

PART I - RULES
GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
NOTIFICATION

The 4th September 1964

No. 13867/Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :-

**THE ORISSA GOVERNMENT SERVANTS' APPLICATION
FOR POSTS RULES, 1964**

1. *Short title and commencement* – (a) These rules may be called the Orissa Government Servants' Application for Posts Rules, 1964.

(b) They shall come into force at once.

2. *Definitions* – In these rules, unless the context otherwise requires –

(a) "Appointing Authority" means the authority competent to make appointment to the post which the Government servant holds at the time of making application for appointment to any post elsewhere;

(b) "Government" means the Government of Orissa;

(c) "Government servant" means a person who is a member of a Civil Service of the State or who holds a Civil Post under the State.

3. *Application through the appointing Authority* – A Government servant applying for appointment to a post elsewhere shall submit his application through the Appointing Authority.

4. *Eligibility for making application* – Notwithstanding anything contained in these rules –

(a) the Appointing Authority shall not forward any application for appointment to a post elsewhere made by a Government servant who does not possess the qualifications and who does not fulfil the conditions, if any, required for the post applied for;

(b) no application of a Government servant shall be forwarded by the Appointing Authority for employment in private firms or undertakings.

5. *Forwarding applications of Permanent and temporary Government servants* – (1) No application of a Government servant, who holds a permanent post in the office in which he is working or who is likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority for his appointment to a post elsewhere:

Provided that in the interest of public service and of the applicant, the application may be forwarded;

(2) The application of a Government servant, who is not likely to be made permanent in the post held by him or in any other post in the office in which he is working, shall be forwarded by the Appointing Authority.

6. *Forwarding applications of Government servants who received special training at the cost of Government* – No application of a Government servant who has received special training or technical education at Government expense, shall be forwarded by the Appointing Authority for appointment to a post elsewhere before the expiry of the period for which he has executed a bond or an agreement to serve under Government:

Provided that in the interest of public service and of the applicant any such application may be forwarded by Government if the applicant repays Government all the expenses incurred by them together with interest thereof, if any.

7. *Forwarding applications of Government servants to projects and undertakings sponsored by Government*– Notwithstanding anything contained in rule 5, the application of any Government servant may be forwarded by the Appointment Authority for employment in any of the projects or firms or undertakings sponsored by the Government of India or by the State Government or by both.

8. *Refusal to accept the post applied for*– No application for a post elsewhere by a Government servant shall be forwarded by the Appointing Authority, if such Government servant having previously applied for the same post or any such post and having been selected for appointment to the said post has refused to accept the same for reasons as are unsatisfactory in the opinion of the Appointing Authority.

9. *Relief*– The Government servant whose application for appointment to a post elsewhere has been forwarded by the Appointment Authority shall on being selected for appointment to the post be relieved if requested by him within a reasonable time, unless the Appointing Authority considers it necessary in the interest of public service to retain him for such period as may be specified by the Appointment Authority in this behalf. In the later event, the authority offering the post applied for by the Government servant shall be intimated by the Appointment Authority as to the period of his retention with reasons thereof.

10. *Finality of orders under these rules*– (1) Notwithstanding anything contained in rule 23 or rule 31 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962, the orders of the Government or of the Appointing Authority, as the case may be, under the provisions of these rules shall be final.

(2) Nothing in these rules shall be construed so as to confer any right on any Government servant to have his application for appointment to a post elsewhere to be forwarded by the Appointment Authority.

11. *Repeal*– The Orissa Government Servants' Application for Posts Rules, published in the notification of the Government of Orissa in the Home Department No. 3366-A., dated the 31st March 1937 and all instructions corresponding to these rules and in force immediately before commencement of these rules are hereby repealed.

12. *Interpretation*– If any question arises relating to the interpretation of these rules it shall be referred to the State Government, whose decision thereon shall be final.

By order of the Governor
A. K. BARREN
Additional Chief Secretary

PART II - INSTRUCTIONS

No. 7711 – Gen.

