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Government of Orissa
General Administration Department.

No. SC/3-1/93(Pt-VI). 18470 /Gen., Bhubaneswar, Dt: 26/8/93

To

All Departments of Government
All Heads of Departments
All Collectors.

Sub:

Appointment of Inquiring Officer under O.C.S. (C.C. & A.) Rules, 1962 by the concerned appointing authority - issue of clarification thereof.

Doubts have arisen in certain quarters as to who should be the authority competent to sign the orders appointing the Inquiring Officer as per the provisions of the O.C.S. (CCA) Rules, 1962. Rule 15(4) of the above rules provides that the disciplinary authority may appoint an Inquiring Officer. In the proceedings relating to Gazetted Officers, Government is the disciplinary authority. For the purpose of the statute, Government is usual, represented by its Secretary and hence, the order appointing the Inquiring Officer should be signed by the Secretary. The provisions of the Orissa Government's Rules of Business provide that every order or instruction of the Government shall be signed either by Secretary, Special Secretary, Joint Secretary, Deputy Secretary or an Under Secretary are mainly meant for the convenient transaction of the day-to-day executive action of the Government of the State. Since appointment of an Inquiring Officer is not an executive act, but a statutory power to be exercised through exercise of discretion the meaning of Secretary in the Rules of Business should not apply to matters involving statutory powers. This may be brought to the notice of all concerned.

25/08/93
Special Secretary to Government.
