

High Court of Gujarat (Conduct, Discipline and Appeal) Rules, 2011

GUJARAT

India

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Rule

HIGH-COURT-OF-GUJARAT-CONDUCT-DISCIPLINE-AND-APPEAL-RULES of 2011

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High Court of Gujarat (Conduct, Discipline and Appeal) Rules, 2011Published vide Notification No.1/HC/C-1339/2011, dated 01.09.2011Last Updated 6th November, 2019Notification No.1/HC/C-1339/2011. - In exercise of the powers conferred by Article 229 of the Constitution of India and all other enabling provisions in this behalf and in supersession of all Rules, Regulations, Notifications, Orders, etc. on the subject, the Honourable the Chief Justice of the High Court of Gujarat hereby makes the following Rules with respect to conduct, discipline and appeal, of persons serving on the establish of the High Court of Gujarat.Part-I General

1. Short title and commencement.

(1)These Rules shall be called "The High Court of Gujarat (Conduct, Discipline and Appeal) Rules, 2011.(2)They shall come into force with effect from 1st September, 2011.(3)The Rules shall apply to the members of the establishment and the members of the staff appointed on the establishment of the High Court.

2. Definitions.

- In these Rules, unless the context otherwise requires: -(a)"Chief Justice" means The Chief Justice of the High Court of Gujarat.(b)"Constitution" means the Constitution of India.(c)"Court" means the High Court of Gujarat.(d)"Establishment" means and includes all Offices, Departments, Sections, Branches and other ancillary Units and Wings of the High Court of Gujarat.(e)"Governor" means the Governor of the State of Gujarat(f)"Members of the establishment and Member of the Staff" means a

person appointed in accordance with "The High Court of Gujarat Officers and the Members of Staff (Recruitment and Conditions of Service) Rules, 2011" or any other similar rules for the time being in force.(g)"Member of Family" in relation to the employee appointed on the establishment of the Court includes -(i)the wife or husband, as the case may be, of the employee of the Court, whether residing with her/him or not, but does not include a wife or husband, as the case may be, separated from her/him by a decree or order of a competent Court, or in accordance with the personal law applicable to the employee of the Court.(ii)son or daughter or step-son or step daughter of the employee of the Court and wholly dependent on him/her, but does not include a child or step-child, who is no longer in any way dependent on the employee of the Court or of whose custody, the employee of the Court has been deprived of by or under any law.(iii)any other person related, whether by blood or marriage to the employee of the Court or to his wife or her husband, and wholly dependent on the employee of the Court.(iv)"words and expression" used but not defined in these Rules shall have the meaning assigned to them in the Gujarat Civil Services Classification and Recruitment (General) Rules, 1967 or the Gujarat Civil Services Rules, 2002.(h)"State Government" means the Government of Gujarat.

3. Control.

- All Court employees shall be subject to the superintendence and control of the Chief Justice.Part-II
Conduct

4. General.

(1)Every Court employee shall at all times :(i)maintain absolute integrity.(ii)maintain devotion to the duty.(iii)do nothing which is unbecoming of a Court employee.(2)No Court employee shall act in a manner pre-judicial to discipline and good order in the Registry or in Court.(3)Promptness and Courtesy. - No Court employee shall(i)in the performance of his official duties, act in a discourteous manner.(ii)in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delay in disposal of the work assigned to him/her.(4)Prohibition of sexual harassment of working women.(i)No Court employee shall indulge in any act of sexual harassment of any women at work place.(ii)The Registrar General, who is the Head of the Department shall take appropriate steps to prevent sexual harassment to any women at work place.Explanation. - For the purpose of this Rule "Sexual harassment" includes such unwelcome sexually determined behaviour, whether directly or otherwise such as(a)Physical contact and advances;(b)demand or request for sexual favours;(c)sexually coloured remarks;(d)showing any pornography; or(e)any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

5. Absence from duty.

(1)Every Court employee shall be punctual in attendance and shall not absent himself/herself from duty without prior permission except as provided under sub-Rule(2).(2)In case of absence due to sudden illness or some unforeseen circumstances, beyond his/her control, a Court employee shall give intimation thereof to the office without delay.(3)All applications for leave for more than three days on ground of ill health shall be supported by a medical certificate from a registered medical

practitioner, provided that the Court employee may be called upon to produce a medical certificate from the Civil Surgeon.

6. Taking part in politics and elections.

(1) No Court employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he/she take part in, subscribe in aid of, or assist or in any manner aid political movement or activity. (2) No Court employee shall canvass or otherwise interfere or use his/her influence in connection with, or take part in, an election to any legislature or local authority; provided that: - (i) A Court employee qualified to vote at such election may exercise his/her right to vote, but where he/she does so, he/she shall give no indication of manner in which he/she proposes to vote or has voted; (ii) A Court employee shall not be deemed to have contravened the provisions of this Rule by reason only that he/she assists in the conduct of an election in the due performance of a duty imposed on him/her by or under any law for the time being in force. Explanation. - The display by a Court employee on his/her personal, vehicle or residence of any electoral symbol shall amount to using his/her influence in connection with an election within the meaning of this Sub-Rule.

7. Connection with press, media or radio.

(1) No Court employee shall, except with the previous permission of the Registrar General own wholly or in part, or conduct, or participate in the editing or managing of, any news paper or other periodical publication. (2) No Court employee shall, except with the previous permission of the Registrar General or in the bona fide discharge of his duties, participate in a radio broadcast, T.V. Broadcast or contribute any article or write any letter, either anonymously or in his/her own name or in the name of any other person, to any newspaper or periodical; Provided that no such permission shall be required if such broadcast or such letter is of a purely literary, artistic, scientific, educational or cultural character.

8. Evidence before committee.

(1) No Court employee shall except with the previous permission of the Chief Justice, give evidence before any public committee. (2) Nothing in this Rules shall apply to :- (i) evidence given before a Committee which has power to control the attendance of witnesses or the production of document; or (ii) evidence given before an authority holding any judicial or departmental inquiry.

9. Unauthorized communication.

- No Court employee shall, except in accordance with any general or special order of the Chief Justice or the Registrar General, communicate directly or indirectly to any other Court employee, or to a Government employee or to any Private person or to the press, any document or information which has come into possession in the course of his/her official duties or has been prepared or collected by him/her in the course of those duties.

10. Collecting subscription for public cause.

(1) No Court employee shall, without the permission of the Registrar General, circulate amongst other Court employees or persons concerned connected with the business of the Court, appeal for subscription for public causes or raise any subscription by exerting his/her official position or influence.

