

CHAPTER – XIII

**GENERAL CONDUCT AND DISCIPLINE AND OTHER SERVICE MATTERS**

***Rules 9 of the Meghalaya Civil Services (Conduct) Rules – Instruction thereof:***

1.1. Rules 9 of the Meghalaya Civil Service (Conduct) Rules provides that a Government Servant shall :-

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) Not under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drinks or drugs;
- (c) Not consume any intoxicating drinks or drugs in public place;
- (d) Not appear in a public place in a state of intoxication;
- (e) Not use any intoxicating drinks or drugs to excess.

The rules further defines “public place” as any place or premises (including a conveyance) to which the public have, or permitted to have, access whether on payment or otherwise.

1.2. The above provision of Rules are of special importance in the context of the latest endeavor to reduce the consumption of alcoholic beverages and drug. While it is expected that every Government servant will scrupulously adhere to the provisions of the Meghalaya Civil Services (Conduct) Rules mentioned above, it is also expected of the disciplinary authorities to keep strict watch on the conduct of the Government servants in regard to matters covered by the aforesaid rules. Violation of any of the provision of Rule 9 *ibid*, will constitute a good and sufficient reason for taking disciplinary action against a Government servant. While any of the penalties specified in Rule 7 of the Assam Service (Discipline and Appeal) Rules, 1964 ( as adapted by the Government of Meghalaya) can be imposed on a Government servant for good and sufficient reasons after following the prescribed procedure, the disciplinary authorities should take a very serious view of any violation of Rule 9, *ibid* and should not hesitate to impose the severest punishment on such Government servants who are proved guilty of violating the said rules.

No.PER.335/74/  
Pt/9, dtd., 4<sup>th</sup>  
June, 1984

2. Instructions for strict observance of the provisions relating to the consumption of intoxicating drinks and drugs contained in Rule 9 of the

	<p>Meghalaya Civil Services (Conduct) Rules as amended, were issued vide Paras 1.1 and 1.2 above. However, instances of violation of the above mentioned Conduct Rules and instructions have come to the notice of the Government. It is, therefore, reiterated that –</p> <ul style="list-style-type: none"> <li>(i) every Government servant should scrupulously adhere to the provisions of the Conduct Rules relating to the consumption of intoxicating drinks and drugs;</li> <li>(ii) The disciplinary authorities should keep a strict watch on the conduct of Government servants in regard to the matter covered by the aforesaid provisions of the Conduct Rules; and</li> <li>(iii) The disciplinary authorities should take very serious view of any violation of Rule 9, ibid as amended and should not hesitate to impose the severest punishment on such Government servants who are proved guilty violating the said rule.</li> </ul>
<p><i>O.M.No.PER. 335/74/Pt/3, dt<sup>th</sup> Jan, 1977</i></p>	<p style="text-align: center;"><b>Participation in Co-operative Societies by Government servants</b></p> <p>3.1 Instances have come to the notice of the Government that some Government servants are taking active part in the registration, promotion and management of Co-operative Societies and are also accepting remuneration for attending the Executive Committee meetings, etc., of such Societies. According to the proviso to Rule 12(3) of the Assam Civil Services (Conduct) Rules, 1965 as adapted by this Government, a Government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 or any other law for the time being in force or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 or any corresponding law in force.</p> <p>3.2. It is, therefore, clarified that Government servants cannot take active part in the affairs of any Co-operative Society which is not exclusively or substantially meant for the benefit of Government servants without the previous sanction of Government. There is, however, no bar to Government servants becoming members of such Societies without taking active part in the affairs of such Societies. The Government servants cannot also accept any remuneration from any Co-operative Society for any work done in connection thereof without the previous sanction of Government.</p>
<p><i>O.M.No.PER. 335/74/230, dtd. 5<sup>th</sup> June, 1984</i></p>	<p>4.1. Sub-Rule (3) of Rule 12 of the Assam Civil Services (Conduct) Rules, 1965, as adapted by Meghalaya provides as follows :-</p>

“12(3). No Government servant shall without the previous sanction of the Government, accept in the discharge of his official duties, take part in the registration, promotion or management of any Bank or other Company which is required to be registered under the Companies Act, 1965 (1 or 1956) or any other law for the time being in force or any Co-operative Society for commercial purposes.

“Provided that a government servant may take part in the registration, promotion or management of a Co-operative Societies substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.”

1.2. It has been brought to the notice of the Government of some instances of violation of the above provisions of the Rules and instructions contained in Paras 3.1 and 3.2 above. It is, therefore, once again reiterated that except in the discharge of their official duties, Government servants cannot take part in the affairs of any Co-operative Society which is not exclusively or substantially meant for the benefit of Government servants without the previous sanction of Government. There is, however, no bar to Government servants becoming members of such Societies without taking part in the affairs of such Societies. Government servants cannot also accept any remuneration from any Co-operative Society for any work done in connection thereof without the previous sanction of the Government.

4.3. It is also clarified that there is no bar for Government servants to take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of Government servants or of a literary, scientific or charitable society, subject to the following conditions, namely:-

- (i) He shall give intimation to the Head of Office before taking part in such activity and give full details.
- (ii) His official duties do not thereby suffers.
- (iii) He shall discontinue taking part in any such activity, if so directed by Government and ;
- (iv) If taking part in such activity involves holding of an elective office, he shall not seek election to any such office without the previous sanction of Government.

*O.M.No.PER.  
21/88/1,dt.  
19<sup>th</sup> May,  
1988*

### **Conduct of the State Government servants**

5.1. The conduct Rules for various services have enjoined the need for every member of the Government Service to maintain absolute integrity and devotion to duty and to refrain from doing anything which is unbecoming of a member of the Service. It is also expected that Government officials should take all possible steps to ensure the integrity of and devotion to duty of all Government servants under the control and authority. Government reiterate that all the State Government officials including members of All India Services are expected to scrupulously observe the provisions of the relevant Conduct Rules both in letter and in spirit. It is emphasized that Government servants should conduct themselves in a manner which inspires the confidence and respect of the members of the public. Government, therefore, would like to draw the attention of the government Officials to some aspects of their conduct :-

