

"C I R C U L A R"

An instance has come to the notice of Government wherein the Head of the Department took action to incur expenditure etc., which was beyond his powers of sanction anticipating the government's approval and thereafter sent proposals to Government for ratification of the action taken by him. It, has however, been mentioned by him in defence of his action that he acted under instructions of the Minister concerned and that those instructions were given to him directly by the Minister.

2/-In administration certain rules, regulations and procedures are laid down to regulate and control the functions of the Government machinery. Powers of sanction are delegated to heads of Departments and to other levels to facilitate prompt action on various matters. The concerned officers are expected to function within the four walls of these rules regulations and procedures and to exercise only such powers as are delegated to them. While the heads of Departments could and indeed they should, exercise the powers which have been delegated specifically to them, it would not be correct on their part to anticipate Government's approval in respect of transactions where Government alone are competent to pass orders and thereby present Government with a fait accompli. Even where instructions are given by Ministers, Heads of Departments are competent to implement those instructions if they come within the powers delegated to them and where the instructions are covered by the existing policy of Government. In other cases where implementing the instructions of Ministers would amount to deviation from the policy of Government or where the action is beyond the power delegated to the heads of Departments, they should bring the correct position to the notice of the Minister who conveys the instructions directly to them and they should also bring the instructions of the Minister to the notice of the Government and wait until Government's formal sanction and or approval is obtained.

3/-Another instance of a similar nature that has come to light recently relates to proposals in respect of repairs to vehicles. A department of Government sent a very large number of proposals to Government for repairs to vehicles ostensibly in the background of the General elections for which vehicles of various departments had to be kept in good order. While the Heads of Departments are expected to keep the vehicle in a fit and proper condition it would not be correct on their part to make use of such opportunities as elections to incur expenditure beyond reasonable limits without adhering to the criteria laid down for repairs to vehicles. It would be difficult for Government to countenance such proposals for sanction especially when repairs are undertaken without following the prescribed criteria. The mere fact that a Motor vehicle Inspector or a Regional Transport Officer has certified that the vehicles are due for repairs by itself would not provide adequate justification to take up expensive repairs without proper sanction. The concerned departments of Secretariat should examine such proposals on merits and accord approval only in cases where there is an adequate justification.

vks/-

sd/-N.Narasimha Rau,
Chief Secretary to Government.

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Hassan, 573201
Hassan, 25-4-1980

Copy communicated to all the Subordinate officers in the District for information.

Copy to the Special Deputy Commissioner, Hassan for information.

Bee Ranganath
For Deputy Commissioner, Hassan