Interview

Civil services is closely connected with the public. Officers of the government implement the laws and policies of the government. There must be certain norms for implementation of the laws. There are civil services rules which are mostly connected with the employees of the government whether those rules are appropriate in the present context. Interviews have been taken in this regard. There views have been incorporated in this chapter.

Questions:

Question No. 1

Rule 11 of the central civil services (classification control and appeal) rules 1965 does not define the offense. It has not been provided that for what offense, what penalty should be imposed. Whether you find only defect in the rule?

Question No. 2

The disciplinary authority imposes penalty under his discretion whether it is justified?

Question No. 3

The central civil services (classification control and appeal) rules 1965 is the main rule or law for the government employees and higher authorities. In D.E. proceedings against delinquent government servant the enquiry officers conduct enquiry and the disciplinary authority imposes penalties like suspension and dismissal etc. without passing the said rule. Whether justified?
Question No. 4

In D.E. proceedings the delinquent government servant is debarred from taking legal assistant of a lawyer from the initial stage of the proceeding. Is not against the legal right of the said employee and against the principle of natural justice?

Question No. 5

In Pandurangarao Vs APP SC AIR 1963 SC 268, D.S. Nakara Vs Union of India AIR 1983 SC 130, S.C. found the pension rule irrational and unconstitutional. In Bhagwati Vs Union of India AIR 1989 SC 2088 SC held that the child born in marriage after retirement falls under pension rule 54 (14) (B). In state of Maharashtra Vs Rajkumar AIR 1982 S.C. 1301 SC found the rule unreasonableness and in West Bengal State Electricity Board Vs Deshbandhu Gosh S.C. found the rule made by the state government unjust in equitable and partial and so on in other several cases.

Whether you realise modification or reenactment of these civil services rules?

Question No. 6

The executive officer possesses vast discretionary powers which they exercise while execution. In most of the cases S.C. declared the action taken by authority arbitrary and reasonable can you propose any method to control the discretionary power of the authority?

Question No. 7

The term "civil servant" is British origin. The word servant is not with the spirit of preamble of our constitution can you suggest any appropriate word to substitute it?

Question No. 8

Civil service

In traditional meaning "civil service" is comprise of person in service of the government. In practical civil service means the service which is rendered by the civil servant to the public. Which of these two meanings you support?
Question No. 9

Whether you feel the present rules regulating the recruitment and conditions of services be remodalised?

Question No. 10

Whether you feel that a uniform civil service jurisprudence be evolved in the light of judicial decisions and applied to educational institutions?

Answers

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Answer to Q. 1

Until offense is not described, penalty should not be imposed on discretionary power of the disciplinary authority.

Answer to Q. 2

Exercise of discretion in imposing penalty without defining the offense, is not justified.

Answer to Q. 3

The enquiry officer and disciplinary authority must pass the examination of the central civil (Classification and Control) rule 1965. Without passing the examination conduct of enquiry and passing of orders of penalty is irregular and unjustified.

Answer to Q. 4

It is the legal right of the delinquent government servant to engage a lawyer in his defence.
Answer to Q. 2
Exercise of discretionary power without guideline is improper

Answer to Q. 3
It is true that untill now no arrangement has been made by the government to pass the civil service classification and control rule 1965, yet I feel that authority conducting the case must passed the said rules and the government should arranged to take examination for this subject

Answer to Q. 4
Legal assistant must be provided.

Answer to Q. 5
All civil service rules required fresh enactment

Answer to Q. 6
No method developed till now to control the discretionary power of the authority. We may justify the act of authority after the exercise of his discretionry power but not before.

Answer to Q. 7
The term servant is injurious to the dignity of civil servant. It must be substituted by the word employee.

Answer to Q. 8
Rendering service should be meaning of civil service rather than the traditional meaning.

Answer to Q. 9
I feel that the civil service rules be modelised as an act of legislature.
Answer to Q. 10

Civil service jurisprudence is the present demand of today must be applied in all public institutions.

Jairam Sharma
Leader of Employees Association, Raipur

Answer to Q. 1

We have already apposed the provision of rule 11. It is illegal and not in conformity of any other panel law like I. P. C.

Answer to Q. 2

Discretionary power of the authority is uncontrolled and we always opposed it.

Answer to Q. 3

Without passing the examination all action of enquiry officer and disciplinary authority should be declared void. There is discrimination. Where the judicial authority has to pass the law examination before appointment and imposing any of the punishment to the accused. We see that disciplinary authority or the enquiry officer have not such condition.

Answer to Q. 4

Taking legal assistance is the legal right of the delinquent government employee and denial thereof is discrimination and against the present judicial attitude.

Answer to Q. 5

All civil service rule are outdated requires modification.
Answer to Q. 6

Method should be established to control the discretionary power of authority.

Answer to Q. 7

The word servant should be deleted I propose appropriate word employee.

Answer to Q. 8

We must give effect the practical meaning. Functional or rendering service should be the meaning of civil service because the employees work for the civilian or people. Functional sense gives the practical meaning.

Answer to Q. 9

Uniformity in civil services rules should be applied.

Answer to Q. 10

Uniform civil service jurisprudence should be applied for study of student as an additional subject.
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Answer to Q. 1  
Rule 11 is defective an not in conformity of the spirit of article 14 of the constitution.

Answer to Q. 2  
Wide discretion should not be given to the authority.

Answer to Q. 3  
The government should arranged for examination of civil services classification, control and appeal. Rule 1965 with all other rules.

Answer to Q. 4  
Denial of legal assistant is against the principle of natural justice the government should provide legal assistant to the government servant concerned.

Answer to Q. 5  
All civil service rules required modification in the light of Supreme Court decision.

Answer to Q. 6  
So far no method developed but I feel there should be some method or manner under which the authority should be exercise his discretionary power

Answer to Q. 7  
Word servant should be thrown out from the civil service concept. Word employee may be replaced.
Answer to Q. 8

Functional term should be recognize for the meaning of civil service.

Answer to Q. 9

Yes all the civil service rule must be remodelised as per the present need of government employees.

Answer to Q. 10

Though civil service jurisprudence not evolved as a separate branch of study. Now it should be studied as such.