

PUBLICATION OF INFORMATION REGARDING ITEMS SPECIFIED IN RULE**4(1) (b)(ii) OF THE RIGHT TO INFORMATION ACT, 2005.****(The powers and duties of the officers and employees)**

Sr. No	Name of the Post	Powers and duties (in brief)
1	Chairman	As per delegation powers issued by the Government/Corporation from time to time.
2	Managing Director	-do-
3	Administrative Officer	-do-
4	Accounts Officer	-do-
5	Project Officer	-do-
6	All DMs / Incharge(in the field)	-do-

The other officers/staff of HWDC are to assist the above authorities in the official work.

From

The Chief Secretary to Govt., Haryana

To

All Administrative Secretaries to Govt., Haryana

(By name)

Memo No. 12/6/78-AR

Dated, Chandigarh, the 15th June, 1978.

Subject : Guidelines for the functioning of the Chairmen and Managing Directors of Autonomous Bodies.

As you are aware, several corporate/Autonomous Bodies have been set up in the State by the Haryana Government. While some of them have been set up under the Companies Act, others have been established under the Cooperative Societies Act or under other statutes. The matter regarding their proper functioning has been engaging the attention of the Government for sometime past. It is felt that in order to achieve the desired objectives underlying the setting up of these organisations, it is imperative to put their administration on a sound footing. The duties, powers and functions of the Boards of Management and the Executive Heads/Managing Directors are given in the various statutes, rules and bye-laws concerning the autonomous bodies. If these are not understood in the correct prospective, difficulties are likely to arise leading to the weakening of the organisation. With this end in view, it is considered that harmonious relationship should exist amongst the various functionaries of these organisations. The State Government, therefore, considers it appropriate to issue the following guidelines :-

- (1) The Board of Management of a Corporate/Registered body has the ultimate responsibility for its sound management in accordance with laws, statutes, rules & regulations applicable thereto. Commensurate with this responsibility the Board also enjoys full powers in regard to the management of the organisation. However, being a collective body, it is not feasible for the Board to exercise such powers effectively in day-to-day management. Therefore, substantial powers of management are delegated to one of the directors of the Board who acts as the Chief Executive and is generally known as the Managing Director. The Managing Director acts subject to general superintendence and control of the Board.

- (2) Even though the Board delegates its powers substantially to the Managing Director, its members (including the Chairman) individually as well as collectively, continue to be responsible for the functioning of the organisation. In particular, civil and/or criminal liability attaches to them for any violation of laws and statutes applicable to that organisation. It is, therefore, necessary for the members of the Board to keep themselves continually abreast of the affairs of their organization. In particular, the Government expects the Chairman of the Board of Directors to show greater involvement in the affairs of the organization and not limit his concern to merely presiding over the meetings of the Board. In fact, by virtue of his eminent position, the Chairman can be a valuable link between the Managing Director and the Board of Management.
- (3) In order to be able to discharge his responsibilities, the Chairman should be provided with due access to all information concerning the organization. All such information, however, will be obtained by the Chairman only through the Managing Director. In order to acquire indepth understanding of the functioning of the body, the Chairman is also expected to visit, from time to time, the various field offices and operating units of the organization. All necessary facilities should be made available to him to facilitate such visits. Any suggestion emanating from the Chairman should be treated with due deference by the Managing Director. Normally, it should be possible for the Chairman and the Managing Director to work out a harmonious approach in such cases. Where, however, a difference of opinion arises between the two, it will be necessary for the Managing Director to place the matter before the Board of Management for a resolution of the difference. This is so, because the Managing Director is responsible not to any individual director (including the Chairman) but to the Board of Management as a whole.
- (4) The Chairman is expected to confine his superintendence and guidance to matters of higher management and policy formulation and leave day-to-day management to the exclusive charge of the Managing Director. With the mutual areas of legitimate jurisdiction between the Chairman and the Managing Director so clearly demarcated, there should normally be no occasion for any conflict.
- (5) The various Boards may, as a sound management practice, if not already done, constitute Committees of Directors and also formulate clear delegation orders specifying the powers (particularly in such matters as purchases, sales, appointments and promotions of (a) subordinate management, (b) the Managing Director, and (c) the Committees of Directors in addition to naming the matters specifically resting with the Board (besides the general control and the ultimate authority of the Board in all matters). In formulating such delegation orders, however, it may be necessary to ensure that the Managing Director is not deprived of any authority of description necessary for him to conduct the day-to-day management of the body smoothly, without the necessity of having to refer to any authority a decision which is rightfully his to make.
- (6) In exercise of the above-mentioned functions, the Chairman will, not doubt, ensure observance of the established administrative practices, particularly in regard to proper channels of communication; and will only act in a manner which will not adversely affect the capacity of the Managing Director to exercise full control over his subordinates.