11. Gifts.

- Save as otherwise provided under these Rules, no Court employee shall, except with the previous permission of the Registrar General, accept from any person directly or indirectly or permit any member of his/her family or his/her dependents to accept any gift, gratuity or reward of more than a trifling value; Provided that gifts of value reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such person on occasions such as weddings, anniversaries, funerals and religious functions when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

12. Public Demonstration in honour of Court employees.

- No Court employee shall, except with the previous permission of the Registrar General, receive any complimentary or valedictory address or accept any testimonials or attend any meeting or entertainment held in his/her honour: Provided that nothing in this Rules shall apply to:-(i) a farewell entertainment of a substantially private and informal character held in honour of a Court employee on the occasion of his/her retirement or transfer; or (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

13. Private trade or employment.

- No Court employee shall, except with the previous permission of the Chief Justice engage directly or indirectly, in any trade or business or undertake any employment. Provided that Court employee, may without any such permission undertake honorary work of a social or charitable nature or occasional work of a literary, artistic, scientific, educational or cultural character, subject to the condition that his/her official duties do not thereby suffer, but he/she shall not undertake, or shall discontinue such work, if so, directed by the Registrar General. Explanation. - Canvassing by a Court employee in support of the business of insurance agency, commission agency, etc. owned or managed by his/her wife/husband or any other member of his/her family shall be deemed to be a breach of this Rule.

14. Investment, lending or borrowing.

(1) No Court employee shall speculate in any investment. Explanation. - The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be speculation in investments within the meaning of this Sub-Rule. (2) No Court employee shall make or permit his/her

wife/husband or dependent children to make any investments likely to embarrass or influence him/her in the discharge of his/her official duties.(3)No Court employee shall, save in the ordinary course of business with a Bank or a firm of standing, borrow money from otherwise place himself/herself, under pecuniary obligations, nor shall he/she permit any member of his/her family, except with the previous permission of the Registrar General, to enter into any such transactions.Provided that a Court employee may accept a purely temporary loan of a small amount from a personal friend or relative or operate a credit account with a bona fide tradesman.

15. Insolvency and habitual indebtedness.

- A Court employee shall so manage his private affairs as to avoid habitual indebtedness of insolvency. A Court employee, who becomes the subject of a legal proceedings for insolvency shall forthwith report the full facts thereof to the Registrar General.

16. Moveable, immovable and valuable property.

(1)No Court employee shall except with the previous knowledge of the authority mentioned in the explanation below acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his/her own name or in the name of any member of his/her family or his/her dependents.(2)Every Court employee shall report to the respective authority as stated in explanation herein-below within one month from the date of every transaction entered into by him/her either in his/her own name or in the name of any other member of his/her family in respect of the moveable property, if the value of such property exceeds Rs.80,000/- (Rupees Eighty thousand only) in case of Court employee holding Class-I post, Rs.75,000/- (Rupees Seventy five thousand only) in case of Court employee holding Class-II post, Rs.60,000/- (Rupees Sixty thousand only)in case holding Class-III post and Rs.40,000/- (Rupees Forty thousand only) in case holding Class-IV post, whether by way of purchase, sale or otherwise, provided that the previous sanction of respective authority shall be obtained if such transaction is with a person having official dealing with the Court employee.Explanation. - Prescribed authorities for the purpose of said Rule 1 and 2 above shall be-(i)The Chief Justice in case of the Registrar General and other Court employees holding Class-I post.(ii)Registrar General in case of every other Court employee.(3)Every Class-I Officer of the Court and every employee belonging to such other categories of employees as specified by the Chief Justice by a general or specific order shall submit a Return of his/her immovable assets :-(i)Giving full details regarding immoveable property inherited, owned, acquired or held by him/her on lease or mortgage either his/her name or in the name of his/her family or in the name of any other person.(ii)Class-I Officer of the Court and every Court employee belonging to such other category of employees as may be specified by the Chief Justice by general or specific order shall furnish the information as specified in Sub-Rule 2 giving full details on 1st of April every year covering the period ending with 31st March of that year.(iii)Every non-gazetted Court employee shall furnish the information referred to in clause (i) above, at the end of every year during which he/she attains the age which is of integral multiple of 5 years i.e. 25 years, 30 years etc. upto 60 years.Note. - (1) The provision of Sub Rule 1 shall not ordinarily be applied to Class IV employees. The Chief Justice may direct that they shall apply to any such Court employees; or Class of such Court employees. (2) Every Court employee, who is in service on the date of commencement of these

Rules shall submit a Return under this Sub-Rule on or before such date as may be specified by the Chief Justice after such commencement. (3) The Chief Justice may, at any time by general or specific order require a Court employee to submit a Return of the property specified in the order and a full and complete statement of such moveable and immovable property held or acquired by him/her or by any member of his/her family or his dependent, as may be specified in the order. Such statement shall, if so required, include the detailed means by which or the source from which such property was acquired.

17. Dowry.

- No Court employee shall -(1)give or take or abet the giving or taking of dowry; or(2)demand, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.Explanation. - For the purpose of this Rule "dowry" has the same meaning as the Dowry Prohibition Act, 1961 (28 of 1961).

18. Vindication of acts and character of Court employee.

(1)No Court employee shall, without the previous permission of the Registrar General, have recourse to any Court or to the press for vindication of his/her official acts or character which have been the subject matter of adverse criticism or an attack of defamatory character. In granting permission for recourse to a Court, the Registrar General shall in each case, decide whether the Court should bear the costs of the proceedings or whether the employee concerned should institute the proceedings at his/her own expenses, and if so, whether, in the event of a decision in his favour, the Court should reimburse him/her to the extent of the whole or any part of the costs.(2)Nothing in this Rule shall be deemed to prohibit or otherwise affect the right of the Court employee from vindicating his/her private character or any act done by him/her in his/her private capacity.

19. Canvassing of non-official or other outside influence.

- No Court employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interest in respect of matters pertaining to his/her service in the Court.

20. Relations with advocate.

(1)No Court employee shall have any business dealings with an advocate, nor shall he/she, save with the express permission of the Registrar General, share any residential accommodation with any advocate.(2)The provision of this Rule shall apply notwithstanding that Court employee is related to the advocate.(3)This Rule does not debar a Court employee from accepting an invitation from an advocate on an occasion such as wedding, an anniversary, a social gathering or a religious function.

21. Seeking redress from Court in respect of service matters.

(1)A Court employee may seek redress from the Chief Justice or from the Registrar General, with the permission of the Chief Justice, in the matter of grievance arising out of his/her employment or conditions of service.(2)A Court employee, who resort to a Court of Law, even in cases where such remedy is legally admissible, without first exhausting all the remedies available to him/her under the Rules regulating his/her conditions of service, shall render himself/herself liable to disciplinary action under the Rule in Part-III of these Rules.

22. Demonstration and strikes.

- No Court employee shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his/her conditions of service.

