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वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110001
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

संख्या 15-6(82)/98-O&M-II (Vig.)

Date: ०१ July, 2026

No.

प्रेषक

From

मुख्य सतर्कता अधिकारी
Chief Vigilance Officer

To

The Sr. CoA/CoAs/AOs/Vigilance Officers of all CSIR Labs/Instts.

Subject: Timely processing and conclusion of disciplinary proceedings – Compliance with CVC and DoPT guidelines – reg.

Ref: (i). CSIR Letter No. 15-6(82)/98-O&M-II (Vig.) dated 20.12.2021.
(ii). CSIR Letter No. 15-6(82)/98-O&M-II (Vig.) dated 12.10.2021.
(iii). CSIR Letter No. 15-6(82)/98-O&M-II (Vig.) dated 31.12.2020.

Madam/Sir,

The undersigned is directed to state that the Vigilance Division, CSIR-Hqrs has, from time to time, issued guidelines for ensuring the expeditious processing and timely conclusion of disciplinary proceedings.

However, it has been observed that, in several cases, disciplinary proceedings are not brought to their logical conclusion within a reasonable timeframe, due to procedural deficiencies, avoidable lapses, and inordinate delays at various stages of the process. Such delays and procedural flaws are contrary to the principles of natural justice, compromise the fairness and effectiveness of the disciplinary mechanism, and defeat the very purpose of initiating disciplinary proceedings.

In this regard, attention is invited to CVC Circular No. 05/02/24 (No. 024/VGL/020/19821) dated 21.02.2024 and DoPT O.M. No. F.43020/14/2021-Estt.A.III (copies enclosed), wherein the various stages involved in disciplinary proceedings have been explained in a simplified manner through the enclosed Flow Chart for better understanding

Therefore, all concerned officers of CSIR Labs. /Instts. are requested to follow the above-mentioned instructions meticulously while processing disciplinary cases.

Encl.: As above.

Yours faithfully,


(Yogendra Pratap Singh)
Chief Vigilance Office

Copy to:

1. The Directors/ Heads of all National Labs. /Instts.
2. Office of DG, CSIR
3. Office of JS (Admn.) CSIR
4. Head IT Division- with a request to host this letter on CSIR website.
5. Office Copy.



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023
024/VGL/020/19821

सं./No.....

21.02.2024

दिनांक / Dated.....

Circular No. 05/02/24

Subject: - Strict Compliance of guidelines issued by Central Vigilance Commission and DoPT for timely disposal of Disciplinary Proceedings-reg.

The Central Vigilance Commission (CVC) and Department of Personnel & Training (DoPT) have issued guidelines from time to time, impressing upon the organizations concerned for timely conclusion of disciplinary proceedings. However, it has been observed that on many occasions, there is inordinate delay in bringing the cases to logical conclusion, which is against the principles of natural justice and also defeats the very purpose of initiating disciplinary action.

2. In this regard, attention of the respective organizations is invited to DoPT's OM No. 425/04/2012-AVD-IV(A) dated 29.11.2012 (**Annexure-1**) relating to monitoring and expeditious disposal of disciplinary proceedings, wherein CVOs concerned have been given the responsibility of monitoring and ensuring adherence to the given time line.

3. Further, DoPT vide their OM No. 372/3/2007-AVD-III(Vol.10) dated 14th October 2013 (**Annexure-2**) has instructed that "all Ministries/Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant".

4. The Commission has also prescribed model timelines for investigation and conclusion of disciplinary proceedings, till the issuance of final orders, which have been mentioned in para 7.47.2 of its Vigilance Manual, 2021, which is available on Commission's website in public domain, in downloadable form.

5. Further, DoPT has also issued instructions relating to terms and conditions for appointment of IOs/POs, in which it has been highlighted that video conferencing/digital mode is to be used to the maximum extent possible to conduct departmental inquiry so as to ensure timely completion of the same. DoPT's instructions issued from time to time are summarized and updated vide its OM No. DoPT-1668597747466 dated 16.11.2022. **(Annexure -3).**

6. In addition to above, it may also be kept in view that in order to ensure timely and smooth completion of disciplinary proceedings, training needs to be imparted to prospective and current IOs and POs, which will also help in creating a pool of trained IOs and POs in respective organizations. For IOs/POs, who are serving public servants, timely completion of departmental proceedings by them needs to be given due weightage/cognizance by the reporting/reviewing officers, in the APARs of such IOs/POs.

7. It has also been observed that the time taken to approach UPSC for advice is unduly long, as proposals are not being submitted in the prescribed format of the UPSC in its single window system. As a result of which, many cases, found deficient by UPSC are being returned, resulting in unnecessary delay. Hence, it is the responsibility of the Disciplinary Authorities concerned and respective CVOs to ensure that there are no deficiencies, whatsoever, in the cases referred to the UPSC. In this regard, DoPT OM No. 39035/01/2011-Estt. (B) dated 10.05.2011 **(Annexure-4)** also refers.

