

Bihar Forest Rules

BIHAR

India

Bihar Forest Rules

Rule BIHAR-FOREST-RULES of 1953

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Bihar Forest Rules Organisation of the Forest Department

Chapter I

Constitution of the Administrative and Executive Charges

1.

1. General Administrative charges (Revenue Department Letter No. C/F-10-117/52-662, dated the 7th February, 1953).

- The General Forest, administration of the State of Bihar is in charge of the Chief Conservator of Forest whose headquarter is at Ranchi. He functions as the Head of the Department and is responsible for the working of the Forest Administration as a whole. All correspondence connected with the Forest Department will be made by him with Government and only he will address all communication to Government direct. In very urgent and immediate cases, however, the Conservators of Forests will also address Government direct sending a copy of the letter to Chief Conservator of Forests, for information and any comments that he may like to make on it. In his functions, the Chief Conservator of Forests will be assisted by two Additional Chief Conservators of Forests.

1.2 Forest Circles.- The State is divided into five territorial Forest Circles, and eight Functional Forest Circles.

1.3 Forest Divisions, Ranges and Beats.- A Forest Circle is a group of "divisions", a division is divided into ranges, a range into "beats" and beat into 'sub-beat' at protective charges.

1.4 Administrative charges.- The Administrative charge of Forest Circle is held by a Conservator of Forests. The charge of Forest Division will be held ordinarily by Deputy Conservator of Forests who have passed the examination prescribed under Article 40 of the Forest Department Code. Ranges and beats will ordinarily be held by Forest Rangers and Forestors while the charge of a sub- beat' will be held by a Forest Guard.

1.5 Formation and redistribution of ranges.- The Chief Conservator of Forests is authorised to sanction the formation and redistribution of

ranges, provided it does not involve any increase in the sanctioned staff or recurring or non-recurring expenditure which is beyond his power of sanction.1.6Distribution of Circles, Divisions and Ranges.- The distribution of the charges mentioned in Rules 1.2 and 1.3 above is given in Appendix I.

Chapter II

2.

1. Duties of Chief Conservator of Forests.

- (i) The duties of the Chief Conservator of Forests, Bihar are as follows:-All forest matters will be dealt with in the Forest Department of the Secretariat. The Chief Conservator of Forests will assist the Secretariat in dealing with Forest matters as the Head of the Forest Department, and will be the technical adviser of the State Government in forest matters. All communications on general and administrative subjects connected with the Forest Department should be sent to the Government direct. He will make recommendations regarding the postings and transfer of all Gazetted Forest Officers to the Government.(ii)The Chief Conservator of Forests is empowered to deal on his own authority with professional matters, silvicultural operations, protection and with matters mentioned in the statement (Vide Appendix II) regarding which powers have been delegated to him.(iii)In matters of working Plans for the Forest Division, the preliminary working plan report will be approved by the Chief Conservator of Forests. After the working Plan is prepared, he will submit the printed copy of the Plan to the State Government for sanction.(iv)The Chief Conservator will supervise and control the system of fire conservancy, method of silvicultural improvements, all systems of sales and the conduct of forest research in the State. He may communicate with the Inspector-General of Forest and the officers of the Forest Research Institute on all technical and professional matters.(v)The final preparation of the Annual Forest Administration Reports and the Budget estimates with appropriation proposals will form part of the general duties of the Chief Conservator of Forests who will forward the same to the State Government.(vi)The Chief Conservator of Forests, Bihar as the Head of the Forest Department will ipso facto exercise the powers delegated to the Heads of Department under the Bihar Service Code, Pension Rules, Bihar Travelling Allowance Rules and other Codes.2.2Duties of Deputy Chief Conservator of Forests.- He will generally assist the Chief Conservator of Forest in all his functions.2.3Duties of the Conservator of Forests.- It is the duty of the Conservators of Forests to make tours of inspection and visit as many of the Forests in the circles as possible. During these tours the following points should receive particular attention, and if necessary, be specially reported on to the Chief Conservator of Forests:-(1)Where Survey and Settlement or topographical survey or Forest demarcation and Forest Settlement operations are in progress in forest areas, Conservators of Forest will keep in close touch with the operations going on to safeguard the interest of the Forest Department.(2)Working plans already made or in progress, extent to which plans are still required; results of working plans in force.(3)Forest boundaries, their nature and state of repair, demarcation work still to be done.(4)Roads, buildings and other works in existence or under construction, their cost, state of repairs, new roads, or other works required.(5)Executive and protective staff, efficiency, state of

discipline, etc.(6)Condition of the forests, the methods of treatment employed, natural reproduction, causes which interfere with it etc.(7)Protection of the forests, from injury, by man, by cattle, by fires, etc., breaches of the forests rules, their frequency and causes.(8)Works of reproduction and cultural improvements, extent, conditions and cost of plantations made condition of nurseries, new sowing or plantings required; thinnings, creeper-cuttings, etc., extent to which carried out and required.(9)Methods of working and management in force, advantage or otherwise of these methods, expenditure incurred on them, out turn of the forests and financial results.(10)Timber depots, their situation and adequacy, condition in which kept, state of record kept up in connection with them etc.(11)(i)The Conservator will further see that all money transaction are conducted in accordance with the Rules in force, and he should examine the cost of current works, as well as of those which have been spread over several years.(ii)He should also ascertain that the Divisional Forest Officer and other members of the controlling staff are conversant with their duties, that discipline is maintained, and that work is properly supervised.(iii)The Conservator will inspect each Divisional Forest Office atleast once a year and will make a detailed report of each Inspection to the State Government through the Chief Conservator of Forests and to the Accountant General on account matter.(iv)In urgent and immediate case, however the Conservator of Forests may address the Government direct, sending a copy of the letter to the Chief Conservator Forests, Bihar for information and any comments that he may like to make on the subject.(v)The Conservator of Forests will supply two copies of diaries of his tour to Chief Conservator of Forests, Bihar.(vi)Schedule of the powers delegated to the Conservator is given in Appendix II.2.4Duties of Divisional Forest Officers Revenue: Department No. C/F-9025/ 52-R 5593R dated the 16th December 1952.- Responsibilities for the effective check and control of Divisional Forest Accounts, both in respect of revenue and expenditure and for the proper management of the forest business of his division rest on the Divisional Forest Officer.(ii)With a view to making a more useful assessment at Government level of the work done by Forest Officers during tours the Divisional Forest Officer will submit their diaries to the Conservator of Forests in duplicate and the Conservator will consolidate statement of tours performed by the Divisional Forest Officers every quarter and send them to the Chief Conservator of Forests in the following form:-

- 1. Number of days spent away from Headquarters.**
- 2. Number of days spent over the inspection of forests.**
- 3. Number of night halts in course of inspection of forests.**
- 4. Number of enquiries made.**
- 5. Number of coupes and forests inspected.**

6. Number of boundary pillars inspected.**7. Nature of afforestation work done.****8. Mileage done during the month: -**

(a) On foot. (b) On Government jeep. (c) On other conveyance.

9. Remarks.

A quarterly consolidated abstract of the tours performed by the Divisional Forest Officers will be sent to the Government. (iii) The Divisional Forest Officers will receive progress report from Range Officers accompanied by diaries in such form as the Divisional Forest Officer may direct. Reports and diaries will also be submitted by such other subordinates as the Divisional Officer may direct. (iv) The Divisional Forest Officer will also be responsible for the maintenance of discipline and good behaviour of the subordinates under him. (v) A schedule of the powers delegated to the Divisional Forest Officer is given in Appendix IV. 2.5 Relation between the Divisional Forest Officers and the District Officers (Revenue Department No. C/11-1502/58-1969 R dated 9.5.1958). - (i) The Divisional Forest Officer will be in charge of forest administration in the division. The organisational and professional or technical control will be that of the Conservator and Chief Conservator of Forests, the functional control in non-technical matters will be exercised, within certain limits by the District Officer. The District Officer will not be burdened with routine matters, establishment duties and technical matters of which he might have little knowledge. The Divisional Forest Officers should remain in close touch with the District Officer and seek his guidance and assistance, and on his own part the District Officer should take keen interest in their work and help them in every way. The District Officer's guidance should, however, be confined to the administrative field, and in technical matters the views of the Departmental Officers should prevail. The relations between the Divisional Forest Officers and District Officers will be governed by Appointment Department Letter No. 1/C1-102/55-A (Part) 6328 dated 16.9.1955. 2.6 Duties of Subordinate Officers - Appointment Department Letter No. 1/C1-12/55A (part) 652 dated 16.9.1955. - The subordinate officers will comprise of - (i) (a) "Range Officer" who is a forest officer in charge of a range. (b) "Beat-Officer" in charge of a beat, and (c) "Sub-beat Officer" the forest guard in charge of a sub-beat. (ii) "Technical Officer" such as Surveyor, Amin, Marking Officer, Felling Officers, Depot Officer, Coupe Muharrir, Mines Muharrir, Naka Guard etc. (2) The Officers of above description, in general, shall. - (i) Act in subordination and in accordance with the orders of the Divisional Forest Officers; (ii) discharge their duties in conformity with the Manuals, Acts, Rules and standing orders that have been or may be enforced from time to time relating to the Forest Department; (iii) Visit all forests within their respective charges and keep a strict watch on the proper conservancy of the forest; (iv) see that the boundary marks are in proper condition; (v) report promptly any occurrence affecting the welfare of trees, people and animals; (vi) make enquiries and take suitable action in accordance with the Rules in force in the event of any forest offence being committed, keeping in view of the provisions of Section 61 of the Indian Forest Act for wrongful seizure; (vii) keep strict watch that the forests in their respective charges are not injured by fire; (viii) see that cattle do not trespass in closed forest areas

and graze in any open area without fees paid in accordance with the Rules in force;(ix)exercise proper supervision on the removal of forest produce by Government agency, consumers, free grantees and by privileged or right holders.(3)Special to Range Officers. - (i) The Range Officer is responsible for the efficient management of his range, conditions and proper custody of all Government property and the discipline and behaviour of all forest subordinates in his charge. He must see that each understands and attends to his duties. He should explain to them the rights and privileges of villagers existing, if any, in the forest, the legal action to be taken when necessary under the Forest Acts and silvicultural work as prescribed in the working plan and/or ordered by the Divisional Forest Officer.(ii)The Range Officer will be responsibly for the correct and judicious expenditure in his Range.(iii)The Range Officer will maintain a daily diary in the prescribed form in the diary books issued from the Divisional Officer in which full but concise details of work done or inspected with the results of inspection must be given. The original copy of the diary will be submitted to the Divisional Forest Officer every month by the 5th of the following month to which it relates, retaining the duplicate copy in the book which will be returned to the Divisional Officer before another one is issued.(iv)The Range Officer will keep the felling series compartment histories and plantation journals up-to-date. He will record his observations and results of inspection in the form prescribed. The notes to be made should refer to growing stock including regeneration, factors influencing the crop, growth study in plantation (diameter and ht, growth measurement) casual; suitability of species, the results of operations carried out, etc.(v)Any forest offence case reported to him by Beat Officer or detected by him personally shall be enquired into by him expeditiously and the complete offence report submitted to the Divisional Forest Officer within thirty days of the receipt of the report by the Range Officer.A special report, however, should be submitted to the Divisional Forest Officer within 24 hours in special Report cases as defined in Chapter X.(vi)When an arrested person is produced before him, he will, depending upon the gravity of the offence, either release the person on bond (if the Range Officer is a Forest Ranger) or forward him to the nearest police station or magistrate without any loss of time.(vii)It will be his duty to ensure that no produce from the coupes is removed without payment of due instalments or in excess of the value of the amount already paid.(4)Special to Beat Officers. - (i) The Beat Officer is responsible for all work in his beat. He should instruct the sub-beat Officers in all their duties, see that they know their forest boundaries and check their diaries whenever he meets them and give the necessary instructions to them in writing and explain any Rules or Circular to them. He should see that they go about their charges and report any negligence on their part.(ii)The duties of the sub beat Officers in para (5) below are also applicable to Beat Officers.(iii)The Beat Officer will also maintain daily diary as prescribed for Range Officers in para 3 (ii) above and submit monthly through Range Officer by the 5th of the following month.(iv)Any forest offence case reported to him by the sub-beat officer or detected by him personally shall be enquired into by him expeditiously and the complete offence report submitted by him to his Range Officer within a fortnight from the date of detection. A special report however should be submitted to the Range Officer within 24 hours in case of serious offences.(v)It will be his duty to ensure that no produce from the coupes is removed without payment of due instalments or in excess of the value of the amount already paid.(5)Special to Sub-beat Officers. - The Sub-beat Officer shall:-(i)(a)protect all forests in his sub-beat;(b)repair and paint forest boundary pillars, compartment and coupe signboards and also keep the boundary lines, coupe lines, compartment lines clear;(c)prevent illicit cutting of trees by constantly patrolling the sub-beat;(d)see that cattle are not grazed in closed and fenced areas;(e)frequently visit fire watch

tower and keep look out for fires in fire season burn fire lines in good time collect villagers and put out forest fires in the event of their occurrence and prevent kindling or leaving burning of fire upon public or private way in forests;(f)detect and report illicit shooting and fishing;(g)see that no forest produce is removed without authority;(h)carry out silvicultural works, such as sowing seeds, planting and other cultural operations as ordered, cutting creepers, collecting seeds of important trees, preparing nurseries, making petty repairs to plantation and nursery fences without special orders;(i)keep the Forest Rest Houses and Range Inspection Huts in his charge together with the compound in repairs, clean and tidy and protect them from damage;(j)submit first report in the prescribed form within 24 hours to his Beat Officer on discovery of a forest offence, try to trace the offender and give necessary help to his superior officers in conducting the enquiry. When a person is arrested, he should be produced before the Range Officer immediately. If the Range Officer is not available, the person should be produced before the nearest police station or magistrate.(i)Prevent any encroachment or cultivation within the forest.(ii)He shall see that rights and privileges existing if any, in the forest are not infringed by the villagers.(iii)(a)He shall maintain a daily diary book supplied from the Divisional Office. He will keep the list of forests in his charge with the forest areas and the number of house holds and the extent of rights in the forests etc. A list of Rights holders, coupes and Contractors coupes with the area and period of lease etc. should also be maintained in the diary book.(b)The diary should always be kept on his person and presented for check by any of his superior Officers. Any instruction given to the sub-beat Officer should be written on the diary book.(c)All offences and important matters along with number of mazdoors engaged over a particular work should also be noted in the diary for the day.

Chapter III

Establishment

Indian Forest Service

3.

1. Appointment Promotion etc.

- The Rules to regulate recruitment, promotion, etc. or the Officers of the Indian Forest Service are given in the All India Services Manual.3.2Seniority, Pay, Promotion etc. (Government of India Home Ministry No. D/ 122/67-AIS (IV) dated the 1st February, 1967).- Rules regarding seniority, pay, probation etc. are given in the AIS Manual.3.3Sanctioned cadre (Government of India, Ministry of Home Affairs No. 16016/29/75 AIS (IV) dated the 5th Oct, 1977).-

1. Senior posts under the State Government.	57
Chief Conservator of Forests	1
Additional Chief Conservator of Forests	1
Conservator of Forests	4
Conservator of Forests, Development Circle	1

Conservator of Forests, Department Working Circle	1
Conservator of Forests, Kendu Plan & Research Circle	1
Conservator of Forests, Wild Life Circle	1
Deputy Conservator of Forests	27
Deputy Conservator of Forests, Departmental Working	
Hazaribag and Monghyr Division	2
Deputy Conservator of Forests	
Forest Resources Survey Division	1
Deputy Conservator of Forests, Planning Cell	1
Extension Division Purnea	1
Deputy Conservator of Forests	
Director Biological Park, Patna	1
Deputy Conservator of Forests, Research	1
Deputy Conservator of Forests, Utilisation	1
Deputy Conservator of Forests, Working Plan	4
	57
2. Senior Posts under the Central Government	11
	68
3. Post to be filled by promotion in accordance with Rule 8 of the Indian Forest Service (Recruitment) Rules, 1966	22
4. Posts to be filled by direct recruitment	46
5. Deputation reserve @ 15% of 4 above	20
6. Leave reserve @ 11% of 4 above	5
7. Junior Posts @ 22% of 4 above	9
8. Training Reserve @ 10% of above	5
Direct recruitment posts	85
Promotion Posts	22
	107

Total Authorised Strength 3.4 The postings and transfers of the officers of the Indian Forests Service within the State are under Orders of the State Government. Bihar Forest Service 3.5 The sanctioned cadre of the Bihar Forest Service is as follows:-

Assistant Conservator of forests: 88

The following posts of the Service carry special pay as hereunder:-

1. Government Memo No. 1014F. dated 21.1.1949. - Forest Research Officer and working plans Officer Rs. 75/- per month (Rs. 150/- in the case of members of Indian Forest Service).

