

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 93/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) P. S. Bhattacharjee

Respondent(s) H. O. I. Toms

Advocate for Applicant(s) A. B. Chandling, A. Ahmed
Ms. B. Gogoi

Advocate for Respondent(s) Case Mr. A. Deb Roy, Sr. C.G.S.C.

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

This is application in form
C. F. No. 50/- deposited
vide IP No. 76549284.

Dated 1.6.2002

Dy. Registrar

28.3.2002

Issue notice to show cause as to why
this application shall not be admitted, re-
turnable by four weeks.

List for admission on 29.4.2002.

Member

Vice-Chairman

bb

29.4.02

The matter pertains to promotion to
the post of Upper Division Clerk in the depart-
ment of Central Government Health Scheme,
Guwahati. The applicant claimed for promotion
to the said post. For that purpose he submit-
ted the representations before the authority.
In response to that the Joint Director of
Central Government Health Scheme, Guwahati
seems to have written to the Central Governmen-
t Health Scheme, for filling up the post as
per law.

We have heard Mr. A. Deb Roy, learned Sr.

Contd/-

Slips taken, Notice prepared
and sent to D/S for min
the respondent No 1 & 3
by Regd A.D.

D/No 1106 & 1108

Dtd 9/4/02

① Service report are
still awaited.

By

28.4.02

2/ d

C.G.S.C. for the Respondents at length. Considering the facts and circumstances of the case, we are of the view that the matter requires to be considered by the authority at thier level. We accordingly direct the Respondents to consider the representations submitted by the applicant on 21.8.2001, 11.9.2001 and 27.9.2001 pertaining to fill up the post of U.D.C. by way of promotion. The applicant may also file a fresh a representation, if he desires within one month from today. If such representation is made by the applicant the Respondents shall examine the same and pass a reasoned order within three months from the date of receipt of the order.

The application accordingly stands disposed of. No order as to costs.

K. I. Chahar
Member

[Signature]
Vice-Chairman

mb

2-4-02

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI
BRANCH GUWAHATI

O.A. No. 93 /2002

Shri Partha Sarathi Bhattacharjee.

-Versus-

Union of India & Ors.

I N D E X

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Filed by

Advocate

Partha Sarathi Bhattacharjee

Filed by the applicant
through —
Asif Ahmed
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI

BRANCH GUWAHATI

An application U/S 19 of the
Central Administrative Tribunal
Act 1985

O.A. No. 93 /2002

Shri Partha Sarathi Bhattacharjee.
S/o Shri Promothesh Bhattacharjee.
Lachit Nager, Lane No. 7/2
P.O. Ulubari, Guwahati - 7.
Assam.

Applicant.

- Versus -

1. Union of India,
Represented by the Secretary,
Ministry of Health and Family
Welfare,
Nirman Bhawan,
New Delhi - 110 011.
2. The Director,
Central Govt. Health Scheme,
Nirman Bhawan,
New Delhi - 110 011.
3. The Joint Director,
Central Govt. Health Scheme,
Pinaki Path, Bye Lane - 7,
Zoo-Tiniali, Guwahati - 781003.

Respondents

Partha Sarathi Bhattacharjee

1. PARTICULARS FOR WHICH THE APPLICATION IS MADE :

- (i) This application is made for redressal of his grievance regarding the promotion on regular basis, keeping in view of his seniority amongst Lower Division Clerks (L.D.C.)
- (ii) This application is made for early disposal of the representation dated 27.9.2001 made by the applicant to the Respondent No. 2 regarding his promotion to the post of U.D.C., which has been lying vacant since 1996.
- (iii) This application is made for direction to the Respondents to make promotion of the applicant to U.D.C. on regular basis following the practice and procedure.

2. LIMITATION:-

That the applicant declares that this application is filed within the prescribed period of Limitation as per the Administrative Tribunal Act 1985.

3. JURISDICTION OF THE TRIBUNAL :-

That the applicant declares that this application is well within the Jurisdiction of this Hon'ble Court.

That the applicant is a citizen of India and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India.

4. FACTS OF THE CASE :-

- (i) That the applicant was appointed as L.D.C. in the Department of the Central Govt. Health Scheme Guwahati, in the year 1996 through Staff Selection Commission vide Order No. A.20017/2/96-

Partha Sarathi Bhattacharyee

CGHS-Ghy/795 Dated 11.7.96 and accordingly the applicant joined his duty and since then the application has been discharging his duties to the satisfaction of all concerned and without any blemish whatsoever.

