

Chapter 48

Miscellaneous

48.1 Parliamentary Procedures

Manual of Parliamentary Procedures in Govt. of India brought out by the Ministry of Parliamentary Affairs is a compilation of the procedures to be followed by the Government Departments in handling different items of Parliamentary work. Chapters 3-8 of this Manual give detailed procedure on Parliament Questions, Laying of papers on the table of the House Motions, Official Statements, Short Duration Discussions & Resolutions, President's Address, Budget & Assurances. The extracts of the above mentioned important chapters are given in **Appendix-XXXVI**

48.2 Staff Cars

Purchase -The purchase of the staff car will be made through the Director-General, Supplies and Disposals, with the prior approval of the Secretary of the concerned Administrative Department. When the purchase is proposed to be made from an unapproved source, the advice of the Ministry of Transport should be sought.

Control and use - The staff car will be under the control of an officer not below the rank of an Under Secretary. That officer will be the controlling officer in respect of the cars and be responsible for the proper use, care and maintenance of the cars and for regulating its journeys.

Maintenance of records - To exercise proper control over the cars, the controlling officer shall maintain the following records;

- (1) A Logbook in Form S-263
- (2) A Record of repairs and replacements;
- (3) A Register showing consumption of petrol and
- (4) An inventory of the equipment.

Use of Staff Car for non-duty purposes - Staff cars should be used for official journeys only within headquarters. However, staff cars when not required for official journeys, may be permitted to be used on non-duty journeys, viz. (i) occasional journeys performed by officers from their residence to office and vice versa and (ii) urgent visits to hospitals, to a limited extent by Gazetted Officers not below the rank of a Deputy Secretary. The use of staff cars is not permissible for journeys to places of entertainment, public amusements, parties and pleasure trips etc.

Staff cars should not be used for official journeys outside headquarters for which T.A. is admissible except on the written sanction of the Secretary to the Ministry.



Charges payable for non-duty journeys - When the staff car is used for non-duty journeys, charges for its use shall be recovered at the following rates:-

Rs. 4.50 per km for small staff car (not more than 16 hp)

Rs. 6.00 per km for a big staff car (more than 16 hp)

Rs. 3.00 per hour as detention charge.

Charges at the above rate would be recoverable for distance covered by a staff car from the time it leaves office/garage till it returns to office/garage. The detention charge will be leviable if the car is detained for non-duty purposes irrespective of the detention of the car being within or outside the normal working hours of the staff car. The period of detention will be noted by the officer concerned in the Logbook and the detention charges will be recoverable on the basis of the actual period.

Use of Staff Car between residence and office by Senior Officers—

In case of officers of the level of Joint Secretary and above, who have been provided with the facility of staff car for commuting between office and residence on prescribed payment basis under this Ministry's O.M. No. 20(5)-EII(A)/93, dated 28-1-1994, an option may be given to them either to avail themselves of the existing facility or to switch over to the payment of 'Transport Allowance, as admissible under these orders. In case they opt for the latter, they may be paid the allowance at rates as applicable to them, subject to the condition that the existing facility of staff car shall be withdrawn from the date they opt for the allowance. In case they opt for the former, the allowance shall not be admissible to them and they would not be required to make any payment for the facility of staff car between residence and office.

(G.I. M.F. O.M. No. 21(1)/97-E.II(B) dated the 3rd October, 1997)

Use of Staff Car for private purposes by Secretaries, etc.—

Officers of the rank of Secretary to the Government of India and above/Chief Executives of Statutory or Autonomous Bodies may be allowed to use the Staff Car for private purposes upto the distance of 500 km per month on payment of charges at the following rates:-

	Car with Air-conditioners	Others
For cars up to 16 hp	Rs. 560 p.m.	Rs. 440 p.m.
For cars above 16 hp	Rs. 700 p.m.	Rs. 560 p.m.

The above charges are to be recovered every month from the salary of the officers who avail of this facility. Half-yearly period of April-September and October -March will be taken into account to adjust monthly excesses against shortfalls and the additional kilometreage over a half yearly period may be charged at the rates prescribed for non-duty journeys.

Taking family in the staff car on tour— An officer, proceeding on tour in a staff car with



the approval of the competent authority, shall not take his family members with him unless permitted to do so in exceptional case by an officer not below the rank of joint Secretary/ Head of the Department. In such cases, the officer concerned shall pay for the use of the staff car at the rates prescribed below-

Rs. 4.50 per km for a small staff car (less than 16 hp.)

Rs. 6.00 per km for a big staff car (more than 16 hp.)

Rs. 3.00 per hour as detention charge.

T.A. to Chauffeurs/Drivers of Staff Car-

In the case of Chauffeurs of Staff Cars who cannot return to their headquarters the same day and the journey involves absence of at least one night from their headquarters they shall be entitled to draw daily allowance as admissible under the rules in addition to overtime allowance.

A Driver who performs a local journey or journey on tour in a staff car in his charge, may draw Travelling Allowance under ordinary rules as admissible to other Central Government employees if the journey does not involve the absence of one night from his headquarters. But the drawl of T.A. by staff Car Drivers for the journey mentioned above will be, subject to the condition that no OTA would be payable for the period with reference to which Daily Drivers (Overtime Allowance) has been drawn. The Drivers will, however, have the option to draw either OTA or Daily Allowance on any day on which such journeys have been performed.

(Staff Car Rules)

Approved Models for use of Staff Cars –

Premier Padmini, Maruti 800, Maruti Vans (with high/flat roofs), Gypsy and Premier NE-118 can be purchased to be used as Staff Cars. Purchase of air-conditioned vehicles for use as Staff cars is not permissible.

(G.I. M.F. O.M. No. 3(11)-E.II(A)/94 dated the 28th August, 1995.)

Ambassador ISZ 1800 has been brought on the Rate Contract of DGS&D. Accordingly, this model has been included in the list of approved models of cars to be purchased for use as staff cars.

(G.I. M.F. O.M. No. 3(11)-E.II(A)/94 dated the 4th March, 1996.)

In addition to the above models, Maruti Esteem VX (MPI) has also been included as an approved AC Staff Car for use by the Ministers and Officers of the level of Secretary to the Government of India and above.

(G.I. M.F. O.M. No. 3(4)-E.II(A)/99 dated the 24th July 2003.)

TATA Indigo GLX has also been included in the list of approved models of staff car (in AC category) to be purchased through DGS&D rate contract.



It is reiterated that the approved models of AC category of staff cars can be used only by the Ministers and Officers of the level of Secretary to the Government of India and above

(G.I. M.F. O.M. No. 3(4)-E.II(A)/99 dated the 11th December 2003.)

Installation of air-conditioners in staff cars used by officers of the level of Secretary to the Government of India and above.–

The undersigned is directed to invite attention to this Ministry's U.O. No. 3(1)-E-II(A)/84, 27-3-1984 regarding ban on installation of air-conditioners in staff cars and U.O. No. 3(1)-E.II(A)/9\84, dated 7-11-1985 wherein it was mentioned that air-conditioners may be installed in the staff cars used by the Ministers, if it is so desired by them.