The Government desires that the above guidelines should be brought to the notice of all Corporate/Autonomous Bodies under your administrative control for compliance.

Sd.-

Deputy Secretary, Sectt. Estt.,
for Chief Secretary to Government, Haryana.

From

The Chief Secretary to Govt., Haryana.

To

All Administrative Secretaries to Govt., Haryana (By name).

Memo No. 62/25/GSL-AR.

Dated Chandigarh the 30-9-1987.

Subject: Guidelines for the functioning of the Chairmen and the Managing Directors of Public Undertakings (Corporation/Boards Companies/Apex Level Cooperative Institutions).

Government has been issuing guidelines about the functioning of Chairman and Managing Directors/Public Undertakings from time to time, and reference in this connection may be made in the instructions contained in Memo No. 12/6/78-AR dated 15th June, 1978 and Memo No. 12/6/78-AR, dated 11th January, 1979 (copies enclosed). In the light of the experience gained over the years and with a view to achieving greater involvement of Chairman of such Public Undertakings, it is felt that these guidelines require to be elaborated as follows :—

1. Access to information and field visits by Chairman

There should be no ambiguity about the necessity of providing the Chairman with due access to all information concerning the organisation. All facilities should also be made available to the Chairman to facilitate their visits to various field offices and operating units of the Public Undertakings to whom they belong. Due consideration has also to be shown to all suggestions for action emanating from the Chairman in the course of such visits and access to such information as they may decide to favour. This point has been detailed in the Memo. No. 12/6/78-AR dated the 15th June, 1978. It need not be emphasised that the successful and profitable running of these Public Undertakings will depend to a large extent on the harmonious relationship of the Managing Director and the Chairman of such Public Undertakings.

2. Recruitment of Staff

Recruitment of staff, except of class IV employees should be made through a selection committee, to be presided over by the Chairman of the Public Undertaking. Its members should include the Managing Director (or the Chief Administrator as the case may be) and one or more technical or administrative members as may be decided by the Board (or Board of Directors of such Autonomous Body as the case may be). In the case of class IV posts, final order for selection from amongst qualified persons may be obtained from the Chairman.

3. Transfers

The transfer season is over and transfers are generally banned at present. However, where they are unavoidable due to administrative reasons, these should be ordered as agreed between the Chairman and the Managing Director of such Undertakings. In the case of disagreement the matter may be brought to the Secretary to the Government in the Department concerned who may, if necessary, obtain the orders of the Chief Minister.

4. Writing of Annual Confidential Reports

- (i) Report on the work and conduct of the Managing Director should continue to be initiated by the Secretary to the Govt. in the Department concerned. He should, however, informally obtain the views of the Chairman before recording his remarks.
- (ii) In the case of employees whose reports are initiated by Managing Director, the report should be reviewed by the Chairman and the Secretary in the Department concerned should be the accepting authority.
- (iii) In the case of employees where the Managing Director is the reviewing authority the Chairman should be the accepting authority.
- (iv) Chairman and the Managing Director should be both the initiating and the accepting authority with regard to the reports of their personal staff.

Representations against adverse remarks should lie to the authority higher to the authority accepting the remarks. In cases the Managing Director is the accepting authority, the appeal should lie to the Chairman. In a case, the report is accepted by the Chairman, representation should lie to the Secretary to the Government in the concerned Department.

5. Appeal in the Establishment Matters

In the case of class III and class IV employees, appeal should lie with the Chairman if the impugned order has been passed by the Managing Director. In the case of class I and class II employees, such appeal against the order of M.D. should lie to the Board/Board of Directors. The existing provisions in other cases should continue and changes if any, may be made with the approval of the Board/Board of Directors.