A copy of the Appointment Letter is annexed hereto and is marked as **Annexure - 1**.

- (ii) That the applicant begs to state that the applicant is the senior most person amongst the existing L.D.C.s on completion of more than 5 years of continuous service. Normally as per rules and regulations, the senior most person is entitled for promotion to U.D.C., which is a promotional post and the post of U.D.C. is lying vacant in the said office since 1996.
- (iii) That the applicant begs to state that strength of staff in the Office of Central Govt. Health Scheme at Guwahati under various category are (a) One post of Joint Director (b) One post of Accountant (c) One post of U.D.C. (d) ~~Six~~ post of L.D.C., who are recruited through Staff Selection Commission.

The Post of Accountant and U.D.C. in the said office are promotional to keep equality with other L.D.C.s in various departments. Otherwise, the promotion prospect of present L.D.C.s will be stagnant here in the Office.

- (iv) That the applicant begs to state that the post of U.D.C. is promotional post and were sanctioned at

Partha Sarathi Bhattacharjee

the time of initiation of Central Govt. Health Scheme in the year 1996 at Guwahati and the post of U.D.C. is to be filled up with the senior most of the existing L.D.C.s on completion of five years of continuous service as per provision.

- (v) That the applicant begs to state that the applicant made representations dated 21.8.2001 and 11.9.2001 before the joint Director, C.G.H.S., Guwahati for consideration of his promotion to the vacant post of U.D.C. In response to the said representations the Joint Director intimated the applicant and stated that he had written to the C.G.H.S. Directorate for a approval to fill up the said post but no response has been received from the Directorate and as such he expressed his helplessness.

Representations dated 21.8.2001, 11.9.2001 and letter dated 24.9.2001 are annexed hereto and is marked as **Annexure - 2, 3 and 4** respectively.

- (vi) That thereafter the applicant made another representation dated 27.9.2001 before the Director, C.G.H.S., D.G.H.S., New Delhi through proper channel regarding his promotion to the vacant post of U.D.C. as applicant is the senior most among the L.D.C. and the post of U.D.C. is lying vacant. But the applicant did not receive any response, the applicant therefore submitted three reminders dated 1.11.01, 16.11.01 and 11.01.02 to the Director and till today the

Partha Sarathi Bhattacharya

authority has not taken any steps in the aforesaid representations made by the applicant.

Representation dated 27.9.01 and reminders dated 1.11.01, 16.11.01 & 11.01.02 are annexed hereto and is marked as **Annexure - 5, 6, 7 & 8** respectively.

- (vii) That the applicant begs to state that Departmental Promotion Committee (herein after called D.P.C.) should be held every year subject to promotions against the vacancies as per Rules and guideline, But in the instant case this has not been followed and the applicant is deprived from his legitimate promotion to the post of U.D.C., on regular basis inspite of his seniority and also the said post of U.D.C. being lying vacant.

However no regular D.P.C. has been constituted, the legitimate expectation for promotion to the post of UDC of the applicant has been defeated. The action of the respondent authority was just to deprive the legally entitled right of promotion of the applicant.

5. GROUND OF RELIEF :

- (i) For that, your humble applicant is entitled for promotion to the post of U.D.C., being the senior most amongst L.D.C.s, as per rule and Guidelines.
- (ii) For that, the only post of the U.D.C. which is a promotional post has been lying vacant but the

Partha Sarathi Bhattacharya

authority have not taken any steps to fill up the said vacancy with the senior most amongst the existing L.D.C.s of the said office.

- (iii) For that, the action of the Respondents for non disposal of the appeals/ representations of the applicant by the respondents, particularly the respondent no.2 regarding his promotion to the post of U.D.C. is arbitrary, illegal and unjust keeping in view the Office Memorandum No. 11013/7/99-Estt. (A) Dated 1.11.1999. The said action can be said to be malafide and such action of non-considering the appeals and not to promote him without any justification by the respondent authority is a designed action to deprive the applicant of his legitimate right for his promotion to the vacant post of U.D.C.
- (iv) For that, this application is filed before this Hon'ble Tribunal for redressal of his grievances regarding the promotion on regular basis keeping in view of his seniority amongst L.D.C.s.
- (v) For that, the authority failed to constitute regular D.P.C. which resulted in deprivation of the applicant's promotion to the vacant post of U.D.C., which is lying vacant since 1996.

