

(12)

No.C.19012/1/2012-VIG
GOVERNMENT OF MIZORAM
VIGILANVE DEPARTMENT
MIZORAM SECRETARIAT BUILDING
KHATLA: AIZAWL

OFFICE MEMORANDUM

Dated Aizawl, the 20th May, 2014

**Subject: *Recording of instructions/directions from superiors/
political executives***

The Hon'ble Supreme Court of India in its judgement dated 31.10.2013 in Writ Petition (Civil) No. 82 of 2011 (T.S.R. Subramanian & Ors vrs Union of India & Ors) has directed Union/State Governments to issue directions similar to the provisions under Rule 3(3) of the All India Service (Conduct) Rules, 1968 regarding recording of instructions/directions from superiors/political executives in files for fixing responsibility and ensuring accountability in the functioning of civil servants. The Government of India, Ministry of Home Affairs, New Delhi vide Office Memorandum No.F.14040/22/2013-UTS-I dated 31.12.2013 has also directed the State Governments to implement the judgement of the Hon'ble Supreme Court in the above case immediately.

2. In this context, attention is hereby invited to the extant provisions under Rule 3(2)(ii-iv) of Central Civil Services (Conduct) Rules, 1964 on recording of instructions from superiors:

(ii) 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;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation I: A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-rule (1).

Explanation II: Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

3. All Administrative Heads/Heads of Departments are, therefore, instructed to ensure that the above provisions under CCS (Conduct) Rules, 1964 are brought to the notice of their subordinates and strictly complied with by all concerned.

SD/-
(L. TOCHHONG)

Chief Secretary to the Govt. of Mizoram

Memo.No.C.19012/1/2012-VIG : Dated Aizawl, the 20th May, 2014

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6. P.S. to all Principal Secretaries/Commissioners/Secretaries/Special Secretaries
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8. All Heads of Departments
9. All Deputy Commissioners
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Min 20/5/14

(P.C.RALLIANA)

Under Secretary to the Govt. of Mizoram
Vigilance Department