2. Director Bihar Forester's Training School, Chaibasa Rs. 50/- per month.

3. C/F-1 (A) 05S/56-2967R dated 3.12.56. - Assistant Conservator of Forests attached to working plans Division-Rs. 40/- per month.

(ii) Revenue Department No. 11F-122/50-4849R dated 1.11.50 read with Finance Department Memo. No. 6134 F dated 3rd December 49 & Memo. No. estt. 331/49/941 F dated 9th April, 1950. - A Member of the Bihar Forest Service will be allowed to draw first increment in the prescribed scale of pay for the junior grade during their probationary period on the recommendation of the Chief Conservator of Forests and the second or subsequent increments will not be allowed unless the officer concerned had been formally confirmed. (iii) Until an Officer has passed the Departmental Examination prescribed by the State Government he will not draw more than Rs. 355/- in the junior grade and Rs. 765/- in the Senior Grade. On passing the Departmental Examination completely he will resume drawing pay on the sanctioned time scale of pay at the rate of pay to which his length of service entitles him. (iv) Revenue Department No. 111 F-349/48-14590R dated the 11th December, 1948. - The promoted officer of the Bihar Forest Service will be confirmed after he passes completely the Departmental Examination prescribed by the State Government. (v) When an officer is placed in charge of a Division he will draw pay in the Senior Grade. (vi) Revenue Department Memo No. C/F-10148/53-261 RT dated the 18th June, 1953. - The pay of Officer of the Senior grade when promoted to the posts of Conservator of Forests will be fixed at the stage in the scale of Conservator of Forests next above the amount arrived at by adding Rs. 150/- only to his substantive pay in the Senior Scale. (vii) Revenue Department No. C/F-1 (A) 029/60-119 R dated 4.5.1960. - The pay of the Conservator of Forests when promoted to the post of Chief Conservator of Forests will be fixed at the stage in the scale of Chief Conservator of Forests, next above the amount arrived at by adding Rs. 250/- only to his substantive pay as Conservator of Forests.

3.8 Postings and Transfer.- The postings and transfers of officers of the Bihar Forest Service will be made by Government on the recommendations of the Chief Conservator of Forests.

3.9 Leave.- The Chief Conservator of Forests may grant leave to the Officer of the Bihar Forest Service of periods not exceeding one month and make arrangements during this period.

3.10 Suspension, reduction, dismissal and prosecution: [Revenue Department to C/F-10117/52 447R dated 30.12.52].- Any member of the Bihar Forest Service against whom misconduct is alleged may be suspended by the State Government on receipt of a preliminary report from the Chief Conservator of Forests. The reduction, removal or dismissal of members of the Bihar Forest Service, rests with the State Government. Criminal prosecutions of the Officers of this service may be instituted only under the orders of the State Government.

3.11 Resignation.- The resignation of Officers of the Bihar Forest Service may be accepted by the State Government.

3.12 Sanctioned Cadre.- The Bihar Junior Forest Service consists of Sub-Assistant Conservators of Forests. The sanctioned cadre is 17 Sub-Assistant Conservator of Forests.

3.13 Appointments.- The appointments to the service shall be made by the State Government by promotion, in accordance to the Rules in Appendix VI, of the selected Rangers-(a) who have obtained the honours, or the high standard certificate at the Northern Forest Rangers College, Dehra Dun or Southern Forest Rangers College, Coimbatore or at any State Forest School or College, established for the training of Ranger students and who by unusual ability and industry in the course of the service as Forest Rangers have proved themselves fit for promotion; and (b) who have long service, tried ability, and probity, irrespective of their educational

qualifications.(N.B. The rules for the Bihar Junior Forest Service will be found in Appendix-VI).

3.14The time scale of pay for the Bihar Junior Forest Service is [Rs. 290-5-380-EB-15-500-20-640-EB-20-600-25-650] [Now, see new revised Pay Scales.].

3.15Seniority.- Seniority of Officers appointed to the Service shall be determined with reference to the date of their substantive appointment to the Service:Provided that the seniority inter se of Forest Rangers on substantive appointment to the service at the same time shall be their seniority inter se held as Forest Rangers.

3.16Posting and Transfers.- The Chief Conservator of Forests will make the postings and transfers of the members of the B.J.F.S.

3.17Leave, suspension, reduction, dismissal, prosecution and resignation.- The Rules under Articles 3.9, 3.10 and 3.11 for the members of the Bihar Forest Service will be applicable to the members of the Bihar Junior Forest Service also.

Other Gazetted Posts

3.18Other Gazetted posts.- The following are the other Gazetted posts in the Forest Department:-

- (1)Personal Assistant to Chief Conservator of Forests in the scale of [300-25-450-EB-25-700-EB-25-750] [Now, see new revised Pay Scales.].
- (2)Accounts Officer in the office of the Chief Conservator of Forests.
- (3)Lac Development Officer in the scale of [325-30-505-EB-30- 805-EB-30-985 (Max. 925)] [Now, see new revised Pay Scales.].
- (4)Forest Economist in the scale of [325-30-505-EB-30-805- EB-30-985 (Max. 925)] [Now, see new revised Pay Scales.].

Sub Ordinate Service

3.19Sanctioned Cadre.- The Sub ordinate Forest Service comprises of:-

- (i)Forest Rangers
- (ii)Foresters
- (iii)Forest Guards
- (iv)Other sub ordinates, namely, Surveyor, Amin, Marketing Officer, Felling Overseer, Depot Officer, Coupe Overseer, Mines Muharrir, Naka Guard etc.

3.20Appointment of Forest Rangers.- The Chief Conservator of Forests, Bihar will make the appointment of Forest Rangers by-

- (a)direct recruitment of the candidates who have obtained the Honours certificate or the Higher standard certificate after passing through the two years Rangers Course at Northern Forest Rangers College, Dehra Dun or Southern Forest Rangers College, Coimbatore. The Rules regarding the selection and deputation of students for Rangers course at Dehra Dun and Coimbatore will be found in Appendix VII.
- (b)by promotions in accordance with the Rules for promotion contained in Appendix VIII of Foresters;
 - (i)Who have long service, tried ability and probity irrespective of their educational qualifications;
 - (ii)Who have obtained the Lower standard certificate after passing through the Forest Rangers Course at Dehra Dun or Coimbatore and have rendered thereafter not less than two years satisfactory service in the class of Foresters;
 - (iii)Who have passed through the Bihar Forester Training School or in any other State and have rendered not less than five years satisfactory service in the class of Foresters:Provided that approximately twenty five per cent of the total number of posts in cadre of Forest Rangers at any time shall be held by persons appointed to the cadre by promotion.

3.21Appointment of Foresters.- Permanent and temporary appointments to the class of Foresters may be made by Conservator of Forests by:-

- (a)direct recruitment of candidates:
 - (i)Who are Matriculates and between 18 years and 25 years of age (25 years, in case of Scheduled Tribes and Castes) and are physically fit after they have been interviewed and approved by the Selection Committee duly constituted for the purpose.
 - (ii)The following minimum standard of physical fitness are prescribed:-Height....5.5" Chest....31" expansion to 33" For Scheduled Tribes the height would be 5.2." Candidates must pass a physical test consisting of a walk of 16 miles to be covered in 4 hours. In exceptional cases, the Chief Conservator of Forests has the power to relax the above standards.
- (b)by promotion of Forest Guards and other subordinates:-
 - (i)Who have long service, tried ability and probity irrespective of educational qualification;
 - (ii)Forest Guards who stood first with Honours at the Guards Training School and have put in atleast five years of satisfactory service:Provided that approximately 25% of

the post in "Foresters" cadre at any time are held by persons appointed by promotion.(e)The Rules and syllabus for Bihar Foresters Training School will be found in Appendix IX.3.22Appointment of Forest Guards.- Appointments to the class of Forest Guards may be made by the Divisional Forest Officer with the held of duly constituted committees for the purpose.(i)Candidates for appointment should be able to read and write Hindi.(ii)No Forest Guard should be appointed without a written test and interview. It is not necessary to demand a High standard of literacy from Forest Guards if they are suitable otherwise. In order to facilitate selection and appointment a register of approved candidates should be kept by the Divisional Forest Officer. The physical standards prescribed in Rule 3.21 (a) (ii) will be applicable in the case of Forest Guards also. In exceptional cases the Conservator of Forests has the power to relax the above standards.(iii)The services of forest guards are superior except for the purpose of travelling allowance rules.(iv)The Rules and syllabus for Forest Guards Training School will be found in Appendix X.3.23Pay.- The sanctioned scale of pay per month for the sub-ordinate Forest Service is as below:-Forest Ranger - [Rs.335-10-395-EB-10-435-12-495-EB-12-555] [Now see new Revised Pay Scales.]Foresters - [Rs.230-5-280-EB-6-340] [Now see new Revised Pay Scales.]Forest Guard - [Rs. 180-2-190-3-238-4-242] [Now see new Revised Pay Scales.](iii)A Forest Ranger while employed in the Forest Research or the Working Plan Division will get a compensatory allowance equivalent to 20% of substantive pay subject to a maximum of Rs. 25/- and minimum of Rs. 15/- a month.3.24Seniority (Revenue Department no. III F-10/50-1209T dated 2.3.1957 and No. 40RT dated 6.6.1950).- Seniority of persons appointed to the Cadre shall be determined with reference to the date of their substantive appointment to the cadre provided that:(i)The Seniority in the gradation list of Forest Rangers directly recruited at the same time shall be determined by the order of merit in which the candidates are placed in the list of successful candidates at the final examination at the Northern Forest Rangers College Dehra-Dun and Southern Forest Rangers College Coimbatore.(ii)In case of appointment made by direct recruitment and promotions at the same time, a promotee will rank senior to direct recruits.A register of gradation list of Forest Rangers and Foresters would be maintained in the office of the Chief Conservator of Forests, Bihar and that of Forest Guards and other Sub-ordinates in the Divisional Offices.3.25Regulation of acting promotion.(a)When there is a vacancy in the cadre of Rangers, acting promotion should be allowed from the Cadre of Foresters. It should be on merit and seniority combined and should be in the lowest grade of Rangers.(b)A Forest Guard when officiating as a Forester may draw the pay prescribed for Forester.(c)The posting and transfers of the Officers of this Service within a division are made by the Divisional Forest Officer.3.27Suspension, reduction, dismissal and criminal prosecution.- The suspension, reduction, removal and dismissal of Rangers will be made by the orders of Chief Conservator of Forests, by Conservator of Forests and of Forest Guards and other Officers below the rank of Foresters by the Divisional Officer.Criminal prosecution of Officers,of the Subordinate Forest Service may be instituted only by the orders of the respective appointing authorities.3.28Resignation.- The resignation of the subordinate Forest Service may be accepted by respective appointing authorities.Office Establishment3.29Sanctioned Cadre.- The members of the office establishment in Forest Department are borne on three cadres as below:-(i)Chief Conservator's Office Cadre.(ii)Circle Cadre (Conservator's Office).(iii)Divisional Cadre (Divisional Forest Offices).Note. - The Chief Conservator's Cadre was separated from Circle Cadre with effect from 1st November, 1956 Vide Government of Bihar Cabinet Secretariat (Organisation & Methods Section).Memo No. OM/R2-107/5605-2108 dated 12th March, 1957 in continuation to O & M

Section Memo No. CM/R2-107/56A-308 dated 10th January, 1956.3.30Memo No. OM/R2-107/56CS-2108 dated 12 March, 1957 in continuation to O & M Sections Memo No. CM/R2-107/56A-30S dated 10th January, 1956.- The sanctioned scale of pay under each cadre is shown against each Post:-(1)Chief Conservator's CadrePay

- (a) Assistants, Upper Division Class I - *Rs. 355-15-430-EB-20-550-15-580.
- (b) Assistants, Upper Division Class II - *Rs.200-15-290-EB-15-380
- (c) Assistants, Lower Division - Rs. 135-5-165-EB-7-235
- (d) Stenographers Class I - Rs. 200-10-260-12-284-EB-15-369-EB-15-419.
- (e) Typist Class I - Rs. 150-5-180-5-200.
- (f) Typist Class II - Rs. 115-3-133-EB-3-139-2-155- EB-2-165.
- (g) Routine Clerk - Rs. 105-3-123-EB-2-129-2-145-EB-2-155.

(II)Circle Cadre

- (a) Assistant, Upper division Class I - Rs.200-12-272-EB-12-320-15-350-EB-10-390-EB-10-400 (Max. 350)
- (b) Assistant, Upper Division - Rs. 160-10-220-EB-10-320- EB-10-400 (Min. 200 Max 300)
- (c) Assistant, Lower Division - Rs. 115-5-145-EB-5-195-EB- 5-225/-(Min. 120/-)
- (d) Stenographers Class II - Rs. 160-7-202-EB-7-240-9- 280(Min. 195).
- (e) Typist Class II - Rs. 115-3-133-EB-2-135-2- 155-EB-2-165/-
- (f) Routine Clerk - Rs. 105-3-123-EB-3-125-2-145-EB-2-155/-

(III)Divisional Cadre

- (a) Head Clerk in the scale of - Rs. 160-10-220-EB-10-320-EB-10-400(Min. 200 & Max. 300/-).
- (b) Accounts Clerk - Rs. 150-5-180-EB-5-200-
- (c) Assistant Clerk - Rs. 105-2-123-EB-3-129-2-145-EB-2-155
- (d) Steno Typist in the - Rs. 105-3-123-EB-120-2-145-EB-2-155/-

* Now see new Revised Pay Scales.Short hand allowance of Rs. 40/- for passed and Rs. 25/- for unpassed Stenographers (All above scales are under revision.)3.31Appointments.- Appointments of the Assistants in the Chief Conservators' Cadre and the Circle Cadre will be made by the Chief Conservator of Forests. Bihar in the scale of Lower Division Assistants who have passed the Lower division Examination held by Finance Department. No Lower Division Assistant will be appointed in Upper Division unless he has passed the Upper Division examination held by the Finance Department.Appointment of Stenographers and Typists will be made by Chief Conservator for his office from amongst the Passed Stenographers and Typists of the Finance Department Examination.Appointments of Routine Clerks in the Chief Conservator of Forests office will be made by Chief Conservator of Forests and Routine Clerks in Circle offices and Assistant clerk in the Divisional Cadre will be made by the Conservator of Forests of the Circle concerned after interviews and test held by a Board from amongst the candidates who are matriculate and above 18 years and below 25 years of age (28 years in case of Scheduled Tribes and Castes). Lower Division Assistants in the temporary establishment of the Circle offices will be appointed by the Conservators concerned. ,Subsequent promotions from one scale to the other will be given by the Chief Conservator of Forests on the basis of seniority and efficiency amongst all the assistants in whole

department in each cadre. For crossing the Efficiency Bar in a scale (iv) [Rs. 105-3-123-EB-3-119-2-145-EB-2-155/-] [For pay scales above see now new Revised Pay Scales.] the clerks will have to pass the preliminary Accounts examination prescribed under Rule 157 of the Board's Miscellaneous Rules, 1947. For crossing the Efficiency Bar in the scale (iii), [Rs. 150-5-180-EB-5-200/-] [Now see new Pay Revised Scales.] the the clerks will be required to pass the final examination in accounts prescribed under Rule 157 of the Board's Miscellaneous Rules, 1947. No clerk who has not passed the preliminary examination will be allowed to cross the Efficiency Bar and no clerk who has not passed the final examination will be appointed in the Upper Division. A gradation list of all the ministerial officers will be maintained in the office of the Chief Conservator of Forests, Bihar Temporary Establishment.

3.2 Power of sanction to temporary establishment.

(1) The Chief Conservator of Forests will sanction such temporary ministerial and other establishment as are required from time to time in Circle Offices and all temporary establishments in Chief Conservator of Forests office within the limit of the annual budget allotment on this account.

(2) The Conservators of Forests will sanction such temporary establishment carrying an initial pay of *Rs. 105/- only in time scale of pay sanctioned by Government as are required from time to time (excluding Circle office) within the limit of annual budget allotment on this account.

Chapter IV

Examinations

4.

1. Departmental Examination Rules (Government Notification No. 1150-A dated the 18th December 1947).

- The following are rules for Departmental Examination of Forest Officers in Bihar:-

(1) Every Officer of the Indian and Bihar Forest Service will be required to pass an Examination in the following subjects:-

(i) Land Revenue (ii) Forest Law (iii) Procedure and Accounts

(2) The examination will be conducted under the control of the Central Examination Committee and will be half yearly on such dates and places as may from time to time be fixed and notified by the State Government in the Bihar Gazette.

(3) All candidates for the examination are required to send in to the Chief Conservator of Forests, as soon as possible after the publication of the date of examination, an intimation of the subjects in which they intend to appear at the examination not later than 1½ months from the date of the examination to be held.

