

CHAPTER-XV

Appeals, Memorials, Petitions, Etc.

248. The following general procedure should be followed in dealing with petitions:—

(1) Complaints and petitions received from the public should be dealt with by the administrative branches concerned with the subject matter. These should ordinarily be acknowledged by the various offices of Government and the Heads of Departments concerned to whom they are addressed. Petitions addressed to the Chief Minister and other Ministers should be passed on to the Administrative Secretary concerned who should get all the petitions acknowledged as soon as possible. The Administrative Secretary should, while forwarding such complaints to the Heads of Departments, indicate that these have been acknowledged. It is not necessary to inform the complainant of the progress of the inquiry from time to time.

(2) The Heads of Departments, etc., should submit to the Administrative Secretaries quarterly statements of petitions and complaints which have been taken up for enquiry. On their receipt, these statements should be submitted to the Minister concerned and the Chief Minister for their information.

A separate Grievances Department (Cell) is also functioning in order to ensure speedy redressal of public grievances. The complaints received by the grievances Deptt. are referred to the concerned Departments or the District Grievances Committees and a constant watch is maintained on their disposal.

(3) Reports on petitions should not be too frequently asked for, but when it is decided to call for a report, the petition should be endorsed to the Head of Department or the Commissioner concerned and not directly to the Deputy Commissioner or other local officers.

(4) In cases where copies of petitions have been sent directly by the petitioner to the Head of Department or Deputy Commissioner or any other local authority the comments of that authority should be obtained before Government takes a decision on the petition. If need be, the local authority concerned may be reminded in the matter. This procedure, however, will not be necessary in cases which obviously require direct action by the Government.

(5) The decision of the Govt. will be conveyed to the petitioner directly and the officer who has been consulted will also be sent a copy.

(6) When it is deemed necessary to call for a report on any petition which is couched in disrespectful language towards, an officer or levels serious allegations against a Govt. officer such report should be obtained confidentially by demi-official letter.

(7) Petitions which illustrate the general public feeling on any matter of public interest should be submitted to the Chief Minister through the Chief Secretary, for information.

(8) Petitions containing charges affecting the conduct and character of a Gazetted officer should be submitted to the Secretary concerned and in all important cases, to the Minister incharge.

(9) When a petition is submitted to the Governor or Govt. praying for a reconsideration or orders that have already been passed in a case, it should always be stated whether any really new point has been put forth in the petition.

(10) A copy of document referred to in Articles 6, 7, or 9 of Schedule I to the Court-Fees Act, 1870 or in Article 24 of Schedule I of the Indian Stamp Act, 1899, and accompanying a petition to a public officer must bear the stamp of the value indicated in these Articles, as the exemption from stamp duty for copies of documents taken for private use does not cover the receipt of such copies by public officer.

(11) No document of any of the kinds referred to in section 6 of the Court-fees Act, 1870, should be received unless duly stamped. A petition enclosing a copy not duly stamped should ordinarily be returned to the sender or presenter with a direction that orders cannot be passed unless it is resubmitted with a duly stamped copy. No fee is leviable in respect of a petition by a prisoner, although presented on his behalf by an agent or pleader (vide section 19 (xvii) of the Court-Fees Act, 1870). The Superintendent and Assistant dealing with a petition is responsible to ensure that these orders are carried out.

(12) When stamped documents are received, the person who opens the dak should see that in accordance with the provisions of Section 30 of the Court Fees Act, 1870, the stamp is cancelled by the figure head being punched out in such manner as will leave the amount designated on the stamp untouched.

249. *Interpretation of forms of endorsement used in dealing with petitions.*—When petitions addressed to Govt. are forwarded to Commissioners and Heads of Departments the various forms of endorsement are to be interpreted in the following manner :—

(1) If a petition is forwarded for disposal, it is intended that it should be disposed of by the addressee in such manner as he thinks fit, and further communication with Govt. on the subject is unnecessary. Unless the addressee receives intimation to this effect separately from Govt.

(2) The practice of sending references from the Secretariat marked "for disposal or report" is forbidden. The endorsement should make it clear whether the reference is forwarded for disposal or for report.

(3) If a petition is endorsed for report, the subject matter should form the basis of a report to Govt. and the petition should not be disposed of by the addressee.

