Manpower is the single most important resource of an organization. Even in the days of modern technology there is an overwhelming evidence that it is the people and not the machines which are the driving force of growth. It is in consideration and acknowledgement of this fact that in the government of Himachal Pradesh, the Department of Personnel has been placed under the Chief Secretary. The Chief Minister is the overall incharge of this Department.

There are two agencies of personnel administration – Department of Personnel and Public Service Commission.

The Public Service Commission is considered the touchstone of a sound recruitment policy. A sound recruitment policy is constituted of fair selection based on merit. The merit system was introduced by the East India Company in 1853 before which patronage prevailed for appointments. Even England accepted the system a little later and in the U.S.A. too, the spoils system continued till 1883. Offices in France were auctioned till as late as 1845 and it was only in 1849 that a competitive examination was held for two departments in France. The National Academy was however set up in October, 1945.\(^1\) The Government of India Act 1935 provided for a Public Service Commission at the

Centre and in the provinces, thus placing the policy of centralised recruitment based on standard norms on a firm footing. The Public Service Commission also acts as an advisory body on other matters of personnel administration such as promotions, reservations, transfers, disciplinary matters and training which are looked after by the Chief Secretary’s branch.

DEPARTMENT OF PERSONNEL

Before 1971 there was a Department of Appointment which dealt with service matters, appointments to higher services like IAS, IPS, Delhi, Himachal, Andaman and Nicobar Islands Civil Services (DHANICS); Heads of Departments; Secretariat Cadre officers and Judicial officers. It also used to be an advisory body for other services on personnel matters. This department was renamed as Department of Personnel. It was later split into two sections, Personnel-I and Personnel-II, more commonly known as Appointment I and Appointment II. It has recently opened a Confidential Cell. An Administrative Reforms Unit was set up in the Department of Personnel in 1978. The Department of Personnel is headed by a Secretary of the rank of commissioner-cum-secretary who works under the Chief Secretary. It’s functions are as follows.

Personnel - I

Department of Personnel-I deals with matters as mentioned hereafter for All India Service and State Civil Service (HAS and HPPS), Heads of Departments, and Secretarial cadre officers.
- Appointments
- Transfers
- Confirmation
- Training
- Leave rules and advances

Till July, 1984 the Judicial Services and IPS, and HPPS were dealt with by the Department of Personnel. However, they were subsequently transferred to the Department of Home. No records are available to explain the decision as to why IPS, HPPS and Judicial Services were transferred to the Home Department from the Department of Personnel. A perusal of the file shows that perhaps when an important Secretary was posted in the Department of Home, it was taken up that police and judicial services were dealt in the Home Department in Punjab. Since then the judicial services, IPS & HPPS have been dealt with by the Department of Home.

Confidential Cell

The Department of Personnel has opened a confidential report cell which looks after the annual confidential reports and other confidential matters of the officers dealt with by the Department of Personnel.

Miscellaneous

Some isolated functions are also earmarked for Personnel-I, such as appointment of Chairman and members of State Electricity Board and Managing Directors of Corporations and Boards.
Personnel - II

All policy matters are laid down in this department and instructions are issued by them. Personnel-II is mainly an advisory unit in the Department of Personnel which advises other departments on rules, regulations and service matters.

The subjects it deals with are:

- recruitment and promotion rules
- reservations policy
- transfers policy
- conduct, punishment and appeal rules
- writing of ACRs
- retirement
- deputation
- efficiency bar
- seniority lists
- confirmations
- training

Some of these matters, for example, confirmation, training are also in the list of cases dealt by Appointment-I but they are specific to those officers within the purview of Personnel. Policy matters pertaining to these areas of all the departments are dealt with by Appointment-II.
State level association

Another major activity that has gradually come under Personnel-II is the matters relating to service unions and associations at state level. It keeps the records of the consultative machinery and coordinates action to be taken by various departments.

Reservation Cell

A reservation cell has been created in the Department of Personnel-II. This formulates policies regarding reservations for all categories of staff and oversees their implementation in respect of rosters and registers. It also acts as a State Liaison Office for reservation of Scheduled Castes and Scheduled Tribes.

