
Download



[Indian Polity By Laxmikant Epub](#)

is, the right of a civil servant to make representation against the punishment proposed as a result of the findings of the inquiry). Hence, the present position is that where it is proposed (after inquiry) to impose upon a civil servant the punishment of dismissal, removal or reduction in rank, it may be imposed on the basis of the evidence adduced at the inquiry without giving him any opportunity of making representation on the penalty proposed.

The Supreme Court held that the expression 'reasonable opportunity of being heard' envisaged to a civil servant (in the second safeguard mentioned above) includes:

- (a) an opportunity to deny his guilt and establish his innocence which he can only do if he is told what the charges levelled against him are and the allegations on which such charges are based;
- (b) an opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself or any other witnesses in support of his defence; and
- (c) the disciplinary authority must supply a copy of the inquiry officer's report to the delinquent civil servant for observations and comments before the disciplinary authority considers the report.

4. All-India Services

Article 312 makes the following provisions in respect of all-India services:

- (a) The Parliament can create new all-India services (including an all-India judicial service), if the Rajya Sabha passes a resolution declaring that it is necessary or expedient in the national interest to do so. Such a resolution in the Rajya Sabha should be supported by two-thirds of the members present and voting. This power of recommendation is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

- (b) Parliament can regulate the recruitment and conditions of service of persons appointed to all-India services. Accordingly, the Parliament has enacted the All-India Services Act, 1951 for the purpose.
- (c) The services known at the commencement of the Constitution (that is, January 26, 1950) as the Indian Administrative Service and the Indian Police Service are deemed to be services created by Parliament under this provision.
- (d) The all-India judicial service should not include any post inferior to that of a district judge⁶. A law providing for the creation of this service is not to be deemed as an amendment of the Constitution for the purposes of Article 368.

Though the 42nd Amendment Act of 1976 made the provision for the creation of all-India judicial service, no such law has been made so far.

5. Other Provisions

Article 312 A (inserted by the 28th Amendment Act of 1972) confers powers on the Parliament to vary or revoke the conditions of service of persons who were appointed to a civil service of the Crown in India before 1950. Article 313 deals with transitional provisions and says that until otherwise provided, all the laws in force before 1950 and applicable to any public service would continue. Article 314 which made provision for protection of existing officers of certain services was repealed by the 28th Amendment Act of 1972.

Notes and References

1. In 1963, a provision was made for the creation of three more all-India services. They were Indian Forest Service, Indian Medical and Health Service and Indian Service of Engineers. However, out of these three, only the Indian Forest Service came into existence in 1966.

[Indian Polity By Laxmikant Epub](#)



indian polity laxmikanth

indian polity laxmikanth, indian polity laxmikanth ppt, indian polity laxmikanth latest edition, indian polity laxmikanth 6th edition, indian polity laxmikanth telugu, indian polity laxmikant notes, indian polity laxmikanth tamil, indian polity laxmikanth chapter wise mcqs, indian polity laxmikanth pdf notes, indian polity laxmikanth flipkart

indian polity laxmikanth latest edition

indian polity laxmikanth telugu

1dff872cbc