

Chapter 41

Disposal of References from Members of Parliament & other VIPs/Guidelines framed in pursuance of Rule 20 of the CCS(Conduct) Rules 1964 as extended to the ICAR employees.

41.1: Disposal of References from Members of Parliament & other VIPs

- (1) Communications received from Members of Parliament/VIPs should be attended to promptly.
- (2) Where a communication is addressed to a Minister, it should, as far as practicable, be replied to by the Minister himself. In other cases, a reply should normally be issued over the signature of an officer of the rank of Secretary only.
- (3) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including nationalized banks) Division/ Branch in charge in a Ministry/Department/Organization, it should be replied to by the addressee himself. In routine matters, he may send an appropriate reply on his own. In policy matters, however, the officer should have prior approval of higher authorities before sending a reply. It should, however, be ensured that the minimum level at which such replies are sent to Members of Parliament /VIP is that of Under Secretary and that also in a polite letter form only.
- (4) Normally information sought by a Member of Parliament should be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.
- (5) As far as possible, in corresponding with Members of Parliament/VIPs pre-printed or cyclostyled replies should be avoided.
- (6) In case a reference from an ex-Member of Parliament is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Divisional Head after obtaining approval of the Secretary of the Ministry/Department. In case the reference is addressed to a lower level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the lowest level at which reply could be sent, should be that of an Under Secretary and that too in a polite letter form only.

41.2: Guidelines framed in pursuance of Rule 20 of the CCS (Conduct) Rules 1964 as extended to the ICAR employees.

In order to curb the tendency on the part of ICAR employees for bringing political pressure or outside influence for furthering their service matters which attracts the provisions of Rule 20- of CCS (Conduct Rules, 1964), the following instructions are to be kept in view:-



- (a) No notice shall be taken of a representation on service matter submitted by an outsider or a relative of an employee
- (b) Whenever an outsider makes a representation for furthering the service interests of an employee of the Council, it will be assumed that it is being done at the instance of the employee concerned. In the interest of discipline, displeasure of the Council shall be conveyed to the employee concerned for violating the Conduct Rules. If the same is repeated, a warning shall be issued and further repetition shall invite disciplinary proceedings:
- (c) An employee shall make representation through his/her superior officer. It will be incumbent on the superior office to forward the representation to the authority concerned without delay. No notice shall, however, be taken of a representation received by an authority if the same has not been routed through the concerned superior officer. In the interest of discipline, displeasure of the Council shall be conveyed to the employee concerned for overstepping the appropriate channels of correspondence. If the same is repeated, a warning shall be issued and further repetition shall invite disciplinary proceedings.
- (d) The copies of correspondence indicating use of political and outside influence by the Council's employee in violation of the provisions of the said rules, may be kept in the personal file of the employee concerned and this fact may be taken into account while writing his/her Annual Confidential Report. This will be without prejudice to other steps that may be taken for violation of provision of Conduct Rules.

(ICAR No. 21(7)/97-Per.IV dated 28-4-1997)

- (e) Despite existing ICAR instructions, a large number of communications from the public representatives/outside authorities are continued to be received in respect of service matters such as posting, transfer etc. of the employees of ICAR. There is no decline in the references from Members of Parliament or State Legislature/ other political/outside agencies. It is obvious that any high dignitary or Member of Parliament or any outside agency sponsors the case of an ICAR employee only when he/she is approached or pressed and therefore, all employees are advised that they should desist from bringing political/outside pressure in furtherance of their service matters.

(ICAR No. 38(2)/2002-Per.IV dated 15.2.2002)

- (f) Despite existing instructions, there are instances where scientists have arranged VIP references to further their prospects for appointment to higher posts in the Council which is in utter disregard to the Council's orders, and an affront to the personal dignity of the officials when they themselves have full fight to represent in regard to their service matters through the official channels available to them for



redressal of their grievances. Therefore, it is reiterated that if any high dignitary or Member of Parliament or legislature or any outside agency sponsors the case of any ICAR employee, it is obvious that he/she has been approached or pressed to do so. If, therefore, any reference is received on behalf of any ICAR employee from dignitary/Member of Parliament or legislature, it would be assumed that it has been taken up only at the instance of the concerned ICAR employee.

