

**Postal Manual Volume III**  
**CENTRAL CIVIL SERVICES (CLASSIFICATION,**  
**CONTROL AND APPEAL) RULES, 1965**  
**AND**  
**SCHEDULE OF ADMINISTRATIVE POWERS OF OFFICERS**

**Stages of Disciplinary proceedings**

- ✓ The procedure as laid down in the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is required to be followed rigidly. Any failure in its due observance is liable to vitiate disciplinary proceedings including the final punishment order passed. The various stages in a disciplinary case are given below:

**Rule 3 (a) First Stage:** - Decision to proceed against an employee after making preliminary enquiries, if necessary, at the appropriate level in regard to offences alleged to have been committed by him.

- ✓ When a report is received about the commission of an offence by an employee the appropriate authority should decide whether or not there is justification for having the matter investigated into.
- ✓ At the stage of preliminary enquiries, all available evidences and relevant documents should be collected and in important cases, evidences of witnesses be reduced to writing and got signed by them, if possible, in the presence of the accused employees.
- ✓ No prior sanction of the punishing authority is necessary for holding such a preliminary enquiry. The investigation report alongwith the preliminary evidences collected should then be examined by the appropriate authority to come to a decision whether a prima-facie case exists for initiation of formal disciplinary proceedings.
- ✓ The office responsible for the decision should take care not to express, as far as possible, any definite opinion on the merits of the final outcome of the case.
- ✓ If this decision is taken at a level lower than the competent disciplinary authority, all the papers should then be forwarded to that authority for taking a final decision and initiation of disciplinary proceedings.



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- ✓ Even if it is felt that there is no justification for initiation of disciplinary proceedings, it is desirable that the papers are shown to the competent disciplinary authority for his information.
- ✓ At this stage itself the competent authority should examine whether pending disciplinary proceeding, the official should be placed under suspension, and issue order in the form prescribed.

**Rule 4 (b) Second Stage:** - Framing of charges and issue of a charge sheet either for a major or a minor penalty in the prescribed proforma. The charge sheet should be drafted in the prescribed form giving all the details as required under Rule 14 or Rule 16 of the above rules as the case may be, while framing the charge sheet, the following points should be kept in mind :-

- (i) The grounds on which it is proposed to take action against an employee should be reduced to the form of a definite charge or charges. The charges should be clear, specific and precise. A separate charge should be framed in respect of each separate offence. It is desirable that the charges should not be of a petty nature or unnecessarily numerous. They should not, except where the charge is one of inefficiency or incompetence, relate to matters which have already been the subject of previous official enquiry and decision. Care should be taken that no expression of opinion as to the guilt of the accused official is contained in the wording of the charge.
- (ii) A statement of allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing the orders on the case should invariably be attached with the chargesheet. In the statement of allegation also, care should be taken that no opinion or anything that can be construed as an opinion as to the guilt of the official should appear therein.
- (iii) A complete list of documents by which, and a complete list of witnesses by whom, the articles of charge are proposed to be sustained should be attached with the chargesheet.
- (iv) The employee should be required, within a reasonable time to be specified in the Memorandum, to state whether he desires to be heard in person, and thereafter, to put in a written statement of his defence.

NOTE: When the Memorandum of charges is sent by post, it should be enclosed in a Registered Cover with acknowledgement due.



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**Rule 5 (c) Third Stage:** - Submission of defence by the delinquent officer, appointment of Enquiry Officer and presenting officer holding of enquiry into the charges where necessary and findings of the Enquiry Officer.

- ✓ NOTE: -Even though withholding of increment is a minor penalty, Government have decided that an enquiry should be held in the manner laid down in Sub Rules (3) to (23) of Rule 14 of CCS (CCA) Rules, 1965, if it is proposed: -
  - (i) to withhold increment of pay for a period exceeding three years; or
  - (ii) to withhold increment of pay with cumulative effect of any period, or
  - (iii) to impose the penalty of withholding of increment at a time when it is likely to effect adversely the amount of pension admissible to the government servant.
- ✓ In the cases of proceedings for a major penalty, enquiry into such of the charges as are not categorically admitted by the accused official is obligatory. If an enquiry is required to be held, the disciplinary authority should decide whether it would like to hold the enquiry itself or to appoint a separate Enquiry Officer. The status of the Enquiry Officer should not in any case be lower than that of the accused officer.
- ✓ In fairness to the accused, as well as to the Enquiry Officer, the enquiry should not be entrusted :-
  - (a)to an officer who held the preliminary enquiry and expressed a definite opinion on the allegations, especially, where such opinion is adverse to the accused, or;
  - (b)to an officer directly subordinate to an officer, who has already expressed an opinion on the allegations, especially where such opinion is adverse to the accused
- ✓ The disciplinary authority may also at this stage nominate a Presenting Officer who would present on its behalf the case in support of the articles of charge. The Accused Officer has also the right to take assistance of another Government servant to present the case on his behalf, for this purpose, he is not required to take prior permission of the disciplinary authority. He need send only an intimation to this effect to the disciplinary authority. The disciplinary authority is not, however, responsible to ensure the release of that Government servant to enable him to attend the enquiry. The accused officer is not also entitle to engage a legal practitioner to present his case without the specific permission of the disciplinary authority. If, however, the Presenting