- (a) Their integrity should be above doubt. Carrying on private trade or private employment and using official position for person gain will invite strict disciplinary action.
- (b) No member of the Services shall be associated with any political party or take part in politics.
- (c) The Conduct Rules also provide that a Government servant shall strictly abide by any law relating to intoxicating drinks and/or drugs in force in any area in which he may happen to be for the time being; and he shall not be under the influence of any intoxicating drink or drug during the course of his duties and shall also take due care that the performances of his duties at any time is not affected in any way by the influence of such drink or durgs. He shall not consume any intoxicating drink or drug in a public place and not appear in a public place in a state of intoxication.
- (d) It is essential that the moral character of the Government servants is above reproach. Bigamous marriages and illicit relations are in violation of the Conduct Rules and will invite penalty.
- (e) They should refrain from adverse criticism of the policy or action of the Government except in their official capacity and in due performance of the duties assigned to them.
- (f) Unauthorised communication of information is in serious violation of the Conduct Rules.
- (g) It is also expected of the disciplinary authority to keep a strict

	<p>watch on the conduct of Government servants to enforce :</p> <ul style="list-style-type: none"> <li>(i) Punctually in attending office.</li> <li>(ii) Courteous behaviour and disciplined conduct.</li> <li>(iii) Ban on drinking within the office premises or in official parties.</li> <li>(iv) Ban on gambling.</li> </ul> <p>Effective enforcement of the above will be possible only when officials in senior position set an example themselves.</p> <p>5.2. Violation of any of the provisions of the Rules will constitute good and sufficient reason for taking disciplinary action against a Government servant and imposition of any of the penalties specified under the relevant rules. The Disciplinary Authority should take a very serious view of any violation of the provisions of the Rules mentioned above and should not hesitate to take action on such Government servants who are found guilty of violating the above rules.</p>
<p><i>O.M.No.PER..21/88/5,dtd.,15<sup>th</sup> June, 1988</i></p> <p><i>O.M.No.PER..21/88/43,dtd.,20<sup>th</sup> May,1992</i></p> <p><i>O.M.No.PER.100/90-38dtd 2<sup>nd</sup> Feb, 1998</i></p>	<p>6. In inviting attention of all Government servants to the provisions contained under Paras 5.1 and 5.2 above, Government expect that the higher echelons echelons of all Services in the State Government should set an example in observing the instructions laid down therein.</p> <p><b>Government employees indulging in criticism of other Department's policy matters/Anti-Government activities</b></p> <p>7. Government would reiterate that all State government Officials including members of the All India Services are expected to scrupulously observe the provisions of the relevant Conduct Rules both in letter and spirit. Government would emphasize that all Government employees should refrain from indulging in any another Department on policy or action of the Government to non-official bodies, etc., which could then find their way to the Press, thereby embarrassing the relations among different departments and tarnishing the image of the Government. Attention to Para 5.1(e) and (f) and Para 5.2 above is invited.</p> <p>8. Government have noticed that some Government officials are indulging in anti-Government activities by participating openly in political movement / activities. Government would reiterate that all State government officials including members of the All India Services are expected to scrupulously observe the provisions of the relevant Conduct Rules both in letter and spirit and to refrain from indulging in any anti-Government activities. It is emphasized that the instructions contained in Rule 20 of the Meghalaya Services (Conduct) Rules, 1990 should be strictly adhered to and any violation</p>

	of these instructions would be viewed seriously by the Government.
<i>No.PER(AR) 114/89/1, dtd, 2<sup>nd</sup> June, 1989</i>	<p style="text-align: center;"><b>Conduct of Government servants in relation to participation in demonstration and strike</b></p> <p>9. Instances have come to the notice of the Government that some Government servants have taken part in demonstration, etc., launched by different organisations. Attention is drawn to the provisions of Rule 20 of the Assam Civil Services (Conduct) Rules, 1965 as adapted, wherein a Government servant is prohibited from engaging himself or participating in any demonstration which is prejudicial to the interest of public order. Such an act on the part of the Government servant will be considered as a direct violation of the aforesaid rule and he/she will be liable to strict disciplinary action as specified under the Rules.</p>
<i>No.PER.86/87/71 dt. 31<sup>st</sup> July, 1991.</i>	<p style="text-align: center;"><b>Employment of members of family of Group ‘A’ State Government Employees in Companies, Firms and Agencies</b></p> <p>10. Rule 21 of the Meghalaya Services(Conduct)Rules,1990 governs the matters relating to the taking up of employment in Companies or Firms or Agencies and/or engaging themselves in a trade or business or in Insurance Companies or Commission Agencies by the spouses, family members and near relatives of Group ‘A’ State Government employees. In the context of the aforesaid provisions, the D.O. letter No.142/2/91-AVD.I, dated 14<sup>th</sup> June 1991 of the Joint Secretary(V) to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi is reproduced below:</p>
	<p>“Government of India are keen that the senior officers maintain their integrity, good conduct and high standard of behaviour specially in the discharge of their official duties. Various conduct rules, inter-alia, are also intended to ensure that no member of service uses his official position or exercises influence directly or indirectly for private gains. In this context, attention to the provisions of Rules 4 and 13(2) of the All India Services (Conduct) Rules,1960, regarding taking up employment by spouses, family members and near relatives in companies and firms and their engagement in a trade, business, insurance agency or commission agency, of the members of the All India Service”.</p> <p>Necessary information regarding the officers of All India Services/Group ‘A’ State Services working with the State Government, whose spouses, family members and near relatives have taken up employment in companies or firms or have been engaging themselves in a trade or business or in insurance companies or commission agencies is critically scrutinised and a detailed report on the follow up action taken in the matter is sent urgently’.</p>

*O.M.No.PER  
(AR)5/89/21  
dt. 21<sup>st</sup> April,  
1992.*

**Government servants involved in criminal misconduct  
Departmental proceedings and prosecution**

11. The matter regarding initiation of departmental proceedings against State Government Servants involved in criminal misconduct has been engaging the attention of the Government. After examination, the matter has been reviewed and Government have decided that the following procedure should normally be adopted in cases of alleged criminal misconduct of Government servants.

