

## APPENDIX II

(Rule 21 of D&A Rules, 1968)

### INSTRUCTIONS FOR THE SUBMISSION, RECEIPT AND TRANSMISSION OF PETITIONS TO THE PRESIDENT OF INDIA

#### PART I

#### PRELIMINARY

**1. Definitions.**—In these instructions—

(1) "Petition" includes a memorial, representation, letter or an application of the nature of a petition.

(2) "Prescribed authority" means the appropriate authority specified in the Schedule to these instructions.

**2. Scope of Instructions.**—(1) These instructions shall apply to all petitions addressed to the President by persons who have been, in employment under the administrative control of the Railway Board in respect of matters arising out of such employment or in respect of the termination of such employment.

(2) These instructions shall not affect any rules or orders made by the President in respect of representations submitted by Associations or Unions of Government servants.

#### PART II

#### FORM AND MANNER OF SUBMISSION OF PETITIONS

**3. Form of petitions.**—(1) Every petition shall be legible and may preferably be either in typescript or in print.

(2) Every petition shall be authenticated by the signature and date of the petitioner and shall be submitted by him in his own behalf.

(3) Every petition and any document accompanying it shall be in the official language of the Union or any of the regional languages specified in the Eighth Schedule to the Constitution ;

Provided that if a petition or document is in a regional language, a translation thereof in the official language shall be furnished as far as possible along with such petition or document but no petition shall be withheld on the ground only for want of such translation.

**4. Contents of Petitions.**—Every petition shall—

(a) contain all material statements and arguments relied upon by the petitioner;

(b) be complete in itself and include a copy of the order complained against, as well as copies of orders, if any, passed by subordinate authorities;

- (c) contain no disloyal, disrespectful or improper language; and
- (d) end with a specific prayer.

**5. Method of submission of petitions.**—(1) Every petition shall be submitted to the prescribed authority through the head of the office or department to which the petitioner belongs or belonged, and shall be accompanied by a letter requesting the prescribed authority to transmit it to the President.

(2) The head of the office or department, on receipt of the petition submitted through him in accordance with sub-instruction (I), shall forward the petition through the usual official channel, to the prescribed authority, together with a concise statement of the facts, material thereto and all relevant papers, and, unless are special reasons to the contrary an expression of his opinion thereon.

### **PART III**

#### **WITHHOLDING OF PETITIONS BY THE PRESCRIBED AUTHORITY**

**6. Circumstances in which petitions may be withheld.**—The prescribed authority may, in its discretion, withhold a petition when—

- (1) the petitioner has not complied with any of the provisions of Part II; or
- (2) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition, and no satisfactory explanation of the day is given; or
- (3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petition, in the opinion of the prescribed authority, discloses no new facts or circumstances which afford grounds for a reconsideration of the matter; or
- (4) the petition is a representation against a decision which is declared to be final by any law or statutory rule; or
- (5) the petition is an application for an employment under the Government not made in pursuance of any rule or announcement calling for applications for such employment; or
- (6) the petition relates to a subject on which the prescribed authority is competent to pass orders and no application for redress has been made by the petitioner to the prescribed authority; or
- (7) the petition is a representation against the non-exercise in favour of the petitioner of a discretion vested in the prescribed authority; or
- (8) the petition is a representation against the discharge or termination of service by a competent authority of the petitioner, having been—
  - (a) appointed on probation, daring or at the end of such probation; or
  - (b) appointed, otherwise than under contract to hold a temporary appointment on the expiration of the period of such appointment; or

(c) engaged under contract, in accordance with the terms of such contract; or

(9) the petition is a representation against an order—

(a) from which the petitioner has already exercised, or has failed to exercise, a right of appeal available under the rules or orders or the contract regulating his conditions of service;

(b) passed by a competent authority in the exercise of appellate or revisional powers conferred by any rule, order or contract regarding his conditions of service; or

(10) the petition is a representation against an order of a competent authority refusing to grant or recommend—

(i) a special pension; or

(ii) any pecuniary or other concession to which the petitioner is not entitled under any rules or orders or contract regulating his conditions of service.

**7. Petitioner to be informed when petition is withheld.**—The prescribed authority shall, when a petition is withheld under instruction 6, inform the petitioner of the withholding thereof and the reasons therefor.

**8. List of petitions withheld.**—(i) If the prescribed authority is other than the Railway Board, it shall submit to the Railway Board through the usual official channel a quarterly return specifying particulars of all petitions withheld by it under instruction 6 and the reasons for withholding the same.

(ii) If the Railway Board is itself the prescribed authority, it shall prepare a quarterly return specifying particulars of petitions withheld by it under instruction 6 and the reasons for withholding the same.

(iii) The returns prepared under sub-instructions (i) and (ii) shall be dealt with in the manner provided in the rules made by the President for the transaction of the business of the Government of India.

(iv) If the President or the Railway Board on a scrutiny of the said returns or otherwise so directs, any or all of the petitions specified in the return under sub-instruction (i) shall be transmitted by the prescribed authority to the Railway Board or any or all the petitions specified in the return under sub-instruction (ii) shall be taken into consideration.

#### PART IV

#### PROCEDURE IN RESPECT OF PETITIONS NOT WITHHELD

**9. Procedure for transmission.**— If the prescribed authority is other than the Railway Board, it shall transmit to the Railway Board through the usual official channel petitions not withheld under instruction 6 and petitions called for under instruction 8 together with a complete statement of the facts material thereto and all relevant papers, and, unless there are special reasons to the contrary, an expression of the opinion of the prescribed authority thereon.

**10. Consideration of the petitions.**—Petitions received in its capacity as the prescribed authority by the Railway Board and not withheld by it under instruction 6, petitions taken into consideration under sub-instruction (iii) of instruction 8, and petitions transmitted to the Railway Board under instruction 9 shall thereafter be dealt with in accordance with the provisions of the Rules made by the President for the transaction of the business of the Government of India.

**11. Action to be taken after final orders are passed on petitions.**—The prescribed authority shall itself give effect, or ensure that effect is given by the competent authority, to such orders as the President may pass on any petition and, if the prescribed authority is other than the Railway Board, submit to the Railway Board within a period of three months of the receipt of the orders a report of the action taken.

### **The Schedule**

#### **List of authorities included in the term "Prescribed Authority."**

1. In respect of gazetted railway servants, the Railway Board.

2. In respect of non-gazetted railway servants—

(a) In the office of the Railway Board and in other offices directly under their administrative control, the Heads of the Offices concerned.

(b) On the Railways—

(i) General Managers.

(ii) Heads of Departments.

(iii) Divisional Superintendent.

(iv) Regional Heads.