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Office of the Controller General of Defence Accounts
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To

The PCsDA/CsDA

(Through website)

Subject: Guidelines regarding expeditious disposal of Disciplinary Cases.

Of late, it has been observed that the finalization of the disciplinary proceedings initiated against Officers and staff of the department are getting delayed on various counts, which defeats the very purpose of initiating the said proceedings. Inordinate delay in finalization of disciplinary cases is a matter of serious concern. The very purpose of the timely finalization of the disciplinary proceedings is to ensure that the delinquent Officials neither get undue benefit due to long pending cases nor subjected to undue harassment if not found guilty at later stage.

2. Besides adherence to rules, regulations, orders, guidelines regarding timely completion of the disciplinary proceedings, the following points may also be kept in mind while processing disciplinary cases so as to ensure early finalization of the disciplinary proceedings.

(i) Initiation of the proceedings: The Competent Authority should study the allegations very carefully and resort to minor penalty proceedings instead of initiating major penalty proceedings, where the circumstances involve minor infringements or cases of procedural irregularities. It has to be kept in mind that a minor penalty swiftly but judiciously imposed by a Disciplinary Authority is much more effective than a major penalty imposed after years spent on a protracted enquiry.

(ii) Memorandum of charges: Consequent to decision of the disciplinary authority to initiate major or minor penalty proceedings against delinquent Officials, the chargesheet / memorandum of charges should be issued expeditiously to the charged officer. In cases where the chargesheet is to be issued by the CGDA, the draft articles of charges along with all the connected documents and full facts of the case should be forwarded to HQrs Office at the earliest.

(iii) Drafting of Charge Sheet: The charge sheet should be drafted with utmost accuracy and precision, based on the facts revealed during the investigation or otherwise and the misconduct involved. It should be ensured that no relevant material is left out and at the same time no irrelevant material or witnesses are included.

(iv) Written statement of Defence: At times, there is undue delay due to repeated requests of the charged officer for time to give his written statement in reply to the charge sheet. As per existing instructions, the charged officer is allowed 10 days to submit his written statement. The charged officer may be allowed 3 - 4 days absence by the Controlling Officer for preparing his written statement in such cases, no extension of time should be allowed beyond the stipulated period of 10 days.

(v) Providing copy of documents relied upon to the charged officer: As far as possible, copies of all the documents relied upon and the statements of witnesses cited on behalf of the Disciplinary Authority should be supplied to the Government servant along with the charge sheet, so that the time taken by the charged officer to submit his written statement of defense is minimised.

(vi) Appointment of IO and PO: The orders regarding appointment of Inquiring Authority and Presenting Officer should be issued immediately after receipt and consideration of written statement of defence by the charged officer to inquire into such of the article of charges as are not admitted or the disciplinary authority considers it necessary to do so. .

(vii) Inquiry by retired government officers: A panel of IO from retired government officers may also be kept ready which may be used when no serving government servant is available for appointment as IO. However, terms and condition for appointing retired officer as Inquiring authority as stipulated by the CVC and the DOPT on the subject from time to time may strictly be adhered to.

(viii) Inquiry by departmental officer: Wherever a Departmental officer is appointed as the IO in Departmental Proceedings, the officer concerned may be relieved from his normal duties for a period up to 20 days in two spells during which he should complete the inquiry and submit the report. During this period so allowed, he will attend to the inquiry on full time basis. These time spells may depend on the need and the feasibility of conducting full-time hearings on a day to day basis.

(ix) Inquiry Proceedings: At times, procedural infirmities in inquiry proceedings viz. the Charged Officer has not afforded reasonable opportunity for his defence, Inquiring Authority does not generally questioned the CO as per provisions of Rule 14 (18) of the CCS (CCA) Rules, 1965 etc, which resulted in remitting the case back for further inquiry. Therefore, the procedure laid down in Rule 14 of the CCS (CC&A) Rules, 1965 and GOI instruction below thereon may strictly be adhered to avoid any infirmity in departmental inquiry at any stage.

(x) Adhering timeline in inquiry proceedings by the Inquiring Authority: Attention is invited to clause (a), (b) and (c) of sub-rule 24 of Rule 14 of the CCS (CCA) Rules, 1965 inserted vide DOPT Notification vide GSR 548 (E) dated 2nd June, 2017, which stipulates that

- a) The Inquiring Authority should conclude the inquiry and submit his report within a period of six months from the date of receipt of order of his appointment as Inquiring Authority.

- b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the disciplinary authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiry, at a time.
- c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorized by the Disciplinary Authority on his behalf.

(xi) Submission of Inquiry Report: On conclusion of the inquiry proceedings the Inquiring authority shall prepare its report as stipulated in sub-rule 23 of Rule 14 of the CCS (CCA) Rules, 1965 and forward the same along with records of inquiry to the disciplinary authority.

(xii) Providing copy of Inquiry Report to the charged officer by the Disciplinary Authority: A copy of the inquiry report along with reasons for disagreement of the Disciplinary Authority on it, if any, should be provided to the Charged Officer within 15 days from the date of receipt of Inquiry Report.

(xiii) Representation of the charged officer on findings of the Inquiring authority: The Charged Officer may be allowed 15 days to submit, if he so desires, his written representation or submission to the disciplinary authority irrespective of whether the report is favourable or not to the government servant .

(xiv) Penalty Order: If the disciplinary authority having regard to findings of the Inquiring authority, representation of the charged officer and all relevant aspects of the case is of the opinion to impose any of the penalties specified in Rule 11 of the CCS (CCA) Rules 1965 or decided to drop the charges, the case requires to be brought to logical conclusion by issuing a formal order.

Therefore, a self contained, speaking and reasoned Order to be passed and issued over the signature of prescribed Disciplinary Authority.

3. The infirmities in departmental inquiry may leads to un-avoidable delay in finalization of disciplinary proceedings. Therefore, the procedure laid down under CCS (CC&A) Rules, 1965, Vigilance Manual and other Government instruction, guidelines issued on the subject from time to time may strictly be adhered to.

4. It is requested that the disciplinary cases may effectively be monitored and prescribed time-limits should be strictly adhered to, for expeditious finalization of disciplinary proceedings.

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