Department of Finance for Finance Department

Another unique function the Department of Personnel, Appointment-II performs, is that it acts as a Department of Finance for the Finance Department as it cannot act as its own financial controller. Thus all sanctions for finance department are issued only after the concurrence of Department of Personnel, Appointment-II. Similarly all posts of Finance Department are sanctioned by the Department of Personnel, Appointment-II. It also acts as an administrative department of the Public Service Commission.
Staff in the Department of Personnel

The Department of Personnel is headed by the Chief Secretary. The Minister in-charge is the Chief Minister. There are Commissioner-cum-Secretary (Personnel), Joint Secretary/Deputy Secretary (Personnel), three Section Officers and six Superintendents in this Department, three in each section. There are 12 dealing assistants and 5 clerks working in this department.

Accounts Cell

A few years back the accounts cell was also opened in the Department of Personnel. This is headed by the Chief Accounts Officer who is directly under the Commissioner-cum-Secretary (Personnel). This cell was created when the accounts function was separated from the audit function in the Pradesh in the year 1979. Pay slips, service books and leave accounts, records of all officers are maintained by this cell. The Indian Administrative Service officers, Himachal Administrative Service officers, Chairman and Managing Directors of Corporations and Boards and secretarial staff are covered by this cell.

Secretariat Administration Department

Personnel department also includes the Secretariat Administration Department. It deals with the personnel matters of the entire secretariat of all the staff of classes I, II, III & IV. It is headed by the Secretary (Personnel), here referred to as Secretary GAD (General Administrative Department) or SAD.
(Secretariat Administrative Department), assisted by a Deputy Secretary. It has five branches and three cells. These cells are the record cell, cash cell and diary and despatch cell. The number of employees in the Secretariat is over a thousand and the break-up is given below.

Table I.1

Employees in the Secretariat

<table>
<thead>
<tr>
<th>Numbers</th>
<th>Pay Scales</th>
</tr>
</thead>
<tbody>
<tr>
<td>class I</td>
<td>82</td>
</tr>
<tr>
<td>class II</td>
<td>115</td>
</tr>
<tr>
<td>class III</td>
<td>630</td>
</tr>
<tr>
<td>class IV</td>
<td>365</td>
</tr>
</tbody>
</table>

I.A.S. and H.A.S. in their own pay scales;
Secretariat Cadre:
Deputy Secretary : 3500 - 5000
Under Secretary : 3000 - 4500

2000-3500
950 - 1800 / 1500-2640
750 - 1350

Himachal Pradesh is often criticised for having a large number of government servants. The number of employees in the State is approximately one lac against the total population of the pradesh of about 43 lacs. In addition, there are about one lac daily wage employees, mostly in the Public Works, Forest, Agriculture, Horticulture and Animal Husbandry Departments. Thus the Government employees are more than 10% of the total population. Considering 25% over age and 15% under age in the population to be employed - out of the remaining 60% a very high percentage is in Government service.
In an interview with the concerned Section Officer and the Deputy Secretary, it was revealed that they were feeling overburdened with the increase of work (without any proportionate increase in staff) introduced a few years back which is also being dealt by this department. They propose to set up an Appointment-III section which will be dealing with Recruitment & Promotion Rules, Conduct Rules, Punishment and Appeal Rules and Recruitment Policy.

The Department of Personnel is headed by the Chief Minister in the States and generally by the Prime Minister in the Centre. There has been no state minister for Personnel in Himachal Pradesh. This shows the importance that is given to this function. In fact the Finance Department and the Personnel Department are the advisory and controlling departments in the government. Yet it is noticed that even in these departments the functioning is routine and perfunctory. 34 of the 40 heads of departments who were interviewed felt annoyed that their suggestions were marked down to the clerks and dealing assistants who put up comments on these cases and suggestions. Of them, 30 heads of departments had objections to their leave and tour programmes being dealt at that level. They felt that this system, which was a symbol of colonial heritage, did not have any scope for dynamism. 27 of them felt slighted that their proposals or tour programmes were marked down to clerical levels for examination. This was because the ministerial cadre was tradition bound and could not see beyond the scope of the existing pattern. It was felt that in this department at least
the dealing of files should be at a higher level and that the administrative structure needed improvement.

