

Part XXIV—Relaxation of Rules in Cases of Exceptional Hardship  
 Government of Bihar  
 Appointment Department

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Patna, the 28th November 1956.

No. III/RI-2010/55A-11505.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of previous orders on the subject, the Governor of Bihar hereby makes the following rules :—

Where the State Government are satisfied that the operation of any rule regulating the condition of service of State Government servants or any class of such Government servants, causes undue hardship in any particular case, they may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as they may consider necessary for dealing with the case in a just and equitable manner.

By order of the Governor of Bihar,

V. Balasubramaniam,  
 Deputy Secretary to Government.

Memo. No. III/RI-2010/55 A-11505.

Patna, the 28th November 1956.

Copy forwarded to—

All Departments of Government,  
 All Heads of Departments,  
 Accountant-General, Bihar,  
 All District Officers,

for information.

By order of the Governor of Bihar,

R. B. LaL,  
 Addl. Under Secretary to Government.

GOVERNMENT OF BIHAR  
APPOINTMENT DEPARTMENT

Memo No. III/RI-2031/59A-14813.

Patna, the 29 Kartika, 1881

20th November, 1959

To

All Departments of Government.

All Heads of Departments.

Subject :—Relaxation of rules in certain cases of exceptional hardship.

The undersigned is directed to invite your attention to Appointment Department's Notification No. III/RI-2010/55A-11505, dated the 26th November, 1956 (copy enclosed) on the above subject and to say that the power of the State Government to relax any rule should be invoked only in very exceptional cases where the operation of any rule causes undue hardship to any Government Servant.

2. Before any order of relaxation is passed, the Department concerned should consult the Appointment Department and the Finance Department and take the approval of the council of Ministers. While full justification for the relaxation should be given on the file itself, the reasons should be briefly mentioned in the formal order issued by the Department concerned in this behalf. The order should be authenticated as an order of the Governor in accordance with the requirements of Article 166(I) of the Constitution.

K. A. Ramasubramaniam,  
Deputy Secretary to Government.

Memo No. III/RI-2031/59A-14813.

Patna, the 20th November 1959.

Copy forwarded to all Collectors for information.

K. A. Ramasubramaniam,  
Deputy Secretary to Government.

Government of Bihar  
Appointment Department

Memo No. III/R1-1019/61A. 10270

Patna, the 3 Sravana, 1884 (S)

25th July, 1962.

To

All Departments of Government  
All Head of Departments

Subject :-Relaxation of statutory rules in certain cases of exceptional hardship.

The undersigned is directed to invite a reference to orders contained in Appointment Department Memo No. III/R1-2031/59-14813 dated the 20th Nov., 1959 (copy enclosed) wherein it has been laid down that before any order of relaxation of any statutory rule is passed the department concerned should consult the Appointment Department and Finance Department and also take the approval of the Council of Ministers. Doubts have been expressed as to whether the above order should be made applicable in all cases of relaxation of rules.

It is, therefore, clarified that the provision made under the proviso to Article 309 of the constitution published with Appointment Department Notification No. III/R1-2010/55A-11505 dated the 28th November, 1956 (enclosed) is intended to apply only to such rules relating to service condition in which there are no express provisions for relaxation. Where there is a provision for relaxation in the relevant rule itself, the procedure envisaged in the Memo No. III/R1-2031/59-14813 dated the 20th November, 1959 of this Department will not apply. Also for relaxation of the rules enumerated in the annexed schedule the procedure outlined in the above mentioned memo will not apply.

Sd/B. L. Das  
Under Secretary to Government.

Memo No. III/R1-1019/61A 10270

Patna the 3 Sravana, 1884 (S)  
25th July, 1962.

Copy forwarded to All Collectors for information.

Sd/B. L. Das  
24. 7. 62  
Under Secretary to Government,

SCHEDULE

The Bihar Service Code.

Rules 85, 155 and 243

The Bihar General Provident Fund Rules.

Rules 11 and 16.