

National Institute of Fashion Technology
Establishment Department
Head Office, New Delhi

NIFT/HO/E-II/Transfer Posting/2016 Part –II

26th September 2017

Circular

Subject: Representation from Govt. Servant on service matters.

It has come to notice that several representations for transfer, promotion, grievance etc are being received on behalf of employees from the relatives and wards or Political references.

2. Kind attention is invited to the provision of Rule 20 of CCS (Conduct) Rules, 1964 prohibiting Government servants from bringing outside influence in respect of service matters and that the representation by relatives of Government servant is treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt (A) dated 19.09.1963. Copies of the OM is enclosed herewith.

3. In view of the provisions contained in the GOI letters cited above, no notice is required to be taken on such complaints / representations received from relatives/ parents etc.

4. This is for information of all.



(Rajbala Chauhan)
Dy. Director (Establishment)

Encl: A/a

Copy to :

- (i) All Campus Director — With the request to bring the contents of the OM to the knowledge of all employees / officials
- (ii) All HoDs –NIFT Head Office
- (iii) Director-IT – for uploading on website
- (iv) PS to DG
- (v) PS to CVO
- (vi) PS to ADG

F. No. 11013/08/2013-Estt.(A-III)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi

Date: August 31, 2015

OFFICE MEMORANDUM

Subject: Representation from Government servant on service matters - reiteration of instructions - regarding.

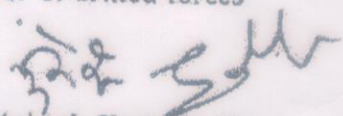
The undersigned is directed to refer to O.M. of even number dated 6th June, 2013 wherein instructions have been issued on submission of representation by Government servants about their service matters. In spite of these instructions, it has been observed that Government servants including officers/ officials of para military forces and Army personnel continue to represent directly to the Prime Minister, Minister, Secretary (P) and other higher authorities, directly.

2. As per the existing instructions, wherever, in any matter connected with his service rights or conditions, a Government servant wishes to press a claim or to seek redressal of a grievance, the proper course for him is to address his immediate official superior, or Head of his office, or such other authority at the appropriate level who is competent to deal with the matter in the organisation.

3. Such submission of representations directly to other 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. This can rightly be treated as an unbecoming conduct attracting the provisions of Rule 3 (1) (iii) of the Central Civil Services (Conduct) Rules, 1964. It is clarified that this would include all forms of communication including through e-mails or public grievances portal etc.

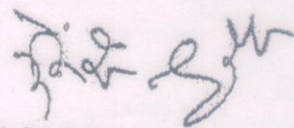
4. Attention in this connection is also invited to the provision of Rule 20 of CCS (Conduct) Rules, 1964 prohibiting Government servants from bringing outside influence in respect of matter pertaining to his service matter. Representation by relatives of Government servant is also treated as outside influence as clarified vide MHA OM No. F.25/21/63-Estt.(A) dated 19/09/1963.

5. It is reiterated that these instructions may be brought to the notice of all Govt. servants including officers/ officials of para military forces and member of armed forces and action taken against those who violate these instructions.


(Mukesh Chaturvedi)
Director (E)
Telefax: 23093176

To
The Secretaries of All Ministries/Departments of Govt. of India
(as per the standard list)

3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → (Conduct Rules).
17. Hindi Section, DoP&T



(Mukesh Chaturvedi)
 Director (E)
 Telefax: 23093176

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interest in respect of matters pertaining to his/her service under the Government. The Government of India has, from time to time, emphasized that Government servants should not approach Members of Parliament or State Legislatures or other political / outside authorities to sponsor their cases in respect of service matters. As per the existing instructions vide O.M. No. H013/7/85-Estt. (A), dated 22-5-1985, the following action should be taken against Government servants approaching Members of Parliament or State Legislatures for sponsoring individual cases:—

(i) A Government employee violating the aforesaid provisions of the Conduct Rules for the first time should be advised by the appropriate disciplinary authority, to desist from approaching Members of Parliament / Members of State Legislature to further his/her interest in respect of matters pertaining to his/her service conditions. A copy of this advice need not, however, be placed in the CR dossier of the employee concerned.

(ii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules a second time despite the issue of advice on the earlier occasion, a written warning should be issued to him/her by the appropriate disciplinary authority and a copy thereof should be placed in his/her CR dossier.

