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Govt. of {1895} Madras.

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G.O., 5th July 1895, No. 552.

JULY.

Public Servants.

Communicating to the Departments of the Secretariat and to all Heads of Departments under the Chief Secretariat, for guidance, letter from the Government of India laying down the general principles which should be observed in cases of dismissal of —.

5638

405.c

Recd: 22.7.95

No 1885 Wd/30 July 1895

Communicated
to officers of the
P.W. Dept.

Curd

25/5

DESPATCHED
JUL. 95
Cc. H. 25/5

Ch. Engr for Inspr with 15/1000
Consig. Engr for Rys with 10/1000
Supdy. Engrs with 2/1000
S. of W. P. Project with 2/1000
C. A. to Govt with 2/1000
Enr. P. W. Racks with 2/1000
Enr. Ry Racks with 2/1000

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 15th June 1895, No. 10-Public—917.

In the Circular letter from this department, No. 11-Public—1085-1094, dated the 21st June 1894, the Government of India enquired what rule was observed with regard to giving Government officers necessary information as to dismissals of public servants; whether any difference was made between cases where re-employment is prohibited and where it is not; and whether in any case of dismissal, in which it is decided to issue a public notification, the cause which led to the dismissal is specified. The replies received to the letter of 21st June show that an uniform practice is not observed in the different Provinces in dealing with this matter. The Governor-General in Council accordingly deems it desirable to state the general principles which should be observed in disposing of such cases.

2. In the first place His Excellency in Council desires to direct attention to the distinction that exists between the removal or discharge, and the dismissal, of a public servant. Removal from office for such a cause as unfitness for the duties of the office need not usually entail any further consequences. It ought not to bar re-appointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-employment under Government.

3. In cases of dismissal, on the other hand, the effect of the order should be to preclude the dismissed officer from being re-employed. Ordinary cases of the dismissal of non-gazetted officers need not be notified in the Government Gazette. As a precaution against the inadvertent re-employment of men who may have been dismissed, it would be sufficient to rule that officers should ascertain whether an applicant for a post has been in Government service before, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and a person who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered. The sanction of the Local Government or Administration should always be required to the re-employment of persons dismissed.

4. The dismissal of public servants should, the Governor-General in Council considers, be notified in the Gazette only in the following cases, *viz.*, (1) when it is necessary to notify the public of the removal from service of an officer, whether because his appointment was previously gazetted or from any other cause, and (2) when it is specially desired to exclude from re-employment in the service of Government a public servant who has been dismissed for a heinous offence, such as fraud or falsification of accounts.

5. The reasons for the dismissal of a public officer should not be stated in the notification regarding his dismissal even in cases in which a conviction has been obtained in a Criminal Court. It will be sufficient to announce in the case of any person, whose dismissal will be notified in accordance with the principle laid down in paragraph 4 of this Circular, that the Government has dispensed with his services, except in those cases in which the cause of dismissal constitutes a disqualification under the terms of the law regulating the tenure of a particular appointment, and it is for this reason necessary to couple with the announcement of the dismissal a statement of the grounds upon which it has been ordered.

6. The Government of India leave it to the Local Governments to make such arrangements as they think necessary for securing that officers serving under them are informed what Government servants, other than those whose dismissals have been gazetted, have been dismissed. There is not before the Government of India sufficient evidence to show that it is necessary to communicate such information between Provinces, if the precautions above-mentioned are taken by officers when making appointments to vacant posts.

ORDER—dated 5th July 1895, No. 552, Public.

Communicated to the Departments of the Secretariat in continuation of G.O., dated 31st July 1894, No. 560, and to all Heads of Departments under the Chief Secretariat for guidance.

2. The Government trusts that the instructions of the Government of India will receive particular attention from all officers concerned. The precautions mentioned in paragraph 3 should invariably be adopted.

3. With reference to paragraph 6, it will be sufficient if the Department of the Secretariat concerned communicates the fact to other departments, and to Heads of Departments under it. In cases in which the dismissal has been notified in the Gazette no further intimation need be given.

(True Extract.)

W. Ramesh
Chief Secretary.

To the Departments of the Secretariat. *9/7/95*
„ all Heads of Departments.

Erd. P. Seetharam.