

कार्यालय रक्षा लेखा महानियंत्रक/ Office of Controller General of Defence Accounts

उलान बटार रोड़, पालम, दिल्ली छावनी / Ulan Batar Road, Palam, Delhi Cantt - 110 010.

☎ 011-25665562, 25665713, 25665813 Fax No. 011-25674806/25674821

E-mail: "discipline.cgda@nic.in"

No. AN/XIII/13800(3434)/2016/Vol.II

Dated: 01.03.2019

To

To All PCsDA/CsDA/CsFA(Fys)
PCA(Fys)/PIFA

(Through Website)

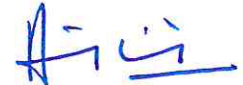
Subject: Handling of Disciplinary proceedings in case of transfer of delinquent officials- reg.

Recently, it is observed that the disciplinary proceedings, which are pending in respect of an official, are being transferred from office of one PCDA/CDA to the office of another PCDA/CDA consequent to the transfer of that charged official. Apparently, the proposed action for transfer of disciplinary proceedings is based on Item No. 2 of Min. of Home Affairs OM No. F.39/1/69-Estt(A) dated 16.04.1969, reproduced as Govt. of India's Decision No. 3 under Rule 12 in the Swamy's Compilation of CCS CCA Rules, 2019 Edition (page 43).

2. In the above connection, kind reference is invited to the HQrs Office circulars bearing No. 0687/AN/F dated 23.09.1967 and No. 0687/AN/F dated 19.07.1969 (copies enclosed). It may be seen that the HQrs Office circular dated 19.07.1969 was issued after examination of the provisions contained in the said MHA OM dated 16.04.1969.

3. Therefore, for the sake of administrative conveyance and uniformity of procedure in initiation/finalisation of disciplinary proceedings in such cases (transfer of charged official) should continue to be taken as explained at Para I(b) of HQrs Office circular dated 23.09.1967. The gist is reproduced below:-

- (i) The PCDA/CDA in whose organisation the delinquency has occurred should initiate, process and finalise the disciplinary action through the PCDA/CDA {present organisation} to whom the Govt. Servant is administratively subordinate.
- (ii) The PCDA/CDA under whom the individual is currently serving will give effect to the final orders {implement order} passed by the PCDA/CDA who processed & finalised the case.



(Avinash Dikshit)
Sr.Jt.CGDA (AN)

CONFIDENTIAL

No.0687/AN/F

Office of the Controller General of Def Accounts
New Delhi-22, Dated the 17 July 1969.

To

All Controllers of Defence Accounts

Subject: C.C.S.(C.C.&A.) Rules 1965 - Clarification
regarding.

Refce: Clarification contained against item 2 of Min
of Home Affairs O.M. No.F. 39/1/69-Ests(A) dated
16-4-69 circulated under this office slip
No.48 dated 20-5-69.

Consequent on the issue of the clarification
by the Ministry of Home Affairs as referred to above,
a question has been raised whether or not, the orders
contained in our confidential circular No.0687/AN/F dated
23-9-67 require modification/clarification.

2. It may be stated in this connection that the
clarification contained in the Ministry of Home Affairs's
O.M. quoted above is only a reiteration of the principles
which the Ministry of Home Affairs / Ministry of Law had
already elucidated and with reference to which our
circular dated 23-9-67 was issued. Further, the Ministry
of Home Affairs present clarification emphasises that it
is not necessary to start de-novo proceedings by the
transferor Controller in cases where the transferor
Controller has already initiated disciplinary action
against the Government servant concerned. However there is
no direction that the transferor Controller in whose
organisation the delinquency has occurred should not
initiate process and finalise the disciplinary action
against a Government servant, though he might be
transferred to another Controller's organisation before
detection of the delinquency on his part or finalisation
of disciplinary action already initiated by that Controller
for the sake of administrative convenience and uniformity
of procedure reaction for initiating processing and finali-
sing disciplinary proceedings in such cases should
continue to be taken as explained in our Circular dated
23-9-67.

Please acknowledge receipt.