PUBLIC SERVICE COMMISSION

The advisory role in all personnel matters has been given to the Public Service Commission. Article 320 of the constitution lays down the functions of the Commission. Article 321 states that it shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointment to the service of the Union and the State. This will be dealt in the chapter dealing with recruitment. Article 320(3) lays down that Public Service Commission shall be consulted on all matters relating to methods of recruitment to civil services and for civil posts, on the principles to be followed in making appointments to civil service and posts, in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions and transfers.

It would thus appear that the functions of the Department of Personnel and Public Service Commission overlap. However, it is not so, and there is a clear division of functions between them.

All policies are considered and drafted by the Department of Personnel but before they are issued or even put up to the cabinet for approval, the advice of Himachal Pradesh Public Service Commission is taken. Even in promotions, either the approval of Himachal Pradesh Public Service Commission is taken or the Chairman or a member of the Himachal Pradesh Public
Service Commission serves as the Chairman or member of the Departmental Promotion Committee. There is a laid down procedure to be followed if there is a difference of opinion between the two which will be dealt with later in this chapter.

In recruitment to certain posts, advice is exempted from the scope of Public Service Commission, since the role of Departments and Employment Exchanges come to play. These will be dealt with later. Here we would deal with the constitution of the Public Service Commission and analyse the functions performed by it.

Constitution of the commission

Article 316 provides for the appointment of the Chairman and members of a State Public Service Commission by the Governor. It provides that at least half of the members of every public service commission shall be persons who on the dates of their respective appointments, have held office for at least 10 years either under the Government of India or under the Government of a State. It is further provided that a member of the Public Service Commission shall hold office for a term of 6 years from the date on which he enters upon his office or until he attains the age of 62 years whichever is earlier. The Himachal Public Service Commission (Members) Regulations 1974 provides for a Chairman and 2 members. This was amended to a Chairman and 3 members vide notification dated 17.1.1985. The names of the chairmen and the members of the Public Service Commission since its inception are as given below.
Chairmen

Lt Gen K C Katoch, MC (Retd), April 1971 to July, 1975
Maj Gen I C Katoch, PVSM (Retd), July, 1975 to July, 1981
J C Malhotra, Judicial Services (earlier Secretary
Law) July 81 to Feb. 86
Anang Pal, IAS (Retd), February 1986 to September 1987
P.K. Matoo, IAS (Retd), September 1987 to date

Members

H R Mahajan IAS (Retd), April 1971 to August 1973
P C Stokes (well known horticulturist) April 1971
to December 1973
Kishan Swarup IAS (Retd), December 1973
to December 1975
R C Sharma IAS (Retd), January 1976 to October 1981
Anang Pal IAS (Retd), June 1982 to February 1986
Gangbir Singh IPS (Retd), February 1986 to June 1989
Hardayal Singh (Ex-Minister), May 1986
to September 1989
Baldev Singh HPAS (Retd), August 1986 to May 1989
Maj Gen K L Rattan MVC (Retd), May 1989 to date
N R Pathak (Retd from Department of Education) from
October 1989 onwards

Thus it would be seen that almost all the members and
chairmen have been retired civil servants. An interview with the
ex-Chief Minister revealed that he felt due to their familiarity
with rules and regulations and also because of the experience
they had acquired, civil servants could function more
effectively. However, an interview with some political leaders
and administrators revealed that it was a system by which government servants managed to continue longer in service. This is because the retirement age in Government is 58 and in the Commission it is 62 years. The recent appointment of Chief Secretary as Chairman of the Public Service Commission suggests the same as he gave up the remaining term of Chief Secretary's post to go as Chairman of Himachal Pradesh Public Service Commission.

Removal and suspension of members

Article 317(1) of the Constitution lays down that the chairman or any member of Public Service Commission shall only be removed from his office by order of the President on the grounds of misbehaviour after the Supreme Court, on reference being made by the President, has on inquiry, held that in accordance with the procedure prescribed in that behalf under article 145 of the Constitution of India, the Chairman or such other member as the case may be ought on any such grounds to be removed.