6. Powers relating to Financial and Technical and Administrative Sanctions

- (i) As regards technical sanctions, these should continue as per past practice adopted by the Public Undertakings. Govt. feels that these powers should continue to be with the respective technical authorities as may be decided by the Boards. This will also apply to payments to be made to the contractors for the works done, etc. and acceptance of construction tenders etc.

(ii) Financial sanctions are normally issued under the authority of the Boards. However, some delegations are reported to exist in cases of urgent nature. Delegated authority also seems to exist in individual officers and not in the committees to make purchases in some cases. Government feels that in such cases, there should be a larger involvement of the Chairmen of the Public Undertakings. Subject to variations that may be necessary in individual cases, it is suggested that in such matters powers from Rs. 50,000/- to Rs. 1 lakh may vest in the Managing Director. Beyond this, powers upto Rs. 2 lakhs to Rs. 3 lakhs may vest in the Chairman of such Bodies and above that in the Boards/Boards of Directors. This matter should be considered urgently by the Boards, and wherever necessary advice of the Govt. may be obtained through the Secretary to the Government.

(iii) Administrative sanctions for construction works are either obtained under the authority of the Board or such authority is delegated to the individual officer. Where delegation exists, it is suggested that powers to sanction expenditure from Rs. 50,000/- to Rs. 1 lakh may be exercised by the M.Ds, upto Rs. 2 lakhs and Rs. 3 lakhs by the Chairmen and beyond this by a committee of Board/Corporation.

(iv) Delegated authority in some other cases (e.g. purchases, etc.) is also exercised by individual officer. Here also it is suggested that powers from Rs. 50,000/- to Rs. 1 lakh may vest in M.D., upto Rs. 2 lakh to Rs. 3 lakh in the Chairman and beyond that in a committee of the Board/Corporation.

(v) In all cases of exercise of delegated authority by the Chairmen, referred to at (i) to (iv) above, the proposals will be put upto the Chairmen through the M.D.

2. While the arrangements suggested above may serve as general guidelines, they are bound to be individual variations, depending upon the requirements of the particular Board/Corporation. The intention is to involve the Chairmen in a more meaningful way and there is no suggestion that the operations of these organisations may be unduly circumscribed. The Boards/Corporations may, in accordance with their requirement, evolve their own delegation pattern and obtain the advice of the administrative department, wherever called for.

3. In some cases, it may become necessary to modify the existing rules and regulations so as to achieve the intention of the Government as detailed in the above paragraphs. It is requested that action be taken immediately as per law and the orders of the Government obtained, wherever considered necessary. A copy each of such orders may be endorsed to the Chief Secretary as well as Secretary to Government, Haryana, Institutional Finance Department.

4. Government expects that with these clarifications, there will be larger involvement of Chairman so as to achieve the objective of such Public Undertakings in a more meaningful fashion.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

Dated Chandigarh the Sept., 1987

No. 62/25/GSI-AR

A copy each is forwarded to the Managing Directors/Chairmen of all the Public Undertakings (Corporations/Boards/Companies/Apex Cooperative Institutions), in Haryana for information and necessary action.

Sd/-

Joint Secretary, General Administration,
for Chief Secretary to Government, Haryana.

ANNEXURE - A

Delegation of Administrative powers to the Managing Director and other officer(s) of the Haryana Economically Weaker Sections Kalyan Nigam.

Sr.No.	Nature of powers	Extent of power delegation to the Managing Director.		Remarks
		3	4	
1	2	Full powers		
1.	To exercise the powers of Head of department of Haryana Government exercisable under the various Rules and orders of the Haryana Government	Full powers		
2.	Selection and appointment of Class III and Class IV officials against the posts created by the Board of Directors.	Full powers		
3.	Appointing authority in respect of Class I and II posts will be Managing Director of the Nigam. Selection for appointment to these posts will be made by a personnel committee consisting of the following :-	Full powers		
	(i) Commissioner & Secretary to Government Haryana, Social Welfare Department	Chairman		
	(ii) Director, Social Welfare, Haryana	Member		
	(iii) Managing Director of the Nigam	Member		
	However, the names of the persons so recruited will be			