6. DETAILS OF REMEDY EXHAUSTED :-

That the applicant declares that he had exhausted all the departmental remedies which are available to him with in the department.

Partha Sarathi Bhattacharyya

7. MATTERS PREVIOUSLY FILED OR PENDING IN OTHER COURT :

The applicant further declares that he had not filed any application, writ or suit regarding this matter before any Court of Law or any other bench of the Central Administrative Tribunal.

8. RELIEF SOUGHT :-

In view of the Facts and circumstances mentioned above, the applicant prays following relief :-

- (i) An order directing the respondents to dispose of the applicants appeals/representations made before the respondent authority regarding his promotion to the post of U.D.C., which is lying vacant since 1996
- (ii) An order directing the respondent to constitute a departmental promotional committee for considering the promotion of the applicant being the senior most of person among L.D.C. to the post of U.D.C. on regular basis.

9. INTERIM RELIEF PRAYED FOR :-

Your humble applicant prays that for interim order, restraining the authority from filling up the post of U.D.C. in the C.G.H.S. Guwahati.

10. PARTICULAR OF POSTAL ORDERS :-

1. Indian Postal Order No. _____ dated _____ at
Rs.50/=(Rupees Fifty) only in favour of the Registrar ,
C.A.T., Guwahati payable at Guwahati.

Partha Sarathi Bhattacharjee

11. DETAILS OF INDEX:

An Index in duplicate containing the details of the documents to be relied upon is enclosure.

12. LIST OF ENCLOSURE :

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...Verification

Partha Sarathi Bhattacharya

VERIFICATION

I, Shri Partha Sarathi Bhattacharjee, aged about 30 years, S/o Shri Promothesh Bhattacharjee, Lachit Nager, Lane No. 7/2, P.O. Ulubari, Guwahati - 7, Assam in the above mentioned case do hereby verify that the statements made in paragraphs 1 - 7 and are true to my knowledge which I believe to be true and I sign this Verification on this the day of March 2002 at Guwahati.

Partha Sarathi Bhattacharjee

Signature

Govt. of India.
Ministry of Health & F.A.
Central Govt. Health Scheme,
Ananda Kutir Path,
Zoo-Parang-Tiniali,
Guwahati-781 003.

Office Order No.10 (Part-II)
Dated : 11.7.96.

Consequent upon the receipt of his dossier from Staff Selection Commission(MNS), Guwahati, and acceptance of terms and conditions as stipulated in his offer of appointment letter, Sri Partha Sarathi Bhattacharjee, who was qualified in the Clerk's Grade Examination, 1993 (Rank No. 60063, 4th) is hereby appointed on temporary capacity as Lower Division Clerk w.e.f. 03.07.96 (S.N) in the Scale of Pay of 930-20-1150-KB-25-1500, plus allowances as admissible.

His Basic Pay will be Rs.930/- p.m. at present.

His next date of increment will be on 01.07.97.

He will be on probation for a period of 2(two) years from the date of joining in the post.

It is also clarified that his appointment is provisional and subject to suitable Police Verification report.

(Dr. B.SARKIA)
Joint Director.

No. A.20017/2/96-COM-3ny/775

Dated : 11/7/96

Copy to :-

1. The Director, COMS, Birman Bhawan, New Delhi-110011-
2. The Pay and Accounts Officer, PAO, Calcutta-69.
3. The Regional Director, Staff Selection Commission(MNS), Nabagraha Road, Chenikuti Hill Side, Guwahati-781 003, with reference to his letter No. F.NO.2500-A-11011/29/93-93/Nam/1648, dated 11.6.96.
- 4-5. Accounts Section, COMS, Guwahati.
- ✓ 6. Shri Partha Sarathi Bhattacharjee, LDC, COMS, Guwahati.

attested
by

[Signature]
AOV.

[Signature]
(Dr. B.SARKIA)
Joint Director.

To,
The Joint Director,
CGHS, Guwahati.

(Through the CMO I/C, Disp. 1, CGHS, Guwahati)

Sub: Promotion to the post of UDC

Sir,

With due respect I am to state that I have completed 5 (five) years of continuous service w.e.f. 03.07.96 to 03.07.2001.

Being the senior most of the existing LDC's, I now request you to consider my candidature for promotion to the post of UDC at the earliest.