8. The Commission has desired that the above instructions/guidelines as issued by the Commission and DoPT may be strictly adhered to by the disciplinary authorities and other authorities concerned. The CVOs of respective organizations may bring the above guidelines to the notice of the Chief Executive Officer and all disciplinary authorities concerned. They may also follow up all pending cases, to ensure that they are brought to logical conclusion within the prescribed timelines.



(Rajiv Verma)
Director

Encl:- As above.

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

No. 425/04/2012-AVD-IV(A)
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

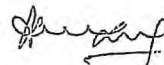
North Block, New Delhi
29th November, 2012

OFFICE MEMORANDUM

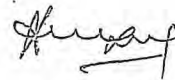
Subject: Guidelines for monitoring and expeditious disposal of the disciplinary proceeding cases – reg.

Instructions have been issued in the past for expeditious disposal of disciplinary proceedings against delinquent government servants. However, it has been observed that disciplinary proceedings are generally taking a long time which defeats the very purpose of initiating the said proceedings. Therefore, it has been considered necessary to issue the following guidelines for monitoring and expeditious disposal of disciplinary proceedings:-

- i. There are a number of instances where the Courts have set aside the order of penalty due to inordinate delay in initiating action. Therefore, it has to be ensured that disciplinary proceedings are initiated without undue delay.
- ii. The Administrative Department/Competent Authority should study the allegations more carefully and resort to minor penalty proceedings instead of initiating major penalty proceedings, where the circumstances involve minor infringements or cases of procedural irregularities. It has to be kept in mind that a minor penalty swiftly but judiciously imposed by a Disciplinary Authority is much more effective than a major penalty imposed after years spent on a protracted enquiry.
- iii. There is undue delay due to repeated requests of the charged officer for time to give his written statement in reply to the charge sheet. As per existing instructions, the charged officer is allowed 10 days to submit his written statement. The charged officer may be allowed 3 – 4 days absence by the Controlling Officer for preparing his written statement in which case, no extension of time should be allowed beyond the stipulated period of 10 days. (DoP&T's OM No.142/5/2003-AVD.I dated 6th April, 2004)
- iv. If vigilance angle is involved in a complaint, the case should be referred to CVC for their 1st stage advice within one month from the date of receipt of investigation report. If vigilance angle is not involved, case should be put up to the disciplinary authority for taking decision to initiate disciplinary action for major or minor penalty against delinquent officer under CCS(CCA) Rules within one month from the date of receipt of investigation report.
- v. After receipt of first stage advice of CVC, the case should be put up to the disciplinary authority for taking decision to initiate disciplinary action for major or minor penalty against delinquent officer under CCS(CCA) Rules within one month from the date of receipt of 1st stage advice of CVC.

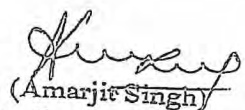


- vi. The chargesheet should be issued to the charged officer within a week from the date of receipt of decision of the disciplinary authority to initiate major or minor penalty proceedings against him. In any case, it should be ensured that the chargesheet is issued within one month from the date of receipt of the 1st stage advice of CVC.
- vii. Simultaneously with the issuance of chargesheet, names of suitable officer to be appointed as IO & PO may be selected tentatively. If the charged officer, in his written statement of defence, denies the charges leveled against him, orders regarding appointment of IO & PO should be issued immediately after receipt and consideration of defence statement. Copies of all the relevant papers/documents should also be provided to IO/PO along with the order.
- viii. The charge sheet should be drafted with utmost accuracy and precision based on the facts revealed during the investigation or otherwise and the misconduct involved. It should be ensured that no relevant material is left out and at the same time no irrelevant material or witnesses are included. (DoP&T's DO No.134/2/83-AVD.I dated 2nd May, 1985)
- ix. As far as possible, copies of all the documents relied upon and the statements of witnesses cited on behalf of the Disciplinary Authority should be supplied to the Government servant along with the charge sheet, so that the time taken by the charged officer to submit his written statement of defense is reduced. (DoP&T's DO No.134/2/83-AVD.I dated 2nd May, 1985)
- x. IO should submit his report within six months from the date of receipt of order of his appointment as IO. Where it is not possible to adhere to this time limit, the IO should submit reasons for delay to the disciplinary authority in writing.
- xi. A copy of the inquiry report and also disagreement of the disciplinary authority, if any, on it should be provided to the Charged Officer within 15 days from the date of receipt of Inquiry Report alongwith reasons for disagreement of the Disciplinary Authority with IO's findings, if any. (CVC Circular No. 000/VGL/18 dated 23rd May, 2000). The Charged Officer may be allowed 15 days to submit, if he so desires, his written representation or submission to the disciplinary authority irrespective of whether the report is favourable or not to the government servant (DoP&T's O.M. No.11012/13/85-Estt. dated 26th June, 1989)
- xii. After the receipt of the representation of charged officer on Inquiry Report, the case may be sent to CVC, wherever required, for their second stage advice, or to UPSC for their advice, as the case may be, within one month. (CVC's Circular No 000/VGL/18 dated 23rd May, 2000)
- xiii. Penalty order should be issued within a month from the date of advice of UPSC. (DoP&T's DO No 134/2/83-AVD.I dated 2nd May, 1985)
- xiv. The time-limits indicated above should be strictly adhered to. The CVO concerned would be directly responsible to adhere to these time limits.



