

W.P.(MD)No.14481 of 2020

N.KIRUBAKARAN, J.

AND

B.PUGALENDHI, J.

(Order of the Court was made by B.PUGALENDHI, J.)

Today, when the matter is taken up for hearing, Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the State sought for short accommodation till 21.12.2020, as the learned Advocate General is held up in another Court proceedings and therefore, she is not in a position to get instructions as sought for by this Court.

2.The Government constituted an Administrative Reforms Committee under the Chairmanship of Dr.Justice A.K.Rajan, Retired Judge of Madras High Court, to ensure the corruption free and transparent administration and certain recommendations of the said Committee were also accepted by the Government, vide G.O.(Ms)No.24, Personnel and Administrative Department, dated 17.02.2010, wherein one of the recommendations is for fixing accountability on every Government servant, at every stage at every level. The Government, while accepting these recommendations, has requested all the Heads of

the Departments to issue necessary orders to this effect while delegating the powers. Even though the said Government Order has been passed in the year 2010, none of the Departments has taken any effective steps to implement the said Government Order.

3. Every Government Servant is expected to act in accordance with the Acts, Rules and the Government Orders issued by the Government then and there. If the Secretary Level Officers have not complied with the orders of the Government, how we can expect a common citizen to comply with the orders of the Government. If the Government servant is not complying with the orders of the Government, the same can be treated as a misconduct or as unbecoming of the Government Servant, warranting initiation of appropriate departmental proceedings against them. When the Secretary Level Officers have not even adhered to G.O. (Ms)No.24, dated 17.02.2010, nearly for a decade, then, how the same can be viewed?

4. Only after the directions of this Court, it appears that the Government has sent reminders to the respective Departments on

19.10.2020 and 28.11.2020 for implementation of the Government Order in G.O.(Ms)No.24, dated 17.02.2010, based on the recommendations of the Administrative Reforms Committee. Even thereafter, only few Departments responded with certain Circulars or some Administrative Instructions in a vague manner without implementing the said Government Order in true letter and spirit.

5. The Chief Secretary to the Government has also, vide his letter dated 11.12.2020, instructed all the Secretary Level Officers to send the action taken report on the implementation of the said Government Order and to input Personnel and Administrative Reforms Department immediately, in a day or two, so as to enable the Department to file a consolidated comprehensive report before this Court on or before **18.12.2020** [today]. But, few Departments alone have responded to that effect and that is also not in letter and spirit as contemplated in the above said Government Order.

6. "*Ignorantia legis neminem excusat*" - Ignorance of law excuses no one. Even a common man cannot plead that he is ignorant of law of

the Government. When that is the position for a common man, what would be the responsibility of the Secretary Level Officers. If the Government Orders are utterly disobeyed by the Secretary Level Officers in such a manner, then who can be expected to obey the Government Orders.

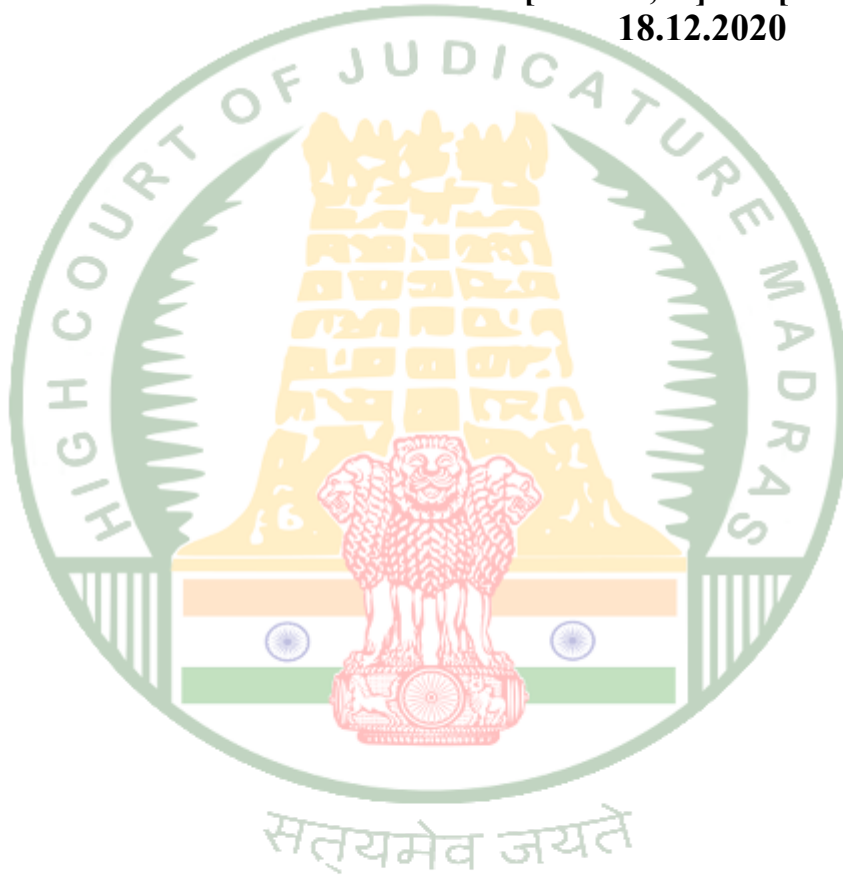
7. The mode of implementation of the Government Order in G.O. (Ms)No.24, dated 17.02.2010, itself is an example to show as to how the Government Orders are regarded. Unless the Government come with an Act or Rule, on these recommendations as accepted by the Government as on 17.02.2010 or even any Circulars and instruction are issued in this regard, it will be in paper alone without effective implementation.

8. This Court expects a positive response from the State Government on the possibility of amending the existing relevant Government Service Rules, for effective implementation of G.O.(Ms)No. 24, Personnel and Administrative Department, dated 17.02.2010 and to report before this Court by **22.12.2020**.

9.Call the matter on **22.12.2020 in the motion list.**

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[N.K.K., J.] [B.P., J.]
18.12.2020



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