

३— विधि विभाग से अनुरोध है कि उपर्युक्त संकल्प की कंडिका-५ में जो सरकार का निर्णय हुआ है, उसके अनुसार प्रस्ताव तैयार कर, कार्मिक विभाग का परामर्श प्राप्त करें।

४— कार्मिक विभाग (प्रशाखा-३) उपर्युक्त संकल्प की कंडिका-६ में व्यक्त सरकारी निर्णय के कार्यान्वयन हेतु आवश्यक कार्रवाई लीजिए।

उमा०-२६७६

(रामचन्द्र घोषाल)

सरकार के उप सचिव।

ज्ञाप संख्या—१०/परी-१०२२/७५ का—२०७/पटना-१५, दिनांक ८ जून, १९७६।

प्रतिलिपि— अधीक्षक, राजकीय मुद्रणालय, मुलजारबाग, पटना, को सूचनार्थ एवं राजपत्र के एक विशेषांक में उक्त संकल्प को तुरत प्रकाशित करने हेतु अप्रसारित।

२— संबंधित राजपत्र के विशेषांक की एक हजार प्रतियां कार्मिक विभाग (परीक्षा शाखा) को निश्चित रूप से भेजी जाय।

(रामचन्द्र घोषाल)

सरकार के उप सचिव।

Part XXVIII Submission of petitions, memorials, representations etc.

Memo. No. III/R1—2017/57-A—3213

Government of Bihar
Appointment Department

To

All Departments of Government

All Heads of Department

All Commissioner of Divisions

All District Officers

Patna, the 21st March, 1957

Subject :— Submission of memorials, representations, etc. to higher authority.

The undersigned is directed to refer to the instructions conveyed in Appointment Department's Memo. nos. 6279-A, dated the 5th December, 1927 and 4264-A, dated the 5th May, 1950 on the above subject (copies enclosed). Government have examined whether Government servants should be allowed to submit memorials or representations direct to higher authorities, without first seeking redress at the hands of the immediate superior officers. It has been decided that this should not be allowed. A Government servant should, in the first instance, address his immediate superior for redress of his grievances. If the immediate superior unduly delays passing orders on the petition, the Government servant may address a petition to the next higher authority, but this petition should be submitted through the proper channel i.e., through the immediate superior officer. In such a case, the Government servant may submit an advance copy of his petition to the higher authority, but the higher authority will take no action on the advance copy except (if he deems fit) to call for the papers from the lower authority. A decision will be taken by the higher authority only after receiving the papers through the proper channel.

2. These instructions may be brought to the notice of all Government servants subordinate to you, for their information and guidance,

M. S. Rao,

Chief Secretary to Government.

No. 6276-A.

Government of Bihar and Orissa,
Appointment Department.

ORDER

The 5th December, 1927.

It has been brought to the notice of the Local Government that advance copies of memorials, petitions of appeals etc., are frequently sent direct to Government and Heads of Departments, although this practice is entirely unauthorised. His Excellency the Governor in Council desires that the attention of all officers should be drawn to the impropriety of this practice and that they should be informed that the Local Government will only consider such representations when submitted through the proper channels.

By order of the Governor in Council,
H. K. Briscoe,
Chief Secretary to Government.

No. IS 3-1/50/4264-A,
Government of Bihar,
Appointment Department.

From

L. P. Singh, Esqr., I.C.S.,
Chief Secretary to Government.

To

Private Secretary to all Hon'ble Ministers,
Secretary to Hon'ble the Chief Minister.

Sir,

Patna, the 5th May, 1950.

I am directed to say that a question recently arose as to whether there is any bar to officers mentioning their personal grievances regarding pay, transfer, promotion etc., to Hon'ble Ministers on tour and it has been held that there is no bar to such oral representations. It is, however, suggested that when an officer makes a request to an Hon'ble Minister on tour, the Hon'ble Minister may note the fact and send it to the Department concerned for necessary action with such observations as the Hon'ble Minister may consider fit to make. The interviewing officer may, at the same time, be asked by the Hon'ble Minister to make a representation through the proper channel, and as a rule final orders will be passed only after the representation is received through the proper channel.

