

Government of Orissa  
Political & Services Department.

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Memo. No. 6600 (18) Gen.,  
PSC. 13/62.

Bhubaneswar, the 22<sup>nd</sup> May, 1962.

To

All Departments of Government.

Subject:- Question whether appointments made by Government in the exigencies of Public Service beyond six months without the concurrence of the Public Service Commission are liable to audit objections.

The undersigned is directed to say that the Accountant-General, Orissa has brought to the notice of Government that in a large number of cases extension of the terms of appointment to gazetted posts beyond six months has been made by Departments of Government without obtaining the concurrence of the Public Service Commission in contravention of regulation 3(b)(1) of the Orissa Public Service Commission (Limitation of Functions) Regulations. Such extension of the period of appointment according to Accountant-General is unauthorised and irregular and cannot be accepted in audit.

The point raised by the Accountant-General, Orissa was carefully considered by Government with reference to the legal interpretation of the provision of Article 320(3) of the Constitution and the following clarifications are issued.

Under regulation 3(b)(1) of the Orissa Public Service Commission (Limitation of Functions) Regulations, Government can make temporary appointments for a period not exceeding six months without consulting the Public Service Commission when it is necessary to make such appointments urgently. In cases where due to some reason or other the recommendations of the Public Service Commission are not received before the expiry of the provisional appointment it becomes necessary to make fresh appointments not exceeding six months to avoid dislocation of work. If in any case there has been any such so called "extension" it must be conceded that the Limitation of Functions Regulations do not strictly contemplate an extension as such. The position is that there can be no question of extension but merely a question of fresh appointment in an emergent situation under the special provisions of the Regulations. Even if in any context Government while issuing orders used the word "extension", that must virtually be construed as fresh appointments so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulation.

A copy of this is being sent to the Accountant-General, Orissa for his information.

*Ramesh Chandra* 21.5.62  
Joint Secretary to Government.

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