23. Joining of association by Court employee.

- No Court employee shall join or continue to be a member of a service association which has not, within a period of six months from the date of these Rules or its formation, obtained the recognition of the Chief Justice or recognition in respect of which has been refused by the Chief Justice.

24. Arrest on a Criminal charge.

- It shall be the duty of Court employee, who has been arrested on a criminal charge made or a proceeding taken against him/her in connection with his/her position as a Court employee or otherwise to intimate the fact of his/her arrest and the circumstances connected therewith, to the Registrar General promptly in writing even though he/she might have subsequently been released on bail. Failure on the part of the Court employee concerned to so inform will be regarded as suppression of material information and will render him/her liable to disciplinary action on this ground alone, apart from any action that may be taken against him/her on the conclusion of the case against him/her.

25. Court property.

- No Court employee shall take out any article or property belonging to the Court outside the Court quarters or Court premises without the express permission of the Registrar General.

26. Plural Marriage.

(1)No Court employee shall enter into, or contract, a marriage with a person having spouse living, and(2)No Court employee having a spouse living, shall enter into, or contract, a marriage with any person;Provided that the High Court may permit a Court employee to enter into, or contract, any such marriage as is referred to in clause (1) or (2), if it satisfied that -(i)such marriage is permissible under the personal law applicable to such Court employee and the other party to the marriage,

and(ii)there are other grounds for doing so.Part-III Penalties, Competent Authority and Procedure for Imposing Penalties

27. Punishment / Penalties.

- The following penalties may for the good and sufficient reasons, and as hereinafter provided, be imposed upon any Staff or any Member of the Establishment, namely:-Minor Penalties
:(i)censure;(ii)fine;(iii)withholding of increments or promotion;(iv)recovery from pay of any loss caused to the Court by negligence of duty or breach of orders.Major Penalties(v)withholding of increments or promotion with Cumulative effect.(vi)reduction to a lower post, rank, in a lower class or category or grade;(vii)pre-mature (compulsory) retirement;(viii)removal from service, which does amount not disqualification for future employment.(ix)dismissal from service, which shall ordinarily be disqualification for future employment.Explanation. - (1) The termination of employment of a Court employee or reversion of a Court employee to the post originally held by him/her during or at the end of the period of probation, or the termination of employment of a temporary Court employee or the replacement of the service of a Court employee whose services have been borrowed from any office outside the Court at the disposal of the authority which had lent the services, does not amount to removal or dismissal within the meaning of this Rule.(2)The non-promotion of a Court employee after due consideration of his/her case, to a post or grade to which promotions are made by selection on merit does not amount to withholding of promotion within the meaning of this Rule.(3)The reversion to a lower post of a Court employee, who is officiating in a higher post, for failure to pass the prescribed Departmental Examination or if he/she is found to be unsuitable during the period of his/her officiation or for administrative reasons (such as return of permanent incumbent from leave or deputation, availability of a more suitable officer, and the like) does not amount to reduction in rank within the meaning of this Rule.(4)The compulsory retirement of a Court employee in accordance with the provisions relating to his/her superannuation or retirement shall not amount to penalty under this Rule.(5)The withholding of a increment of a Court employee for failure to pass Departmental Examination or any language examination in accordance with the Rules or orders governing the post does not amount to withholding of increment within the meaning of this Rule.

28. Competent Authority.

(1)Subject to the provisions of Clause (2) of Article 311 of the Constitution of India, the Chief Justice shall have the powers to impose any of the penalties specified in Rule 27 on the Gazetted or Non-gazetted Court employee or any other Staff of the Court.(2)Subject to the provisions of Clause (2) of Article 311 the Constitution of India and any specific or general orders of the Chief Justice, the Registrar General shall have powers to impose any of the penalties specified in Rule 27 on any Court employee other than a Gazetted Officer.

29. Procedure for imposing minor penalties.

(1)No order imposing any of the penalties specified in Clauses (i) to (iv) of Rule 27 shall be passed except after :-(a)The Court employee is informed in writing of the proposal to take action against

him/her and of the allegations on which it is proposed to be taken and give an opportunity to make any representation he/she may wish to make; and (b) such representation, if any, is taken into consideration by the Competent Authority. (2) The Record of Proceedings in such cases include ; (i) a copy of the intimation to the Court employee of the proposal to take action against him/her; (ii) a copy of the statement of allegation communicated to him/her; (iii) his/her representation, if any; (iv) the orders on the case together with the reasons thereof.

30. Procedure for imposing major penalties.

(1) No order imposing on a Court employee any of the penalties specified in Clauses (v) to (ix) of Rule 27 shall be passed except after an inquiry, held as far as may be in the manner hereinafter provided, and on the basis of the evidence adduced during such inquiry. (2) The Competent Authority shall frame definite charges on the basis of allegations on which the inquiry is proposed to be held. Such charges, together with a statement of allegations on which they are based, shall be communicated in writing to the Court employee, and he/she shall be required to submit, within such time as may be specified by the Competent Authority, a written statement of his/her defence and also to state, whether, he/she desires to be heard in person. (3) The Court employee shall for the purpose of preferring his/her defence, be permitted to inspect and take extracts from such official record other than records marked confidential or secret, as he/she may specify, provided that such permission may be refused, if for reasons to be recorded in writing, in the opinion of the Competent Authority such records are not relevant for the purpose or it is against public interest to allow him/her to access thereto. (4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Competent Authority may itself inquire into such of the charges as are not admitted or if it considers it necessary to so do, appoint a Board of Inquiry or an Inquiry Officer for the purpose. [Provided that where the charge includes the allegation of sexual harassment, as referred to in sub-rule (4) of Rule 4, complaints Committee established by the Chief Justice for the purpose of inquiring into the Complaints of sexual harassment shall be deemed to be the Inquiry Authority appointed by the Competent Authority for the purpose of these Rules. Such Complaints Committee shall hold inquiry into allegations contained in the charge-sheer in accordance with the procedure laid down under these Rules, so however, that for the purpose of maintaining the dignity of the victim of sexual harassment, it would be open for the committee to adopt its own procedure. Report of such Committee shall, be deemed to be an inquiry report and the Competent Authority shall treat the findings of the Committee recorded in such report as the findings in a disciplinary inquiry against the delinquent employee. Explanation. - Nothing stated in this proviso would preclude the competent Authority from holding the inquiry itself without the aid of a Board of Inquiry or inquiry Officer.] [Added by Notification No. 1/HC/C-1339/2011, dated 15.4.2013 (w.e.f. 1.9.2013).] (5) The Competent Authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Court employee may present his/her case with the assistance of any other Court employee of his/her choice and approved by the Competent Authority, but shall not engage a legal practitioner for the purpose unless the person nominated by the Competent Authority as aforesaid is a legal practitioner. (6) The Competent Authority where it is itself the Inquiring Authority or the Inquiring Authority where one is appointed shall in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in