(4) (a) The Chief Conservator of Forests will prepare in the following Form a consolidated list of examinees and will send it to the Secretary to the Central Examination Committee well in advance of the date of examination to be held.

No.	Name	Place where employed	By what standard to be examined.	In what subject to be examined	Remarks
1	2	3	4	5	6

(b) Any candidate who fails to send in the application under Rule (3) above, is liable to be excluded from the examination. A candidate who omits to enter any subject in which he wishes to be examined is liable to be precluded from taking up that subject, should he subsequently wish to do so. (5) If an Officer liable to examination, applies for leave he must state in his application, in what subject and by what standard he has to pass, and whether the next examination will be held within the period of the leave applied for, If it so does, the application will not ordinarily, be granted, except on medical grounds, unless the applicant undertakes to attend the examination during leave. (6) Appointment Department Letter No. V/DE-107/58A-3660 dated 13.3.59). - There will be only one written paper in Hindi (Devanagari Script) and the following tests will be held:-(i) Noting-(ii) Drafting-(iii) Translation from Hindi to English-(iv) Translation from English to Hindi-(v) Correction of sentences-(vi) Viva voce Examination as in the manner indicated in Rule 9(1)(ii) below. (7) The Examination in Land Revenue System, Forest Law and Forest procedure and Accounts will be written. One paper containing not less than 12 questions will be set in each subject by the Central Examination Committee, in consultation with Chief Conservator of Forests. (8) In the Examination in Land Revenue not less than six questions will be set on Badon Powell's 'Short Account of the Land Revenue and its Administration in British India' and remainder on those portions of Book II volume I of the same author's "Law System of British India" which relates to the State of Bihar. The Examination in Forest Law will be similar to that in Land Revenue, the question being on the laws and subjects discussed in Badon Powell's Forest Law's and in the special Rules passed under the Indian Forest Act, which apply to the State of Bihar. The examination in Procedure and Accounts will embrace the Forest Department Code, Civil Service Regulations, Bihar Treasury Code, Civil Accounts Code and, Fundamental and Supplementary Rules, Bihar Service Code and Bihar Forest and Budget Manuals and the Rules regarding the general conduct of business in the Forest Department. The use of books will be allowed. (9) The maximum and the pass marks assigned to each subject and time allowed for the papers are as follows:-

(1) (i) Hindi written Examination:

	...	50 marks	Maximum marks	Pass marks	Time
(a) Noting	...	50 marks			
(b) Drafting	...	50 marks			
(c) Translation from Hindi to English	...	25 marks	200	120	3 hrs
(d) Translation from English to Hindi	...	25 marks			
(e) Correction of sentences	...	50 marks			

(ii) Viva-voce Examination:

	100	60	
(a) Conversation of general topic...			40 mts
(b) Testing knowledge of technical words and expressions generally used...			40 mts.
(c) Reading of Hindi manuscript and other oral translation into English and reading of passages in			30 mts.

English and the translation into Hindi...

(2) Land Revenue (without books)	200 120	3 hrs.
(3) Forest Law (without books)	200 120	3 hrs.
(4) Procedure and Accounts (with books)	200 120	3 hrs.

An officer has to obtain minimum pass mark in the written examination and viva-voce separately for being declared to have passed in Hindi. (10) Revenue Department letter No. C/F-1067/52-859R. dated 29.2.54. - Until an Officer has passed completely the examinations prescribed in the Rule above, he may not draw pay at a higher rate than [Rs. 355 and Rs. 765/-] [Now see new Pay Revised Scales.] a month in the junior and senior grade respectively. On passing the examination he will draw pay under respective scales at the rate to which his length of service entitles him. (11) Temporary Gazetted Forest Officers also may present themselves for examination in the prescribed subjects specified in Rule (i) of these Rules. (12) Forest Rangers may, with the consent of the Chief Conservator of Forests, Bihar, appear at the examination in the prescribed subjects specified in Section (i) of the Rule. (13) For the purpose of Rule 108 of the Bihar Travelling Allowance Rules, each of the subjects "Hindi" and "Procedure and Accounts" is regarded as a separate standard by itself and "Land Revenue" and "Forest Law" is grouped together to form one standard and travelling allowance can be drawn only twice for examination in each standard. 4.2 Compulsory Examination in Tribal Languages (Appointment Department No. II/E2-101/53-AR-591 dated 7.8.1953). - The following are the Rules for passing the compulsory Tribal Language Examination for the officers of the Forest Department, Bihar:-

1. All officers of the rank of Deputy. Assistant and Sub-Assistant Conservator of Forests, Forest Rangers, Foresters and Forest Guards shall, if posted to any of the districts named below, pass a compulsory examination in the Tribal Language noted against the district within a period of eighteen months from the date on which he is posted to one of the districts.

Name of district: Compulsory Tribal Language to pass

1. Hazaribagh	Santhali
2. Ranchi	Mundari
3. Palamau	Oraon
4. Singhbhum	Ho
5. Santhal Parganas	Santhali
6. Dhanbad	Santhali

2. The standard of this compulsory examination shall be the lower Standard prescribed in the Departmental Examination Rules.

3. For the officers who have put in fifteen years or more service (on 1st September 1953) the examination shall consist only of an oral test in which the examinee must be able to converse freely with the people of the tribe, to

understand and to make himself understood by them. But for officers who have put in less than fifteen years of service, the examination shall consist of the following written tests in addition to the oral test prescribed for officers of fifteen years or more of service -

(i)The examinee must write down sentences spoken in tribal language by one of the tribe and must also explain the sentences correctly in English or Hindi.(ii)He must, without assistance, translate from English or Hindi into the tribal language, sentences not of more difficult nature than those prescribed in clause (i). The translation must be substantially correct and intelligible to a native in whose language it is written.

4. If an officer fails to pass the compulsory examination in the prescribed tribal language within the stipulated time limit, his increments shall be stopped until such time as he passes the examinations provided that if an officer is prevented from passing the examination by circumstances beyond his control, Government may grant him such further time for passing the examination as they consider fit.

5. An officer employed in Chotanagpur Division or in Santhal Parganas whose increments have been stopped for failure to pass the compulsory examination shall get his increments as soon as he is transferred to a district outside the district named in Rule (1) above or as soon as he crosses the age of fifty years whichever is earlier.

6. If an officer is posted to one of the districts mentioned in Rule (1) above and duly passes the examination in the Tribal Language prescribed for that district and is subsequently posted to another district named in Rule (1) above, for which a different Tribal Language is prescribed, he shall not be compelled to pass the examination in the tribal language of the latter district.

7. The examination in the Tribal Languages shall be held once in six months in January and June each year. The Commissioner of Chotanagpur and Bhagalpur Divisions will be responsible for conducting these examinations. There shall be uniformity in the standard of the examination held in both these divisions. The same set of question papers should be set for examination in one particular language to be held on a particular date. The examination will be held at the district headquarters and the district officer will, under the supervision and control of the Commissioner, be made

responsible for conducting the examination.

8. Appointment Department letter No. II/F2-407/54A-2683 dated 6th May, 1954). - If an officer knows either Santhali or Mundari or Oraon or Ho as his mother tongue, and is posted to a district for which that very language has been prescribed as the compulsory tribal language, he shall not be required to pass the compulsory examination in that language. If, however he is posted to a district for which the prescribed Tribal Language is different from the Tribal Language which he knows as his mother tongue he shall be required to pass the compulsory examination in the Tribal Language of that district.

9. Officers are entitled to the rewards prescribed for passing in one of the Tribal Languages specified in the Rules for the encouragement of the study of the Tribal Languages contained in Part B of the Rules for the Training and Departmental examination of Officers serving in the State of Bihar as per Appointment Department Resolution No. 4823-A dated the 18th June, 1923.

4.3 Examination in Noting and Drafting in Hindi (Appointment Department No.

III/H3-1083/56-A-283 dated 11.1.1957).- All Gazetted Forest Officers and Assistants in the Forest Department will be required to pass an examination in Noting and Drafting in

Hindi.(2)(a) Government servants who have passed the B.A. Examination with Principal Hindi as

one of the subjects are not required to pass the examination as in (1) above. Compulsory Hindi

Papers as the B.A. Examination even during the period when Principal Hindi was not a special

subject will not be considered for exemption.(b) Gazetted Forest Officers passing the Departmental

Examination in Hindi according to Revised Syllabus for Departmental Examination in Hindi vide

Apptt. Department Letter No. V/DE-1-107/58A-1-3669 dated 13.3.1959 will also be not required to

pass the above examination in Rule 1 above.(c) Government servants who attain the age of 50 years

or more on 31.12.1959 need not require to pass the above examination.(3) Apptt. Department No.

III/H3-1083/56-A-15391 dated 13.12.1957). - All Government servants who do not attain the age of

50 years on 31.12.1957 may appear at the above examination Without having undergone the training

in Noting and Drafting in Hindi at the Training Centre. But if they fail to pass the examination in the

first chance, they will have to undertake the training and to attend atleast 60% of the lectures at the

training centre before they are allowed to appear at the examination next time.(4) No increment in

pay will be allowed to the Government servants who do not pass the examination in Rule (1) above

till they have passed. An explanation for not passing the examination will be called for before the

increment is stopped. The stoppage of the increments will not have cumulative effect.

Chapter V

Character Rolls and Service Books

5.

1.

The following procedures are laid down for writing the character rolls of Gazetted Forest Officers. (a) In the case of all Officers who are or have been acting as Divisional Forest Officers, the District Officers concerned will be supplied by the Chief Conservator of Forests with copies of the prescribed form (Form No...) and will be asked to submit their remarks to the respective Conservator of Forests in such time that the latter may forward them to the Commissioner of the Division after recording their remarks not later than the 15th May of each year. The Commissioner will then record his opinion and forward the reports in duplicate to the Chief Conservator of Forests who will submit them to the Government by the 1st June each year. (b) In the case of any Assistant Conservator of Forests of 5 years service or more who is not Incharge of any Division the procedure prescribed for the Divisional Forest Officers will be followed but the entry will be made by the Divisional Forest Officer-in-Charge before the form is sent to the Collector for recording his opinion. (c) In the case of Assistant Conservator of Forests of less than 5 years service and Sub-Assistant Conservator of Forests, the report will be first written by the Divisional Forest Officers who will send them to Conservators of Forests for recording their opinion and then to Chief Conservator of Forests who will forward them to Government after recording his opinion. (d) In the cases of Ex-Cadre Gazetted Officers like Forest Economist, Lac Development Officer etc. attached to Division the procedure laid down in Rule 51(c) will apply. In cases of the Gazetted Officers attached to the office of Chief Conservator of Forests, Bihar, the reports would be written by the Chief Conservator of Forests, Bihar and forwarded to Government.

5.2(a) In the case of Forest Rangers and Upper Division Assistants in the Divisional Offices Confidential reports will be submitted by the Divisional Forest Officers in duplicate to the Conservator of Forests who will forward a copy of the same to the Chief Conservator of Forests with his own remarks. This Procedure will also apply to the cases of Forest Statistician, Lac Inspectors, Saw Mill Managers and such other staff whose basic pay is Rs. 100/- and above. (b) The Confidential Reports of the different grades of subordinates will be maintained in the offices of the respective appointing authorities.

5.3 In the case of officers of the subordinate Forest Service and Ministerial Establishment, Confidential Report will be submitted by the Divisional Forest Officer in such Form and at such dates as the Chief Conservator of Forests may fix.

5.4 The prescribed period for reporting the confidential reports on Officers will be according to the Financial year i.e. from 1st April to 31st March every year. These reports will be submitted by the Divisional Forest Officer to the respective Conservators by the 15th May, each year. The Conservators, after recording their remarks, would submit the reports to the Chief Conservator of Forests by the 30th June each year.

5.5 Annual Confidential Reports on Gazetted Officers. (Extract from Apptt. Department Memo No. V/CI-1031/58-13424-A dated 11.11.1958).- Recording of Annual Reports. Annual Confidential Reports are recorded for the period 1st April to 31st March. Ordinarily, no report is required on a Government servant who has served under the reporting officer for less than four months. A Reporting Officer, who goes on long leave or transfer, after holding charge of a

post for more than six months in course of a reporting year, should record remarks, which will be incorporated in the Annual Confidential Reports. If the period is shorter than six months, notes on individual officers should be left for the successor.(2) Reports should be recorded in the prescribed forms. The post held by the officer, and in case he held more than one post during the reporting year, the exact period (with dates) during which he held particular post must be mentioned clearly and accurately. The report should give the name and designation of the reporting officer also. Reports should be based on personal knowledge. Report for a particular year should not take into account the work and conduct of the officer reported on in a previous year, or at a different station. Where a report is not based on direct personal knowledge, but on some other officer's estimate, such as a note left by the predecessor, or on matters which come to light during inspection of an officer's work after his transfer the fact should be mentioned.(3) The essential point to be kept in view in reporting on an officer is that reports should be so full as to bring out clearly his qualities, merits as well as defects, and provide adequate material for forming a correct and definite judgement as to how the services of the officer may best be utilised. As an officer's record is built up over the years, it should be possible to assess from the character reports his personality, character, and integrity, his abilities as well as short-comings. The record should faithfully mirror him as a public servant. Vague remarks like "promising", "satisfactory" or "not upto the mark" are not useful. Points requiring special notice are industry, intelligence, soundness of judgement, integrity, physical health, power of control and supervision, tact, manners, relations with fellow officer and the public. To avoid over loading of the report, particular instances of good or bad work need not ordinarily be given.(4) Reporting Officers should try to know personally the work of those officers on whom they have to write reports. The Reporting Officers' lack of knowledge about his sub-ordinates' work, which is a sign of inadequate supervision, is the biggest single factor responsible for such a large percentage of Annual Confidential Reports being of so little use. Before writing a report, the reporting officer should consult the returns which show whether he has carried out the prescribed inspections, whether his touring has been adequate, whether the collection of revenue etc. has been up to the mark, whether progress of his charge has been satisfactory. Government would appreciate a clear picture, rather than too vague and general an impression which these reports tend to convey. He should also keep a note book in which during his tours he should make brief notes on individual officers, whose work he sees. These notes will be of help at the time of writing the character rolls, in recording a just and comprehensive report based on personal knowledge.(5) The Annual Confidential Report must be fair and objective. It must be a properly balanced report. The reporting officer must exercise deliberate care in writing the remarks. Personal prejudices, for or against a subordinate officer should be scrupulously kept out. Adulation or praise in superlative terms where it is not due as also derogatory abusive terms giving vent to one officer's dislike of another should find no place in these reports. Impartiality and candour are expected of a reporting officer but restraint and caution are also necessary, particularly in writing about officers of the "District" rank or if an officer's integrity and good reputation are to be called in question.(6) While mentioning an officer's defects in the annual report, the reporting officer should state explicitly whether during the year, the attention of the subordinate officer was drawn to the defects. Superior Officers are expected to supervise the work of their subordinates, and correct them when they go wrong. This is as much their personal responsibility as any other duty. Minor failings corrected at the time should not encumber these reports. If the sub-ordinate officer has made genuine attempts to remedy the defects, that should also be noted. Government would then have an upto date appreciation of the

officer's work, and the officer would know that his efforts to improve had not passed unnoticed. If pending enquiries are mentioned in the annual report, the final result of the enquiries should be intimated to Government in due course for appropriate entry in the character roll. If an annual report is incomplete or obscure, it will be returned by the officer to whom the report is submitted to reporting officer for completion or clarification, as the case may be. (II) Communication of adverse remarks (7) Adverse remarks recorded in the annual report on an officer should be communicated to him so that he may know his defects and try to cure them. But the name or designation of the Reporting Officer must never be communicated. The communication should be made promptly within three months of receipt of the report by the authority who orders communication. All adverse remarks whether about remediable defects, would be communicated because it is difficult in practice to differentiate between the two. Remarks, which have no finality, but in which Judgement is suspended, should not be communicated. Remarks which indicated that the officer has tried to remedy defects which were pointed out to him in previous year should also be communicated. (8) The form of communication should be suited to the temperament of the officer reported against, the idea being not to hurt him but to help him. When an adverse remark has to be communicated, the substance of the whole report, including favourable remark should be communicated. For this purpose it is sometimes necessary to edit the remarks before communication. Minor faults which find mention in the reports may be pointed out orally by the Superior Officer. But grave defects should be brought to the officer's notice in writing by the head of the Department personally. (9) An officer may make a representation against an adverse remark. Where an adverse remark is found to be really unjustified. It may be suitably modified, or expunged. Proposals to modify or expunge adverse remarks on officers of the State Services must be submitted to the Chief Minister under Rule 28(a)(viii) of the Rules of Executive Business. Unless there are exceptional reasons for doing so Government do not generally expunge or modify adverse remarks. A confidential report is not a charge sheet which the Reporting Officer must substantiate with facts and figures. If after examination of representation against adverse remarks, it is found that the remarks were justified and the representation was frivolous, a note will be made in the character roll of the representationist that he did not take correction in good spirit. (III) General The basis for an annual report which impugns the honesty of a Gazetted Officer should be carefully verified by a reference to the reporting officer himself before the report is entered in the character roll. When there is suspicion but not any proof inquiries should be initiated but no entry should be made in the character roll. (10) To make officers realise the importance of prompt disposal of corruption cases a note should be made in the annual report on every Head of Office and every Head of Department, stating whether he took keen interest in eradicating corruption and handled corruption cases with promptness and efficiency or whether he was particularly remiss in these matters. (11) When a report is built up on the individual opinions of different departmental superiors in gradation the opinion expressed by the highest of these authorities shall prevail, when there is a difference of opinion between two or more reporting officers of equal rank and the contradiction is not resolved by a superior officer, Government in the department concerned will decide whose opinion should be accepted. Thereafter the remarks of all the reporting officers in full along with Government decision will be recorded in character roll. (12) These confidential reports should not be referred to by tribunals or other bodies dealing with disciplinary cases till after they have arrived at their findings on the charge framed, when reference to the character roll may be useful to assess the penalty. 5.6 Confidential Report on Subordinates.- Confidential report on subordinate staff should be

