

HARYANA FEDERATION OF UNIVERSITY AND COLLEGE TEACHERS ORGANISATION
(HFUCTO)

President
Dr Raj Kumar
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Date: 11 Feb, 2014

To
The Chief Electoral Officer,
Haryana, Chandigarh.
Sub: Regarding Election Duty as per pay and status.

Respected Sir,

Most respectfully we wish to submit that Executive Committee of HFUCTO discussed in detail the issue of election duty of University and College Teachers of Haryana in Assembly/Parliamentary/Panchayat/Local Bodies etc. and decided to write you in this regard.

It has been observed that the studies of students are affected by the election duty of the teachers particularly after the introduction of the semester system in the universities and colleges of the state. In semester system the teaching and evaluation process is continuous throughout the year. Also due to lack of recruitment, the no of teachers have reduced up to 50% and work load on teachers have increased substantially. The HFUCTO very sincerely believes that it will be in the fitness of things that any election duty of the university and college teachers should be avoided in order to respect the unique processes of higher education.

However, if there is any emergency situation, the HFUCTO would most respectfully like to submit the following with respect to election duty of the teachers in higher education. There are following categories of pay scales of teachers in Universities and Colleges of the state.

- (i) Assistant Professor Rs. 15600 – 33400 with grade pay of Rs 6000, 7000 & 8000.
- (ii) Associate Professor Rs. 37400-67000 with grade pay of Rs 9000-00
- (iii) Professor Rs 37400-67000 with grade pay of Rs 10 000 & 12000.

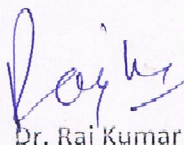
It has been observed in the past that polling duties of the teachers in higher education are not assigned according to their pay scales and seniority and they are forced to work under the officers who are drawing much less pay scale and junior. It becomes difficult to work by the teachers who are already under great pressure due to increased work as mentioned above and typical nature of the job.

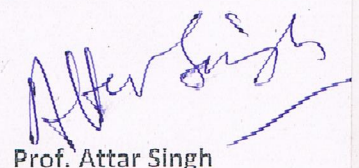
We want to bring to your kind notice some additional facts as given below.

1. In terms of article 324 (6) of the constitution of India read with section 159 of the said act ,the dignity to the status of the persons deployed for election duty and assignment of responsibilities has to be maintained.
2. In chapter III relating to polling personnel under 2.7 of hand book for returning officer, it is stipulated that the seniority of the official should be taken in to account in every case but it is ignored most of the times.
3. Hon'ble Punjab and Haryana High Court in the judgment on civil writ petition no. 6895 of 2004 (Punjab & Chandigarh College Teachers Union and others v/s election commission of India and others) observed that the Election Commission as well as the State Electoral Agencies would keep due regard to the guidelines and ensure compliance to the concept of seniority as far as possible.

In view of the above, the HFUCTO EC request you that the teachers working in higher education (Universities, Govt. aided colleges & Govt. colleges) should not be put on election duty. However if the teachers are at all required for assigning polling duties, due regard be given to the concept of seniority on the basis of Pay Scale/Status/Designation.

You are also requested to take necessary action and direct the Returning Officers accordingly.


Dr. Raj Kumar


Prof. Attar Singh

(273-K)
4/3/10

Add CEO
DCEO

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3-2-10
ELECTION COMMISSION OF INDIA

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2009/EPS

Dated: 16th February, 2010

To,

The Chief Electoral Officers of
All States and Union Territories

Handwritten notes and signatures: "M.H.", "26/2/10", "A.E. 2", "3/3", "R.R.", "Dy. Sub. Secy", "T.T.", "H.S.", "26/2/10", "A.E. 2", "3/3", "R.R."

2-10

Subject: Requisition of Staff for election purpose - Regarding.

Sir/Madam,

I am directed to invite your attention to Commission's letter No. 464/INST/2009/EPS dated 30.12.09 whereby the Commission had directed the Chief Electoral Officers of All States/UTs to adhere strictly in true spirit to the guidelines while making appointments and requisitioning staff for the conduct of free and fair poll.

In this connection the Commission further desires that Group A or equivalent Senior Officers, including teaching staff of universities, colleges etc. should not be drafted for "Polling duties" in polling station premises without specific reasons to be recorded in writing by the District Election Officer, where such appointments become unavoidable.