GOVERNMENT OF ORISSA POLITICAL & SERVICES DEPARTMENT

CIRCULAR

The 14th July 1960

Subject – Procedure to be adopted for terminating the services of temporary Government servants.

It has come to the notice of Government that in some cases where proceedings are drawn up against Government servants, the full-fledged procedure laid down in Home Department Memo. No. 1150 (68)-A., dated the 23rd January 1954, as subsequently amended in Political & Services Department Memo. No. 2170 (72)-Gen., dated the 20th February 1957, is not being observed in all respect. The instructions contained in Book Circulars Nos. 21 and 22 is so far as they are applicable to the changed circumstances also, are not being followed in some cases. A lacuna, which occurs quite commonly, concerns the issue of a second show-cause notice to the delinquent officer in the fourth stage of the proceedings, mentioned in the former Memo. of the Home Department as amended in the Political & Services Department Memo., dated the 20th February 1957, and required compulsorily under Article 311 of the Constitution. The non-observance of this procedural step vitiates the proceedings and the order of punishment passed on its basis becomes insupportable on appeal. The intention of the present circular is to bring to the notice of all concerned some of the material changes in the position which has been brought about by the decision of the Supreme Court in P. L. Dhingra *Versus* Union (reported in A. I. R. No. 1958 S.C. 36).

2. In the afore mentioned case, it has been held by the Supreme Court that a temporary or officiating Government employee has no right to a post and if the Government has, by contract, express or implied, or under the rules, the right to terminate the employment at any time, then such termination in the manner provided by the contract or under the rules, is *prima-facie* and *per se*, not a punishment and does not attract the provisions of Article 311. Where such a notice of mere termination of employment is given to the employee, it is not necessary that the elaborate procedure under Article 311 of the Constitution be followed.

3. The above remarks do not, however, apply to a case in which dismissal, removal or reduction in rank is contemplated. Such a case will attract the provisions of Article 311 of the Constitution of India. In order to arrive at a conclusion whether the provisions of Article 311 of the Constitution are attracted or not, the test evolved by Supreme Court is :

“Has the officer concerned been visited with any penal consequences, such as forfeiture of pay and allowances or loss of seniority in his substantive rank or stoppage or postponement of his future chances of promotion” ? If any of these conditions is satisfied, it is to be held that the Government servant has been punished and the termination of his service must be taken as dismissal or removal from service or reversion to his substantive rank. In such cases requirements of the rules and Article 311 of the Constitution, which give protection to the Government servants, have to be compulsorily complied with. Otherwise, termination of service or reduction in rank in such circumstances will be wrongful and will be interpreted as violation of the constitutional rights of the Government servant.

4. In fine, it may be stated that where termination of service of a temporary Government servant is not attended with any of the penal consequences referred to in Para. 3 above, temporary employment is terminable with or without notice as the terms of employment or the rules specify. On the other-hand, if the termination of his service is done as a measure of punishment culminating in any of the evil consequences, proceedings will have to be drawn up against the officer concerned and the four stages of a departmental enquiry enjoined in Home Department Memo. No. 1150 (68)-A., dated the 23rd January 1954, as subsequently amended in Political & Services Department Memo. No. 2170 (72)-Gen., dated the 20th February 1957, have to be adhered to scrupulously. It

may however be borne in mind that the option to terminate the service as or under the terms of employment or the rules, or alternatively to take disciplinary action and terminate it by way of punishment always rests with the appointing authority.

A. K. MAZUMDAR
Additional Secretary to Government

No. 63 (24)/Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
MEMORANDUM

The 3rd January 1962

To

All Departments of Government.

Subject – Rule relating to power of the State Government to dispense with or relax the requirements of any rule relating to conditions of service of State Government servants for dealing with any case in a just and equitable manner.