I am to request you to bring these decisions to the notice of the Hon'ble Minister / Hon'ble the Chief Minister for his information.

Yours faithfully,
L. P. Singh,
Chief Secretary to Government.

Memo no. 4264-A, dated Patna, the 5th May, 1950.

Copy forwarded to all Divisional Commissioners, all District Officers and all Departments of Secretariat for information and for circulation to all concerned.

By order of the Governor of Bihar,

U. K. Ghosh,
Under Secretary to Government,

Government of Bihar
Appointment Department

Order No. III/R1-109/57-A-252.

Patna, the 8th January, 1950.

The following instructions for the submission, receipt and transmission of petitions addressed to the Governor and the Secretary to Government in respect of matters arising out of civil employment under the Government of Bihar or the termination of such employment, are published for general information. They supersede all previous instructions on the subject.

PART I

PRELIMINARY

1. Definitions—In these instructions—

- (1) 'Government' means the Government of Bihar,
- (2) 'Petition' includes a memorial, representation, letter or an application of the nature of a petition.

2. Scope of instructions—(1) These instructions shall apply, so far as may be, to all petitions addressed to the Governor or the Secretary to Government by persons who are, or have been, in the civil employment of the Government of Bihar, in respect of matters arising out of such employment or in respect of the termination of such employment.

(2) These instructions shall not affect any rules or orders in respect of representations submitted by recognised associations of Government servants.

Part II

FORM AND MANNER OF SUBMISSION OF PETITIONS,

3. Forms of petitions—(1) Every petition shall be legible and may preferably be either in type script or in print.

(2) Every petition shall be authenticated by the signature of the petitioner and shall be submitted by him in his own behalf.

(3) Every petition and the documents accompanying it shall be in Hindi written in Devanagari script or in English.

4. Contents of petitions—Every petition shall—

- (a) Contain all material statements and arguments relied upon by the petitioner;
- (b) be complete in itself and include a copy of the order complained against, as well as copies of orders, if any, passed by subordinate authorities;
- (c) contain no disloyal, disrespectful or improper language; and
- (d) end with a specific prayer.

5. Method of submission of petitions—(1) Every petition shall be submitted to the immediate superior officer of the office or department to which the petitioner belongs or belonged and shall be accompanied by a letter requesting the immediate superior officer to transmit it to the Governor or the Secretary to Government as the case may be.

(2) The Head of the office or department, on receipt of the petition submitted through him in accordance with sub-instruction (1), shall forward the petition through the usual official channel to Government in the administrative department concerned. The Head of the department shall record his views on the petition and ensure that it reaches the proper authorities within a reasonable time,

Part III

WITHHOLDING OF PETITIONS BY THE HEAD OF THE OFFICE OR DEPARTMENT.

6. Circumstances in which petition may be withheld,—The Head of the office or department may in its discretion, withhold a petition when—

- (1) the petitioner has not complied with any of the provisions of part II; or
- (2) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition and no satisfactory explanation of the delay is given; or
- (3) a previous petition from the petitioner on the same subject has been disposed of by the Chief Minister and the petition, in the opinion of the Head of the office or department, discloses no new facts or circumstances which afford grounds for reconsideration of the matter, or
- (4) the petition is a representation against a decision which is declared to be final by any law or statutory rule, or
- (5) the petition is an application for an employment under the Government not made in pursuance of any rule or announcement calling for applications for such employment; or
- (6) the petition relates to a subject on which the Head of the office or department is competent to pass orders and no application for redress has been made by the petitioner to the Head of the office or department; or
- (7) the petition is a representation against the non-exercise in favour of the petitioner of a discretion vested in the Head of the office or department; or
- (8) the petition is a representation against the discharge or termination of service by a competent authority of the petitioner, having been—
 - (a) appointed on probation, during or at the end of such probation;
 - (b) appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of such appointment; or
 - (c) engaged under contract, in accordance with the terms of such contract.
- (9) The petition is a representation against an order—
 - (a) from which the petitioner has already exercised, or has failed to exercise a right of appeal available under the rules or orders or the contract regulating his conditions of service;
 - (b) passed by a competent authority in the exercise of appellate or revisional power conferred by any rule, order or contract regarding his conditions of service; or
- (10) The petition 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.