written in the form appended below. Before writing the report it would be desirable to look into the tours performed by the subordinate staff during the year and find out whether it has been good, satisfactory or poor. It is necessary that no. of days of tour and night halts performed in the forest should be the basis for assessment. More than 12 night halts and 15 days of tour in the forest in a month on an average for the year should entitle a subordinate to a good remark. Similarly about 10 halts and 12-15 days of tour per month may be assessed as satisfactory. Touring less than this should be considered as poor. In respect of such subordinates whose nature of duty does not entail touring including night halts a remark to this effect may be entered under this head. Divisional Forest Officers should maintain an Ephemeral character roll in respect of all subordinate under them in Form No. 83 of Schedule LII, copy of which is given below. In the Ephemeral character roll remarks may be entered by the Divisional Forest Officer in respect of any outstanding work or bad work from time to time during the year. Detailed instructions about writing Ephemeral character roll are given in the Board Miscellaneous Rules (Extract given below). In respect of Forest Guards and Coupe Overseers, Mines Muharrirs and such other subordinates the Range Officers will maintain the Ephemeral character roll in their office. In April every year, the Range Officers will submit the original Ephemeral character roll to the Divisional Forests Officer, who on the basis of this character roll and such other opinion which he may have formed during the year, will enter his remark in the permanent character roll to be maintained in Form No. 82 of Schedule LIII. Instructions about maintenance of permanent character roll are also given in the Board Misc. Rules. At the time of submission of the Ephemeral character roll, the Range Officers will record their final confidential remarks for the year based on the following item:-

- 1. Relations with Public.**
- 2. Relations with Coupe Purchasers.**
- 3. Illicit felling and offence report.**
- 4. Discipline.**
- 5. Capital project.**
- 6. Maintenance of boundary lines and pillars**
- 7. Nursery.**
- 8. Plantations and their maintenance.**
- 9. Fire protection.**

10. Qualifications.

(a)Educational(b)Technical* Ephemeral Character Roll

LIII Form No. 83 (Vide Apptt. Department Letter No. 4588-A., dated 12-12-38).

1. Name of Government servant.

2. Office or offices held.

3. Year.

Date Instance of bad work noticed. Instance of good work noticed.

*(1) To be used in the case of non-gazetted Government servant for whom a service book is also maintained under Rule 201 of the Bihar and Orissa Supplementary Rules.(2)To be used as material for compiling permanent character roll and should be destroyed when the reporting-officer has made his entry in the permanent character roll at the end of the calendar year or at the time of his proceeding on leave or transfer as the case may be. No entry made in the Ephemeral Character Roll should be destroyed, if it relates to a period not covered by an entry in the Permanent Character Roll.Forest Department BiharConfidential Report On

1. Period of report. DIVISION.
2. Name in full.
3. Rank.
4. Present pay.
5. Nature of work on which employed and post held.
6. Technical proficiency.
7. Initiative.
8. Tact and judgement.
9. Intelligence.
10. Integrity.
11. Discipline.
12. Touring.
 - (a) Number of days out in tour.
 - (b) Number of night halts during tour.
13. Treatment of populace.
14. Treatment of subordinates.
- 15.

Has he been responsible for any outstanding work during the period under review meriting special commendation?

16. Has he been reprimanded for indifferent work, or for other causes during the period under review? Give brief particulars.

Discuss his fitness for more responsible work, indicating whether he is considered

17. on the record of his work during the year fit for promotion to the next higher post should occasion arise.

18. Aptitude for special work, if any.

19. General remarks.

Remarks by Higher Officers.

[For convenience and ready reference relevant portion of 'Board Miscellaneous Rules being reproduced below.](Extract from Board's Miscellaneous Rules)

163. Character Roll: - Every non Gazetted Officer should also have (i) a Permanent Character Roll containing entries on which an opinion of the value of an Officers' work can be properly judged, and (ii) Ephemeral Character Roll in which instances of good or bad work can be jotted down as they occur. The entries in the Permanent Roll should ordinarily be made at the end of each calendar year. In addition entries should continue to be made whenever the head of the office or the officer empowered to make such entries is changed or when a non-gazetted officer does good or bad work of such a nature that it ought to be placed on permanent record. No subsequent entries need however, be made in case when the head of the office or the officer who has made such entries at the end of the calendar year proceeds on leave or transfer before the end of the following April. Each entry in the Ephemeral Character Roll, as soon as it is made, should be initialled by the officer who ordered it to be made and by the clerk concerned who would thus have an opportunity of knowing what is entered against him. These entries will give the reporting officer materials on which to base a considered report; it will prevent instances of good or bad work from being forgotten; and it will keep the Permanent Roll free from instance of good or bad work which do not deserve permanent record. On the other hand it will furnish the officers making entries in the Permanent Roll with data for estimating the work of those clerks who do not personally come before him. It will check favouritism, and do away with the need of relying entirely as to the merits of clerks on the opinions of others-opinions which are often not supported by facts. This roll should be destroyed when the reporting officer has made his entry in the Permanent Character Roll at end of the year or at the time of his

transfer, as the case may be.

5.7A record of Service of all Gazetted Officers will be kept by the Accountant General, Bihar. 5.8A Service Book in the prescribed Form shall be maintained for every non-gazetted employee of the Department excepting the Inferior service. 5.9In all cases in which a service book is necessary under Rule 288 of the Bihar Service Code such a book shall be maintained for a Government servant from the date of his first appointment to Government service. It must be kept in the custody of the head of the office in which he is serving and transferred with him from office to office. Note. - The Service Book shall not be returned to the Government servant on retirement, resignation or discharge from service even in cases where he might have paid for it already. 5.10Every step in a Government servants's official life must be recorded in his Service Book and each entry must be attested by the head of his office or any Senior Gazetted Officer under him to see that all entries are duly made and attested and that the book contains no erasure or over-writing, all corrections being neatly made and properly attested. Every period of suspension from employment and every other interruption of service must be noted with full details of its duration in an entry made across the page of the Service Book and must be attested by the attesting officer. It is the duty of attesting officer to see that such entries are promptly made. (c) All punishment and rewards should be recorded in the Service Book under Proper attestation. The reason for the punishment or reward should be mentioned in brief in the Service Book. 5.11Service Book of the Government servant can be examined by him (Government servant), at any time to see the Service Book is properly maintained as provided in Rule 5.8. 5.12When a non-Gazetted Government servant is officiating in a Gazetted post, his Service Book should be kept by the head of the office to which he permanently belongs, but when he is confirmed in such a post his Service Book should be forwarded to the Accountant General, Bihar. 5.13Service Rolls (Notification No. CDR-1204/56/3308-F., dated 13th March, 1956 and No. CDR-12020/57/13343-F. dated 26th September). - For every non-Gazetted Servant for whom no Service-Book is necessary a Service Roll is maintained in the prescribed Form in which the following particulars shall be recorded:-(a) The date of his appointment. (b) His full name, parentage, permanent address, date of birth, height and marks of identification, caste or tribe in case of Scheduled Caste and Scheduled Tribes. (c) The rank which he from time to time holds, his promotion and his reductions or other punishments. (d) His absence from duty with or without leave. (e) Interruptions in his service; and (f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension. Every entry in the Service Roll must be attested by the head of the office or any Gazetted Officer under him. 5.14A note regarding the educational and technical qualification of the Government servant should be kept in the Service Book or Service Roll. 5.15The Service Book in each office should be taken up for verification in April of every year by the head of the office or any Gazetted Officer under him who after satisfying himself that the services of the Government servant during the preceding financial year are correctly recorded in his Service Book should certify that the verification have been done the verification should be in respect of all service qualifying for pension, whether permanent, provisional, temporary or officiating. 5.16Every head of office will maintain separate registers for Service Books and Service Rolls in the prescribed Form. The Service Books and the Service Rolls shall be serially numbered and noted in the registers. The serial number thus assigned shall be prominently noted on the cover of the relevant document. The register shall also contain brief particulars of each of those documents and its disposal on transfer, resignation, discharge, retirement, etc., of the

Government servant concerned. The Service Books and the Service Rolls shall be periodically verified with the registers by some responsible officer in order to see that none of the documents is missing and the entries in the registers are up to date. A certificate to that effect shall be recorded by the officer concerned on each occasion the Service Book is examined.

Chapter VI

Punishments

6. Procedure to be followed in Disciplinary cases:

6.1 Discipline and Appeal Rules.- The discipline and right of appeal of Government servants are regulated by Rules contained in Civil Services (Classification, Control and Appeal) Rules and the Bihar and Orissa Subordinate Service (Discipline and Appeal) Rules, 1935. The former Rules apply to Gazetted Officers of State services and the latter to all subordinate service officers and Class IV Government servants in the State. The instructions below deal with procedure to be adopted in disciplinary cases.

6.2 Government Order No. 3060-IIIF-13-R dated 1st April, 1932.- The Rules relating to the discipline and appeal of Officers of the Forest Department are as under:-

A-Bihar and Orissa Forest Service

(i) Discipline The following Rules in the Civil Services (Classification, Control and Appeal) Rules, framed under Sub-section 2 of Section 96-B of the Government of India Act and published under Notification No. F-9/3/30, dated the 19th June, 1930 of the Government of India in the Home Department, apply to the Bihar Forest Service which is a State Service as defined in Rule 8 of the said Rules:-

49. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of the services comprised in any of the classes (1) to (5) specified in Rule 14, namely:-

- (i) Censure.
- (ii) Withholding of increments or promotion, including stoppage at an efficiency bar.
- (iii) Reduction to a lower post or time-scale or to lower stage in a time-scale.
- (iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of order.
- (iv-a) Compulsory retirement.
- (v) Suspension.
- (vi) Removal from the service which does not disqualify from future employment.
- (vii) Dismissal from the service which ordinarily disqualifies from future employment.

Explanation. - The discharge-

- (a) of a person appointed on probation, during the period of probation;
- (b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment;
- (c) of a person engaged under contract in accordance with the terms of his contract, does not amount to removal or dismissal within the meaning of this Rule.

N.B: - Rule 14 classifies the Public Services in India as:-

1. The All-India Service.

2. The Central Service Class I.

3. The Central Service Class II.

4. The Provincial Services.

5. The Specialist Services.

6. The Subordinate Services.

52. Subject to the provisions of these Rules, the Central Government or the State Government as the case may be, may impose -

(a) any of the penalties specified in clauses (i) to (v) of Rule on any person included in any of the classes (1) to (5) specified in Rule 14 who is serving under the administrative control of the Central or the State Government as the case may be; (b) the penalty specified in clause (vi) or in clause (vii) on any such person not being one of those referred to in Rule 50. N.B: - Rule 50 refers to Members of an All-India Service.

55. Without prejudice to the provisions of the Public Servants (Inquiries) Act 1850, no order of dismissal, removal, compulsory retirement or reduction shall be passed on a member of a Service (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceeding shall contain a sufficient record of evidence and a statement of the findings and the grounds thereof.

This Rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him or when the Governor is satisfied that in the

interest of the security of State it is not expedient to give him such an opportunity. All or any of the provisions of the Rule may in exceptional; case, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the Rule and those requirements can be waived without injustice to the person charged.(ii)Appeals6.3The following Rules in the Civil Services (Classification, Control and Appeal) Rules govern the right of appeal in regard to members of the Bihar Forest Service:-

56. Every person included in one of the classes (1) to (5) specified in Rule 14 shall be entitled to appeal, as hereinafter provided, from an order passed by an authority in India. -

(a)imposing upon him any of the penalties specified in Rule 49;(b)discharging him in accordance with the terms of his contract if-(i)he was engaged on a contract for a fixed or for an indefinite period and has rendered, under either from of contract, continuous service for a period exceeding five years at the time when his services are terminated; or(ii)he comes under the provision of Rule 58(3); provided that a person appointed by the President of India shall have no right of appeal from an order passed by the President of India.

57.

(5)A Member of a Provincial Service, or a Member of a Specialist Service under the administrative control of the State Government of a Governor's Province, may appeal to the Governor from an order passed by the State Government.

58.

(1)Every member of a Service other than a Subordinate Service shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority subordinate to the said authority which(a)alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in Rules or in a contract of service, or(b)interprets to his disadvantage the provisions of any Rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.(2)The authority hereinbefore referred to shall be the authority which made the Rule to which the order under appeal relates, or in the case of an appeal relating to a contract of service, the authority which appointed the appellant:Provided that where the Rule or appointment was made by the State Government the appeal shall be to the Governor.(3)Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

59. In the case of an appeal against an order imposing any penalty specified in Rule 49, the Appellate Authority shall consider -

(a)whether the facts on which the order was based have been established;(b)whether the facts established afford sufficient ground for taking action; and(c)whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such orders as it thinks proper.

60. In the case of an appeal against an order under Rule 58, the Appellate Authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

61. An authority from whose order an appeal is preferred under these Rules shall give effect to any order made by the Appellate Authority.

62. Every person preferring an appeal shall do so separately and in his own name.

63. Every appeal preferred under those rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

B. Subordinate Service6.4B & O. Government Notification No. 1995 A.R., dated 14th June 1935.- 1. In exercise of the powers conferred by Rule 54 of the Civil Services (Classification, Control and Appeal) Rules, the Government of Bihar and Orissa are pleased to make the following Rules to regulate the discipline and right of appeal of Members of Subordinate Services in Bihar:-(i)The Rules may be called the Bihar and Orissa Subordinate Service (Discipline and Appeal) Rules, 1935.(ii)They shall come into force on the 1st July 1935.(iii)They shall apply to all members of Subordinate Service under administrative control of the Government of Bihar, except to those for whose appointments and conditions of employment special provision is made by or under any law for the time being in force.

2. The following penalties may, for good and sufficient reasons, be imposed upon any Member of a Subordinate Service viz: -

(i)Censure.(ii)Withholding of increments or promotion, including stoppage at an efficiency bar.(iii)Reduction to a lower post or time scale or to a lower stage in a time-scale.(iv)Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of order.(iv-a) Compulsory retirement.(v)Fine.(vi)Suspension.(vii)Removal from the Civil Service of the State which does not disqualify from future employment.(viii)Dismissal from the Civil Service of the State which ordinarily disqualifies from future employment:Provided that the penalty of fine shall be imposed only on menials and inferior servants.Explanation. - The discharge-(a)of a person

appointed on probation, during the period of probation;(b)of a person appointed, otherwise than under contract, to hold a temporary appointment, on the expiration of the period of the appointment;(c)of a person engaged under contract, in accordance with the terms of his contract, does not amount to removal or dismissal within the meaning of this Rule.Note. - For the procedure to be followed before an order of dismissal, removal, compulsory retirement or reduction can be passed, see Rule 55 of the Civil Services (Classification, Control and Appeal) Rules. In drawing up proceedings and conducting departmental enquiries the instructions contained in Rules 165 to 170 of the Bihar Board's Miscellaneous Rules, 1958, are to be followed, except where more detailed instructions have been framed by the Department concerned.

3. Any of the penalties mentioned in Rule 2 may be imposed on a Member of a Subordinate Service -

(a)By the authority empowered to impose such penalty by any rule or order in force at the time when these Rules come into operation; or by any rule or order made after the time when these Rules come into operation.(b)If no authority has been so empowered, by the Head of the Department or the Head of the office having the power to appoint the Member of the Subordinate Service on whom the penalty is to be imposed.

