



Andhra Pradesh Forest Department Code - Vol - II - Appendix - 23

APPENDIX – 23

(Section 108)

INSTRUCTION REGARDING THE SUBMISSION AND RECEIPT OF PETITIONS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO THE GOVERNMENT OF ANDHRA PRADESH

(Issued in G.O. Ms. No. 1433, General Administration (Ser-C) Department, dated 22-09-1958, effective from 7-4-1958.

1. DEFINITIONS:- In These Instructions.

- i) “Government” means the Government of Andhra Pradesh.
- ii) “Petition” – Includes memorials, letters and applications of the nature of petitions.

2. SCOPE OF INSTRUCTIONS:-

1. Save as hereinafter provided, these instructions shall apply, so far as may be, to all petitions addressed to the Government.
2. They shall not apply to –

- o Petitions which are appeals preferred by persons holding posts under the administrative control of Government under the rules governing the conditions of their service or under the constitution of India.
- o Petitions relating to Bills pending before the State Legislature; such petitions are governed by the standing Orders of the Legislature; and
- o They shall not effect any rules or order in respect of representatives submitted by recognized associations of Government Servants.

1. (1) A Petition may be either in manuscript or typescript on in print.

(2) Every petition shall be authenticated by the signature of the Petitioner, or, when the Petitioners are numerous, by the signatures of one or more of them.

4. Every Petition shall:-

- a) Contain all material statements and arguments relied upon by the Petitioner;
- b) be complete in itself.
- c) If any recorded order of a public authority is complained against, be accompanied by a copy of the order and of a copy of any order in the case passes by a sub-ordinate authority together with a copy of the petition to such authority; and
- d) end with a specific prayer.

5. Any person having cause of complaint against the Government shall, in the first instance, seek redress from the local authority who, if unable to grant the redress thought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue, Court, or other superior authority by which the local authority is controlled; or he may address the Government in cases wherein there is no such controlling authority.

Communications intended for the Government shall be addressed to “the Government of Andhra Pradesh” or to a “Secretary to the Government of Andhra Pradesh”. A Communication addressed to the Governor or to a Minister is not addressed to the Government and does not come within the cognizance of the Government unless the Governor or the Minister sees fit to send it to a Secretary to Government.

6. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority and also to the Board of Revenue or other controlling authority, where such exists.

7. In order to enable the Government to enforce the foregoing rules without injustice or hardship to complaining parties, all heads of offices shall understand that a party affected by an order is entitled to have, on application, a copy of such order, which, in all cases except those where no appeal lies, shall contain a statement of the grounds of the decision. This shall be furnished to him on plain papers and without payments.

8. The Government will receive petitions only from principals; communications running in the name of pleader of agent will receive no attention. Anonymous petitions will be totally disregarded and destroyed on receipt.

9. Resolutions submitted by associations and other similar bodies will receive no attention; any such body wishing action to be taken on its representations should submit them in the form of a petition stating the ground and circumstances of each case.

10. As the Government never interferes with the distribution of subordinate appointments, applications for situations in the gift of appointing authorities will remain unnoticed.

11. Every Petition from a person who is or was serving in a post under the administrative control of Government shall be addressed to a Secretary to Government and be submitted through the head of the office or department to which he belongs or belonged.

Petitions once rejected should not be reopened either by the department or on a further representation unless they contain new facts or circumstances and that one more revision petition alone maybe entertained if the concerned Minister or the departmental head desires it, which should be strictly followed.

A Government employee should not submit advance copies of petition to higher authorities, unless he has exhausted the available remedies. Even in such cases, unless he is told his petition has been withheld, he should not submit a copy to higher authorities.

12. The Head of the Office or department shall, unless empowered under instruction 18 or 19 return or withhold it, once forward the petition to the Secretary to Government in the department concerned through the ordinary official channel and may make such remarks as he may consider necessary in regard to the accuracy to the Statement made and inference drawn in the petition, he shall also forward such record not submitted by the petitioner, as should properly be consulted in order to enable the due disposal of the petition.

13. Except in the case of representations submitted by recognized associations of Government Servants in accordance with such rules as may from time to time be prescribed by the Government every Government servant and every person who has been in civil employment wishing to make any representation to the Government shall do so separately.

14. Petitions from political pensioners or on the subject of political shall be submitted through the Collector of the District, in which the Petitioners reside.