The undersigned is directed to invite reference to Home Department Memorandum No. 16418/A., dated the 30th September 1955 and the Notification No. 16359/A., dated the 30th September, 1955 under which a rule was promulgated empowering the State Government to dispense with or relax the requirements of any rule regulating the conditions of service of the State Government servants for the purpose of dealing in a just and equitable manner with particular cases in which the normal operation of the rule may involve undue hardship. (Copies of references enclosed for convenience). The question was raised whether this rule which was promulgated in 1955 permits relaxation of rules regulating recruitment, promotion, retirement or re-employment etc., for conferring benefit on a particular individual to the exclusion of all other similarly placed persons and, if so, whether the rule can be considered to be constitutionally in order.

2. The question has been examined and after obtaining legal advice Government have reached the conclusion that the rule as promulgated in 1955 is constitutionally in order. It permits relaxation of those rules only which regulate conditions of service, e.g., T. A. Rules, Leave Rules, etc. Consequently, it can not be utilized to relax for conferring benefit on an individual, the requirements of the rules which can not be covered by the expression "Conditions of Service", e.g. the rules relating to recruitment, promotion, grant of extension of service or re-employment.

The above clarification is issued to all Department for their information with the suggestion that they should satisfy themselves that the above rule issued in Home Department notification referred to above providing for relaxation, etc. of rules is restricted in its wording and operation as explained above.

R. N. MOHANTY
Deputy Secretary to Government

No. 16418-A

**GOVERNMENT OF ORISSA
HOME DEPARTMENT
MEMORANDUM**

The 30th September 1955

Subject – Explanation of the rule relating to the powers of the Government of Orissa to dispense with or relax the requirements of any rule regulating conditions of service of the State Government servants for dealing with any case in a just and equitable manner.

Under the proviso to Article 309 of the Constitution, the power to make rules regulating the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the State vests in the Governor or such person as he may direct. It is axiomatic that the authority who is competent to make rules is competent also to amend or interpret them. The Government of India Act, 1935 expressly recognized principles that the highest Governmental authority has the inherent power to relax the provisions of any service rule in individual cases of hardship where some allowance or concession, not permissible under the strict terms of the rule, is justified. Sub-section (5) of Section 241 of the Government of India Act, 1935 accordingly provided :

“No rules made under this Section shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a Civil capacity in India in such manner as may appear to him to be just and equitable, :

Provided that, where any such rule is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule.”

2. The absence of a similar provision in the Constitution created some doubt as to whether such inherent power is enjoyed by the Governor. In order therefore, to remove any doubts and to make position in this respect clear, a rule has been promulgated in this Department Notification No. 16359, dated the 30th September 1955 making express provision on the lines of sub-section (5) of Section 241 of the Government of India Act, 1935 and on the model of the rule promulgated by the Government of India.

3. This rule does not introduce a new principle or procedure which was not already in vogue, but merely serves to make explicit the position which was assumed to have prevailed here to fore. The power of the State Government to relax a rule as and when considered necessary to deal with any particular case in a just and equitable manner is intended, as in the past, to be invoked only in rare and exceptional cases. Such action should only be taken in accordance with the accepted procedure hitherto followed in dealing with such cases. Before an order of relaxation is passed in any case, the Department which made the rule proposed to be relaxed, and other Departments, e.g. Home and/or Finance Department as may be appropriate with reference to the facts and circumstances and subject matter of each case should be consulted and existing rules of business or procedure of the Government of Orissa Secretariat having a bearing on the subject should be complied with.

4. In any case in which it is agreed by the Department or Departments concerned that it is a fit case in which the power to relax any rule should be exercised by the State Government, the reasons for such relaxation should be placed on record on the appropriate file, but these should not form part of the formal order to be issued by the State Government in this behalf.

5. It should be noted that any order of the State Government which may be issued dispensing with or relaxing the requirements of any rule in any particular case should be authenticated as an order of the Governor in accordance with the requirements of Article 166 of the Constitution.