Thanking you.

Dated : 21.8.2001
Guwahati

Yours faithfully
Sd/- P. S. Bhattacharjee
LDC
Disp. I, CGHS, Guwahati.

A. Hestia
by
AIR →
Adv.

To,
The Joint Director,
CGHS, Guwahati.

(Through proper Channel)

Sub: Promotion to the Post of UDC.

Sir,

With due respect, I am to invite reference to my earlier representation dated 21-8-01 on the subject noted above.

I am again request you to consider my promotion to the post of UDC as I have completed 5 years of continuous service on 3/7/01 apart from being the senior most of the existing LDC's

Thanking you.

Dated: 11.09.01
Guwahati

Yours faithfully
Sd/- P. S. Bhattacharjee
LDC
DISPI, CGHS, Guwahati.

Attested
by
[Signature]
ADY.

GOVT. OF INDIA

DEPT. GENERAL OF HEALTH SERVICES, CENTRAL GOVT. HEALTH SCHEM
PINKANI PATH (7TH BYE LANE), ZOO NARENGI-TINIALI, GUWAHATI - 781 003

PH/FAX : 0361-457742

E-MAIL : cghsghy1@sancharnit.in

cghsghy@sifymail.com

No. Admn/A.32018/1/2001-CGHS (GHY)/1746

Dated : 24-9-2001

MEMORANDUM

Reference your representation dtd. 21.08.2001 & 11.09.2001 regarding promotion to the post of U.D.C. it is to inform you that we have written to the CGHS Director for approval to fill up the post but no response has been received till date.

We shall consider selection to the post according to rules & guidelines on receipt of the approval.

Sd/- Dr. B. Saikia

(Joint-Director)

Director.)

To,
Shri Partha Sarathi Bhattacharjee,
LDC, Dispensary No.1,
CGHS, Guwahati.

ATTACHED

by

APR 7

At r.

To,
The Director,
CGHS, DGHS,
Nirman Bhawan, New Delhi - 11

(Through proper channel)

Sub: Promotion to the Post of UDC

Sir,

With reference to the Joint Director, CGHS, Guwahati's letter No. Admn/A. 32018/1/2001-CGHS (GHY)/1746 dt 24/9/01 (Copy enclosed). I am to state that the necessary approval for my promotion to the post of UDC is lying pending in the Director.

I am also to state that I am the senior most of the existing LDC's already as on 03/07/01.

I now request you to accord me the necessary approval at the earliest, so that I can get my due promotion.

Dated: 27/09/01
Guwahati

Yours faithfully
Sd/- P. S. Bhattacharjee
LDC
DISPI, CGHS, Guwahati.

Attested
by


Adv.

Reminder - 1

To,
The Director,
CGHS, DGHS,
Nirman Bhawan, New Delhi - II

(Through Proper Channel)

Sub: Promotion to the Post of UDC

Sir,

I am to invite reference to my representation dated 27.09.01 on the subject noted above and to say that the necessary approval for my promotion to the Post of UDC is lying pending in the directorate.

The Joint Director, CGHS, Guwahati expressed the need of your approval for my promotion in his letter No. Admn/A.32018/1/2001-CGHS(Ghy)/1746 dt 24/9/01 (copy enclosed.)

I now request you once again to record the said approval at an early date so that I can get my due promotion.

Date 1-11-01
Guwahati.

Yours faithfully
Sd/- P. S. Bhattacharjee
LDC
DISPI, CGHS, Guwahati

Attested
by
[Signature]
Adv.

Reminder - 2

To,
The Director,
CGHS, DGHS,
Nirman Bhawan,
New Delhi-11,

(Through Proper Channel)

sub: Promotion to the Post of UDC

Sir,

I am to invite reference to my representation dated 27.09.01 and 01.11.01 on the subject noted above and to say that the necessary approval for my promotion to the post of UDC is lying pending in the directorate.

The Joint Director, CGHS, Guwahati expressed the need of your kind approval for my promotion in his letter No. Admn/A.32018/1/2001-CGHS (Ghy)/1746 dt. 24.9.01 (Copy enclosed).

I now earnestly request you to accord the said approval at an early date so that I can get my due promotion.

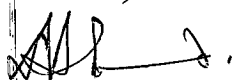
Thanking you.

