

BOOK CIRCULAR

No. 25

GOVERNMENT OF ORISSA

HOME DEPARTMENT

No. 4623-A.

Cuttack, the 28th April 1952

SUBJECT—Procedure for submission and disposal of memorials and representations to Government

It has come to the notice of Government that officers have still doubts in regards to the procedure for submission and disposal of memorials and representations to Government from persons who are or were in Government service, in respect of matters affecting them as Government servants. Government have, therefore, decided that in supersession of all the previous orders and instructions on the subject, the following instructions should be followed in regard to submission, receipt, transmission and disposal of memorials or representations addressed to His Excellency the Governor or Hon'ble Ministers:—

1. All memorials should be addressed to His Excellency the Governor, or to Hon'ble the Chief Minister and all representations against the order of a Head of Department, to the Hon'ble Minister in charge.

Note—All appeals to Government should however be addressed to His Excellency the Governor or to Hon'ble the Chief Minister.

2. A memorial or representation may be either in type-script or in print. It shall be authenticated by the signature of the memorialist or the person making the representation and submitted by him in his own behalf.

3. Every memorial or representation shall—

- (a) contain all material statements and arguments relied upon by the petitioner;
- (b) be complete in itself;
- (c) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any other order in the case passed by any subordinate authority; and
- (d) end with a specific prayer.

4. Every memorial or representation shall be submitted through the Head of the Office or Department to which the memorialist or the person making the representation belongs or belonged. On receipt of any such memorial or representation the Head of the Office or Department shall forward it through the usual official channel to Government in the administrative department concerned. The Head of the Department shall record his views on the memorial or representation and ensure that it reaches Government within two months from the date on which it was first presented to the immediate superior.

5. No memorial addressed to His Excellency the Governor or Hon'ble the Chief Minister or any representation addressed to Hon'ble Ministers shall be

withheld by any authority. A memorial or representation which is not properly addressed or is illegible or unintelligible or contains language which in the opinion of the Head of the Office or Department concerned, is disloyal, disrespectful, or improper, should be returned to the petitioner, memorialist or the person making the representation pointing out the defects therein for resubmission after rectification of the defects pointed out within one month of the date on which the Government servant has been informed of the defects.

6. A memorial or representation will be liable to summary rejection, if—

- (i) it is on advance copy not received through the channels referred to in rule 4; or
- (ii) the memorialist or person making the representation has not availed himself of the remedies provided by rules or orders applicable to the case; or
- (iii) the memorial or representation is against an order communicated to the memorialist or the person making the representation more than six months before the submission of the memorial or representation and no satisfactory explanation of the delay is given; or
- (iv) a previous memorial or representation from the memorialist or the person making the representation on the same subject has been disposed of by

the authority who is now addressed and this present memorial or representation does not disclose new facts or circumstances which afford grounds for a reconsideration of the subject.

7. The authority forwarding a memorial or representation shall state on it whether the memorialist or person making the representation has complied with the above requirements.

8. Whether a memorial is addressed to His Excellency the Governor or to Hon'ble Chief Minister, it should be submitted by the Department concerned to Hon'ble the Chief Minister after consideration by the Minister-in-charge but before the issue of orders, within three months of its receipt.

ORDER—Ordered that the Resolution be published in the Orissa Gazette for general information

Ordered also that copies of the Resolution be forwarded to all Departments of Government/all Heads of Departments/all District Officers/Secretary to His Excellency the Governor/Secretary to Hon'ble the Chief Minister/Secretary to the Orissa Legislative Assembly/Secretary to the Orissa Public Service Commission/Registrar, Orissa High Court/all District and Sessions Judges, Orissa and Superintendent, Orissa Government Press, for information and guidance.

By order of the Governor
S. N. MAHAPATRA
Secretary to Government