन प्रतियों में बिना किसी फीस के सादे कागज पर दायर करेगा और जिसमें निम्नलिखित सूचना अन्तर्विष्ट होगी, अर्थात :-

- (i) अपीलार्थी का नाम और पता ;
- (ii) उस पदाभिहित अधिकारी का नाम और पता जिसके आवेदन की अभिस्वीकृति से इन्कार या आवेदन के नामंजूर या नियत समय सीमा के भीतर सेवाओं को उपलब्ध ना करवाने के विरुद्ध प्रथम अपील दायर की गई है ;
- (iii) प्रथम अपील प्राधिकारी का नाम और पता जिसके विनिश्चय के विरुद्ध द्वितीय अपील दायर की गई है ;
- (iv) यदि अपील पदाभिहित अधिकारी द्वारा अभिस्वीकृति को जारी न करने के विरुद्ध दायर की गई है तो आवेदन करने की तारीख और पदाभिहित अधिकारी का नाम और पता जिसको आवेदन किया गया था ;

- (v) आदेश की प्रति यदि कोई हो, जिसके विरुद्ध अपील दायर की गई है ;
 - (vi) अपील के लिए आधार ;
 - (vii) प्रार्थना या मांगा गया अनुतोष ;
 - (viii) अपीलार्थी द्वारा सत्यापन ; और
 - (ix) कोई अन्य सुसंगत सूचना जिसे अपीलार्थी प्रस्तुत करना चाहता है।
- (2) अपील के लिए प्रत्येक आवेदन के साथ निम्नलिखित दस्तावेज संलग्न किए जाएंगे अर्थात:—

- (क) उस आदेश की स्व-अनुप्रमाणित प्रति जिसके विरुद्ध अपील दायर की गई है;
- (ख) अपील के लिए आवेदन में उल्लिखित दस्तावेजों की प्रतियां ; और
- (ग) अपील के साथ संलग्न दस्तावेजों का अनुक्रम

6. **अपील (अपीलों) की सुनवाई और निपटारे के लिए प्रक्रिया** .— (1) अपील के निपटारे के लिए प्रथम और द्वितीय अपील प्राधिकारी —

- (क) सुसंगत दस्तावेजों; लोक अभिलेखों और उनकी प्रतियों का परीक्षण करेंगे;
- (ख) यदि आवश्यक हो, तो किसी अधिकारी को मामले की जांच करने और उसके निष्कर्ष के सम्बन्ध में, उसे रिपोर्ट प्रस्तुत करने के लिए प्राधिकृत कर सकेंगे; और
- (ग) अपीलार्थी या/और पदाभिहित अधिकारी या प्रथम अपील प्राधिकारी का, जैसा वह उचित समझे, परीक्षण कर सकेंगे।

(2) जहां कोई प्रथम या द्वितीय अपील प्राधिकारी, पदाभिहित अधिकारी या द्वितीय अपील की दशा में प्रथम अपील प्राधिकारी से किसी शासकीय अभिलेख को मांगता है, तो वह उसकी अपेक्षित प्रतियों को रखने के पश्चात् सम्बद्ध अधिकारी या प्राधिकारी को दस दिन के भीतर मूल अभिलेख को वापिस करेगा।

7. **अपील प्राधिकारियों द्वारा सुनवाई के नोटिस की तामील** .— (1) अपील प्राधिकारी, पक्षकारों पर निम्नलिखित किसी रीति में, सुनवाई का नोटिस तामील करवा सकेगा, अर्थात :—

- (i) अपीलार्थी को व्यक्तिगत रूप से निर्देश जारी करके ; या
- (ii) अभिस्वीकृति पावती के साथ रजिस्ट्रीकृत डाक द्वारा; या
- (iii) सम्बद्ध कार्यालय के पदाभिहित अधिकारी के माध्यम से।

(2) पक्षकारों को, सुनवाई की तारीख से पूर्व, कम से कम सात दिन का पूर्ववर्ती नोटिस दिया जाएगा।

(3) पक्षकार, अपील प्राधिकारियों के समक्ष सुनवाई के समय उनके मामलों पर बहस के लिए व्यक्तिगत रूप में उपस्थित हो सकेंगे या अपने प्रतिनिधियों को प्रतिनियुक्त कर सकेंगे।

(4) जहां पक्षकारों में से कोई एक पक्षकार सुनवाई की तारीख को व्यक्तिगत रूप में या अपने प्रतिनिधियों के माध्यम से पेश होने में असफल रहता है तो अपीलीय प्राधिकारी, पूणतया गुणागुन के आधार पर मामले का एक पक्षीय विनिश्चय करेगा।

