

Government of Orissa
General Administration Department

No. SC/3-5/90-25990 /Gen., Bhubaneswar, dated 15/9/90

To

All Departments of Government

All Heads of Departments

All Collectors.

It has come to the notice of the Government that a section of Government servants have developed a tendency, of late, to encroach upon Government lands in order to ultimately claim settlement of the land with them under the normal laws, rules and procedures. While Government have not been averse to the idea of sympathetically considering providing land to Government servants for housing purposes in deserving cases, the tendency to resort to encroachment of Government land with the ultimate purpose of claiming settlement of the land is reprehensible. This tendency on the part of the Government servants has the effect of encouraging others among the public to claim settlement of land through encroachments. The situation arising out of this is embarrassing for the Government.

2. Clause 3 of the Orissa Government Servants' Conduct Rules enjoins upon every Government servant that he shall, at all times, maintain absolute integrity, decorum of conduct and devotion to duty and shall not commit any act which amounts to personal immorality or failure to discharge duties properly. It is the conduct and character of Govt. servants that endows respect to the Government from the members of the public, the absence of it embarrasses the Govt. and reduces his effectiveness. Encroachment of Government

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land of whatever description and belonging to whatever Department is such an act of misconduct, which would attract the provisions of Clause - 3 of the Conduct Rules. Government expect that Government servants, taking advantage of the position they enjoy in their official capacity should refrain from attempts to acquire Govt. land by encroaching upon them either by themselves or through any member of their family.

3. It has also come to the notice of Government that in a number of cases encroachment of Government land by members of the public have been resorted to with the active connivance and continuing support of officers. Such connivance and support may be by overt acts or intentional inaction on the part of the officers of the Tahasils, Municipalities, Forest and Public Works Departments, whose duty is to detect encroachments and take timely action. It has always been enjoined upon the officers that any encroachment upon Govt. lands should be immediately dealt with and eviction of the unauthorised occupants effected, but the instructions are followed more in the breach than adherence inasmuch as there a number of cases of encroachment which have been subject matters of litigations because the unauthorised occupants have claimed continuous possession over a long period of time. Apparently such occupation for a long period of time is definitely the result of inaction of the Govt. functionary to take timely action. Such cases would lead Govt. to believe that failure to take action timely is attributable to connivance and support for the unauthorised occupants. Apart from anything else, encroachment cases may result from this kind of inaction on the part of

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the functionaries is liable to be considered as an act of misconduct on the part of Govt. servants within the meaning of Clause-3 of the Conduct Rules.

4. In consideration of all this Govt. desire that whenever a case of encroachment upon Govt. land by any functionary of the Govt. comes to the notice of the Head of the Office and or the Controlling Officer, he should, apart from taking immediate action to evict the encroachers, initiate disciplinary proceedings against the officers concerned. In case where encroachment by members of the public for a long period of time are detected the Head of the Office or the Controlling Officer should make an immediate enquiry to as-certain as to how the encroachments could be allowed for a long time without taking any action. While taking action against the unauthorised occupant, the Head of the Office and or the Controlling Officer should immediately cause an enquiry to ascertain whether such continuous possession by an unauthorised occupant was not due to the negligence of duty of the Govt. functionaries concerned. When the enquiry reveals that there was negligence of duty, disciplinary proceedings should be started immediately against the officer concerned under intimation to the Administrative Department.

5. These instructions may be circulated among all offices under your control.

6. Receipt of this letter may please be acknowledged.

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SPECIAL SECRETARY TO GOVERNMENT

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