- xv. Each Ministry/Department may keep ready a panel of IO/PO from their retired government officers which may be used when no serving government servant is available for appointment of IO/PO. The services of IOs/POs who would be available on the panel maintained by CVC may also be utilized in consultation with CVC.
- xvi. In some Departments a large number of oral inquiries are pending. In order to expedite completion of inquiries within a specified time limit, some officers on a full time basis may be earmarked by the concerned Department to act as IO/PO.
- xvii. In order to ensure expeditious disposal of disciplinary proceedings, vide DoP&T's OM No.372/19/2011-AVD-III (Pt.1) dated 26.09.2011, the second stage consultation with CVC in disciplinary matters has been dispensed with except in those cases where consultation with UPSC is not required as per extant rules/instructions. This may be followed. Since there will be only one consultation after receipt of IO's report (either with CVC or the UPSC, as the case may be), it is expected that the new procedure would substantially reduce the time taken in finalizing disciplinary proceedings after receipt of the IO's report.
- xviii. Wherever a Departmental officer is appointed as the IO in Departmental Proceedings, the officer concerned may be relieved from his normal duties for a period up to 20 days in two spells during which he should complete the inquiry and submit the report. During this period so allowed, he will attend to the inquiry on full time basis. These time spells may depend on the need and the feasibility of conducting full-time hearings on a day to day basis. (DoP&T's OM No.142/5/2003-AVD.I dated 6th April, 2004)
- xix. For effective monitoring of the disciplinary proceedings cases, the Vigilance set up must be strengthened in every Ministry/Department. Instructions issued vide DOPT OM No. 372/19/2011-AVD-III (Pt.1) dated 26.09.2011 are hereby reiterated. All Ministries/Departments are requested to take appropriate action in the matter.

All the Ministries/Departments are requested to follow the above guidelines in letter and spirit so that disciplinary proceedings are concluded expeditiously.


(Amarjit Singh)
Deputy Secretary to the Govt. of India

To,

1. Secretary, all Ministry/Department (As per standard list)

Copy to:

1. Secretary, Central Vigilance Commission, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
3. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
4. NIC, DoP&T for uploading on the website of the Department.

372/3/2007-AVD-III (Vol. 10)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 48 of the Committee's Report on conclusion of major penalty proceedings within a period of 18 months - Acceptance by Government - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
|-------|---|----------------|
| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

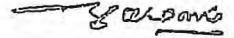
2. The Expert Committee has, in para 48 of its Report, made the following recommendation:-

“48. For major penalty Inquiries as envisaged in Article 311(2) of the Constitution, where the Inquiry Officer has to do a detailed inquiry into the Articles of Charge by examination of witnesses both of the Presenting Officer and of the delinquent Government Servant and where relevant documents have to be examined/exhibited for a just decision in the case, the maximum time could be twelve months from the date of service of the Articles of Charge before the case records are referred to the UPSC for advice under Article 320(3)(c) of the Constitution. Hopefully, if the UPSC takes a maximum period of five to six months to give its considered advice, the Disciplinary Inquiry for a major penalty can be concluded within a maximum period of eighteen months from the date of service of Articles of Charge on the delinquent Government Servant till the date of the final order by the Disciplinary Authority, after consultation with the UPSC. (Elsewhere in this Report, we have recommended that the CVC's second stage advice may be dispensed with because of reasons mentioned by us. We would like to leave it to the best judgment of the UPSC to devise methods for reducing the time taken by it in rendering its advice under Article 320(3) (c) of the Constitution.)”.

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has, inter alia, taken note of the fact that, vide DoPT's O.M.No.372/19/2011-AVD-III(Pt.I) dated 26th September, 2011, the second stage consultation with the Central Vigilance Commission has already been dispensed with and that it is only in cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC is now necessary. The CoS also took note of the fact that the introduction of a single window system in the UPSC to accept files regarding major penalty proceedings has led to considerable

reduction in time taken to conclude major penalty proceedings. The CoS has accordingly recommended that the recommendation of the Hota Committee in para 48 of its report as referred to above may be accepted. The recommendation has accordingly been accepted by the Government and it has been decided that all Ministries/Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant.

4. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.




(V.M. Rathnam)

Deputy Secretary to the Govt. of India

Tel: 23094637

All Ministries/Departments of the Government of India

 Copy to Sr. Tech. Director, NIC, DoPT for uploading on the website of DoPT.

No.DOPT-1668597747466
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-I/C-I)

North Block, New Delhi
Dated 16 November, 2022

OFFICE MEMORANDUM

Subject:- Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.

The undersigned is directed to refer to the subject mentioned above and to say that the rates of honorarium payable to Inquiry Officer (IO) / Presenting Officer (PO) in the case of departmental inquiries were last revised vide O.M No.142/15/2010-AVD.I dated 31st July, 2012 in the case of serving Government Servants functioning as part time IO/PO and vide O.M No.142/40/2015-AVD.I dated 15th September, 2017 in the case of retired Govt. Servants functioning as IO.

2. The existing rates of honorarium as prescribed in the aforesaid OMs were reviewed in consultation with Department of Expenditure and it has been decided to revise the existing rates of the honorarium payable to IO/PO.

3. Accordingly, these consolidated guidelines are being issued in supersession of DoPT's OM's dated 31.07.2012 and 15.09.2017.

4. The rates of honorarium as revised are indicated in the table below:-

a. The rates of honorarium payable to the Inquiry Officer:

(i) Retired officers:

Items	Category	Rate per case (in rupees)
Honorarium	I	where number of witnesses cited in the charge sheet is more than 10 An amount equal to 90% of the monthly basic pension drawn.
	II	where number of witnesses cited in the charge sheet are between 6-10 An amount equal to 70% of the monthly basic pension drawn.
	III	where number of witnesses cited in the charge sheet is less than 6 An amount equal to 60% of the monthly basic pension drawn.
Transport Allowance	Rs. 40,000/- per case Subject to the condition that the for outstation journey, the actual expenses for air travel / railways journey will be reimbursed in addition as per their entitled class at the time of their retirement (further subject to the approval of the competent authority and in compliance of the instructions issued by DoPT/DoE from time to time for air travel regarding booking of air tickets through authorized agencies and cheapest available fare).	
Daily Allowance	Same as the officer was entitled to immediately prior to retirement.	
Secretarial Assistance	I	where the number of witnesses cited in the charge sheet is more than 10 Rs. 40,000/-
	II	where the number of witnesses cited in the charge sheet are between 6-10 Rs. 30,000/-
	III	where the number of witnesses cited in the charge sheet is less than 6 Rs. 20,000/-

(ii) Serving officers:

Rate per case (in rupees)
An amount equal to 15% of the monthly basic pay drawn.

(iii) In case of common disciplinary proceedings, an additional amount of honorarium of Rs. 5000 will be payable to Inquiry Officer (both retired and serving) for every additional charged officer.

(b) The rates of honorarium payable to the Presenting Officer:

Rate per case (in rupees)

An amount equal to 10% of the monthly basic pay drawn.
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5. The revised structure of rates of honorarium and allowances as indicated above are intended to be made applicable to Departmental Proceedings including inquiry proceedings undertaken by the committee on Sexual Harassment, by Ministries / Departments in respect of officials / officers serving under different cadres of services under their administrative control. However, in case a cadre of a service or organizations such as autonomous bodies have a separate set of rules and instructions for regulating honorarium to IO / PO in existence, they may choose to continue with their own set of instructions. Fully or partially funded autonomous bodies may retain their own provisions so long as they are not more beneficial than what has been proposed in this O.M.

6. The grant of Honorarium in the case of serving Government servants who are appointed as part time Inquiry Officer/ Presenting Officer and retired Government servants appointed as Inquiry Officers will be subject to the following conditions:

i. The honorarium will normally be regulated under the financial powers delegated to the Ministries/Departments and taking into account the quantum of work involved in individual disciplinary cases.

ii. In the case where serving officers are appointed as IO/PO, the controlling department or the administrative department should make all efforts to relieve the IO/PO of his normal duties to enable him/her to complete the proceedings expeditiously.

7. Before the payment is received by the Inquiry Officer/Presenting Officer, whether serving or retired, it will be the responsibility of IO/PO to ensure that:

a. All case records and inquiry report (two ink signed copies) properly documented and arranged is handed over to the office of Disciplinary Authority.

b. The report returns findings on each of the Articles of Charge which has been enquired into should specifically deal and address each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions.

c. There should not be any ambiguity in the inquiry report and therefore every care should be taken to ensure that all procedures for conducting departmental inquiries have been followed in accordance with the relevant rules/instructions of disciplinary and appeal Rules to which the delinquent Government officials are governed.

