

#### 4. Contents of Memorials :—

Every Memorial shall :—

- (a) Contain all material statements and arguments relied upon by the memorialist.
- (b) be complete in itself.
- (c) contain copies of the orders passed by the original as well as the appellate authority against which the memorial has been preferred together with copies of his applications and or appeals to such authorities.
- (d) mention in case of dismissal, removal or reduction in rank or any other penalty, whether a reasonable opportunity was given to show-cause against the action taken, as laid down in the Haryana Civil Services (Punishment and Appeal) Rules or such other rules which are applicable; and
- (e) end with a specific prayer or relief sought.

#### 5. Method of Submission.

- (i) Every memorial shall be submitted to the Head of the Deptt. to which the memorialist belongs or last belonged, and through the authority from whose order the appeal or application for revision was preferred and rejected. It shall be accompanied by a letter requesting the Head of the Department, or the authority concerned to transmit the memorial to the Government or the Governor, as the case may be.
- (ii) The Head of the Department, on receipt of any memorial submitted through him in accordance with rules 5(1)—
  - (a) shall acknowledge its receipt.
  - (b) shall as soon as may be, forward the memorial through the usual official channel to the Government and inform the memorialist. The Government shall examine the same and within 3 months of its receipt submit their comments to the Governor, through the Minister concerned, if prayed for in the memorial, or if considered necessary.
- iii) The memorialist may forward an advance copy of the memorial to the Governor or Government. The advance copy shall not be acknowledged.

### PART—III

#### With-holding Memorials by Heads of Departments

6. *Circumstances in which memorials addressed to the Governor or the Govt. may be withheld*—If the Head of Department to whom a memorial is presented or forwarded decides to withhold it, he shall inform the memorialist giving reason therefore. A memorial may be withheld only on any one or more of the

following grounds :—

- (i) The memorialist has not complied in full with the provisions of part II of these instructions.
- (ii) The memorial is illegible or unintelligible, or contains language which is, in the opinion of the Head of the Deptt. disloyal, disrespectful, or improper.
- (iii) A previous memorial from the memorialist on the same subject has been disposed of by the Government or Governor and the memorial, in the opinion of the Head of Deptt., contains no new facts or circumstances which suffice for a reconsideration of the subject.

(IV) The memorial is—

- (a) an application for employment in Government service not made in pursuance of any rule or any advertisement regarding application for such employment, or
- (b) a request for exemption from or relaxation of the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or
- (c) the memorial relates to a subject on which the Head of the Department is or was competent to pass orders and no application for redressal has or had been made by the memorialist to the Head of the Department, in which case the memorialist will be informed as to his forum for redressal.

(V) The memorial is a representation against an order communicated to the memorialist more than six months before the submission of the memorial and no satisfactory explanation of the delay is given.

(VI) The memorial is a representation against the discharge by competent authority of a person :—

- (a) appointed on probation, during or at the end of the period of probation in accordance with the terms of appointment and rules governing the probationary service, or
- (b) who as a temporary Government servant is appointed otherwise than under contract, on the expiry of period of the appointment, or
- (c) engaged under contract in accordance with the terms of such contract.

(VII) The memorial is a representation regarding an order against which an appeal lies under :—

- (1) rules or orders regulating his conditions of service, or
- (2) the terms of his contract or service,

(VIII) The memorial is a representation against an order of a competent authority refusing to grant or recommend :—

- (i) a special pension, or
- (ii) any pecuniary or other concession to which the petitioner is not entitled under any rules or orders or contract regulating his conditions of service.—

provided that the memorial withheld on account of failure to comply with the instructions provided in part II may be resubmitted at any time within one month of the date on which the memorialist has been informed of the reasons for withholding of the memorials, and if resubmitted in a form which complies with the instructions referred to above, shall not be withheld.

6A. A second memorial can be submitted within six months from the date of communication of the decision of the first memorial, in case some important new facts or circumstances which may merit reconsideration on the subject, are brought to light (substituted vide Haryana Govt. Notification 21/1/83, dated 6th July, 1983).

#### 7. List of Memorials withheld.

The Heads of the Departments shall send a quarterly return in the form given at annexure, on the 15th day of April, July, October, and January to Government specifying all memorials withheld by them under instructions 6, during the preceding quarter, and the reason for withholding the same.

8. Notwithstanding anything contained in the foregoing rules, the Governor or the Government, as the case may be, may of his or its own motion, or on application made, call for the records of any proceedings or order relating to the memorial withheld by a subordinate authority for the purpose of satisfying himself or itself as to the legality or propriety of such order and may pass such order in reference thereto as he or it may consider fit.

9. As soon as may be, after a decision has been taken on the memorial, the authority making the order thereon shall communicate the same to the memorialist and forward a copy of the same to the subordinate authority for such action as may be considered appropriate in the circumstances of each case.

## ANNEXURE

(See Rule 7)

a) List of memorials withheld during the quarter ending the \_\_\_\_\_

(b) Name of the Department \_\_\_\_\_

Form (see Rule 7)

| Sr. No. | Name and particulars of Govt. servant who memorialised | Brief sub. of the memorial | Date of the submission of the memorial | Head of Deptt. who withheld the memorial | Reasons with dates of order withholding the memorial |
|---------|--------------------------------------------------------|----------------------------|----------------------------------------|------------------------------------------|------------------------------------------------------|
| 1       | 2                                                      | 3                          | 4                                      | 5                                        | 6                                                    |

255. *Submission of memorials etc., to the Government of India by the members of the State Services.*—Members of the State Services should not try to look up to the Government of India for seeking redressal against the orders passed in their case by the Haryana Government. These matters being within the exclusive jurisdiction of the Haryana Government, no memorial or representation lies to the Government of India. No action shall, therefore, be taken on a memorial or a representation, etc. of a member of a State Service addressed to the Government of India, relating to such matters.

256. *Petitions addressed to the President.*

The following instructions for the submission, receipt and transmission of petitions addressed to the President should be followed in respect of matters arising out of civil employment under the Government of India or the termination of such employment. (Govt. of India, Ministry of Home Affairs OM No. 40/5/50-Estt. (B) dated 8-9-54).

Only a petition specifically addressed to the President is governed by these petition instructions particularly with regard to the withholding of petitions by the prescribed authority.

(O.M.No. 10/1/65-Estt.—Estt.(B), dated 29-4-75)

## PART—I

1. *Definitions.*—In these instructions—

- (1) "Petition" includes a memorials, representations, letters or and applications of the nature of a petition.
- (2) "prescribed authority" means the appropriate authority specified in the Schedule to these instructions.