

## **LAW RELATING TO CIVIL SERVANTS**

### **Objective of the course**

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCS (CCA) RULES). The Specialist in Labour and Administrative law must be in the position to assess the developments in law relating to Civil Servants in India and from a comparative angle. The service law jurisprudence in the country, owed its major growth from the English and American development is a recognised fact. From a comparative angle, the course focuses on the civil servants, their recruitment and promotion, Conditions of service, Special Category of services and Settlement of Disputes over Service Matters. This paper shall comprise of the following 5 units to be spread out to a period of one semester.

### **Syllabus**

#### **1. Civil Servants: Constitutional Dimensions**

Civil Servants and Fundamental Rights: Historical and Comparative Perspective – Equity and Protective Discrimination: Principles and Practices – Service Regulations – The Constitutional Basis-Formulation of Service Rules-Doctrine of Pleasure-Limitation on the Doctrine of Pleasure- Action only by an authority not subordinate to Appointing Authority- Opportunity of Being Heard and its Exceptions.

#### **2. Recruitment and Promotion**

Central and State Agencies for Recruitment –Methods, Qualification

#### **3. Conditions of Service**

Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security : Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees and Central Government Employees- Consultation with Public Service Commission.

#### **4. Special Category of Services**

Judicial Services: Subordinate Judiciary – Judicial Officers and Servants: Appointment and Conditions of Services – Officers and Servants of Supreme Court and High Court: Recruitment , Promotion, Conditions of Service and Disciplinary Action – All India Services, Object, Regulation Of Recruitment and Conditions of Service , Disciplinary Proceedings.

#### **5. Settlement of Disputes over Service Matters**

Departmental Remedies: Representation, Review, revision and Appeal: Role of Services Organisations- Remedy Before the Administrative Tribunal: Jurisdiction, Scope and Procedure –Merits and Demerits – Exclusion of Jurisdiction of Courts - Judicial Review of Service Matters- Jurisdiction of Supreme Court and High Court – Comparative Position in USA ,UK and France

## **PRESCRIBED BOOKS AND JOURNALS**

Central and State Laws and Rules relating to Service Matters

ILI (Justice M. Rama Jois ) Service under the State (1987)

N.Narayanan Nair, The Civil Servant under the Law and Constitution (1973)

K.K.Goyal, Administrative Tribunals Act (1985)

Seervai, Constitutional Law Of India

Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)

C.K.Kochukoshy, "All India Services- The role and the Future",1972. I.J.P.A. 67.

Douglas Vass, "The Public Service in Modern Society",1983. I.J.P.A. 970

Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 1983. I.J.P.A. 359.

O.P.Motilal, "Compulsory Retirement",1975. I.J.P.A. 247.

D.S.Chopra, "Doctrine of Pleasure – it's some implication and Limitations", 1975, I.J.P.A. 92.

G.C.V.Subba Rao, " The ONGC Case and New Horizons in Public Services Law" S.C.J.29.