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Officer appointed by the disciplinary authority is a legal practitioner, the accused official will have a right to appoint a legal practitioner to assist him.

- ✓ To enable the Enquiry Officer to hold the enquiry, the disciplinary authority is required to send copies of the documents as indicated in sub rule 6 of Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 to him. The original documents should be available with the Presenting Officer. In case there is no Presenting Officer, the enquiry officer should have the original documents
- ✓ Before the start of the enquiry, the accused officer will be required to state categorically whether he pleads guilty to any of the articles of charges. If the accused officer does not plead guilty to any or all the articles of the charges the enquiry officer will start formal enquiries.
- ✓ Before the start of the enquiry, the accused officer will have the option to apply for the production and inspection of certain documents to be specified by him which are expected to be in the possession of Government but not already mentioned in the list of documents attached with the chargesheet, and are relevant.
- ✓ During the enquiry, the Presenting Officer will produce all documentary evidence and also have all his witnesses examined and cross-examined to prove the allegations and charges.
- ✓ At the discretion of the Enquiry Officer and before the close of the case on behalf of the disciplinary authority, the Presenting Office may produce new evidences not included in the original list supplied to the accused officer.
- ✓ Similarly, the Enquiry Officer may himself call for new evidence or recall and re-examine any witness vide sub-rule 15 of Rule 14 of CCS (CCA) Rules, 1965.
- ✓ After the witnesses on behalf of the disciplinary authority have been examined, the accused officer shall be required to state his defence orally or in writing. He shall also produce evidence in support of his defence.
- ✓ The Enquiry Officer has the right to examine the accused officer himself.
- ✓ Thereafter the Presenting Officer as well as the accused officer will have an opportunity to file written statements of their respective case, if they so desire.
- ✓ On the basis of the evidences recorded during the enquiry, the Enquiry Officer will submit his report discussing all the evidences and giving his finding on each charge separately taking into account the evidence of both the sides.



- ✓ The enquiring authority should, after the completion of the production of evidences, hear the presenting officer, if any appointed, and the delinquent official or permit them to file written briefs of their respective cases, if they so desire.
- ✓ In case they decide to be heard orally, the presenting officer will be required to present his case in the first instance.
- ✓ In case written briefs are obtained from them, the presenting officer should be required to submit his brief in the first instance and a copy of that brief should be supplied to the delinquent official before he is required to submit his brief

**Rule 6 (d) Forth Stage: -**

- ✓ On receipt of the Enquiry Officer's report, the competent disciplinary authority should examine the report carefully with a view to taking a decision whether the charges have been established and whether the recommendations of the Enquiry Officer in this regard should be accepted.
- ✓ In case, the disciplinary authority does not accept any of the recommendations of the Enquiry Officer, it shall give its own findings, discussing the relevant evidences in support thereof.
- ✓ At this stage, it will be open to the disciplinary authority either to direct the Enquiry Officer to hold supplementary enquiry for further examination of any of the witnesses or may itself hold a supplementary enquiry subject to the restrictions imposed by the note below sub-rule 15 of Rule 14 of CCS (CCA) Rules.
- ✓ Accordingly, it will not be proper to bring in extraneous matters, such as bad records to service, not connected with the enquiry for either establishing the charge or for deciding the quantum of penalty
- ✓ After the disciplinary authority has arrived at a decision about the charges, it should take a decision about the quantum of penalty which is considered to be justified on the basis of the charges held to have been established against the officer. The disciplinary authority should thereafter issue the final punishment orders.
- ✓ In case, the disciplinary authority is itself the enquiring authority, a copy of its own report should be furnished to the delinquent officer alongwith the punishment orders. In some cases, a delinquent may not offer any defence to the chargesheet served on him. Even in such cases, the usual procedure of holding an enquiry has to be followed.