[ILLEGIBLE]

Secretary to Government

No. 16359-A

**GOVERNMENT OF ORISSA
HOME DEPARTMENT
NOTIFICATION**

The 30th September 1955

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Orissa hereby makes the following rule :-

Where the Government of Orissa is satisfied that the operation of any rule regulating the conditions of service of State Government servants, or any class of such Government servants, causes undue hardship in any particular case, it may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

In this rule, the expression "State Government servants" means all persons whose conditions of service may be regulated by rules made by the Governor of Orissa under the proviso to Article 309 of the Constitution.

**By order of the Governor
[ILLEGIBLE]
Secretary to Government**

Memo. No. 18489 (77) – P. S. C.-84/62-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 24th December 1962

To

All Departments of Government/Heads of Departments.

Subject – Filling up vacancies through Employment Exchange.

Consequent on the passing of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, Government have been pleased to decide that the following instructions should be followed by the appointing authorities both in Government and Quasi-Government Bodies.

(1) Whenever there are vacancies which are to be filled otherwise than in consultation with the Public Service Commission or on the basis of competitive examinations held under certain Recruitment Rules, the appointing authority should report to the Employment Exchange the number of such vacancies available, and the qualification (including any special or particular qualification) required for the post. The Employment Exchange shall submit nominations or furnish a non-availability certificate within 3 weeks of the receipt of requisition. Where the Employment Exchange fails to furnish nominations or furnishes a non availability certificate the appointing authority will be competent to recruit candidates from other sources. Similarly, where candidate nominated by the Employment exchange are found unsuitable to the requirements of the post, the appointing authority will take recourse to recruitment from open market. When any candidate nominated by an Employment Exchange is absorbed, the appointing authority should report to it the name of such candidate.

(2) These instructions will not only be applicable to recruitments to posts under the State Government but will also apply to all Local Bodies, Quasi-Government and Statutory Bodies.

The Political and Services Department Order No. 8371 (58)-Gen., dated the 9th July 1957 is hereby cancelled.

The undersigned is directed to request you to please issue suitable instructions to all your subordinate offices and also to all Local and Quasi-Government Bodies who are vested with the power of making appointments to post under their control.

[ILLEGIBLE]
Joint Secretary to Government

Memo. No. 8215 (99) – O. & M.-540/66-Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

The 15th April 1966

To

All Departments of Government/All Heads of Departments.

Subject – Maintenance of gradation lists of officers of all classes and to print them every year.

The undersigned is directed to say that it has been reported by the Orissa Public Service Commission that while referring cases of Gazetted and non-Gazetted officers for offering their views for promotion, sometimes the Departments of Government do not furnish the up-to-date gradation lists of officers while in some cases incorrect or provisional gradation lists are furnished. This does not help the Commission in arriving at correct decision and it very often misleads them while offering their views, resulting in depriving the candidate of their legitimate due for promotion.

To avoid these difficulties and to enable the Commission to offer their impartial views, the Departments of Government are requested to send along with their recommendation a correct and up-to-date gradation list of officers to the Commission.

The gradation list of the officers of the Department should be printed each year and a copy sent to Orissa Public Service Commission along with their recommendation.

S. N. SHARMA
Joint Secretary to Government

No. 828 – 2M-32-75/Gen.

GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT
RESOLUTION

The 17th January 1976

(Published in *Orissa Gazette* on the 30th January 1976)

Subject – Recognition of various Sanskrit Examinations conducted by the Rastriya Sanskrit Sansthan, New Delhi for purpose of employment under the State Government.

The question of recognizing examinations conducted by Rastriya Sanskrit Sansthan, New Delhi, as equivalent to educational qualification in the general educational set up of the State for the purpose of employment was under the active consideration of Government for some time past. After careful consideration of the matter and in consultation with the Orissa Public Service Commission it has now been decided that the "Sashtri" and "Acharya" degrees awarded by the Rastriya Sanskrit Sansthan, New Delhi shall be considered equivalent to B. A. and M. A. degrees of Indian Universities respectively for the purpose of all employments under the State Government in all categories of posts. The relevant rules regulating recruitment shall be amended accordingly.

Order – Ordered that the Resolution be published in the next issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/Heads of Department/Secretary, Orissa Public Service Commission.