- (1) As soon as sufficient evidence is available for the purpose during the course of investigation in cases of misconduct, whether such investigation is conducted departmentally or through the police, action should be taken immediately under the Assam Services (Discipline and Appeal) Rules, 1964, as adapted by the Government of Meghalaya and disciplinary proceeding should be initiated forthwith. Such departmental proceedings may run concurrently with the police investigation. After the departmental proceedings are concluded, penalty, if any may be imposed as a result thereof.
- (2) In appropriate cases criminal proceedings should thereafter be initiated after obtaining legal advice from Government counsel, and in more important cases from the Advocate General. Where the conduct of an Officer discloses a grave offence of a criminal nature, criminal prosecution should be the rule and not the exception. Where the competent authority is satisfied that there is no criminal case which can be reasonably instituted against such officer, criminal prosecution should not of course, be resorted to. However, prosecution should not be avoided only on the ground that the case might lead to an acquittal.
- (3) Should the decision of the trial court or the appellate court, as the case may be, lead to the acquittal of the accused, it may be necessary to review the decision taken earlier as a result of the departmental proceedings, if the legal proceedings and the departmental proceedings covered precisely the same ground. If they did not, and the legal proceedings related only to one or two charges, i.e., not the entire field of departmental proceedings, it may not be necessary to alter the decision already taken. Moreover, it should also be remembered that while the court may have held that the facts of the case did not amount to an offence under the law, it may well be that the competent authority in the departmental proceedings might still hold that the Government servant was guilty of a departmental misdemeanor or misconduct, or that he had not behaved in a manner in which a Government employees of his position was expected to behave.

(4) Article 311(2) of the Constitution of India prohibits dismissal, removal or reduction in rank of a Government servant except after an enquiry in which reasonable opportunity of being heard has been given in respect of the charges made against him. The Discipline and Appeal Rules lay down the procedure of the departmental enquiry or proceedings. At the same time, according to the Second Proviso to Article 311(2), *ibid*, departmental enquiry or proceedings is exempted where a person is dismissed or removed or reduced in rank as a result of his conviction on a criminal charge, or where the disciplinary authority is satisfied for reasons to be recorded in writing that it is not practicable to hold an enquiry against the Government servant; or where the Governor is satisfied that in the interest of the security of the State it is not expedient to hold an enquiry. The provisions pointed above are to be kept in view in dealing with the cases of delinquent Government servants. Where necessary, Law Department and Personnel and Admn. Reforms Department should be consulted.

(5) With regard to placing a Government servant under suspension, it is, pointed out that the Discipline and Appeal Rules provide that where a Government servant is arrested for any criminal misconduct and detained for a period exceeding forty-eight hours such government servant shall be deemed to be under suspension from the date of such detention by an order of the Disciplinary Authority. However, where the detention is made on account of any charge not connected with his position as Government servant and his continuance in office is not likely to embarks the Government or in the discharge of his duties or where the charge does not involve moral turpitude the suspension may be vacated when the Government servant is released on bail. These provisions may also be borne in mind.

### **Suspension of Government servants**

*No.PER.133/  
77/1, dtd. 24<sup>th</sup>  
June, 1977*

12. That a large number of officers are kept under suspension for long periods without framing charges at all. The intention in placing an officer under suspension is not to inflict punishment(which can be done only when charges are proved) but to safeguard against further loss to Government. Tempering or manipulation of relevant records or evidence, intimidation of witnesses or embarrassment to Government in the public eye as in the case where moral turpitude is involved or to demonstrate the policy of the Government to deal strictly with officers involved in scandals, particularly corruption. The period of suspension should as a matter of elementary justice be reduced to the minimum and it is therefore, necessary that the departmental proceedings against the officers concerned should be finalised expeditiously. In this connection it may be pointed out that in some cases suspension although



	<p>initially justified may have to be reviewed if the suspension continues for a long period thereby causing the concerned officers to suffer as well as involving financial loss to Government while the morality of tempering with records. Etc may no longer exist. Government have decided that all pending suspension cases should be reviewed immediately and for that purpose, the following procedure is prescribed :</p>
	<p>(1) Suspension cases of officers whose appointing authority is the Governor, should be submitted to a Review Committee for advice on the justifiability of otherwise respecting the continuance of such suspension. Such cases should be submitted to the Personnel &amp; Administrative Reforms (A) Department within (17.7.77) with the views of the concerned Secretary for placing the matter before the Review Committee which will consist of the Chief Secretary, the State Enquiry Officer and the Secretary of the Department concerned..</p> <p>(2) Suspension cases of officers whose appointing Authority is other than the Governor, should be reviewed by the Secretary of the Administrative Department concerned as to the justifiability or otherwise respecting the continuance of such suspension.</p>
	<p>A Monthly report of the progress of the review of cases falling under (2) above should be submitted to Personnel &amp; Admn. Reforms (A) Department by the Reviewing Authority concerned and in any case where continuance of suspension is considered justified. And facts of the case should be furnished in the report.</p> <p>(3) In all suspension cases where it is decided that continuance of suspension is not necessary. The officers suspended may be allowed to resume duties with the orders of the competent authority but care should be taken that on resumption of duties, such officers will not be in a position to jeopardise or affect prejudicially in any way the progress of the departmental proceedings.</p>
<p><i>O.M. No.PER (AR)146/86 /86, dtd. 20<sup>th</sup> March, 1979</i></p>	<p style="text-align: center;"><b>REPRESENTATION ON SERVICE MATTERS AND REDRESS IN THE COURT OF LAW, ETC</b></p> <p>13.1. Some government servants are in the habit of sending copies of their representations to the Chief Minister and other Ministers for seeking redress of their grievances regarding their service rights or conditions. This practice is contrary to official propriety and discipline. To avoid repetition of such instances the following instructions are issued:-</p> <p>13.1.1. Whenever, in any matter connection with his service rights or</p>

conditions, a Government servant wishes to press a claim or to seek redress of a grievance, the proper course for him is to address his immediate official superior or the Head of his office, or such other authority at the lowest level, as is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority delayed the disposal of the case. Representations to still higher authorities (e.g. those addressed to the Governor, the Government or to the Ministers) must not be made unless all means of securing attention or redress from the lower authorities have been exhausted; even in such cases, the representation must be submitted through the proper channel (i.e. the Head of Office, etc. concerned). Only at that stage the sending of an advance copy of the representation to higher authorities as indicated above is permissible.

13.1.2. The consideration by the higher authorities of advance copies of representations so received should be governed by the following general principles :-

- (a) If the advance copy does not clearly show that all means of securing attention or redress from lower authorities have been duly tried and exhausted, the representation should be ignored or rejected summarily on that ground, the reasons being communicated briefly to the Government servants.
- (b) If the advance copy shows clearly that all appropriate lower authorities has been duly addressed and exhausted, it should be examined whether On the fact, as stated, grounds for interference or for further consideration appears, prima facie to exist. Where no such ground appear, the representation may be ignored or summarily rejected, the reasons being communicated briefly to the Government servant.
- (c) Where some grounds for interference or further consideration appear to exist, the appropriate lower authority should be asked, within a reasonable time to forward the original representation, with its report and comments on the point urged. It is not advisable to pass orders on any representation without first ascertaining the comments of the appropriate lower authority.