Article 317(2) reads :-

"The President in the case of the Union Commission or a joint Commission and, the Governor in the case of a State Commission may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference."
A member of public service commission shall be considered guilty of misbehaviour when he :

- is adjudged an insolvent
- engages in paid employment outside the duties of his office
- is in the opinion of the President unfit to continue in office by reason of infirmity of mind or body
- is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of Government of India or the Government of the State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member of any incorporated company.

However it is not laid down as to how and on whose advice the President can consider a member to be unfit to continue in office by reasons of infirmity of mind and body. This provision does not exist for the judiciary and the possibility of misuse cannot be overruled.

The other provisions provide for removal of members only in case of an order of the Supreme Court and that too on specific grounds. They are meant to ensure independence of the Public Service Commission almost to the same extent as of the judiciary. No case of removal or suspension of a member of the Commission has taken place in Himachal Pradesh so far.
Remuneration

The Chairman and members of H.P. Public Service Commission are well paid. The members draw a salary of Rs.2500/-, Chairman of State Public Service Commission draws a salary of Rs.8000/-. Those who are already in service or retired from government service get pay protection as per rules. They are also authorised to a free house and other perks.

Lack of norms for appointment of members

It is obvious that the constitution of the Commission and the safeguards provided for re-employment or removal and suspension of members are for the purpose of ensuring independent functioning of the commission. However, due to the lack of laid down norms or qualifications for appointment of members, there is a grey area for appointment and functioning of the Public Service Commission. The only norm that has been laid down is that half the members of every public service commission should have held office for at least 10 years before their appointment. Even amongst the government servants there is thus a scope of pleasing political bosses. For the other half (for members who are not required to have held office in government) there is clear scope for the same. A perusal of appointments and notings on the files in Himachal Pradesh government shows that no special considerations have been recorded for appointing members in government service as members of Public Service Commission. Generals of the army, IAS and IPS officers have been appointed as Members and Chairmen of Public Service Commission. Secretary
(Permanent) Law, a member of the judicial service has also been appointed as Member and later as Chairman of the Commission. Recently an IAS officer who had retired and saved a political situation at one time was also appointed as Member. However, these members may not necessarily be politically pliable. Discussions with government officials in general and two cabinet rank ministers indicated that these members were not necessarily politically inclined or partial in the discharge of their duties.

This, however, has not been so in other states - even neighbouring states.\(^2\) In Punjab and Haryana particularly, the appointments have been politically motivated. Yet in spite of there being no norms some kind of convention has been established in some states. In his study of Public Personnel System in India, L.P. Srivastava has noted that there are two appreciable features in the Bihar Public Service Commission - one is a balance between different castes and communities and the other is a blend of members from different fields of medicine, engineering, teaching, law, technology, politics and accountancy.\(^3\)

A lot of debate has in fact gone on since the Simon Commission recommended that appointment of members should be done by the Governor instead of the Chief Minister. C. J. Hayes of British Civil Service Commission who visited India, also observed as early as 1964, that the Chief Minister is likely to recommend the names of such persons who are considered safe or who have

served the party in power. A perusal of the list of members of other Public Service Commissions namely Mysore and Maharashtra Public Service Commissions (Annexure I) shows that political appointments have been made for the commission. In comparison, this has not been so in Himachal Pradesh. The Law Commission in fact, suggested in 1958 in its report, that the Chairman and members of State Public Service should be appointed in consultation with the Chairman of the Union Public Service Commission and that qualifications should be prescribed for official members. The Law Commission also recommended that at least one third of the members should be from those who belong to other States. However, the Administrative Reforms Commission did not agree with this and felt that it would lead to friction between the Centre and the States. In a recent study done by M. A. Aleem, a suggestion has been made that the Chief Minister should consult the leader of the opposition in the legislature before finalising the appointments. This may not fit into our system but whatever method is adopted it is clear that norms need to be laid down for appointment of members.

Re-employment of members

Another grey area is the re-employment of the Chairman and Members of the Public Service Commission.

Article 319(3) provides that the Chairman or the members of the State Public Service Commission shall not be

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eligible for any employment (other than as Chairman or member of Union Public Service Commission) either under the State Government or the Government of India. However, this clause has been interpreted in a very narrow sense by most State Governments and has not been taken to include public sector undertakings and autonomous bodies or Parliament. Thus, a retired Member of Andhra Pradesh Public Service Commission became a Member of Parliament after his tenure in the Commission. His tenure proved to be only "a stop gap arrangement in his political career". In Bihar too, a number of chairmen and members of Public Service Commission, after retirement have been appointed as Vice Chancellor of Universities (V.C. Ranchi University, 1971; V.C. Bihar University 1965; and Magadh University, 1967). No one from Himachal Pradesh Public Service Commission has been so appointed after retirement.