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- ✓ If the accused officer does not attend the enquiry, an ex-parte enquiry should be held. During this enquiry, the Enquiry officer should follow the prescribed procedure of inspection of the original records produced in support of the charges and of examination and cross-examination of the witnesses produced on behalf of the disciplinary authority.
- ✓ In case the proceedings are for a minor penalty, the disciplinary authority should pass the final punishment orders after giving due consideration to the defence unless an enquiry is required to be held in accordance with the provisions of Sub Rule 1-A of Rule 16 of CCS (CCA) Rules, 1965.

**Rule 7.** In a case in which it is necessary to consult the Union Public Service Commission, the disciplinary authority should forward the enquiry report alongwith the relevant records in original to the Commission and pass the final orders only on receipt of the Commission's advice.

- ✓ A copy of the Commission's advice should also in that case be forwarded to the accused officer. On the issue of the punishment orders, the officers if already under suspension and if not dismissed, removed, or compulsorily retired from service should be released from suspension and the period of suspension regulated under FR 54.

**Rule 8.** The order of punishment should be framed in a proper judicial form. It should contain a sufficient record of the evidence (including oral evidence, if any) and a statement of the findings and ground thereof. In other words, the punishment order should contain :-

- (i) the facts and the history of the case lending to the charges;
  - (ii) the charges in detail;
  - (iii) a record of the examination of the defence and the evidence (including oral evidence, if any) in respect of each charge; and
  - (iv) a statement of the findings in respect of each charge
- ✓ A copy of the order must be furnished to the employee punished under receipt which must be kept on record attached to the original order or punishment in the personal file of the official concerned or in the file from which the order is issued as the case may be.

**Rule 10.** It may be that the circumstances of a case are such that an accused employee should be allowed the option of resigning his appointment in the Department. If so, and if he then



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voluntarily tenders an unconditional resignation, this should be accepted without comment, subject to the provision of Rule 158.

### **Consultation with Central Vigilance Commission**

**Rule 12.** In all Vigilance cases relating to Gazetted Officers, the Central Vigilance Commission should be consulted during the progress of the case at the following stages :

- (i) If in any case the administrative authority does not think that a preliminary enquiry is necessary, the complaint (other than an anonymous or pseudonymous scomplaint) together with the views of the administrative authority shall be forwarded to the Central Vigilance Commission for advice.
- (ii) Similarly, when an administrative authority has, after preliminary enquiry, come to the conclusion that no further action is necessary, the case shall be reported to the Central Vigilance Commission for advice.
- (iii) Where an administrative authority proposes after a preliminary enquiry, to institute disciplinary proceedings, the report of the preliminary enquiry, together with other relevant records, shall be forwarded to the Central Vigilance Commission for advice as to the course of further action to be taken.
- (iv) In cases in which the Central Vigilance Commission advises that formal disciplinary proceeding should be instituted, it will also advise whether proceedings should be instituted for imposing a major penalty or a minor penalty. It will then be the responsibility of the Ministry/Department to draw up a charge sheet, statement of allegations etc., and take all further steps according to the prescribed procedure and practice. It will be open to the administrative authority concerned to seek such further advice and guidance as may be considered necessary from the Central Vigilance Commission.
- (v) The report of the Enquiry Officer conducting oral enquiry into any departmental proceedings together with the full record of the case should be forwarded to the Central Vigilance Commission who will advise the disciplinary authority concerned as to the course of further action to be taken.
- (vi) The administrative authority may, in its discretion, decide to make an enquiry into an anonymous or pseudonymous complaint or to drop it or may seek the advice of the Central Vigilance Commission. However, once an administrative authority has decided to make an



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enquiry into a complaint, the result of such enquiry should be intimated to the Central Vigilance Commission.

(vii) In respect of proceedings for imposition of major penalty a reference has to be made to the Central Vigilance Commission after the enquiry has been concluded. In respect of a case of minor penalty, it should be referred to the Central Vigilance Commission after the receipt of the written statement of defence of the delinquent officer and before the case is referred to the Union Public Service Commission, where this step is necessary. The disciplinary authority should indicate his provisional conclusions while making such a reference. Further, where statement has been made in the reply of the officer to controvert the allegations, the Commission's attention should specifically be drawn to the correct facts.