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1	2	3	4
	put up in the next meeting of Board of Directors for their information.		
4.	Sanction to grant all kinds of leave	Full powers	
5.	Sanction of tour programmes of the officers/officials within the State and outside the State.	Full powers	
6.	Transfer of Class I, II, III and IV employees from one station to another station.	Full powers	
7.	To sanction annual increment including crossing of efficiency bar to Class I, II, III and IV employees	Full powers except as indicated in the remarks column.	Power to sanction annual increment/ Efficiency bar in respect of Class III & IV employees is delegated to the Administrative Officer.
8.	To forward applications for employment elsewhere	Full powers	

1 2 3 4

Creation and appointment of technical and non-technical staff withdrawn
on six months basis on posts the starting pay of which is:
Rs. 300/- P.M. or less.

10. Creation of clerical posts and ministerial staff for the Nizam. Withdrawn
For every 3000 applications received for loans, there shall be
one clerk. For every additional 3000 applications or 1/2 thereof,
an additional post of clerk will be created. Managing Director
is empowered to create posts of clerks on this account without
reference to the Board of Directors.

11. Subject to the provisions of Section 292 of the Companies Act full powers at any time and from time to time by power of Attorney to appoint any person or persons to be the Attorney or Attorneys of the Nigam for such purposes and with such powers, authorities and discretions (not exceeding those vested in or exercisable by the Directors under these presents) and for such period and subject to such conditions as the Directors may from time to time think fit and any such appointment (if the Directors think fit) may be made in favour of the members or any of the members.

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1 2 3 4

of any local Board established as aforesaid in favour of any Company or the members, Directors, nominees or Managers of any company or firm or otherwise in favour of any fluctuating body or ~~person~~ person whether nominated directly or indirectly by Directors and any such power of Attorney may contain such powers for the projecting or convenience or persons dealing with such attorneys as the Directors may think fit.

12. To enter into such negotiations and contracts and rescind and Full powers vary all such contracts and execute and do all such acts, deeds and things in the name of and on behalf of the Company or as they may consider expedient for or in relation to any of the matter aforesaid or otherwise for the purposes of the Company, provided that in respect of all commercial contracts to be concluded with foreign parties prior approval of the Government shall be obtained before the contract is finalised.

Ushama
Chairman
Haryana Economically Weaker Sections Kalan Nigam
Chandigarh.

1 2 3 4

of any local Board established as aforesaid in favour of any Company or the members, Directors, nominees or Managers of any company or firm or otherwise in favour of any fluctuating body or ~~person~~ person whether nominated directly or indirectly by Directors and any such power of Attorney may contain such powers for the projecting or convenience or persons dealing with such Attorneys as the Directors may think fit.

12. To enter into such negotiations and contracts and rescind and Full powers vary all such contracts and execute and do all such act, deeds and things in the name of and on behalf of the Company or as they may consider expedient for or in relation to any of the matter aforesaid or otherwise for the purposes of the Company, provided that in respect of all commercial contracts to be concluded with foreign parties prior approval of the Government shall be obtained before the contract is finalised.

Susham
Chairman
Haryana Economically Weaker Sections Kalandi Nigam
Chandigarh.

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and the decision of the Managing Director on such appeal shall be final.

Susham
Chairman
Haryana Economically Weaker Sections Kalandi Nigam
Chandigarh.

ANNEXURE-1

Delegation of Disciplinary powers to the Managing Director and other officer(s) of the Haryana Economically Weaker Sections Kalyan Nigam.

Sr.No.	Nature of powers	Extent of power delegation to the Managing Director	Remarks.
1.	To exercise powers of Head of Department of Haryana Government under the various Rules and Orders.	Full powers in case of Class I, II, III and IV employees except as indicated in the remarks column.	The Punishing authority in respect of Class I, II, and in respect of major punishments to Class III and IV officials will be the Managing Director and the appeal against the order of the appointing authority/Managing Director imposing any penalty shall lie to the Board within six months of the date of service of the order and Board's decision on such appeal shall be final. The punishing authority in respect of minor punishments to Class III and IV officials will be the Administrative Officer and the appeal against his order imposing any penalty shall lie to the Managing Director within six months and the decision of the Managing Director on such appeal shall be final.

