

No. 372/19/2011-AVD-III (Pt.III)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

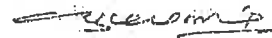
North Block, New Delhi  
11<sup>th</sup> June, 2013

Corrigendum

Subject: Permission to initiate investigation by the CBI in respect of officers of the rank of Joint Secretary and above serving the Central Government – Provisions of section 6A of the Delhi Special Police Establishment (DSPE) Act, 1946 – recommendations of the Group of Ministers – issue of Corrigendum – reg.

The undersigned is directed to refer to this Department's OM No. 372/19/2011-AVD-III(Pt.I) dated 26<sup>th</sup> September, 2011 (copy enclosed) on the subject mentioned above and to say that the words “**above the rank of Joint Secretary**” in sub-para (d) of the above OM may be read as “**of the rank of Joint Secretary and above**”

Encl: As above.



(V.M. Rathnam)

Deputy Secretary to the Government of India

Telefax: 23094637

1. Secretaries, all Ministries/Departments – as per standard Mailing list.
2. Secretary, Central Vigilance Commission, Satarkata Bhawan, INA, New Delhi.
3. Joint Director, CBI, North Block, New Delhi.
4. CVOs of all Ministries/Departments.
5. NIC, DoP&T for uploading on the website of the Department.

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New Delhi. the 26<sup>th</sup> September, 2011

**OFFICE MEMORANDUM**

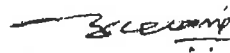
**Subject: Permission to initiate investigation by the CBI in respect of officers of the rank of Joint Secretary and above serving the Central Government – Provisions of section 6A of the Delhi Special Police Establishment (DSPE) Act, 1946 – recommendations of the Group of Ministers – regarding**

The undersigned is directed to state that the provision of section 6A of the DSPE Act, 1946 provides for safeguarding senior public officials against undue and vexatious harassment by the investigating agency. It had been observed that the requests being made by the investigating agency under said provision were not being accorded due priority and the examination of such proposals at times lacked objectivity. The matter was under consideration of the Group of Ministers constituted to consider measures that can be taken by the Government to tackle Corruption.

The Government has accepted the following recommendation of the Group of Ministers, as reflected in para 25 of the First Report of the Group of Ministers:-

- (a) The competent authority shall decide the matter within three months of receipt of request accompanied with relevant documents
- (b) The competent authority will give a Speaking Order, giving reasons for its decision
- (c) In the event a decision is taken to refuse permission, the reasons thereof shall be put up to the next higher authority for information within one week of taking the decision
- (d) Since section 6A specifically covers officers of the Central Government, above the rank of Joint Secretary, the competent authority in these cases will be the Minister in charge in the Government of India. In such cases, intimation of refusal to grant permission along with reasons thereof, will have to be put up to the Prime Minister.

The above decision of the Government is brought to the notice of all Ministries/Departments for due adherence and strict compliance.

  
(V.M. Rathnam)

Deputy Secretary to the Government of India  
Tel. No. 23094637

1. Secretaries, all Ministries/Departments – as per standard Mailing list
2. Secretary, Central Vigilance Commission, Satarkata Bhawan, INA, New Delhi
3. Joint Director, CBI, North Block New Delhi
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**Copy of the Office Memorandum No. 25/34/68-Estt.(A) Dated 20.12.1968**

**Representations from Government servants on service matters – Treatment of**

Reference is invited to the Ministry of Home Affairs Office Memorandum No. 118/52-Ests. Dated the 30<sup>th</sup> 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) and (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.

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. 118/52-Ests. Dated the 30<sup>th</sup> April, 1952, will stand modified to the extent indicated in the paragraphs 3, 4 and 5 above.

**Copy of the Office Memorandum No. 118/52-Ests. Dated 30<sup>th</sup> April, 1952**

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 superior official, or the Head of 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 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'ble Minister) 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 servants. 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, prima facie 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 Honorable 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.

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)

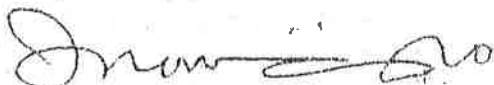
Deputy Secretary to the Government of India

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