4. Every Member of a Subordinate Service (including temporary Government servants and officers on probation) shall be entitled to appeal to the authority immediately superior to the authority which passed an order -

(a)imposing upon him any of the penalties specified in Rule 2;(b)terminating his appointment otherwise than on the expiry of the period of his appointment or on his reaching the age of superannuation.

5. No appeal as of right shall lie against an order declining to give an appointment or promotion except as a measure of punishment to a particular individual, or affecting a transfer or an extension of service.

6. In the case of an appeal against an order imposing any penalty specified in Rule 2 the Appellate Authority shall consider: -

(a)whether the facts on which the order was based have been established;(b)whether the facts established afford sufficient ground for taking action; and(c)whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such order as it thinks proper.

7. The authority from whose order an appeal is preferred under these Rules shall give effect to any order made by the Appellate Authority.

8. Every Government servant preferring an appeal shall do so separately and in his own name.

9. Every appeal preferred under these Rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the Head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred and shall be accompanied by a copy of the orders appealed against.

10. An appeal may be withheld by the authority against whose order it is preferred if -

(1)it is an appeal in a case in which no appeal lies under these Rules; or(2)it does not comply with the provisions of Rule 9; or(3)it is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay; or(4)it is a repetition of a previous appeal and is made to the same Appellate Authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reason for it:Provided also that an appeal withheld on account only of a failure to comply with the provisions of Rule 9 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and such appeal shall not be withheld if it is resubmitted in a form which complies with these provisions.

11. No appeal shall lie against the withholding of an appeal by a Competent Authority. The authority withholding the appeal, however, shall report the fact to the superior authority together with the reasons for withholding the same.

12. Notwithstanding anything contained in the foregoing of these Rules, the State Government and Heads of Department may, in cases in which no appeal lies or has been preferred call for departmental proceedings against their subordinates and reverse or alter the order passed by a subordinate authority imposing any of the penalties specified in Rule 2. Nothing in these rules shall, however, be construed to interfere with the power conferred by Section 4 of Regulation 1 of 1829.

13. Nothing in these Rules shall operate to deprive any Member of a Subordinate Service of any right of appeal which he would otherwise have had if these Rules had not been made in respect of any order passed before they came into force. Any appeal pending at the time when, or preferred after these Rules come into force shall be deemed to be an appeal under these Rules, and Rules 6 and 7 shall apply as if the appeal were one against an order appealable under these Rules.

C-Menials and Inferior ServantsDiscipline

6. [5. Government of Bihar Revenue Department letter no. 1049 IIIF.-23 R.R. dated the 23rd September, 19.] [It may be noted that no year is printed in the Bihar Forest Manual, Volume II, published by the State Government. Readers may consult the Department in case of need of the year.]

- 1. The following penalties may for good and sufficient reasons and as hereafter provided be imposed upon the Menials and Inferior Servants of the Forest Department:-(i)Censure.(ii)Withholding of increments or promotion, including stoppage at an efficiency bar.(iii)Reduction to a lower post on a time-scale or to a lower stage in a time-scale.(iv)Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.(v)Suspension.(vi)Removal from the Civil Service of the State which does not disqualify from future employment.(vii)Dismissal from the Civil Service of the State which ordinarily disqualifies from future employment.(viii)Fine (not exceeding one month's pay)Explanation. - The discharge-(a)of a person appointed on probation, during the period of probation;(b)of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of appointment,(c)of a person engaged under contract, in accordance with the terms of his contract, does not not amount to removal or dismissal within the meaning of this Rule.

2. (i) In all cases of dismissal, removal or reduction -

Rule 55 of the Civil Services (Classification, Control and Appeal) Rules which is printed in full in the Rules relating to Discipline and Appeal of Officers of Bihar and Orissa Forest Service, will apply.

3.

The operation of Rules 1 and 2 may be suspended temporarily in cases of a really urgent nature, the circumstances of each case being reported as soon as possible to the authority whose sanction ought to have been obtained under Rule 2, whose decision shall prevail.

4. No person should be regarded as domiciled in the province unless he can produce a certificate to that effect from the District Officer of the district in which he claims to be resident.

5. A list should be prepared and maintained in each office of all new appointments whether permanent or temporary, made since its first establishment on the creation of the service and a return in Form B of the appointment made during each year should be submitted to the State Government in the administrative department on or before the 15th February of the following year.

6. The maximum age limit for Ministerial Posts in which the Matriculation Examination is the minimum qualification should be fixed at 20 years but the appointing officers are given discretion to recruit as probationers men over twenty years of age provided that they have passed either the I.A. or I.Sc. or have obtained a B.A. or B.Sc. degree and are not more than twenty two years of age. The knowledge of shorthand and type-writing should be considered as an additional but not an indispensable qualification except for post in which the knowledge of shorthand or typewriting is necessary:

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it: Provided also that an appeal withheld on account only of a failure to comply with the provisions of Rule 6 of the appeal rules above may be re-submitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal and such appeal shall not be withheld if it is re-submitted in a form which complies with the provisions. Government of Bihar Revenue Department Memo No. 586-IVM-15/- 38R dated the 24th January 1938, and Letter No. 4104-R-IVM-15, dated the 26th May, 1938.

7. No appeal shall lie against the withholding of an appeal by the Conservator of Forests. The authority withholding the appeal, however, shall report the fact to the superior authority together with the reasons for withholding the same.

8. The Conservator may in cases in which no appeal lies or has been preferred call for departmental proceedings against menials and inferior servants and reverse or alter the order passed by a subordinate authority imposing any of the penalties specified in Rule I of the Discipline Rules above.

6.6 Dismissal, Removal or Reduction in rank.- (i) Without prejudice to the provision of the Public Servants (Enquiries) Act, 1850, no order of dismissal, removal or compulsory retirement, reduction shall be passed on a Government servant unless he has been informed in writing of the ground on which it is proposed to take action and has been afforded a reasonable opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a fortnight, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires, or if the authority concerned so directs, an oral enquiry shall be held. At that enquiry oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish: Provided that the officer conducting the enquiry may for special and sufficient reasons to be recorded in writing, refuse to call a witness. The examination and cross-examination of prosecution and defence witnesses be completed within a month. (ii) After the enquiry against the person charged has been completed and after the authority competent to impose a penalty has arrived at a provisional conclusion in regard to the penalty to be imposed, the accused officer should be supplied with a copy of the report of the enquiring authority and be called upon to show cause within two weeks against the particular penalty proposed to be inflicted. Note:-1. In cases in which the officer, who will pass orders himself, conducts the enquiry, he should, after completion of the evidence clearly indicate to the accused his findings in writing on each charge and call upon him to show cause within two weeks against such punishment. Note:-2. When the orders for punishment are passed by an authority other than the person conducting the enquiry into the conduct of the officer concerned, it should be sufficient if the authority passing orders of punishment definitely records his agreement or disagreement with the person by whom the enquiry was conducted, due regard being had to the provisions in Rule 3 of the Bihar and Orissa Subordinate Service (Discipline and Appeal) Rules. Note:-3. The State Government have prescribed a period of two weeks as the upper limit within which the enquiring officer, after cause has been shown by the person proceeded against, must dispose of the proceedings and submit his report. (iii) With a view to securing prompt investigation and speedy disposal of all departmental proceedings, the officers entrusted with the conduct of disciplinary enquiries, particularly in cases of bribery and corruption, while giving reasonable facilities to the accused to make their defence, should mainly confine themselves to the essentials of the prescribed procedure and should firmly resist any tendency on the part of the accused officers to adopt dilatory tactics. Detailed instructions- regarding the manner in which disciplinary cases are to be dealt with have been laid down in Sri S.J. Mazumdar's Letter No. - A-10192 dated 23rd August, 1963 read with Sri B.K. Dubey's Letter No. A-5532 dated the 29th April, 1963 (which are reproduced later). These instructions should be meticulously followed by all officers required to conduct departmental proceedings. (iv) Apptt. Department Memo No. II/C3-9-101/53A-9593 dated 16.11.1954. - When formal enquiries are conducted after the framing of charges a Gazetted Officer will have the option to defend himself by engaging a lawyer at his own cost while a non-Gazetted Officer may be allowed to at the discretion of the officer conducting the enquiry. (v) The proceedings shall be drawn up with the following particulars:- (a) Name, rank and grade of the officer proceeded against. (b) Details of charges- Each charge must be specific. Charges should be drawn up and separately numbered and should give the date, occasion and nature of the

offence committed. A copy of the charges should be given to the officer charged.(c)Defence-If the officer charged can write, he should be permitted to submit his defence in writing. The defence submitted in writing should be attached to the proceedings. In case of illiterate men the enquiring officer may himself record the defence. The written statement of defence should be submitted within four weeks from the date of communication of the charges to the officer accused.(d)Evidence-A memorandum of evidence should be prepared. Where the full statement of witnesses has been recorded in English or Hindi, it should be attached to the proceedings.(e)Character of the officer charged-The character roll of the officer should be examined and a note made regarding the good and bad work done by the officer in the past.(f)Findings-The enquiring officer must conclude the proceedings and submit his final report within two weeks after cause has been shown by the officer proceeded against. Each charge should be examined in the light of the defence and the evidence and a clear finding on each charge should be recorded by the enquiring officer.(g)Order-The Officer who is competent to pass orders of dismissal, removal, compulsory retirement or reduction should consider the findings along with the past record of the person concerned and if he is of the opinion that any of the penalties should be imposed, then he should supply a copy of the findings to the person concerned and ask him to submit a representation, if any, against the proposed punishment within two weeks. On receipt of the representation an order shall be recorded. If the penalty imposed is other than dismissal or removal, the order should clearly indicate how the period of suspension, if any should be treated, e.g., whether any extra pay other than subsistence allowance is to be allowed.Note. - Final order in a case in which a Government servant has been convicted should issue not immediately after the conviction order has been passed by the final court but after the time limit for filing an appeal has been disposed of.(h)Appeal-If appeal has been preferred, the orders of the appellate authority should form part of the record.(vi)An order sheet should invariably be used from the beginning and the record of the proceedings should be prepared as the case is gone into from day to day and not after the case has been decided.The order sheet shall form part of the proceedings.(vii)When any orders of punishment have been passed, the officer punished shall be entitled to receive a copy of the order of punishment free of cost, and shall also be allowed to take a copy of the rest of the record, paying for the copy at the usual copy rate or providing his own paper and copyist.(viii)In order that copies of whole of proceedings may without objection be supplied to officers punished, authority conducting such a proceeding must base his findings and orders on facts and inferences appearing or deduced from the record and should not refer to confidential papers which cannot be embodied in the record.Note. - All or any of the provisions of clause (v) may, in exceptional cases, for special and sufficient reasons, to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the Rule and those requirements can be waived without injustice to the person charged.(ix)The provisions of clauses (i) and (ii) shall not apply-(a)where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;(b)where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded in writing, it is not reasonably practicable to give to that person an opportunity of showing cause against the action proposed to be taken in regard to him;(c)where the Governor is satisfied that in the interest of the security of the State it is not expedient to give to the accused person an opportunity to show cause against the action proposed to be taken in regard to him.Note. - If any question arises, whether it is reasonably practicable to give to any person an opportunity of showing cause under clauses (i) and (ii) against the particular penalty proposed to be inflicted, the decision

thereon of the authority empowered to impose the penalty shall be final.(x)The full procedure indicated above need not be followed in the case of a probationer discharged due to general unsuitability and also because of non-fulfilment of departmental and other liabilities required for confirmation but not as a measure of punishment.(xi)If from the facts elicited in a criminal case brought against a Government servant in which he has not been convicted or in civil suit instituted against him, it is apparent that his retention in the public service is prima facie no longer desirable, such facts may be used as the basis of an order calling on him to show cause why he should not be punished by dismissal or otherwise. In such a case the officer concerned should have an opportunity of submitting his defence and tendering such further evidence as he may see fit to produce.(xii)The Appellate Authority should ordinarily deal, as is customary, with those points only that are raised or pressed in the appeal.6.7Censure, withholding of increments, etc. and recovery from pay.- Without prejudice to the provisions of para 6.6. no order imposing the following penalties, viz:-(a)Censure;(b)Withholding of increments or promotions including stoppage at an efficiency bar;(c)Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders (other than an order based on facts which led to his conviction in a criminal court or by a Court martial, or an order superseding him for promotion to a higher post on the grounds of his unfitness for the post, on a Government servant,) shall be passed unless he has been given an adequate opportunity of making a representation that he may desire to make and such representation if any, has been taken into consideration before the order is passed:Provided that the requirements of this para may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing them and where they can be waived without injustice to the officer concerned.Note. - The full procedure indicated in clauses (i) and (ii) of para 6.6. need not be followed. It will be sufficient if the officer concerned is given an opportunity of explaining the charges against him and the explanation so submitted is taken into consideration before orders are passed.6.8Compulsory retirement of Officers.- A ministerial officer may be retained in service till he reaches the age of 60 provided he continues to be physically fit and efficient.A ministerial officer who has completed 25 years of total service of which 21 years must be of actual duty may be compulsorily retired from service if he has grown inefficient or if his conduct is not such as to justify his retention in service. Such compulsory retirement being in accordance with the conditions of service of ministerial officer concerned is not entitled to a show cause notice before he is ordered to retire. Such an officer may however be allowed to submit a representation against such retirement and such representation, if any, should be taken into consideration before passing final orders.Further instructions to be followed before ordering the compulsory retirement of Government servants are embodied in Appointment Department Memo No. III/RI-5011 -51A-3794 dated 4th May, 1953, and Memo No. 3/RI-509/56A 4518 dated the 30th April, 1956 which are reproduced below:-

1. (Apptt. Department Memo No. 3794 dated 4th May, 1953). - The undersigned is directed to refer to the instruction conveyed in the Appointment Department circular Memo Nos. RI 59/48A-528,, dated the 22nd January,1951 and III/RI-5011/51-3133, dated the 29th March,1952 explaining the amendments to Rule 75 (d) of the Bihar and Orissa Service Code and the delegations made thereunder to enable Departments of Government and

Heads of Departments to retire compulsorily such Government servants as had completed at least 25 years of total service and 21 years of duty and were considered to be either corrupt or inefficient. In accordance with the delegations as detailed in circular Memo No. 3133, dated the 29th March, 1951 Departments of Governments were given full power to order compulsory retirement of Government servants under their administrative control and similar delegation was also made to Heads of Departments to order compulsory retirement of non-Gazetted Government servants both superior and inferior, who were not appointed by Government. Rule 75 (d) of the Bihar and Orissa Service Code has since been replaced by Rule 74 of the Bihar Service Code, 1952 and the delegations thereunder have been specified under item 9A of Appendix 1 of the new compilation.

2. In paragraph 7 of the Appointment's Department Memo No. RI-59/- 48A-528, dated the 22nd January, 1951 it was stated that compulsory retirement effected under Rule 75(d) of the Bihar and Orissa Service Code would amount to "removal" from service and would, therefore attract the provisions of clause 2 of Article 311 of the Constitution of India. It was, therefore, laid down that it would be necessary to give to the Government servant concerned reasonable opportunity of showing cause against the action proposed to be taken in regard to him, and to take any representation made by him into consideration before passing final orders of his compulsory retirement. Provision to this effect was also made in the Note below Rule 75 (d) of the Bihar and Orissa Service Code and in Note I below Rule 74 of the Bihar Service Code, 1952 which runs as follows: -

"Compulsory retirement effected in pursuance of this Rule amounts to removal from service within the meaning of clause 2 of Article 311 of the Constitution of India and a Government servant so compulsorily retired shall be given a reasonable opportunity to show cause against the action proposed to be taken against him. It shall, however, not be necessary in such cases to follow the procedure laid down for the institution of departmental proceedings against a Government servant before removing him from Government service."

3.

The question whether compulsory retirement under Rule 74 of the Bihar Service Code (or those already effected under Rule 75(d) of the Bihar and Orissa Service Code) could attract the provisions of Article 311(2) of the Constitution of India has since been carefully considered by the State Government. The true scope and significance of the provisions of Section 240(3) of the Government

of India Act and of the corresponding provisions of Article 311 (2) of the Constitution have been adjudged by many High Courts. The State Government are now advised that compulsory retirements effected under Rule 74 of the Bihar Service Code would be deemed to have been ordered by Government by virtue of the conditions of service of the Government servants concerned to whom the said Code applies and would not amount to "dismissal" or "removal" within the meaning of Article 311 (2) of the Constitution or Rules 49 and 55 of the Civil Services (Classification, Control and Appeal) Rules. Consequently the officer proposed to be compulsorily retired can not claim, as a matter of right that he should be given an opportunity to show cause against his proposed compulsory retirement. In pursuance of this decision, Note I below Rule 74 of the Bihar Service Code has now been amended in the Finance Department Notification No. 1216-F, dated the 30th January, 1953. The amended Note now reads as follows:- Note 1. - Compulsory retirement effected in pursuance of this Rule does not amount to dismissal or removal from service within the meaning of clause (2) of Article 311 of the Constitution and a Government servant so retired cannot claim, as a matter of right that he should be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. It shall also not be necessary, in such cases, to follow the procedure laid down for institution of departmental enquiry before retiring him compulsorily from Government Service.