By order of the Governor
R. C. PATRA
Additional Secretary to Government

No. 19781-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 22nd February 1984)

The 22nd August 1983

Subject – Dispensing with the recommendation of the Heads of Departments for allowing a Government servant to cross the E. B.

According to the practice followed now, the recommendation of the Heads of Departments is called for and E. B. is sanctioned having regard to the recommendation as well as the entry in the C. C. R. If the Head of the Department had watched the performance of the officer in question immediately before crossing the E. B. then his opinion as to his efficiency would be reflected in the C. C. R. which is being referred to. If the E. B. falls on an earlier date and the officer was not working under the control of the Head of Department at that time then he would hardly be in a position to comment on his suitability to cross the E. B. with effect from the date. Therefore the practice of calling for the specific recommendation of the Head of Department for the purpose of crossing E. B. should be dispensed with. If, however, the service records are maintained in the office of the Head of Department and Government have no knowledge regarding the due date of crossing the E. B. the Head of Department should furnish a report to Government with his views, three months before the due date and there will be no further consultation with him. The most vital document in judging an officer's efficiency is the C.C.R.

Order – Ordered that the Resolution be published in the next issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/all Heads of Departments for information.

By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government

No. 11763-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 2nd July 1986

To

All Departments of Government/

All Heads of Departments/

All District Offices.

Subject – Principles to be followed in acceptance of resignations tendered by Government servants.

The undersigned is directed to say that it is considered necessary to follow a uniform process for dealing with resignation submitted by Government servants with the objective of their expeditious disposal. Finance Department had in a letter, dated the 15th September 1976, addressed to all Departments of Government and all Heads of Departments emphasized the need for taking speedy action in the disposal of resignation tendered by a Government servant and communicate the acceptance order expeditiously. A copy of the Finance Departments aforesaid letter is enclosed. (Annexure I). Earlier, in May, 1967, the erstwhile Political & Services Department had outlined the procedure for regulating discharge, resignation of Government servant except on superannuation. It was laid down therein that the authority competent to appoint should consult the State Vigilance branch before acceptance of resignations or passing of discharge order. A copy of the aforesaid Political & Services Department's instruction is enclosed (Annexure II).

A Government servant who has submitted resignation, cannot ordinarily be expected to perform his normal official duties until a decision on his resignation is taken. He would hardly be doing anything other than pursuing the resignation. At present there is no time limit within which a decision on letters of resignation is to be taken. It has been observed that the Departments/Offices dealing with such cases of resignation make references to several offices, enquiring about particular aspects, such as, whether there is a vigilance case or whether there are any Government dues outstanding against the officer, without stating the purpose of making the reference. Similarly no time schedule for the various steps involved in decision making has been laid down nor any specific function has been made responsible to deal with these matters. It is, therefore, necessary to reiterate the need for speedy action for disposal of resignation and at the same time for consulting the State's Vigilance Organisation in dealing with cases of resignation.

The concerned Deputy Secretary (if there is no Deputy Secretary, then the Joint Secretary, if there is neither a Deputy Secretary nor a Joint Secretary, then the Under-Secretary) dealing with establishment matters in a Government Department shall handle such cases of resignation and ensure that decision is taken within a time limit of three months. If there are any real difficulties he must at once bring them to the notice of the Secretary of the Department. Similarly, in the Heads of Department and in field offices an officer shall be designated (generally the Establishment Officer or an officer of whatever designation entrusted with establishment matters) by the Head of Department/Head of Office for this purpose.

Immediately upon receipt of the letter of resignation from a Government servant, reference will ordinarily be made to the Director-General of Vigilance to ascertain whether there is any Vigilance case or proceeding pending against the Government servant or whether such a case or proceeding is going to be started against him in the near future. It must clearly be stated that the purpose of obtaining this information is to take a decision on the resignation. The Directorate-General of Vigilance will send the information sought for within 14 days (2 weeks) of the receipt of the reference. If no categorical response (that a case or proceeding is pending or that it is going to be started) is received from the Vigilance Organisation within the above period of 14 days, then the administrative Department or the Head of the Department or Head of Office should be free to

proceed in the matter of accepting the resignation on the premise that the vigilance angle does not come in the way.