NOTE I : In consonance with the spirit of the Scheme of the Central vigilance Commission only those cases in which there is an allegation of corruption or improper motive, or if the alleged facts indicate an element of corruption or improper motive, need be referred to the Commission. Cases involving purely administrative or technical lapses e.g. late attendance, disobedience, insubordination, negligence, lack of supervision or operational or technical lapses and irregularities etc., need not, therefore, be referred to the Commission. However, difficulty sometime arises in distinguishing vigilance cases from no-vigilance cases. In all such cases discretion has to be exercised by the administrative authority. Broadly speaking it may be stated that any case which *prima facie* has a vigilance angle or which has the potentiality of having a vigilance angle should be referred to the Commission for advice.

NOTE II : Heads of Circles and Administrative Officers who are competent to impose minor penalty on class II officers may consult the Commission direct.



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## **Suspension**

### **Rule 13.**

- ✓ The appointing authority or any authority to which it is subordinate or any other authority competent to impose on a Government servant any of the penalties specified in rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, may place that Government servant under suspension under the circumstances laid down in rule 10 of the said rules.

### **Rule 14.**

- ✓ If an order of suspension is passed by an authority lower than the appointing authority, that authority will report to the appointing authority the circumstances in which the order was passed

### **Rule 15.**

- ✓ Where the services of a Government servant are borrowed from or lent to by one department to another department or from or to a State Government or an authority subordinate thereto or from or to a local authority or other authority, the borrowing authority can suspend such Government servant under rule 20 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The lending authority should, however, be informed forthwith of the circumstances leading to the order of suspension.

### **Rule 16.**

- ✓ Before passing an order of suspension, the authority proposing to make the order, should verify whether it is competent to do so. Otherwise, the suspension order is liable to be declared to the grant of full pay and allowances for the period of suspension. A Government servant should not be placed under suspension by oral order.

### **Rule 17.**

- ✓ While suspension of an official may be justified at the initial stage, it should always be ensured by the suspending authority be undertaking periodical reviews that the period of suspension of an official is reduced to the barest minimum.



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- ✓ For this purpose, every effort should be made to file the chargesheet in court or serve the chargesheet on the Government servant, as the case may be, within three months of the date of suspension.
- ✓ In cases where it may not be possible to do so, the disciplinary authority should report the matter to next higher authority explaining the reasons for the delay.

**Note:-**

- ✓ The intention is that in cases other than those pending in courts, the total period of suspension viz. both in respect of investigation and disciplinary proceedings should not ordinarily exceed six months.
- ✓ However, in exceptional cases where it is not possible to adhere to this time limit the suspension may be continued only under the specific order of the authority immediately superior to the disciplinary authority

**Rule 18.**

- ✓ It is the duty of a Government servant who may be convicted by a Court of law or arrested, to inform his official superior of the fact of his conviction and the circumstances connected therewith as soon as it is possible for him to do so. Failure in this regard will be regarded as suppression of material information and will render him liable to disciplinary action on his ground. Alone, apart from the penalty called for on the basis of the offence on which his conviction was based.

**Rule 20**

- ✓ The station of posting immediately before his suspension will be the headquarters of the suspended officer. The disciplinary authority may, however, for reasons to be recorded in writing, fix any other place as his headquarters in the interest of public service (vide Govt. of India's decision No. 3 below S.R. 153-A).
- ✓ A change of headquarters can be also be ordered at the request of the suspended officer if the competent authority is satisfied that it will not put Government to any extra expenditure in the shape of T.A. etc or create difficulty in investigation or in processing of departmental proceedings.

**Rule 21.**

- ✓ A suspended officer is subject to all conditions of services applicable to Government servants. He should not accordingly leave his headquarters without the permission of the disciplinary authority.

**Rule 23.**

- ✓ An order of suspension made or deemed to have been made can be revoked at any time for good and sufficient reasons by the authority who made the orders or is deemed to have made or by any other higher authority.

**Rule 25.**

- ✓ A Government servant under suspension is entitled to subsistence allowance from the date of his suspension at the rate prescribed in F.R. 53. If the period of suspension exceeds 3 months, the suspending authority may vary the rate of subsistence allowance for the subsequent period of suspension in accordance with the provisions of the rule referred to above.
- ✓ Where departmental proceedings against a suspension employee for the imposition of a major penalty finally end with the imposition of minor penalty, the suspension can be said to be wholly unjustified in terms of FR (54-B) and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under F.R. 54-B.

