

The Orissa Civil Services (Classification, Control & Appeal) Rules, 1962

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The Orissa Civil Services (Classification, Control & Appeal) Rules, 1962 Published vide Notification Orissa Extraordinary Gazette No.282 of 1962, Notification No.5906 - Gen., dated 7.5.1962 No.5906-Gen. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules, namely :

Part I – General

1. Short title and commencement.

(a) These rules may be called the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962. (b) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires- (a) "Appointing authority", in relation to a Government servant means (i) the authority empowered to make appointments to the service of which the Government servant is, for the time being a member or to the grade of the service in which the Government servant is, for the time being, included, or (ii) the authority empowered to make appointments to the post which the Government servant, for the time being, holds, or (iii) the authority which appointed the Government servant to such service, grade or post, as the case may be, or (iv) where the Government servant having been a permanent member of any other service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that service or to any grade in that service or to that post : (b) "Commission" means the Orissa Public Service Commission; (c) "Disciplinary authority", in relation to the imposition of a penalty on a Government servant means the authority

competent under these rules to impose on him that penalty;(d)"Government" means the Government of Orissa;(e)"Department of Government" means the Departments prescribed under the Rules of Business and includes Orissa Legislative Assembly till separate rules are framed by the Governor;(f)"Government servant" means a person who is a member of a service or who holds a civil post under the State and includes any such person on foreign service or whose service are temporarily placed at the disposal of the Union Government or any other State Government or a local or other authority and also any person in the service of the Union Government or any other State Government or a local or other authority whose services are temporarily placed at the disposal of the State Government.(g)"Schedule" means the schedule to these rules;(h)["Secretary" means a Secretary to the Government of Orissa in any Department and includes-] [Substituted by P & S Department Notification No.15421-Gen. Dated 12.9.1974.](i)a Special Secretary, or an Additional Secretary, and(ii)a Joint Secretary placed in independent charge of Department;(i)"Service" means a civil service of the State.

3. Application.

(1)These Rules apply to all Government servants except-(a)persons in casual employment;(b)persons subject to discharge from service on less than one month's notice;(c)persons for whose appointment and other matters covered by these rules special provision is made by or under any law for the time being in force, in regard to the matters covered by such law; and(d)members of the All-India Services.(2)Notwithstanding anything contained in Sub-rule (1) these rules shall apply to every Government servant temporarily transferred to a service or post coming within exception (c) in Sub-rule (1) to whom, but for such transfer, these rules would apply.(3)Notwithstanding anything contained in Sub-rule (1) the Governor may, by order exclude from the operation of all or any of these rules in case of any Government servant or class of Government servants.(4)If any doubt arises-(a)whether these rules or any of them apply to any person; or(b)whether any person to whom these rules apply belongs to a particular service,the matter shall be referred to Governor whose decision thereon shall be final.

4. Special provision by agreement.

- Where it is considered necessary to make special provision in respect of a Government servant inconsistent with any of these rules, the authority making the appointment may, by agreement with such Government servant, make such special provisions and thereupon these rules shall not apply to such Government servant to the extent to which the special provisions so made inconsistent therewith.Provided that, if the appointing authority is other than the Governor, the previous approval of the Governor shall be obtained by such authority.

5. Protection of rights and privileges conferred by any law or agreement.

- Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled -(a)by or under any law for the time being in force, or(b)by the terms of any agreement subsisting between such personand the Governor at the commencement of these rules.

Part II – Classification

6. [Classification of Services. [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/Part-1) - Gen. dated 23.5.2000. O.G.E. No. 20 dated 9.6.2000.]

- The Civil Services of the State shall be classified as follows :(i)State Civil Services, Group-A;(ii)State Civil Services, Group-B;(iii)State Civil Services, Group-C.If a service consists of more than one grade, the different grades may be included in different Groups.]

7. [Constitution of State Civil Services. [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/Part-1) - Gen. dated 23.5.2000. O.G.E. No. 20 dated 9.6.2000.]

- The State Civil Service, Group-A, Group-B or Group-C shall consist of such services as specified by a general or special order of the Governor in this behalf and shall consist of such grades and such posts as may be created in each such service from time to time :Provided that if, after issue of the order of the Governor, any new State Civil Service is constituted it shall, till it is classified by another order of the Governor, be deemed to be a State Civil Service of the class to which another classified State Civil Service carrying a comparable scale of pay belongs.]