This may be brought to the notice of all concerned.

Yours faithfully,

(Signature)

(A.N. DAS)
UNDER SECRETARY

Fax-Message**STATE ELECTION COMMISSION, HARYANA**

S.C.O. No. 16-17, Sector-20 D, Chandigarh.

No. SEC/E-III/2000/3988-4006

Dated : 02.03.2000

To

All the Deputy Commissioners-cum-
District Election Officers (Panchayat),
in the State of Haryana.

Subject : Appointment of Presiding Officers and Polling Officers - Declaration of results.

Sir,

Under Rule 21 of the Haryana Panchayati Raj Election Rules, 1994, the Returning Officer (Panchayat) shall appoint Presiding Officer for each polling station and such Polling Officers or Officials to assist the Presiding Officers as he thinks fit. First proviso to sub-rule (1) of Rule 21 however, provides as follows :—

"Provided that no person, who is not a Government servant or servant of a authority under the Municipal Law or any public undertaking under the Government, shall be appointed as Presiding Officer."

It would mean that Government Servant and employees of authority under Municipal Law i.e. Municipal Committees, Municipal Councils and Municipal Corporation and employees of Government public undertaking can be appointed as Presiding Officer. Employees of authority under Panchayat Acts and other Acts cannot be appointed as Presiding Officer and employees of Societies, Associations, Federations etc. who are not covered under the definition of Public Undertaking under the Government, also cannot be appointed as Presiding Officer.

In view of the provisions contained in Rule 21, there is bar to appoint Class-III (Group-C) officials of the Government as Presiding Officers.

So far as the provisions relating to declaration of results are concerned. Rule 70 of the Haryana Panchayati Raj Election Rule, 1994 provides that the Returning Officer (Panchayat) or the Assistant Returning Officer (Panchayat) shall declare to be elected the candidate for the office of Panch. Similarly, the result of Sarpanch shall also be declared by the Returning Officer (Panchayat) or the Assistant Returning Officer (Panchayat). However, in cases where there are more than one polling stations for a Gram Panchayat (Sabha Area) the result sheet for the office of Sarpanch shall be sent to the Polling Station presided over by the Presiding Officer nominated by the District Election Officer for the purpose of declaring results. Since the Returning Officer (Panchayat) or the Assistant Returning Officer (Panchayat) are competent to declare the results under Rule 70 of the Rules ibid, the Presiding Officers who are Group-B officers may also be appointed/designated as Returning Officers (Panchayat) and the Group-C officials, who have been appointed as Presiding Officers be declared/appointed as Assistant Returning Officer (Panchayat) so that these Presiding Officers after being appointed as Returning Officer (Panchayat) or Assistant Returning Officer (Panchayat) as the case may be would be able to

declare results of Panches and Sarpanches in accordance with the provisions of R
Clauses (b), (c) & (d) of Sub-rule (1) of Rule 70 of the Rules ibid als
provisions for declaring results for the offices of Members Panchayat Samitis and Zila
So action may be taken accordingly in view of these provision for declaring the results o
of Panchayat Samitis and Zila Parishads.

The instructions earlier issued by the Commission on this subject stands
to this extent after issue of this letter.

Yours faithfull

Sd/-

(S.K. Khanna
Superintendent / f
for State Election Commi
Haryana.

SC judgement on deployment of Public Sector employees on election duty.

Election Commission' letter No. 576/3/95-J.S.-II Dated: 17th July, 1996 addressed to Chief Electoral Officers of all States and Union Territories.

Subject: Judgment in Civil Appeal No. 6026 of 1993 before Supreme Court (Election Commission of India vs. State Bank of India Staff Association, Local Head Office, Patna and others) and in Civil Appeal No. 4611 of 1989 (Election Commission of India vs. Northern Zone Insurance Employees Association) - regarding.