2. The question of providing air-conditioners in the staff cars used by Secretary level officers and above in the Government of India has been considered. Secretary level officers have to frequently move out of their office premises to attend Inter-ministerial and other meetings. Protocol and representational obligations also often necessitate their wearing formal clothes which make travel onerous in the absence of air-conditioners in the staff cars used by them. Keeping in view these considerations, it has been decided that air-conditioners may be provided in the staff cars used by officers of the level of Secretary to Government of India and above, if so desired by them.

48.3 Territorial Army and Home Guards

A. Territorial Army

Territorial Army is India's second line of defence. It has to play an important and useful role for the defence of the country in an emergency as also during natural calamities etc.

Permission to join Territorial Army – Permission should be granted to Government employees to join Territorial Army and necessary facilities should also be provided to them for this purpose. However, in the case of employees who are engaged in operational or maintenance duties, the permission will be subject to the exigencies of public service. Such of the Government servants as are holding key posts and who cannot be released during an emergency, need not be permitted to join Territorial Army.

Interview and Medical Examination –

At the time of actual recruitment/commissioning, any individual will be required to report for interview and medical examination. The period of absence on this account should be treated as casual leave or to the extent that casual leave is not due as Special casual leave.

Training–

There are two types of training Units, viz. Provincial and Urban. Government servants were allowed to join Urban Units of the Territorial Army only. However, this position was modified and the Government servants were allowed to join the provincial Units of the Territorial Army also.

Members of the Urban Units have to undergo recruit training for 32 days and thereafter



annual training for a period of not less than 30 days and not more than 60 days. The recruit and the annual training in the case of Urban Units can be imparted on a part-time basis, in the morning or in the evening, outside the normal office hours except when embodied for camps of not less than four consecutive days or two periods of three consecutive days. Government servants joining the Urban Units of the Territorial Army will, thus, not be required to be absent from duty for a period exceeding one week in a year so far as training is concerned.

The period of training involved in Provincial Units which is imparted on whole-time basis in a camp for a continuous period of three months in the first training year and for a period of two months in subsequent years during which the civil Government servant concerned will have to be away from his civil post, will be treated as duty.

Pay during training–

During the period of training in Urban Units which will be mostly outside office hours, Government servants will receive pay and allowances according to their ranks. Military pay and allowances received by them will be in addition to their civil emoluments.

During the period of training in Provincial Units Government servants will be entitled to military pay and allowances of the rank plus the difference between civil and military pay and allowances, if any, which will be charged against the ordinary head of expenditure to which the civil pay of the individuals concerned is debited.

Treatment of period spent in camps–

During the periods spent in camp, which will be of very short duration, the absence of Government servants from their civil posts should be treated as special casual leave, and they should be allowed to receive their civil pay and allowances in respect of this period in addition to pay and allowance which they might receive from the Defence Service Estimates.

Treatment of period of military duty–

The occasions on which the members of the Territorial Army might be called up for military duty in aid of civil power would be very rare because ordinarily regular troops would be available for this duty. Similarly, occasions when members of the Territorial Army would be embodied for supporting or supplementing the regular forces would be when the country is involved in an actual war. On such occasions, the absence of the Government servants from their offices should be treated as duty for the purpose of civil leave and pension. If a Government servant is on an incremental scale of pay, he will count his military service for increments in the time -scale of pay applicable to him in his civil post and also towards civil pension, in the same way as if he had put in that period of service in his civil employment. As regards leave, they will continue to be governed by the civil rules applicable to them before transfer to military service.



Under Rule 36 of the Fundamental Rules and Article 86 of the CSR, acting promotions may be made in place of Government servants who are called up for military duty in the above circumstances.

Pay during military duty–

Government servants whose rates of pay at the time they are called up for military duty are higher than the military pay and allowances to which they would be entitled in respect of military duty and received pay at the civil rates according to the ‘next below rule’, the difference between the civil pay and allowances and the military pay and allowances shall constitute a charge against the ordinary head of expenditure to which the civil pay of the individual concerned is debitale.

(G.I., M.H.A. O.M. No. 25/19/49-Ests., dated the 07th July, 1950 and D.P. & A.R. O.M. No. 47/2/61-Ests.(A), dated the 7th June, 1961)

Proforma promotion under ‘next below rule’ admissible while on deputation to Territorial Army–

Government of India have under consideration for some time the question of protecting the seniority and chance of promotion under the ‘next below rule’ of Government servants who join the Territorial Army and are on deputation there either on annual training or for course of instruction or during an emergency, etc. It has been decided that the period of service rendered by them with the Territorial Army may be treated as service outside the ordinary line for the purpose of provisoion 2 to FR 30 (1) (now FR 22(II)): accordingly they will be entitled to proforma promotion in their parent Departments, under the ‘next’ below rule’. They will also get the seniority in the higher post to which they would otherwise be entitled if they had not been away for training etc., in the Territorial Army.

(G.I. M.H.A. Memo No. 47/2/56-Estt.(A) dated the 20th January, 1958.)

B. Home Guards

The Home Guards and Civil Defence are statutory voluntary organizations raised in the country at the instance of Government of India to assist Government agencies to meet various contingencies such as maintenance of law and order, essential services during emergency, relief and rescue work in disaster and so on. Members of this Organization are all volunteers within the age group of 18 to 50 years drawn from all walks of life and are trained in various disciplines to perform their roles effectively.

Permission to join Home Guards Organization–

Permission may be granted to Government servants to join Home Guards Organization and necessary facilities may also be provided for this purpose. However, Government servants holding key posts and who cannot be released during an emergency need not be permitted.



Training–

The normal period of training will be outside office hours. However, if, in an emergency, a Government servant who is enrolled as member of the Home Guards Organization is required by the Commandant-General to perform any duties and functions during office hours, the period of absence shall be treated as special casual leave. The Government servants concerned may also be permitted to receive, in addition to their civil pay, such allowances as may be prescribed for them under the Home Guard Rules. Government servants wishing to join the Home Guards may address their application to the Commandant-General, and submit them through proper channel for recommendations and onward transmission.

Weightage/Preference in Recruitment–

The Home Guards volunteers are trained in PT, unarmed combat, crowd, control, guard duty, patrolling, map reading, message writing, weapon training (.22 and .303 rifles) field craft, tactics, lathi drill, Law and Order duties, Fire-fighting and rescue, etc., and serve as auxiliary to police and Security Forces. As such their training may be useful in Groups 'C' and 'D' posts like Constables, Security Guards, Despatch Rider, Peons, Orderlies, Chowkidars, Firemen, Forest Guards. Similarly the Civil Defence volunteers who are trained in Rescue, Fire-Fighting, first-aid and casualty care, Nursing, Sanitation and Public Health, Messenger Duty, etc. maybe preferred to posts like Nursing Attendant, Stretcher-bearer, Medical Attendant, Vaccination/Inoculators, Health Visitors, Dresser, Postmen, Messenger, Despatch Rider and the like. Therefore, it has been decided that the Home Guards and Civil Defence volunteers who have rendered at least three years service in the organization and are trained in "Basic" and "Refresher" course in Home Guards and Civil Defence, may be given preference on account of these desirable qualifications for appointment to such Groups 'C' and 'D' posts where training received in Home Guards and Civil Defence is an added advantage for efficient performance of duties in those posts, provided those volunteers fulfill the essential qualifications of age, education and physical standard, etc., laid down for recruitment to those posts.