7. Petitioner to be informed when petition is withheld.—The Head of the office or department shall, when a petition is withheld under instructions, inform the petitioner of the withholding thereof and the reasons therefor.

8. A petition will be liable to summary rejection, if —

- (i) it is an advance copy not received through the channel referred to in rule 5; or
- (ii) the petitioner has not availed himself of the remedies provided by rules, or orders applicable to the case; or
- (iii) the petition is against an order communicated to the petitioner more than six months before the submission of the petition and no satisfactory explanation of the delay is given; or
- (iv) a previous petition from the petitioner on the same subject has been disposed of by the authority who is now addressed and this present petition does not disclose new facts or circumstances which afford grounds for a reconsideration of the subject.

9. The authority forwarding a petition shall state on it whether the petitioner has complied with the above requirements.

10 Every memorial addressed to the Secretary to Government should be finally disposed of by the Minister-in-charge and, in case a memorial is submitted to Minister-in-charge without submitting any memorial to the Secretary to Government such memorials should be placed for disposal before the Minister-in-charge by the Secretary to Government concerned with his own comments within three months of its receipt. A petition addressed to the Governor for the second time after the disposal of the first petition by the Minister-in-charge shall be submitted to the Chief Minister for disposal through the Chief Secretary after consideration by the Minister-in-charge within three months of its receipt.

By order of the Governor of Bihar,
K. A. Ramasubramaniam,
Deputy Secretary to Government.

Memo no. III/R1-109/57 A-252.

Patna, the 8th January, 1960.

Copy forwarded to all Departments of Government / all Heads of Departments / all District Officers for information,

By order of the Governor of Bihar,
K. A. Ramasubramaniam,
Deputy Secretary to Government.

बिहार सरकार
नियुक्ति विभाग

संख्या ०५३०३

पटना-१५, दिनांक ४ बैशाख, १९८३ (स)
२४ अप्रैल, १९६१

सेवा में,

सरकार के सभी विभाग

सभी विभागाध्यक्ष

सभी प्रमंडलायुक्त,

सभी जिला पदाधिकारी

विषय— उच्च अधिकारियों को अभ्यावेदन, अभिवेदन इत्यादि देने का तरीका ।

निदेशानुसार अधोहस्ताक्षरी को उपर्युक्त विषय से सम्बन्धित नियुक्ति विभाग के आप संख्या ३/आर १-२०१७/५७ए—३२१३, दिनांक २१ मार्च, १९५७ (प्रति अनुलग्न) की ओर संकेत करते हुए कहना है कि उपर्युक्त परिषद में यह बात कही गयी है कि किसी सरकारी सेवक को अपनी तत्कालीन सुनवाई के लिये पहले अपने आसन्न श्रेष्ठ पदाधिकारी (Immediate Superior Officer) को ही आवेदन पत्र देना चाहिए। उक्त आसन्न श्रेष्ठ पदाधिकारी (Immediate Superior Officer) बिना वजह आवेदन देने में देर करें तो ऐसी हालत में सरकारी सेवक अपने आवेदन पत्र को उनसे उच्च पदाधिकारी के नाम से उचित माध्यम के द्वारा भेज सकते हैं और चाहे तो इसकी एक अग्रिम प्रति उच्च पदाधिकारी के नाम से भी भेज सकते हैं। सरकार चाहती है कि अपने अधीनस्थ पदाधिकारियों द्वारा अपने स्वभा निवारण करने के लिये जो आवेदन पत्र दिये जायें, उसकी सुनवाई और फैसला में देर न हो और आवेदन पत्र की प्राप्ति तिथि से तीन महीने में उसका फैसला कर दिया जाय। अगर तीन महीने में फैसला न हो सके तो आवेदक अपने बरीय पदाधिकारी से उच्च अधिकारी के पास आवेदन पत्र भेज सकते हैं और आवेदक चाहे तो एक अग्रिम प्रति भी उनके पास भेज सकते हैं। इसके बाद उच्च पदाधिकारी निम्न पदाधिकारी से सम्बन्धित कागजों को मंगवाएंगे और यह भी देखेंगे कि इसके निपटारे में कोई बिना जरूरत के देर तो नहीं की गयी। सरकार उन मामलों पर बहुत गम्भीरतापूर्वक विचार करेगी जिसमें अधीनस्थ पदाधिकारियों द्वारा दिये प्राथमिक पत्रों के निर्णय में आसन्न श्रेष्ठ पदाधिकारियों ने अनावश्यक विलम्ब किया। सरकार आवेदन के निपटारे में अनावश्यक लम्बे असों की देर को गंभीर दृष्टि से देखेगी।