8. Classification of posts.

- [(1) Civil Posts under the State other than those ordinarily held by persons to whom these rules do not apply or included in any State Civil Service, shall, by a general or special order of the Governor, issued in this behalf, be classified as follows :(i)State Civil Posts, Group-A;(ii)State Civil Posts, Group-B;(iii)State Civil Posts, Group-C;(iv)State Civil Posts, Group-D.](2)Any order made by the competent authority and in force immediately before the commencement of these rules relating to classification of civil posts under the State shall continue in force until altered, rescinded or amended by an order of Governor under Sub-rule (1).(3)[[Inserted by G.A. Department Notification No.6278, Gen. dated 23.2.1989 (w.e.f. 17.3.1989).] If any civil post under the State has not been classified by an order of the Governor and a question as to its classification arises, the decision thereon of the appropriate Department of Government after taking into account the class to which another civil post carrying a comparable scale of pay belongs shall be final.

8A. [Reference to State Civil Services and State Civil Posts. [Inserted by G.A. Department Notification No.17902-S.C./3.2/99(Part-1) Gen. dated 23.5.2000.]

- All reference State Civil Services/State Civil posts, Class-I, Class-II, Class-III and to Class-IV in all Rules, Orders, Schedules, Notifications, Regulations, Instructions in force, immediately before the commencement of these rules shall be construed as references to State Civil Service/State Civil Posts Group-A, Group-B, Group-C.and Group-D as the case may be, and any reference to "Class or

Classes" therein in this context shall be construed as reference to "Group or Groups" as the case may be.] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/Part-1) - Gen. dated 23.5.2000. O.G.E. No. 20 dated 9.6.2000.]

9. General State Service.

- State Civil Posts of any class not included in any other State Civil Service shall be deemed to be included in the General State Service of the corresponding class and a Government servant appointed to any such post shall be deemed to be a member of that service unless he is already a member of any other State Civil Service of the same class.

Part III – Appointing Authorities

10. Appointment to Class-I Service and Posts.

- All appointments to State Civil Services, [Group-A] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.] and State Civil Posts [Group-A] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.] shall be made by the Governor: Provided that the Governor may be a general or special order and subject to such conditions as he may specify, delegate to any other authority the power to make such appointment.

11. Appointments to other services and posts.

- [(1)] [Substituted by G. A. Department Notification No.6278, Gen. dated 23.2.1989.] All appointments to State Civil Services (other than State Civil Services, [Group-A] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.] and General State Services), shall be made by the authorities specified in this behalf in the Schedule.(2) All appointments to State Civil Posts [Group-B] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.], [Group-C] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.], and [Group-D] [Substituted by G.A. Department Notification No.17902-S.C./3-2/99/(Part-I)/Gen. dated 23.5.2000.] included in the General State Services shall be made by the authorities specified in that behalf by a general or special order, of the Governor or where no such order has been made by the authorities specified in the Schedule in this behalf.

Part IV – Suspension

12. Suspension.

(1) The appointing authority or any authority to which it is subordinate or any authority empowered by the Governor or the appointing authority in that behalf may place a Government servant under

suspension(a)where a disciplinary proceeding against him is contemplated or is pending, or(b)where a case against him in respect of any criminal offence is under investigation or trial.(2)A Government servant 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, by an order of the appointing authority and shall remain under suspension until further orders.(3)Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his 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 Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and disciplinary authority, on a consideration of the circumstances of the case decides to hold a further inquiry against him on the allegations on which the penalty of dismissal; removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original orders of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.(5)An order of suspension made or deemed to have been made under this rule may, at any time, be revoked by the authority which made or is deemed to have been made the order or by any authority to which that authority is subordinate.(6)The disciplinary authority, while passing the final order of punishment or of release in the disciplinary proceedings against the Government servant, shall give directions about the treatment of the period of suspension, which is passed not as a measure of substantive punishment but as suspension pending inquiry, and indicate whether the suspension would be a punishment or not.