All the Departments/Ministries are requested to review the Recruitment Rules for the Groups 'C' and 'D' posts of the type mentioned above including those covered by the D.P. & A.R., O.M. No. 2/92/73-Estt.(D), dated the 2nd August, 1975, with a view to amending the rules so as to include (1) 3 years service as Home Guards/Civil Defence volunteers and (2) training in atleast "Basic" and "Refresher" Courses in Home Guards and Civil Defence, as desirable qualification in case it is considered that this service/training is useful in performance of the duties of those posts.

(G.I. M.H.A. O.M. No. 25/1/49-Ests., dated the 10th January 1949, O.M. No. 47/3/59-Ests. (A) dated the 20th October, 1959, D.P. & A.R. O.M. No. 14034/5/82-Estt.(D), dated the 5th October, 1983 and even number, dated the 05th November 1983.)



48.4 Passport and Emigration

A. Passport

Grant of 'No Objection Certificate' for going abroad- while issuing 'No Objection Certificate' to a Government servant for going abroad for a particular object, the following points should be kept in view:-

- The country to be visited
- The object of the visit
- The time of the visit
- The nature of work the Government servant is handling in the Department and other subsidiary factors like general behavior, associations etc.
- That there is no disciplinary/vigilance case is pending/contemplated against the official.
- That there are no grounds to believe that the applicant could figure adversely on the security records of the Government.

Authorities competent to issue 'No Objection Certificates'—

The decision for the grant of 'No Objection Certificate' should be taken at the level of an officer not below the rank of Director/Joint Secretary to the Government or equivalent or Head of Office though he may be a rank lower than Director in Central Government. An Officer not below the rank of Under Secretary to the government or equivalent should be authorized to sign the 'No Objection Certificate'.

Verification Certificate:

Verification Certificate was one of the eleven alternatives for a financial guarantee required under Rule 6 of the Passport Rules, 1960. Requiring financial guarantee has been done away with by an amendment to these Rules effective from 1st November, 1985 and therefore calling for 'Verification Certificate' for issue of 'No Objection Certificate' is not necessary.

(M.E.A. Letter No. 401/40/83, dated the 20th May, 1986, addressed to Swamy Publishers)

NOC is not must for Passport— An intimation to the employer is enough—

- 1, An Inter-Ministerial Committee established in the Cabinet Secretariat to review the system for issue of passports, made important recommendations to liberalize the issue of passports.
2. This Committee had also examined the requirement of NOC for Government employees and had noted that by making NOC obligatory, the passport system was placing the Government employees at a disadvantage vis-à-vis an ordinary citizen. It was also noted that obtaining an NOC for a field level employee may itself be a source of considerable delay and harassment. Considering that the right to hold a passport flows from the Fundamental



Rights of a Citizen, the insistence on an NOC in case of Government servants may not be strictly legal. The Committee, therefore, recommended that an intimation by an employee to the employer that he is applying for a passport and a declaration, duly acknowledged by his Head of Office, to the effect that he has informed his employer of his intention to apply for a passport, should be adequate for acceptance and processing of his case in normal course. However, in such cases, the passport should be issued on prior verification of citizenship and character only. Also the employer will always have an opportunity to issue directions to the employee not to proceed abroad and refuse leave should the circumstances warrant such an action, i.e. pendency of a disciplinary enquiry on grave charges, etc., apart from advising the RPO concerned not to issue passport on grounds to be specified.

3. Therefore, on the basis of Committee's recommendation, it has been decided that henceforth, if Central/State Government officials and employees of statutory bodies and Public Undertaking apply for the passports, passports would be issued on prior verification basis, if only such declaration is submitted. In case proper 'No Objection Certificate' is submitted, the passport will be issued without police verification.

(G.I. Min. of Extl.Affairs. O.M. No. VI/401/40/83, dated the 9th July, 2002)

B. Emigration.

No Government servant should apply for or seek emigration to any other country so long as he is in Government service. Therefore, the question of issuing 'No Objection Certificate' to such a Government servant does not arise.

(G.I. Dept. of Per.& Trg. O.M. No. 28034/34/86-Estt.(A)
dated the 14th July, 1988)

48.5 Incentives for Hindi

For the progressive use of Hindi in official work and to encourage the staff to work in Hindi, incentives are granted to the employees in the shape of cash awards for passing Hindi examinations (Language, Typewriting and Stenography examinations) through one's own efforts or by undergoing training at the training centres organized under the Hindi Teaching Scheme.

Detailed Scheme of the Central Government for incentives for Hindi is at **Appendix-XXXVII.**

48.6 Rules for Display of National Flag.

The National Flag is flown at different places on various occasions. Instructions on the proper usage/display of the national flag are contained in a Brochure- The Flag Code, India- Published by the Government of India. Extracts from the brochure relevant to Government offices are at **Appendix-XXXVIII.**



48.7 Martyrs' Day (30th January)

Every year, silence is observed and work and movement stopped for two minutes throughout the country at 11.00 a.m. on 30th January in memory of those who gave up their lives in the struggle for India's freedom. Instructions were issued annually indicating the procedure to be adopted. It has been decided to issue standing instructions in this letter, doing away with the need for issuing instructions annually on this subject.

2. The following procedure will give the observance of this day:-

- (i) Silence should be observed and work and movement stopped for two minutes throughout the country at 11.00 a.m. on 30th January every year.
- (ii) The silence should be observed in all State capitals and towns at 11.00 a.m. on the 30th January and should last for two minutes.
- (iii) A signal should be sounded at 11.00 a.m. on the hearing of which all persons should stand up and observe the silence. It would be more effective and impressive if persons could gather at one place for the two minutes' silence instead of each person standing alone in his room or any other place where he may be observing the silence. If the number of employees is large in any office, there may be more than one gathering. No effort need, however, be made to collect together if it may involve serious dislocation of work. For these two minutes all workshops and factories should stop work where practicable, the All India Radio should stop broadcasting and traffic on the road should come to standstill. Aeroplanes, ships and trains scheduled for departure at 11.00 a.m. should be detained for two minutes at their respective stations.
- (iv) At Delhi, a State function will be organized at Rajghat, from 10.44 to 10.56 a.m. Three bhajans 'Sumiran Karle Mere Mana', 'Veishnave Jana To Tene' and 'Raghupati Raghav Rajaram' in that order will be sung and this as equal would form part of the ceremony. At 10.50 a.m. floral tribute will be laid on Mahatma's Samadhi by the President. Inter-Service Guard of Honour, with 150 rank and file will reverse arms and twelve buglers behind the Guard will sound the last post.
- (v) The State Government /Union Territory Government's Administrations, however, will have full discretion of laying down the details in the light of the ceremonies to be observed in Delhi vide sub paragraph (iv) above.
- (vi) The commencement and termination of the two minutes' silence should be indicated to the citizens by sound of Army guns (where available) and sirens. To indicate the commencement of the two minutes' silence, sirens sounded from 10.50 hours till 11.00 hours and after the two minutes' silence is over, all clear sirens should again be sounded from 11.02 hours till 11.03 hours. This procedure may be adopted where sirens exist.



3. It is requested that suitable standing instructions may kindly be issued by the State Governments, Union Territory Governments/Administrations to all concerned to observe two minutes' silence in future in the manner indicated above. Any change in the procedure will be intimated to the State Government as and when it is made.