4. The State Government have considered the question whether in view of there being no statutory obligation to give to a Government servant an opportunity to show cause against compulsory retirement and Rule 74 of the Service Code having been amended as stated above, the opportunity of making a representation against compulsory retirement should still be provided to a Government servant against whom action is proposed to be taken under Rule 74. They are of the opinion that while it is in the public interest to dispense with the services of Government servants who are corrupt or grossly insufficient, it is equally desirable, in this transitional period, not to undermine Government servants' sense of security. They feel that unless Government servants are given an opportunity to show cause against compulsory retirement, this extraordinary power may in some cases be exercised harshly or capriciously. It has accordingly been decided that the existing instructions requiring Government servants to be given an opportunity to submit representations against compulsory retirement and for these representations to be considered by the committee of senior officers which have been specially constituted to examine proposal regarding compulsory retirement of Government servants of Class I, Class Hand Class III shall remain in force. In accordance with these orders, when the representation from the Government servant concerned has been received, his case should be referred to the committee concerned along with his Character Roll, and other reports, etc. on the basis of which the provisional

decision to retire the officer compulsorily was taken. Final orders will be passed in each case after the recommendations of the committee are received.

5. In exceptional cases, if the authority empowered to retire a Government servant compulsorily is satisfied, for reasons to be recorded by him in writing, that it will not be expedient, or in the public interest, to give to the Government servant an opportunity of showing cause against the action proposed to be taken in regard to him, such opportunity may not be given. If, however, the committee of senior officers authorised to examine the case of compulsory retirement decides that the opportunity of showing cause should be given to that Government servant such an opportunity shall be given.

6. These orders should be noted carefully for future guidance and communicated to appointing authorities subordinate to you.

Apptt. Department Memo, No. III/RI-509/56A-4518 dated 30.4.1956. - The undersigned is directed to invite a reference to Appointment Department's Confidential Memo No. RL-59/48A-528 (copy enclosed), dated the 18th/22nd January, 1951, Compulsory retirement of dishonest or inefficient officers has been made during the past few years, according to the procedure laid down in that memo. Government have since made a detailed review of the whole position, and have decided that infuture compulsory retirement need not be confined to corrupt Government servants or to those who are grossly inefficient. Inefficiency, even though not gross, may be considered as a sufficient ground, for compulsory retirement. For this purpose, every Department of Government and every Head of Department is requested to prepare, in July each year a list of Government servants who have completed 25 years of service and whose records, in the matter of integrity, or of efficiency, are not satisfactory, this would enable a systematic selection to be made, of cases in which compulsory retirement should be ordered.

2. The present practice of giving to Government servant an opportunity to show cause why he should not be compulsorily retired will continue, although as explained in Appointment Department's Memo No. 3794, dated the 4th May, 1953 it is not legally obligatory to afford such an opportunity. Only one month's time should, however, be allowed for showing cause, and only for very exceptional reasons further time, not exceeding another month may be allowed.

3. The orders previously in force provided that compulsory retirement of Government servants in classes I, II and III, should be made on the advise of Committees of senior officers specially constituted for the purpose.

Government have now decided to discontinue this procedure. When these committees were first constituted, it was thought that there might be a large number of compulsory retirements, and that, therefore, the cases should be examined by committees to ensure uniformity. In future the number of compulsory retirements is not likely to be so large, and it should be possible for each Department of Government to deal with such cases without seeking the advice of a committee.

4. After a case of compulsory retirement of a Gazetted Officer has been examined by the department concerned the Appointment Department should be consulted. When it is proposed to retire a Gazetted Officer compulsorily on the ground of dishonesty or corruption, the Anti-Corruption Section of the Political Department should also be consulted. As required under the Rules of Executive Business proposal for compulsory retirement of Gazetted Officers appointed by Government will be placed before the Chief Minister and Council of Ministers before the issue of orders. Cases of compulsory retirement of Gazetted Officers appointed by authorities subordinate to Government should also be submitted to the Minister-in-Charge, and then to the Chief Minister, before issue of orders.

5. A Head of Department may pass orders of compulsory retirement of a Government servant in Class III or Class IV. no appeal will lie to Government against such order passed by a Head of Department, Government may, however, at any time, call for the papers relating to a case of compulsory retirement of a Government servant in class III or Class IV, and pass orders thereon as Government may deem fit. Government have the power of making such a review at any time, but in order to ensure that permanent arrangement in vacancies caused by compulsory retirements are not unduly delayed, an application for such review will not ordinarily be entertained by Government unless it is received within one month of the issue of the orders of compulsory retirement.

6.9 Suspension.- Government servants should not be placed under suspension for inadequate reasons or kept under suspension for a long period, the principles to be followed in ordering suspension are explained below: (Apptt. Department Letter No.III/RI-2033/52-188 dated 9.1.1954).

- I am directed to say that instances have come to the notice of Government in which Government servants required to answer charges in court of law or in departmental enquiries had to remain under suspension for inordinately long periods. The procedure prescribed for conducting departmental proceedings is elaborate, and makes some delay in their disposal inevitable. While Government are anxious that departmental proceedings should be disposed of speedily, they are equally keen to ensure that a Government servant should not be placed under suspension for inadequate reasons, or kept under suspension for a long period. The practice of keeping Government servants under prolonged suspension is not in the interest of the public service. Some of the disadvantages of this practice are noted below:-(i)Under the Rules, the vacancy caused by the suspension of a Government servant cannot be filled up substantively, with the result that no stable arrangement can be made for the disposal of work.(ii)Prolonged suspension of a Government servant even if followed by dismissal or removal entails considerable financial loss to Government, as he receives subsistence allowance until final orders are passed in the proceedings.(iii)Where the suspended Government servant is finally acquitted of the charges against him, his prolonged suspension causes needless harassment to him. The stigma attached to suspension is not wholly removed even if the Government servant is finally exonerated. To the public, he appears as something of an ex-convict, with the result that his utility to Government is reduced, if not for his whole service, at least for some years.(iv)If a Government servant is under suspension for a long time, he begins to receive sympathy which, in most cases, considering the nature of the offence, he does not deserve; and it sometimes happens that the authority passing final orders is, consciously or unconsciously influenced by this sympathy, and awards a lenient punishment. The net result is the continued association with the public service of a person who is not really fit to be retained in the public service.

2. While the prolonged suspension of a Government servant is undesirable, it is often difficult for the competent authority, while placing him under suspension, to anticipate whether or not the period of his suspension would be prolonged. There have also been cases in which Government servants were suspended as a matter of routine when proceedings against them were ordered, without regard to the nature of the charges against them and the evidence available to support the charges. With a view to ensure that suspension is ordered only in cases where it is fully justified, the State Governments have been pleased to order that the following principles should be followed while taking a decision to suspend a Government servant:-

I. Cases in which a Government servant is facing trial in a criminal court.(i)If a Government servant is being prosecuted on a criminal charge, he should be placed under suspension if he has been refused bail by the Court and has been committed to prison.(ii)In cases of criminal prosecution, a Government servant should be suspended if the charge against him is such that on being found guilty of it, he is likely to be sentenced to a term of imprisonment, or on which he would be dismissed or removed from service, in a departmental enquiry. In such cases, however, the order of suspension need not be passed in every case immediately after cognizance has been taken. In

suitable cases it may be passed after charges have been framed.II. Cases in which Government servants are proceeded against either departmentally or under the Public Servants (Inquires) Act, 1850:-Where a Government servant being proceeded against departmentally or under provisions of the Public Servants (Inquiries) Act, 1850 on charges of gross misconduct or bribery or corruption, the question of suspension should be considered with reference to the prima facie evidence available against him. If there are good reasons to believe on the basis of the material available at the time of the initiation of the proceedings that the Government servant has been guilty of gross misconduct or bribery or corruption, which, if proved, would lead to his dismissal or removal he should be placed under suspension. In cases in which such prima facie evidence is lacking at the start the question of suspension of the Government servant may be kept pending till the findings of the enquiring officer are available. In such cases it should be considered whether the accused officer should be required to proceed on such leave as may be due to him and if there is no leave to his credit, on extraordinary leave. On the conclusion of the enquiry, if it is found that the Government servant is guilty of gross misconduct or of bribery or corruption which would entail his dismissal or removal from service he should be immediately placed under suspension.III. In all cases where there are reasons to believe that the Government servant if allowed to continue in active service, might attempt to tamper with evidence, he should be required to proceed on such, leave as may be due to him, or if there be no leave to his credit, on extraordinary leave. If he refuses to proceed on leave he may be suspended.I am to request that these instructions should be carefully followed in future and should be brought to the notice of all officers subordinate to you who have not been informed direct.Apptt. Department Memo no. III/RI-209/60 A-4698 dated 4.4.1960. - The undersigned is directed to say that in supersession of all previous instructions on the above subject, the State Government at have been pleased to order that the following principles should be followed while taking a decision to suspend a Government servant:-(1)If a Government servant is facing trial in a criminal court, he should be suspended if he has been refused bail and committed to prison.(2)If a criminal charge made against him is such that on being found guilty, he is likely to be sentenced to a term of imprisonment, or on which he is likely to be dismissed or removed in a departmental enquiry, he should be suspended immediately after charges have been framed.(3)In cases where a Government servant is being proceeded against departmentally, if there are good reason to believe on the basis of materials available at the time of initiation of the proceeding that he has been guilty of gross misconduct or corruption which, if proved, will lead to dismissal or removal, he should be suspended even if the suspension is likely to continue for a long time.(4)In all cases where there are reasons to believe that a Government servant if allowed to continue in active service might tamper with the evidence he should be required to proceed on leave as may be due to him, or if there be no leave to his credit, on extraordinary leave. If he refuses to proceed on leave, he may be suspended.(5)Even in cases which do not fall into any of the categories mentioned above, the power and discretion of Government or of the appointing authority to order suspension will remain unimpaired if there are special circumstances warranting such action.(6)Although suspension during the pendency of an enquiry is not a punishment, there is a stigma attached to it which is not wholly removed, even if the officer is later exonerated. An order of suspension should, therefore be passed only after very careful consideration. Care should also be taken to see that the period of suspension is not unduly prolonged because of delay in the disposal of the enquiry or proceedings. Attention is invited in this connection to Rule 28 (ix) of Executive Business, according to which any proposal to suspend a Gazetted Officer is to be submitted to the Chief Minister through the Chief Secretary before the issue

of orders. The above instructions should be followed carefully in future and should be brought to the notice of all officers subordinate to you." 6.10 Discharge of Temporary Government Servants. (1) The Bihar and Orissa Subordinate Services (Discipline and Appeal) Rules, 1935, do not apply to Government servants subject to discharge on one month's notice or less. The Civil Services (Classification, Control and Appeal) Rules also so far as they are applicable to Government servants under the Rule making control of the State Government do not apply to Government servants subject to discharge on one month's notice or less. Therefore, the departmental proceedings contemplated by Rule 55 of the Civil Services (Classification, Control and Appeal) Rules are not necessary when such temporary Government servants are discharged from service. (2) When the term of appointment of temporary Government servant provides for the termination of service by either party giving notice of a specified period either party can serve such notice at any time and the service should be considered to have been terminated on expiry of the specified period of notice. The termination of service in such circumstances does not amount to "removal" from service under Article 311 of the Constitution. (3) When a temporary appointment expressly stated to be on a temporary basis, is sanctioned until further orders and is subject to the condition that the service does not amount to "removal" from service under Article 311 of the Constitution, the service can be terminated at any time without notice. (4) In all other cases which are not covered by the foregoing provisions Article 311 of the Constitution is attracted and full departmental proceedings are necessary before the temporary service can be terminated. But in the cases of persons who are appointed subject to discharge on one month's notice or less, Bihar and Orissa Subordinate Service (Discipline and Appeal) Rules or the Civil Services (Classification Control and Appeal) Rules, do not apply and it will be a sufficient compliance of Article 311 if an explanation is obtained asking him to show cause why he should not be discharged, and the explanation so obtained is considered before orders of discharge are passed. 6.11 Speedy disposal of disciplinary cases against Government servants. (Appointment Department No. III/RI-1026/63-A-10192 dated 23.8.1963.- I am directed to repeat with slight modifications the instructions issued with Shri L.R Singh's letter no. A-189 dated the 9th January, 1953. Government desire that you should ensure that these orders are carried out properly; take firm action (including institution of departmental proceedings) against any one neglecting to carry out these instructions; and report to Government any lapse serious enough to call for Government's notice. Government have noted with grave concern instances of inordinate delay in disposal of disciplinary cases against Government servants. Government attach great importance to prompt investigation and speedy disposal of disciplinary cases and have issued instructions from time to time emphasising the desirability of expeditious disposal of such cases. Yet these instructions are not being followed. Government, therefore, desire that all officers entrusted with the conduct of disciplinary enquiries should meticulously follow the instructions contained in the following paragraphs:-

2. Delays in the disposal of disciplinary cases are generally to be attributed to the tendency on the part of the enquiring officer to allow the same privileges to the accused in departmental proceedings as would be admissible to him in a criminal trial. Taking advantage of this, the accused officer resorts to dilatory tactics and manages to prolong the enquiry and, at times, to tamper with the evidence, the procedure prescribed in Rule 55 of

the Civil Services (Classification, control and Appeal) Rules, Rule 2 of the Subordinate Service (Discipline and Appeal) Rules, and other Rules on the subject should certainly be followed by the officers conducting departmental proceedings. The essential requirements of these rules are that the charges against the accused shall be reduced to writing, that he shall be given an adequate opportunity of putting forward his defence, both orally and in writing, and that he shall be allowed to cross-examine the prosecution witnesses and to call witnesses in his defence. In cases where it is proposed to impose the penalty of dismissal, removal or reduction, the accused has, after the completion of the enquiry, to be given a further opportunity of showing cause against the particular penalty proposed to be imposed on him. In such cases after the enquiry against a Government servant has been completed and the authority empowered to pass final orders has arrived at a provisional conclusion in regard to the penalty to be imposed. The accused officer has to be supplied with a copy of the report of the enquiry authority and has to be given an opportunity to show cause against the penalty proposed to be inflicted. Government feel that expedition in the conduct of departmental proceeding can be secured without departing from the prescribed procedure or doing injustice to the accused, if all officers who have to deal with disciplinary cases adhere to the following time-table through the different stages of the proceedings:-

(i)After the accused Government servant has been furnished with a copy of the charges on which it is proposed to take action against him, he should be required within four weeks to put in a written statement of his defence and to state, whether he desires to be heard in person. Save for exceptional reasons no adjournment should be allowed if the accused fails to submit his written statement of defence within this time-limit.(ii)The enquiring officer will make sure that copies of all relevant documents required in defence are made available to the accused officer, as quickly as possible. The Head of the office will please ensure that there is no delay whatever in making copies of relevant papers available to the accused Government servant. Experience suggests that the head of the office may make some one personally responsible for seeing that this is done. Decision on which papers are to be made available should be arrived at quickly, bearing in mind that the proceedings are apt to be set aside, and much time and trouble wasted, if the accused is prejudiced in his defence. Detailed instructions on this subject were issued with Mr. B.K. Dubey's Letter No. A-5532, dated the 29th April 1963.(iii)If it is decided to hold an oral enquiry, the examination of the prosecution and the defence witnesses should be completed within a month. Save for exceptional reasons to be recorded by the enquiring officer in writing cross-examination of witnesses must follow immediately their examination-in-chief.A date should be fixed by the enquiring officer within the time limit on which the accused be asked to call his witness and he should be warned that if he does not produce his witness on the date fixed, the proceedings will be concluded. As in courts, list of witnesses should

be obtained in advance, and attempts to prolong the enquiry by calling useless witnesses at a later stage checked. Any witness under the Government control neglecting to appear should be punished.(iv)After the completion of the evidence, the enquiring officer must record his finding on each charge within a period of two weeks.(v)If it is provisionally decided to impose the penalty of dismissal, removal or reduction, the accused officer should immediately be supplied with a copy of the report of the enquiring officer and be called upon to show cause within two weeks against the penalty proposed to be inflicted. In the interest of justice, the accused may have to be given slightly longer time, at some stages, than what the above programme prescribes. But this must be only under very exceptional circumstances, at the enquiring officer's discretion. The present delay in the disposal of proceedings must stop.(vi)Final orders should be passed within two weeks of the date on which cause is shown.(vii)Where orders of Government are required in a disciplinary case, the following procedure should be adopted by the Secretariat Department concerned.As soon as the report of the enquiring officer is received in Department, the Registrar will scrutinise it to see that the correct procedure has been followed in the enquiry. He will also collect, and put up with the record, any previous papers and precedents, merely giving references to these and not commenting on the merits of the case. They will not be sent to the office for noting. The Registrar will then submit the case to the Secretary, whose duty will be to comment on the findings of the enquiring officer and recommend the punishment to be awarded, noting whether or not the Public Service Commission has to be consulted. If a reference to another department is considered necessary, the case should be sent to the Secretary of the Department with a clear indication of the precise points on which advice is sought and a summary of the case, to save that Department from the trouble of going through all the papers. In that Department the Secretary only will deal with the case. When a reference to the Public Service Commission is not necessary it should, normally, be possible for the orders of Government to be obtained and issued within one month of the receipt of the enquiry officer's report in the Secretariat. If consultation with the Public Service Commission is required it should be possible to issue final orders within 1½ months. If these time limits are exceeded, the Department should submit an explanation to the Minister-in-Charge with a copy to the Additional Secretary, Cabinet Secretariat (O. and M). These cases should be treated as "immediate" at all stages.