regard to the charges. The Court employee shall be entitled to cross-examine witnesses examined in support of the charges and give evidence in person as well as to examine his/her own witnesses. He/She and his/her witnesses when examined on his/her behalf, shall be subject to cross examination by the person presenting the case against him/her. The Competent Authority or Inquiring Authority may put questions to any person examined in support of the charges or by the Court employee. If the Inquiring Authority declines to examine any witness on the ground that his/her evidence is not relevant or material it shall record its reasons in writing.(7)At the conclusion of the inquiry, Competent Authority where it is itself the Inquiring Authority, or the Inquiring Authority where one is appointed shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Court employee has admitted the facts constituting or has had an opportunity of defending himself/herself.(8)The record of the inquiry shall include: -(i)The charges framed against the Court employee and the statement of allegations furnished to him/her under sub-Rule (1);(ii)His/Her written statement of defence, if any;(iii)The documentary evidence considered in course of the inquiry;(iv)The orders, if any made by the Competent Authority and the Inquiring Authority in regard to the inquiry; and(v)A report setting out the findings on each charges and the reasons therefore.(9)The Competent Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and records its findings on each of the charges.(10)In case where one of the penalties specified in clauses (v) to (ix) of Rule 27 is imposed on a Court employee on the ground of conduct which has led to his/her conviction on a criminal charges or where the Competent Authority is satisfied, that for reasons to be recorded by that authority in writing, it is not reasonably practicable to give to the Court employee an opportunity of showing cause before imposing any of the aforementioned penalties, it shall be lawful for the Competent Authority to waive the requirements of any of the provisions of this Rule.(11)Orders passed by the competent authority shall be communicated to the Court employee, who shall also be supplied with a copy of the report of the Inquiring Authority, and, where the Competent Authority is not the Inquiring Authority a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority unless they have already been supplied to him/her.

31. Suspension.

(1)The Competent Authority may place a Court employee under suspension: -(a)where a disciplinary proceeding against him/her is contemplated or is pending, or;(b)where a case against him/her in respect of any criminal charge is under investigation or trial;Provided that :-(i)in case of a Court employee on deputation outside the Court, the Borrowing Authority shall be requested to place him/her under suspension pending the conclusion of the inquiry and the passing of the final order in the case; and(ii)in case of an employee on deputation to the Court, the Registrar General shall without delay inform the Lending Authority of the circumstance in which that Court employee has been placed under suspension.(2)A Court employee who is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty eight hours, shall be deemed to have been suspended with effect from the date of detention as if such order has been passed by the Competent Authority. Such fact of detention and deemed suspension shall be brought to the notice of the

Competent Authority and communicated to the employee. However, such communication shall not be deemed to have caused any prejudice to the employee.(3)Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Court employee under suspension is set aside in appeal under these Rules and the case is remitted for further inquiry or action or with any other direction, the order of his/her suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.(4)Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Court employee is set aside or declared void or rendered void in consequence of or by a decision of a Court of Law and the Competent Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him/her on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Court employee, shall be deemed to have been placed under suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Part-V Appeals

32. Appeal against the order imposing penalties.

(1)The appeal shall lie to the Chief Justice or any other Judges as may be nominated by the Chief Justice, from the order passed by the Registrar General imposing any of the penalties specified in Rule-27.(2)The Court employee may appeal to the Chief Justice or any other Judges as may be nominated by the Chief Justice, against an order passed by the Registrar General interpreting to his/her disadvantage of any Rule by which his conditions of service are regulated.(3)The Chief Justice or any nominated Judge may pass any order in the appeal as the Chief Justice or the Judge deems fit, and the decision in such appeal shall be final.

33. Period of limitation for appeals.

- An appeal under this part shall be filed within 45 days from the date of the receipt of the order appealed against; Provided that the Chief Justice may, if satisfied that the appellant had sufficient cause of not submitting the appeal in time, entertain the appeal after the expiry of the said period.

34. Submission of appeals.

- Every appeal shall be addressed to the Chief Justice and shall be submitted to the Registrar General. It shall contain all material statements and grounds on which the appellant relies and shall be complete in itself. It shall not contain any disrespectful or improper language.

35. Implementation of the order in appeal.

- The Registrar General shall give effect to the orders passed in appeals submitted under Rule-32.

Part-VI Review

36. Chief Justice's power to review.

(1) Notwithstanding anything contained in these rules, the Chief Justice may, in his own motion or otherwise, after calling for the record of the case, review any order passed, under these rules, if he thinks that there is some error apparent on the face of the record or there are other sufficient reasons for review, and may -(a) confirm, modify or set aside the order; (b) impose any penalty or set aside, reduce, confirm or enhance the penalty; (c) issue directions for further action or inquiry, or (d) pass such other order as deems fit; Provided that (i) an order imposing or enhancing a penalty shall not be passed unless the person concerned has been given an opportunity to show cause why such penalty should not be enhanced; (ii) none of the penalties specified in clauses (i) to (iv) of Rule 27 shall be changed to any of the penalties specified in clauses (v) to (ix) of the said Rule 27 unless the procedure laid down in Rule 30 has been followed; (2) No proceedings of review under this rule shall be commenced until after -(i) the expiry of the period of limitation for an appeal, or (ii) the disposal of the appeal, when any such appeal has been preferred.

37.

Without prejudice to the power of the Competent Authority to take action against a Court employee on deputation, the following provision is made:-(1) Where the services of a Court employee are borrowed by an outside authority, the Borrowing Authority shall have the powers of the Competent Authority under these Rules for the purpose of placing him/her under suspension and for the purpose of taking disciplinary proceedings against him/her; Provided that the Borrowing Authority shall forthwith inform the Court of the circumstances leading to the order of his/her suspension or the commencement of the disciplinary proceedings, as the case may be. (2) In the light of the findings in the disciplinary proceedings taken against such Court employee: -(a) If the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 27 should be imposed on such Court employee, it may with a concurrence of the Chief Justice pass such orders in the case as it deems necessary; Provided that in the event of difference of opinion between the Borrowing Authority and the Chief Justice, such employee shall be repatriated. (b) If the Borrowing Authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 27 should be imposed on such Court employee, it shall replace his services, at the disposal of the Chief Justice and transmit to the Court, the proceedings of the inquiry, and thereupon the Competent Authority may pass such orders on the case as it deems necessary after complying with the provisions of sub-Rule (9) of Rule 30. Provided that the Competent Authority may instead of making an order under this clause on the record of the inquiry transmitted by the Borrowing Authority, hold such further inquiry as it may deem necessary.

38.