Part V – Discipline

13. Nature of penalties.

- The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely : (i) fine; (ii) censure; (iii) [withholding of increments (without cumulative effect)] [Substituted by O. G. E. No.1609 dated 8.12.98.]; [(iii-A) withholding of promotion] [Substituted by P & S Department Notification No.6835 dated 12.5.1973.]; (iv) [recovery from pay of the whole, or part of any pecuniary loss caused to Government, or to a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Government, or to a local authority set up by an Act of Parliament or of the Legislature of a State, by negligence or breach of orders] [Substituted by G. A. Department Notification No.28655 Gen., dated 10.7.1992.]; (v) suspension; (vi) reduction to a lower service, grade or post or to a lower time-scale or to a lower stage in a time scale; [(vi-A) withholding of increments (without cumulative effect)] [Inserted by O. G. E. No.1609 dated 8.12.98.]; (vii) compulsory retirement; (viii) removal from service which shall not be a disqualification for future employment; (ix) dismissal from service which shall ordinarily be a disqualification for future employment : Provided that the penalty of fine shall imposed only on [Group-D] [Substituted by G.A. Department Notification No.17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.] Government

servants.Explanation - The following shall not amount to a penalty within the meaning of this rule -
 -(a)Withholding of increments of a Government servant for failure to pass a departmental examination in accordance with the rules or orders governing the service or post or the terms of his appointment.(b)Stoppage of a Government servant at the efficiency bar in the time scale on the ground of his unfitness to cross the bar.(c)Non-promotion, whether in a substantive or officiating capacity, of a Government servant, after consideration of his case, to a service, grade or post for promotion to which he is eligible.(d)Reversion to a lower service, grade or post of a Government servant officiating in a higher service grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post, or on administrative grounds unconnected with his conduct.(e)Reversion to his permanent service, grade or post of a Government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation.(f)Replacement of the services of a Government servant whose services have been borrowed from the Central or State Government or an authority under the control or a State Government at the disposal of the authority which had lent his services.(g)Compulsory retirement of a Government servant in accordance with the provision relating to his superannuation or retirement.(h)Termination of the services-(i)of a Government servant appointed on probation during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation; or(ii)of a temporary Government servant in accordance with the terms of his appointment; or(iii)of a Government servant employed under an agreement in accordance with the terms of such agreement.

14. Disciplinary authorities.

(1)The Government may impose any of the penalties specified in Rule 13 on any Government servant.(2)[Without prejudice to the provisions of the Sub-rule (4), any of the penalties specified in Rule 13 may be imposed on a member of a civil service or a person appointed to a civil post by the appointing authority or the authority specified in schedule or by any other authority empowered in this behalf by a general or special order of the Governor.] [Substituted by G.A. Department Notification No. 14094-Gen., dated 5.5.1988.](3)Subject to the provisions of Sub-rule (4), the power to impose any of the penalties specified in Rule 13 may also be exercised in the case of a member of a Civil Service, [Group-C] [Substituted by G.A. Department Notification No.17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.] or Civil Service, [Group-D] [Substituted by G.A. Department Notification No.17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.]-
 (a)if he is serving in Department of the Government, by the Secretary to the Government of Orissa in that Department.(b)if he is serving in any other office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under Sub-rule (2).(4)Notwithstanding anything contained in this Rule-(a)no penalty specified in Clauses (vi) to (ix) of Rule 13 shall be imposed by any authority lower than the appointing authority;(b)where a Government servant, who is a member of a service or is substantially appointed to any Civil Post, is temporarily appointed to any other service or post and the authority which would have been competent under Sub-rule (2) to impose upon him any of the penalties specified in Clauses (vi) to (ix) of Rule 13 had he not been so appointed to such other service or post is not subordinate to the authority competent to impose any of the said penalties after such appointment, the latter authority shall not impose any such penalty

except after consultation with the former authority.

15. Procedure for imposing penalties.

(1) Without prejudice to the provisions of the Public Servant (Inquiry) Act, 1950, no order imposing on a Government servant any of the penalties specified in Clauses (vi) to (ix) of Rule 13 shall be passed except after an inquiry held as far as may be in the manner hereinafter provided. (2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant and he shall be required to submit, within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month a written statement of his defence and also to state whether he desires to be heard in person. Explanation - In this Sub-rule and in Sub-rule (3) the expression Disciplinary authority shall include the authority competent under these rules to impose upon the Government servant of the penalties specified in Clauses (i) to (v) of Rule 13. (3) The Government servant shall, for the purpose of preparing his defence, be supplied with all the records on which the allegations are based. He shall also be permitted to inspect and take extracts from such other official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing in the opinion of the disciplinary authority such records are not relevant for the purpose or it is against interest of the public to allow him access thereto. (4) On receipt of the written statement of defence or if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or, if it considers it necessary so to do, appoint a board of inquiry or an enquiring officer for the purpose. [Provided that if, after considering the written statement of defence, the disciplinary authority is of the view that the facts of the case do not justify the award of a major penalty, it shall determine after recording reasons thereof, what other penalty or penalties, if any, as specified in Clauses (i) to (v) of Rule 13 should be imposed and shall after consulting the Commission, where such consultation is necessary, pass appropriate order.] [Inserted by Government Department Notification No.6278 Gen., dated 23.2.1989.] (5) The disciplinary 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 Government servant shall have the right to engage a legal practitioner to present his case if the person nominated by the disciplinary authority, as aforesaid, is a legal practitioner. The inquiring authority may also having regard to the circumstances of the case, permit the Government servant to be represented by a legal practitioner. (6) The inquiring authority 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 Government servant shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witnesses examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reason in writing. (7) At the conclusion of the inquiry the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons thereof. If, in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record its findings on such charges, provided that the findings on such charges shall not be