(ICAR No. 38(2)/2002-Per.IV dated 24.1.2003)

41.3 Consolidated Guidelines framed in pursuance of Rule 20 of the CCS(Conduct) Rules 1964

41.3.1 Rule 20 of the CCS (Conduct Rules) provides that no government servant shall bring or attempt to bring any political or outside influence to bear upon the authority to further his/her interest in respect of service matters. Guidelines to this effect have been issued by the Council from time to time.

41.3.2 The procedure to be followed in such cases, including the various aspects of the action to be taken is given below:-

- (a) If any high dignitary or Member of Parliament or legislature or any person or agency external to the immediate supervisory levels of the employees concerned sponsors the case of any ICAR employee, it is obvious that he/she has been approached or pressed to do so by the employee, either directly or indirectly. If therefore, any reference is received on behalf of any ICAR employee from a high dignitary/Member of Parliament or legislature or anyone extraneous to the line of hierarchy about the employee in question it would be assumed that it has been taken-up only at the instance of the concerned ICAR employee.
- (b) The dossiers being maintained by the ICAR Headquarters on all employees who have violated Rule 20 of CCS (Conduct Rules) shall reflect the names of all such employees, giving details of the source from which influence has been exerted, and the number of occasions on which such pressure has been brought to bear on the individual service matters of the incumbent.
- (c) The copies of the correspondence indicating use of political and outside influence in violation of provision of above rule will be kept in the personal file of the employee concerned.
- (d) An advice shall be issued to the ICAR employee for violation of Rule 20 of the CCS hConduct Rules. A copy of the advice may be placed in the CR dossier of the employee concerned.
- (e) If after issue of advice as at para (d) above, incident of repetition of the violation of Rule 20, CCS of Conduct Rules occurs a second time, a written warning should be issued to him/her by the appropriate disciplinary authority and a copy thereof should be placed in his/her C.R. dossier.



- (f) If despite the issue of warning, an ICAR employee violates the provisions of Rule 20 of CCS Conduct Rules, disciplinary action should be initiated against him by the appropriate disciplinary authority under the CCS (CCA) Rules. As per prevailing procedure status of the disciplinary action should be indicated to the DPC while giving the vigilance status/clearance for the candidate.
- (g) It should be the duty of the concerned Dy. Secretary/Under Secretary at ICAR headquarters dealing with establishment/personnel matters of the concerned employee to ensure that the papers relating to action taken against the ICAR employees viz. advice, warning and disciplinary proceedings for violating CCS (Conduct) Rules are kept in Personal File and Annual Confidential Report of the concerned officer in the manner stated above.
- (h) In the ICAR institutes it shall be the responsibility of the Director to arrange to maintain dossiers on such cases as is being done in the headquarters and keep copies of advice/warnings/recordable warnings in the personal file and ACR of the officers found violating the above said rule.
- (i) While considering the cases of employees for training, deputation and transfers; details of whether the concerned employee has indulged in violation of Rule 20 of CCS (Conduct) Rule or not will also be taken into consideration.
- (j) While considering the cases of promotion/assessment etc., a consolidated statement will be placed before the DPC/Assessment Committee by the member secretary of the DPC on the basis of the CR files of the candidates concerned as to whether the officer has at any time been issued a recordable warning.
- (k) Officers processing cases for training, deputation and transfers in the Headquarters and in the case of Institutes, the Director and Officers in charge of Administration shall be responsible to ensure that clearance in respect of all these aspects is sought from the concerned Institute/Establishment/Personnel Division at the Headquarters as the case may be.

(ICAR No. 38(2)/2002-Per.IV dated 27.7.2005)