(iii) If a Government employee is found guilty of violating the aforesaid provisions of the Conduct Rules, despite the issue of warning to him/her, disciplinary action should be initiated against him/her by the appropriate disciplinary authority under the provisions of CCS (CCA) Rules, 1965.

2. In spite of these instructions, cases of individual Government servants continue to be sponsored by public representatives/outside authorities. After careful consideration of all aspects of the matter, it has been decided that the following procedure may be adopted for dealing with communications from public representatives/outside authorities relating to the service matters of Government employees—

(a) Communications received from public representatives regarding problems of groups / categories of Government functionaries must be entertained and dealt with on a time-bound basis. In all such cases, after due examination, appropriate replies would continue to be issued at the level of the Ministries concerned.

(b) All communications from public representatives relating to the grievances of the retired personnel should receive the same consideration and be dealt with in the same way as outlined in (a) above.

(c) In cases in which a public representative sponsors the cause of an individual Government servant (e.g. recruitment, appointment, promotion, posting to particular station, appointment to a specific position, complaints against supersession, expunction

20. Canvassing of non-official or other outside influence

No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government.

GOVERNMENT OF INDIA'S DECISIONS

(1) Procedure to be adopted for dealing with communications from public representatives / outside authorities relating to the service matters of Government employees.— Rule 20 of the CCS (Conduct) Rules, 1964, provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his / her

of adverse remarks, allotment of Government accommodation, etc.), a formal reply should continue to be sent from the Minister acknowledging the receipt of the communication stating that the contents of the letter have been noted and where necessary, suggesting that the person whose case has been recommended, may be advised to represent his case through proper official channels. All such communications addressed to the Minister shall be replied to at his / her level. In all such cases, the formal reply given by the Minister shall be deemed to dispose of the communication unless there are further directions from the Minister in the matter.

3. All Ministries / Departments / Offices, etc., are requested to bring the above instructions to the notice of all concerned under their control and take action against the Government servants who violate the provisions of the Conduct Rules as prescribed in Para. 1.

[G.I. Dept. of Per. & Trg., O.M. No. 11013/12/94-Estt. (A), dated the 12th January, 1995.]

(1-A) Indirect influence also attract the provisions of Rule 20.—As the Ministries/Departments are aware, bringing or attempting to bring any political or other outside influence by a Government servant to bear upon any superior authority to further his interest in respect of service matters pertaining to his service under the Government is prohibited under the provisions of the Conduct Rules. Detailed procedure for dealing with the Government servants attempting to further their service interests through non-Governmental influence has been prescribed in GIO (1) above.

2. In spite of these instructions, it has come to the notice of this Department that certain Government servants are bringing to bear outside influence indirectly to further their service interests. It is clarified that bringing of indirect influence by Government servant would also attract the provisions of Rule 20 of the CCS (Conduct) Rules, 1964.

3. All Ministries / Departments / Offices, etc., are requested to bring the existing instructions / rules to the notice of all concerned under their control and to take effective action against the Government servants who bring or attempt to bring outside influence to further their service interests, as prescribed in the OM, dated 12-1-1995 — GIC (1) above.

[G.I. Dept. of Per. & Trg., O.M. No. 11013/11/97-Estt. (A), dated the 6th November, 1997.]

(2) Prohibition on bringing any political or outside influence in respect of matters pertaining to service under the Government.— Rule 20 of the CCS (Conduct) Rules, 1964, provides that no Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under Government. Instructions have been issued from time to time bringing to the notice of all Government servants the aforesaid rule provisions. Instances have come to notice where individual Government servants have approached the Ministry of Urban Development (Directorate of Estate) for

out-of-turn allotment of residential accommodation, or for a departure from the allotment rules through Members of Parliament, prominent persons, politicians, etc. Since the allotment of Government accommodation to a Government servant is made only because of his service under the Government, such canvassing for out-of-turn allotment through M.P.'s and other political persons, etc., constitutes a violation of the provisions of Rule 20 of the CCS (Conduct) Rules, 1964. The Government servants, are, therefore, advised to refrain from such practice. They should not bring or attempt to bring any political or other outside influence to further their interests in respect of matters pertaining to their service under the Government, including allotment of residential accommodation.

2. Ministry of Agriculture, etc., are requested to bring the above instructions to notice of all concerned under their control.