13.1.3. Some Government servants are in the habit of sending copies of the Representations also to outside authorities, i.e. authorities who are not directly concerned with the consideration thereof (e.g. other Ministers, Secretary, member of Parliament, etc.) This practice is contrary to official propriety and subversive of good discipline and all Government servants are expected scrupulously to eschew it.

	<p><b>Redress in Courts of Law</b></p> <p>13.2. Government servants seeking redress of their grievances arising out of their employment or conditions of service should, in their own interest first exhaust the normal official channels of redress before they take the issue to a Court of Law. However, under the existing rules permission to use Government in a Court of Law for the redress of such grievances by any Government servant is not necessary.</p>
<p><i>No.PER (AR) 122/81/5, dtd. 6<sup>th</sup> Augt, 1981</i></p>	<p><b>Tendency of government employees to approach ministers / politicians for various kinds of grievances/redress, etc.,</b></p> <p>14.1. Government are seriously concerned at the increasing tendency on the part of State Government employees to approach the Ministers and public leaders for redress of their grievances and various other service matters like, transfer, posting, etc. This practice is contrary to official propriety and discipline. In this connection, attention of all concerned is drawn to the provision of Rule 22 of the Assam Civil Services(Conduct) Rules 1965, adapted by the Government of Meghalaya which enjoins that no Government servant shall bring or attempt upon a superior authority to further his interest in respect of matters pertaining to his service under the Government. Attention is also drawn to the instructions under Para 1 above.</p> <p>14.2. To meet such and other similar situation the Secretaries, Heads of Departments and Heads of Offices should caution the Officers and staff under them to strictly adhere to the above instructions.</p>
<p><i>O.M. No.PER (AR)180/83/(4)/3, dt. 17<sup>th</sup> Nov., 1983</i></p> <p><i>No.PER.289/72/1, dtd., 1<sup>st</sup> Sept., 1972.</i></p>	<p><b>Prompt action to attend to grievances of the government servants</b></p> <p>15.1. Of late, there has been tendency on the part of Government employees to approach Ministers and politicians for redress of their grievances and various other kinds of service matters. In future any such action should be adversely viewed by the appointing authority and appropriate action should, in such case, be taken against the government servant concerned.</p> <p>15.2. Government have also noticed that the representations duly submitted by the Government employees to their appointing authorities have not promptly been attended to and, in some cases, even replies have not been sent. All Administrative Departments/Heads of Departments and/or all concerned appointing authorities are, therefore, to ensure that the grievances of Government employees whenever submitted to them should be attend to promptly.</p> <p>16. It has come to the notice of Government that a number of State Government employees in the Secretariat, Heads of Departments and District Offices write letters and send representations on official directly to the Chief</p>

	<p>Minister. The norms of official propriety should be duly observed and that letters and representations are not submitted directly in such cases but through the proper channels.</p>
<p><i>O.M. No.PER (AR)51/92/5, dtd. 29<sup>th</sup> May, 1992</i></p>	<p><b>Representations etc on Service matters, etc, by State Government employees</b></p> <p>17. Some Government employees/Service Associations have time again resorted to practice contrary to official propriety and discipline by addressing their representations/memoranda direct to Chief Minister/Ministers for seeking redress of their service grievances despite clear standing instructions issued from time to time. All State Government employees and Civil Services Associations should strictly adhered to Rule 26(4) of the Meghalaya Services (Conduct) Rules, 1990. Any violation of these instructions will be viewed seriously by Government.</p>
<p><i>O.M. No.PER (AR)51/84/59 dtd. 13<sup>th</sup> May, 1992</i></p>	<p><b>Functions of the Commissioner for department enquiries</b></p> <p>18. In suppression of all previous orders, the following broad functions for the Commissioner for Departmental Enquires are laid down :-</p> <ol style="list-style-type: none"> <li>(1) The Commissioner for Departmental Enquiries will be responsible to conduct inquiries in departmental proceedings against Gazetted Officers upto the rank of a Deputy Secretary to the Government /Joint Heads of a Department and equivalent ranks, irrespective of his place of posting where such officer is governed in disciplinary matters by the Assam Service(Discipline and Appeal) Rules, 1964 (adapted by the Government of Meghalaya) and where one or more of the penalties specified under Rule 7 thereof is contemplated to be inflicted.</li> <li>(2) Provided that with the prior approval of Personnel and Administrative Reforms (B) Department, a disciplinary proceeding may, in exceptional cases, be enquired into by any other officer as may be decided in each individual case. In all such cases as referred to at (1) above, the Administrative Department of the Officer in respect of whom the proceedings are conducted, should first obtain the approval of the Minister-in-Charge and make specific entrustment of the inquiry to the Commissioner for Departmental Enquiries in each and every case. The order to entrust the enquiry to the Commissioner for Departmental Enquiries should also be issued by the concerned appointing authority with a copy endorsed to personnel and Administrative Reforms (B) Department.</li> <li>(3) All pending departmental proceedings/cases of the category specified at (1) above be transferred to the Commissioner for Departmental Enquiries immediately by all authorities concerned except such cases where the process of hearing is in progress. In such cases where the proceedings in</li> </ol>

