

No. 11012/1/80-Ests (A)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 3rd Sept, 1981.

OFFICE MEMORANDUM

Subject: Rule 29 of the CCS(CCA) Rules, 1965 - President's power of review under Rule 29. Judgement of Delhi High Court in the case of Shri R.K. Gupta, Development Officer, D.G.T.D.

The undersigned is directed to invite the attention of the Ministry of Finance etc. to this Department Notification of even number dated the 6th August, 1981 amending Rule 29 of the CCS(CCA) Rules, 1965 and introducing Rule 29-A therein and to say that the amendment has been necessitated by the judgement of the Delhi High Court in the case of Shri R.K. Gupta Vs. Union of India and another (Civil Writ Petition No.196 of 1978 and 322 of 1979) in which the High Court has held that under Rule 29 of the CCS (CCA) Rules, 1965-

- (1) The President has power to review any order under the CCS(CCA) Rules, 1965 including an order of exoneration, and
- (2) The aforesaid power of review is in the nature of revisionary power and not in the nature of reviewing one's own order.

The matter has been examined in consultation with the Ministry of Law who have observed that the judgement of the Delhi High Court would indicate that the President cannot exercise his revisionary powers in a case in which the power had already been exercised after full consideration of the facts and circumstances of the case. There is, however, no objection to providing for a review by the President of an order passed by him earlier in revision if some new fact or material having the nature of changing the entire complexion of the case comes to his notice later. Accordingly, Rule 29 of the CCS(CCA) Rules, 1965 has been amended to make it clear that the power available under that rule is the power of revision and a new rule, Rule 29-A, has been introduced specifying the powers of the President to make a review of any order passed earlier, including an order passed in revision under Rule 29, when any new fact or material which has the effect of changing the nature of the case comes to his notice. It may also be noted while the President and other authorities enumerated in Rule 29 of the CCS(CCA) Rules, 1965, exercise the power of revision under that rule, the power of review under Rule 29-A is vested in the President only and not in

any other authority. With the amendment of Rule 29 and the introduction of Rule 29-A, the heading of Part VIII of the CCS (CCA) Rules, 1965 has also been appropriately changed as "Revision and Review".

2. Ministry of Finance etc. are requested to bring the above points to the notice of all the authorities concerned for their information and guidance.

(B.S. NIM)

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