Similarly, simultaneous references shall be made to ascertain whether any Government dues are outstanding against the Government servant; while making the reference, reasonable time of 14 days (2 weeks) be stipulated within which a categorical reply should be requested. This will give ample time to the Head of Department and Head of Office to deal with and decide letters of resignation. If no decision is taken and communicated to the concerned government servant who has tendered resignation within three months of receipt of letter of resignation then, upon expiry of this period of three months, the Government servant's resignation will be deemed to have been accepted and he will be deemed to have been relieved. Government hope that such a situation of resignation having been deemed to have been accepted and the Government servant having been deemed to be relieved, does not arise. This has to be ensured by the concerned Government Department, Head of Department and the Head of the field office or subordinate office competent to accept or reject letters of resignation. It may be noted that the requirement of law is that acceptance or rejection of resignation is to be decided by the appointing authority. A copy of letter, dated the 15th July 1974 issued by the erstwhile Political & Services Department on this aspect is enclosed (Annexure III).

[ILLEGIBLE]

Special Secretary to Government

ANNEXURE I

Copy of the letter No. 42792 (110) dated the 15th September 1976 from Special Officer-*cum*-Deputy Secretary to Government, Finance Department addressed to all Departments of Government/all Heads of Department.

Subject – Principle to be followed in acceptance and withdrawal of resignation from Government service.

The undersigned is directed to say that a Government servant had resigned from service and subsequently withdraw his resignation before it was accepted but the competent authority accepted the resignation even after receipt of his application expressing his intention of withdrawal of his resignation letter. This was the subject matter of a writ before the Hon'ble High Court who have held that the resignation letter having been withdrawn before it could be accepted, there was no resignation for acceptance before the competent authority. Such a contingency could have been avoided had the competent authority taken prompt action in accepting the resignation immediately, after it was submitted and the Government servant could not have got the chance to withdraw it before it was accepted.

All Administrative Departments and Head of Departments are therefore requested to keep the above position in view and issue direction to all the appointing authorities under their control to take speedy action in the disposal of resignation tendered by the Government servant and communicate the acceptance order expeditiously.

ANNEXURE II

No. 264 – Vig. (102) C. T. C. – 59/62-A. T.

GOVERNMENT OF ORISSA

POLITICAL & SERVICES DEPARTMENT

The 10th May 1967

To

All Secretaries of Government

All Heads of Departments

All District Officers.

Subject – Procedure for regulating discharge/resignation of Government servant except on superannuation.

It has been brought to the notice of Government that the various authorities competent to appoint persons in the Government services have been accepting their resignation, if any, or discharging them on valid ground, without finding out at first if any allegation of corruption is pending against them or whether they have put the Government to monetary loss due to their negligent conduct, In consequence Government have to go to Law Courts for realization of their dues after the Government servant is relieved of his responsibilities.

It is, therefore, ordered that the authority competent to appoint such personnel should consult the State Vigilance Branch of the Political and Services Department, Cuttack, before acceptance of resignations or passing of discharge order to avoid avoidable loss to Government.

The Law Department has concurred in the matter.

A. K. BARREN

Chief Secretary to Government

ANNEXURE III

Memo. No. 11149 (115) – 2M-21/74-Gen.

**GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT**

The 15th July 1974

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Acceptance of resignation tendered by Government employees.

The undersigned is directed to say that instances have come to the notice of Government wherein resignation petitions submitted by Government servants have been accepted by authorities lower in rank than the appointing authority as prescribed in the schedule to the Orissa Civil Services (C. C. & A.) Rules, 1962 or other statutory orders on the subject. The State Government have been advised that acceptance of resignation by such lower authorities will not hold good in law. It is, therefore, necessary that orders of the appointing authority should invariably be taken while accepting or rejecting the resignation petitions of the Government servants. These instructions should be brought to the notice of all appointing authorities for guidance.