(G.B. KARAJAGI)
for CONTROLLER GENERAL OF DEFENCE ACCOUNTS

Copy to:-

1. 'G' Section.
2. AN/II Section.
3. AN/A Group
4. File No.0608/AN/F
5. File No.0686/AN/F

for A.C.G.D.A. (AN)

CONFIDENTIAL

NO. 0687/A/F

OFFICE OF THE CONTROLLER GENERAL OF DEFENCE ACCOUNTS, 22
NEW DELHI DATED THE 23rd SEPTEMBER 1967

To

All Controllers of Defence Accounts.

Subject. - CCS(CO&A) Rules, 1965.

I. Disciplinary powers of the CsDA.

Controllers have been vested with full disciplinary powers in respect of class III personnel vide Ministry of Finance (Defence) Notification No. C/J/1/16 dated 25.3.67, circulated with our circular No. 12302/A/1 dated 28.3.67. In this connection the question as to which Controller is competent to assume disciplinary jurisdiction in regard to the following types of cases was referred to the Ministry of Home Affairs/Ministry of Law:-

(a) An individual serving in the organisation of one CDA (say, CDA SC) is transferred to that of another CDA (say, CDA WC) and a delinquency on his part, whilst he was serving in the organisation of the former CDA (i.e. CDA SC) is noticed by that Controller after his transfer.

(b) An individual is transferred to the organisation of a different CDA (say CDA WC) after a disciplinary action in regard to him has been initiated/partly processed by his former CDA (say, CDA SC) for a delinquency occurring in his organisation.

It has been clarified by the Ministry of Home Affairs/Ministry of Law that both the CsDA namely, the CDA in whose organisation the delinquency took place as also the CDA in whose organisation the individual may be serving at the time, would have jurisdiction to initiate/process/finalise the disciplinary action in such cases. For the sake of administrative convenience and uniformity of procedure it has, however, been decided that the CDA, in whose organisation the delinquency has occurred should initiate, process and finalise the disciplinary action through the CDA, to whom the Government servant is administratively subordinate at that time. The CDA under whom the individual is serving/give effect to the final orders passed by the CDA who processed and finalised the case.

II. Standard Forms.

A. The standard form I for issue of show-cause notice prescribed vide Ministry of Home Affairs O... No. 234/18/65-AVD(II) dated 5.3.66, circulated with this office circular of even No. dated 16/18.5.66, caters for cases where inquiries are held and consequently copies of inquiry report are supplied. This form may be suitably modified to meet the purpose for use in

cases where no inquiry report is to be supplied because no inquiry was held, the delinquent official having admitted the charge/charges.

For CDA (Pensions) only. This disposes of his No. GX/0228-IV dated 6.7.67.

B. Ministry of Home Affairs have not prescribed any standard form for issuing final order of penalty in disciplinary cases/proceedings. A copy of the form actually used by this office for issuing final orders of the Disciplinary authority, in cases where major penalty is imposed, is enclosed, which, with necessary modifications, can be used by the Controllers also.

C. It has been ascertained from the Ministry of Home Affairs (IVD) that reference to Rule 15(4)(ii) of the CCS(CC&A) Rules, 1965 in the standard form-II prescribes vide that Ministry's O. No. 234/18/65-IVD(II) dated 5.3.66, circulated with this office circular of even No. dated 16/18.5.66, is a misquotation and should be Rule 15(4)(i). This form is to be used in cases where the disciplinary authority agrees with the findings of the Inquiry Officer in part and disagrees with some of the findings.

For CDA (ORs) only. This disposes of his No. AN/0156 dated 26.7.67.

Please acknowledge receipt.

(Signature)
(S. J. JAIN)

FOR CONTROLLER GENERAL OF DEFENCE

Copy to.-
'G' Section.
AN/II Section.
AN/A Group.
File No. 0608/AN/F
File No. 0686/AN/F.

(Signature)
(R. L. BAGGA)

FOR ASST. CONTROLLER GENERAL OF DEFENCE

Gulati/21.9.

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