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No. EDN-A-Chha (5)-10/2013  
Government of Himachal Pradesh  
Department of Higher Education

From

The Secretary (Education) to the  
Government of Himachal Pradesh

To

✓ Director of Higher Education,  
Himachal Pradesh Shimla-171001

Dated, Shimla-2 the 7<sup>th</sup> April, 2021

Subject:

Bye-Election-2021 to 2-Mandi Parliament Constituency and  
8-Fatehpur Assembly Constituency-Transfer / Posting of  
Officers--Regarding.

Sir

I am directed to invite your kind attention to letter number 3-29/20198-ELN-770 dated: 30-03-2021 received from Chief Electoral Officer, Himachal Pradesh, Shimla-9 addressed to Chief Secretary/all ACS/all Pr. Secy./Secretaries/all HOD's/Others (copy enclosed for ready reference) on the subject cited above and to request you to look into the matter and take necessary action accordingly.

Yours faithfully,

*[Signature]*

Special Secretary (Hr. Edu.) to the,  
Government of Himachal Pradesh

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|-------------|--------|
| DHE         | 117492 |
| 08 APR 2021 |        |
| Branch      | ET     |

*Sh. Cheemee Lal*



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Secy Education.

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Bye-Election-2021

Email/By Post/Urgent

Election Department, Government of Himachal Pradesh  
38-SDA Complex, Kasumpti, Shimla-9

No: 3-29/2019-ELN-I - 770

From:

Dated: 30th 03, 2021.

To

Chief Electoral Officer,  
Himachal Pradesh.

1. The Chief Secretary,  
to the Government of Himachal Pradesh,  
Shimla-171002.
2. All the Addl. Chief Secretaries  
to the Government of Himachal Pradesh,  
Shimla-171002.
3. All the Principal Secretaries/Secretaries  
to the Government of Himachal Pradesh,  
Shimla-171002.
4. Divisional Commissioner,  
Mandi/Shimla/Kangra.
5. All the Head of Departments  
Govt. of H.P. Stationed at Shimla.
6. All the Head of Departments/Offices  
Central Govt. in Himachal Pradesh.
7. The Chairman/Managing Director of all Boards/Corporation/  
Undertaking, Himachal Pradesh.
8. The Vice Chancellor, Himachal Pradesh University, Summer Hill,  
Shimla-5/Dr. Y.S. Parmar Horticulture and Forestry University,  
Nauni, Solan/Chaudhary Sarwan Kumar Agriculture University,  
Palampur.

Spec. Secy (EDU)  
Dep. Secy (EDU+B)  
4/ Secy (EDU+FOU)  
31/03/21

Subject:- Bye-Elections to 2-Mandi Parliamentary Constituency and 8-Fatehpur Assembly Constituency--Transfer /Posting of Officers-regarding.

Sir/Madam,

I am to enclose herewith a copy of Commission's letter No. 437/6/1/2014, dated 16<sup>th</sup> August, 2014 on the subject cited above and to say that the casual vacancies have occurred in 17<sup>th</sup> Lok Sabha due to death of elected MP from 2-Mandi PC w.e.f 17.03.2021 and in the Legislative Assembly of Himachal Pradesh due to death of elected MLA from 8-Fatehpur AC of Kangra district w.e.f. 12.02.2021.

The Commission has followed the consistent policy to ensure that officers, who are connected with the conduct of Bye-elections in the State, do not serve in the areas falling in the Parliamentary/Assembly Constituency(ies) where they have served for long and is not posted in their home constituencies. The Commission has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present posting within the Parliamentary/Assembly Constituency (ies) limits:-

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5/4/21

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1. Bye-election to the Assembly Constituency (ies):

The Commission has superseded its existing instructions on the matter and decided that no officer connected directly with the conduct of bye-elections, should be allowed to continue in the present place of posting within the Assembly Constituency limits: -

- (i) if she/he is posted in her/ his home Assembly Constituency limit;
- (ii) if she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy (31.8.2021).

Such officers shall be shifted out of the Assembly Constituency limit.

2. Bye-election to the Parliamentary Constituency (ies):

The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of bye-elections to the Parliamentary Constituency, shall be allowed to continue in the present place of posting within the Parliamentary Constituency limits: -

- (i) if she/he is posted in her/ his home district within the concerned constituency limit;
- (ii) if she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy (30.9.2021).

Such officers shall be shifted out of the Parliamentary Constituency limit.

You are, therefore, requested to take action accordingly and review all such cases in 2-Mandi Parliamentary Constituency and 8-Fatehpur Assembly Constituency in accordance with the above referred letter of the Commission. The Officers coming under the purview of the above directions may be shifted immediately. Compliance, in this regard may also be sent to this department immediately but not later than 20<sup>th</sup> April, 2021, for further submission to the Election Commission of India.

Yours faithfully

Encls: As above

*Commr*  
Chief Electoral Officer  
Himachal Pradesh.

Endst.No. 3-29/2019-ELN-I-770

Dated: 30<sup>th</sup> 03, 2021.

Copy, alongwith Commission's above referred letter, is forwarded to the District Election Officers (DCs), Chamba, Kangra, Lahaul-Spiti, Kullu, Mandi, Shimla and Kinnaur in Himachal Pradesh, for information.

Encls: As above

*Commr*  
Chief Electoral Officer  
Himachal Pradesh.

Copy to Section-I/Establishment Seat for similar action.