	<p>question has been decided to be transferred to the Commissioner for Departmental Enquiries, the process laid down in para (2) above should invariably be followed.</p> <p>(4) For the purpose of conducting the enquiries in cases entrusted to him, the Commissioner for Departmental Enquiries is empowered to call for reports, statements and other information as may be necessary from all Departments/Offices of Government and to take or cause to be taken all such actions as may be expressly or impliedly required under and for the purpose of the said rules in connection with any such disciplinary proceedings so entrusted and it is obligatory on the part of the latter to render all assistance to him as may be necessary for proper conduct of such enquiries.</p> <p>(5) The Commissioner for Departmental Enquiries is also to watch the speedy disposal of Departmental proceedings (for which attempts should be made to finalise within 6(six) months of their initiation), initiated by the respective departments of Government. For the purpose of watching the speedy disposal of departmental proceedings/cases in the Department /Offices of Government, the Commissioner for Departmental Enquiries may call for Monthly/Quarterly reports of all such pending cases. It is obligatory on the part of all Departments/Offices to furnish such reports, whenever called for by him.</p> <p>(6) For all administrative purposes, the Personnel and Administrative Reforms (B) Department will be Administrative Department for the office of the Commissioner for Departmental Enquiries.</p>
<p><i>No.PER.(A)51/94/123, dtd 17<sup>th</sup> June, 1995</i></p> <p><i>O.M. No.PER. 98/77/328, dtd. 21<sup>st</sup> Nov. 1978</i></p>	<p style="text-align: center;"><b>Appointment of the Commissioner for Departmental Enquiries</b></p> <p>19. In terms of Para 16(2) above, the Commissioner for Departmental Enquiries should be appointed by the Appointing Authority concerned to enquire into the Departmental Proceedings against their defaulting Officer(s). It is now clarified that the Commissioner for Departmental Enquiries should be appointed by name for each and every case. In the event that the Commissioner to whom the enquiry had been entrusted is transferred, the new Commissioner for Departmental Enquiries when posted, should invariably be re-notified by the Department concerned immediately to avoid dislocation of the departmental enquiry.</p> <p style="text-align: center;"><b>Role of oral instructions in the transaction of Government business</b></p> <p>20.1. Sub-rule (3) of Rule 3 of the AIS (conduct) Rules, 1968 and sub-rule 2(ii) of Rule 3 of the Assam Civil Services (Conduct) Rules, 1965 as adapted by the Government of Meghalaya which, inter alia provides as follows : -</p>

“No Government servant shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible”.

20.2. The conduct of Government business on the basis of oral orders or instructions of officers having the power to give orders or instructions as such has been carefully examined in the light of the above provisions. With a view to remove any doubt as to the role of oral direction in the transaction of Government business, Government feel that the role as contemplated under the aforesaid rules should be clearly defined and there should be definite guidelines for the purpose. The purpose of the said rules is that there shall be on record a written direction from the authority under whose orders the relevant decision or action is taken. It follows from this that where action is taken in accordance with the direction of the Minister, it would be the responsibility of the Secretary to obtain such direction in writing before further action is taken or where this is not practicable, to seek confirmation thereof immediately thereafter. It is not open to the superior officer to refuse confirm in writing the direction given by him orally, just as it is open to him to state immediately that no such direction was given. The role of oral direction having thus defined, Government have decided to lay down the following instructions which will serve the purpose of Guideline in the matter :-

- (i) oral instructions should not, as far as possible, be issued by senior officers to their subordinates.
- (i) if the oral instructions are issued by any senior officer, they should be confirmed by him in writing immediately thereafter.
- (ii) If a junior officer seeks confirmation to the oral instructions given by the senior, the latter should confirm it in writing whenever such confirmation is sought.
- (iii) A junior officer who has received oral orders from his superior officer should seek confirmation in writing as early as practicable.
- (iv) Whenever a member of the personal staff of a Minister communicates an oral order on behalf of the Minister, it should be confirmed by him in writing immediately thereafter.
- (v) If a junior officer receives oral instructions from the Minister or

from his personal staff and the orders are in accordance with the norms, rules, regulations or procedures, they should be brought to the notice of the Secretary or Head of the Department, as the case may be, for information.

- (vi) If a junior officer receives oral instructions from the Minister or his personal staff and the orders are not in accordance with the norms, rules, regulations or procedures, he should seek further clear orders from the Secretary or Head of the Department, as the case may be, about the line of action to be taken, stating clearly that the oral instructions are not in accordance with the rules, regulations, norms or procedures.

20.3. All concerned are to observe the above instructions strictly and invariably in future.

**Foot Note** :- Since the personal staff of Ministers whether belonging to organised services or otherwise are governed by the provisions of the Conduct Rules, they are also required to observe the orders outlined in the paragraphs.

### **Emigration of State Government employees to other countries**

21. A question has been raised as to whether the State Government employees can correspond with foreign countries/ Missions in regard to their emigration and whether they can be granted "No Objection Certificate" for seeking such emigration to foreign countries. The matter has been considered carefully and it is stated that no State Government employees should apply for or seek emigration to any other country so long as he is in Government service. The question, therefore, of issuing a "No Objection Certificate" to any State Government employee, who wishes to migrate to a foreign country, does not arise.

### **Hunting of wild animals by Government servants with allocated vehicles**

22.1 Government vehicles are provided so that officers and staff could function more effectively in the discharge of their duties. However, allotment of Government vehicle is mainly aimed at affording an officer a convenience in respect of his official duties. Without prejudice to the provisions of any other law it has, therefore, been decided that use of Government vehicles in connection with the hunting of Wild Life will amount to an act unbecoming of a Government servant under Rule 3(III) of the Assam Civil Services (Conduct) Rules, 1965 as adopted by Meghalaya which will render the Government employee liable to action the said Rules.

22.2. The Tour Note No. CS/TN/79, dated the 6<sup>th</sup> February, 1979 is reproduced below :-

*O.M. No.PER  
40/96/7, dt.  
23<sup>rd</sup> July,  
1996*

*O.M. No.PER  
50/79/17, dt.  
3<sup>rd</sup> Aug, 1979*

“ (iii) There were reports that the hunting of wild life has been indulged in by the Government servants with allotted vehicles. A Circular may be put up to the effect that this will be considered as an act of misconduct in future, rendering the officers/Government employees liable to departmental proceedings”.

**Unauthorised absence of government servants during the period of non cooperation movements, bandhs, etc.**

*O.M. No.PER  
36/80/5, dtd.  
13<sup>th</sup> June, 1990*

23. Government are seriously concerned at the increasing tendency among Government servants to absent themselves from duty voluntarily in response to calls for non-cooperation movements, bandhs, picketing, etc., organised by certain organisations. Government servants, like other citizens, have their own views and feelings but it is wrong and wholly impermissible for them to participate in or support by absence from duty or by other acts, what is essentially a political movement. In this connection attention of all concerned is drawn to the provision of Rule 3(1) of the Assam civil Services (Conduct) Rules, 1965 (adapted by the Government of Meghalaya) which enjoins that every Government servant shall at all times (i) maintain absolute integrity, (ii) maintain devotion to duty, and (iii) do nothing which is unbecoming of a Government servants. No Government can function if Government servants violate discipline and the rules of conduct by which they are governed and join, in any manner, either in a political protest or expression of political feeling. To meet such and other similar situations, the following instructions are issued for guidance and strict compliance by all concerned.

