

**APPENDIX LII**  
**(Regulation 891)**

**Rules regarding the submission of petitions to the Provincial Government.**  
**(Vide Sections II and III of Government Notification No. 16572 Mis.,**  
**dated the 20th December 1929.)**

Note: These rules do not apply to officers of the Police Department other than the clerk of that department. Separate rules have been framed for officers of the Police Department other than clerks.

**General explanations**

1. These instructions apply, so far as may be, to all memorials, letters and applications, etc., addressed to the Provincial Government.
2. These instructions do not apply to cases covered by the rules regulating appeals issued by the Secretary of State under section 96B(2) of the Government of India Act or by the Provincial Government in exercise of the powers delegated to it under those rules.

**Section II-As to the submission of petitions by officers in civil employ**

3. Every officer in civil employ wishing to petition the Provincial Government should do so separately:

Provided that nothing in this instruction shall apply to representations submitted by recognized associations of Government servants in accordance with such rules as may from time to time be prescribed by the Provincial Government.

Note (i) The term —civil employ includes employment by a local authority.

(ii)- For the purposes of the section a petitioner is considered to be an —officer in civil employ. If he has been previously in civil employ and if his petition relates to in any matter connected with his position while in such employ or the circumstance in which he left it.

4. Every petition from an officer in civil employ should be submitted through the head of the office or department to which the petitioner belongs or belonged, and should be forwarded by him through the usual official channel.

5. No officer in civil employ may submit a petition in respect of any matter connected with his official position unless he some personal interest in the matter.

6. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer in civil employ unless it is submitted by the officer himself.

**Section III-as to the transmission or withholding of petitions**  
**addressed to the Provincial Government**

7. Save as provided by Rule 11 every petition to the Provincial Government shall be forwarded by the officer concerned with a concise statement of the material facts and (unless there are special reasons for not doing so ) an expression of opinion.

8. When the petition is not in English the officer concerned should transmit a translation with it.

9. District Officers, Commissioners of Divisions and heads of departments are vested with discretionary power to withhold petitions addressed to the Provincial Government in the following cases-

- 1) When a petition is illegible or unintelligible or contains language which, in the opinion of the officer concerned, is disloyal, disrespectful or improper.



2) When a previous petition has been disposed of by the Provincial Government and the petition disclosed no new facts or circumstances which afford grounds for a reconsideration of the case.

3) When a petition is a mere for relief, pecuniary or otherwise, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character, or is so belated that its consideration is clearly impossible.

4) When a petition is an application for employment from a person not in the service of Government or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or by persons engaging in any profession or employment.

5) When a petition is an appeal from a judicial decision with the executive has no legal power of interference.

Note- In the following cases, namely-

(b) When a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference, or

(c) When a petition is an appeal from a judicial decision in suit to which the Government was a party, or

(d) When a petition is practically a prayer for mercy or pardon, or contains such a prayer,

the petition must be transmitted to the Provincial Government unless it falls under clause (10) of this rule, or unless

it is a petition of the kind referred to in clause (c) and the case is one which the officer concerned is competent to dispose on its own responsibility.

6) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.

7) When a petition is addressed by an officer still in the service and has reference to his prospective claim for pension, except, as provided in Article 915 of the Civil Service Regulations.

8) When a petition is a representation against the non-exercise by a subordinate authority of a discretion vested in it by law or rule.

9) When a petition is an application in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for making the application has been exceeded.

10) When a petition relates to a subject on which a commissioner, District, Officer, or head of a department is competent to pass orders and no previous application for redress has been made to him.

11) When the petition refers to matters in which the petitioner has not a direct personal interest, unless it is a petition of the kind described in the note to clause (5).

12) When the petition is a representation against an order against which under the appeal rules published by the Secretary of State in Council under section 96B(2) of the Government of India Act, or by the Provincial Government in exercise of the powers delegated to it under those rules, no appeal lies.

13) If a petition is withheld, the petitioner should be informed of the fact, and the reason for it.

14) The Provincial government is to be informed through the proper channel at the time any petition or memorial is withheld by a subordinate authority.

Note (i) These rules apply to public servants, whether in permanent or temporary employ.

(ii) The rules referred to in rules 2 and 9 (12) are in force by virtue of Section 276 of the Government of India Act, 1935.