(G.I., M.H.A. O.M. No. 2/1/88-Public, dated the 19th December, 1988, circulated under O.M. No. 2/1/93 Public, dated the 19th January, 1993)

48.8 Forms and Procedure of Communication

The different forms of written communications in vogue and their uses are given in the Chapter VIII of the Manual of Office Procedures. The procedure and channels of communications from the Government of India to various authorities are –

1. References to the Attorney-General of India
2. Reference to Constitutional/Statutory Authorities
3. References to the Comptroller and Auditor-General of India
4. References to the Union Public Service Commission
5. Correspondence with Union Territory Administration
6. Correspondence with State Governments
7. Correspondence with Lok Sabha and Rajya Sabha Secretariats
8. Correspondence with the Members of Parliament
9. Correspondence with Foreign Governments
10. Correspondence with Indian Missions abroad
11. Correspondence with Foreign Missions in Delhi
12. Correspondence with CAT on pending cases.

Procedure giving details of Forms & procedure of Communication is at **Appendix-XXXIX**.

48.9 Noting and Drafting

Notes are written remarks recorded on a paper under consideration to facilitate disposal. It contains the précis of previous paper, the statement or analysis of the question or questions requiring decisions, suggestions on the course of action or orders passed thereon. The name, designation and telephone number of officer signing a note should be indicated below the dated signature. In recording the date, the month and the year should also be indicated.

General Instructions on noting

- (1) All notes should be concise and to the point. The production of extracts or paraphrasing of notes of others on the same file should be avoided.
- (2) While referring to the Running Summary of Facts, repetition of the facts should be avoided.



- (3) Relevant extracts of a rule or instruction will be placed on the file and attention to it will be drawn in the note, rather than reproducing the relevant provisions in the note.
- (4) When errors or opinions are criticized, the observations should be expressed in courteous and temperate language, free from personal remarks.
- (5) If the Branch Officer or higher officer has made any remark on a receipt, this should be first copied out and then the note should follow. Note should not be written on receipt itself except in very routine matters.
- (6) When there are several points requiring orders, each points should be noted upon and submitted to the Branch Officer separately. Such notes are called Sectional Notes and placed after the main notes in the file.
- (7) A note first written should not be pasted if any error has come to notice requiring modification. Such pasting is tantamount to mutilation of the record. Subsequent noting may be recorded indicating the reasons for the fresh note. It is also undesirable for an officer to make his subordinate to change his note..

Drafting

It is the rough copy of the communication to be issued from an organization and drafting is the process of preparing this rough copy

When to be prepared:

Except when the line of action on a case is obvious, a draft will be prepared after orders have been passed by the competent officer indicating the terms of the reply to be sent.

A Branch Officer or a higher officer who has formulated his ideas on a case may himself prepare a draft and authorize its issue or submit it to the next higher officer for approval. In other cases a draft will be prepared by office,

Wording of a draft:

A draft should convey the exact intention of the orders passed in a language which should be clear concise and incapable of misconstruction. Lengthy sentences, abruptness, redundancy, circumlocution, superlatives and repetitions whether of words, expressions or ideas, should be avoided. Communications of some length or complexity should generally conclude with a summary. A draft should have the needed stimulus to have the expected response from the addressee.

General Instructions:

A draft will be written or typed in half margin and on both sides of the paper. Sufficient space should be left between successive lines.

A slip bearing the words “Draft for Approval” should be attached to the draft. If two or more drafts are put up on a file, the drafts as well as the slips will be numbered “DFA I”, “DFA II” and so on.



The number and date of the communication replied to or the last communication on the same subject should always be referred to.

The endorsement on a communication should also refer to the last communication on the subject received from or sent to the office to which the endorsement is addressed. Where it is necessary to refer to more than one communication or a series of communications, this should be done in the margin of the draft. The subject should always be quoted including reminders.

A draft should show clearly the enclosures. To draw the attention of the Typist, the Comparers and the Despatcher, a diagonal stroke should be made in the margin. The number of enclosures should be indicated at the end of the draft on the left bottom of the page.

If copies of an enclosure are available and not, therefore, typed, the fact should be clearly stated in the margin for the guidance of the Typist.

All drafts put up on a file should bear the number of the file. When two or more letters, notification, etc., are to issue from the same file on the same date to the same addressee, the serial number should also be given in addition in order to avoid confusion in reference.

Where State Governments or Ministries, etc., are consulted on any matter, time-limit for replies should ordinarily be specified.

The name, designation and telephone number of the officer over whose signature the communication is to issue, should be indicated on the draft. The officer concerned will initial on the draft in token of his approval.

(Chapter IX, Notes on Office Procedure)

Hints for preparation of Summary or Statement of cases for Secretary or Minister

It may be necessary to prepare a self-contained summary when cases are to be submitted to the Secretary or Minister. In such cases the following points may be carefully observed:-

- (1) A brief subject heading should be given in all such cases.
- (2) The summary should contain all facts without omission in chronological order
- (3) If the case concerns other Ministries or Departments, the summary should contain the recommendation of the Ministry or Department and in case of disagreement, the points of difference and the recommendation of the department concerned opinions of officers within the Department should not find mention.
- (4) The concluding paragraph should contain the recommendations of the sponsoring officer and solicit the decision of the Minister/Secretary.
- (5) The summary should be brief and self-contained. When the material is lengthy, much of it should be relegated to annexure or appendices, keeping the main summary brief.
- (6) Paragraph should be properly numbered.
- (7) The summary should be typed in single space in small paras, not exceeding 6 to 8 lines to enable easy reading at higher levels.



- (8) The annexure should be page numbered to facilitate location of the particular page to which attention may be drawn.
- (9) Marginal heading will be useful if the summary is lengthy.

(Chapter IX, Notes on Office Procedure)

Detailed instructions on Noting & Drafting are at **Appendix-XXXX**.

48.10 Offering gifts and mementos

The Institutes/Project Directorates/Research Centres are hosts to several visitors, including those who hold or attend formal meetings in the Institutes/Project Directorates/Research Centres. With regard to such visitors and such meetings, the following guidelines need to be observed.

- i) There is no need to give gifts/mementos to the visitors from DARE or ICAR attending formal meeting in the Institutes/Project Directorates/Research Centres. If a bouquet is to be given, it should be simple one rather than expensive and elaborate.
- ii) Long inaugural and concluding sessions, consisting of welcome speeches, vote of thanks to be avoided.
- iii) If a gift of produce/product of the Institute is to be given and which has a cash value, such products need not to be gifted. However, if perishable agricultural produce is needed to be given that may be given in small quantity as sample but with regard to non-perishable produce which can be offered for a sale to such visitors at regular institute prices and need not to be gifted.
- iv) In case of occasions when visitors are invited by institute and also in meetings of ICAR Society (AGM) or Governing Body is held, a token gift to such invitees where the cost of such gift or memento should not exceed range if foreign Rs. 500/- or the occasion demands. Sometimes, foreign visitors are invited as State Guest or important to the ICAR/Govt. of India, a memento/gift may be given to them and the value of such gift should be in the range of Rs. 500-700.