8. Terms and conditions for appointment of Inquiry Officer: The designated Inquiry Officer shall be required to give an undertaking as follows:

i. that he/she is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent Government officer. A certificate to this effect will be obtained from the Inquiry Officer with respect to every inquiry and placed on record;

ii. shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the inquiry and utilize the same only for the purpose of inquiry in the case entrusted to him/her.

9. No such documents/information or data shall be divulged to anyone during the Inquiry or after presentation of the Inquiry Report. All the records, reports etc. available with the Inquiry Officer shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report.

10. The Inquiry Officer shall conduct the inquiry proceedings at a location taking into account the availability of records, station/place where the misconduct occurred as well as the convenience of the witnesses/ PO etc. Video Conferencing should be utilized to the maximum extent possible to minimize travel undertaken by the IO/PO/CO. The cadre controlling authorities will facilitate necessary arrangements for the Video Conferencing.

11. The Inquiry Officer shall undertake travel for conducting inquiry (in unavoidable circumstances) with the approval of an authority as may be nominated by the concerned Ministry/Department.

12. The Inquiry Officer shall submit the inquiry report after completing the inquiry within 180 days from the date of his/her appointment as the Inquiry Officer. Extension of time beyond 180 days can be granted only by the Authority as may be prescribed.
13. Letter regarding engaging a retired officer as the Inquiry Officer will only be issued with the approval of the Disciplinary Authority of the Ministry/Department/ Office concerned.
14. Any issue arising out of this O.M. between the Inquiring Officer and the Disciplinary Authority will be decided by the Secretary, DoPT whose decision shall be final and binding on both parties.
15. These instructions will be applicable prospectively for processing the Bill submitted by the IOs / POs.
16. All the Ministries/Departments are requested to bring these instructions to the notice of all concerned under their control.
17. This issues with the concurrence of Department of Expenditure, Ministry of Finance vide their I. D. Note No. 14/4/2009-E.II(B) dated 26/10/2022.

(Sign of Authority)
Rupesh Kumar
Under Secretary to the Govt. of India
23094799

To,

- i. All Ministries/Departments of the Govt. of India.
- ii. Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi.
- iii. Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi.
- iv. Railway Board, Rail Bhavan, Delhi.
- v. Union Public Service Commission/Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
- vi. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
- vii. Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi.
- viii. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- ix. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Reference:

1. DoPT's O. M. No. 142/15/2010-AVD.I dated 31st July, 2012
2. DoPT's O. M. No. 142/40/2015-AVD.I dated 15th September, 2017

MOST IMMEDIATE

No.39035/01/2011-Estt.(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

New Delhi, 10th May, 2011OFFICE MEMORANDUM

Subject:- Departmental proceedings against Government servants – consultation with the Union Public Service Commission for advice.

The undersigned is directed to say that this Department has been impressing upon various Ministries/Departments to complete the disciplinary proceedings by minimizing avoidable delays. In para 3.11.10 of the 4th report of the 2nd ARC titled "Ethics in governance", it has been observed from a sample study that the Administrative Departments take more than 2/3rd of the time taken to process the case under the CCS(CCA) Rules. In the sample study, the Inquiry Officers were found to be taking about 17% of the time and the UPSC about 5% of the time to conclude their findings. This Department has issued OM No.39011/12/2009-Estt.(B) dated 14.9.2010 reiterating that the requisite details in the proforma to be sent to the UPSC are properly filled up and sent with the relevant documents so that there does not arise occasion for the UPSC to make a back reference to the Ministries/Departments for the deficiencies found by the Commission in the papers sent to them.

2. The UPSC has brought to the notice of this Department that during the year 2010-11 the Commission had to return the case to the concerned Departments in more than 40% of the cases on account of procedural/documentary deficiencies. A list of the common deficiencies observed by the Commission in these cases are given in the Annexure. All Ministries/Departments are requested to ensure that the deficiencies indicated in the Annexure are not repeated in the proposals being sent to the UPSC for seeking its advice on disciplinary matters.