FUNCTIONS OF THE COMMISSION

The Public Service Commission conducts centralised examinations for recruitment, acts as a consultative body on all matters relating to the methods of recruitment, appointments, making transfers, promotions from one service to another and on the suitability of candidates for the same. It also acts as a consultative body in disciplinary matters and on claims for defending legal proceedings, and awards of pensions in respect of injuries.

Exemptions

There are certain areas which are outside the purview of the Public Service Commission. These are either sensitive appointments, e.g. Members of Boards and Tribunals, posts in the Secretariat of Vidhan Sabha and Class III posts except drivers, patwaris, forest guards and staff nurses. These are as follows:

- any appointment to a temporary post which is not likely to continue for more than 6 months
- appointments to honorary posts
- in disciplinary matters other than an original order imposing a major penalty under Central Civil Service Rules
- Posts specified in schedule, i.e. Chairman, Members of Boards and Tribunals/conducting investigation or enquiry into and advising Govt. by a resolution of legislature of the Government.
- posts of Chairman or members of any Board, Tribunal, Commission or other similar body created by or under provision of the State
- posts where appointing authority is specified by the Governor
- posts in Secretariat of Vidhan Sabha
- personal staff of the posts given above
- posts of officers and servants of High Court
- class IV posts
- posts of drivers
- workcharged posts
- posts of constables
- any other post which is not whole time
- any post or class of posts for which the Commission agrees not to be consulted

Role of Public Service Commission in Recruitment & Promotion

Review of the functioning of Himachal Pradesh Public Service Commission in conducting examination will be dealt with in the chapter on recruitment. A review of its role in promotions will also be done in the chapter of promotions. Here it would suffice to say that a survey done amongst a cross section of candidates and employees suggested that by and large the Commission was fulfilling its functions in these two areas quite well. This centralised system seemed to ensure impartiality. However, there was a lurking criticism on delays in cases referred to Public Service Commission.

Advisory Role of the Commission

Article 320 of the constitution lays down that it shall be the duty of the Public Service Commission to conduct examinations for appointment to the services in the States. It also lays down that State Public Service Commission shall be consulted for the methods of recruitment, principles of making appointments, promotions, transfers from one service to another, disciplinary matters, costs incurred in defending legal proceedings and claims for the award of pension. Thus an advisory role is also envisaged for the commission. However, a safeguard is also provided in the
provisions that whenever the advice of the commission is rejected the matter will be placed before the legislature with a memorandum by the executive explaining the reasons for rejecting the commission's advice. In Himachal Pradesh the procedure is that in case the advice of the commission is not accepted the case is referred back to the commission for reconsideration. In case of a difference of opinion the case is sent to a Sub-Committee of the Cabinet and then put up to the Cabinet for decision.

There have been some cases in Himachal Pradesh where the advice of the Commission has not been accepted. A few which have been notable and have been studied are given below.

The method of recruitment for the post of Permanent Inspectors and Prosecuting Inspectors in Himachal Pradesh Police Rules was suggested by the Commission in 1972-73 as 50% by direct recruitment and 50% by promotion. However, the Government, in order to provide patronage to some in-service candidates, made it 40% by direct recruitment and 60% by promotion. In another case of the Public Works Department, the Commission advised that the superintendents in the department be dropped from the field of eligibility for the post of Vigilance Officers but the government did not agree to this. Similarly, the Government did not agree to dropping the Prosecuting Inspectors from the field of eligibility from Himachal Pradesh Police Service Rules.

Another major dispute of the Public Service Commission with the Government has been the consideration of ad hoc service for promotions. There are various reasons for making ad hoc appointments. Some genuine reasons have been the non-finalisation of seniority rules, seniority lists and stay orders by courts. There is exemption from referring ad hoc appointments to the Public Service Commission for a period of six months. However, if after six months an extension to this ad hoc appointment is required they have to be referred to the Public Service Commission. Sometimes ad hoc appointments are also made to favour certain officials or reward them as ad hoc-ism provides ample scope for this.