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**INSTRUCTION SL No. 99**

ECI letter No. 437/6/1/2014 dated 16.08.2014 addressed to the Chief Secretaries and Chief Electoral Officers of all States and UTs

**Sub: Bye-Election to the Parliamentary/Assembly Constituency(ies)- Transfer/Posting of Officers- reg.**

The Commission, in its task of conducting free and fair elections has followed the consistent policy to ensure that officers, who are connected with the conduct of bye-election in the States, do not serve in the areas falling in the Assembly/Parliamentary Constituency(ies) where they have served for long and is not their home constituency.

**2. Bye-election to the Assembly Constituency (ies):**

(2.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections, should be allowed to continue in the present posting within the Assembly Constituency limits:-

(i) If she/he is posted in her/his home Assembly Constituency limit;

(ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Assembly Constituency limit.

(2.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Assembly Constituencies going for bye-elections. These instructions will also cover other officers viz. Deputy/Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Assembly Constituency Limits.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Assembly Constituency Limit.

(2.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or



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will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 2.1 (if).

✓ 3: Bye-election to the Parliamentary Constituency (ies):

(3.1) The Commission, in supersession of existing instructions, has decided that no officer connected directly with the conduct of Bye-elections to the Parliamentary Constituency going for bye-election, shall be allowed to continue in the present posting within the Parliamentary Constituency limits:-

- (i) If she/he is posted in her/his home district within the concerned Constituency limit;
- (ii) If she/he has completed three years during last four years or would be completing 3 years on or before the last day of the sixth month from the date of occurrence of the casual vacancy.

Such officers shall be shifted out of the Parliamentary Constituency limit.

(3.2) (i) These instructions cover Returning Officers and Assistant Returning Officers of the Parliamentary Constituencies going for bye-elections. These instructions will cover only that District Election Officer who is designated as Returning Officer. Other District Election Officers, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. The instructions will however cover other officers viz. Additional Collector, Additional District Magistrate, Deputy Collectors, Assistant Collectors, Sub-Divisional Magistrates, Tehsildars and Block Development Officer located in Parliamentary Constituency Limit.

It is however clarified that officers appointed as Sector Officers, though directly involved in election duties will not be covered under these instructions as their duties are such that they are deployed in field duties where their knowledge of the area/terrain is crucial to their effective performance. The CEO, DEO and RO should, however, keep a close watch on them during the election period to ensure that their performance is strictly impartial.

(ii) As far as officer in the Police Department are concerned, these instructions shall be applicable to the Superintendent of Police located in the District whose District Election Officer is also the Returning Officer. Other Superintendent of Police, even if some part of their district falls in the Parliamentary Constituency going for bye-elections shall not be covered under these instructions. These instruction will however cover Additional SP, Sub-Divisional Head of Police, Dy.SPs/Circle Officers, Inspectors, Sub-Inspectors or equivalent ranks posted in the field within the Parliamentary Constituency Limit.



- (3.3) The Commission further desires that a detailed review may, therefore, be undertaken and all such officers be posted out of their home constituency limits where they have completed or will complete, on the aforesaid date, tenure of three years in Assembly constituency limit out of the last four years, immediately. Further, for uniformity, the three year period shall be reckoned backwards from the last day of the sixth month as mentioned at para 3.1(ii).
4. The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work in the past, shall not be assigned any election related duty.
5. The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.
6. The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the district from which they stand transferred immediately on receipt of the transfer orders.
7. Normally, bye-election is held to fill up a casual vacancy within a period of six months from the date of occurrence of vacancy (excepting a situation beyond control of the Commission). Hence, it would be advisable if the State Government initiates steps for implementation of these guideline immediately after occurrence of a casual vacancy in a constituency so that last moment dislocation of officers can be avoided.
8. Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further officers falling in category (home/3+ criteria) shall not be engaged for performing election duties during the elections, if they are due to retire within 6 months.
9. Details of the action taken may be intimated to the Commission for its information.
10. These instructions will begin to apply from the Bye-elections announced by the Commission vide its Press Note No. ECI/PN/37/2014, dated 16<sup>th</sup> August, 2014, onwards and shall be applicable scrupulously in all the bye-election to the Assembly/Parliamentary Constituency (ies) that will be held from time to time.



Directorate of Hr. Education  
Himachal Pradesh

Endst. No. EDN-H(1)B(15)1/2009- Imp. Instt. Dated Shimla - 171001 the  
Copy for information and further necessary action is forwarded to:-

1. The Secretary (Edu.) to the Govt. of HP Shimla-171002 w.r.t. No. EDN-A-Chha(5)-10/2013 dated 07-04-2021 for information please.
2. All the Branch Officer / Superintendent, Directorate of Higher Education H.P
3. All the Principal, GDC / GCTE Dharamshala & Skt. Colleges in Pradesh.
4. All the Deputy Directors of Higher Education, H.P.
5. All the Principals/ HM of Govt. Sr. Sec. Schools / High Schools in the H.P.
6. The Chief Librarian, Centre State Library Solan.
7. All the District Library in the Pradesh, HP.
8. The NCC Group Commander, GP HQ, Shimla-4.
9. All the NCC units in the Pradesh, HP.
10. The Incharge Computer Cell, Dte. of Hr. Education, H.P with the remarks to upload the said orders on the deptt. Website.
11. Guard File.



Director Higher Education  
Himachal Pradesh