Sd/-S.K.Sharma
Chairman

Haryana Economically Weaker Sections
Kalyan Nigam Limited, Chandigarh.

Annexure-2

FINANCIAL POWERS PROPOSED TO BE DELEGATED AT VARIOUS LEVEL FOR CONSIDERATION BY THE BOARD OF DIRECTORS IN THE MEETING TO BE HELD ON 24-5-1982.

Sr. No.	Nature of powers.	Extent of Delegation of Powers	Delegated to:	Remarks
1.	To sanction and pay all officers and employees of the Nigam existing as well as those appointed hereafter their salaries, allowances, pension contribution, leave salary contribution, arrears etc., upto any limit provided the posts against which charges are drawn, stand created by the Board.	Upto Rs.2,000/- in each case. Upto Rs. 5,000/-	A.A.O. Ad.O.	Subject to sanction at the appropriate level.
2.	To sanction expenditure on travelling allowance of officers/officials of the Nigam at Headquarter according to the rules adopted by the Nigam.	Upto Rs. 250/- in each case Upto Rs. 500/- in each case.	A.A.O. Ad.O.	1) Subject to approval of tou programmes by the M.D. in case of officers of the Nigam and by the Ad.O. in case of Class III and IV employees.

- iii) M.D.'s sanction for journeys beyond jurisdiction in all cases will be required.
- iii) Powers of countersignatures of T.A. bills of officers will rest with M.D. and that of staff with Ad.O.

3. To make payment of temporary advances to the officers/officials of the Nigam for the performance of the functions of the Nigam. Upto Rs. 500/- A.A.O.
Upto Rs. 1,000/- Ad.O.
- To sanction T.A. advance to officers/officials at headquarter. Upto Rs. 200/- A.A.O.
Upto Rs. 500/- Ad.O.
5. To sanction expenditure on liveries/uniforms to drivers or other Class IV employees of the Nigam according to the norms. Upto Rs. 2,000/- Ad.O.
6. To sanction expenditure on the purchase of stationery, forms, registers and other such like office miscellaneous etc. etc. required for running of the office. Upto Rs. 2,000/- Ad.O.

7. To incur expenditure on postage stamps, telegrams and carriage of record/equipment including labour and other sundry charges required for the functioning of the office. Upto Rs. 1,000/- in each case. A.A.O.
Above Rs. 1,000/- to Rs. 5,000/- Ad.O.
8. To sanction expenditure for the repair, maintenance, replacement of machinery, office equipment, fittings, electrical installation, furniture, fixtures, vehicle and miscellaneous expenses etc. Upto Rs. 5,000/- Ad.O.
9. To sanction payment of electricity, water, telephone, P.O.L. bills etc. of the Nigam. Upto Rs. 1,000/- at a time in each case. A.A.O.
Above Rs. 1,000/- to Rs. 5,000/- at a time. Ad.O.
10. To make payment of the Margin money in each case. Upto Rs. 12,500/- District Managers at the District Headquarters. Subject to sanction of the Managing Director.

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7. To incur expenditure on postage stamps, telegrams and carriage of record/ equipment including labour and other sundry charges required for the functioning of the office. Upto Rs. 1,000/- in each case. A.A.O.
 1. Above Rs. 1,000/- to Rs. 5,000/-. Ad.O.
 8. To sanction expenditure for the repair, maintenance, replacement of machinery, office equipment, fittings, electrical installation, furniture, fixtures, vehicle and miscellaneous expenses etc. Upto Rs. 5,000/- Ad.O.
 9. To sanction payment of electricity, water, telephone, P.O.L. bills etc. of the Nigam. Upto Rs. 1,000/- at a time in each case. A.A.O.
 - Above Rs. 1,000/- to Rs. 5,000/- at a time. Ad.O.
 10. To make payment of the Margin money in each case. Upto Rs. 12,500/- District Managers at the District Headquarters. Subject to sanction of the Managing Director.