- (1) A Government servant abstaining from duty for any reason whatsoever without permission shall not be entitled to any pay and allowances during the period of such absence.
- (2) The authorities concerned should, however, after proper enquiry to the facts and circumstances explained by such employees in their written explanation satisfy themselves that they are guilty of such indiscipline before imposing the above punishment.
- (3) Secretaries, Heads of Departments and Heads of Offices should advise their employees against participating in non-cooperation movements or absenting themselves on the pleas of bandh, picketing, etc., and may issue a cautionary notice in advance to all Government servants that those who absent themselves on such occasion will be liable for action under the rules.



### **Stay of officers in their approved headquarters**

*O.M. No.PER  
(AR)247/82/4  
dt. 17<sup>th</sup> Nov.,  
1983*

24. All Officers must reside in their approved Headquarters. If there is any personal or general problem due to which an Officer cannot stay at his approved Headquarters, he should seek permission modifying his approved Headquarters for a specific period. Without such specific approval, no Officer should stay in a place other than the approved Headquarters.

*No.PER (AR)  
86/90/4, dtd.,  
6<sup>th</sup> July, 1996*

25. There is a growing tendency among the Officers posted in the District or Sub-Divisional headquarters to leave their headquarters on every Friday of the weekend for reasons not connected with their official duties. Such action on the part of the various Officers has caused a lot of inconvenience and hardship to the general public having official dealings with the concerned Officers at the headquarters. The instructions contained at Para 24 above should be strictly followed.

### **Public demonstration in honour of Government servants**

*O.M. No.PER  
86/87/89, dtd.  
15<sup>th</sup>Feb. 1992*

26.1. A reference to Rule 12 of the All India Services (Conduct) Rules, 1968, reproduced below is invited :

“12. Public demonstration in honour of Government servants :- (1) No member of the Service shall except with the previous sanction of the Government receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other Government servant.

“Provided that nothing in this rule shall apply to –

“(i) a farewell entertainment of a substantially private and informal character held in honour of a member of the Service or any other Government servant on the occasion of his retirement or transfer or of any person who has recently quit service of Government ; or

“(ii) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

“(2) No member of the Service shall exercise pressure of any sort on any Government servants to subscribe towards any farewell entertainment even, if it is of a substantially private and informal character.”

26.2. Apart from the instructions above, it has also been clarified that it would be against the spirit of this Rule, as also inappropriate and inconsistent with the rule of detached impartiality for members of the Service to accept invitations to

declare buildings open or to lay foundation stones of new building, or to allow bridges, roads, buildings, etc., to be name after them.

26.3. State Government employees are covered by Rules 6 and 7 of the Meghalaya Service (Conduct) Rules, 1990, and the instructions as indicated above would also be applicable to them.

**Private trade or business undertaken by Government employees**

*O.M. No.PER  
88/Pt.1/3, dt.  
12<sup>th</sup> Jan, 1995*

27.1. Attention of State Government employees to Sub-rule (1) and (2) of Rule 15 of the Meghalaya Services (Conduct) Rules, 1990, which inter alia provide as follows :-

“15(1) No Government employee shall, except with the previous sanction of the Government engage himself directly or indirectly in any trade or business or undertake any other employment.

“(2) Every Government employee shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or Commission agency”.

27.2. The Government reiterates that all the State Government officials are expected to ensure strict observance of the provisions of the relevant Conduct Rules both in letter and spirit. It is also emphasized that Government servants should refrain from engaging themselves in any private trade or business in contravention of the above Rules. They should also ensure to report to the Government if any member of their family is engaged in a trade or business or owns or manages insurance agency or commission agency. Failure to comply with the provisions of the Conduct Rules will be viewed seriously by the Government.

**Maintenance of independence and impartiality by Government servants in the discharge of their duties**

*No.PER.21/  
88/74, dt. 2<sup>nd</sup>  
Dec, 1993*

28. Government of India, Ministry of Personnel, Public Grievances and Pensioners, Department of Personnel and Training Office Memorandum No.11013/10/93-Estt(A), dated 6<sup>th</sup> October, 1993 is reproduced below for information and guidance of all State Government employees :

“1. Instructions were issued emphasizing the need for government servants, especially those holding positions of trust and responsibility, remaining not only honest and impartial in the discharge of their duties but also having the reputation of being so. Despite these instructions, it is not uncommon that complaints of favoritism or ill will shown by Officers in supervisory positions towards their subordinates or other members of public are received every now and then.

O.M.No.PER.24/  
85/1, dt. 25<sup>th</sup> Apr,  
1985

“2. It is again stressed that a Government servant must be impartial and must not show undue favour or ill will in his official dealings. If a Government servant is found to misuse his official position or to abet and connive at improper and illegal acts, he would render himself liable for disciplinary action for violation of Rule 3 of the C.C.S. (Conduct) Rules, 1964.”

**Confirmation in post/service- Procedure to be followed :**

29. Normally, procedure for confirmation of Government employees is laid down in the Service Rules of respective Departments. However, where Service rules have not been finalised the concerned Government employee( s) may be confirmed against a permanent post to which he/she is appointed subject to the following conditions:-

- (1) that he /she has completed the period of probation to the satisfaction of the appointing authority;
- (2) That he/she has served not less than one year in the post where he/she is to be confirmed if he /she is not placed on probation;
- (3) That he/she has passed the Departmental Examination completely and has successfully undergone the training courses as may be prescribed by the Appointing Authority ( if any Departmental Examination/ training is prescribed in the Service Rules);
- (4) That there is a permanent vacancy for such confirmation and that no Officer holds a lien on it;
- (5) That the performances of the employee is satisfactory (to be judge/on the basis of the Annual Confidential reports and other relevant records);
- (6) That the employees is medically fit for confirmation as provided under FR.8 of the Meghalaya F.Rs & S.Rs.,1984; and,
- (7) That there is no departmental proceeding/vigilance enquiry against him /her.

