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स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य और परिवार
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research
Department of Health Research, Ministry of Health
and Family Welfare, Government of India

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CIRCULAR

Recently instances have come to our notice that ICMR Officials of institutes/centres are sending advance copies of representations/grievances on service matters directly to DG / Addl. DG / Sr. DDG (A).

In this connection, it is stated that DOPT vide O.M. dated 6th June, 2013 has already given clear instructions in this regard. However, the same is reproduced below:

1. 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 is competent to deal with the matter. Of late, it is observed that there is an increasing tendency on the part of the officers at different levels to bypass the prescribed channels of representations 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 grievance. Some of these representations are often forwarded through Members of Parliament, in violation of **Rule 20 of the CCS (Conduct) Rule, 1964 which inter alia states 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 interests in respect of matters pertaining to his service under Government"**
2. 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 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.
3. 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. It is clarified that this would include all forms of communication including through emails or public grievances portal, etc.**

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4. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles –
 - i. 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.
 - ii. 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.
 - iii. 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.
5. Some Government servants are in the habit of sending copies of their representation 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.
6. The representations from Government servants on service matters may be broadly classified as follows:
 - a. Representations/complaints regarding non-payment of salary/allowances or other dues;
 - b. Representations on other service matters;
 - c. Representations against the orders of the immediate superior authority; and
 - d. Appeals and petitions under statutory rules and orders (e.g. Classification Control and Appeal Rules and the petition Instructions).
7. In regard to representations of the type mentioned at (a) and (b) 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.
8. Representations of the type mentioned at (c) 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.

9. In regard to the representations of the type mentioned at (d) 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 for 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.

Hence, it is again reiterated that the following instructions may be brought to the notice of all Employees of Institutes / Centres / Headquarter and it may be stressed that appropriate disciplinary action would be taken against those who violate these instructions.

1. All employees/officials of ICMR Institutes/Centres should first send their representation to the Director/Director-in-charge or their immediate official superior
2. All employees/officials of ICMR Hqrs. should first send their representation to their respective Head of Division or their immediate official superior.
3. If an employee/official has not received a reply thereto to within a month of submission, then only he can address to the next higher officials as under:


- Institutes/Centres

Through the Director to Sr. DDG (A)

- Headquarters

Through the Head of Division to Sr. DDG (A)

4. No representations should be sent directly to DG, Sr. DDG (A) and sending even the advance copies of their representations should be stopped forthwith. This would include all forms of communication including through E-mails or Public Grievances portal.
5. No employee should send their representations directly to the PMO / Ministers / Members of Parliament and other functionaries.
6. If an employee prematurely addresses the DG / Sr. DDG (A), suitable disciplinary action would be taken against him. Hence, an employee should address his representations to the appropriate immediate superiors and only after exhausting the prescribed channels, a representation should be sent to the higher authorities.


24/07/2022

(Jagdish Rajesh)

Assistant Director General (Admn.)

To,
All the Directors / Directors – in – Charge

Copy to:

1. PS to DG / Additional DG / Sr. DDG (A) / Sr. FA
2. All Divisional Heads
3. ADG – I / II / Finance
4. Guard File