

**No. 11024/17/2012- ISS.**  
**Government of India**  
**Ministry of Statistics and Programme Implementation**

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**Sardar Patel Bhawan, Sansad Marg,**  
**New Delhi,**  
**Dated 2<sup>nd</sup> November, 2012**

**OFFICE MEMORANDUM**

**Subject: Submission of Representations and manner of its disposal - instructions regarding**

Reference is invited to DOPT OM No. 11013/7/99-Estt.(A) dated 1<sup>st</sup> November, 1999 regarding representation from Govt Servant on service matters. As per the instructions of the DOPT dated 1<sup>st</sup> November, 1999, read with MHA's OM dated 30<sup>th</sup> April, 1952, the Government servant wishing 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. These instructions further provides that an appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refusal relief or ignored or unduly delayed the disposal of the case. Representation to still higher authority (example those addressed to President or to Hon'ble Minister) must be submitted through the proper channel. It further provides that submission of representations directly to higher authority by passing the prescribed channel of communication has to be viewed seriously and appropriate disciplinary action should be taken against those violates these instructions as it can rightly be treated as an unbecoming conduct attracting the provision of Rule 3 1 (iii) of CCS (Conduct) Rules, 1964.

2. In this regard, attention is also invited to the Order dated 27<sup>th</sup> September, 2012 of the Hon'ble CAT, PB, New Dehi in OA No. 3176 of 2012 in the matter of Shri T.R.Mohanty, DDG Vs.UOI. A copy of the Order is enclosed. The operative part of the Order as stated in para 5 and para 6 is reproduced below:

**"5. On a perusal of the aforesaid instructions, it is noted that non-submission of representation through the prescribed channel of communication is viewed seriously which may attract appropriate disciplinary action against one who vitiates these instructions for the reason that it is viewed as an unbecoming conduct of Government servant attracting the provisions of Rule 3(1) (iii) of the CCS (Conduct) Rules, 1964. Accordingly, proper course for a Government servant who wishes to pursue his claim or seek redress of a grievance has to**

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address his representation to his immediate official supervisor and Head of Offices and such other lowest officer as is competent to deal with the matter. Ordinarily representations/complaints regarding non-payment of salary/allowances and other dues or all other service matters are required to be replied within a months of its submission wherein it is not done, the Government servant may pray or ask for interview of next higher officer for redressal of his grievances who would immediately seek for the papers, as may be called for, without further delay. An appeal or representation to the higher authorities 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 employees. 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 would be no objection at that stage to an advance copy of the representation being sent directly. Since the applicant has neither sought redressal of his grievance from the competent authority at the lowest level and has not exhausted all means of redressal from the lower authorities nor has made his representation through proper channel, I do not find this case is proper one to issue directions as sought by the applicant herein. Such directions for disposal of his representation in the manner provided for administratively can appropriately be issued provided the representation has been validly made, that is to say in the prescribed manner to the prescribed authority. Of course, it would be open to the respondents to summarily reject such an application for these very reasons. Notwithstanding that it is imperative for the applicant for seeking the benefits of certain set of administrative instructions to abide by these instructions in entirety. He cannot legitimately seek benefits of certain set of administrative instructions without duly complying with those instructions in totality. He cannot act on a part of these instructions and ignore rest of these instructions as has been done by the applicant in the present case.

6. The Application is accordingly dismissed at the admission stage itself."

3. Hon'ble CAT, PB, New Delhi vide its order referred above, has reemphasized the instructions of the DOPT regarding the manner of submission of representations and its disposal. It has been stated by the Hon'ble CAT that it is imperative for the applicant for seeking the benefits of certain set of administrative instructions to abide by these instruction and that one cannot act on a part of these instructions and ignore rest of instructions, as has been done by the applicant in the present case.

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4. The contents of the OM dated 1<sup>st</sup> November, 1999 and the Order dated 27<sup>th</sup> September, 2012 of the Hon'ble CAT, PB, New Dehi in OA No. 3176 of 2012 in the matter of Shri T.R.Mohanty, DDG Vs.UOI are being brought to the notice of the officers of this Ministry for information and compliance. Any deviation from the above instructions from the officers will invite action as per the provisions of the OM dated 1<sup>st</sup> November, 1999.

Encl: As above

*D.K.Sharma*  
2/11/12  
(D.K.Sharma)

Under Secretary to the Govt. of India

All Officers of this Ministry

Copy for circulation to:

1. Director(Admn.) & HOD, MOSPI
2. ADG, FOD, Headquarter, NSSO, R.K.Puram, New Delhi
3. ADG, DPD, Kolkatta,
4. ADG, SDRD, Kolkatta
5. DDG, NASA, Greater Noida, UP
6. DDG, Computer Center, R.K.Puram, New Dlehi – with request to place this on the website of MOSPI
7. Notice Board
8. Master Set ✓

*D.K.Sharma*  
2/11/12