

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES-I BRANCH, SERVICES DEPARTMENT
5TH LEVEL, WING-B, DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI.**

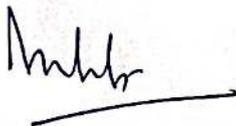
No. F. 2/01/2024/S.I/2398-2402

Dated: 08/07/2025

OFFICE MEMORANDUM

Subject: Processing of Files referred to Services Department for advice/clarification- Procedure to be followed.

1. As per Allocation of Business Rules, 1993, the Services Department inter-alia has been assigned the task "Advice to other departments in Service matters". The departments, wherever any clarification is required, are accordingly sending references to the Services Department for soliciting advice.
2. While examining the references received from the various departments, it has often been observed that in many cases, the departments do not clearly indicate the issue on which the advice/clarification from the Services Department is required. Further, copies of OMs/Instructions of DOPT/MHA/Services Department referred to in their notes are also not placed on file. The paragraphing, paging etc. in the department's file have also been observed to be not done properly or missing at times. This unnecessarily leads to delay in processing of such cases, which is avoidable.
3. It has also been observed that departments, in many cases, are seeking advice/opinion on routine administrative matters, requesting vetting of proposed action, vetting of draft orders, affidavits, etc., which do not come under the mandate of the Services Department in accordance with the Allocation of Business Rule referred to herein.
4. Further, it has been observed that some departments are constituting committees, wherein a representative of Services Department have been co-opted as a member, for resolution of service matter of an employee/employees of their own department. This co-option of any representative from Services Department should be avoided and shall be done with the prior approval of the Chief Secretary and such proposal with adequate justification be routed through the Services Department. All Departments may please note that the views expressed by the representative of Services Department in such Committees shall under no circumstances be construed as advice of the Services Department.
5. Besides, it has also come to the notice of the Services Department that some departments are quoting advice of Services Department in their decision/orders by stating that action in the matter has been taken as per direction/advice of Services Department. The fact of the matter is that the concerned administrative department, in the capacity of 'Competent Authority' has to take such decision (and pass orders accordingly) in such matters keeping in view the rule position and other relevant aspects as well. It is only after a comprehensive examination of the above, that the Services Department tenders advice on various matters as solicited by the departments.
6. In order to streamline things in this regard, all departments are hereby advised to observe the following guidelines before referring any matter to the Services Department for seeking advice/opinion:-



- i. All references to the Services Department for advice shall be sent only with the approval of the concerned Administrative Secretary.
- ii. The issue on which the advice/opinion of the Services Department is solicited shall be clearly indicated/mentioned while referring the matter to Services Department. The note seeking advice shall invariably give a detailed background with full facts and circumstance of the case.
- iii. Proposals seeking vetting of proposed action, draft order, affidavit, etc. shall be avoided.
- iv. Legible copies of OMs/Instructions/Guidelines referred to by the department shall be placed in the file, appropriately paged and numbered.
- v. In case the matter involves financial implications, the views/opinion of the Finance Department wherever required shall be obtained in the first place and included in the reference made to the Services Department for advice/opinion.
- vi. Advice is given by Services Department to facilitate the Competent Authority to take a decision in a matter. Decision has finally to be conveyed by the Competent Authority in their own competence. Advice tendered should not be quoted in the name of the Services Department. The aforementioned action on the part of the departments can render their orders infirm from both the rule position as well as from legal angle. Further, such action also lead to the Services Department becoming an unnecessary party to litigations against departments, which is neither desirable nor appropriate.
- vii. In order to ensure that orders being issued are correct from the angle of rule position and competence, the view point of Services Department need not be quoted by the respective departments in the reference order etc. Advice of Services Department is tendered on the merit of individual cases and such references should not be generalized in the orders issued by the line departments.

This issues with the approval of Competent Authority.


(Dr. Ajay Kumar Bisht, IAS)
Special Secretary (Services)

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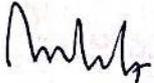
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Copy for information and necessary action to:

1. All ACS/Pr. Secretaries/Secretaries/HoDs of Departments/Organizations/Local Bodies/Public Undertakings under Govt. of NCT of Delhi.
2. Dy. Secretary-I/II/III, Services Department, GNCT of Delhi.
3. Section Officer (Co-ord.), Services Department, Govt. of NCT of Delhi with the direction to upload this OM on website of Services Department, GNCTD.

Copy for information to:-

1. Staff Officer to Chief Secretary, GNCT of Delhi.
2. Guard File.


(Dr. Ajay Kumar Bisht, IAS)
Special Secretary (Services)