I am directed to invite your attention to the Commission's letter No. 509/81/93-J.S.-II, dated 08.02.1995 (addressed to the Chief Electoral Officers of Bihar, Arunachal Pradesh, Gujarat, Manipur, Maharashtra and Orissa and letter no. 576/3/95-J.S.-II, dated 20.04.1995 (addressed to other Chief Electoral Officers) forwarding therewith a copy of the judgment and order passed by the Hon'ble Supreme Court on 07.02.1995 in the above Civil Appeals and also to invite your attention para 2.2 of Chapter III of the Handbook for Returning Officers, 1994 edition (Reprint 1996).

2. In the said order the Hon'ble Supreme Court has categorically held that only the employees of Central and State Governments and the employees of the local authorities covered within the scope and ambit of Article 324(6) of the Constitution and Section 159 of the Representation of the People Act, 1951 can be deployed on election duties as Presiding Officers, Polling Officers etc. Supreme Court, therefore, granted exemption from election duties to the employees of the State Bank of India and the Life Insurance Corporation, as they are not the employees of the Government or local authorities but are the employees of the statutory companies/corporations as public sector undertakings.

3. It has been observed by the Commission during the last general elections to the House of People and certain State Legislative Assemblies, that despite the above categorical pronouncement of the Hon'ble Supreme Court on the subject, many District Election Officers/ Returning Officers deployed employees belonging to public sector undertakings under the Central or State Governments or employees of other statutory bodies, like, Universities, teaching and non-teaching staff of government aided colleges and schools run by registered Societies, etc., on the above mentioned election duties. In many cases, persons either individually or through their associations/unions approached the Hon'ble Supreme Court and various High Courts and the Commission had a difficult time in explaining to the Hon'ble Courts the lapse on the part of the election authorities in making such deployment on election duty. Apart from the embarrassment which the Commission and the election authorities had to face before the Hon'ble Courts, that often resulted in last minute problems as the election authorities had to make alternative arrangements in place of the petitioners who were exempted by the Hon'ble Court from performing those duties. In addition, that also resulted in a lot of unnecessary and avoidable expenditure on the engagement of the Counsel, etc. to defend those cases.

4. In order that such lapses do not occur in future, the Commission desires that all District Election Officers, Returning Officers and other election authorities concerned should be immediately informed once again of the above judgment and order dated 07.02.1995 of the Hon'ble Supreme Court. They should be instructed to scrupulously observe in future the said order of the Hon'ble Supreme Court in the matter of deployment of staff on election duties as Presiding Officers, Polling Officers, etc. Any deviation there from will be seriously viewed by the Commission.

समय / तिथिबद्ध
विधानसभा आम चुनाव-2009

प्रेषक:

उपायुक्त एवं
जिला निर्वाचन अधिकारी,
अम्बाला ।

सेवा में,

मुख्य निर्वाचन अधिकारी,
हरियाणा, चण्डीगढ़ ।

यादी क्रमांक: निर्वाचन-2009/

दिनांक:

विषय:- चुनाव ड्युटी पर प्रतिनियुक्ति के समय वेतनमान आधारित अंतर्विभागीय वरिष्ठताक्रम को ध्यान में रखना ।

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उपरोक्त विषय पर आपके यादी क्रमांक निर्वाचन-2009/(F-10/IIVSD/2009D)C-III-7831 दिनांक 14-9-2009 के सन्दर्भ में ।

इस सम्बन्ध में आपको सूचित किया जाता है कि श्री राजीव चन्द्र शर्मा, सचिव एस0डी0 कॉलेज टीचर्स एसोसिएशन के निवेदन को स्वीकार कर लिया है और उनके वेतनमान को मध्य नजर रखते हुये चुनाव में उन्हें पीठासीन अधिकारी की ड्युटी की बजाय Micro Observer/Duty Magistrate/Supervisor की ड्युटी पर आवश्यकता होने पर लगाया जायेगा ।

हस्ताक्षर: उपायुक्त एवं
जिला निर्वाचन अधिकारी,
अम्बाला ।

पृ0क्रमांक निर्वाचन-2009/ 4015

दिनांक: 01-10-09

इसकी एक प्रति श्री राजीव चन्द्र शर्मा, सचिव एस0डी0 कॉलेज टीचर्स एसोसिएशन, अम्बाला छावनी को सूचनार्थ एवं आगामी कार्यवाही हेतु भेजी जाती है ।

हस्ताक्षर: उपायुक्त एवं
जिला निर्वाचन अधिकारी,
अम्बाला ।