3. Attention of Ministries/Departments is also drawn to this Department's OM No.39011/12/2009-Estt.(B) dated 16.11.2010 wherein it has been requested that in cases where the Courts are being apprised of the time taken in finalizing a disciplinary proceeding through affidavit, information in regard to the pendency of the matter before the UPSC may be correctly projected. The average time taken by the Commission in tendering advice in disciplinary proceedings is about 4 to 6 months. The Commission tender its advice in about 3 months in those cases where priority is attached due to direction of Court. In such cases, in order to expedite scrutiny of the cases a single window system on pilot basis had been introduced in the UPSC from September 2010 and initially 9 Ministries/Departments were included in the single window system. The Commission has now decided to extend the single window system to all other Ministries/Departments whose offices are situated in Delhi for submission of disciplinary cases involving court cases. Under

this system, a Ministry/Department while referring the disciplinary cases to the Commission for advice, is required to authorize a representative, not below the level of Under Secretary, to hand over the case to the designated officer in the UPSC, with prior appointment. The cases received from a Ministry/Department are initially scrutinized on the spot, in terms of information sought in the Proforma check list issued by this Department. Only cases which are complete as per the check list are accepted by the Commission for further scrutiny and examination. Incomplete cases are returned at the counter itself after pointing out the deficiencies. In UPSC, the case records are to be handed over to the Under Secretary(S-1),(Tel No.23387346/23098591-Ext.4342) in Room No.10-A located in the Annexe Building of the Commission. The case records should explicitly indicate the status of the CAT/Court cases, the fact regarding the time limit for disposal of the case if any and extension sought for providing at least 3-4 months of time to the Commission for disposal of the case.

4. All Ministries/Departments are requested to adhere to the above procedure for submission of disciplinary cases involving Court cases to the Commission through single window system.


(C.A. Subramanian)
Director

To

All Ministries/Departments of Government of India.

Copy to:-

1. President Secretariat/Vice-President's Secretariat/Prime Minister's Office/ Rajya Sabha and Lok-Sabha Secretariat/CVC/CIC/C&AG/CAT(Principal Bench).
2. All officers/Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.
3. UPSC, New Delhi.
4. NIC, DOPT, North Block for up-dating of the OM in DOPT website.


(C.A. Subramanian)
Director

ANNEXURE to OM No.39035/01/2011-Estt.(B) dated 10th May, 2011

- (i) The documents indicated in proforma/checklist not duly referenced with page number, folder name etc.
- (ii) Vague comments/information e.g. '...' or 'do' in the proforma were mentioned.
- (iii) The documents were not original or duly authenticated.
- (iv) Photocopies were signed in black ink.
- (v) The exhibits and other documents were not legible.
- (vi) Documents in regional language:-
 - (a) Translation not provided.
 - (b) Translation unauthenticated.
- (vii) In case of retired CO, the information like last pay drawn, monthly pension and gratuity were not provided. No specific information provided whether pension and/or gratuity is withheld or released.
- (viii) Para-wise comments of the DA on the representation of the CO on IO Report were not part of the record.
- (ix) Daily Order Sheets were not available for all the dates of hearing.
- (x) In minor penalty cases, the Relied Upon Documents (RUDs) referred in the statement of imputation were not forwarded and not properly referenced.
- (xi) The column related to general examination of the CO did not clearly indicate the reference of related papers.
- (xii) In case of disagreement of DA with IO Report, a tentative note of disagreement was not forwarded to the CO.
- (xiii) The para-wise comments of the DA did not address the points raised by the CO in his reply.
- (xiv) In case of pension cut proposals, the approval of President was not taken. The approval of the President in all pension cut cases is mandatory.
- (xv) The DA in a large number of cases, expresses opinion regarding the quantum or penalty or amount of pension cut to be imposed on the CO.
- (xvi) Procedure of prescribed Complaints Committee on Sexual Harassment were not followed.

F. No. 43020/14/2021-Estt.A-III
Government of India
Ministry of Personnel, Public Grievance and Pensions
Department of Personnel & Training
Establishment A-III

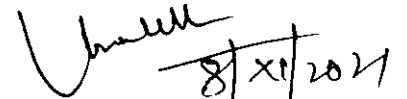
North Block, New Delhi – 110001
Dated the 8th November, 2021

OFFICE MEMORANDUM

Subject: Aid to processing of departmental proceedings under the CCS (CCA) Rules, 1965- Simplification regarding.

It has been observed that the Disciplinary Authorities, while processing the disciplinary cases under the Central Civil Services (Classification, Control and Appeal) Rules, 1965, sometimes fail to appreciate the vital procedural requirements/timelines provided under the said Rules, albeit unintentionally, which are required to be mandatorily followed to ensure justice and bringing the cases to logical conclusions. Non-conformity to the requirements as per the established rules also leads to intervention by the Courts on the ground of denial of proper opportunity to the Charged Officers for defending themselves appropriately and, consequently, setting aside of disciplinary proceedings. The Charged Officers also tend to take advantage of these procedural flaws in processing of disciplinary cases at various stages of their examination e.g. sharing of documents, approval of Article of Charge by the DA, sharing of UPSC advice and General Examination of the CO, to quote the few. These procedural lapses have also been noticed in various cases referred to this Department for advice.

