

F.No.20034/2/2010-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 30th November, 2011

OFFICE MEMORANDUM

Subject : Processing of files referred to DoP&T for advice/clarification –
procedure to be followed.

The undersigned is directed to refer to this Department's O.M. of even number dated 13th August, 2010 (copy enclosed) prescribing procedure to be followed for processing of files referred to this Department for advice/clarification. Despite these instructions, a large number of references especially relating to Court Cases are being received without following the prescribed procedure.

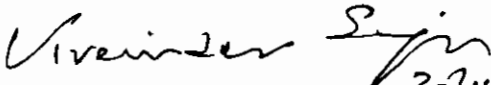
2. This Department has issued/placed on DoPT's website (www.persmin.nic.in) revised instructions on personnel matters like timely completion of ACR, holding of DPC, amendment to Recruitment Rules etc. Implementation of time schedule prescribed in each of these instructions is likely to reduce procedural delays, thereby reducing grievances and litigations and also streamline manpower management. It has been observed that these instructions are not being implemented in true spirit thereby contributing to procedural delays/grievances and litigations.

3. It has also been observed that the files relating to Court Cases are referred to this Department at the last moment leaving very little time for processing of the case. Most of the time, issues on which this Department's advice is sought is not indicated clearly which add to further delays. All the Ministries/Departments are advised to follow the procedure prescribed in this Department's O.M. of even number dated 13.08.2010 while referring the file to this Department for advice/clarifications. To facilitate processing of Court Cases, the following procedure should invariably be followed by all referring Departments/Ministries. The referring note should invariably indicate :

- (i) brief history and fact of the case;
- (ii) relief sought by petitioner/applicant;
- (iii) Earlier advice/opinion of DOP&T/DOLA in the matter;
- (iv) stand taken by Department before Court/CAT;
- (v) Opinion of the Government Counsel on the Court/CAT order;
- (vi) operative part of the judgement/direction;
- (vii) action proposed to be taken by Department;
- (viii) present rule position and specific point on which advice/opinion of DoP&T is sought.

...2/-

4. Attention is also drawn to DOPT's O.M. No. 20036/23/88-Estt.(D) dated 6th January, 1989 and Department of Expenditure's O.M. No. 7(32)-E-III/92 dated 24th May, 1993 with respect to procedure to be followed while defending Government in Court cases. The proposals received after 31st December, 2011 which do not follow the procedure prescribed as above would not get adequate time for proper examination and the concerned Ministry/Department will be held responsible for delays resulting in adverse Court orders.


(Virender Singh) 30/11/11

Under Secretary to the Government of India
Tel. : 2309 3804

Copy to:

1. All Ministries/Departments of the Government of India
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry
3. President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi
4. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
5. Establishment Section (200 copies).
6. Hindi Section for Hindi version.

No.20034/2/2010-Esst(D)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

North Block,
New Delhi
Dated 13th August, 2010

OFFICE MEMORADUM

Subject:- **Processing of files referred to DoP&T for advice/clarification- procedure to be followed.**

It has been observed that the files received from various Ministries/Departments in DoP&T for advise/clarifications are not properly docketed or referenced. In some cases even the page numbers or the rules/documents cited in the noting portions are missing. This results in avoidable delays in decision making and disposal of the cases. Hence forth all the Ministries/Departments are advised to observe the following procedure for referring the proposal to DoP&T:

- i. All the proposals referred to DoP&T should have approval of Joint Secretary concerned in the Administrative Ministry/Department.
- ii. All the pages should be properly numbered, docketed, referenced/cross referenced.
- iii. A legible copy of orders/rules/instructions/circulars/O.M. etc., issued by the Administrative Department or DoP&T etc. and cited in the noting portion should be placed on file under reference. Besides flagging the cited documents, page numbers should also be invariably indicated in the noting portions.
- iv. Telephone number of the concerned Director/Deputy Secretary/Under Secretary level officer who has processed the case should be indicated in the noting portion.
- v. The proposal relating to amendments of Recruitment Rules etc., for which a proforma has been prescribed, should be referred to DoP&T in the prescribed proforma only.

- vi. Any proposal having financial implications referred to DoP&T for advise/clarifications, should have approval or comments of concerned Financial Adviser(FA) in the Ministry/Department.
- vii. The proposal for advise/clarifications should be referred to DoP&T only on file. References through letter, O.M. etc. should be avoided.
- viii. To facilitate simplification of the rules/instructions etc., all the proposals referred to DoP&T should invariably indicate, in the concluding paras, the relevant rule position and the difficulty faced in its interpretation which necessitated the referral to DoP&T.

2. It has also been observed that while filing the counter replies to various O.A./court cases in CAT/High Courts, the relevant rule position is not clearly explained in the context of the case and in some cases no counter or cursorily prepared counter replies are filed. This results in avoidable delays and unwanted litigations. To avoid such situations, the grievance redressal mechanism in each Ministry/Department should be strengthened and all the grievances redressed expeditiously. While replying to the grievances, the relevant rule position and its implication in the context of the case should be clearly explained to obviate the need of any litigations.

3. The content of this O.M. may be given wide publicity and brought to the notice of all concerned.


13/8

(Virender Singh)

Under Secretary to the Government of India

Tele: 23093804

To

1. All Ministries/Departments of the Government of India
2. All officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.
3. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Prinicipal Bench), New Delhi.
4. Estt.(D) Section - 200 copies.
5. NIC, DOPT, North Block for up-dating of the OM in DOPT website.
6. Hindi Section for Hindi version.