Receipt of this Memo. may please be acknowledged.

[ILLEGIBLE]

Additional Secretary to Government

No. 6266-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 25th March 1987

From

Shri Binoy B. Misra,
Deputy Secretary to Government

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Subject – Change of surname by Government servants.

The undersigned is directed to say that the instructions of Government laying down the procedure for change of surname of the Government servants were issued in Home Department Memo. No. 592 (22), dated the 31st May 1955 (Copy enclosed). Despite this, certain doubts have been raised by different quarters as to who should have the power to order the change and enter such order in the official records.

Government, after careful consideration, have decided that after the formalities laid down in the Home Department Memo. cited above are completed the appointing authority can order the change of surname of the Government servants and such orders can be entered in the service records of the Government servant by the officer who maintains the service records.

This may be brought to the notice of all subordinate officers under their administrative control.

Yours faithfully,

BINOY B. MISRA
Deputy Secretary to Government

15. CHANGE OF NAME OR SURNAME

[Home Department Memo. No. 592(22)- Ref., dated the 31st May 1955]

Change of name, surname by Government Servant

The undersigned is directed to say that references are received from time to time from Government employees to change their recorded names. No definite procedure for this purpose has so far been laid down for according recognition to a *bona fide* change. The following procedure has therefore been decided upon in consultation with the Law Department and Government of India. This may be noted for future guidance.

2. A Government servant wishing to adopt a new name or to effect any modification in his existing name should be asked to adopt the change formally by a deed changing his name. In order that the execution of the document may not be in doubt it is desirable that it should be attested by two witness preferably those known to the Head of the Office in which the Government servant is serving. A sample deed form is enclosed for reference. The execution of deed should be followed by publication of the change in a prominent local newspaper as well as the *Gazette of Orissa*, publication being undertaken by the Government servant at his own expense. For the publication of the advertisement in the *Orissa Gazette* the Government servant should be directed to approach the publisher of the *Orissa Gazette*.

It is only after the formalities described in the foregoing paragraph have been complied with and satisfactory evidence of identity and execution of the document is added by the Government servant that the adoption of new name or change in the existing name should be recognized officially entries in Government records so far as may be necessary be amended accordingly. True copies of the relevant documents should be retained by the Head of the Office concerned.

Deed Changing Surname

By this DEED the undersigned (New name of etc., now lately called (old name) employed at (designation of the post held at the time by the Government servant concerned at (place where employed) in the (Department) of the Government of Orissa. do hereby –

For and on behalf of myself and my wife and children and remoter issue wholly renounce, relinquish and abandon the use of my former surname of and in place there of assume from the date here of the surname of and so that I and my wife and children and remoter issue may hereafter be called, known and distinguished not by my former surname of but by my assumed surname of

For the purpose of evidencing such my determination declare that I shall at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions private as well as public and upon all occasions whatsoever use and sign the name of as my surname in place of and in substitution of my former surname of

Expressly authorize and request all persons at all times hereafter to designate and address me and my wife and children and remoter issue by such assumed surname of accordingly.

IN WITNESS WHEREOF I have here into subscribed my former and adopted names of and and affixed my seal day of

Signed sealed and delivered

by the above named
.....
(old name)

(New name) formerly

(Old name) in the presence of
.....
(new name)

No. 15946 – SC/6-142/87-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 25th May 1988

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Subject – Change of permanent address in the Service Book.

The undersigned is directed to say that clarifications are being sought for as to whether permanent address recorded in the Service Book of an employee is subject to change consequent upon his permanent settlement at some other place or at the "Headquarters of his office". Such change may be allowed if an employee requests with a certificate of permanent residence/Nativity from the competent authority as prescribed in Revenue Department Resolution No. 27407-111 E-Misc. 2/83-R., dated the 21st April 1984.

[ILLEGIBLE]

Joint Secretary to Government