२— आप अपने नीचे के सभी सरकारी कर्मचारियों को इन अनुदेशों की जानकारी करा दें।

बिहार राज्यपाल के आदेश से

ह०/—एस० जे० मजुमदार

सरकार के अपर मुख्य सचिव।

बिहार सरकार

नियुक्ति विभाग

ज्ञाप संख्या ३/एम १-५०३/६८ नि०-३४६२

पटना-१५, दिनांक २२ फाल्गुन, १९७९ (ब)

१३ मार्च, १९७८।

सेवा में,

सरकार के सभी विभाग

सभी विभागाध्यक्ष

सभी जिन्ना पदाधिकारी

विषय :—

निजी व्यथाओं के सम्बन्ध में सरकारी कर्मचारियों के द्वारा माननीय मंत्रियों से साक्षात्कार के लिए प्रक्रिया।

नियुक्ति विभाग के ज्ञाप संख्या ७८५ ए० आर० दिनांक २६ अगस्त, १९४७ (प्रति संलग्न) में निर्देश दिया जा चुका है कि कोई भी पदाधिकारी विभागाध्यक्ष के माध्यम से पूर्व अनुमति के बिना मन्त्रियों से अपनी श्रोतृत्व एवं स्वतन्त्रता के सम्बन्ध में साक्षात्कार नहीं करेंगे। इसके बावजूद भी सरकार के समक्ष कुछेक उत्तेजन के दृष्टान्त आते रहते हैं। सरकार इसे एक कदाचार समझती है।

अतः निर्देशानुसार अधोहस्ताक्षरी को कहना है कि सभी अधीनस्थ पदाधिकारियों/कर्मचारियों का ध्यान उपर्युक्त आदेश की ओर फिर एक बार आकृष्ट कर दिया जाय। साथ ही, यह भी स्पष्ट कर दिया जाय कि भविष्य में यदि कोई सरकारी कर्मचारी निजी मामलों के सम्बन्ध में मुख्य मन्त्री या अन्य मन्त्रियों से पूर्व अनुमति के बिना सम्पर्क स्थापित करते पाए गए तो उनके विरुद्ध सख्त अनुशासनात्मक कार्रवाई की जायगी।

बिहार राज्यपाल के आदेश से;

(श्रीधर वासुदेव सोहोनी)
मुख्य सचिव।

Memo. No. 785 A.R.

Government of Bihar

Appointment Department

Ranchi, the 26th August, 1947.

TO

All Secretaries to GovernmentAll Heads of DepartmentsAll Commissioners of Divisions.All District officersThe Inspector General of Police BiharAll Deputy-Inspector General of Police,

I am desired to inform you that a practice has recently grown up by which officers of Government, both Gazetted and Ministerial, approach Hon'ble Ministers direct with the object of gaining their support in the matter of promotions and transfers,

Government strongly deprecate such a practice and desire that in future no officer should approach Hon'ble Ministers direct except by appointment fixed through the Head of the Department concerned. Any officer found contravening the direction will be dealt with severely.