The Government of Himachal Pradesh inherited a lot of problems of seniority after statehood was achieved in 1971 and options were exercised by different staff members for absorption in the State. This resulted in various government servants continuing on ad hoc service and in some cases going to court. Ad hoc service, according to rules, does not count for seniority or for promotion. The government however considered their cases and decided to allow ad hoc service to count for the purpose of promotions. This was because they found that otherwise senior employees would suffer due to no fault of their own. It was decided that those who were senior to them in the seniority list should also be considered for promotion as one cannot consider a junior for promotion and not his senior. The Public Service Commission did not agree to this.  

8 Letter No. PSC-I/71 dated 22.10.74.
The Government did not accept the Commission’s advice and issued instructions to all departments with regard to counting of ad hoc service for the purpose of seniority and promotions. 9

However, in 1976-77 it was seen, in the case of filling up the posts of treasury officers, that if benefit of ad hoc service in the feeder post of a junior person in the seniority list is given, the senior person who had merely 2 months service in the feeder post and where even one confidential report of the official was not available (as he was a new entrant in the government service), became eligible. The Commission suggested to the government to review its earlier instructions and to provide that the eligibility of senior persons on account of ad hoc service of the junior persons should be restricted to possessing the minimum qualifying service of 3 years or whatever is prescribed by the recruitment and promotion rules (whichever is less) and that if anyone is ineligible he would not be considered for promotion. The government accepted the advice of the Commission and circulated instructions to all departments.

Thus it can be seen that when the Commission and the Government differed on a major issue in their views, a healthy and mutually agreed solution was found. The Government’s view was practical and the Commission’s based on principles but a workable solution was found.

The matter has been taken in the court of law to decide whether the public service commission should be merely advisory or whether its advice is binding. It has been held conclusively that the functions of public service commission are merely advisory and that Article 320(3) requires that where such advice is not accepted, the reasons for non-acceptance are to be laid before the legislature. In the case of State of U.P. versus Man Bodhan Lal Srivastava it has been held in the Supreme Court that the absence of consultation of public service commission does not make the matter irregular or vitiate the proceedings. It was held that Article 311 is not controlled by Article 320(3).\textsuperscript{10}

However, it has been held that non-consultation (provided intentions are not mala fide), not by itself make the action liable to be set aside.\textsuperscript{11} This is also the result of a well debated decision. "The danger is that if you give them mandatory powers you draw up two sets of government in a province and two governments at the Centre and there is everything to be said against a procedure of that kind" said one of the fathers of our constitution.

Advice on disciplinary matters

Regulation 14 of the Himachal Pradesh Public Service Regulations provides for the necessity to consult the commission in disciplinary cases in regard to the matters mentioned hereafter.

\textsuperscript{10} State of UP V Manbodhan Lal Srivastava, AIR 1957 SC (912).
\textsuperscript{11} B.N.Nagarajan and others V State of Mysore and others AIR 1966 SC (1942).
a) an original order by the Governor imposing any of the following penalties:

i) withholding of increments with cumulative effect

ii) reduction to a lower service, grade or post or to a time scale or to a lower stage in time scale.

iii) compulsory retirement

iv) removal from service

v) dismissal from service

b) An order by the Governor on an appeal against an order imposing any of the penalties mentioned at (a) above;

c) An order by the Governor imposing any of the penalties mentioned at (a) above, in exercise of his power of review and in modification of an order under which none of the said penalties had been imposed; and

d) an order by the Governor over-ruling or modifying after consideration of any petition or memorial or otherwise, an order imposing any of the penalties mentioned at (a) above made by the Governor or by a subordinate authority.

Regulations 15 and 16 of the Himachal Pradesh Public Service Commission (exemption from consultation) Regulations 1973 provides that it is not necessary to consult the commission in regard to the matters indicated in the para above, if the order is issued by an authority other than the Governor. It is also not necessary to consult the commission before imposing a penalty not mentioned in paragraph above, whether or not such a penalty is
inflicted by order of the Governor or by a subordinate authority.

