

Copy of office memorandum No. 118/52-3sts. dated 30th April, 1962 from the Government of India, Ministry of Home Affairs, New Delhi addressed to all Ministries of Government of India, etc..

Subject: Representations from Government servants on service matters - Advance copies.

Reference are frequently received in this Ministry enquiring whether the submission of advance copies of representations to higher authorities is permissible and as to the treatment that should be accorded to such copies. The matter has been carefully considered and the following instructions are issued for the guidance of all concerned.

2. Whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refusal relief or ignored or unduly delayed the disposal of the case. Representations to still higher authorities (e.g. those addressed to the President the Government or to Hon. Ministers) must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). There will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

3. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles-

(a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the Government servants. If the Government servant persists in thus prematurely addressing the higher authorities, suitable disciplinary action should be taken against him.

(b) If the advance copy shows clearly that all appropriate lower authorities have been duly addressed and exhausted, it should be examined to ascertain whether on the facts as stated some grounds for interference or for further consideration appear, prima facie to exist. Where no such grounds appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.

(c) Even where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time, to forward the original representation, with its report and comments on the points urged. There is ordinarily no justification for the passing of any orders on any representation without thus ascertaining the comments of the appropriate lower authority.

4. Some Government servants are in the habit of sending copies of their representations also to outside authorities, i.e., authorities who are not directly concerned with the consideration thereof (e.g. other Honourable Minister, Secretary, Members of Parliament, etc.) This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.

5. Separate instructions exist in respect of officers of the All India Services and these instructions do not apply to those officers.

6. It is requested that the above instructions may be brought to the notice of all Government servants.

§ख§ यदि अग्रिम प्रति से यह बात स्पष्ट हो जाती है कि समुचित निम्नतर प्राधिकारियों को विधिवत् रूप से अभ्यावेदन भेजे जा चुके हैं और वे असफल रहे हैं तो यह पता लगाने के लिए जांच की जानी चाहिए कि क्या बताए गए तथ्यों के आधार पर हस्तक्षेप किए जाने या और आगे विचार किए जाने के कोई आधार

प्रथम दृष्टया बनते हैं या नहीं। जिन मामलों में ऐसे कोई आधार प्रतीत नहीं होते उनमें अभ्यावेदन अनदेखा या सरसरी तौर पर नामंजूर कर दिया जाए और ऐसा किए जाने के कारणों से सरकारी कर्मचारी को सक्षम में अवगत करा दिया जाए।

§ग§ ऐसे मामलों में भी जिनमें हस्तक्षेप किए जाने या और आगे विचार किए जाने के कुछ आधार प्रतीत होते हैं, समुचित निम्नतर प्राधिकारी से एक उचित समय के भीतर यह कहना चाहिए कि वह उठाए गए बिन्दुओं पर अपनी रिपोर्ट और टिप्पणियों सहित मूल अभ्यावेदन भेज दे। इस प्रकार समुचित निम्नतर प्राधिकारी की टिप्पणियों की जानकारी प्राप्त किए बिना किसी अभ्यावेदन पर कोई आदेश पारित करने का सामान्यतः कोई औचित्य नहीं है।

4. कुछ सरकारी कर्मचारियों को यह आदत होती है कि वे अपने अभ्यावेदनों की प्रतियाँ असंबद्ध प्राधिकारियों को जैसे कि ऐसे प्राधिकारियों को जो कि उनके अभ्यावेदनों पर विचार करने के लिए सीधे संबन्धित नहीं हैं उदाहरण के लिए अन्य माननीय मंत्री, सचिव, संसद सदस्य आदि भेजते रहते हैं। यह एक अत्यन्त आपत्तिजनक परिपाटी है जो कि सरकारी मर्यादा के प्रतिकूल है और श्रेष्ठ अनुशासन की विरोधी है और सभी सरकारी कर्मचारियों से यह अपेक्षा की जाती है व कि वे पूरी ईमानदारी से इस प्रवृत्ति से दूर रहेंगे।

5. अखिल भारतीय सेवाओं के अधिकारियों के संबंध में अलग से अनुदेश विद्यमान हैं और ये अनुदेश उन अधिकारियों पर लागू नहीं होते।

6. अनुशोध है कि उपर्युक्त अनुदेश सभी सरकारी कर्मचारियों की जानकारी में ला दिए जाएं।