केन्द्रीय उत्पाद शुल्क, सीमा शुल्क एवं सेवा कर आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE, CUSTOMS & SERVICE TAX
केन्द्रीय राजस्व भवन, आई.एस.प्रेस रोड, कोचिन -682018
C.R.BUILDING, I.S.PRESS ROAD, COCHIN-682018
E-mail: cexcochi@nic.in FAX-0484-2390608 Phone: 0484-2390404

C.No.II/7/2/2014 - Estt. (PF) Dated: 07.07.2015

**ESTABLISHMENT CIRCULAR NO. 07/2015**

Attention is invited to the following letter received from Ministry of Finance:-

| Sl. No. | Letter No. and date | Subject |
|---|---|---|
| 1. | F.No.A.35017/32/2015-Ad.II dated 28.05.2015 | Submission of representations on service matters, including deputation to various State Government/Ministries/Organisations, by IRS (C&CE) direct to the higher authorities/State Governments/Ministries/ Organisations |

Copy of the mentioned letter may be downloaded from the website of Cochin commissionerate - www.cenexcisekochi.gov.in for information and strict compliance.

07.07.15

**[RANI C R]**
**ASSISTANT COMMISSIONER [P&V]**

To

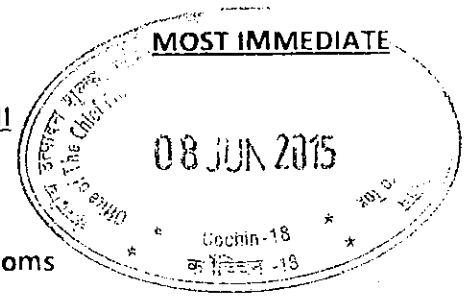
1. All Divisions under Cochin commissionerate
2. The Superintendent (EDP) for uploading in website.
2. Notice Board, Hqrs Cochin

Copy to:

1. The Deputy Commissioner (CCO), Hqrs Cochin for information.

I.C.No 707/15

MOST IMMEDIATE




F. No. A.35017/32/2015-Ad.II
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

.....

North Block, New Delhi
Dated, the 28th May, 2015

To

All Chief Commissioners/Directors General under CBEC

**Subject: Submission of representations on service matters, including deputation to various State Government/Ministries/Organisations, by IRS(C&CE) direct to the higher authorities/State Governments/Ministries/Organisations – Regarding.**

*****

Sir/Madam,

I am directed to draw your attention to the existing instructions issued by Department of Personnel and Training (DoP&T) from time to time which clearly provide that representations on service matters should be forwarded through proper channel and the proper course for a Government servant is to address his immediate superior official , or the Head of his office, or such other authority at the lowest level as he is competent to deal with the matter. The stage at which an advance copy of the representation may be sent to higher authorities has also been indicated in these instructions. A copy of DoPT's O.M. No.11013/08/2013-Estt(A)-III dated 06.06.2013 alongwith its enclosures is enclosed in this regards.

2. These instructions of Department of Personnel and Training on the issue clearly provide that as adequate instructions are available in the matter of submission of representations by the Government servants and treatment of the representations by the authorities concerned, the submission of representations directly to higher authorities by-passing the prescribe 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.

3. However, of late, it is observed that some officers of Indian Customs and Central Excise tend to by-pass the prescribed channels of representation and write directly to the higher functionaries and functionaries outside, including State Government in violation of the prescribed channels. This has been viewed seriously. In this regard attention is also invited to our circular issued under D.O. letter No. C-50/98-2014-Ad.II dated 07.10.2014 directing submission of representations through proper channel and clearly stating that no action will be taken on the representation received directly without getting it routed through proper channel (copy attached).

4. It is, therefore, reiterated that the Government of India instructions on the issue may be brought to the notice of all the officers for strict compliance. All the officers may be suitably advised to refrain from sending application/ representation to other Ministry/ Department/ State Governments/ Organisations on service matter. The officers under your administrative control may be impressed upon to strictly follow the existing instructions in this regard, failing which appropriate disciplinary action may be taken against them.

Yours faithfully,

(S.R.Sharma)
Director

**Encls. As above.**

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

North Block, New Delhi
Dated the 6th June, 2013

OFFICE MEMORANDUM

**Subject: Representation from Government servant on service matters.**

The undersigned is directed to refer to the Ministry of Home Affair's OM No. 118/52-Ests. dated the 30th April, 1952, OM No. 25/34/68-Estt.(A) dated the 20th December, 1968 and this Department's OM No. 11013/07/1999-Estt.(A) dated the 1st November, 1999 (copies enclosed for ready reference) on the above mentioned subject. This Department is receiving a number of representations, on service matters, addressed to the Prime Minister/ Minister/ Secretary (P) and other officers directly from the Government servants.

2. 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 officers at different levels to by-pass the prescribed channels of representation 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 Minster, 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.

3. 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.

4. 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.

.....2/

t is again reiterated that these instructions may be brought to the notice of all
1. servants and appropriate disciplinary action may be taken against those who
ate these instructions.

