

Bihar Framing of Articles of Charge against government servants Regulations, 2017

BIHAR

India

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Rule

BIHAR-FRAMING-OF-ARTICLES-OF-CHARGE-AGAINST-GOVERNMENT OF 2017

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Bihar Framing of Articles of Charge against government servants Regulations, 2017Published vide Notification No. 3/M-114/2010GAD-15983, dated 14.12.2017No. 3/M-114/2010GAD-15983. - In exercise of powers conferred under Rule-31 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (as amended from time to time), the Government of Bihar makes the following Regulations :-

1. Title, extent and commencement

(1)These Regulations may be called the "Bihar Framing of Articles of Charge against government servants Regulations, 2017.(2)It shall extend to the whole State of Bihar.(3)It shall come into force immediately.

2. Framing of articles of charge

- The disciplinary authority shall record or cause to be recorded the definite and distinct articles of charges under sub-rule (3) of rule 17 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (as amended from time to time).

3. Drafting of article of charges

(1)Article of charges shall be in four parts.(2)In first part, the personal information's of the concerned Government servant shall be recorded.(3)Second part shall contain the substance of the

imputations of misconduct or misbehavior as a definite and distinct articles of charge .(4)Third part shall contain a statement of the imputations of misconduct or misbehavior in support of each article of charge which shall contain a statement of all relevant facts including any admission or confession made by the government servant.(5)Fourth part shall contain a list of such document by which, and a list of such witnesses by whom, the articles of charge are proposed to be sustained.(6)An imaginary model articles of charge is enclosed as Appendix -1 for example.

4. Repeal and Saving

(1)The Bihar Framing of Articles of Charge against Government Servants Regulations, 2011, notified vide notification no. 322 dated 31.01.2011, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in exercise of the powers and under The Bihar Framing of Articles of Charge against Government Servants Regulations, 2011 shall be deemed to have been done or taken in exercise of the powers conferred by these regulations as if these regulations were in force on the day on which such things or such action was done or taken.Appendix-IMemo of Article of charges(1)First part:- Personal information regarding the concerned Government servant.

| | |
|---|----|
| 1 Name | :- |
| 2 Designation | :- |
| 3 Date of Birth | :- |
| 4 Date of Retirement | :- |
| 5 Name of Service/Cadre | :- |
| 6 Group of post and Department | :- |
| 7 Gradation serial/Civil list serial | :- |
| 8 Pay band and Grade pay/Pay level | :- |
| 9 Year of allegation and the then place of posting | :- |
| 10 The date of being time barred under Rule 43(b)of the Bihar Pension Rules | :- |
| Name of the Officer and Signature.(2)Second part :- The substance of imputation of misbehave or misconduct. | |

1. Sri (Name and designation)....., during his posting as (the then place of posting and post held)..... constructed Rangshalas, instead of the essential infrastructures, at the cost of Rs. 25.00 lacs for the facilities of the officers in the three subdivisions of the District, against prescribed provisions and Directives of Jawahar Rojgar Yojna. There was no provision in the Jawahar Rojgar Yojna to construct Rangshalas and the construction of Rangshala was not in the public interest.

2. Sri committed the irregularities as described it in the above para-1 and the fund allotted to the development schemes were allotted directly among the certain Assistant Engineers in their names for his own benefit and the fund of the scheme was also released. The said action of Sri is not in accordance with the prescribed provisions contained in the directives and provisions contained in rules of Bihar Financial Rules have been violated in course of the aforesaid irregularities.

3. That from the above, it is obvious that Sri has constructed the Rangshalas against the Directive of Jawahar Rojgar Yojna and has violated the rule of financial Rules. His such conduct violates the Rule 3(i) of Bihar Government Servant Conduct Rules.

Name of the Officer and Signature.(3)Third part :- Clarification (Abhikathan) of misbehave or misconduct. - In the light of a complaint/allegation received against Sri being posted as vide letter No..... dated of Sri the Member of Bihar Legislative Assembly, comments had been sought from the Administrative Department (name of the department) vide letter no. dated of department. Sri submitted his explanation in the said context in the Rural Development Department and information of the same to this department has also been submitted.

2.department after examination, informed vide its letter No..... dated that Sri the then, illegally constructed the Rangshalas at the cost of 8-9 lacs rupees from the fund of Jawahar Rojgar Yojna in the three sub-divisional Head quarters of the District for the facilities of his own and other officers. In the construction of aforesaid Rangshalas Rs. 25.00 lacs have been invested as expenditure.

3. The main objective of the Jawahar Rojgar Yojna is to create additional employment in the rural areas for unemployed persons who are below poverty line, to develop their economic and social basic needs in the rural villages. In this Yojna, the essential constructions should be done such as management for irrigation, plantation of tree, village roads, school, hospital building, etc. Because of the fact that there was no provision in the Jawahar Rojgar Yojna to construct the Rangshalas, the construction of Rangshalas cannot be construed in the public interest and for this commission of irregularities Sri is guilty.

Sri by violating the provisions of Rule of Bihar Pension Rules, allotted the fund among some Assistant Engineers for his own benefit and the fund related to the scheme was directly released in the name of the Assistant Engineers. By depositing the same fund in their own Account, the work was done by them. If any of the Engineers may have died all of a sudden then the Government exchequer might have lapsed or lost. The Government servants are responsible by virtue of their posts. Such irregular allotments were related to three Assistant Engineers :-(i)Sri(ii)Sri(iii)SriThere is no justification in releasing such huge allotment to Assistant Engineer's in advance in the absence of the Executive Engineer. The plea taken in statement that in the absence of the Executive Engineer, the Assistant Engineer's were given an advance cannot be acceptable or satisfactory reply.

4. From the above, it is abundantly clear that Sri has acted beyond the Directive of the Jawahar Rojgar Yojna and in lieu of basic infrastructure, he has illegally, for his own facility and for other officers constructed the Rangshalas whereas neither there was any provisions under the Jawahar Rojgar Yojna to construct the Rangshalas nor it was in public interest. Sri for his own package benefit directly allotted the fund related to Yojna among the Assistant Engineers, which is violation of concerned provisions of rule of Bihar financial Rules. The District Rural Development Authority can never take any decision against the Directives.

5. From the above, it is obvious that Sri has constructed the Rangshalas against the Directive of Jawahar Rojgar Yojna which is contrary to the provisions laid down in rule of Bihar financial Rules. His, this conduct is violation of rule 3(i) of Bihar Government Servants Conduct Rules.

Name of the Officer and Signature(4)Fourth part :- (A) List of Documents by which it is proposed to prove the allegations.

| Sl. No. | Concerned letters record | No. of pages. |
|---------|---|--------------------|
| 1 | Complaint (Pariwad)Xerox copy of letter No. 391 dated 16.04.1994 of Sri.....The Member of Bihar Legislative Assembly. | Total pages. |
| 2 | the Xerox copy of department's letter No..... dated | Total pages. |
| 3 | Xerox copy of explanation datedof Sri | Total pages. |
| 4 | Xerox copy of letter No..... dated.....of the..... Department. | Total |

5 Xerox copy of directive of Jawahar Rojgar Yojna.

6 Xerox copy of Rule of Bihar Financial Rules.

(B) List of witnesses

1. (Name and Designation)

2. (Name and Designation)

3. (Name and Designation)

Name of the Officer and Signature.

pages.

Total

pages.

Total

pages.