

...

New Delhi-11, the 8th Sep., 1954.

(As amended upto 21.7.1962)

No. 40/5/50-Ests(B) - The following instructions for the submission, receipt and transmission of petitions addressed to the President in respect of matters arising out of civil employment under the Government of India or the termination of such employment, are published for general information. They supersede* the instructions published for general information. They supersede* the Government of India, in the late Home Department notification No. 106/36-Ests., dated the 24th August, 1939.

PART - I.

1. Definitions. - In these instructions -

- (1) "Petition" includes a memorial, representation, letter or an application of the nature of a petition
- (2) "prescribed authority" means the appropriate authority specified in the Schedule to these instructions.

2. Scope of Instructions. - (1) Save as herein-after provided, these instructions shall apply -

- (1) so far as may be, to all petitions addressed to the President by persons who are, or have been, in the civil employment of the Government of India other than persons who are or have been under the administrative control of the Railway Board, and persons who are governed by the All India Services (Discipline and Appeal) Rules, 1954, in respect of matters arising out of such employment or in respect of the termination of such employment.
- (11) so far as they are not inconsistent with the conditions of the India Army, Naval, or Air Force Service, to petitions addressed to the President by members of the Armed Forces, who are or have been in civil employment of the Government of India, in respect of matters arising from such employment.

contd...2

noted.

Pl. issue... dated... 11 +

9/1/54

- (2) These instructions shall not affect any rules or orders made by the President in respect of representations submitted by associations or unions of Government servants.

PART - II.

Form and Manner of Submission of petitions.

3. Form of petitions. - (1) Every petition shall be legible and may preferably be either in typescript or in print.

(2) Every petition shall be authenticated by the signature of petitioner and shall be submitted by him in his own behalf.

(3) Every petition and the documents accompanying it shall be in the official language of the Union or any of the regional languages specified in the Eighth Schedule to the Constitution:-

Provided that if a petition or document is in a regional language, a translation, thereof in the official language shall be furnished, as far as possible, along with such petition or document; but no petition shall be withheld on the ground only for want of such translation.

4. Contents of petitions. - Every petition shall -

- (a) contain all material statements and arguments relied upon by the petitioner;
- (b) be complete in itself and include a copy of the order complained against, as well as copies of orders, if any, passed by subordinate authorities;
- (c) contain no disloyal, disrespectful or improper language; and

*vide Noti(cc) in respect of cases covered by rule 32(2) of the Central Civil Services (Classification, control and Appeal) Rules, 1957, contain a statement that a request for review was made to reviewing authority under that rule and the same disposed of by that authority.

(d) and with a specific prayer.

5. Method of submission of petitions.- (1) Every petition shall be submitted to the prescribed authority through the head of the Office or Department to which the petitioner belongs or belonged, and shall be accompanied by a letter requesting the prescribed authority to transmit it to the President.

(2) The head of the office or department, on receipt of the petition submitted through him in accordance with sub-instruction (1) shall forward the petition through the usual official channel, to the prescribed authority, together with a concise statement of the facts, material thereto and all relevant papers, and, unless there are special reasons to the contrary, an expression of his opinion thereon.

P A R T - III.

Withholding of petitions by the prescribed authority.

6. Circumstances, in which petitions may be withheld. The prescribed authority may, in its discretion, withhold a petition when -

- (1) the petitioner has not complied with any of the provisions of Part II; or
- (2) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the delay is given; or
- (3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petition, in the opinion of the prescribed authority, discloses no new facts or circumstances which afford grounds for a reconsideration of the matter; or
- (4) the petition is a representation against a decision which is declared to be final by any law or statutory rule; or
- (5) the petition is an application for an employment under the Government not made in pursuance of any rule or announcement calling for applications for such employment; or
- (6) the petition relates to a subject on which the prescribed authority is competent to pass orders and no application for redress has been made by the petitioner by the prescribed authority; or