**Rule 26.**

- ✓ After the first review, it will be open to the competent authority to make a further review or reviews at any time at its discretion. However, the increase or decrease at any stage should not exceed the limit of 50 percent of the subsistence allowance granted initially

**Recoveries from subsistence Allowance**

**Rule 28.**

- ✓ The following recoveries from the subsistence allowance are compulsory :-
  - (i) income tax and super tax.
  - (ii) house rent, electricity, water and other charges.



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(iii) repayment of loans and advances taken from the Government at such rates as the Head of the Department deems it just to fix.

**Rule 29.**

- ✓ The following recoveries are optional and should be made only with the consent of the suspended officer :-
  - (i) P.L.I. premia.
  - (ii) Dues of the Co-operative stores and Co-operative Societies.
  - (iii) Refund of advance taken from the G.P.F

**Rule 30.**

- ✓ The following recoveries are not to be made from the subsistence allowance :-
  - (i) Subscription to G.P.F.
  - (ii) Amount due on court attachments.
  - (iii) Recoveries of loss to Government for which the suspended officer has been held responsible.

**House Rent Allowance during suspension**

**Rule 33**

- ✓ A Government servant who has been in occupation of rent-free accommodation will cease to enjoy the concession from the date of suspension but he will not be required to vacate the quarter unless it is attached to any particular post. However, rent at the usual rate will be recovered from him.
- ✓ If ultimately the employee is allowed full pay and allowances for the period of suspension, the concession of rent-free accommodation will stand restored and rent, if recovered, for the period of suspension will be refunded.
- ✓ If however, the employee had been made to vacate the quarter, he will be entitled to house rent allowance in lieu of rent-free accommodation only if house rent allowance is otherwise admissible at the headquarters of his suspension.
- ✓ The house-rent allowance will be calculated with reference to the pay that he was drawing for the period of suspension.



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**Subsistence Allowance in the case when paid prior & reinstatement is regulated as suspension**

**Rule 34.**

- ✓ In the case of Government servant dismissed, removed or compulsorily retired from service who is subsequently deemed to have been placed under suspension or to continue to be under suspension from the date of such dismissal, removal or compulsory retirement under Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, he shall be entitled to subsistence allowance and other allowance for such period of suspension but the amount of earnings, if any, for the period will be deducted from the subsistence allowance.

**Option for revised scale of pay**

**Rule 35.**

- ✓ When the scale of pay of a post held by the Govt. servant under suspension is revised and the revision takes effect from a date prior to the date of suspension, the Government servant should be allowed to exercise the option under G.R. 23 even if the date by which he is to exercise the option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the period before suspension and also in the subsistence allowance for the period of suspension.

**Rule 40.**

- ✓ Unauthorised absence from duty is opposed to discipline and a serious view may be taken of it. Such unauthorised absence would include the following cases :
  - (i) Absence from duty without leave previously sanctioned.
  - (ii) Overstayal of leave already sanctioned without previous sanction of leave for the period in excess of the original period of leave.
  - (iii) Being away from duty in excess of the limits laid down in Rule 32(2)(a) of the CCS (Leave Rules, 1972).
- ✓ A Government servant who is unauthorisedly absent from duty will normally be allowed to re-join duty at the end of the period of unauthorised absence. He may be called upon to explain

the circumstances in which he was unauthorisedly absent and the action to be taken in his case will be decided by the competent authority on the basis of his explanation. Imposition of any of the penalties prescribed in the CCS (CCA) Rules, 1965, may be considered if the explanation is not considered satisfactory.

- ✓ In case a Government Servant is absent unauthorisedly and does not report for duty of his own accord the competent authority may order him to re-join duty and if even then he fails to re-join duty, a serious view will be taken, which may result in punitive action against him.
- ✓ In case disciplinary proceedings are instituted against a Government servant while he is on unauthorised absence and he is later allowed to join duty, the question as to how the period of unauthorised absence should be treated will be decided by the competent authority on conclusion of disciplinary proceedings.
- ✓ In this connection reference is also invited to the proviso to FR. 17(1) under which a competent authority may deal with periods of absence without leave properly sanctioned. Such consequences as break in service and loss of pay and allowances may result from the application of the proviso to FR 17 (I), which leads as follows :
- ✓ Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowance during the period of such absence.

## Basic Pay Remittance of subsistence allowance

### Rule 41.

- ✓ Subsistence allowance of a non-gazetted official can be remitted by service money orders.