8. अपील में आदेश .- अपीलों का विनिश्चय करने में निम्नलिखित प्रक्रिया अपनाई जाएगी, अर्थात् :-

- (क) आदेश सार्वजनिक रूप से किए जाएंगे और, यथास्थिति, प्रथम अपील प्राधिकारी या द्वितीय अपील प्राधिकारी द्वारा लिखित में अभिलिखित किए जाएंगे और सम्यक रूप से हस्ताक्षरित होंगे;
- (ख) प्रथम अपील प्राधिकारी द्वारा पारित आदेशों की प्रतियों का प्रदाय पदाभिहित अधिकारी तथा अपीलार्थी को निशुल्क किया जाएगा ;
- (ग) द्वितीय अपील में पारित आदेशों की प्रतियों का प्रदाय अपीलार्थी, पदाभिहित अधिकारी और प्रथम अपील प्राधिकारी को किया जाएगा;
- (घ) यदि द्वितीय अपील प्राधिकारी धारा 8 के अधीन शास्ति अधिरोपित करता है तो यह आदेश की प्रति को निम्नलिखित संबद्ध को पृष्ठांकित करेगा –
 - (i) आहरण एवं वितरण अधिकारी को इस निर्देश के साथ कि पदाभिहित अधिकारी या किसी अन्य अधिकारी पर अधिरोपित शास्ति की रकम को उक्त आदेश में अन्तर्विष्ट निदेशों के अनुसार वसूल करें।
 - (ii) नियुक्ति/अनुशासनिक प्राधिकारी को, यदि लागू सेवा नियमों के अधीन आदेश में अनुशासनिक कार्रवाई प्रस्तावित की गई है।

9. शास्ति की रकम का निपटारा .- (1) यदि अपीलार्थी को प्रतिकर का संदाय करने का आदेश किया गया है, तो शास्ति की रकम का उपयोग प्रथमतः अपीलार्थी को प्रतिकर का संदाय करने के लिए किया जाएगा तथा यदि प्रतिकर का संदाय करने के पश्चात् शास्ति की रकम का शेष भाग रह जाता है तो उसको उप-नियम (2) के अनुसार व्यवहार में लाया जाएगा ।

(2) धारा 8 के अधीन अधिरोपित शास्ति की रकम को समुचित सरकारी खजाने में "0070-अदर एडमिनिस्ट्रेटिव सर्विसीज, 60-अदर सर्विसीज 800-अदर रसीप्ट्स, 13- पैनल्टी एण्ड फाईन अण्डर एच.पी. पब्लिक सर्विस गारन्टी एक्ट, 2011" लेखा शीर्ष के अधीन जमा किया जाएगा ।

10. पदाभिहित अधिकारी तथा अपील प्राधिकारी द्वारा अभिलेखों का रखा जाना .- पदाभिहित अधिकारी तथा प्रथम और द्वितीय अपील प्राधिकारी प्राप्त आवेदनों तथा दायर अपीलों का अभिलेख क्रमशः प्ररूप 3, 4 और 5 में बनाए रजिस्ट्रों में बनाए रखेगा ।

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प्ररूप- 1
(नियम 3 देखें)

हिमाचल प्रदेश लोक सेवा गारन्टी अधिनियम ,2011 के अधीन अभिस्वीकृति

हिमाचल प्रदेश लोक सेवा गारन्टी अधिनियम ,2011 के अधीन श्री /
श्रीमतीसे सेवा /लोक सेवा के लिए
प्राप्त आवेदन ।

(क) प्रार्थना पत्र अधूरा है और निम्नलिखित अतिरिक्त दस्तावेज संलग्न
किए जाएं तथा निम्न अपेक्षित कार्यवाही पूर्ण करें :-

1-----

2-----

3-----

(ख) प्रार्थना पत्र पूर्ण है और सेवा के लिएदिनों की
समय सीमा है ।

प्राधिकृत अधिकारीकी मोहर और हस्ताक्षर

तारीख :
सेवा आवेदन की संख्या:

पदाभिहित अधिकारी का
नाम और पदनाम
प्राधिकृत अधिकारी
का नाम और पदनाम
अधिकारी का नाम

प्ररूप-2
(नियम 4 देखें)
सूचना बोर्ड

कार्यालय का नाम -----
पदाभिहित अधिकारी का नाम -----
पदनाम -----

क्रम संख्या	सेवा / लोक सेवा का नाम	आवेदन के साथ संलग्न किए जाने वाले दस्तावेज (सूची संलग्न)	सेवा(एँ) उपलब्ध करवाने के लिए नियत समय सीमा	प्रथम अपील प्राधिकारी का नाम और पता	प्रथम अपील का निपटान करने के लिए नियत समयसीमा	द्वितीय अपील प्राधिकारी का नाम और पता
1	2	3	4	5	6	7