Sd/— V. K. B. Pillai

Chief Secretary to Government.

एन० १६१००

बिहार सरकार
नियुक्ति विभाग

माप संख्या—३/आर१-१०३३/७१ नि० १६१००-पटना-१५, दिनांक ६ नवम्बर, १९७१

१८ कार्तिक, १८६३ (स) ।

सेवा में,

मुख्य मन्त्री के विशेष सचिव,

सभी मन्त्रियों/राज्य मन्त्रियों/उप मन्त्रियों के आप्त सचिव ।

विषय:— सरकारी सेवकों द्वारा मन्त्रियों के माध्यम से वेतन, स्थानान्तरण, प्रोन्नति आदि से सम्बन्धित निजी मामलों को उठाने का प्रयत्न ।

निदेशानुसार मुझे कहना है कि आये दिन सरकारी सेवक मन्त्रियों के माध्यम से अपने वेतन, स्थानान्तरण, प्रोन्नति आदि से सम्बन्धित निजी मामलों को उठाते हैं और इस प्रकार उचित माध्यम से अभिवेदन देकर अन्तिम निर्णय प्राप्त करने की जो पद्धति थी, उसके स्थान पर एक नई परम्परा का सृजन हो रहा है । ताकि सरकारी सेवक आचार नियमावली का इस तरह खड़ल्ले से उल्लंघन नहीं करें इस उद्देश्य से १९५० में एक परिपत्र (सी०-४२६४/१५-३-१/५० ए दिनांक ५ मई, १९५०—प्रति सीलमन) निर्गत किया गया था, जिसमें व्यवस्था है कि यदि कोई सरकारी सेवक वेतन, स्थानान्तरण प्रोन्नति आदि से सम्बन्धित निजी मामले किसी मन्त्री के समक्ष रखना चाहें तो वे ऐसा कर सकते हैं । परन्तु साथ ही यह भी सुझाव था कि मन्त्री अपना वृत्त सम्बद्ध विभाग को भेज देंगे और सम्बद्ध कर्मचारी को निर्देश देंगे कि वे अपने मामले के सम्बन्ध में उचित माध्यम से अभिवेदन भेजें एवं नियमतः उचित माध्यम से अभिवेदन प्राप्त होने के बाद ही अन्तिम निर्णय लिया जायगा ।

मुझे अनुरोध करना है कि मुख्य मन्त्री/मन्त्री/राज्य मन्त्री/उप मन्त्री के समक्ष उनके सूचनायें इस परिपत्र को अविलम्ब उपस्थापित कर देंगे ।

कृपया प्राप्ति सूचना दें ।

(सचिवदानन्द सिन्हा)

सरकार के उप सचिव ।

आप संख्या—३/आर—१—१०३३/७१ नि० १९१००/पटना-१५, दिनांक ९ नवम्बर, १९७१

१८ कार्तिक; १८९३ (स)

प्रतिलिपि—सभी विभागों के सचिव/सभी विभागाध्यक्ष/सभी प्रमण्डलायुक्त/सभी जिला पदाधिकारी को सूचना एवं आवश्यक कार्रवाई के लिए अवसारीत।

सरकार के उप सचिव।

आप संख्या—३ / आर०-१-१०३३ / ७१ नि० १९१०० / पटना-१५ दिनांक ९ नवम्बर, १९७१

१८ कार्तिक, १८९३ (स)

प्रतिलिपि—नियुक्ति विभाग के सभी प्रशाखा पदाधिकारियों को सूचना एवं आवश्यक कार्रवाई के लिए अवसारीत।

(देवकी नन्दन प्रसाद)

प्रशाखा पदाधिकारी।

Letter No. 4264/15-3-1/50 A, dated 5th May 1950 from Chief Secretary to Govt. of Bihar, Appointment Deptt, to Private Secretary to Honable, the Chief Minister.