Disciplinary action against a Court employee on deputation to the Court from an outside authority :-(1) When an order of suspension is made or a disciplinary proceeding is taken by the Court against a Court employee whose services have been lent to the Court by an outside authority, the Lending Authority shall forthwith be informed of the circumstances leading to the order of his/her suspension or the commencement of the disciplinary proceeding against him/her, as the case may

be.(2)In the light of the findings in the disciplinary proceeding taken against such Court employee:-(a)If the Competent Authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of Rule 27 should be imposed on such Court employee, it may, after consultation with the Lending Authority, pass such orders in the case as it deems necessary;Provided that, in the event of a difference of opinion between the Court and the Lending Authority, the services of such employee shall be replaced at the disposal of the Lending Authority;(b)if the Competent Authority is of the opinion that any of the penalties specified in clause (v) to (ix) of Rule 27 should be imposed on such Court employee, the services of such Court employee shall be replaced at the disposal of the Lending Authority and the record of such inquiry shall be transmitted to such authority for such action as it deems necessary.Part-VII Miscellaneous

39. Contravention of Laws and conviction by a Court of Law.

- Any contravention of any Law by a Court employee, which involves moral turpitude, shall be regarded as a serious matter, of which notice shall be taken departmentally. Where such contravention is followed by a conviction in a Court of Law, the Court employee may be punished departmentally on the basis of that conviction alone without following the procedure laid down for departmental inquiry.

40. Contravention of the Rules.

(1)Any Court employee contravening the provisions of any of the Rules in this part shall render himself/herself liable to disciplinary action under the Rules in Part-III of these Rules.(2)The Chief Justice shall have the power to take any action against the Gazetted Officers and other Officers and employee of the Court for contravention of any of the Rules in this Part.

41. Interpretation.

- If any dispute or question arises relating to the applicability or interpretation of these Rules, the decision of the Chief Justice shall be final.

42. Amendment of the Rules.

- The Chief Justice may from time to time amend these Rules.

43. Repeal and savings.

(1)All previous Rules, Regulations, Orders, Notifications, Circulars, Instructions and other Instruments with respect to the subject matter covered by these Rules are hereby repealed.(2)Notwithstanding such repeal, any appointment made or action taken under any of the aforesaid repealed provisions shall be deemed to have been made or taken under these Rules and is hereby saved.Model FormsForm of order of suspension.Order

Whereas a disciplinary proceeding against Shri(name and designation of the Member of the establishment and member of staff) is contemplated / pending.

Whereas a case against Shri (name and designation of the Member of the establishment and member of staff) in respect of criminal offence is under investigation / inquiry / trial.

Now, therefore, the Honourable the Chief Justice / the undersigned (the appointing Authority or Authority competent to place under suspension) in exercise of the powers conferred by Rule..... of the Rules, hereby places the said Shri..... Under suspension with immediate effect. It is further ordered that during the period that this order shall remain in force the headquarters of Shri..... (name and designation of the Member of the establishment and member of staff) would be..... (name of the place) and the said Shri.... Shall not leave the headquarters without obtaining the previous permission of the Honourable the Chief Justice / the undersigned. Signature Name and Designation of the competent authority.

Memo No..... Dated, the.....

1. Copy to Shri..... (name and designation of the suspended officer/employee). Order regarding substance allowance admissible to him during the period of his suspension will issue separately.

2. Copy to Shri..... (name and designation of the appointing authority) for information.

3. Copy to Shri..... (name and designation of the lending authority) for information.

4. The circumstances in which the order of suspension was made are as follows :-

Details of the case and reasons for suspension. Note. - Paragraph 2 to 4 should not be inserted in the copy of the order of suspension sent to the officer to be suspended. Order placing an officer under suspension in case of imprisonment. Order Whereas a case against Shri.... (name and designation of the Member of the establishment and member of staff) in respect of a criminal offence is under investigation. And Whereas the said Shri.... Was detained in custody on.... For a period exceeding forty-eight hours. Now Therefore, the said Shri.... Is deemed to have been suspended with effect from the date of detention i.e.. the..... in terms of Rule... of the.... Rules, and shall remain under suspension until further orders. Signature Name and Designation of the competent authority. Certificate to be furnished by the suspended official for payment of subsistence allowance I..... (name of Member of the establishment and member of staff) having been placed under suspension by Order No....., dated....., while holding the post of.... Do hereby certify that I have not been employed in any business, profession, or vocation for profit / remuneration / salary. Signature Name of the Member of the establishment and Member of the staff. Address Form for the grant of Subsistence Allowance Shri.... (name and designation) in the Department of..... who was placed under suspension / who is deemed to have been placed under suspension, with effect from..... vide this Department's Order No....., dated the..... shall draw, for the first three months of

the period of suspension, subsistence allowance equal to the leave salary which he / she would have drawn if he /she had been on leave on half average pay or half pay. In addition Shri... will also be entitled to draw dearness allowance on the basis of the amount of subsistence allowance, and other compensatory allowances which he was in receipt of on the date of his / her suspension.

2. The payment of subsistence allowance and other allowances will be in accordance with and subject to the conditions laid down in Rule... and other Rules / instructions governing these payments.

SignatureName and Designation of the competent authority.

No..... Dated the.....

Copy to Shri.... (name and designation).(Copies should also be endorsed to the Accounts Section of the Department, Establishment Section for making an entry in the Service Book; the Appointing Authority, if the order is made by some other authority; and the Lending authority in the case of a borrowed officer).Sanction Order for ProsecutionOrderWhereas it is alleged that Shri.... While functioning as..... in the Office / Department of.... On or about..... (date / period of offence) committed.....(describe the facts of omission/commission constituting offences with adequate particulars).And Whereas the said acts constitute offence under..... (here mention the relevant penal provision)And Whereas..... (name and designation of the authority competent to sanction prosecution), being the authority competent to accord sanction in this case, have carefully examined the material.... (mention briefly the material available) and after considering the circumstances of the case, have come to the conclusion that the said Shri.... Should be prosecuted in a Court of law for the offence (s) mentioned above.Now Therefore, (name and designation of the authority according sanction) under* (Section 197 Cr. P.C. / Section 19 (1) of the Prevention of Corruption Act, 1988) accord sanction for the prosecution of the said offence (s) and any other offences punishable under the provisions of law in respect of the acts aforesaid and taking of the cognizance of the said offence by Court of competent jurisdiction.* (it is certified that Shri.... Is not removable from his office save by or with the sanction of the Government).SignatureName and Designation of the competent authority.Form of order relating to appointment of Inquiring Authority.Whereas an inquiry under Rule.... of the Rules, is being held against Shri.... (name and designation of the Member of the establishment and member of staff).And Whereas, the Honourable the Chief Justice / the undersigned, in exercise of the powers conferred by the said rule, hereby appoint Shri..... (name and designation of the Inquiring Officer) as the Inquiring Authority to inquire into the charges framed against the said Shri.....By order of the Honourable the Chief Justice(Signature)Name and Designation of the competent authority.Copy to (name and designation of the Member of the establishment and member of staff)Copy to (name and designation of Inquiring Authority).Copy to (name and designation of the lending authority, where necessary) for information.Strike out whichever inapplicable In case of sanction under S. 197 Cr. P.C. only.In case where the order is expressed to be made in the name of the Honourable the Chief Justice.To be used wherever applicable. Not to insert in the copy sent to the Member of the establishment and member of staff.For of order relating to appointment of new Inquiry Officer(In place of Inquiry Officer originally appointed)OrderWhereas and inquiry under Rule.... of theRules, is being held against