recorded, unless the Government servant has admitted the facts constituting them or has had an opportunity of defending himself against them. The inquiring authority may recommend the punishment to be inflicted when the charges are established on the findings.(8)The record of inquiry shall include-(i)the charges framed against the Government servant and the statement of allegations furnished to him under Sub-rule (2) : (ii)his written statement of defence, if any; (iii)the oral evidence taken in the course of the inquiry; (iv)the documentary evidence considered in the course of the inquiry; (v)the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry; (vi)a report setting out the findings on each charge and the reasons therefor; and (vii)the recommendations of the inquiring authority, if any, regarding the punishment to be inflicted.(9)The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its findings on each charge.(10)[(i)(a) If the inquiring officer is not the disciplinary authority, the disciplinary authority shall furnish to the delinquent Government servant a copy of the report of the inquiring officer and give him notice by registered post or otherwise calling upon him to submit within a period of fifteen days such representation as he may wish to make against findings of the Inquiring Authority.(b)On receipt of the representation referred to in Sub-clause (a) the disciplinary authority having regard to the findings on the charges, is of the opinion that any of the penalties specified in Clauses (vi) to (ix) of Rule 13 should be imposed, he shall furnish to the delinquent Government servant a statement of its findings along with brief reasons for disagreement, if any, with the findings of the inquiring officer and give him a notice by Registered post or otherwise stating the penalty proposed to be imposed on him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed penalty :Provided that in every case in which it is necessary to consult the Commission under the provision of the Constitution of India and the Orissa Public Service Commission (Limitation of Functions) Regulation, 1989 the record of Inquiry together with a copy of the notice given under Sub-clause (a) and the representation if any, received within the specified time in response to such notice shall be forwarded by the disciplinary authority to the Commission for its advice.(c)On receipt of the advice from the Commission the disciplinary authority shall consider the representation, if any, made by the Government Servant and the advice given by the Commission and shall pass appropriate orders in the case.(d)In any case in which it is not necessary to consult the Orissa Public Service Commission, the disciplinary authority shall consider the representation, if any, made by the Government servant in response to the notice under Sub-Clause (b) and pass appropriate order in the case.][Provided that in every case in which it is necessary to consult the Commission under the provision of the Constitution of India and the Orissa Public Service Commission (Limitation of Functions) Regulation, 1989, the record of inquiry together with copies of the notices given under Sub-clauses (a) and (b) and the representations, if any, received in response thereto within the specified time shall be forwarded by the disciplinary authority to the Commission for its advice.] [Substituted G.A. Department Notification No. 6013-SC-3-4/2000 dated 15.2.2001.](ii)The orders passed by the disciplinary authority shall be communicated to the Government servant, who shall also be supplied with a copy of the report of inquiring authority and where the disciplinary 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, as well as a copy of the advice of the Commission, where the Commission had been consulted, and brief statement of reasons for non-acceptance of the advice of the Commission, if the disciplinary authority has not accepted such advice.(11)[* * *] [Deleted by G.A. Department Notification No.

13644- Gen., dated 16.6.1982.](12)[* * *] [Deleted by G.A. Department Notification No. 13644- Gen., dated 16.6.1982.]

16. Procedure for imposing minor penalties.

(1) No order imposing any of the penalties specified in Clauses (i) to (v) of Rule 13 shall be passed except after - (a) the Government servant is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; (b) such representation, if any, is taken into consideration by the disciplinary authority; and (c) the Commission is consulted in cases where such consultation is necessary. (2) The record of proceedings in such cases shall include - (i) a copy of the intimation to the Government servant of the proposal to take action against him; (ii) a copy of the statement of allegations communicated to him; (iii) his representation, if any; (iv) the advice of the Commission, if any; and (v) the orders on the case together with the reasons therefor.

