

RBE NO. 78 /2010

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.E(D&A) 2010 GS1-1

New Delhi, dated: 25. 5.2010

The General Manager (P),
All Indian Railways and
Production Units etc.,
(As Per Standard List).


Sub: Representations from Railway servants on service matters
regarding.

Attention is invited to Board's letter No.E52 RG6-2 dated 04.11.1952 on the above subject, a copy of which is enclosed for ready reference. A copy of Board's letter No.E(D&A) 69 RG6-3 dated 14.02.1969 laying down general principles governing advance copy of representations is also enclosed.

2. Department of Personnel and Training have now issued further instructions in the matter under the O.M. No.11013/4/2010 Estt.(A) dated 19.04.2010. A copy of the same is enclosed along with a copy of DOP&T's earlier O.M. dated 01.11.1999 for strict compliance by all concerned.

3. Please acknowledge receipt.

DA: As above


(Harish Chander)
Dy. Director Establishment(D&A)
Railway Board

आर.बी.ई. सं. 78 /2010

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं.ई(डी एंड ए) 2010 जीएस 1-1

नई दिल्ली, दिनांक: 25.5.2010

महाप्रबंधक (कार्मिक),
सभी भारतीय रेलें एवं
उत्पादन इकाइयां, इत्यादि
(मानक सूची के अनुसार)

विषय: सेवा से संबंधित मामलों पर रेल सेवकों के अभ्यावेदन।

उपर्युक्त विषय पर बोर्ड के दिनांक 04.11.1952 के पत्र सं.ई 52 आरजी 6-2 की ओर ध्यान आकर्षित किया जाता है, जिसकी प्रति तत्काल संदर्भ के लिए संलग्न है। बोर्ड के दिनांक 14.02.1969 के पत्र सं.ई(डी एंड ए) 69 आरजी 6-3 की प्रति भी संलग्न है जिसमें अभ्यावेदनों की अग्रिम प्रति को शासित करने वाले सामान्य सिद्धांत निर्धारित हैं।

2. कार्मिक एवं प्रशिक्षण विभाग ने अब दिनांक 19.04.2010 के का.जापन 11013/4/2010 एस्ट(ए) के तहत इस मामले में आगे अनुदेश जारी किए हैं। कार्मिक एवं प्रशिक्षण विभाग के दिनांक 19.04.2010 के का.जापन की प्रति उनके दिनांक 01.11.1999 के पूर्व का.जापन की प्रति के साथ सर्वसंबंधितों द्वारा कड़े अनुपालन के लिए संलग्न है।

कृपया पावती दें।

संलग्न: यथोक्त।

हरीश चन्द्र

(हरीश चन्द्र)

उप निदेशक, स्थापना (अनु.एवं अ.)

रेलवे बोर्ड

Government of India
Ministry of Railways
(Railway Board)

No.E52R26-2

New Delhi, dated 4.11.1952

The General Managers, All Indian Railways.

The Dy.Chief Controller of Standardisation C.S.O. for Railways,
New Delhi.

The Director, Railway Clearing Accounts Office, Delhi.

The Chairman, Railway Service Commission, Bombay/Calcutta.

The Engineer-in-Chief, I.C.F., Madras.

The President, Railway Rates Tribunal, Madras.

Representations from government servants for
seeking redress by them in Courts of Law on
matters arising out of their employment or
conditions of service.

...

A copy each of the marginally noted Office Memorandum
{from the Ministry of Home Affairs, Government of India, on the
{above-mentioned subject is forwarded herewith for information
{and necessary action.

The Board desire that the instructions contained in
paragraphs 2 and 4 of the Home Ministry's Office Memorandum
dated 30.4.1952, and those contained in paragraph 2 of their
Memorandum dated 11.10.1952 may be brought to the notice of
all Railway employees through the medium of the Railway
Gazettee etc.

The receipt of this letter may please be acknowledged.

DA/Two

Sd/- P.M.Narasimhan,
Asstt. Director Establishment,
Railway Board.

* 1.O.M.No.118/52-Ests.
dt. 30.4.52

* 2.O.M.No.25/52/52-Ests. dt. 11.10.52.

Copy forwarded for information to the Gen.Secy., IRCA.
Copy to E.II, E.III, E(Spl) and I.IV Branches of Rly.
Board's Office.

.....
Copy of Office Memorandum No.118/52-Ests. dated 30.4.1952
from Under Secretary to the Govt. of India, Ministry of
Home Affairs, New Delhi, addressed to all Ministries of the
Govt. of India and others.

...

Sub:- Representations from Government servants
on service matters - advance copies.

...

References are frequently received in this Ministry

.....2/-

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 Govt. 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 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 refused relief or ignored 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 not be made unless all means of securing attention or redress from lower authorities have been exhausted; even in such cases the representation 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 Govt. servant. If the Govt. servant persists in thus 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 Govt. 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 own report and comments on the points urged. There is ordinarily no justification for the passing of any order on any representation without thus ascertaining the comments of the appropriate lower authority.

4. Some Govt. 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 hon. Minister, Secretary, Members of Parliament, etc.). This is a most objectionable practice, contrary to official propriety and subversive of good discipline and all Govt. 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 Govt. servants.

Copy of Office Memorandum No.25/E2/52-Ests. dated 11.10.1952, from Jt. Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi, addressed to All Ministries of the Govt. of India and others.

...