Shri... (name and designation of the Member of the establishment and member of staff facing inquiry).Whereas Shri... (name and designation of the authority who was holding inquiry) was appointed Inquiring Authority to inquire into the charges against Shri.... (name and designation of the Member of the establishment and member of staff facing inquiry), vide Order No.... dated.....And Whereas Shri.... (name of the previous Inquiry Officer) after having heard and recorded the whole / part of the evidence has since been transferred / is not available and it is necessary to appoint another officer as Inquiring Authority to inquire into the charges against Shri.....Now, Therefore, the Honourable the Chief Justice / the undersigned in exercise of the powers conferred by Rule.... Of the Rules, hereby appoint Shri... (name and designation of the new Inquiring Authority) as Inquiring Authority to inquire into the charges framed against the said Shri.... (name and designation of the Member of the establishment and member of staff facing the inquiry) vide Shri.... (name of the previous Inquiring Officer).By order of the Honourable the Chief Justice(Signature)Name and Designation of the competent authority.Copy to :-

1. Name and designation of the Member of the establishment and member of staff.

2. Inquiring Authority.

Form of order relating to appointment of Board of InquiryOrderWhereas an Inquiry under rule.... of theRules, is being held against Shri.... Name and designation of the Member of the establishment and member of staff).And Whereas the Honourable the Chief Justice / the undersigned considers that a Board of Inquiry should be appointed to inquire into the charges framed against the said Shri....Now, Therefore, the Honourable the Chief Justice / the undersigned, in exercise of the powers conferred by Rule.... Of the said Rules, hereby appoints -A Board of Inquiry consisting of :

1. (Here enter name and designation of Member of the Board of Inquiry)

2.

3.

By order of the Honourable the Chief Justice(Signature)Name and Designation of the competent authority.Copy to (name and designation of the Member of the establishment and member of staff).Copy to (name and designation of the Members of the Board of Inquiry)Copy to (name and designation of the lending authority) for information.In case where the order is expressed to be made in the name of the Honourable the Chief Justice.Form of the order appointing Presenting OfficerOrderWhereas an Inquiry under Rule..... of the Rules, is being held against Shri... (name and designation of the Member of the establishment and member of staff).And Whereas the Honourable the Chief Justice / the undersigned consider that a Presenting Officer should be appointed to present on behalf of the Department, the case in support of the articles of charges.Now, Therefore, the Honourable the Chief Justice / the undersigned in exercise of the powers conferred

by Rule.... of the said Rules, hereby appoint Shri... (name and designation of Presenting Officer) as the Presenting Officer. By order of the Honourable the Chief Justice (Signature) Name and Designation of the competent authority. Copy to :

1. The Presenting Officer.

2. The Accused Officer.

3. The Inquiry Officer.

Name and Designation of the competent authority. Form of order for appointment of Inquiring Authority in Common Proceedings. Order Whereas as Inquiry under Rule... of the... Rules, is being held against the Officers / Employees specified below :-

1. Shri.....

2. Shri.....

3. Shri.....

4. Shri.....

5. Shri....

Whereas common proceedings have been ordered against the said Officers / Employees. And Whereas the Honourable the Chief Justice / the undersigned considers that the Inquiring Authority should be appointed to inquire into the charges framed against the said Officers / Employees. Now, Therefore, the Honourable the Chief Justice / the undersigned in exercise of the powers conferred by the said Rules hereby appoints Shri.... As the Inquiring Authority to inquire into the charges framed against the said Officers / Employees. By order of the Honourable the Chief Justice (Signature) Name and Designation of the competent authority. Copy to: -

1. Presenting Officer.

2. Inquiring Authority with the relevant documents.

3. The Accused Officer / Employee.

Name and Designation of the competent authority. Form of order appointing Presenting Officer in Common Proceedings. Order Whereas Common Proceedings have been ordered against the Officers / Employees; And Whereas, the Honourable the Chief Justice / the undersigned considers it necessary to appoint a Presenting Officer to present the case in support of the articles of charges against the

said Officers / Employees before the Inquiring Authority. Now, Therefore, the Honourable the Chief Justice / the undersigned in exercise of the powers conferred by the said Rules, hereby appoints Shri.... As Presenting Officer to present the case in support of the articles of the charges against the said Officers / Employees before the Inquiring Authority. By order of the Honourable the Chief Justice (Signature) Name and Designation of the competent authority. Copy to :

1. Presenting Officer.

2. Inquiring Authority.

3. The Accused Officer / Employee.

Name and Designation of the competent authority. Form for summoning public servant / private Individual as witness. To..... Sir, I am the Inquiring Authority in the proceedings against Shri..... Your evidence is considered material. I request you to appear before me on at..... (time and place)..... You are / are not likely to be required to stay at the place for more than a day. Yours faithfully, (Inquiring Authority) Copy to..... with the request to permit the official mentioned above to attend the inquiry on the dates mentioned above. Form of certificate by Inquiry Officer for witness. This is to certify that Shri..... (name, designation, office, etc..) appeared before me as witness on.... At.... (place).... in the departmental inquiry against Shri..... and was discharged on.... At.... (time).... Nothing has been paid to him on account of his traveling and other expenses. Place : Date : (Signature) Name and Designation of the competent authority. Form of Certificate by Inquiry Officer to the Presenting Officer / Defence Assistant. This is to certify that Shri.... Attended the proceedings in the departmental inquiry against Shri..... to present the case in support of the charges / to assist the said Shri.. in presenting his case on At .. (place).... Nothing has been paid to him on account of his traveling and other expenses. Place : Date : (Signature) Name and Designation of the competent authority. Form of memorandum of charge for minor penalties. Memorandum Shri.... In the office of... is hereby informed that it is proposed to take action against him / her under Rule... of ... Rules. A Statement of the imputation of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2. Shri... is hereby given an opportunity to make such representation as he / she may wish to make against the proposal.

3. If Shri.... fails to submit his / her representation within 10 days of the receipt of this Memorandum, it will be presumed that he / she has no representation to make and orders will be liable to be passed against Shri.... Ex parte.