<p><i>OM No.PER. 61/91/38, dt. 3<sup>rd</sup> Mar, 1992</i></p>	<p style="text-align: center;"><b>Station Leave</b></p> <p>30.1. The question of whether a State Government employee could avail of Station Leave without obtaining the approval of the concerned authority has been engaging the attention of the Government. It is hereby clarified that before leaving station while on Casual Leave, Earned Leave or on holidays, etc., all Officers should invariably obtain permission of their controlling authorities, so as to avoid any inconvenience or embarrassment.</p> <p>30.2. In respect of District Heads of various Offices, prior consultation with the Deputy Commissioner is also required.</p> <p>30.3. The above instructions also apply to Officers working in Statutory bodies and Public Sector Undertakings.</p>
<p><i>OM No.PER. 466/MSS/SSL /113, dt. 9<sup>th</sup> May, 1994</i></p>	<p style="text-align: center;"><b>Absence of Officers and Staff on leave</b></p> <p>31. Instances have come to notice that Departments do not generally <i>O.MNO.PER.</i> indicate where their superintendents or Under/Deputy/joint Secretaries <i>i~6~1f8J:1</i> proceed on leave and forward their applications only after submission of 1994~ .ay Medical certificates, etc., by the concerned officers or after such officers have resumed duties thus putting Government in an embarrassing position. As per provisions of the Rules, leave cannot be claimed as of right and officers should not, therefore, avail of leave until it is formally sanctioned except in cases of emergency like sudden illness or immediate hospitalisation, which stand on a different footing, Henceforth, absence of any such Officers and staff or regular leave should be reported forthwith to Personnel &amp; A. R. (A) Department and Secretariat Admn. Department (E) in respect of Non-gazetted staff even though the relevant medical certificates, etc, are yet to be submitted, so that necessary action could be taken by Government.</p>
<p><i>No.PER (ARC) 11/90/56 dtd. 14<sup>th</sup> Nov, 1996</i></p>	<p style="text-align: center;"><b>Punctuality in Office Attendance</b></p> <p>32.1. The Attendance of Officers and staff in the Secretariat and in the Offices of the Heads of Departments has greatly deteriorated as many of the officers and staff fail to come to office on time and leave office early.</p> <p>32.2. All Officers and staff are expected to be in their respective seats by 10: 15 AM at the latest.</p> <p>32.3. It has now been decided that in each Secretariat Departments/ Offices an Under Secretary/Superintendent should be made responsible for timely attendance of office by the staff. Officials and staff coming to office after 10:30 AM should be categorised as late comers and one day's Casual leave should be</p>

deducted for three such late attendance. The Attendance Register should be put up to the Secretary/ Commissioner & Secy. in each Department every day immediately after 10:30 AM by the Under Secy./Superintendent with remarks in red ink.

32.4. Similarly, in the Heads of Departments Offices the senior most Superintendent or an appropriated officer should be made responsible for proper maintenance of attendance register and he/she should put up the attendance register every day to the Head of the Department immediately after 10:30 AM.

### **Crossing of Efficiency Bar**

33.1. F.R. 25 of the Assam F.Rs. S.Rs. (F.R. 27 of Meghalaya F.Rs.S.Rs 1984) provides that where an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments, Sub-rules (1) and (2) of rules 11 of the Assam Services (Discipline and Appeal) Rules, 1964 provide as follows:-

"(1) Where the services of a Government servant are lent to the Central Government, any State Government or to a local or other authority (hereinafter in this Rule referred to as " the Borrowing Authority"), the Borrowing Authority shall have the powers of the appointing authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking disciplinary proceedings against him.

“Provided that the Borrowing Authority shall forthwith inform the Authority which lent his services ( hereinafter in this rule referred to as the "Lending Authority") of the circumstance leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

"(2) In the light of the findings in the disciplinary proceedings taken against the Government Servant: -

(i) If the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed on him, it may, in consultation with the Lending Authority, pass such orders on the case as it deems necessary.

"Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority, the services of the Government servant shall be replaced at the disposal of the Lending Authority".

33.2. Rule 7 of the aforesaid Discipline and Appeal Rules and clauses (i) to (iii) thereof make the following provisions, viz:

"7. Nature of Penalties : -The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

"(i) Censure :

"(ii) Withholding of increments or promotion :

"(iii) recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the Government of Assam or the Central Government or any other State Government, or any local or other authority to whom services of a Government servant had been lent".

33.3. In the light of the provisions of the rules as cited above, this Government, which as the Borrowing Authority is competent to impose the penalties enumerated above, is the Authority empowered to withhold increment within the meaning of F .R.25 (Meghalaya F .R.27) and is therefore, the competent authority to issue the necessary sanction contemplated under that rule (i.e., F .R. 25 (Meghalaya F .R.27) where an efficiency Bar is prescribed in a time scale of the post to which the lent Officer has been appointed under this Government. Where, however , the question of crossing the Efficiency Bar by the lent Officer concerns the time scale of the substantive post held by such Officer in his parent cadre under the Lending authority, the authority competent to issue sanction under F .R.25 (Meghalaya F .R.27) in such a case will be the Lending Authority.

#### **Sanction to cross Efficiency Bar**

*No.PER.113/  
81/4, dt. 11<sup>th</sup>  
March, 1982*

34.1. Government have noticed that some Administrative Departments have been issuing office orders allowing Gazetted Officers to cross the Efficiency Bar instead of conveying specific sanction to that effect and as a result the Accountant General is not in a position to authorise increment to such Officers beyond the Efficiency Bar stage and have to engage in making references with the particular Department(s) for issuing specific sanction in the name of the Governor .

34.2. Audit views that increment next above the stage Efficiency Bar requires the sanction of the competent authority which should be in the form of specific sanction and issue in the /name of the Governor as per provisions of F.R.24 read with F.R.25. (FR 26 read with FR 27 of Meghalaya FRs & SRs).

<p><i>No.PER.113/42/85/1, dt. 31<sup>st</sup>Aug, 1985</i></p>	<p><b>Grant of leave, etc. to Government employee placed at the disposal of another Department on temporary transfer</b></p> <p>35. In terms of F.R.16(a) of the Meghalaya F,Rs &amp; S.Rs where the services of a Government employee of one Department of the Government are placed on temporary transfer at the disposal of another Department of the Government, the procedure to be followed regarding grant of leave, etc, should be that, during the period of such a transfer, the competent authority to sanction leave to such employee is the Borrowing Department. In a case where the Borrowing Department requires the services of a substitute during the period of absence on leave of the Government employee, the Borrowing Department shall grant leave in consultation with the Lending Department, However, in a case of deputation to foreign service, the State government decision below F.R. 76 will be applicable.</p> <p><b>Approval of Personal &amp; A.R.(A) Department necessary in cases of deputation/temporary transfer to companies, corporations, other Government Departments. Etc.</b></p>
<p><i>No.(U/O)PER 46/92/1, dtd. 14<sup>th</sup> May, 1992</i></p>	<p>36. Government have noticed that Departments of the Government do not obtain the approval for deputation/ temporary transfer of Non- gazetted State Government employees under their control to Companies, Corporations or to other Departments of the Government, It is clarified that the approval of the Personnel &amp; AR(A) Department is required for all cases of deputation, viz, both gazetted and non gazetted Government employees, and all such cases shall be referred for approval. The concurrence of Finance Department should also be obtained.</p> <p><b>Deputation abroad and treatment of transit time and leave in conjunction with deputation abroad</b></p>
<p><i>No.PER.41/89/66, dtd. 27<sup>th</sup> May, 1991</i></p>	<p>37.. Extracts of Government of India. Ministry of Personnel. Public Grievances and Pension, Department of Personnel and Training No. 29062/390-AIS(iii) dated 8<sup>th</sup> May,1991 is given below for information and guidance :</p> <p>" In order to ensure uniformity in the matter, the Government of ~ India have decided to extend the instruction relating to treatment of transit time and leave taken in conjunction with deputation abroad, to cover Members of the All India Services sent on deputation abroad."</p> <p><b>"B". Leave and Transit Time</b></p> <p>"9. Government servants stationed outside Delhi and deputed for training abroad may be allowed upto a maximum of 4 days for completion of pre-departure formalities, e.g., medical exami-</p>