(ICAR No. 2-2/2009-Gen.dmn. dated 25.3.2010)

48.11 Delegation of Powers to PI/Co-PI of Externally Funded Projects

With a view to facilitate smooth functioning of Externally Funded Projects from (i) National and International Agencies; (ii) Projects funded by the Private Sector; (iii) Consultancy Projects (training, consultancy, contract research etc.) (iv) ICAR projects such as Revolving fund Schemes and NICRA, Director of the Institute/Bureaux/NRCs/Directorates and Project Directorates may delegate the following powers to Principal Investigators (PLs):

- | | | | |
|-------|---|---|-------------|
| (i) | Engagement of approved staff approved under the Project | – | Full Powers |
| (ii) | Procurement of goods/equipments approved under the Project. | – | Full Powers |
| (iii) | Management of consultancies, approved under the Project. | – | Full Powers |



- (iv) Civil/Electrical Works (Capital items) approved under the Project. – Full Powers
 - (v) Management of project staff including their TA/DA and Leave (excluding self), However, Pls would have to inform the Director of the Institute in his/her own case of TA/Leave
2. The Pls would follow all the codal formalities and procedures at the ICAR Institutes and process all proposals through administration and finance & audit wings of the Institute.
 3. Directors of the Institutes will monitor physical and financial progress/achievement of the Projects during the Annual IRC Meetings.

(ICAR No. 6(1)/06-CDN(A&A) dated 14.03.2013)

(ICAR Corrigendum No. 6(1)/06-CDN(A&A) dated 15/18.03.2013)

The Council's letter No. 6(1)/95-CDN(A&A) (Pt.1) dated 13.3.2012 wherein the copy of the Council's letter No. 6(1)/95-CDN(A&A) dated 21.5.1996 is referred needs to be read with the Council's letter No. 6-4/95-Cdn(A&A) Pt. (F) dated 15.10.2004.

(ICAR No. 6(1)/95-CDN(A&A)(Pt.1) dated 12.03.2013)

48.12 Exemption of property tax with reference to the decision dated 6.1.2005 of High Court of Rajasthan

- (i) The judgment pronounced by the Hon'ble High Court of Rajasthan in connection with exemption of property tax in S.B.C. Civil Writ Petition No. 733/2004 and 7053/2003 where in it has been declared that the properties used by the petitioners (CAZRI, Jodhpur) are exempt from payment of land and building tax in view of Article 285 of the Constitution of India. The judgment of Hon'ble High Court of Rajasthan can be effectively used while pursuing the State Govt. Authorities, where the Institute is located and property tax is being imposed.
- (ii) As per decision of the Ministry of Finance (Department of Economic Affairs), Govt. of India instructions, there is a provision that for large and compact blocks of their properties, the Central Government will not pay for service charges such as water and electricity supplies, scavenging, drainage approach roads etc. since they manage themselves by such Central Government authorities.

(MOF, DEA No. 14(1)-P/52-1 dated 10.5.1954)

48.13 Change of Name

Every Government servant goes by his name as entered in the first page of his Service Book, which in turn is based on the name as entered in his school Certificate, produced by him at the time of recruitment. If a Government servant desires to adopt a new name or to effect modification in his existing name, the following procedure has to be gone through:-



- I. All cases of addition/deletion or change in name/surname
A Government employee wishing to adopt a new name or to effect any modification in his/her existing name may do so, formally by a Deed changing his/her name. The sample Deed form is given in Annexure.
The execution of the Deed should be followed by publication of the change in a prominent local newspaper as well as in the Gazette of India at the Government employee's own expense.
- II. Addition/change in surname only on account of marriage/re-marriage of a female Government employee
The following requirements may be met for this purpose:-
- (i) If the female Government employee desires a change, she should give a formal intimation to her appointing authority of her marriage and request for a change in her surname.
 - (ii) Particulars of the husband may be given for making necessary entries in the Service Book.
- III. Deletion of surname or reversion to maiden name on divorce/separation or death of the husband of female Government employee.
Change may be permitted if a female Government employee gives-
- (i) an intimation to the appointing authority regarding change in marital status; and
 - (ii) a formal request for reversion to her maiden name.

NOTE: There is no prescribed form for Items II and III Please see Appendix XXXXI for Item III

(G.I. Dept. of Per. & Trg. O.M. No. 1901/1/87-Estt.(A), dated the 12th March,1987)

48.14 Re-organization of ICAR:

The Govt. of India decided to re-organize the Indian Council of Agril. Research as a fully autonomous organization and bring under the full administrative and technical control of the re-organized Council all the Research Institutions and laboratories now under the administrative control of the Ministry of Food, Agriculture, Community Development and Co-operation. Therefore, the Govt. of India decided to transfer the full administrative control of following research Institutes, including their Regional and Sub-stations etc. to the Indian Council of Agricultural Research Society w.e.f 1st April,1966:-

- (i) Indian Agricultural Research Institute;
- (ii) Indian Veterinary Research Institute;
- (iii) Central Rice Research Institute;
- (iv) Central Potato Research Institute;
- (v) National Dairy Research Institute;



- (vi) Central Arid Zone Research Institute;
- (vii) Indian Grass-land and Fodder Research Institute;
- (viii) Central Sheep and Wool Research Institute;
- (ix) Central Tuber Crops Research Institute;
- (x) Sugarcane Breeding Institute;
- (xi) Indian Institute of Sugarcane Research;
- (xii) Central Inland Fisheries Research Institute;
- (xiii) Central Marine Fisheries Research Institute;
- (xiv) Central Institute of Fisheries Technology;

(MF&A, GOI Resolution No.2-34/65-Reorgn(CC) dated 30.3.1966)

48.15 Bringing political pressure by the ICAR employees for their service matters:

(i) In order to curb the tendency on the part of ICAR employees while bringing political pressure of outside influence for furthering their service matters which attracts the provisions of Rule 20 of CCS (Conduct Rules, 1964), the following instructions are to be kept in view:-

- a) No notice shall be taken of a representation on service matter submitted by an outsider or a relative of an employee.
- b) Whenever an outsider makes a representation for furthering the service interests of an employee of the Council, it will be assumed that it is being done at the instance of the employee concerned. In the interest of discipline, displeasure of the Council shall be conveyed to the employee concerned for violating the Conduct Rules. If the same thing is repeated, a warning shall be issued and further repetition shall invite disciplinary proceedings:
- c) An employee shall make representation through his/her superior officer. It will be incumbent on the superior officer to forward the representation to the authority concerned without delay. No notice shall, however, be taken of a representation received by an authority if the same has not been routed through the concerned superior officer. In the interest of discipline, displeasure of the Council shall be conveyed to the employee concerned for overstepping the appropriate channels of correspondence, If the same thing is repeated, a warning shall be issued and further repetitive shall invite disciplinary proceedings.
- d) The copies of correspondence indicating use of political and outside influence by the Council's employee in violation of the provisions of the said rules, may be kept in the personal file of the employee concerned and this fact may be taken into account while writing his/her Annual Confidential Report. This will be without prejudice to other steps that may be taken for violation of provision of conduct rules

(ICAR No.21(7)/97-Per.IV dated 28.4.1997)



(ii) Despite existing ICAR instructions, a large number of communications from the public representatives/outside authorities are continue to be received in respect of service matters such as posting, transfer etc. of the employees of ICAR. There is no decline in the references from Members of Parliament or State Legislature/other political/outside agencies. It is obvious that any high dignitary of Member of Parliament or any outside agency sponsors the case of an ICAR employee only when he/she is approached or pressed and therefore, all employees are advised that they should desist from bringing political/outside pressure in furtherance of their service matters.