4. The receipt of this Memorandum should be acknowledged by Shri...

By order of the Honourable the Chief Justice. (Signature) Name and Designation of the competent authority. Form of charge-sheet for major penalties. Memorandum The.... / undersigned proposes to hold an inquiry against Shri.... Under Rule... of the ... Rules. The substance of the imputation, of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be substantiated are also enclosed (Annexures III and IV).

2. Shri.. is directed to submit within 10 days of the receipt of this Memorandum a written statement of his / her defence and also to state whether he / she desires to be heard in person.

3. He / She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He / She should, therefore, specifically admit or deny each article of charge.

4. Shri... is further informed that if he / she does not submit his /her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule...of the ... Rules, or the order / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Shri... is invited to Rule.... Of the ... Rules, under which no Member of the establishment and member of staff shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his /her interest in respect of matters pertaining to his / her service under the Court. If any representation is received on his / her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri... is aware of such a representation and that it has been made at his / her instance and action will be taken against him / her for violation of Rule... of the .. Rules.

6. The Receipt Of The Memorandum Maybe Acknowledged.

Name and designation of Competent Authority. Annexure -I Statement of articles of charge framed against Shri...(Name and designation of the Member of the establishment and member of

staff).Article IThat the said Shri... while functioning as... during the period....Article IIThat during the aforesaid period and while functioning in the aforesaid office, the said Shri.....Article IIIThat during the aforesaid period and while functioning in the aforesaid office, the said Shri.....Annexure - IISatement of imputation of misconduct of or misbehaviour in support of the articles of charge framed against Shri...(name and designation of the Member of the establishment and member of staff).Article - IArticle - IIArticle - IIIAnnexure-IIIList of documents by which the articles of charge framed against Shri... (name and designation of the Member of the establishment and member of staff) are proposed to be sustained.Annexure-IVList of witnesses by whom the article of charge framed against Shri.. (name and designation of the Member of the establishment and member of staff) are proposed to be sustained.Form of order for taking disciplinary action in Common Proceedings.OrderWhereas the Member of the establishment and member of staff specified below are jointly concerned in a disciplinary case;

1. Shri....

2. Shri....

3. Shri...

4. Shri....

5. Shri....

Now, Therefore, in exercise of the powers conferred by Rule.... of the Rules, the Honourable the Chief Justice / the undersigned hereby directs -(i)that disciplinary action against all the said Member of the establishment and member of staffs shall be taken in a common proceedings.(ii)that.... (name and designation of the authority) shall function as the Disciplinary Authority for the purpose of the common proceedings and shall be competent to impose the following penalties namely -(here specify the penalties)(iii)that the procedure prescribed in the Rules..... shall be followed in the said proceedings.By order of the Honourable the Chief Justice.(Signature)Name and Designation of the competent authority.Copy to :

1. Shri.... (Name and designation)

2. Shri... (Name and designation)

3. Shri... (Name and designation)

Form of show-cause notice for imposing penalty to be issued on the Member of the establishment and member of staff on his conviction.Whereas Shri.... has been convicted on a criminal charge under section.... and has been awarded sentence of.....And Whereas the undersigned after considering the matter proposes to award an appropriate penalty under Rule.... of the Rules , in view of the gravity of the criminal charges;Now, Therefore, Shri.... is hereby given an opportunity of

making representation on the penalty proposed above. Any representation which he / she may wish to make against the penalty proposed will be considered by the undersigned. Such a representation, if any, should be made in writing and submitted to as to reach the undersigned not later than fifteen days from the date of receipt of this memorandum by Shri... (here enter the name of the Member of the establishment and member of staff). The receipt of this memorandum should be acknowledged. Name and Designation of the competent authority. Form for initiation of minor penalty proceedings (in case where disciplinary authority decides to hold the inquiry) Memorandum. In continuation of Memorandum No... dated... issued under Rule... of the ... Rules, the Honourable the Chief Justice / undersigned is of the opinion that it is necessary to hold an inquiry against Shri... under Rule... of the Rules. The substance of the imputation of misconduct of misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure I). A Statement of imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure - II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

2. Shri..... is directed to submit within ten days of the receipt of this Memorandum, a written statement of his / her defence and also to state whether he / she desires to be heard in person.

3. He / She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He / She should, therefore, specifically admit or deny each article of charge.

4. Shri... is further informed that if he / she does not submit his / her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authorities or otherwise fails or refuses to comply with the provision of Rule... of the Rules, or the order / directions issued in pursuance of the said Rules, the Inquiring Authority may hold inquiry against him / her ex-parte.

5. Attention of Shri... is invited to Rule.... Of the ... Rules, under which no Member of the establishment and member of staff shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his /her interest in respect of matters pertaining to his / her service under the Court. If any representation is received on his / her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri... is aware of such a representation and that it has been made at his / her instance and action will be taken against him / her for violation of Rule... of the .. Rules.

6. The receipt of the Memorandum maybe acknowledged.

By order of the Honourable the Chief Justice.(Signature)Name and designation of Competent Authority.ToShri....Annexure -IStatement of articles of charge framed against Shri...(Name and designation of the Member of the establishment and member of staff).Article IThat the said Shri... while functioning as... during the period....Article IIThat during the aforesaid period and while functioning in the aforesaid office, the said Shri.....Article IIIThat during the aforesaid period and while functioning in the aforesaid office, the said Shri.....Annexure - IIStatement of imputation of misconduct of or misbehaviour in support of the articles of charge framed against Shri...(name and designation of the Member of the establishment and member of staff).Article - IArticle - IIArticle - IIIAnnexure-IIIList of documents by which the articles of charge framed against Shri... (name and designation of the Member of the establishment and member of staff) are proposed to be sustained.Annexure-IVList of witnesses by whom the article of charge framed against Shri.. (name and designation of the Member of the establishment and member of staff) are proposed to be sustained.Form for Remitting the case for further inquiry.OrderWhereas disciplinary proceedings in term of Rule... of the Rules, were initiated against Shri.....(name and designation) in the office of the.... on the charge based on the allegations set out in the Department of... Memorandum No... dated the...And Whereas Shri ... having denied the charges, Shri was appointed vide, this Office / Department Order No...., dated the..... as the Inquiry Officer to inquire into the said charges. The Inquiry Officer, Shri.... has completed the inquiry and submitted his report.....And Whereas the undersigned, having carefully gone through the records of inquiry, finds that the inquiry against Shri.... has not been held in accordance with the prescribed procedure, in as much (here mention the defects which have crept in).Now, Therefore, the undersigned hereby directs, in terms of Rule.... of the said Rules that a further inquiry in the case maybe held by Shri... (name and designation) through the stage of.....Signature....Name and Designation of the competent authority.ToShri..... (name and designation of the inquiry officer).Shri.... (name and designation of the inquiry officer).Form for imposing penalty consequent upon conviction on a criminal charge.OrderWhereas Shri.... (name and designation of the Member of the establishment and member of staff) has been convicted on a criminal charge, under section.... of the.... (enter the name of the statute concerned).And Whereas the conduct of the said Shri which led to his conviction as aforesaid was considered by the undersigned and it was provisionally decided to impose the penalty of on him.And Whereas the said Shri..... was issued a show cause notice ongiving him an opportunity to make a representation as he may wish to make against the proposed penalty. Shri submitted a representation onin which he stated (here bring out the salient points made by the employee). This representation has been carefully considered by the undersigned and it is found..... (here give analysis of the points made by him and reasons for imposing the particular penalty).Now, Therefore, in exercise of the powers conferred by Rule of the Rules, the undersigned hereby imposes the penalty of on the said ShriA copy of this order may be added to the Confidential Rolls of ShriSignature.....Name and Designation of the competent authority.Form of Order to hold further inquiry where conviction has been set aside on technical grounds.Whereas the penalty of imposed on Shri w.e.f. vide, this Office / Department Order No..... dated the on the ground of conduct which led to his conviction on criminal charge;And Whereas the said conviction has been set aside by the Court of in Appeal No..... by the judgement delivered on and the