[G.I., Dept. of Per. & Trg., O.M. No. 11013/6/90-1 stt. (A), dated the 30th March, 1990.]

(3) Medical Officers of the CGHS cautioned that an adverse entry in the CR may result from attempts to canvass non-official influence in service matters in violation of CCS (Conduct) Rules, 1964.— In Paragraph 6 of this Ministry's Letter No. F. 32-42/66-CHS, dated the 16th August, 1966 (*not reproduced*), attention of the Medical Officers was specially invited to the provisions of Rules 3, 7, 8 and 9 of the Central Civil Services Conduct Rules, 1964, extracts of which were attached as enclosures to that letter. It was made clear in that letter that breaches of these rules were punishable under the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The Government of India are constrained to note in spite of the instructions already issued, a large number of Central Health Service Officers are continuing to bring political pressure in the matter of their transfers and promotions. This is a very disturbing and unhealthy trend which is contrary to the provisions of the Central Civil Services (Conduct) Rules, 1964. Such pressure embarrasses not only the Government but also the persons who are made to exert the pressure; it also creates a lot of administrative difficulties and complications. It is, therefore, necessary to curb this tendency.

Rule 20 may kindly be brought again to the notice of all the Central Health Service Medical Officers. It may also be made clear to them that in the event of a breach of this rule, an appropriate entry will be made in the confidential report of the officer concerned in addition to such disciplinary action as may be taken against him.

[G.I., Min. of Health, Letter No. F. 32-28/67-CHS I, dated the 22nd May, 1967.]

(4) Representation on service matters by relatives should be discouraged.— Relatives of a Government servant sometimes make representations concerning service matters affecting the Government servant. This is done in some cases in the hope of reviving a representation which the Government servant had himself made and which had been turned down. In some cases, this procedure is resorted to in order to get round the requirements that the Government servant should submit his representation through his official superiors. This practice is obviously

undesirable and should be strongly discouraged. It has accordingly been decided that no notice should be taken of a representation on service matters submitted by a relative of a Government servant. The only exceptions may be cases in which because of the death or physical disability, etc., of the Government servant, it is impossible for the Government servant himself to submit a representation.

[G.L., M.H.A., O.M. No. F. 25/21/63-Ests. (A), dated the 19th September, 1963.]

Instructions already exist that the Government servants should not allow representations on service matters concerning them to be made by their relatives.

Of late, however, it has been noticed that representations / petitions are being sent by relatives like the wives, parents, etc., of P & T employees relating to their service matters. This practice is not only in utter disregard of Government orders referred to, but is also an affront to the personal dignity of the officials, when they themselves have full right to represent in regard to their service matters. The official channels available to them for redressal of their grievances should be utilized to the full by the aggrieved officials. If they allow their relatives to step in, they will be running the risk of their grievances remaining unsettled, as under the rules, no attention need be paid to representations made by persons other than the officials concerned. Individual dignity and decency also require that such a practice should be avoided in their own interest.

It is therefore, reiterated that no employee of P & T Department should resort to such a practice by allowing his relatives to represent on his service matters.

[D.G., P. & T., No. 105/42/77-Disc. II, dated the 2nd July, 1977.]

(5) Canvassing of non-official and other outside influence in matters arising out of their service. — Rule 20 of CCS (Conduct) Rules, 1964, lays down that no Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. Instructions in this regard have also been issued from time to time in Director-General's circulars. In spite of repeated instructions on the subject, it has come to notice that at the Government servants resort to bring non-official and other outside influence to further their service interests.

2. Any high dignitary or Member of Parliament normally sponsors the case of an individual Government servant only when he is approached or pressed to do so. If, therefore, any reference is received on behalf of a Government servant from dignitary / Member of Parliament, it would be assumed that it has been taken up only at the instance of the Government servant and action will be taken against him for violation of Rule 20 and instructions issued thereunder.

3. Director-General desires to make it clear that any instances of violation of these rules / orders would be viewed seriously and the employees responsible for such violation would be severely dealt with. The Director-General hopes that the employees will take these instructions in the proper perspective and will not give any occasion for proceeding against them for violation of these

4. The Director-General would like to reassure all the employees that their representations submitted in the manner prescribed in the departmental rules would receive the fullest and most sympathetic consideration at all levels and their genuine grievances would be redressed without any loss of time.

[D.G., P. & T., No. 15/23/76-Disc. I, dated the 8th August, 1977.]