Those who praised the Himachal Pradesh Public Service Commission also criticised it in the matter of time spent on any task. The Public Service Commission, however, blamed the departments for sending incomplete information. The Himachal Pradesh Public Service Commission then laid down the stage at which papers and documents are to be sent to the Commission so that the responsibilities are clear.

These have been laid down so meticulously and in such detail since cases were inordinately delayed because of lack of complete papers and back references. Whereas Government Departments blamed the Public Service Commission, the PSC said that the department did not send complete papers. This is the reason that detailed instructions of what papers to send at what stage were laid down in such detail.

Claims for reimbursement of expenditure

Article 320 (3) (d) of the Constitution of India enjoins that the Public Service Commission will be consulted on any claim, by or in respect of a person who is serving or has served under the Government of Himachal Pradesh in a civil capacity, that the cost incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in execution of his duties may be paid out of the Consolidated Fund of the State of Himachal Pradesh. A proposal relating to such a claim should be referred to the Commission in H.P.P.S.C. Form 30.
Injury

It is obligatory to consult the Public Service Commission in regard to a claim for the award of a pension in respect of injury sustained by a person while serving under the Government of Himachal Pradesh in a civil capacity and on any question as to the amount of such award.

In the survey undertaken of 118 employees the perceptions of the role of Himachal Pradesh Public Service is tabulated below:

Table I.2

<table>
<thead>
<tr>
<th>Composition of HPPSC</th>
<th>Role in Promotion</th>
<th>Advisory Role</th>
<th>Role in other Misc areas</th>
</tr>
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<tbody>
<tr>
<td>Class I 25</td>
<td>21 4 -</td>
<td>15 9 1</td>
<td>13 10 2</td>
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<tr>
<td>Class II 30</td>
<td>22 8 -</td>
<td>20 8 -</td>
<td>9 14 7</td>
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<td>Class III 43</td>
<td>32 10 1</td>
<td>28 12 3</td>
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<tr>
<td></td>
<td>75 22 1</td>
<td>63 29 4</td>
<td>44 41 13</td>
</tr>
</tbody>
</table>

G stands for Good, F for Fair and P for Poor.

Most of the Class IV personnel did not have much idea of the working of the Public Service Commission and hence their opinions were not taken. This is because they are neither recruited through the Public Service Commission nor deal with it directly.
Analysis of the table shows that a vast majority of all the classes of employees felt that the composition of the Public Service Commission was good (75 out of 98). A vast majority also perceived their role in promotion to be good (63 out of 98). It is only in the miscellaneous area that the positive role appeared doubtful. 24 out of 98 said it was good, 45 said it was fair and 28 that it was poor. Regarding the advisory role, opinion was divided between good and fair. However 13 also felt it was poor.

CONCLUSION

The main purpose of the Public Service Commission has been to enforce the principle of equality of opportunity and providing a common yardstick for merit. Though this has been achieved successfully in Himachal Pradesh modern methods need to be introduced in its procedure of holding examination and interviews. Screening tests have been introduced but psychological tests have not been introduced. Its advisory role also seems to be functioning fairly well. However, no innovation in working or methods seem to be reaching out from their doors. The secretary and the staff are permanent officials of the government and they function as such. The operative function is performed satisfactorily but functions of research and innovation are neglected. No modern methods of management, promotions, appointments or transfers are suggested. Routine work goes on well, but nothing new is brought forth by the Public Service Commission.
Paul Appleby also commented on the Public Service Commission and the main role of fair recruitment and argued that it is a negative role. He said they became defensive in a narrow manner trying to constantly defend selection and that they do not remain imaginative or dynamic since they do little else in terms of research or suggestions for public administration.

The Chairman of the Himachal Pradesh Public Service Commission seemed very content with the fact that the Public Service Commission was able to ensure a fair selection, but what remains to be decided is whether this is the only role envisaged by the Constitution or necessary in a developing country. Likewise it needs to be seen whether we need to strengthen and give a new direction to the Public Service Commission and to the Department of Personnel. Advanced countries of the world have merged the Public Service Commission and the Department of Personnel though they have allowed some autonomy to be retained by the Public Service Commission. We also need to examine whether by maintaining a separate existence any useful purpose is being served.