(N. R. Wadhwa)
Under Secretary to the Government of India

All Ministries/Departments of Govt. of India.

opy to:

. Comptroller & Auditor General of India, New Delhi.
. Union Public Service Commission, New Delhi.
. Central Vigilance Commission, New Delhi.
. Central Bureau of Investigation, New Delhi.
. All Union Territory Administrations.
. Lok Sabha/Rajya Sabha Secretariat.
. All Officers and Sections in the Ministry of Personnel, Public Grievances &
ensions
. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
. NIC, DoP&T with the request to upload this O.M. on Department's web site
(OMs/Orders→ Establishment→ CCS (Conduct Rules).

of the Office Memorandum No. 118/52-Ests. Dated 30th April, 1952

resentations from Government servants on service matters – advance copies.

erence are frequently received in this Ministry enquiring whether the submission of advance ies of representations to higher authorities is permissible and as to the treatment that should accorded to such copies. The matter has been carefully considered and the following tructions are issued for the guidance of all concerned

Whenever, in any matter connected with his service rights or conditions, a Government rvant wishes to press a claim or to seek redress of a grievance, the proper course for him is address his immediate superior official, or the Head of office, or such other authority at the west level as he is competent to deal with the matter. An appeal or representation to a higher uthority must not be made unless the appropriate lower authority has already rejected the laim or refused relief or ignored or unduly delayed the disposal of the case. Representations to till 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 will be no objection at that stage, but only at that stage to an advance copy of the representation being sent direct.

3. The treatment by the higher authorities of advance copies of representations so received should be governed by the following general principles –

(a) 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.

(b) 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.

(c) 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.

4. Some Government servants are in the habit of sending copies of their representations 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 al Government servants are expected scrupulously to eschew it.

of the Office Memorandum No. 25/34/68-Estt.(A) Dated 20.12.1968

representations from Government servants on service matters – Treatment of

Reference is invited to the Ministry of Home Affairs Office Memorandum No. 118/52-Ests. Dated the 30th April, 1952 on the subject mentioned above (copy enclosed for ready reference). It has been brought to the notice of the Ministry of Home Affairs that undue delay occurs very often in the disposal of representations from Government servants in regard to matters connected with the service rights or conditions which causes hardship to the individuals concerned

2. The representations from Government servants on service matters may be broadly classified as follows :-

(1) Representations/complaints regarding non-payment of salary/allowances or other dues.

(2) Representations on other service matters;

(3) Representations against the orders of the immediate superior authority; and

(4) Appeals and petitions under statutory rules and orders (e.g. Classification Control and Appeal Rules and the petition Instructions).

3. In regard to representations of the type mentioned at (1) and (2) 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

4. Representations of the type mentioned at (3) 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.

5. In regard to the representations of the type mentioned at (4) 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 or 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.

6. The instructions contained in paragraph 2 of this Ministry's Office Memorandum No. 118/52-Ests. Dated the 30thApril, 1952, will stand modified to the extent indicated in the paragraphs 3,4 and 5 above.

No. 11013 [illegible]-Estt.(A)
Government of India
Min. of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, dated the 1st November 1995.

OFFICE MEMORANDUM

Subject: Representation from Government servants on service matters.

The undersigned is directed to refer to the Ministry of Home Affairs O.M. No.118/52-Ests. dated 10th April, 1952 on the subject mentioned above (copy enclosed for ready reference).

2. 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 he is competent to deal with the matter. Of late, it is observed that there has been a tendency on the part of officers at different levels to by-pass the prescribed channels of representation 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 grievances. Some of these representations are often forwarded through Members of Parliament, in violation of Rule 20 of the CCS (Conduct) Rules, 1964.

3. 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 - (copy enclosed) 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.

4. 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

treated as an unbecoming conduct attracting the provisions of Rule 3(1)(iii) of the CCS (Conduct) Rules, 1964.

5. It is requested that these instructions may be brought to the notice of all Govt. servants and appropriate disciplinary action may be taken against those who violate these instructions.

(T.O. Thomas)
Deputy Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India.

Copy to:-

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions ~~& MHA~~.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions ~~& MHA~~.

(T.O. Thomas)
Deputy Secretary to the Government of India

सत्यमेव जयते
Joy Kumari Chander
Special Secretary & Member

भारत सरकार
GOVERNMENT OF INDIA
वित्त मंत्रालय / राजस्व विभाग
MINISTRY OF FINANCE/DEPARTMENT OF REVENUE
केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड
CENTRAL BOARD OF EXCISE & CUSTOMS
नार्थ ब्लाक, नई दिल्ली - ११० ००१
NORTH BLOCK, NEW DELHI - 110 001
Tel No +91-11-23092568 Fax No +91-11-23092308

7 October, 2014

D.O. No.C-50/98-2014-Ad.II

Dear Chief Commissioner/Director General,

The Board has been receiving a large number of representations directly from officers, without routing the same through proper channel. Advance copies are also being received and it is seen that often these advance copies are also endorsed to various other authorities. Often, therefore, the administration is flooded with 4-7 copies of the same representation received through different routes. This is generating unnecessary work all around starting with entry into the FTS (File Tracking System) as well as handling of many copies by the Sections. You would appreciate that precious man hours of officers and staff are lost in handling extra copies of the same representation. Such time could be utilized far more productively.

2. You may, therefore, advise all officers under your charge to address representations only to the relevant authority who is competent to dispose of the same, and send the same through proper channel. It may be brought to the notice of the officers that no action will be initiated merely on receipt of an advance copy of the representation.

3. While forwarding the representations to the Board, Chief Commissioners/Director Generals will ensure that facts of the case are verified and that copies of relevant documents duly self-certified/attested are enclosed to facilitate timely process and an early decision on the representation. Chief Commissioners/Director Generals are also advised to send their recommendations on the representations being forwarded by them.

With best wishes,

Yours sincerely,

(JOY KUMARI CHANDER)

All Chief Commissioners/Director Generals of Customs and Central Excise.