

KPSC CONSULTATION

Sl.No	Date	Type	File No	Subject
1.	29.6.1957	Official Memorandum	OSD 2 SMR 57	Procedure for consulting the Public Service Commission in Disciplinary and other matters.

O.M.No: OSD 2 SMR 57, dated 29th June 1957.

Sub:- Procedure for consulting the Public Service Commission in Disciplinary and other matters.

The following instructions are issued to regulate the procedure to be followed by the Departments of the Secretariat in their dealings with the Mysore Public Service Commission:

1. Whenever opinion of the Public Service Commission is required on a disciplinary matter, the present practice of referring the file itself to the Public Service Commission for opinion and the Commission recording its opinion on the Secretariat file itself is not suitable.

2. In such disciplinary cases the Secretariat files should not be referred unofficially to the Public Service Commission for their advice/opinion; instead of a self-contained letter should be sent together with all papers relating to the Departmental Enquiry, viz., the charge-sheet, the proceedings before the Enquiry Officer including the findings recorded, the documents filed and the report of the Enquiry Officer. The Commission's reply will then be sent to Government by a letter and, therefore, this practice will obviate any difficulty which may otherwise arise in supplying copies of papers asked for by the delinquent Government servant.

3. All references to the Commission in disciplinary cases should be made directly by the Administrative Department concerned by an official letter addressed to the Secretary of the Commission. Every such reference should be accompanied by all relevant papers or copies of such papers. In such cases references to be Public Service Commission need be routed through the General Administration (Services) Department only in cases where general principles of methods of recruitment, promotion and transfer from one service to another are involved. Under no circumstances should any Secretariat file containing Departmental notes and minutes form part of the records sent to the Commission for advice/opinion.

4. All cases of appointment by promotion to services and posts falling within the purview of the Commission should be shown to the General Administration (Services) Department before consulting the Commission under the relevant provisions of the Mysore Public Service Commission Rules in this behalf.

5. When the Commission has come to conclusion in the matter it shall communicate its recommendations/advice to the Department which makes the reference. When the Department concerned has received the Commission's recommendations/advice and has arrived at its own conclusion as to the orders which should be issued, it shall, before issuing the orders, in cases where general principles arise, consult the General Administration (Services) Departments. When the Department is not prepared to accept

the recommendations/advice of the Public Service Commission, the case should be put up by the Secretary of the Administrative Department concerned to the Minister of the portfolio Department concerned and the Chief Minister through the Chief Secretary. If it is decided not to accept the advice of the Commission a second reference to the Public Service Commission may be made.

6. If in any case it becomes necessary eventually not to accept the advice of the Commission, a Council Note should then be prepared and submitted to the portfolio Minister of the Administrative Department concerned and the Chief Minister through the Chief Secretary.

7. If the Council decides to over-rule the advice/recommendation of the Public Service Commission then the reasons for non-acceptance of the advice of the Commission should be communicated to the Public Service Commission.

8. The Commission shall be informed of the action taken on its recommendations by the Administrative Department concerned in all cases (including those relating to the recruitment) which have been referred to the Commission for advice. Ordinarily an endorsement forwarding copies of orders issued by Government in such cases will suffice.

9. As soon as a case is received back from the Commission with its advice, the Secretariat Department concerned should without any delay dispose of the case in conformity with the instructions contained in the Mysore Government Rules of Business and Secretariat instructions.

10. These instructions should be followed strictly.