

Copy of letter No. 4540-G-II-57/12538, dated the 15th July 1957 from Chief Secretary to Government Punjab, Chandigarh, to all Heads of Departments, etc., etc.

**Subject :—Use of Government servants for private work.**

Government frequently receive complaints against individual officers alleging that they take private work from Government servants under their control. I am directed to address you in order to clarify policy of Government on this subject.

2. The extent to which Government servants are used for private work varies in the different departments. The attitude of the average officer is; however more or less the same in all departments, viz., that using Government servants for private work is a practice which has the sanction of widespread and old usage. The possibility of this practice amounting, in certain circumstances, dishonesty is neither taken into account by the officers indulging in it, nor by their departmental heads. For dishonesty there is the firm rule that dismissal is the only right punishment, and it is, therefore, a matter of importance to clarify whether use of Government servants for private work does amount to dishonesty (meriting dismissal) or not.

3. Since circumstances vary a great deal, it is difficult to lay down a rigid policy that taking private work from Government servants should always be constructed as dishonesty meriting dismissal. The circumstances attending each case would always have to be gone into the severity of punishment in a proved case left to be determined on the merit of that particular case. On one extreme there can be circumstances in which the practice may be totally innocent deserving no notice from Government e.g. the use of a personal orderly out of office hours, with his willingness and on payment for duties not of a menial character. On the other extreme, there can be circumstances in which the practice would amount to dishonesty meriting dismissal e.g. the use of gangmen as regular whole-time domestic servants. Since it is necessary that the honest Government servants should know where exactly he stands, and equally necessary that the dishonest Government servants should have warning of Government's intention to treat certain form of this practice as acts of corruption, this letter seeks to analyse the various types of cases and to indicate the lines on which they should be dealt with.

4. Broadly speaking, two kinds of cases arise :

- (i) Where the Government servants from whom private work is taken are on the personal staff of the officer concerned, e.g. his Personal Assistant, Stenographer or orderlies.
- (ii) Where the Government servants from whom private work is taken are not on the personal staff of the officer concerned, though his subordinates otherwise.

5. Regarding (i) there is a widespread practice for personnel Assistants and Stenographers to be utilised for maintaining some of private files of their officer and also for taking private dictation of occasional character. Within reasonable limits and so long as this does not effect Government work adversely, there can be no objection to the practice. For orderlies the nature of their duties is such that it is difficult to draw the line as to where official work ceases and private work begins. Here too, within reasonable limits, there can be no objection to some private work being taken from orderlies and peons. These limits have been defined in a whole series of policy letters noted in the margin on the subject "Employment of peons as private servants".

The gist of these is that peons may with their consent on payment and outside office hours be utilised for private work of a non-menial character. Sometime it is necessary to make a peon do private work of an occasional character even during office hours, and no serious objection can be taken to this. Cases falling in this category are thus simple ones, the brief position in respect of them being that no notice need be taken unless reasonable limits are exceeded, in which events at worst there would be an instance of irregular (not corrupt) conduct.

- (i) No. 775(H. Genl.) dated the 11th January, 1922.
- (ii) No. 5897(H. Genl.), dated the 20th November, 1934.
- (iii) No. 5248-G-47/36389, dated the 31st May, 1947.
- (iv) No. 7104-G-48/57106, dated the 22nd October, 1948.
- (v) No. 7207-G-50/14300, dated the 31st October, 1950.

(vii) No. 9566-G-53/90920, dated the 21st November 1953.

6. Regarding (ii) a distinction needs to be made between cases in which private work is taken from such Government servants on rare occasions (e.g. at the time of packing-up on transfer) and when private work is taken on a regular and more or less whole time basis (e.g. case of gang-men mentioned in para 3 of this letter), the former amounts to irregular conduct if the Government servants concerned are utilised against their will or during office hours. The latter is a serious type of case in which dishonest conduct should normally be presumed. Facts may differ widely in such cases, but the test for classifying a particular case as a case of dishonesty is whether willful dishonesty is actually present. If so, no quarter should be given.

7. The practice of using Government servants for private work has been a widespread and an old one, and until now it has never been regarded with such severity, even when an element of dishonest conduct was present. For the future Government would like the new standards of judgement laid down in this letter to be applied to individual cases that may come up. I am to request you to bring these instructions to the notice of all concerned serving under you for strict compliance. Past cases involving element of dishonesty should not be ignored, but should receive lighter punishment (depending on individual circumstances) than the extreme one of dismissal which normally goes with dishonesty.