I am directed to say that a question arose as to whether there is any bar to officers mentioning their personal grievances regarding pay, transfer, promotion, etc., to Hon'ble Ministers on tour and it has been held that there is no bar to such oral representations. It is, however, suggested that when an officer makes a request to an Hon'ble Minister on tour, the Hon'ble Minister may note the fact and send it to the Deptt. concerned for necessary action with such observations as the Hon'ble Minister may consider fit to make. The interviewing officer may at the same time, be asked by the Hon'ble minister to make a representation through the proper channel, and, as a rule final orders will be passed only after the representation is received through the proper channel.

2. I am to request you to bring these decision to the notice of the Hon'ble Minister/ Hon'ble the Chief Minister for his information.

सं०—२१६७६/नि०

बिहार सरकार

नियुक्ति विभाग

प्रेषक

श्री रामानन्द सिंह,
अपर मुख्य सचिव,

सेवा में,

सरकार के सभी विभागसभी विभागाध्यक्षसभी प्रमण्डलायुक्तसभी जिला पदाधिकारीसभी अनुमण्डलाधिकारी

पटना—१५, दिनांक २३ अगस्त, १९९३ (स)

१४ दिसम्बर, १९७१।

विषय:— निजी मामलों के निम्नलिखित सरकारी सेवकों द्वारा उच्चाधिकारियों को अभ्यावेदन, अभिवेदन देने का तरीका।

महोदय,

निदेशानुसार भुले कहना है कि राज्य सरकार के समस्त बहुधा ऐसे दुष्टांत आये हैं जब सरकारी सेवक निजी मामलों को लेकर अपने निकट सम्बन्धी अपना परिवार के सदस्य या अन्य अभिभावक के द्वारा मुख्य-मन्त्री, मंत्री एवं अन्य उच्च पदाधिकारियों के पास आवेदन-पत्र भेजवाते हैं। इससे अधीनस्थ सरकारी कर्मचारियों के बीच अनुशासनहीनता को बढ़ावा तो मिलता ही है, साथ ही ऐसे आवेदन सम्बन्धित पदाधिकारी तक या तो पहुँच नहीं पाते या इतने विलम्ब से पहुँचते हैं कि इनपर सम्योचित निर्णय नहीं हो पाता। इसके अलावा, ऐसे अभिवेदन को "उचित माध्यम" या अन्य नियंत्रणों से छुटकारा मिल जाता है, और निर्णय लेने में कठिनाई होती है, क्योंकि आसन्न श्रेष्ठ पदाधिकारी (Immediate Superior Officer) का मतभेद प्राप्त नहीं रहता। अतएव, सरकार ने निर्णय लिया है कि अन्य स्रोत से यदि किसी सरकारी कर्मचारी की व्यक्तिगत कठिनाई को लेकर कोई अभ्यावेदन प्राप्त होता है तो तत्काल प्राप्ति-सूचना देते हुए आवेदक को सूचित कर दिया जाय कि इसपर समुचित कार्रवाई तभी हो सकेगी जब कर्मचारी उचित माध्यम से अपना आवेदन देंगे। इसके साथ यह भी आवश्यक है कि उचित माध्यम से दिये गये आवेदन-पत्र पर सक्षम-पदाधिकारी यथासमय निर्णय लें और इससे सम्बन्धित सरकारी सेवक/कर्मचारी को अवगत करा दें। इस सम्बन्ध में मार्गदर्शन के लिए नियुक्ति विभाग के उपर्युक्त विषयक परिपत्र संख्या-५३०२ नि०, दिनांक २४-४-६१ की प्रतिलिपि संलग्न की जाती है।

२- अनुरोध है कि अपने अधीनस्थ सरकारी कर्मचारियों को इस निदेश की जानकारी करा दें।

विश्वासभाजन,

(रामानन्द सिंह,)

अपर मुख्य सचिव, बिहार सरकार