

(1) Number of pages 12

(2) Date of repair 18.9.42

(3) Initials of the Referencer P.

MADRAS RECORD OFFICE.

Government of Madras.

PUBLIC DEPARTMENT.

G.O. No.

552

Press
~~Misc~~

Dated

5th July

1895.

Not to be folded or roughly handled

Public
Educational (1895) Department.

Original

ORDINARY.

G.O. No. 552

DATED *5th July 1895*

[Despatch Abstract.]

Dismissal of Public Servants

BACK PAPERS.

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

FURTHER PAPERS.

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

5TH JULY 1895, No. 552, PUBLIC.

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-Pub.

In the Circular letter from this department, No. 11-Public 1094, dated the 21st June 1894, the Government of India enquired what 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 draw 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 does not bar re-employment. It is the duty of the appointing authority to see that the duties of the person appointed to another office for the duties of which the person is not fitted, 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.

Communicate 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 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.)

Chief Secretary.

To the Departments of the Secretariat.
„ all Heads of Departments.

Exd. P. Seetharam.

No. 1994 3
Pub. Dept.

Pub. O. No.
Dismissal of re

5th July 1895,
No. 552.

Order:-

From
The Government of India
Home Dept.

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

No. 10 Public
917

Dated 15th }
Recd 24th } June 1895.
Depd 25th }

7 copies

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

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

Subject.

Laying down certain
general principles which
should be observed
regard to dismissals of
public servants.

75B
27.7.95.

2/7/95

Supd of the Secretariat 78
to all Heads of Depts.

20/7/95

WITH ORDER

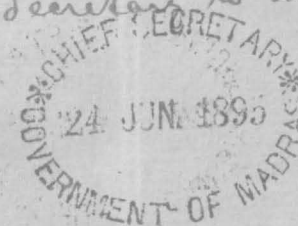
4
CURRENT 1994
18
No. 10 Public
917

FROM

J. P. HEWETT, Esq., C.I.E.,
Offg. Secretary to the Government of India,

TO

The Chief Secretary to the Govt of Madras.



Home Department.
Public.

Simla, the 15 June 1895.

SIR,

IN the Circular letter from this Department, No. ^{11-Public}₁₀₃₅₋₁₀₉₄ 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

Pub. Sec. 67
also 7

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.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hammett

Offg. Secretary to the Government of India.

[G.]
[34]
200-24-10-94.

Public DEPARTMENT.

List showing the distribution of the Proceedings of Government
dated 5 July 1895 No. 552

	Revenue Department	31
	Public Works Department	41
	Military Department	6
	Local and Municipal Department	31
JUDICIAL.	Honorable the Chief Justice with C.L.	30
	Inspector-General of Police	30
	Do. of Prisons	25
	Do. of Registration	3
	Chief Presidency Magistrate	3
	Commissioner of Police	3
	Judges of the Madras Court of Small Causes	1
	Advocate-General	1
	Government Solicitor	1
	Administrator-General	1
PUBLIC.	Sheriff of Madras	1
	Government Pleader	1
	Registrar of Joint Stock Companies	6
	Surgeon-General	1
	Meteorological Reporter	1
	President, Board of Examiners	1
	Private Secretary to the Right Honorable the Governor	1
	Government Astronomer	1
	Superintendent, Government Central Museum	1
	Chemical Examiner	1
	Superintendent of Stationery	1
	Protector of Emigrants	1
	Superintendent, Government Press	1
	Tamil Translator to Government	1
	Telugu do. to do.	1
POLITICAL.	Malayalam do. to do.	1
	Canarese do. to do.	1
	Hindustani do. to do.	1
	British Consular Agent, Pondicherry	1
	Superintendent, Archaeological Survey	1
	Government Epigraphist	1
	Resident in Travancore and Cochin	1
	Paymaster, Carnatic Stipends	1
	Political Agent, Pudukota	1
	Do. Sandur	1
ECCLIASTICAL.	Do. Banganapalli	1
	Government Agent, Tanjore	1
	Special Agent, South Arcot	1
MARINE.	The Right Reverend the Bishop of Madras	1
	Venerable Archdeacon of Madras	1
	Senior Chaplain of the Church of Scotland	1
	Presidency Port Officer	20
	Chairman, Harbour Trust Board	1

Desks
20/7/95

FINANCIAL. { Accountant-General 6
Commissioner of Paper Currency 1

EDUCATIONAL. { Director of Public Instruction 21
Commissioner for Government Examinations 1

THE DISTRICT MAGISTRATE OF

- Anantapur
- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput (Saidapet)
- Coimbatore
- Cuddapah
- Ganjam (Chatrapur)
- Godavari (Cocanada)
- Kistna (Masulipatam)
- Kurnool
- Madura
- Malabar (Calicut)
- Nilgiris (Ootacamund)
- Nellore
- Salem
- Tanjore
- Tinnevelly
- Trichinopoly
- Vizagapatam

DISTRICT AND SESSIONS JUDGE
OF

- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput
- Coimbatore
- Cuddapah
- Ganjam (Berhampore)
- Godavari (Rajahmundry)
- Kistna (Masulipatam)
- Kurnool
- Madura
- North Malabar (Tellicherry)
- South Malabar (Calicut)
- Nellore
- Nilgiris (Ootacamund)
- Salem
- Tanjore (Tanjore)
- Tinnevelly (Palamcottah)
- Trichinopoly
- Vizagapatam

When given for copying _____
When copied _____ } 191
When examined _____
When signed _____

READ AGAIN G.O., No. _____, DATED
191 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

ORDER OF GOVERNMENT.

AS DIRECTED BY THE GOVERNMENT.

WHEN NOT KEPT UP, BEING MEANT FOR DESTRUCTION
IN ORIGINAL.

A A A A A A A

S. —
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy headings only

21. 2. 27 $\bar{v}$

2. 5. 28 $\bar{v}$

6. 10. 28 $\bar{v}$

5. 1. 29 $\bar{v}$

7. 5. 29 $\bar{v}$

24. 6. 30 $\bar{v}$

3. 5. 32 $\bar{v}$

29. 1. 34 $\bar{v}$

14. 12. 37 $\bar{v}$

17. 12. 39 $\bar{v}$

12. 6. 40 $\bar{v}$