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### **Eligibility to appear in Departmental Examinations during suspension.**

#### **Rule 42.**

- ✓ An official under suspension or facing disciplinary proceedings may be admitted to a departmental examination if he satisfies all the other conditions prescribed for admission to such examination.
- ✓ The question of his promotion should, however, be decided taking into account the instructions issued from time to time about the promotion of an official under suspension or against whom disciplinary proceedings are pending

#### **Rule 45.**

- ✓ A penalty can be imposed only by the prescribed punishing authority.
- ✓ An appellate authority or any other authority higher than the appropriate punishing authority cannot exercise any concurrent original disciplinary jurisdiction.
- ✓ In no circumstances should an authority higher than the punishment authority issue any direction in regard to the penalty to be imposed.
- ✓ Neither should a punishing authority obtain the guidance or consent of any superior authority in this respect.
- ✓ Nothing in this rule shall affect the authority of the President to impose any of the penalties on any Government servant.

#### **Rule 47.**

- ✓ A Group 'A' Sr. Superintendent of Post Offices and R.M.S. should be deemed to be competent to impose major penalties on an official who was initially appointed by a Senior Time Scale Officer of the I.P.S Group 'A', the Jr. & Sr. Time scale of the service having been merged.

#### **Rule 48.**

- ✓ An officer appointed to perform the current duties of an appointment can exercises administrative or financial powers vested in the full-fledge incumbent of the post but he cannot exercise statutory powers, whether those powers are derived direct from an Act of Parliament or Rules, Regulations and By-Laws made under various articles of the Constitution.

**Rule 49.**

- ✓ Disciplinary authority in respect of an official is to be determined with reference to his posting at the relevant stages of the disciplinary case and not with reference to his posting and status at the time of commission of the offence. The appellate authority in respect of an official is, however, to be determined with reference to the authority which imposed the penalty appealed against and subsequent transfer of the official to separate office will not be a material consideration for the purpose.

**Rule 50.**

- ✓ The authority who conducts the preliminary enquiry into a case of misconduct etc. of a Government servant will not be debarred from functioning as a disciplinary authority in the same case provided it has not openly given out its findings about the guilt of the accused official.

**Ad-hoc Disciplinary authority**

**Rule 51.**

- ✓ Where the prescribed appointing or disciplinary authority is unable to function as the disciplinary authority in respect of an official on account of his being personally concerned with the charges or being a material witness in support of the charges, the matter should be reported to the Postal Dte. with full details for appointment of an ad-hoc disciplinary authority by the President.

**Disciplinary Proceedings**

**Rule 52.**

- ✓ The time at which an act was committed or the capacity in which it was committed is not material for deciding whether or not the Central Civil Service (Classification, Control & Appeal) Rules are applicable to an employee. It would, therefore, be quite in order to initiate disciplinary proceedings against a Government servant for some misconduct which is alleged to have been committed at a time when he was not a Government servant, e.g. when he was an Extra Departmental Agent.



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## Common Proceedings

### Rule 53.

- ✓ In case where two or more Govt. servants are involved in the case, the departmental proceedings should, as far as possible, be conducted by the same authority (who will be the higher among them) so that the evidence and the defence statements submitted by the different officials may be examined together.
- ✓ This is possible under Rule 18 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. Even though the official may be in different grades and are working under the jurisdictions of different disciplinary authorities, as soon as a case occurs in which two or more Govt. servants are concerned and the disciplinary authorities in respect of them are different, and the President's Sanction is necessary under rule 18 of CCS (CCA) Rules 1965.

### Rule 61.

- ✓ Under order of the Government of India no employee is, under any circumstances whatever, to be retained in active employment when he is physically or mentally unfit for the proper discharge of his duty. When a Government servant is in bad health and unable to perform his duties in a satisfactory manner, it is his business to apply for and obtain leave. If he does not go on leave, and neglects his duty, the excuse, if put forward, that he was in bad health, will not be accepted. In appropriate cases, the employee may be sent for medical examination for adjusting his fitness to continue in service in accordance with the provisions of the Central Civil Services (Medical examination) Rules, 1957 reproduced in F.Rs. & S.Rs. Vol. II.

### Rule 62.

- ✓ Absence of officials from duty without proper permission or when on duty in office, they have left the office without proper permission or while in the office, they refused to perform the duties assigned to them is subversive of discipline. In cases of such absence from work, the leave sanctioning authority may order that the days on which work is not performed be treated as dies non, i.e. they will neither count as service nor be construed as break in service.