2. In this regard, an attempt has been made to indicate the various steps involved in the disciplinary cases in a simple form through the enclosed Flow Chart, for better understanding of Rules in their application by the DAs. It is felt that this exercise will facilitate the Administrative Ministries/Departments to deal with the disciplinary cases effectively. It is, however, clarified that the detailed provisions under relevant Rules and instructions issued thereunder may be duly followed in its application and, in case of any ambiguity or conflict of the indicative flow Chart with any of the existing Rules/ Instructions, the extant Rules and Instructions will prevail.



(Umesh Kumar Bhatia)

Deputy Secretary to the Government of India

To

All Secretaries to Ministries/ Department
(As per Standard List)

Steps for holding the Major Penalty proceeding

When the Disciplinary Authority (DA) decides to hold major penalty proceeding. [Rule 14(2)]

Approval of Charge sheet:

DA has to approve the charge sheet [Rule 14(3)]

Signature on the charge sheet:

- a) If the President is the DA – An officer authorized under Article 77(2) of the Constitution to authenticate the order on behalf of President.
- b) In cases where the DA other than the President – DA itself to sign the charge sheet.

[Charge Sheet]

DA shall deliver a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article or charges is proposed to be sustained. [Rule 14(4)(a)]

DA records its findings and shall act in manner laid down in Rule 15 [Rule 14(5)(a)]

If all the articles of charges have been admitted

Drop the charges

If the charges have not been admitted by GS and DA accepted the reply.

[Written Statement of Defence (WSD)]

On receipt of article of charge, the Govt Servant (GS) shall submit his WSD within a period of 15 days, extendable for a period of 15 days at a time by the DA but shall not exceed 45 days from the date of receipt of article of charge. [Rule 14(4)(b)]

Either does not admit the charge or does not submit the WSD.

[Defence Assistant]

GS may take the assistance of any other Govt. Servant or Legal Petitioner (Only if Presenting Officer a Legal Petitioner) or allowed by the DA. [Rule 14(8)]

GS shall appear before the IA within 10 days as specified by the IA or within such further time, not exceeding 10 days, as the IA may allow. [Rule 14(7)]

DA may itself inquire into any article of charge or appoint an Inquiring Authority (IA) and Presenting Officer (PO) [Rule 14(5)(c)]

Continued from pre-page

2

[Proceedings before the IA]

IA shall ask GS whether he is guilty or has any defence to make. If he pleads guilty to any of the articles of charge, the IA shall record the plea, sign the record & obtain the signature of GS thereon. Thereafter, the IA to return a finding of guilt in respect of admitted charge(s). [Rule 14(9) & 14(10)]

if the GS fails to appear within the specified time or refused or omits to plead, IA Shall require the PO to produce the evidence by which he proposes to prove the articles of charge.

The IA shall adjourn the case to a later date, not exceeding 30 days, after recording an order that the GS may :-

- (i) inspect the document (s) within 5 days of the order , extendable to not more than 5 days by the IA, attached with the Charge-Sheet ;
- (ii) submit a list of witnesses to be examined on behalf of GS ; and
- (iii) give a notice within 10 days of the order or within such further time not exceeding 10 days as the IA may allow, for discovery or production of any documents which are in possession of the Government but not mentioned in the charge sheet. [Rule 14(11)]

Production of documents

Authority, having the custody of requisitioned documents, may inform the IA that production of document(s) would be against public interest or security of State. IA shall thereafter communicate this to GS and withdraw the requisition made by it for production of document (s). [Proviso to Rule 14(13)]

[Requisition of Documents]

Request of GS for production of document shall be forwarded to concerned authority in whose custody the documents are kept. IA may, however, refuse, for the reasons to be recorded in writing, to requisition documents if in its opinion such documents not relevant to the case. Authority shall produce the documents by the due date or issue a non-availability certificate before the IA within 1 month [Rule 14(12) & 14(13)]

Enquiry Stage (DA's Case)
On the date fixed for inquiry, listed documents to be produced by PO; witnesses to be examined by PO, may be crossed examined by GS/ Defence Assistant. PO shall be entitled to re-examine the witnesses. **[Rule 14(14)]**

[New Evidence]

- ❖ Before closing the case on behalf of DA, PO may be allowed to produce new evidence or itself call for new evidence or recall and re-examine any witness. In all such eventualities, the GS shall be entitled to have a copy of list of new evidence.
- ❖ IA to adjourn the inquiry for three clear days, excluding the day of adjournment and day of hearing.
- ❖ IA to give an opportunity to GS for inspection of such new documents and to allow GS to produce new evidence if necessary in the interests of justice.