250. *Appeals from members of all India State Specialist and Subordinate Services.*—The procedure for dealing with appeals from members of all India Services in matter of disciplinary action against which a statutory appeal lies, is laid down in the Civil Services (Classification, Control and Appeal) Rules while that for dealing with appeals from members of State, Specialist and Subordinate Services in the Haryana Civil Services (Punishment and Appeal) Rules.

The following procedure should be followed in the submission of appeals from members of the services, which are addressed to Govt. :—

- (i) Such cases should be submitted by Secretaries to the Minister concerned :
- (ii) The noting on the appeals should be confined to the elucidation of facts necessary to make the point at issue clear and the officer who has dealt with the appeal already should refrain from expressing any opinion whether favourable or un-favourable to the appellant, unless the appeal raises new points not previously discussed.

(2) Where a right of appeal exists and has already been exercised under the rules in force a further appeal on the same subject from a member of the Subordinate Service, should not be admitted. In petitions of this nature the following reply could be given :—

“Sir

With reference to your petition dated _____ relating to _____ I am directed to inform you that the Government, having satisfied themselves that the remedies of appeal and application for revision which were open to you, have been duly exhausted, decline to take into consideration your petition for the reopening of your case.”

251. *Appeals from decisions of the High Commissioners and Ambassadors* :—With regard to business assigned to the High Commissioners or Ambassadors of which the Government of India or the State Government have the authority to dispose of, the High Commissioners or Ambassadors acts on behalf of the Government of India or the State Government as the case may be, and an appeal against his orders would lie to the Government of India or to the State Government on whose behalf the order was passed.

252. *Petitions against sentences of death* :—The instructions for dealing with petitions from convicts under sentence of death are contained in a pamphlet issued by the Ministry of Home Affairs and is recorded in A—File No. 2-H/Judicial of 1952.

253. *Appeals against acquittals* :—The procedure to deal with appeals calling upon Government to take action under Section 417, Criminal Procedure Code, against acquittal is laid down in the Law Department Manual. The Superintendent and the Assistant concerned should see that all the required papers are in order before the case is submitted to the Secretary or the joint Deputy/Under Secretary.

MEMORIALS AND PETITIONS ADDRESSED TO THE GOVERNOR

254. The following instructions for the submission, receipt and transmission of memorials and petitions to his Excellency the Governor or Government of the Haryana State should be observed in so far as they relate to memorials and petitions from persons who are or who have been, in the Civil Service of the Haryana State.

PART—I PRELIMINARY

In these instructions :—

Definitions :—

(i) "Head of Department" means the authority shown in column 5 of Appendix D to the Punjab Budget Manual (4th Edition), in respect of the Government servants whose pay is charged to the corresponding head of account in column 2 of that Appendix.

(ii) "Memorial" includes petitions letters and applications of the nature of memorials.

(iii) "Governor" means the Governor of the Haryana State.

(iv) "Government" means the Haryana Government in the Administrative Department.

2. Scope of Instructions

(i) These instructions shall apply to memorials addressed to the Governor of Haryana or the State Government by persons who are, or who have been in the Civil Service of the Haryana State in respect of matters arising out of such employment or in respect of the termination of such employment and who are or were subject to the rule making power of the Governor. However, these instructions will not apply to representations made against adverse remarks communicated on the basis of annual confidential reports.

(ii) These instructions shall not affect any rules or orders made by the competent authority in respect of representations submitted by recognised associations of Government servants and shall be in addition to and not in derogation of the rules governing the conditions of service of the memorialist.

PART—II

Form and Manner of Submission of Memorials

3. Form of Memorial

(i) A memorial may be either in manuscript form, typewritten or in print.

(ii) Every memorial shall be authenticated by the signatures of the memorialist and submitted by the memorialist on his own behalf, or when the memorialists are numerous every person preferring the memorial shall do so separately and in his own name, unless the subject matter of the memorials is with respect to or arises out of one and the same order affecting them jointly, in which case it may be signed jointly.

(iii) Every memorial and the papers concerned therewith shall be accompanied by a rendering of it in the language for the time being authorised for use in the State for official purposes duly authenticated in the manner aforesaid.