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### **Rule 63.**

- ✓ Whenever an official continues to remain absent from duty, overstays leave without permission and his movements are not known or he fails to reply to official communications, the disciplinary authority may initiate action under Rule 14 of the CCS (CCA) Rules, 1965.
- ✓ In all such cases, the competent authority should, by a registered A.D. letter addressed to the official at his last known address, issue a chargesheet in the form prescribed for the purpose and call upon the official to submit a written statement of defence within a reasonable period to be specified by that authority.
- ✓ If the letter is received undelivered or if the letter having been delivered, the official does not submit a written statement of defence on or before the specified date or at a subsequent stage does not appear in person before the Enquiry Officer, or otherwise fails or refuses to comply with the provisions of CCS (CCA) Rules, the enquiring authority may hold an ex parte enquiry.

### **Rule 66.**

- ✓ As far as possible, after the irregularities on the part of an official have been detected and disciplinary proceedings against him are contemplated he should not be transferred out of the jurisdiction of the disciplinary authority who is to conduct the departmental proceedings even though it may sometimes be found desirable to transfer the official to an outstation within the jurisdiction of the same disciplinary authority.

## **Action against supervisory officers**

### **Rule 67.**

- ✓ The laxity on the part of the supervisory officials should be viewed as seriously as the negligence on the part of the operative staff. Sometimes, the laxity on the part of the supervisory officials may have to be viewed more seriously as there may be extenuating circumstances like the pressure of crowd waiting at the counter, insufficiency of light etc. in the case of an operative staff.
- ✓ The failure on the part of supervisory official to go round the office and exercise a personal watch over the operative staff should also be given due consideration in cases of frauds etc.



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### **Issue of chargesheet in Hindi**

#### **Rule 70.**

- ✓ It should as far as possible be ensured that the delinquent official understands fully the charges he is called upon to explain. Since Hindi has become official language of the Union and use of English language continues, the chargesheet may be served in English or Hindi. It is for the delinquent to get the same translated into some other language for his own benefit.

### **Inspection of documents**

#### **Rules 72.**

- ✓ An accused officer should make a request for inspection of the relevant documents before the stage of the formal enquiries. Any such request made thereafter can be refused.
- ✓ However, if the accused official makes a request before he files a written statement during the enquiries for inspection of statements of witnesses recorded in the course of a preliminary enquiry conducted by the department or investigations made by police, it should be acceded to provided these witnesses have been examined during the enquiries.

#### **Rule 74.**

- ✓ The right of access to official records by an accused official for submission of his defence is not unlimited and it is open to the disciplinary authority to deny such access if, in its opinion, such records are not relevant to the case or it is not desirable in the public interest to allow such access.
- ✓ The power to refuse access to official records should, however, be sparingly exercised. In a case where it is decided to refuse access to a particular document, reasons for refusal should be cogent and substantial and should invariably be recorded in writing.

#### **Rule 76.**

- ✓ The statements recorded during the preliminary enquiries of such witnesses as are proposed to be examined during the formal enquiries, should be allowed to be inspected by the accused officer. It is not obligatory to allow inspection of statement of other witnesses.



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**Rule 77.**

- ✓ Rule 16 of the CCS (CCA) Rules, 1965 does not make it incumbent on the part of the disciplinary authority that it should give the accused official an opportunity to inspect the relevant records provided no formal enquiry is considered necessary by the disciplinary authority.
- ✓ If, however, an accused officer in such a case makes a request for permitting him to inspect the relevant records to enable him to submit his defence, the disciplinary authority may grant the necessary permission.

**Rule 79.**

- ✓ Disciplinary proceedings come to an end immediately on the death of the alleged offender. No disciplinary proceedings either under the Central Civil Service (Classification, Control & Appeal) Rules, 1965 or under Article 351-A of the C.S.R. can, therefore be continued under the death of the concerned officer.

**Appointment of Enquiry Officer**

**Rule 85.**

- ✓ In the interest of justice and equity, it is desirable that only disinterested officers are appointed as enquiry officers in disciplinary proceedings. There is, however, no bar to the immediate superior officer holding an enquiry. But the disciplinary authority should satisfy itself that the person appointed to hold the enquiries is not suspected of any bias.

**Rule 87.**

- ✓ An official who may have to appear as a witness in a disciplinary case should not be appointed as the Presenting Officer or Enquiry Officer in that case.

