

Financial (1897) Department.

ORDINARY MS.

G.O., No. 833-4

Dated 6-10-97

INDEXED.

415

[Despatch Abstract.]

Addressing the L. of I.
 on the subject of delegating to the Board
 of Revenue in all its depts, to the Inspectors
 General of Police, Prisons and Registration,
 to the Asst. General & to the D. P. I. the power
 of sanctioning excess expenditure of
 Rs less than Rs 100 which has to be
 incurred in granting an officer sus-
 pended or dismissed & reinstated after
 a reasonable acquittal, the whole or part
 of the salary to which he would have been
 entitled if he had continued to hold
 the appointment from which he was sus-
 pended or dismissed.

T 9/10/97

T 8/10/97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
592/98	192 Printed						
933	final of 28/2/98						

[13.]
14
280-6-2-07.

Fin au Cial (1897) / REVENUE DEPARTMENT.

CURRENT NO 2652

OFFICE NOTE No. 80

Dated 26th August 1897.

From Hon: the Acting
THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,

To THE Hon: the Chief Secretary
Financial Department

In forwarding
the original of G.O. wise no.
4359, Revenue, dated 20th August
1897, the undersigned has the
honour to invite attention to
the note recorded at foot of the
G.O., the opinion wherein ex-
pressed has been concurred
in by the Hon: Mr. Grose, and
to request that as the question
therein raised (viz the advisa-
bility of delegating to Heads
of Departments the power of
sanctioning the payment of
salaries up to a certain limit
when officers once suspended
or dismissed are subsequently
reinstated with arrears of salary
is of general importance, it
may be considered and the

Gout-

if necessary,
Govt of India addressed, in
the Financial Department
[Signature]
Ag. Secy to Govt.

BMD
23.VIII.97

[Signature]
24.8.97

2
C8797 C8797
R10917 R20077

Financial DEPARTMENT.

[G.]
25
500-17-5-97.

C. No. 2652

SUBJECT

Delegation of Powers.

3. H. E. THE GOVERNOR.

1. THE HON'BLE ^{Mr. Henry} BLISS, C.I.E.

2. THE HON'BLE MR. GROSE, C.I.E.

FOR ORDERS.

*and if honourably
acquitted,*

*I suppose I must have had
dozens of these cases before me -
I think India might be addressed -
The saving of correspondence is
worth consideration*

[Signature]
9/9/97

[Signature]
10/9/97

9.9.97

Under Art. 215(b) of the Civil Service Regulations, an officer suspended or dismissed may, on re-instatement, be granted by the revising or appellate authority the whole or part of the salary withheld during his absence from duty: but this is "subject to the proviso that without the permission of the Local Govt, no expenditure may be incurred in excess of what would have taken place if the officer had remained on duty".- (art. 215)

The Revenue Dept. suggests that in petty cases, where the extra cost involved is less than Rs. 100, the power of sanctioning the excess may be delegated to heads of departments, i.e. the appellate authority in each case.

The object of the proviso appears however to be not only to avoid unnecessary expense, but also to act as a deterrent against hasty and inconsiderate

Delegation of Powers

C.No.2652

Secy

inconsiderate dismissals and suspensions of subordinate officers in the first instance, especially in the case of low paid men. At present all such cases are brought prominently to the notice of Govt. whereas under the proposed rule (which lays no limit on the frequency of such reversals) a large number of cases will not be brought to the notice of Govt. at all. The Local Govt. cannot however delegate any of its powers under the Civil Service Regulations, unless it is expressly so stated as in article 1216(b) and it is possible that if the Govt. of India is addressed it may say that similar difficulty has ~~not~~ been experienced in other provinces.

This argument would apply to various other delegations, but it is submitted that Govt. must trust its heads of depts to abstain from inconsiderate dismissals and suspensions. The value of the report is seen in the present case ~~in view of~~ the fact that the bare outlines of the case - without the pros. cons. being stated - is sufficient for Govt. It would be impossible for Govt. to enter into the minutiae of administration in the manner contemplated in the note opposite Cms 2/2/27.

① This too is an argument that could be used against 99 delegations out of 100. Cms 2/2/27.

Orders are therefore solicited whether India should be moved in the matter.

AB 3/9/27 Submitted that India should be moved in the matter. The delegation might be confined perhaps to the Board (in all depts) & certain selected heads of depts - e.g. the D.I. of Police, Prisons & Registration the Surgeon Genl, & the D.R.Y. The above ^{type-written} note is submitted as, it although it is considered to view the matter in an incorrect light, it states that the arguments against the proposal. Cms 6/2/27.

ORDER

Mis

W.L. 833 of 6th Oct '27

The following letter will be addressed to the Govt. of India.

/from orders/

LETTER

To

The Secy. to the Govt. of India,

Dated 12/10/27. Fin: & Com: dept:

SIR,

Under clause (b) of article 215 of the C.S.R., an officer suspended or dismissed may ^{up} on reinstatement and if honourably acquitted be granted by the revising or appellate authority the whole or part of the salary to which he would have been entitled if he had continued to hold the appointment from which he was suspended or dismissed. This is subject to the proviso that without the permission of the local Govt. no expenditure may be incurred in excess of what would have taken place if the officer had remained on duty.

2. In view of the saving of correspondence I am to suggest that in

petty

Note The draft does not seem sufficiently important to require to be passed by H.E. Mr. Gomer

Cms

2/2/27

T 8/10/27

petty cases, e.g. where the extra cost involved is less than Rs.100, the power of sanctioning excess expenditure in the above cases may be delegated in this Presy. to the Board of Revenue in all ^{its} depts., to the Inspectors-General of Police, Prisons and Registration, to the Surgeon General and to the Director of Public Instruction.

3. I am to explain that ~~the~~ ^{of the above description} during the course of the year there is a number of petty cases in which references ^{large} have to be made to Govt., especially in depts. under the control of the Board of Revenue, ~~is large during the course of the year and~~ F.E. the Governor in Council considers that the authorities mentioned in para 2 may be safely ^{entrusted with} ~~authorized~~ to exercise the proposed powers.

I have etc.

/from orders/

Then given for copying 8
Then copied 9 10 } 189
Then examined 9
Then signed 11/10

READ AGAIN G.O., No.
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DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DUTY

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.