17. Joint Inquiry.

(1) Where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding. (2) Subject to the provisions of Sub-rule (4) of Rule 14 any such order shall specify - (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings; (ii) the penalties specified in Rule 13 which such disciplinary authority shall be competent to impose; and (iii) whether the procedure prescribed in Rule 15 or Rule 16 may be followed in the proceedings.

18. Special Procedure in certain cases.

- Notwithstanding anything contained in Rules 15, 16, and 17 - (i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or (ii) where the disciplinary authority is satisfied for reasons to be recorded in writing by that authority that it is not reasonably practicable to follow the procedure prescribed in the said rules; or (iii) where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow such procedure. the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit : Provided that the Commission shall be consulted before passing such orders in any case in which consultation is necessary.

19. Provisions regarding Officers lent to the Union or other State Government, etc.

(1) Where the services of a Government servant are lent to the Union or another State Government or an authority subordinate thereto or to a local or other authority (hereinafter, in this rule, referred to as the "borrowing authority") the borrowing authority shall have the powers of the appointing

authority for the purpose of placing him under suspension in accordance with Rule 12 and of the disciplinary authority for the propose of taking disciplinary action against him ;Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter, in this rule, referred to as the 'lending authority') of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be ;Provided further that if the borrowing authority is other than the Union or a State Government, the concurrence of the lending authority shall be taken before such action is taken except that in the event of the Government servant being implicated in a criminal case such action can be taken by such borrowing authority against him in anticipation of such concurrence. In the event of disagreement between the borrowing and the lending authorities, the services of the Government servant shall be replaced at the disposal of the later.(2)In the light of the findings in the disciplinary proceedings taken against the Government servant-(i)if the borrowing authority is of the opinion that any of the penalties specified in Clauses (i) to (v) of Rule 13 should be imposed on him, it may, in consultation with the lending authority, pass such orders on the case as it deems necessary.Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority.(ii)If the borrowing authority is of the opinion that any of the penalties specified in Clauses (vi) to (ix) of Rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry, and, thereupon, the lending authority may, if it is the disciplinary authority, pass such orders thereon as it deems necessary or, if it is not the disciplinary authority submit the case to the disciplinary authority which shall pass such orders on the case as it deems necessary.Provided that in passing any such order the disciplinary authority shall comply with the provisions of Sub-rules (10) and (11) of Rule 15.Explanation - The disciplinary authority may make an order under this clause on the record of the inquiring transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary.

20. Provisions regarding Officers borrowed from Union or other State Government, etc.

(1)Where an order of suspension is made or a disciplinary proceeding is drawn against a Government servant whose services have been borrowed from the Union or any other State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter, in this rule, referred to as the "lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be:Provided that in the case of the lending authority being other than the Union or a State Government, action on the basis of the second proviso to Rule 19 shall be taken.(2)In the light of findings in the disciplinary proceedings drawn against the Government servant -(i)if the disciplinary authority is of the opinion that any of the penalties specified in Clauses (i) to (v) of Rule 13 should be imposed on him it may, subject to the provisions of [Sub-rule (10) of Rule 15,] [Substituted by G.A. Department Notification No.13644-Gen., dated 13.6.1982.] after consultation with the lending authority pass such orders on the case as it deems necessary.Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the service of the Government servant shall be replaced at the disposal of the

lending authority.(ii)if the disciplinary authority is of the opinion that any of the penalties specified in Clauses (vi) to (ix) of Rule 13 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

Part VI – Appeals

21. Orders made by Governor not appealable.

- Notwithstanding anything contained in this part, no appeal shall lie against any order made by the Governor.

22. Appeals against orders imposing penalties.

(1)A member of an Orissa Civil Services [Group-C] [Substituted by G.A. Department Notification No. 17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.], or an Orissa Civil Service, [Group-D] [Substituted by G.A. Department Notification No. 17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.], may appeal against an order imposing upon him any of the penalties specified in Rule 13 to the authority specified in this behalf either in the schedule or by a general or special order or, where no such authority is specified, to the authority to which the authority imposing the penalty is immediately subordinate.(2)A member of an Orissa Civil Service, [Group-A] [Substituted by G.A. Department Notification No. 17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.] or an Orissa Civil Service [Group-B] [Substituted by G.A. Department Notification No. 17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.], against whom an order imposing any of the penalties specified in Rule 13 is made by an authority other than the Governor may appeal against such order to the Governor.(3)Notwithstanding anything contained in Sub-rule (1) and (2), an appeal against an order in a common proceeding held under Rule 17 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate.Explanation - In this rule the expression 'member of an Orissa Civil Service' includes a person who has ceased to be a member of that service.