nation, arrangement of. passports, etc. and this period may be treated as transit time.

"10. Where an Officer avails himself of earned leave/leave on average pay not exceeding 120 days /4 months in India, in conjunction with deputation -

"(a) the normal time taken on the journey by the Officer from the place where he was spending his leave to the sea/airport of embarkation, limited to the normal time on the journey from his headquarters in India to the port of embarkation, and;

"(b) the normal time taken on the journey from the port of disembarkation to his headquarters, may, under the orders of the sponsoring Department, be treated as transit time and included in the period of deputation.

"11. An Officer may, subject to the exigencies of public service, be granted leave while abroad for a period not exceeding fifty percent of the actual period of duty abroad ( excluding the transit time from India to the country of deputation and back and enforced halt) or a fortnight, whichever, is less for personal reasons. Cases involving grant of leave in excess of limits indicated above should be decided in consultation with this Department.

"12. The Competent authority may grant /casual leave in exceptional circumstances to an Office subject to the condition that it will not have the effect of extending the period of deputation."

**Drawing & Disbursing Officer on account of General Provident Fund due to retiring/retired persons from Meghalaya Secretariat (Civil)/P .W .D. Secretariat.**

*No.PER.366/  
MSS/WM-PT/  
34, dt.29<sup>h</sup>  
May, 1991*

38.1. A number of authorities had been issued either addressed to the Deputy Secretary or the Secretary to the Government of Meghalaya, Personnel & A.R.(A) Department for drawal and disbursement of the amount of the General Provident fund to the government employees retired from the Meghalaya (Civil) / P.W.D. Secretariat. i.e. whose pay and allowances were drawn on establishment pay bill of the Office.

38.2. This Department does not deal with the matter relating to the preparation of Accounts/Bills of the establishment and also the Officer posted as Deputy Secretary or Secretary to this Department has not been declared as drawing & disbursing authority in general. As such, in each and every such case, the approval of Finance Department for declaring Under Secretary, Secretary Administration Department (Accounts) as the drawing & disbursing authority for making payment of the amount to the pensioner on the basis of the authority issued by the Accountant General (A&E), Meghalaya, has to be obtained.



Obviously by following the formality and procedure, matter gets delayed and the purpose of prompt and expeditious payment of dues of retired Officers have been defeated. In view of the above, henceforward the authorisation for the drawal and disbursement of the amount of the General Provident Fund Account pertaining to the pensioners retiring from Meghalaya Secretariat (Civil)/P.W.D. Secretariat be addressed to the Under Secretary , Secretariat Administration Department (Accounts) / P. W.D. Secretariat.

### **Application for leave and extension thereof**

*OM. No.PER.  
263/74/4 dt.  
20<sup>th</sup> Sept, 1980*

39.1. Government have noticed that Earned Leave on personal ground in respect of Officers holding executive charge were allowed without the prior approval of the competent authority. Government employees have also proceeded on leave or sought for extension of leave by sending cryptic telegram without indicating the grounds for such leave/extension. In case of leave/extension of leave on medical grounds, the Medical Certificate were submitted long after the termination of the leave already granted.

39.2. Government therefore, invite the attention to the provision of the following rules of the Meghalaya F.Rs and S.Rs :-

(a) F.R.67 -Leave cannot be claimed as of right when the exigencies of the public service so required, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

(b) S.R.73 -Except as provided in Subsidiary Rules 74 and 75 an application for leave or for an extension of leave shall be made to the authority competent to grant such leave or extension through the immediate superior, if any, Applications for leave should be submitted in Assam Fundamental Rule (Assam Schedule III (Sec-I) Form No.71).

(c) S.R. 87 -No application for extension of leave will ordinarily be considered by the head of office in which the applicant is serving unless the application is received by him at least one week before the termination of the leave already granted.

(d) S.R. 89 -Leave of absence cannot be claimed as of right. A competent authority may refuse or revoke leave of absence at any time according to the exigencies the public service and may also refuse the full amount of leave applied for in any case.

39.3. No Government employees should be allowed to go on leave without first obtaining prior approval of the authority empowered to grant it as specified

under the rules. It is further emphasised that unless proper grounds are furnished, leave or extension of leave as may be applied for should not be granted by the authority concerned in future.

### **Creation/Establishment of new Training Institute**

*O.M.No.PER.  
263/74/4, dtd.  
20<sup>th</sup> Sept, 1980*

40.1. Proposals for setting up of Training Institute(s) for the purpose of imparting training of the departmental Officers and staff have been submitted without taking into consideration that similar training could be imparted in an existing Institute of another Department with minimal additionalities in the form of Instructors, etc, and also the long term training needs. As a result, a number of such Institutes have come up. Though these efforts of the Departments are appreciated from a limited perspective of creation of training infrastructure, yet this cannot be sustained for long because of the increasing cost of overheads for maintaining such Institutes and various other factors. Taking into consideration of the size of the State, the availability of appropriate manpower, the rising cost in maintenance of Training Institute and also the need for appropriate training for the employees of the State Government from time to time, the procedure for setting up of new Training Institutes in future need to be streamlined.

40.2. Government have decided that the Personnel & A.R (B) Department being the nodal department which co-ordinates the training needs of all the Officers and staff of the Government should invariably be consulted on any proposals for setting up of any Training Institute Unit in future. This Department shall examine the feasibility of new proposals for setting up such Institutes in any Department and make its recommendations.