

Dated the 18 January, 2010  
28, Pausha, 1931 (S)

ORDER

In exercise of the powers conferred by clause (3) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Government of India (Transaction of Business) Rules, 1961, namely:-

1. (1) These rules may be called the Government of India (Transaction of Business) Amendment Rules, 2010.  
(2) They shall come into force at once.
2. In the Government of India (Transaction of Business) Rules, 1961, in the Third Schedule, for serial numbers 39 and 41 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely:-

Sl. No.	Nature of Cases	Reference to provision of the Constitution, if any	Authority to whom to be submitted
(1)	(2)	(3)	(4)
"39(i)	Cases of disciplinary action where the authority otherwise competent under the relevant rules concludes that the penalty of dismissal, removal, compulsory retirement or reduction in rank is justified to be imposed on the holder of a post, appointment to which ordinarily requires approval of the Appointments Committee of the Cabinet.		The Prime Minister and the President.
(ii)	Cases of disciplinary action, against officers of the All India Services and all Group A Central Civil Services including those under the Ministry of Railways, where there is a difference of opinion between the Departments concerned or between the Department concerned and the Union Public Service Commission, and which are not required to be placed before the Prime Minister and the President in accordance with 39(i) above.		The Prime Minister.

41(i)	<p>Cases considered by the Group of Ministers (GoM) relating to grant of permission, for taking up remunerated employment in any private (commercial, industrial or other) concern to a person who held a post in the rank of Secretary to the Government of India or equivalent or higher and immediately before his retirement belonged to: (a) an All India Service and was under the Central Government at any time during a period of two years prior to his retirement; or (b) any of the Central Civil Services including those under the Ministry of Railways.</p> <p>Note.- The requests for grant of permission in respect of all officers of the level of Secretary and above, shall, before being placed before the Prime Minister, be considered by a Group of Ministers (GoM) comprising the Minister of State in the Department of Personnel and Training or when there is no Minister of State in the Department of Personnel and Training, the Minister-in-Charge of the Department of Personnel and Training, the Minister-in-charge of the cadre controlling Department of the Service to which such person belongs to, and the Minister-in-Charge of the Department where such a person worked during last one year. Provided that in cases, where the Cadre Controlling Ministry of the officer whose case is being considered is also the Department of Personnel and Training, the Group of Ministers shall include the Minister of Home Affairs.</p>	---	The Prime Minister
(ii)	<p>Cases relating to grant of permission to officers of the level of Joint Secretary to the Government of India or equivalent and higher but less than the Secretary to the Government of India or equivalent belonging either to the All India Services or the Central Civil Services including those under the Ministry of Railways, where the GoM in accordance with 41(i), did not recommend grant of such permission. Provided that approval of the Prime Minister shall not be required, where the GoM recommends grant of such permission to an officer of this level.</p>	---	The Prime Minister"