(ICAR No.38(2)/2002-Per.IV dated 15.2.2002)

(iii) Despite existing instructions, there are instances where scientists have arranged VIP references to further their prospects for appointment to higher posts in Council which is in utter disregard to the Council's orders, is an affront to the personal dignity of the officials when they themselves have full right to represent in regard to their service matters through the official channels available to them for redressal of their grievances. Therefore, it is reiterated that if any high dignitary or Member of Parliament or legislature or any outside agency sponsors the case of any ICAR employee, it is obvious that he/she has been approached or pressed to do so. If, therefore, any reference is received on behalf of any ICAR employee from dignitary/Member of Parliament or legislature, it would be assumed that it has been taken up only at the instance of the concerned ICAR employees.

(ICAR No.38(2)/2002-Per.IV dated 24.1.2003)

(iv) If any high dignitary or Member of Parliament or legislature or any person or agency externally to the immediate supervisory levels of the employees concerned sponsors the case of any ICAR employee, it is obvious that he/she has been approached or pressed to do so by the employee, either directly or indirectly. The ACR dossiers being maintained by the ICAR Headquarters on all employees who have violated in respect of those employees posted at ICAR Headquarters shall reflect name of such employees giving details of sources from which influence has been exerted and the number of occasions on which such pressure has been brought to bear on the individual service matters of the incumbent. The copies of the correspondence indicating use of political and outside influence in violation of provision will be kept in the personal file of the employee concerned. An advice shall be issued to the ICAR employee for violation of Rule 20 of the CCS (Conduct) Rules. A copy of the advice may be placed in the CR dossier of the employee concerned. If such incident is repeated second time, a written warning should be issued to ACR dossier failing which disciplinary action should be initiated against him and as per the existing procedure status of the disciplinary action should be indicated to the DPC while giving the vigilance status/clearance for the candidates. The same procedure will be followed in such cases at the Institute level by the concerned Directors. While considering the cases of employees for training, deputation and transfer of details, whether the concerned employee has indulged in violation of Rule-20 of CCS Conduct Rule or not will also be taken into consideration.



Similarly, while considering the case of promotion/assessment etc. the consolidated statement will be placed before the DPC/assessment committees by the Member Secretary of the DPC at the ICAR Headquarters as well as Research Institutes as well.

(ICAR No. 38(2)/2002-Per.IV dated 27.7.2005)

48.16 Sparing of Institute's vehicle facilities for Election Duty:

The State Govt. authorities often requisition the vehicles and other facilities such as computers etc. for their own work which is not even remotely related to elections for which special instructions exist. In some of the cases, State Government Authorities are reported to have exercised their requisitioning powers or have even taken away vehicles without the concurrence of institute authorities which adversely affects the functioning of the Institutes. As these facilities have been provided to the ICAR Institutes for research activities and to fulfill the mandate assigned to the various institutes, it is not appropriate to part with these facilities to the State Government authorities. Therefore, it is emphasized that the Directors of the ICAR Institutes should not spare the vehicles and other facilities to the State Government Authorities except for election duty. As such, cases other than election duty should be resisted and taken up with higher authorities in the State Government and also be brought to the notice of the Council for appropriate action.

(ICAR No.13(3)/94-IA-III dated 27.4.1994)

48.17 Training Programme conducted by the Private Institutes:

The ICAR personnel are being deputed by the Council for undergoing training in various administrative and financial issues in various reputed training institutions. Now it has come to the notice of the Council that some ICAR Institutes have sent their officers/staff for undergoing training being conducted by private Institutions having least reputation or having no excellence in the relevant field. Training in these institutions is wastage of time and money. Therefore, undergoing training in private Institutions/Companies may be stopped forthwith. If any officer/staff is required to be deputed for undergoing training programme of utmost importance which is only being conducted by any reputed private training institution, prior approval of the council may be obtained and such proposals may be sent to Director(P), ICAR.

(ICAR No. 7(97)/2007-W.S. dated 15.11.2007)

(ICAR No. 7(97)/2007-W.S. dated 19.9.2011)

48.18 Regulation of Daily Allowance:

In terms of implementation of 6th CPC, concerning regulation of Daily allowance on tour, SR 49 states that daily allowance is intended to cover the ordinary daily charges incurred by the Govt. servant while on tour and therefore, the expenditure eligible for reimbursement of daily allowance should be of ordinary nature only and purchase of sweets, cashewnuts & other dry fruits etc. which would not qualify for reimbursement under food bill charges.

(ICAR No.24(1)/2008-CDN(A&A) dated 21.6.2010)



48.19 Exemption from stay in ICAR guest house:

Before availing facility to stay in a hotel while on official tour, the availability of accommodation in ICAR Guest Houses need to be explored and only on non-availability of rooms in ICAR Guest Houses, the option of availing facility of accommodation in a local hotel may be exercised. Further, the Officers of the rank of ADGs and the above in ICAR are exempted from the said provisions and such officers may stay in hotel as per entitlement in exceptional cases when ICAR guest house is at significant distance from the State/Distt. HQs. or they find it obligatory to stay at the same place as functionaries from other departments of Govt of India and State Govt. in the interest of work of DARE/ICAR.

(ICAR No.22(16)/2009-CDN(A&A) dated 21.1.2011)

48.20 Tours exceeding 7/10 days:

Rates of Daily Allowance on tour may be regulated either in accordance with provisions of MOF OM dated 23.9.2008 or as per the old rates prevalent prior to issue of the said OM whichever is claimed by the employee. The option to claim will be available as a complete package for a particular tour and not by taking part of either orders. Total absence from Headquarter on tour cannot be more than 7 days in a month, and including closed holidays, a total of 10 days in a month. If the total number of days of tour exceeds the limits set under the instructions, the DDO shall not pass the TA/DA bills of that officer but would instead refer it to the ICAR Headquarters for further directions, stating whether or not, while getting the tour programme approved, the officer brought to the notice of his or her controlling officer, that total days of absence will be more than 7/10 days and the tour programme was approved by the Controlling Officer with this knowledge. Passing of such TA/DA bills would be considered to be a financial misdemeanour. Further, at ICAR HQ, Cash-I Section will ensure that in future it will keep a record of the total number of days of tour of each officer from HQs on a monthly basis and in case a ticket is requested for, which will imply exceeding the time limits set, then Cash-I Section shall not issue the tickets for such journeys without prior approval of Secretary/DG, ICAR.

(ICAR No.24(1)/2008-CDN(A&A) dated 6.8.2010)

(ICAR No.38(05)/2010-Per.IV dated 17.3.2011)

48.21 LTC journey in a private car/chartered bus:

LTC is not admissible for journeys performed in a private car (owned, borrowed or hired) or chartered bus, van or other vehicle owned, operated by private operators. LTC is admissible for journeys conducted by Tourism Development Corporations in Public Sector, State Transport Corporations and Transport Services run by Central or other Government or local bodies. In such cases, the Government servant will be entitled to reimbursement of:-

- (i) The actual hire charges on the chartered vehicle ; or



- (ii) The amount reimbursable had the journey to the declared place of visit been performed by the entitled class by rail by the shortest direct route; whichever is less.