said Shri has been acquitted of the said charge; And Whereas in consequence of such acquittal, the undersigned has decided that the said order, dated the..... imposing the penalty of..... should be set aside ; And Whereas the undersigned finds that Shri has been acquitted of charge on technical grounds, and on a consideration of the circumstances of the case, has decided that a further inquiry should be held against Shri in terms of Rule of the Rules on the ground of conduct on which this punishment was originally imposed; Now, therefore, the undersigned hereby... (i) sets aside the said Order dated.... imposing the penalty of.... on Shri... ; and (ii) directs that a further inquiry in terms of Rule... of the ... Rules be held against Shri.... on the allegations on which the penalty of.... was originally imposed on Shri.... Shri... shall be under deemed suspension in terms of Rule..... Signature. Name and Designation of the competent authority. Sanction under Rule.... of the Pension Rules. Order Whereas it has been made to appear that Shri... while serving as.... in the Department of.... from to was.... (here specify briefly the imputations of misconduct or misbehaviour in respect of which it is proposed to institute departmental proceedings). Now, Therefore, in exercise of the powers conferred on him by Rule... of the Pension Rules, the Honourable the Chief Justice hereby accords sanction to the departmental proceedings against the said Shri The Hon'ble the Chief Justice further directs that the said departmental proceedings shall be conducted in accordance with the procedure laid down in Rules... of the Rules by... (here specify the authority by whom the departmental proceedings should be conducted) at.... (here specify the place at which the departmental proceedings are to be conducted). By order of the Honourable the Chief Justice (Signature) Name and Designation of the competent authority. Copy forwarded to... (authority referred to above) Copy also forwarded to Shri.... (the retired employee). Charge sheet for proceedings under Rule... of Pension Rules. Memorandum In pursuance of the sanction accorded by the Honourable the Chief Justice under the Rule... of the..... Pension Rules for instituting departmental proceedings against Shri.... vide... department Order No.... dated the.... it is proposed to hold an inquiry against Shri.... in accordance with the procedure laid down in Rule.... of the Rules. The inquiry shall be conducted by (here specify the authority by whom the departmental proceedings are to be conducted in accordance with the Honourable the Chief Justice's sanction) at.... (here specify the place where proceedings are to be conducted).

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of the imputations of misconduct or misbehaviour in support of each, article of charge is enclosed (Annexure - II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

3. Shri... is directed to submit within days of the receipt of this Memorandum a written statement of defence and also to state whether he / she desires to be heard in person.

4. He / She is informed that an inquiry shall be held only in respect of those article of charge as are not admitted. He / She should, therefore, specifically admit or deny each article of charge.

5. Attention of Shri... is invited to Rule.... Of the ... Rules, under which no Member of the establishment and member of staff shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his /her interest in respect of matters pertaining to his / her service under the Court. If any representation is received on his / her behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri... is aware of such a representation and that it has been made at his / her instance and action will be taken against him / her for violation of Rule... of the .. Rules.

6. The receipt of the Memorandum maybe acknowledged.

By order of the Honourable the Chief Justice.(Signature)Name and Designation of the competent authority.ToShri....Annexure - IStatement of article of charge framed against Shri...Article - IThat the said.... while functioning as.... during the period.....Article - IIThat during the aforesaid period and while functioning in the office, said Shri...Annexure - IIStatement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri.....Annexure - IIIList of documents by which the articles of charges framed against Shri... are proposed to be sustained.Annexure - IVList of witnesses by which the articles of charge framed against Shri... are proposed to be sustained.Form of order revoking suspension orderOrderWhereas an order placing Shri... (name and designation of the Member of the establishment and member of staff) under suspension was made / was deemed to have been made by... on....Now, Therefore, the authority competent to revoke suspension order, in exercise of the powers conferred by Rule... of the..... Rules, hereby revokes the said order of suspension with immediate effect.SignatureName and Designation of the competent authority.

1. Copy to Shri... (name and designation of the suspended officer/employee)

2. Copy to Shri... (name and designation of the appointing authority)

3. Copy to Shri... (name and designation of the lending authority making the order of suspension).

4. Copy to Shri... (name and designation of the authority making the order of suspension)

Note 1. - Endorsement as in para 2 should be made where the order of revocation of suspension is made by an authority lower than the Appointing Authority. Note 2. - Endorsement as in para 3 should be made where the order of revocation of suspension is made by against a "Borrowed Officer". Note 3. - Endorsement as in para 4 should be made where the order of revocation of suspension is made by an authority other than the authority which made or is deemed to have made, the order of suspension. Note 4. - Para 5 should be inserted only if an endorsement as in paras 2, 3 or 4 is made. Note 5. - Paras 2 to 5 should not be inserted in the copy sent to the suspended officer.

Form of order of setting aside order of punishment on appeal being decided in favour of the Government servant

Order Whereas Shri.....(name and designation of the member of the establishment and member of staff) was dismissed/removed/compulsorily retired from service with effect from (enter the date of dismissal/removal/compulsory retirement) or was awarded the penalty of on the ground of conduct which led to his conviction on a criminal charge; And Whereas the said conviction has been set aside by a competent Court of Law in Appeal No..... by the judgement delivered on..... and the said Shri (name and designation of the member of the establishment and member of staff) has been acquitted of the said charge; Now, Therefore, the Honourable the Chief Justice hereby sets aside the order of dismissal/removal/compulsory retirement from service/the penalty of (name of the penalty imposed). Station:

Date: Name and Designation of the competent authority.