Dated: 16/11/01
Guwahati

Yours faithfully
Sd/- P.S. Bhattacharjee
LDC
DISPI, CGHS, Guwahati

attested

by



Adv.

Reminder - 3

To,
The Director,
CGHS, DGHS.
Nirman Bhawan
New Delhi - 11

(Through Proper Channel)

Sub: Promotion to the Post of UDC.

Sir,

With due respect I am to refer to my representation dated 27.09.01, 1.11.01 and 16.11.01 on the subject noted above and to say that the necessary approval for my promotion to the post of UDC is laying pending in the directorate.

The Joint Director, CGHS, Guwahati had expressed the need of year kind approval for my promotion in his letter No. Admn/A.32018/1/2001-CGHS(Ghy)/1746 dt.24.9.01. ||

I now earnestly request you to accord the said approval at an early date so that I can get my due promotion. →

Thanking you.

Yours faithfully

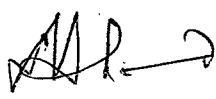
Date : 11.01.02

Sd/- P.S.Bhattacharjee

LDC

DISPI, CGHS, Guwahati.

Attested
by


Adv.

No. Z.17012/2/99-O&M
Directorate General of Health Services
(O & M Secy)

Nirman Bhavan, New Delhi.
dated the 30th Nov., 1999

Subject: Representation from Govt. servants on service matters.



The undersigned is directed to forward herewith a copy of O.M. No. Z.17001/26/99 Coordn. dated 18th November, 1999 on the subject cited above received from Ministry of Health and Family Welfare for information and necessary action.

It is requested that the necessary action may be taken in this regard and the result may be reported to the undersigned.

Yours faithfully,
[Signature]

Malabika Thakur

(MALABIKA THAKUR)
Section Officer

It is requested that the necessary action may be taken in this regard and the result may be reported to the undersigned.

1. All Officers/Desks/Cells/Sections in the Directorate of Health Services.

2. All subordinate offices.

3. Director (ARV) Secy.

4. Director (ARV) Secy.

5. Director (ARV) Secy.

6. Director (ARV) Secy.

7. Director (ARV) Secy.

8. Director (ARV) Secy.

9. Director (ARV) Secy.

10. Director (ARV) Secy.

Attested

by

[Signature]

Asst.

17001-22 in Govt. of India
Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi
Dated the 15th Nov. 1953

OFFICE MEMORANDUM

Subject: - Representation from Civil Services on
Administrative matters.

The undersigned is directed to forward herewith
a copy of O.M. No. 110/3/7/99-List (A) dated 15th Nov. 1953
on the subject noted above received from Ministry of Public
Administration for information and necessary
action.

5080/9108
19/11

M. K. Sarmal
(H.K. SARMAL) 18/11/53

UNDER SECRETARY TO THE GOVT. OF INDIA

To

1. D.C.G.H.S. (General Section) with the request that the enclosed information may be brought to the notice of all offices under the control of D.C.G.H.S.
2. All Subordinate offices under the Ministry of Health & FW.
3. All Staff side members in the office council in the Ministry of Health & FW.
4. All staff side members in the Departmental Council in the Ministry of Health & FW.
5. PAO, Ministry of Health & FW
6. All officers/Desks/Sections of the Ministry of Health & FW.
7. P.S. Section, Deptt. of LSH&H, Red Cross Annex, L.R.C.S. Building, New Delhi.

08/11

5080/9108
26/11/53

-20-

24

No. 11013/7/99-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, dated the 1st November 1999.

OFFICE MEMORANDUM

Subject: Representation from Government servants on service matters.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No. 118/52-Estt. dated 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference).

It has been envisaged in these instructions of that 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. Of late, it is observed that there has been a tendency on the part of officers at different levels to by-pass the prescribed channels of representation and write directly to the high functionaries totally ignoring the prescribed channels. The problem is more acute in large Departments where often very Junior employees at clerical level address multiple representations to the Minister, the Prime Minister and other functionaries. Apart from individual representations, the service unions have also developed a tendency to write to the Ministers and Prime Minister on individual grievances. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rules, 1964.