Disabled Government servant or disabled dependent family member can perform journey by own car or hired private taxi. The claim will be restricted to actual expenses limited to journey performed by the entitled class by rail/air by the shortest route.

(Swamy's-CCS LTC Rules- Rule 12, GIDs (2))

48.22 Guidelines to be followed while sanctioning CL/EL/Half Pay Leave :

A. Casual Leave to Scientists working in ICAR Hqrs.

A.1.1. Scientists working in ICAR Hqrs.

Casual leave would be sanctioned by the DDG/ND, NAIP/Secretary, ICAR depending on who the scientists are reporting to. The application may be sent to Director (P) who will maintain the casual leave register on computer which should be accessible to all concerned, including the scientists, only for reading purpose. Once the casual leave of a scientist is exhausted, intimation of the same would be given by Director (P) to both the concerned scientist as well as the controlling officer.

A.1.2 Scientists working in the Institutes

Leave would be sanctioned by the Head of the Department where powers have been delegated to such Heads of Departments by the Director of the Institute. In other cases, Director himself/herself would sanction leave. Leave account would, however, be maintained by the personnel/administrative division (i.e., at one place only). It shall be maintained on the computer which is accessible by all on a read-only basis. Intimation of exhaustion of casual leave would be given to the scientists as well as the sanctioning authority.

A1.3 Directors of the Institutes

Casual leave would be sanctioned by the concerned DDG on email/fax. The casual leave account would be maintained by the personal section/IA section of the concerned DDG in the manner as given above.

A.2 Half Pay Leave/Earned Leave for Scientists at ICAR Hqrs. and in the Institutes

Application made by the concerned scientists, may be recommended by the immediate Controlling Authority. It will then go to the concerned Establishment Section or the personal Section of Controlling Officer. On the file, a note has to be prepared showing how much leave is in balance in the name of the official applying for leave, how much leave is sought and whether the leave of the kind asked for is admissible and sanctionable or not. On the basis of this note sheet, the sanctioning authority will approve or not approve the leave; and if leave is approved, then the Section dealing with the file will issue the sanction order, and simultaneously make an entry in the service book, giving the sanction number and date, and deducting the leave sanctioned by the order from the total leave due. The



leave sanction order will be dispatched only after entry has been made in the service book. For any case of non entry in the service book, the Section Officer/Incharge, Establishment Section concerned is liable for disciplinary action.

An officer can proceed on Leave only after he/she receives the sanction order.

In case there is change in the leave plans of the official concerned, and the leave is either not taken or shortened, or, for that matter, extended, then the matter has to be processed on the same file/note-sheet, canceling the sanction of leave, or order has to be issued shortening or lengthening the period of leave. Once again an entry has to be made in the service book, along with the sanction number and date before the revised order is dispatched. And, once again, non-issue of order or modification in this manner, where it is required, or non-entry in service book of the modification, will attract disciplinary action against the concerned Section Officer/Section Incharge.

B. Administrative, Technical and Allied Personnel in ICAR Headquarters

- B. 1.1 Casual leave of all the staff working under a section shall be recommended by the Section Officer/Section Incharge concerned and will be sanctioned by the respective Branch Officers viz., ADG/Dy. Secretary/Under Secretary/ Sr. FAO/ FAO etc. to whom the section officer/ Section Incharge is reporting to.
- B.1.2 Casual leave of all the officers from Section Officers up to Dy. Secretary/ DD(F) etc. in a Division would be sanctioned by the Divisional Head viz., DDGs/ Director(F) /Director (A)/Director (P) etc.
- B.1.3 Casual leave of Directors viz. Director (P)/Director (F)/Director (A)/ Director(OL) etc., will be sanctioned by the Secretary, ICAR/ FA, DARE, whom the officer is reporting to.
- B.1.4. Casual leave records of all the staff and officers in a Division will be maintained in the office of respective DDGs/Directors in the manner prescribed in para A.1.2.

B.2 Administrative/Technical/Allied Personnel in the Institutes

B.2.1 Casual leave of Institute based staff

Casual leave of Institute based staff would be recommended by the officer/Section Incharge concerned and will be sanctioned by the superior officer viz., Branch Officers/Divisional Head/ Director (in case of small Institute/NRCs/Project Directorate).

B.2.2 Casual leave of Institute based officers

Casual leave of Institute based officers like AAO/AFAO/AO etc. who is directly reporting to the Director will be sanctioned by the Director of the Institutes. In the case of officers who are reporting to the Head of Division/CAO/ CFAO/ Registrar/Comptroller etc., casual leave will be recommended by these officers and will be sanctioned by the Directors of the Institute.



B.2.3 General

Maintenance of casual leave record properly and transparently is of paramount importance. First of all, it should be maintained on computer, since all sanctioning authorities are having computers in ICAR. On the beginning of each calendar year, an officer is entitled to 8 casual leave and 2 Restricted Holidays. The moment casual leave is taken, it should be deducted from the balance and net balance shown. While the entry of leave in the records has to be the responsibility of the sanctioning authority or the Section concerned, and only they should be authorized to make entries into the leave record, the leave record should be available on “read only” format to all employees, so that they know what their leave balance is.

In fact, on the 1st of April, 1st of July and 1st of October, the controlling officer should put up a notice showing the casual leave/RH entitlement of all their employees, so that leave balance is clearly known.

Several times officials take leave by merely intimating on phone. In such cases, it is the sole and exclusive responsibility of the controlling officer to immediately make an entry in the records, and also obtain a casual leave application subsequently from the official when he/ she rejoins. This is important, because it is seen that a lot of officials take leave telephonically, and then subsequently do not submit their casual applications, and therefore the leave taken is not deducted from their balance.

B.3 Earned Leave/ Half Pay Leave

Application made by the concerned staff/officers, may be recommended by the immediate controlling authority. It will then go to the concerned Establishment Section or the Personal Section of Controlling Officer. On the file, a note has to be prepared showing how much leave is in balance in the name of the official applying for leave, how much leave is sought and whether the leave of the kind asked for is admissible and sanctionable or not. On the basis of this note sheet, the sanctioning authority will approve or not approve the leave; and if leave is approved, then the Section dealing with the file will issue the sanction order, and simultaneously make an entry in the service book, giving the sanction number and date, and deducting the leave sanctioned by the order from the total leave due. The leave sanction order will be dispatched only after entry has been made in the service book. For any case of non-entry in the service book, the Section Officer/Incharge, Establishment Section concerned is liable for disciplinary action.

The individual officer/staff can proceed on leave only after he/she receives the sanction order.

In case there is change in the leave plans of the official concerned, and the leave is either not taken or shortened, or, for that matter, extended, then the matter has to be processed on the same file/note sheet, canceling the sanction of leave, or order has to be issued shortening or lengthening the period of leave. Once again an entry has to be made in the service book, along with the sanction number and date before the revised order is dispatched. And, once



again, non-issue of order or modification in this manner, where it is required, or non-entry in service book of the modification, will attract disciplinary action against the concerned Section Officer/Section Incharge.

(ICAR No. 13(1)/2010-Estt.I dated 22.3.2011)

48.23 Sanction of Ex-India Leave:

As per Delegation of Powers issued by the ICAR in the 2nd revised edition issued in 1995, Director's of the Institutes are empowered to sanction Ex-India Leave to its employee subject to the conditions laid down in the Ministry of Finance O.M. No. 19036/7/75-E-IV(B) dated 5.8.1976.