15. Petitions addressed to the Government will be liable to summary rejection in the following cases:

- 1) When the petitioner has not complied in full with the above instruction;
- 2) When a petition is illegible or unillegible or contains language which in the opinion of the Government is improper;
- 3) When a previous Petition has been disposed of by the Government of Andhra Pradesh or the Government of India and the petition discloses no new facts or circumstances which afford ground for a reconsideration of the case;
- 4) When the petition is a mere application for relief, pecuniary or other which is
 - a) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character; or
 - b) So belated that its consideration is clearly impossible;
- 5) When the petition is an application for employment in posts under the administrative control of Government and made in pursuance of any rule or announcement regarding applications for such petition.
- 6) When the petition is an appeal from a judicial unless such petition:-

- a) Is an appeal from a judicial decision in a case in which the Government have reserved any discretion any discretion of interference;
- b) Is an appeal from a judicial in a case to which the Government were a party, or
- c) Is a prayer for the suspension or remission of a sentence under Chapter XXIX of the Code of Criminal procedure 1898 (Central Act V of 1898).
- 7) When the petition is a representative against a decision which is declared to be final by any law or statutory rule;
- 8) When the law provides a different or specific remedy in respect of the subject matters of the petition whether or not any period of limitation prescribed for the prosecution of such remedy has expired;
- 9) When the petition is submitted other-wise than in accordance with any rule, order or contract such as is referred to in sub-clause (a) of clause (14), by a person serving I a post under the administrative control of the Government with regard to his prospective claim to person.
- 10) When a Petitions is an appeal against failure by the Government to exercise a discretion vested in them by law or rule;
- 11) When the action desired in a petition is in the nature of favour and not of a right;
- 12) When the action petition is a representation against an order or subordinate authority communicated to the petitioner more than six months before the sub-mission of the petition and no satisfactory explanation for the delay is given;
- 13) When the petition is a representation against the discharge of a person:
 - a) Appointed, on probation, during such probation,
 - b) appointed, otherwise than under contract to hold a temporary appointment, on the expiration of the period of such appointment, or
 - c) engaged under contract in accordance with the terms of such contract;
- 14) When the petition is representative by a Government servant against an order.
 - a) from which he has exercised, or possessed a right of appeal under;
 - i) rules or orders regulating his conditions of Service; or
 - ii) the terms of his contract of service;
 - b) passed by any authority in the exercise of appellate or revisional powers conferred by any rules, order or contract such as is referred to in sub-clause (a) or
 - c) from which, not being an order of punishment passed by the Government, an appeal is expressly barred by any rule, order or contract such as referred to in sub-clause (a).
- 15) When the petition is a representation relating to an order of the Government refusing to grant or to recommend;
 - a) a Special pension;
 - b) a Compassionate pension; or
 - c) Any pecuniary or their concession to which the petitioner is not entitled under any law or statutory rule.
- 16) When the petition is a representation with regard to any matter connected with the Official prospects of position of a person serving in a post under the administrative control of the Government and is not submitted by such person;
- 17) When the petition relates to a subject on which the Government is competent to pass orders, and no application for redress has been made by the petitioner to the Government.
- 18) When the petition is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the petitioner and such individual or body; and

19) When the petition, not being a petition such as is referred to in the exceptions include (6), relates to matters in which the petitioner has no direct personal interest.

20) When applications and petitions are not properly stamped or are insufficiently stamped.

16. The Government will, when a petition is rejected under instruction 15, inform the petitioner of the rejection and the reason thereof.

17. Where a petition has already been rejected under instruction 15 and a further petition on the same subject is submitted which does not contain facts not already brought to notice, such further petition will be disregarded.

18. The authorities named in the margin are vested with discretionary.

All heads of Departments. Powers to return for correction or rectification of petitions addressed to the Government and forwarded through them in the following cases.

All Collectors.

All District Sections Judges.

And other officers of the same grade.

The Presidents of District Boards.

The Chairman of Municipal Councils.

- When a petition is illegible or unintelligible;
- B) When a petition runs in the name of a pleader or agent instead of in the name of a pleader or agent instead of the name of the principal.
- When a petition from a person who is or was serving in a post under the administrative control of the Government is addressed otherwise than in accordance with these instructions.

19. The same authorities are vested with discretionary power to withhold petitions addressed to the Government and forwarded through them in the following cases;

a) When a petition is an application for pecuniary assistance by person manifestly possessing no claim.

b) When a petition relates to a subject on which those authorities are themselves competent to pass orders, and no previous application for redress has been made to them.

c) When a petition contains a claim which is manifestly untenable and liable for summary rejection.

d) When a previous petition has been disposed off by the Government of Andhra Pradesh or the Government of India and the petition discloses no new facts or circumstances which afford grounds for consideration of the grounds.

20. An authority with holding a petition under Instruction 19 shall inform the petitioner of the with holding and the reason thereof.