3. Government desire that the time-limits indicated above should be rigorously enforced, and in exceptional cases where an extension of the time is allowed, full justification for the extension should be recorded in the order sheet of the proceedings. Inspecting officers will kindly make it a point to check some of the order-sheets during their inspections, and on other occasions. Government also trust that all officers entrusted with the conduct of departmental proceedings will finally resist any tendency on the part of an accused officer to adopt dilatory tactics and will constantly bear in mind the necessity of disposal of the proceedings, particularly of those relating to charges of bribery and corruption.

4. I am to request that these instructions may be communicated to all officers subordinate to you who have not been informed direct. I am also to request that whenever an officer is asked to conduct departmental proceedings, a copy of these instructions should be furnished to him. The head of the office will kindly ensure that this is invariably done, and any negligence or slip is immediately corrected. I am to add that Government will take disciplinary action against any officer who delays the disposal of such proceedings. Heads of Departments are requested to pay personal attention to the matter and bring suitable cases to Government's notice for action under this paragraph. Where the prescribed time-table cannot be adhered to, there is considerable delay, the enquiring officer must keep his superior authority fully informed of the reasons for the delay, and steps taken to expedite the proceedings. Government desire that the superior authorities should exercise proper check and give necessary directions so that proceedings may be terminated as quickly as possible."

Apptt. Department No.III/RI-1026/61 A-5532 dated 29.4.1963. - "I am directed to invite your attention to Shri L.P. Singh's Letter No. A-189, dated, the 9th January 1953, regarding speedy disposal of disciplinary cases against Government servants. Considerable time is usually take in furnishing to the Government servant under proceeding with copies of relevant papers on which the charges against him are based. As a result the filing of written statement by the charged Government servants gets considerably delayed, Rule 55 of Civil Services (Classification, Control and Appeal) Rules provides that the grounds on which it is proposed to take action shall be reduced to the form of definite charge or charges, which shall be communicated to the person under proceedings, together with a statement of the allegations, on which each charge is based and on any other circumstances, which it is proposed to take into consideration passing orders in the case. Accordingly all relevant papers are to be supplied while communicating the charge. It would cut short delay in disposal of proceedings if the appointing authorities supply quickly to the charged officers copies of such papers as are connected with the charges and/ or any other papers regarding supply of which specific orders may be passed by the enquiring officer.

2. The State Government have carefully considered the question as to-

(a)the categories of documents which should or which should not be supplied to Government servant under proceedings;(b)the stage of the proceeding at which copies of permissible documents should be supplied.

3. The following categories of documents are generally required by the charged Government servant:

(1)Documents to which reference has been made in the charge-sheet;(2)Documents and records not referred to in the statement of allegations, but which the Government servant concerned considers relevant for the purpose of his defence;(3)Statements of witnesses recorded in the course of-(a)a preliminary enquiry conducted by the Department;(b)investigation made by the Police;(4)Reports submitted to Government or competent authority by an officer appointed to hold a preliminary enquiry to ascertain facts.(5)Reports submitted to Government or other competent authority by Police after investigation.

4. The right of access to official records is not unlimited and it is open to Government to deny such access if in its opinion such records are not relevant to the case or it is not desirable in the public interest to allow such access. The question of relevancy should be looked at from the point of view of the defence and if there is any possible line of defence to which the document may, in some way be relevant, the request for access should not be rejected. The power to deny access on the ground of public interest should be exercised only when there are reasonable and sufficient grounds to believe that public interest will clearly suffer. It has to be remembered that serious difficulties will arise when the Courts do not accept as correct the refusal on this ground by the disciplinary authority of access to document. In any case, where it is decided to refuse access, reasons for refusal should be cogent and substantial and should invariable be recorded in writing.

5. The list of documents which are proposed to be relied upon to prove the charge and the facts stated in the statement of allegation should be drawn up at the time of framing the charge. The list should normally include documents like the First Information Report if there be any on record. Anonymous and pseudonymous complaints on the basis of which enquiries were started need not be included in the list. The list so prepared should be supplied to the Government servant along with the charge-sheet.

6. If the Government servant requests for any official records other than those included in the list the request should ordinarily be acceded to in the light of what has been stated in paragraph 4 above.

7. Doubt very often arises whether official records include the documents mentioned at items 3, 4 and 5 in paragraph 3 above. Reports made after a preliminary enquiry, or the report made by the police after investigation other than those referred to in clause (a) of sub-section (1) of Section 173 of the [Code of Criminal Procedure, 1898] [Now see Cr. P.C., 1973.] are usually

confidential and intended only to satisfy the competent authority whether further action in the matter of a regular departmental enquiry or any other action is called for. These reports are not usually made use of or considered in the inquiry. Ordinarily, even a reference to what is contained in those reports will not be made in the Statement of allegations. In that case it is not necessary to give access to the Government servant to these reports. It is necessary to strictly avoid any reference to the contents of such reports in the statement of allegations because if any reference is made, copies of these reports should be supplied to the Government servant proceeded against.

8. The next point is whether access should be given to the statements of witnesses recorded in course of the preliminary enquiry conducted by the department or investigation made by the police. The Government servant concerned need not be given access to the statements of all witnesses examined in the preliminary enquiry or investigation made by the police and access should be given to the statements of only those witnesses who are proposed to be examined in proof of the charges or the facts stated in the statement of allegations. In some cases the Government servant may require copies of the statements of some witnesses on which no reliance is proposed to be placed by the disciplinary authority on the ground that he proposes to examine such witnesses on behalf of his defence and that he requires the previous statement to corroborate the testimony of such witnesses before the enquiring authority. Previous statements made by a person examined as a witness is not admissible for the purpose of corroboration and access to such statements can safely be denied. However, the law recognises that if the former statement was made at or about the time when the fact took place and the person is called to give evidence about such fact in any proceedings the previous statement can be used for purposes of corroboration. In such cases, it will be necessary to give access to the previous statements.

9. The further point is the stage at which the Government servant should be permitted to have access to the statements of witnesses proposed to be relied upon in proof of the charges or of the facts stated in the statement of allegation. As stated earlier, the copies of the statements of the witnesses can be used only for the purpose of cross examination and therefore, the

demand for copies must be made when witnesses are called for examination at the oral enquiry. If such a request is not made, the inference would be that the copies were not needed for that purpose. The copies cannot be used at any subsequent stage as those statements are not to be taken into consideration by the enquiring authority also. Copies should be made available within a reasonable time before the witnesses are examined. It would be strictly legal to refuse access to the copies of the statement prior to the evidence stage in the departmental enquiry. However, if the Government servant made a request for supply of copies of statements referred to in sub-paragraph (3) of paragraph 3 above before he files a written statement, the request should be acceded to.

10. Government servant involved in departmental proceeding when permitted to have access to official record, sometimes seeks permission to take photostat copies thereof. Such permission should not normally be acceded to specially if the officer proposes to make the photostat copies through a private photographer and thereby third parties would be allowed to have access to official records which is not desirable. If, however, the documents of which photostat copies are sought for are so vitally relevant to the case (e.g. where proof of the charge depends upon the proof of the hand-writing or a document the authenticity of which is disputed), Government should itself make photostat copies and supply the same to the Government servant. In cases which are not of this or similar type (the example given above is only illustrative and not exhaustive) it would be sufficient if the Government servant is permitted to inspect the official records and take extracts thereof. If any record is required for inspection By the charged Government servant on the orders of enquiring officer in cases where record is bulky and supply of copy thereof is not possible such records should be produced by the authority concerned before the enquiring officer.

11. The above instructions may kindly be brought to the notice of all appointing authorities and it may be impressed upon them that they should keep themselves alert in this regard. Serious notice should be taken in the disposal of the departmental proceedings is delayed beyond the prescribed time-limit due to non-availability of relevant papers to the charged Government servant. Every enquiring officer should be supplied with a copy of these instructions and he should report direct to the appointing authority

in any case of delay in order that suitable action may be taken against those who are responsible for such delay.

Chapter VII

Leave

7.

1. Date of application for leave.

- Except in the case of leave on urgent private affairs or on medical certificate an officer should give at least three month's notice of his intention to apply for leave.7.2Extension of leave.- When officers on leave wish to extend their leave, they should apply for it in ample time to permit of sanction being accorded thereto before the expiry of the original leave granted.7.3Communication regarding leave, pay, transfer, leave allowances, fund subscriptions etc., of Government officers are private and not official, and should not, therefore, be sent at the public expense.In case in which replies regarding leave pay, transfer etc., of Government officers are called for by telegram, the officers concerned should send telegrams prepaid or the cost of such telegrams by post, when the original application is by letter.7.4The procedure regarding application for leave, grant of leave, medical certificate as per Rule 150 of Bihar Service Code is laid down in Appendix IX of Bihar Service Code.7.5Hospital leave.- Subjects to the conditions specified under Rule 221 of Bihar Service Code Forest Subordinates other than clerks, in receipt of pay not exceeding Rs. 40/- hospital leave may be granted while under medical treatment for illness or injury by the authority empowered to grant ordinary leave.

Chapter VIII

Miscellaneous Rules Relating to Establishment

8.

1. Discipline and Conduct.

(1)No officer may proceed outside the limit of his charge except-(i)When going from one end to another of his charge by the shortest route;(ii)When ordered by a superior officer;(iii)when summoned by a Court;(iv)When tracing stolen property or in pursuit of an offender; and(v)When proceeding to superior officer in case of sudden necessity for leave of absence.Any officer who leaves his charge, otherwise and without permission will be liable to disciplinary action.(2)Sub-beat officers (Forest Guards) should ordinarily not be employed outside their sub-beats without reference to the Divisional Forest officer.If a Range Officer thinks that a Sub beat Officer could more usefully be employed temporarily outside his sub-beat, he should usually ask permission of the Divisional Forest Officer before hand, stating the reason and probable time he will be required elsewhere: but may in case of emergency act on his own authority, provided he at once reports the

matter with reasons.(3)Subordinates wishing to resign must give at least three months's notice and await orders from the competent authority before leaving the work with which they are entrusted.(4)When a subordinate ceases to belong to the Department all Government property in his charge including his uniform must be made over to his superior officer.(5)The Government Servant Conduct Rules given in Appendix XI should be strictly observed by all officers of the Forest Department. Special attention is drawn to the following:-(a)A Government servant may not-(i)Accept any gift, gratuity or reward from any body;(ii)receive any complimentary or valedictory address;(iii)accept any testimonials presented to him;(iv)attend any public meeting or entertainment held in his honour,(v)receive any trowel, key or other similar articles offered to him at a ceremonial function;(vi)lend money to any person possessing land within the local limits of his authority;(vii)borrow money,from or otherwise place himself under a pecuniary obligation to any person subject to his official authority or residing, possessing land or carrying on business within the local limits of his authority;(viii)speculate in investments;(ix)except in bona fide discharge of his duties, communicate to a Government servant belonging to other departments or to non-official persons, or to the press any document or information which has come into his possession in the course of his public duties;(x)take part in or subscribe in aid of any political movement or attend any political meeting.(b)Insolvency and habitual indebtedness renders Government servant liable to dismissal.(6)All correspondence should go through the proper channel.8.2Uniforms.- 1. The following sets of uniforms for the different cadres of Subordinate Forest Service prescribed-A. Range Officer of Forests(i)Green beret cap with silver plated Government emblem.(ii)Khakhi full sleeves shirts with Khakhi slacks. The shirts will have shoulder flaps on which should be embroidered in green "Range Officer of Forests" with a metal badge "BIHAR-FOREST" (in Hindi).(iii)Khakhi woollen jersey-to be worn in winter.(iv)Brown leather belt.(v)Khakhi socks.(vi)Brown leather boots or shoes.B. Foresters(i)Green beret cap with silver plated Government emblem to be supplied once a year.(ii)Khakhi shirts full sleeves with shoulder flaps on which should be embroidered in green "Forester" with a metal badge "BIHAR FOREST". The shirts will be supplied two sets in a year, the metal badge once in 5 years.(iii)Khakhi slacks to be supplied two sets in a year.(iv)Khakhi socks and Patties-two sets in a year.(v)Brown leather boots or shoes-once in a year.(vi)Brown leather belt with a frontal metal badge written "Forest Department, Government of Bihar", to be supplied once in 5 years (in Hindi).Coupe Overseers/Muharrirs(i)Khaki beret cap with silver plated Government emblem to be supplied once a year.(ii)Haversack. Once in 3 years.(iii)Khakhi shirt full sleeves with shoulder flaps on which should be embroidered in green, "Coupe Overseer" with a metal badge written "BIHAR FOREST". The shirts will be supplied two sets in a year, the metal badge once in 5 years.(iv)Khakhi slacks-two sets in a year.(v)Khakhi socks and patties-two sets in a year.(vi)Brown leather boots or shoes-once in a year.(vii)woollen jersey-once in 3 years.(viii)Brown leather belt with marking as in the case of Foresters-once every 5 years.Forest Guards and Naka Guards(i)Khaki beret cap with silver plated Government emblem to be supplied once in a year.(ii)Khakhi full sleeves shirts with shoulder flaps on which should be fitted a metal badge written "Bihar Forest". The shirts will be supplied two sets in a year the metal badge once in 5 years.(iii)Khakhi shorts-Two sets in a year.(iv)Khakhi Patties-Two sets in a year.(v)Khakhi woollen socks-Two sets in a year.(vi)Khakhi woollen jersey-once in 3 years.(vii)Warm overcoat-once in 5 years.(viii)Mosquito net Khakhi-once in 5 years.(ix)Brown leather belt with a frontal metal badge written-(i)Name of Division, Forest Department, Government of Bihar.(ii)SI. Number of the Forest Guard (Each Forest Gd. should be given a serial no. Division wise). This will be supplied once every 5 years.(x)Black leather Boots and

Khakhi anklets or patties-once every year.(xi)Axe-once every 5 years.(xii)Umbrellas-Once every 3 years.Bungalow Chowkidars, Dakwallahs, Mallies, etc.(i)Khaki cap-once a year.(ii)Khakhi short-twice a year.(iii)Khakhi half sleeves shirts and patties-twice a year.(iv)Woollen jersey-Once in 3 years.(v)Brown leather shoes-Once a year.(vi)Rain coat-Once in 3 years (only to Dakwallahs).Orderlies and Drivers to staff cars(i)Hot weather liveries:(a)White Khadi Coat.(b)White Khadi Trousers. . 2 sets in a year.(c)White Khadi Cap.(ii)Winter liveries:(a)Green woollen Khadi coat.(b)Green woollen Khadi trousers. . One set in 3 years.(c)Green woollen cap.(2)Uniforms will be supplied to all ranks, as per above prescribed scale at Government expense except to Range Officers of Forests. The Range Officers of Forests will be granted a lump sum uniform allowance of Rs. 200/- and then Rs. 100/- every 3 years for maintenance.(3)The purchases of these uniforms for supplies to Forest subordinates will be made at Circle level by the respective Conservator of Forests. They will follow all the prescribed procedures in respect of such purchases. A Purchase Committee will be constituted at the Circle level with the Conservators of Forests as Chairman and two senior most Divisional Forest Officer's as members for purchase of uniform articles from such agencies and at such rates which the Committee may fix from time to time. The offer of the National Textile Corporation may also be considered while finalising the purchase.(4)All subordinates must wear uniform when on duty. The pattern of the uniform is not to be altered.(5)When appearing in courts or public places or before their superiors the turn out must be smart. Any neglect in this respect will be punished.(6)Subordinates are strictly prohibited from disposing of articles of uniform or Government clothing however old they may be.8.3Chevrons.- The Conservator of Forests is authorised to sanction the award of Chevrons at the cost of Government on the recommendation of the Divisional Forest Officer for every five years of meritorious service in the department to foresters and forest guards, the chevrons of red braid to be worn on the left forearm subject to a maximum of three per man.8.4Reservation in services for the Scheduled Castes and Scheduled Tribes (Apptt. Department Resolution No. III/3L-6/50-A9908 dated 13.11.1953): Apptt. Department Memo No. III/3-L-6/50-A-19909 Fy. 13.11.1953) - The State Government have decided to make certain reservation for the Scheduled Castes and Scheduled Tribes in recruitment to services and posts under them and issued supplementary instructions connected with the above orders which are reproduced in Appendix-XII.8.5Joining time of Forest Officer under training.- No joining time is admissible under the ordinary rules to Forest Officers deputed to any training institutions. For the journeys to and from such institutions, they will be allowed only such time as is actually required in transit by rail, etc. on the shortest and recognized route.8.6Confirmations of Subordinates.- No clerk or officer of the Subordinate Forest Service, whether on probation or officiating may be allowed to remain unconfirmed in the Forest Department after having completed a term of two years' service in any capacity. Divisional Forest Officers will report on any probationers' service in their division as soon as his service reaches six months as to whether (1) his services should be retained, (2) he should be allowed an extension of probationary service; or (3) his services should be dispensed with.8.7Limits of tenure of appointment of ministerial officers dealing with accounts and money.- No ministerial officer holding a responsible position and dealing with accounts and money is to hold his appointment uninterruptedly for an indefinite time. After holding it for seven years he must either be transferred to another appointment, or be required to go on leave for a period of at least three months.8.8Transfer of service to another Government office or Department (B. & O. Government No. 1303 III-F-153-R dated 26.12.1915). - (i) Transfer of officials from the permanent to a temporary establishment either in the public interest or in order to give promotion to deserving

individuals should not be made. Explanation. - The above order refers only to the permanent transfer of a permanent employee to a temporary establishment. (ii) The Bihar Government Servants Application for Posts Rules have been prescribed. Relevant extracts are reproduced below:-

1. An applicant for appointment to a post or service under the administrative control of the Government of Bihar shall not be eligible for appointment if he is in the service of the Union or of a State and has applied without the consent of the office or department or the Government of Bihar or the consent of the State Government or the Government of India, as the case may be, under whom he is employed, or the consent of any authority empowered in this behalf by any such Government.