(ICAR No. 39(9)/95-Per.IV dated 17.9. 1998)

48.24 Legal matters:

Vetting/filing of replies of the counters/affidavits etc. in the Institute based Court Cases.

It has been decided that only those replies etc. should be sent to ICAR Headquarters for vetting where the Institute wants any factual input from the Headquarters or where policy decisions are involved. In these cases also the Institute should specify the particular para of the petition and/or the policy on which ICAR Headquarters is required to give facts and clarification. In all other cases where the Institute is in possession of all material facts and ICAR is only a proforma party, the Institute should finalize the reply at its own level in consultation with the Advocate engaged to defend the cases and should not send the draft reply to the Council for further vetting.

(ICAR No.1-1/95-Law dated 2.2.1995)

(ICAR No.6(1)/2013-Vidhi dated 17.5.2013)

Forwardal of documents relating to court cases to to the ICAR Head Quarters by the Institutes. Documents to be forwarded related to court cases while sending proposal to the ICAR Headquarters.

- (i) Complete copy of the petition/OA/Appeal/Claim etc. be forwarded to council within one week after receipt.
- (ii) Replies/affidavit with annexures, if any, etc. filed by other sides be obtained from panel advocate within 3-4 days and forwarded to the council within one week thereafter.
- (iii) Any other pleadings like miscellaneous application filed by institute or other side be also forwarded to Council within 7-10 days of filing.
- (iv) Any interim order passed by the court/Tribunal be forwarded within one week to the council.



- (v) Complete evidence as recorded from time to time in Labour Court/CGIT or other civil courts be obtained from panel advocate and forwarded to council within 7-10 days.

These guidelines are in addition to detailed circular No.2(1)/2009-Law dated 27.5.2009 issued under signature of the then Secretary, ICAR relating to handling of the court cases and contents of the said circular may please be strictly adhered to in order for smooth and timely handling of the case.

(ICAR No.2(1)/2009-Law dated 13.6.2013)

48.25 Functions of various grades of Administration staff

CAO/ JD(A): CAO/ JD(A) is an officer who acts on behalf of the Director of Institute. He holds charge of a Secretariat Division and is responsible for the disposal of Institute business dealt within the Division under his charge. He should ordinarily be able to dispose of majority of the cases coming upto him under his own responsibility. He should use his discretion in taking orders of the Director of Institute on more important cases either orally or by submission of papers.

SAO: A SAO Incharge of a Branch in an Institute consisting of two or more Sections and in respect thereto exercises control both in regard to the dispatch of business and maintenance of discipline. Work comes to him direct from the sections under his charge. As Branch officer, he disposes of as many cases as possible on his own responsibility, but he takes the orders of CAO or higher officers on important cases.

AAO/AO:

A. General Duties

- i) Distribution of work among the staff as evenly as possible-that is one Assistant should not be over loaded while the other is idle;
- ii) Training. Helping the advising the staff
- iii) Management and co-ordination of the work;
- iv) Maintenance of order and discipline in the section;
- v) Maintenance of a list of residential address of the staff.

B. Responsibilities relating to Dak

- i) To go through the receipts;
- ii) To submit receipts which should be seen by the Branch Officer or Higher Officers at the dak stage;
- iii) To keep a watch on any hold-up in the movement of dak; and
- iv) To scrutinize the section diary once a week to know that it is being properly maintained.

C. Responsibilities relating to issue of drafts.

- i) To see that the draft is letter perfect i.e. all correction have been made before it is marked for issue;
- ii) To indicate whether a clean copy of the draft is necessary;



- iii) To indicate the number of spare copies require;
- iv) To check whether all enclosures are attached;
- v) To indicate mode of dispatch.

D Responsibility for efficient and expeditious disposal of work and check on delays:

- i) To Keep a note of important receipts with a view to watching the progress of action;
- ii) To ensure timely submission of arrear and other returns;
- iii) To undertake inspection of Assistants, tables to ensure that no paper or file has been overlooked;
- iv) To ensure that cases are not help up at any stage;
- v) To go through the list of periodical returns every week and take suitable action of items requiring attention during next week.

E Independent disposal of cases :

He should take independently action of the following types:-

- i) issuing reminder;
- ii) obtaining or supplying factual information of a non-classified nature;
- iii) any other action which a Section Officer is authorized to take independently.

F Duties in respect of recording and indexing

- i) To approve the recording of files and their classification;
- ii) To review the recorded file before destruction;
- iii) To order and supervise periodic weeding of unwanted spare copies;
- iv) Ensuring proper maintenance of registers required to be maintained in the section.

G. Ensuring proper maintenance of reference books, office orders etc. and keep them up-to-date.

H. Ensuring neatness and tidiness in the Section.

I. Dealing with important and complicated cases himself.

J. Ensuring strict compliance with Departmental Security instructions.

Assistant/Upper Division Clerk:- He works under the orders and supervision of the AAO/AO and is responsible for the work entrusted to him.

Where the line of action on a case is clear or clear instructions have been given by the Branch Officer or higher Officers he should put up a draft without much noting. In other cases he will put up a note keeping in view the following points:-

- i) To see whether all facts as are open to check have been correctly stated.
- ii) To point out any mistakes or mis-statements of the facts.
- iii) To draw attention where necessary to precedents or Rules and Regulations on the subject.
- iv) To put up the Guard file, it necessary, and supply other relevant facts and figures.



- v) To bring out clearly the question under consideration and suggest a course of action wherever possible.

Private Secretary/Personal, Assistant/Stenographer:- He should keep the officer free from the worries of a routing nature by mailing correspondence, filing papers, making appointments, arranging meetings and collecting information. He should be skilled in human relations. An officer has to depend on his Personal Assistant for routing jobs so as to have more time to devote himself of the work in which he has specialized. The personal Assistant should earn the trust of his officer for being entrusted with confidential and secret papers. He is the keeper of secrets and an Assistant of the boss. He should be popular with the persons who come in contact with his boss officially or who are helpful to his boss or who have dealings with the boss as professional men.

Some of the more specific functions are enumerated below:-

- i) Taking dictation in shorthand and its transcription in the best manner possible.
- ii) Fixing up of appointments and if necessary canceling them.
- iii) Screening the telephone calls and the visitors in a tactful manner.
- iv) Keeping an accurate list of engagements, meetings etc. and reminding the officer sufficiently in advance for keeping them up.
- v) Maintaining in proper order the papers required to be retained by the officer.
- vi) Keeping a note of the movement of files, passed by his officer and other officers, if necessary.
- vii) Destroying by burning the stenographic record of the confidential and secret letters after they have been typed and issued.
- viii) Carrying out the corrections to the officer's reference books.
- ix) Relieving the boss of much of his routine work and generally assisting him in such a manner as he may direct.

Lower Division Clerk:- Lower Division Clerks are ordinarily entrusted with work of routine nature, for example registration of dak, maintenance of section, Diary, File Register, File Movement Register, Indexing and Recording, typing comparing, dispatch, preparation of arrears and other statements, supervision of correction of reference books and submission of routine and simple draft etc.

(Notes on Office Procedure: ISTM)

(Chapter III, pages 30-34)