23. Appeal against other orders.

(1)A Government servant may appeal against an order which -(a)denies or varies to his disadvantage his pay, allowances pension or other conditions of service as regulated by any rules or by agreement; or(b)interprets to his disadvantage the provision of any such rules or agreement,to the Governor if the order is passed by the authority which made the rules or agreement, as the case may be, or by any authority to which such authority is subordinate, and to the authority which made rules or agreement, if the order is passed by any other authority.(2)An appeal against an order -(a)stripping a Government servant at the Efficiency Bar in the time-scale on the ground of his unfitness to mess to the Bar;(b)reverting to a lower service grade or a post a Government servant officiating in a higher service, grade or post, otherwise than as a penalty;(c)reducing or withholding the pension or denying the maximum pension admissible under the rules; and(d)determining the pay and

allowances for the period of suspension to be paid to a Government servant on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose, shall lie -(i)in the case of an order made in respect of a Government servant on whom the penalty of dismissal from service can be imposed only by the Governor, to the Governor; and(ii)in the case of an order made in respect of any other Government servant to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.Explanation - In this rule -(i)the expression 'Government servant' includes a person who has ceased to be in Government service;(ii)the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

24. Period of limitation for Appeals.

- No appeals under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against :Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

25. Form and Contents of Appeal.

(1)Every person submitting an appeal shall do so separately and in his own name.(2)The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

26. Submission of Appeals.

- Every appeal shall be submitted to the authority which made the order appealed against :Provided that, if such authority is not the head of the office in which the appellant may be serving or if he is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority :Provided further that a copy of the appeal may be submitted direct to the appellate authority.

27. Withholding of Appeals.

(1)The authority which made the order appealed against may withhold the appeal if -(i)it is an appeal against an order from which no appeal lies; or(ii)it does not comply with any of the provisions of Rule 25; or(iii)it is not submitted within the period specified in Rule 24 and no reasonable cause is shown for the delay; or(iv)it is a repetition of an appeal already decided and no new facts or circumstances are adduced :Provided that an appeal withheld on the ground only that it does not comply with the provisions of Rule 25 shall be returned to the appellant and, if re-submitted within one month thereof after compliance with the said provisions shall not be withheld.(2)Where an appeal is withheld the appellant shall be informed of the fact and the reasons therefore.(3)At the commencement of each quarter a list of the appeals withheld by any authority

during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

28. Transmission of Appeals.

(1)The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under Rule 27 together with its comments thereon and the relevant records.(2)The authority to which the appeal lies may direct transmission to it of any appeal withheld under Rule 27 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

29. Consideration of Appeals.

(1)In the case of an appeal against an order imposing any of the penalties specified in Rule 13 the appellate authority shall consider -(a)whether the procedure prescribed in these rules has been complied with and, if not whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;(b)whether the findings are justified; and(c)whether the penalty imposed is excessive, adequate or inadequate; and, after consultation with the Commission if such consultation is necessary in the case, pass orders -(i)Setting aside, reducing confirming or enhancing the penalty; or(ii)remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;Provided that -(i)the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;(ii)no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and(iii)if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in Clauses (vi) to (ix) of Rule 13 and an inquiry under Rule 15 has not already been held in the case the appellate authority shall/subject to the provisions of Rule 18, itself hold such inquiry or direct that such inquiry be held and, thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.(2)In the case of an appeal against any order specified in Rule 23 the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

30. Implementation of orders in Appeal.

- The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

Part VII – Review

31. Governor's power to review.

- Notwithstanding anything contained in these rules, the Governor may, on his motion or otherwise, after calling for the records of the case, review any order which is made or is appealable under these rules or the rules repealed by Rule 33, and, after consultation with the Commission where such consultation is necessary -(a)confirm, modify or set aside the order ;(b)impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order ;(c)remit the case to the authority which made the order or any other authority directing such further action or inquiry as he considers proper in the circumstances of the case; or(d)pass such other orders as he 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 or making any representation which he may wish to made against such enhanced penalty;(ii)if the Governor proposes to impose any of the penalties specified in Clauses (vi) to (ix) of Rule 13 in a case where an enquiry under Rule 15 has not been held, he shall, subject to the provisions of Rule 18, direct that such inquiry be held and, thereafter, on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty, pass such orders as he may deem fit,

