

Government of Orissa,
General Administration Department.

72

No. 18650/Gen., Bhubaneswar, dated 28.10.86

To

The Agriculture and Cooperation (Coop.) Department.

Subs

Review under rule 31 of the Orissa
Civil Service (CCA) Rules, 1962.

In inviting a reference to their letter No. 12885/ dt. 17.7.86 on the subject noted above, the undersigned is directed to say that it has been held by the Hon'ble Supreme Court that the Governor is the constitutional head of the State. Whenever Constitution requires the satisfaction of the Governor, the satisfaction required is not the personal satisfaction of the Governor, but that of the Council of ministers, on whose aid and advice the Governor generally exercises all his powers. The Governor makes rules under Article 166(3) for more convenient transaction of business of the Government of the State. If a minister or officer takes a decision in pursuance of the functions allocated to him under the rules of business made under Article 166(3), such a decision shall be treated as one taken by the Governor. A case under rule 31 of the CCA Rules is not required to be submitted either to the Chief Minister or the Governor under instruction 14 of the instructions issued under the Rules of business. It could, therefore, be disposed of by the minister in-charge of the Department. In schedule 'A' appended to the C.C.A. Rules, Government function as "Appellate Authority" in respect of certain category of employees. Whether the minister of the Department discharges the functions of the "Appellate Authority", it would not be proper on his part to also act as Reviewing Authority. In such cases, it would be appropriate to take the orders of Chief Minister on the Review petition. But in any case, Governor need not be bothered. The A & C Department are advised to inform the Governor's Secretariat accordingly.

sd/-Illegible,

..... Deputy Secretary to Government.

Government of Orissa,
Agriculture & Cooperation (Cooperation) Department

Memo No. Pro. Call (AF) - 1/86-

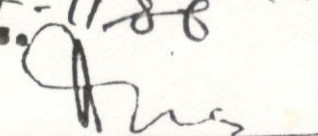
/ACQ, dated

Copy forwarded to all sections of Coop. Wing/Pension Cell/
Proceeding Cell for information and guidance.

Memo No.

19380 /ACQ, dated
Copy to Guard filed five copies.

Section Officer.


Section Officer, 11.12

na/-