

Copy of Punjab Government Circular letter No. 9872-5GS-62/29821, dated 28th August, 1962 from the Chief Secretary to Government. Punjab to all Heads of Departments, etc. etc.

Subject—Submission of representations and advance copies thereof by Government servants in respect of matters connected with their conditions of service.

I am directed to point out that rules 10 and 12 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 provide for a restricted number of appeals in case; which are appealable under these rules. There are, however no specific instructions to govern the representations and petitions submitted by Government servants in cases which are not covered by the Punishment and Appeal Rules. As a result, it has been noticed that whenever any officer in a key position is transferred, certain Government servants think that it is a good opportunity to reopen finally settled cases connected with their conditions of service or disciplinary matters, which may be even several years old. There is also a growing tendency among Government servants to send advance copies of representations to all higher authorities without giving an opportunity to the officers to whom these are addressed to examine the cases and without waiting for their reply. All this leads to unnecessary increase in work at all levels, which could be cut down. But it is realised that whereas it is necessary to ensure a check on the creation of unnecessary extra work in all departments, it is also necessary to ensure a fair chance of representation to Government employees. To meet this situation, it has been considered necessary to lay down clear instructions governing the submission of representations and petitions and the sending of advance copies thereof, by Government servants. After careful consideration the following procedure is laid down for the guidance of all departments :—

- (a) Whenever in any matter connected with his service rights or conditions, a Government servant wishes to press his claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or the Head of office or such other authority at the lowest level, as is competent to deal with the matter. When a case has thus been decided by the lowest competent authority, one representation should be allowed to the next higher authority. Where the lowest competent authority is Government itself, one representation should be allowed, asking for a review of Government orders.
- (b) If an official sends up a representation in addition to those permitted under (a) above, on the ground that certain new facts have come to light, that representation will be considered by the original deciding authority, who will be competent to withhold it and reject it if he finds that in fact no new data has been given which would provide any material ground for reconsideration.
- (c) Every representation should be submitted within six months of the order against which it represents.
- (d) In addition to the representation allowed under (a) above one memorial shall be allowed as at present, which shall be decided at Government level as laid down in the memorial instructions published with the Punjab Government notification No. 9369-G-51/1-681, dated the 12th February, 1952.
- (e) According to instruction 6 of the said memorial instructions, a second memorial can be submitted if it furnishes new material grounds which urge reconsideration. The second memorial can be withheld by the Head of a Department if he considers that in fact no new grounds have been furnished which call for reconsideration. These instructions may continue because an official who has been unjustly dealt with under clause (b) above, can seek relief here.
- (f) An advance copy of a representation can only be sent to the authority to whom it is addressed. An official can, however, send an advance copy of a representation to the next higher authority if he does not hear from the authority originally addressed about the disposal of his representation for a period of 4 months. This would imply that no action need be taken by an authority normally not expected to deal with a representation as the original authority, on a representation which does not contain a specific statement that the official concerned has not heard for 4 months from the authority to whom he had made his representation. If the Government servant persists in prematurely addressing the next higher authority, suitable disciplinary action should be taken against him.
- (g) If the advance copy of representation contains a specific statement that four months have elapsed from the submission of representation to the original authority, it should be examined

appear to exist, the advance copy of the representation may be ignored or summarily rejected and the reasons communicated briefly to the Government servant through the original authority.

- (h) Even where some grounds for interference or further consideration appear to exist to the highest authority referred to in (g) above, the authority originally addressed about the disposal of the representation should be asked within a reasonable time to forward the original representation, with its report and comments on the points urged. There should ordinarily be no justification for the passing of any orders on an advance copy of the representation without thus ascertaining the comments of the original authority.

2. Some Government servants, it has been noticed sent copies of their representations to outside authorities, ie. authorities which are not directly concerned with the consideration thereof (e.g. another Minister, Secretary etc.) In some cases Government servants have even addressed their representations to such other quarters not directly concerned. 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.

3. I am to request that the instructions detailed above should be brought to the notice of all State Government servants under you, for strict compliance and a certificate to that effect should be forwarded to Government in due course. I am to add that these instructions do not apply to All India Services who are governed by separate instructions relating to them.