Existing instructions clearly provide that representations on service matters should be forwarded through proper channel. The stage at which an advance copy of the representation may be sent to higher authorities has also been indicated. In MHA O.M. No. 25/34/68-Estt. (A) dated 20.12.68 - (copy enclosed) time limits for disposal of various types of representations have been prescribed. If it is anticipated that an appeal or petition cannot be disposed of within a month of its submission, an acknowledgement or interim reply should be sent to the individual within a month. Thus adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned. As such submission of representations directly to higher authorities by-passing the prescribed channel of communication, has to be viewed seriously and appropriate disciplinary action should be taken against those who violate these instructions as it can rightly

.....2/-

be treated as an unbefitting conduct attracting the provisions of Rule 3 (1) (iii) of the CCS (Conduct) Rules, 1964.

5. It is requested that these instructions may be brought to the notice of all Govt. servants and appropriate disciplinary action may be taken against those who violate these instructions.

(Signature)
(T.O. Thomas)

Deputy Secretary to the Government of India

To All Ministries/Departments of the Govt. of India

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions & MHA.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions & MHA.

(Signature)
(T.O. Thomas)

Deputy Secretary to the Government of India

- 22 -

6

22

No. 25/34/68-Estt(A)
Government of India
Ministry of Home Affairs

New Delhi-1, the 20th Dec., 1968
29 Agrayana, 1890.

OFFICE MEMORANDUM

Subject: Representations from Government servants
on service matters - Treatment of.

The undersigned is directed to refer to the Ministry of Home Affairs Office Memorandum No. 119/52-Estt(A) dated the 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference). It has been brought to the notice of the Ministry of Home Affairs that undue delay occurs very often in the disposal of representations from Government servants in regard to matters connected with the service rights or conditions which causes hardship to the individuals concerned.

2. The representations from Government servants on service matters may be broadly classified as follows:-

- (1) Representations/complaints regarding non-payment of salary/allowances or other dues;
- (2) Representations on other service matters;
- (3) Representations against the orders of the immediate superior authority; and
- (4) Appeals and petitions under statutory rules and orders (e.g. Classification, Control and Appeal Rules and the petition instructions).

3. In regard to representations of the type mentioned at (1) & (2) above, if the individual has not received a reply thereto within a month of its submission, he could address, or ask for an interview with the next higher officer for redress of his grievances. Such superior officer should immediately send for the papers and take such action as may be called for, without delay.

4. Representations of the type mentioned at (3) above, would be made generally only in cases where there is no provision under the statutory rules or orders for making appeals or petitions. Such representations also should be dealt with as expeditiously as possible. The provisions of the preceding paragraph would apply to such representations also, but not to later representations made by the same Government servant on the same subject after his earlier representation has been disposed off appropriately.

... 2/-

5. In regard to the representations of the type mentioned at (4) above, although the relevant rules or orders do not prescribe a time limit for disposing of appeals and petitions by the competent authority, it should be ensured that all such appeals and petitions receive prompt attention and are disposed within a reasonable time. If it is anticipated that an appeal or a petition cannot be disposed of within a month of its submission, an acknowledgement or an interim reply should be sent to the individual within a month.

6. The instructions contained in paragraph 2 of this Ministry's Office Memorandum No. 119/52-Inst. dated 11th April, 1952, will stand modified to the extent indicated in the paragraphs 3, 4 and 5 above.

Under Secretary to the Government of India.
To
All Ministries/Departments of the Government of India, etc. with usual number of spare copies.

1. Secretary to the Government of India (1)
2. Secretary to the Government of India (1)
3. Secretary to the Government of India (1)
4. Secretary to the Government of India (1)
5. Secretary to the Government of India (1)
6. Secretary to the Government of India (1)
7. Secretary to the Government of India (1)

For the Secretary to the Government of India,
[Signature]

(S) Secretary to the Government of India
[Signature]

Copy of office memorandum No. 118/52-4sts. dated 30th April, 1952 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 of appeal 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 servant. If the Government servant persists in this 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.

The following instructions are issued for the guidance of Government servants:-

(a) If the Government servant is not satisfied with the decision of the authority concerned, he should send the representation to the appropriate authority within the prescribed time limit. He should not send copies of his representation to other authorities, except where it is necessary to do so for the purpose of obtaining their views on the matter. He should also not send copies of his representation to the press or to any other public body.

(b) If the Government servant is not satisfied with the decision of the authority concerned, he should send the representation to the appropriate authority within the prescribed time limit. He should not send copies of his representation to other authorities, except where it is necessary to do so for the purpose of obtaining their views on the matter. He should also not send copies of his representation to the press or to any other public body.