1. पदाभिहित अधिकारी के कार्यालय में आवेदन (आवेदनों) को प्राप्त करने के लिए प्राधिकृत व्यक्ति का नाम और पदनाम -----
2. प्रथम अपील को दाखिल करने के लिए समय सीमा-----
3. द्वितीय अपील को दाखिल करने के लिए समय सीमा-----

टिप्पण : कृपया अपने आवेदन की अभिस्वीकृति प्राप्त करें।

प्ररूप – 3
(नियम 10 देखें)

.....के कार्यालय के पदाभिहित अधिकारी द्वारा अनुरक्षित रखे जाने वाले रजिस्टर का प्ररूप ।

वर्ष.....

क्रम संख्या	आवेदक का नाम और पता	सेवा जिसके लिए आवेदन प्राप्त हुआ है ।	सेवा उपलब्ध करवाने के लिए नियत समय सीमा	स्वीकार / नामजूर किया गया आवेदन	पारित आदेश की तारीख और इसका संक्षिप्त ब्यौरा
1	2	3	4	5	6
1					
2					
3					

प्ररूप - 4
(नियम 10 देखें)

..... विभाग

प्रथम अपील प्राधिकारी अर्थात् के कार्यलय में अनुरक्षित
किए जाने वाले रजिस्टर का प्ररूप

क्रम संख्या	अपीलार्थी का नाम और पता	प्रथम अपील को दायर करने की तारीख	पदाभिहित अधिकारी (कार्यलय के नाम सहित) का नाम जिसके विनिश्चय के विरुद्ध अपील दायर की गई है ।	नियत समय सीमा की अन्तिम तारीख	आदेश की तारीख और अपील में पारित आदेश का संक्षिप्त ब्यौरा ।
1	2	3	4	5	6
1					
2					
3					

प्ररूप- 5
(नियम 10 देखें)

द्वितीय अपील प्राधिकारी के कार्यालय में अनुरक्षित किए जाने वाले रजिस्टर का प्ररूप
द्वितीय अपील प्राधिकारी के कार्यालय का नाम

क्रम संख्या	द्वितीय अपील के दायर करने की तारीख	प्रथम अपील प्राधिकारी (कार्यवाही के नाम सहित) का नाम जिसके विरुद्ध अपील दायर की गई है ।	द्वितीय अपील के निपटान के विवरण (क) अस्वीकृति (ख) शास्ति (ग) विभागीय कार्यवाहियों (घ) क्षतिपूर्ति का संदाय	पारित आदेश का संक्षिप्त ब्यौरा
1	2	3	4	5
(1)				
(2)				
(3)				

आदेश द्वारा,

प्रधान सचिव (प्रशासनिक सुधार)
हिमाचल प्रदेश सरकार

पृष्ठांकन सं० यथोपरि। तारीख शिमला-2, 21.11 2011

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. समस्त प्रशासनिक सचिव, हिमाचल प्रदेश सरकार शिमला-171002 ।
2. समस्त मण्डलायुक्त, हिमाचल प्रदेश ।
3. महालेखाकार, (लेखा), हिमाचल प्रदेश, शिमला .4 ।
4. आवासीय आयुक्त, हिमाचल भवन, सिकन्दरा रोड, नई दिल्ली ।
5. समस्त विभागाध्यक्ष, हिमाचल प्रदेश ।
6. समस्त जिलाधीश, हिमाचल प्रदेश ।
7. समस्त प्रबन्ध निर्देशक, बोर्ड/निगम, हिमाचल प्रदेश ।
8. आवासीय आयुक्त, पांगी स्थित किलार, चम्बा ।
9. समस्त उप कुलपती (विश्वविद्यालय), हिमाचल प्रदेश ।
10. सचिव, राज्यपाल, हिमाचल प्रदेश, शिमला. 2 ।
11. सचिव, हिमाचल प्रदेश विधानसभा, शिमला -3 ।
12. पर्जीयक, हिमाचल प्रदेश उच्च न्यायलय, शिमला .1 ।
13. सचिव, राज्य सूचना आयोग, हिमाचल प्रदेश, शिमला .2 ।
14. सचिव, हिमाचल प्रदेश लोक सेवा आयोग, शिमला. 2 ।
15. नियन्त्रक, मुद्रण एवं लेखन सामग्री हिमाचल प्रदेश, शिमला -171005 को राजपत्र असधारण में प्रकाशन हेतु ।

संयुक्त सचिव (प्रशासनिक सुधार)
हिमाचल प्रदेश सरकार ।

