

# PUNJAB GOVERNMENT HOME GAZETTE

## Notification

12th February, 1952

(As amended upto the 1st January, 1960)

No. 9369-G-51/681.—The following instructions for the submission of receipt and transmission of memorials and petitions to His Excellency the Governor or Government of the Punjab State are published for general information, in so far as they relate to memorials and petitions from persons who are, or have been, in the Civil Service of the Punjab State :—

### PART—I PRELIMINARY

#### 1. *Definitions.*—In these instructions—

- (1) "Head of Department" means the authority shown in column 5 of the Appendix D to the Punjab Budget Manual (4th Edition) in respect of the Government servants whose pay is charged to the corresponding head of account in column 2 of that Appendix.
- (2) "Memorial" includes petitions, letters and applications of the nature of memorials.
- (3) "Governor" means the Governor of the Punjab State.
- (4) "Government" means the Punjab Government in the Administrative Department.

#### 2. *Scope of Instructions.*

- (1) These instructions shall apply to memorials addressed to the Governor of Punjab or the State Government by persons who are, or have been in the civil service of the Punjab State in respect of matters arising out of such employment or in respect of the termination of such employment and who are or were subject to the rule making power of the Governor.
- (2) These instructions shall not affect any rules or orders made by competent authority in respect of representations submitted by recognised associations of Government servants and shall be in addition to and not in derogation of the rules governing the conditions of service of the memorialist.

### PART-II—FORM AND MANNER OF SUBMISSION OF MEMORIALS

#### 3. *Form of memorial.*

- (1) A memorial may be either in manuscript, typewritten or in print.
- (2) Every memorial shall be authenticated by the signatures of the memorialist and submitted by the memorialist on his own behalf, or when the memorialists are numerous, every person preferring the memorial shall so separately and in his own name unless the subject matter of the memorial is with respect to or arises out of one and the same order affecting them jointly, in which case it may be signed jointly.
- (3) Every memorial, and the papers connected therewith, shall be accompanied by a rendering of it in the language for the time being authorised for use in the State for official purposes duly authenticated in the manner aforesaid.

#### 4. *Contents of memorial.*

Every memorial shall—

- (a) contain all material statements and arguments relied upon by the memorialist;
- (b) be complete in itself;
- (c) contain copies of the orders passed by the original as well as the other appellate authority

- (d) mention in cases of dismissal, removal or reduction in rank or any such penalty, whether a reasonable opportunity was given to show cause against the action taken, as laid down in the Punjab Civil Services (Punishment and Appeal) Rules, or such other Rules which are applicable to the facts of the case in regard to him; and
- (e) end with a specific prayer or relief sought.

5. *Method of submission.*

- (1) Every memorial shall be submitted to the Head of the Department to which the memorialist belongs or last belonged; and through the authority from whose order the appeal or application for revision was preferred and rejected. It shall be accompanied by a letter requesting the Head of the Department, or the authority concerned to transmit the memorial to the Government or the Governor, as the case may be.
- (2) The Head of the Department, on receipt of any memorial submitted through him in accordance with rule 5(1)—
  - (i) shall acknowledge its receipt;
  - (ii) shall, as soon as may be, forward the memorial, through the usual official channel, to the Government and inform the memorialist. The Government shall examine the same and submit to the Governor, through the Minister concerned, if prayed for in the memorial or if considered necessary.
- (3) The memorialist may forward an advance copy of the memorial to the Governor or Government. The advance copy shall not be acknowledged.

**PART—III—WITHHOLDING OF MEMORIALS BY HEADS OF DEPARTMENTS**

6. *Circumstances in which memorials addressed to the Governor or the Government may be withheld.*

If the Head of a Department to whom a memorial is presented or forwarded decides to withhold it, he shall inform the memorialist giving reasons therefor. A memorial may be withheld only on any one or more of the following grounds :—

- (i) The memorialist has not complied in full with the provisions of Part II of these instructions.
- (ii) The memorial is illegible or unintelligible, or contains language which is, in the opinion of the Head of the Department, disloyal, disrespectful, or improper.
- (iii) A previous memorial from the memorialist on the same subject has been disposed of by the Government or Governor, and also the memorial, in the opinion of the Head of the Department, discloses no new facts or circumstances which afford ground for a reconsideration of the subject.
- (iv) The memorial is—
  - (a) an application for employment in Government service not made in pursuance of any rule or any advertisement regarding applications for such employment; or
  - (b) a request for exemption from or relaxation of the provisions of any law or rules prescribing the qualifications to be possessed by persons in the service of Government; or
  - (c) the memorial relates to a subject on which the Head of the Department is or was competent to pass orders and no application for redress has or had been made by the memorialist to the Head of the Department, in which case the memorialist will be informed as to his forum for redress.
- (v) The memorial is a representation against an order communicated to the memorialist more than six months before the submission of the memorial, and no satisfactory explanation of the delay is given.
- (vi) The memorial is a representation against the discharge by competent authority of a person—
  - (a) Appointed on probation, during or at the end of the period of probation in accordance with the terms of appointment and rules governing the probationary service, or



- (c) engaged under contract in accordance with the terms of such contract.
- (vii) The memorial is a representation against an order from which the memorialist possesses a right of appeal under :—
- (1) rule or orders regulating his conditions of service, or
  - (2) the terms of his contract or service.
- (viii) The memorial 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 is not entitled under any rules or orders or contract regulating his conditions of service.

Provided that the memorial withheld on account of failure to comply with the instructions provided in Part-II may be resubmitted at any time within one month of the date on which the memorialist has been informed of the reasons for withholding of the memorial and if resubmitted in a form which complies with instructions referred to above, shall not be withheld.

#### 7. *List of memorials Withheld.*

The Heads of Departments shall send a quarterly return in the form given at Annexure on the 15th day of April, July, October and January to Government specifying all memorials withheld by them under instructions 6, during the proceeding quarter, and the reasons for withholding the same.

8. Notwithstanding any thing contained in the foregoing rules, the Governor or the Government, as the case may be, may of his or its own motion, or on application made, call for the records of any proceedings or orders relating to the memorial withheld by a subordinate authority, for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order in reference thereto as he or it may be consider fit.

9. As soon as may be after a decision has been taken on the memorial, the authority making the order thereon shall communicate the same to the memorialist and forward a copy of the same to the Subordinate authority for such action as may be considered appropriate in the circumstances of each case.

### ANNEXURE

(See Rule 7)

- (a) List of memorials withheld during the quarter ending the \_\_\_\_\_
- (b) Name of Department \_\_\_\_\_

#### FORM (See Rule 7)

Sr. No.	Name and Particulars of Govt. Servant who memorialised	Brief subject of the memorial	Date of the submission of the memorial	Head of Deptt. who withheld the memorial	Reasons with date of order withholding the memorial