[Rule 14(15)]

[Enquiry stage (GS's Case)]
After the case is closed on behalf of DA, GS shall be required to state his defence, orally or in writing **[Rule 14(16)]**

[PO and CO brief]
Where IA decides to take written brief, PO may first submit its written brief and a copy thereof must be made available to the GS. Thereafter, GS may file its written brief.

[Rule 14(19) and OM No. 11012/18/77-Estt.(A) dated 2.09.1978.]

[General Examination]

The IA may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question GS on the circumstances appearing against him in the evidence to explain any circumstances appearing in the evidence against him.

[Rule 14(18)]

[Enquiry stage (GS's Case)]
The witness produced by the GS shall then be examined, cross-examined by PO and re-examined by GS

[Rule 14(17)]

[Enquiry stage (GS's Case)]
The GS may examine himself in his own behalf if he so prefers. **[Rule 14(17)]**

Submission of Report by IA

After conclusion of the proceedings, IA to prepare the Report, which shall be forwarded to DA.

[Rule 14(23)]

IA shall conclude the inquiry within 6 months, which can be extended by DA for six months at a time, for reasons to be recorded by DA or the authority authorized by it.

[Rule 14(24)]

Action on Inquiry Report (IR)

DA, after reasons to be recorded, may remit the case to the IA for further inquiry.

[Rule 15(1)]

DA shall forward a copy of the final IR together with its own tentative reasons for disagreement, if any, to the GS, for submission of written representation/submission, if any, within 15 days.

[Rule 15(2)]

DA can impose penalty from clause (i) to (ix) of the Rule 11. Not necessary for DA to afford opportunity to GS of making representation on penalty proposed to be imposed.

[Rule 15(6)]

Sharing of UPSC advice with CO

UPSC advice has to be forwarded to GS, who shall be required to submit, if he so desires, his reply within 15 days.

[Rule 15(3)]

UPSC consultation, Wherever necessary

DA shall forward to UPSC
(i) IA Report + disagreement, if any
(ii) DA's comments on the GS's representation + disagreement note, if any, and all case records of the inquiry proceedings.

[Rule 15(3)]



Important Notes

❖ Bias petition of CO [OM No. 39/40/70-Estt.(A) dated 9.11.1972]

Whenever an application is moved by a Government servant against whom disciplinary proceedings are initiated under CCS (CCA) Rules, 1965 against the Inquiry Authority on ground of bias, the proceeding should be stayed and the application referred alongwith the relevant material, to the appropriate authority for considering the application and passing of appropriate order thereon.

❖ Ex parte inquiry [Rule 14 (20) of the CCS (CCA) Rules, 1965].

Ex-parte inquiry can be resorted to only when the following conditions are satisfied:

- a) Articles of charge should have been delivered
- b) The charged officer had failed to submit the written statement of defence on or before the specified date or
- c) Does not appear in person before the Inquiring Authority or
- d) Fails or refuses to comply with the provisions of the CCS(CCA) Rules.

❖ Daily Order Sheet:

Daily Order Sheet is the record of the progress of the case handled by the IA during a day. It is prepared and maintained by the IA. It needs to be appreciated that Daily Order Sheet will be the most authentic record for ascertaining as to what happened in the course of inquiry because it is signed by all present.

❖ Abbreviations used in the flow chart.

- a) DA – Disciplinary Authority
- b) IA – Inquiring Authority is a Inquiry officer appointed by DA to inquire into the charges.
- c) GS – Government Servant against whom disciplinary proceedings are initiated
- d) PO – Presenting Officer

Steps for holding the Minor Penalty proceeding under Rule 16

6

Decision of the DA to take action

When the Disciplinary Authority (DA) decides to hold minor penalty proceeding.

[Charge Sheet – Minor Penalty]

Inform the Government servant in writing of the proposal to take action against him along with the imputations of misconduct or misbehavior on which it is proposed to be taken and give him reasonable opportunity of making such representation as he may wish to against the proposal **[Rule 16(1)(a)]**

DA considers the representation of GS and decides not to hold any inquiry, for reasons recorded in writing.

In Case no consultation with UPSC required, DA can impose any minor penalty.

DA forwards the representation of GS, along with his comments to UPSC for advice wherever consultation necessary.

DA shall forward or cause to be forwarded a copy of the advice of the UPSC to GS who shall be required to submit, if he so desires, his written representation within 15 days time. **[Rule 16(1)(d)]**

DA can impose penalty from clause (i) to (iv) of the Rule 11 [Minor Penalties]

Holding a detailed inquiry in the manner laid down in sub - rules (3) to (24) of Rule 14 in the following circumstances:

- a) in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary or
- b) If in case it is proposed, after considering the representation, if any, made by the GS, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years

[Rule 16(1)(b) and Rule 16(1-A)]