**Nomination of Assisting Government servant to the delinquent**

**Rule 88.**

- ✓ Under Rule 14 (8) of the CCS(CCA) Rules, 1965, a Government servant may take the assistance of any other Government servant to present the case on his behalf. No discretion in this regard vests on the disciplinary authority.



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- ✓ Government have decided that Government servants involved in disciplinary proceedings may also take the assistance of retired Government servants.

**Rule 92.**

- ✓ Statement of witnesses recorded during the departmental enquiries, should normally be got signed by the witnesses concerned, the accused officer and the Enquiry Officer so that the validity of the documents is not questioned by any one at a later date.

**Supply of Copies of statement of witnesses to accused**

**Rule 93.**

- ✓ Copies of oral statement of witness recorded by the Enquiry Officer should normally be supplied to the delinquent officer before calling him to make his own statement if a specific request to this effect is made by the delinquent officer before recording of oral statement starts.

**Communication of punishment order**

**Rule 99.**

- ✓ Ordinary, the officer who has recorded his findings in a disciplinary case should, as far as possible, communicate the orders under his own signature. In exceptional cases in which this has not been possible, the successor has to communicate the decision as taken by his predecessor without modification or alteration in any manner.

**Date of effect of penalty**

**Rule 102.**

- ✓ The penalty of withholding of increment takes effect from the date of increment accruing to the officer after the issue of the punishment orders. It cannot affect the increment which was due prior to the issue of the punishment orders even though it may not have actually been drawn due to the officer being on leave or other administrative reasons.

**Rule 118.**

- ✓ Dismissal from military service of a person holding a lien on a permanent civil post will not automatically constitute dismissal from the civil appointment. On his dismissal from the military service, the officer will stand reverted to his civil department from the date of dismissed and the competent authority should then consider the question of initiating disciplinary proceedings against him. The question whether the officer should not be placed under suspension simultaneously should be considered by that authority.

**De-novo proceedings**

**Rule 126.**

- ✓ When on appeal, the appellate authority sets aside the punishment orders and remits the case for de-novo trial, the original proceedings containing the chargesheet are to be deemed to be quashed unless the stage from which the re-trial should be conducted is specified in the order.
- ✓ It would be opened to the disciplinary authority to frame any other charge in addition to or in substitution of the original chargesheet subject to the conduction that it is based on facts of the case as initially disclosed for taking departmental action against the Government servant.

**Rule 130.**

- ✓ It is not open to the punishing authority to cancel or revise its own orders. In case the orders require any revision or cancellation, the matter should be reported to the appellate or to the competent reviewing authority.
- ✓ If however, the order is inoperative, e.g. with-holding of increment of an official who was reached the maximum of his scale of pay, it can be revised by the same punishing authority.
- ✓ It would also be within the competence of the punishing authority to cancel punishment orders passed on an official as a result of his conviction in a court of law when the conviction is set aside on appeal by the appellate authority. It cannot, however, itself set aside its own orders even when it discovers any procedural irregularities.



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**Rule 141.**

- ✓ Absence of an employee from duty for more than 5 years at a stretch having been restrained from performing his duties under Government orders, as for example, in a case of removal or dismissal should not be treated as absence for the purpose of F.R. 68.

**Punishment Register**

**Rule 145.**

- ✓ All officers including non-gazetted supervisory officers having disciplinary powers must keep punishment registers in form App. 32 containing particulars of punishments imposed by them and also by other authorities on employees under their respective control. The register should show the names, designations and pay of the employees punished, the nature of their offences, and the penalties imposed, as for example, dismissal, reduction to a lower post etc.

**Rule 150.**

- ✓ Petitions in respect of disciplinary matters addressed to the Government viz. to Secretary, Deputy Minister, Minister of Prime Minister as distinct from those addressed to the President need not be entertained and may be withheld by the lower authorities. Petitions addressed to the President should be forwarded to the Directorate and cannot be withheld by any lower authority.

**Rule 152.**

- ✓ No employee of the Department is authorized to leave his station of posting without the specific permission of his immediate superior.

**Rule 154.**

- ✓ The records of disciplinary and appellate proceedings should be retained for a period of 25 years.

**Attachment of pay by Courts of Law**

**Rule 163.**

- ✓ Notices of orders attaching the pay and allowances of the officers of the Department is given below will be received from Civil courts by the officers.



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- All gazetted officers. The Pay and Accounts Officer who normally disburses the salary and allowances of the concerned Gazetted Officers.
- All non-gazetted Officers. The Head of Office in which the non-gazetted Officer is for time being employed.

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