Sub:- Seeking redress, in Courts of Law, by Government servants of grievances arising out of their employment or conditions of service.

...

Attention is invited to the instructions contained in this Ministry's O.M.No.118/52-Ests. dated the 30th April 1952, which deals generally with circumstances and the manner in which Government servants can seek redress of grievances arising out of their employment or conditions of service.

2. Instances have occurred where Government servants have improperly had recourse to the Courts of Law in such matters. It is, therefore, considered necessary, in continuation with the instructions quoted above, to state that, in the matter of grievances arising out of a Government servant's employment or Conditions of service, the proper course is to seek redress from the appropriate Departmental and Governmental authorities. Any attempt by a Government servant to seek a decision on such issues in a Court of Law, (even in cases where such a remedy is legally admissible) without first exhausting the normal official channels of redress, can only be regarded as contrary to official propriety and subversive of good discipline and may well justify the initiation of disciplinary action against the Government servant.

...

Copy of Railway Board's Letter No.E(D&A) 69 RG 6-3 dated: 14-2-1969

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.E(D&A) 69 RG 6-3

New Delhi, dated: 14-2-1969

The General Managers,
All Indian Railways, D.L.W., C.L.W. & I.C.F.

The Heads of all attached and subordinate offices of Railway Board.

Sub: Representation from Railway servants on service matters – treatment of.

Reference Board's letter No.E52RG6-2 dated 4.11.1952 with which a copy of Ministry of Home Affairs' Office Memorandum No.118/52/Ests. dated 30.4.52 on the above subject was circulated to all Railway administrations and it was desired that paras 2 and 4 thereof may be brought to the notice of all railway employees. The Ministry of Home Affairs have once again intimated that undue delay occurs 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. They have, therefore, re-considered the matter and issued self-contained revised instructions in this regard which are as under:-

(i) Whenever, in any matter connected with 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 is competent to deal with the matter. The representations from Government servants on service matters may be broadly classified as follows:-

- (1) Representation/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).

(ii) 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 can 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.

(iii) 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

(contd..2/-)

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.

(iv) 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.

2. The treatment of advance copies of representations received by still higher authorities 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 servants. If the Government servant persists in thus 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 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.

3. 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 Hon. 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.

4. The Board desire that the above instructions should be brought to the notice of all officers for information and necessary action; while the contents of paragraphs 1(i), 1(ii), 1(iii) and 3 above should be brought to the notice of all Railway servants.

SD/-
(B.D. Vatsalya)
Deputy Director, Establishment,
Railway Board

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-Ests. dated 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference).

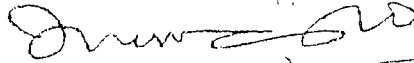
2. It has been envisaged in these instructions that whenever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior, or the Head of his office, 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, 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.

3. 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.

4. 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

be treated as an unbecoming 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.



(T.O. Thomas)

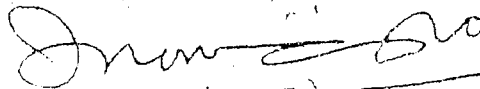
Deputy Secretary to the Government of India

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.



(T.O. Thomas)

Deputy Secretary to the Government of India

F.No.11013/4/2010-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 19th April, 2010

OFFICE MEMORANDUM

Subject: Central Civil Services (Conduct) Rules, 1974 – Submission of representations by Government servants – instructions regarding.

The undersigned is directed to refer to this Department's O.M. No. 11013/7/99-Estt. (A) dated 01.11.1999 on the abovementioned subject which indicates that the categories of representations from Government servants on service matters have been broadly identified as follows :-

- (i) Representations/complaints regarding non-payment of salary/ allowances or other issues.
- (ii) Representations on other service matters.
- (iii) Representations against the orders of the immediate official superior authority; and
- (iv) Appeals and petitions under statutory rules and orders (such as Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the petition instructions.

(Apart from the above, sometimes, Government servants also submit advance copy of their representations to the authorities higher than the appropriate/Competent Authority.)

2. Necessary guidelines to deal with such representations are contained in the aforesaid O.M. which are to be followed by the administrative authorities. However, it is observed that some officials resort to the practice of sending repeated representations on the same issue which involves repeated examination of the same issue and bogs down the official machinery to the detriment of consideration of more important and time-bound issues. The matter has been considered by this Department. It needs to be emphasized that Government servants should desist from

making frequent and numerous representations on the same issue. The second representation on the same issue will be examined only if it contains any fresh points regarding new developments or facts having a bearing on the issue. It has been decided that when representations have already been considered and replied, further representations exceeding two on the same issue will henceforth be ignored. A Government servant may make a representation to an authority higher than the lowest competent authority only when he is able to establish that all the points or submissions made therein have not been fully and properly considered by his immediate official superior, or the Head of Office concerned or such other authority at the lowest level competent to deal with the matter. Government servants should desist from prematurely addressing the higher authorities.

3. All the Ministries/Departments are requested to bring the above guidelines for the notice of all concerned for information and compliance.


(A. DALARAM)

Under Secretary to the Government of India

All Ministries/Departments of the Government of India.

Copy forwarded to

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat/Vice-President's Secretariat/ Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. Chief Secretaries of all State Governments/Union Territory Administrations.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions.
12. NIC (DOPT) with the request that this O.M. may be placed on the Department's website (www.persmin.nic.in), (100 spare copies).


(A. BALARAM)

Under Secretary to the Government of India