32. Review of Orders in Disciplinary Cases.

- The authority to which an appeal against an order imposing any of the penalties specified in Rule 13 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and, after consultation with the Commission, where such consultation is necessary, pass such orders as it deems fit as if the Government servant had preferred an appeal against such order :Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

Part VIII – Miscellaneous

33. Repeal and Savings.

(1)The Civil Services (Classification, Control and Appeal) Rules, 1930, and the Bihar and Orissa Subordinate Services (Discipline and Appeal) Rules, 1935, and any notifications issued and orders made under any such rules to the extent to which they apply to persons to whom these rules apply and in so far as they relate to classification of Orissa Civil Services specified in the scheduled or confer powers to make appointments, impose penalties or entertain appeals are hereby repealed :Provided that -(a)such repeal not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;(b)any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these rules.(2)Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by Sub-rule (1) in respect of any order passed before the commencement of these rules.(3)An appeal pending at or preferred after the

commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these rules.

34. Removal of Doubts.

- Where a doubt arises as to who is the head of any office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be preferred to the Governor whose decision thereon shall be final.

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Description of service	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 13)	Appellate authority	5
1	2	3	4	5
Orissa Civil Services,[Group-B] [Substituted by G.A. Department Notification No.17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.]and Civil Posts[Group-B] [Substituted by G.A. Department Notification No.17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.].	Government.....	Government.....	All excluding (i)	
	In respect of Officer serving- (a) in any department of Secretariat - Secretary in theDepartment (b) under any Head of Department - Head of	(ii) to (iv) ...	Government	
		(ii) to (iv) ...	Government	

Department

Orissa Civil
Services,[Group-C]
[Substituted by G.A.

Department

Notification

No.17902/S.C/3-2/99

(Part-I) Gen. dated

23.5.2000.]and Civil

Posts[Group-C]

[Substituted by G.A.

Department

Notification

No.17902/S.C/3-2/99

(Part-I) Gen. dated

23.5.2000.].

In respect of officers
serving

(a) in any Department
of the Secretarial -
Secretary in
theDepartment.

(b) under any Head of
Department - Head of
the Department.

(A) In respect of member of
the Orissa
SubordinateAdministrative
Service, Orissa Finance
Service (Junior Branch)and
Personal Assistant to
Heads of Department of
Government

Government-

All excluding
(i)

(ii) to (iv) ...

Government

(ii) to (iv) ...

Government

(B) In respect of other
employees serving-

(a) in any Department of
the Secretariat Secretary
-in theDepartment.

(i) Secretary in the
Department.

All excluding
(i) ...

Government

(ii)
Under-Secretary/Assistant
Secretary.

(ii) to (iv) ...

Secretary in
the
Department.

(b) in any office of Head of
Department. - Head of
theDepartment.

(i) Head of the
Department...

All excluding
(i) ...

Government

(ii) Gazetted Personal
Assistant or Secretary to
the Head ofDepartment or
any other Junior Gazetted
Officer subordinate tothe
Head of Department.

(ii) to (iv) ...

Head of
Department

(c) in any other office herein before not specified - Head of the office	(i) Head of the office	All excluding (i)...	Head of Department
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[Group-D]

[Substituted by G.A.

Department

Notification

No.17902/S.C/3-2/99

(Part-I) Gen. dated

23.5.2000.] Posts ...

In case of employees
serving -

(a) in any Department of the Secretariat - Registrar /Assistant Secretary/Under Secretary.	Registrar/Assistant Secretary/ Under-Secretary	All...	Secretary in the Department.
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(b) in any office of the Head of Department - Head of Department	(i) Head of Department	All...	Government
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(ii) Gazetted Personal Assistant or Secretary to the Head of Department or any other Junior Gazetted Officer subordinate to the Head of Department	(i) to (iv) ...	Head of Department	
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(c) in any other office herein before not specified - Head of the office	Head of the office ...	All...	Head of Department.
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[Substituted by G.A. Department Notification No. 17902/S.C/3-2/99 (Part-I) Gen. dated 23.5.2000.]