- (7) the petition is a representation against the non-exercise in favour of the petitioner of a discretion vested in the prescribed authority; or
- (8) the petition is a representation against the discharge or termination of service by a competent authority of the petitioner, having been -
 - (a) appointed, on probation, during or at the end of such probation;
 - (b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment; or
 - (c) engaged under contract, in accordance with the terms of such contract;
- (9) the petition is a representation against an order:-
 - (a) from which the petitioner has already exercised, or has failed to exercise, a right of appeal available under rules or orders or the contract regulating his conditions of service;
 - (b) passed by a competent authority in the exercise of appellate or revisional powers conferred by any rule, order or contract regarding his conditions of service; or
- (10) the petition is a representation against an order of a competent authority refusing to grant or recommend -
 - (i) a special pension; or
 - (ii) any pecuniary or other concession to which the petitioner not entitled under any rules or orders or contract regulating his conditions of service.

7. Petitioner to be informed when petition is withheld. The prescribed authority shall, when a petition is withheld under instruction 6, inform the petitioner of the withholding thereof and the reasons therefore.

8. List of petitions withheld. - (1) if the prescribed authority is other than the Secretary to the Government of India in the appropriate Ministry or Department, it shall submit to such Secretary a quarterly return specifying particulars of all petitions withheld by it under instruction 6 and the reasons for withholding the same.

contd...5

ii) If the Secretary to the Government of India in the appropriate Ministry or Department is himself the prescribed authority, he shall prepare a quarterly return specifying particulars of petitions withheld by him under instruction 6 and the reasons for withholding the same.

(iii) The returns prepared under sub-instructions (i) and (ii) shall be dealt with in the manner provided in the rules made by the President for the transaction of the business of the Government of India;

(iv) If the President on a scrutiny of the said returns or otherwise directs, any or all of the petitions specified in the return under sub-instruction (i) shall be transmitted by the prescribed authority to the Secretary concerned, or any or all of the petitions specified in the return under sub-instruction (ii) shall be taken into consideration.

P A R T - IV.

Procedure in respect of petitions not withheld.

9. Procedure of transmission. If the prescribed authority is other than the Secretary to the Government of India in the appropriate Ministry or Department, it shall transmit to such Secretary petitions not withheld under instruction 6 and petitions called for under instruction 8 together with a complete statement of the facts material thereto and all relevant papers, and, unless there are special reasons to the contrary, an expression of the opinion of the prescribed authority thereon.

10. Consideration of the petitions. - Petitions received in his capacity as the prescribed authority by the Secretary to the Government of India in the appropriate Ministry or Department and not withheld by him under instruction 6, petitions taken into consideration under sub-instruction (iii) of instruction 8, and petitions transmitted to such Secretary under instruction 9 shall thereafter be dealt with in accordance with the provisions of the Rules made by the President for the transaction of the business of the Government of India.

11. Action to be taken after final orders are passed on petitions. The prescribed authority shall himself give effect, or ensure that effect is given by the competent authority, to such orders as the President may pass on any petition and, if the prescribed authority is other than the Secretary to the Government of India in the appropriate Ministry or Department, submit to such Secretary within a period of three months of the receipt of the orders a report of the action taken.

THE SCHEDULE.

(See Instruction I (2))

List of the authorities included in the term "prescribed authority". In respect of persons who or have been employed -

- (1) in Ministries or Departments of the Govt. of India, the Secretary of the Ministry or Department.
- (2) in Attached of the Govt. of India or in Offices, subordinate to such Attached Offices, or in offices not subordinate to any Attached Office, Heads of Departments who are directly under the Govt. of India.
- (3) in connection with the affairs of a Union Territory the Lieutenant Governor, Chief Commissioner or Administrator, as the case may;
- (4) in lower formations under the Army, Navy or Air Force; the appropriate Principal Staff Officer at the Army Head quarter, Naval Headquarter; and Air Head quarters and the Engineer-in-Chief Army Headquarters in respect of the Civilian personnel of the Ministry Engineering Services.

Sd/- S.B. BAPAT,
JOINT SECRETARY.