

Government of Orissa,  
General Administration Department.

No. SC/3-4/92. 11994 / Gen.; Dt. 22.5.73



To

All Departments  
All Heads of Departments.

Sub:- Clarification on Rule 31 of the O.C.S(CCA) Rules, 1962.

Doubts have been expressed in different quarters on the following points.

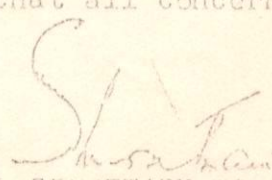
1) Whether the power of review under Rule 31 can be exercised only once or more than once.

2) Whether the power of review under the above Rule is conferred only on the Governor or whether the Minister or Ministers concerned can exercise powers.

The points were examined and Government have been advised by Law Department that the Reviewing authority having once exercised the powers of review becomes functiois officio and the said power can not be exercised from time to time because (a) there is no scope to review an order already passed in a review and (b) Rule 31 itself provides that the Governor may review any order which is made or is appealable under these rules.

2. Government have further been advised by Law Department that the expression "Governor" under Rule 31 means the Minister in charge of the Administrative Department. The above interpretation is based on the decision of the Hon'ble Supreme Court in Samser Singh Vrs. State of Punjab (AIR 1974 Supreme Court 2192) which was again reiterated in Union of India Vrs. Sripatil Ranjan Biswas (AIR 1975 Supreme Court 1755). This view is also supported by the fact that a case under Rule 31 is not required to be submitted either to the Chief Minister or the Governor under instruction 14 of the instructions issued under Rules of Business.

It is, therefore, requested that all concerned may be informed accordingly.

  
SPECIAL SECRETARY TO GOVERNMENT.

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