Permission to a Government servant employed in a service or post under the administrative control of the Government of Bihar shall-(a)if he is a 'temporary Government servant' ordinarily be granted to submit an application for a post, to appear for an examination for a post, or for transfer of service to a post, in another office or department of the Government of Bihar, or under another State Government or the Government of India, as the case may be, if the post applied for is permanent, or in a higher grade, or is a temporary post of longer duration.(b)if he is a permanent Government servant-(i)For appearing at an examination of selection for appointment to an All India Service or to a post of a Central Service Class I be granted.(ii)Ordinarily be not granted, save for exceptional reasons to be recorded in writing, for appointment to a post or service under another State Government, or for appointment to any post under the Government of India other than those specified in clause (i) of this sub-rule.(iii)Ordinarily be not granted to submit an application for a post, or for transfer of service to a post in another office or Department of the Government of Bihar, unless the Head of the Office or the Department or the authority empowered under Rule 2, is of the opinion that the grant of permission would be in the interest of the public service:Provided that in the case of a Government servant, who holds a lien on a post under another State Government or under the Government of India but is temporarily employed under the administrative control of the Government of Bihar the concurrence of the State Government concerned or of the Government of India as the case may be, shall be obtained before permission is granted.(c)Notwithstanding anything contained in clauses (a) and (b) of this Rule where the Government servant concerned, whether holding a temporary or permanent appointment can not be spared without serious detriment to the public service, the authority empowered to forward his application may withhold the application even though, otherwise his application would normally have been forwarded under these Rules.

2. The authority forwarding an application under these Rules will decide in each case the period likely to be taken for relief of the applicant, after intimation of his appointment has been received. Where an application has been forwarded under the provision of clause (a) or (b) of Rule 3, and the applicant is selected for appointment he shall be released by the authority who forwarded the application unless circumstances of a very exceptional

nature have arisen in the meantime, which justify a refusal to release the applicant.

3. A Government servant employed under another State Government or under the Government of India shall not be accepted as a candidate for an appointment to a post or service under the administrative control of the Government of Bihar save and except with the permission of the Government concerned.

(iii)Apptt. Department Memo No. I/MI/4028/56A-11288 dated 23.11.1956. - (a) Applications from Government servants on probation and not holding a lien on a permanent post, should be treated in the same way in which the application from temporary Government servants are treated. Where a Government servant holds a lien on a permanent post, he will of course be treated as Permanent servant for the purpose of the Bihar Government Servants, Application for Post Rules.(b)Apptt. Department Memo No. I/MI-10179/58A-13821 dated 21.11.1956. - Government servant who holds lien on a permanent post of lower rank and is employed in a temporary capacity in a higher post, will be treated as a permanent Government servant for the purpose of the above Rules.(iv)Apptt. Department Memo No. A/1443. - Application from Government servants for employment under a body corporate owned or controlled by Government may be forwarded keeping in view the interest of the public service. But before a Government servant is actually relieved, he should be required to resign his appointment under the State Government unless the particular public undertaking agrees to pay leave and pension contribution.Apptt. Department Memo No. III/RI-2020/58A. - 10081 dated 19.2.1960. - (b) If the public servant gives an undertaking that he will himself bear the leave and pension contribution, he may not be required to resign his appointment under the State Government before being relieved to join a public undertaking.(v) (a)Government of B. & O. Apptt. Department No. 321-77A dated 12.1.1929. - When an application for permission to apply for an appointment in another Government office or department is received, the question whether the applicant can be allowed to take up the appointment, if offered to him must be settled before his application can be forwarded, regard being had, if the appointment is a temporary one, or on probation to possible inconvenience from the officer's return as well as to possible inconvenience from sparing him initially. If officer cannot be spared, the Head of his Department must refuse definitely to forward his application. If, however, permission be given to apply, that permission carries with it permission to accept the appointment, if offered and the officer or the Head of Department giving such permission is debarred from objecting to the officer taking up the appointment, though of course his convenience must be consulted, within reason, as regards the date of taking it up.(2)It is the duty of Government officer who wishes to transfer his services to a different Government office or department to obtain the consent of the authority which appoints him to his existing post before taking up the new employment. If he takes up the new employment without such consent he commits a breach of discipline and is liable to be punished, in the last resource, by dismissal from his former post and subsequent loss of pensionable service. Resignation of his former appointment will not, it should be noted, protect him from this penalty.(3)In granting or withholding consent to the acceptance by a subordinate of other Government employment the head of an office or department must consider whether the transfer will be consistent with the

interests of the public service. Permission should not be refused, however, without strong reasons, which should be recorded in writing.(4)The head of an office or department shall not employ, either temporarily or permanently, an officer whom he knows or has reason to believe to belong to another establishment without the previous consent of the head of the office or department in which he is employed. In rare cases in which, for reasons which appear satisfactory to the new employer, an officer cannot obtain the required consent before taking the new appointment, the employment may be made conditional on consent being obtained at the earliest opportunity.(5)The foregoing instructions apply equally to officers on leave whether with or without leave salary. All leave salaries must, ipso facto cease on the taking up of new employment, other than work of a purely casual nature.8.9Security deposit.- The Rules for taking security from the ministerial and other non-gazetted officers of the Forest Department, Bihar are as follows:-The following Rules should be observed in the matter of taking security from the ministerial and other non-gazetted officers of the Forest Department and they apply to all officers whether holding permanent, temporary and officiating appointments.(G.O. No. 5661-IIIF-47R & No. 1048-IJII-F-47R.R. dated 6.7.1931 and 26.8.1931 and C.C.F., Bihar's No. 112 dated 5.1.1956). - I. Every officer through whose hands public money passes is to furnish security. The scale at which security is to be taken is given below:-

(a) Forest Rangers	Rs. 2,000/-
(b) Foresters	Rs. 1,000/-
(c) Overseers and Muharrirs and Forest Guards	Rs. 200/-
(d) Head Clerks of Forest divisions, camp clerks, stenographers and Superintendent of the Conservator's Office Rs. 500/- Range clerk	Rs. 200/-
(e) Truck	Drivers Rs. 500/-
Tractor	"
Jeep	"
(f) Peons, Choukidars and Cleaners...	Rs. 100/-
(g) Inspector Amins...	Rs. 250/-
(h) Amins...	Rs. 150/-

2. Officers who have to give security shall give it in the Post Office Savings Bank deposits.

Note. - (1) The amount held in deposit in the Post Office Saving Bank, if the depositor so desires, be invested in the purchase of Post Office 5 years certificates.(2)The cash certificates accepted as security under Rules 4 and 5 shall before the amount at which the certificates were purchased and not for their face value and shall be formally transferred to the pledgee with the sanction of the head post master of the office in which or in one of the sub-office attached to which the certificates are for the time being registered. The certificates may, with the permission of the head postmaster, be transferred by the pledgee and to the original holder on their removal of the pledgee. In order to avoid frequent transfers which would be involved in consequence of the change of incumbents,

Government officers may hold cash certificates as security in their official capacity, whether or not they are kept in the custody of the Postmaster General, Posts and Telegraphs.

3. If an officer is unable to furnish the full amount of security due from him in a single payment, he will be required to pay it by monthly instalments of not less than one-fourth of his pay, within a maximum period of five years.

Note. - Forest subordinates while under training a Forest School or College, and subordinates while on leave on medical grounds, are exempted from payment of monthly instalments of security deposit which should, however, be paid in full within the maximum period of five years. In case of exceptional hardship the Conservator of Forests may extend the maximum period to six years.

4. Every officer, who pays a portion or the whole amount of security due from him by instalments shall give a security bond with two sureties for the full amount due.

Careful inquiries regarding persons offered as sureties should be made and steps should be taken to examine periodically the continued existence and reliability of the sureties.

5. House property may in no case be accepted as security.

6. No officer appointed after the date of these Rules to any post requiring security will be permitted to furnish it in the form of landed property.

7. The form of security bond is prescribed for treasuries. This form is also to be taken as a model in other cases in which security is required from officers having charge of public money. In such cases the nature of the office may be such as to call for modification in the wording of the form, but it is important that there should be as little difference as possible in the obligation of the signatories to the bond, and the interests of Government must, in every instance, be fully secured.

8. Promissory notes, Post-Office 5 year cash certificates and Savings Bank deposits lodged as security shall not be returned until after six months from the date of vacation of the office. Security bonds should be retained permanently, or until it is certain that there is no necessity for keeping them longer.

- 9. Public securities lodged with Government officers as a guarantee for the due performance of official duties are to be dealt with under the Rules in force on the subject (vide Government Securities Manual).**
- 10. Security bonds executed by non-gazetted officers are exempted from payment of stamp duty and registration fees.**
- 11. The security bonds of all officers are to be sent for safe custody to the Inspector-General of Registration. They should be sent in registered covers and copies on plain paper should be retained in the Forest Office, for reference whenever necessary.**
- 12. The security deposit by an official is liable to forfeiture for any misconduct, act or omission on the part of that official in virtue of his official position, which involves loss of money to Government.**
- 13. A register of securities is to be kept in Form No. 48 in every Forest office. All withdrawals from the bank for the purpose of Government securities, should be entered in red ink in the column for value of security furnished (column 6) with an explanatory note in the "Remarks" column and any balance should also be entered in the same column with a remark explaining the transaction.**
- 8.10 Treatment of securities.- The Rules regarding treatment of securities in promissory notes and adjustment of money on account of security furnished by the subordinates of the Forest Department Bihar are as under:- Order No. 5661 -ME-47R. dated 7.7.1931. - 1. When promissory notes are to be deposited with a Government officer for 12 months or less, or when they are deposited for more than 12 months but the depositor does not desire to draw any interest during the period, they will remain in the name of the depositor and should not be endorsed by him to an Government officer. The Government officer receiving the deposit will see that the notes stand in the name of the depositor and that the contract or other document executed by the depositor conveys authority to Government to appropriate or cancel the notes if the contract is not fulfilled. After satisfying him self on these points, the Government officer receiving the deposit will lodge the notes for safe custody at the nearest treasury. The depositor may draw interest on the notes by tendering receipts in the usual form, countersigned by the officer with whom he deposited the notes. When the notes are deposited for more than 12 months but less than 5 years and the depositor desires to draw interest thereon during the period of deposits. They shall be endorsed by the depositor in favour of the Treasury Officer of the nearest Treasury. Notes deposited for more than 5 years on which interest is to be drawn should be endorsed to the Controller of Currency.

2. Government promissory notes should not be accepted as security by Government officers unless they have been enfaced for payment of interest at the treasuries in which they are to be deposited. It would also be desirable, where there is any doubt about the regularity of endorsements on the note to require the depositor to obtain a renewal of it in his name.

But the officer who accepts the security should exercise his discretion and need not require enfacement in petty cashes of temporary deposit, or where the depositor is thoroughly trustworthy and substantial, unless he has reason to suspect the authenticity of the promissory note or the depositor's title thereto.

3. It has been decided that when Government promissory notes are returned from the office of the Controller of Currency, they should be endorsed direct to the depositor instead of in the name of the Government officer through whom they were originally received for safe custody. The name of the depositor and the name of the treasury at which the note should be enfaced for payment of future interest may be intimated to the Controller while asking for the return. The depositors may also be instructed to endorse the notes direct in favour of that officer after drawing all interest due on them.

4. All transactions connected with the payment of interest on Government promissory notes should appear in the accounts. On receipt of the warrants authorising payment of interest the amounts thereof should be entered in the divisional cash book under the head "Suspense", and payments made to the subordinates to whom the interest is due should be charged to the same head, each charge supported by the voucher in the prescribed form.

5. Amounts received from the subordinates as security deposits should be placed in the Government Post Office Savings Banks in the name of the Divisional Forest Officer to whom the securities are pledged in accordance with the Savings Bank Rules. The Divisional Forest Officer shall be responsible that the monthly security deductions are regularly made and entered in the Savings Bank Register of Security deposits. He will, each month compare the Savings Bank Pass Book with the Register of Security deposit.

6. The Post Office Savings Bank books of all subordinates furnishing security are to be kept in the Divisional Forest Office and all accounts should be kept with the Post Office at the headquarters station.

7. As early as possible in the first week of each month a nominal list showing the sums payable out of pay for the previous month to be deposited in each Saving Bank book is to be made out; the Divisional Forest Officer will then draw a Forest Cheque in favour of the Postmaster (not by name) at the headquarters station on the local treasury or sub-treasury for the total amount shown in the list, the cheque, the nominal list and the saving Bank books to be sent together to the Post Office at the headquarters station for entry and return to the Forest Office, where the entries in the Savings Banks will be checked.

Entry to be made in the Divisional Cash book as follows-By paid part pay of permanent Subordinate Forest Office Establishment for (month) 19 being deduction from pay paid into the Post Office Savings Bank as security deposit "The entries in the pay bill book will give the details required. When security is taken from subordinates other than permanent establishment similar but separate entries must be made according to the vouchers and different Budget sub-heads of expenditure. Disbursing officers will be previously instructed to disburse the net amount of pay of each subordinate, and to show in the pay bill the amount of security deducted; ordinarily the full pay of each subordinate will be shown in the divisional pay bill book as part will be disbursed by the Divisional Forest Officer (security deposit paid to the Post Office Saving Bank) and the balance will be disbursed by the Range Officer or other disbursers in the same month but in case of disbursers accounts not being received in time the part disbursed by the Divisional Forest Officer will be so shown and the balance will be shown as held over for future payment.

8. No individual will have more than one security deposit account.

9. When payments have to be made while the Divisional Forest Officer is absent from headquarters the Saving Bank books can be kept by the head clerk, the Divisional Forest Officer should verify the entries in the Saving Bank Books made during such absence at his next return to head quarters.

10. All correspondence and other papers connected with the subject of Security deposit will be signed by the Divisional Forest Officer alone, and never under any circumstances by the clerk.

11. Once a year, on 1st August, or as soon as practicable after the pass books have been balanced by the Post Office, a return in the form annexed hereto will be sent to each Range Officer showing the amount standing to the credit of each individual serving in the range from whom cash security is taken. Should any one question the correctness of his account, the Range Officer will at once make the necessary reference to the Divisional Forest Officer.

Form Abstract showing the security deposit accounts of the official of the Range for the year ending August, 200

Sl. No.	Name & Designation of official.	Account No.	Pass book No.	Amount to credit at the beginning of this year	Interest added during the year	Withdrawals made during the year	Deposits made during the year	Remarks.
1	2	3	4	5	6	7	8	9

Officer-in-charge...Forest Division.