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No. 31918 /Gen.
GAD-SC-GCS-0099-2014,
GOVERNMENT OF ODISHA

GENERAL ADMINISTRATION DEPARTMENT

To

ALL DEPARTMENTS OF GOVERNMENT/ ALL HEADS OF DEPARTMENTS /
ALL DISTRICT MAGISTRATES

Bhubaneswar, dated the 28 November 2014

Subject: Imposition of Penalties and Transfer of Officers of State Civil Services

With the amendment of the Odisha Government Rules of Business vide General Administration Department Notification No 3655/Gen. dated 7th February, 2014 read with GA Department Order No 36752/Gen. dated 21st December, 2013, Ministers in charge of the Cadre Controlling Departments have been delegated the role of Appointing Authority in respect of certain classes of government servants.

2. Doubts have arisen regarding competence of appointing authority in imposition of penalties as specified under Clauses (vi) to (ix) of Rule 13 of the OCS (CC&A) Rules, 1962 by the Appointing Authorities. Sub Rule 4 (a) under Rule 14 states that no penalty specified in Clauses (vi) to (ix) of Rule 13 i.e. reduction to a lower service, grade or post, withholding of increments with cumulative effect, compulsory retirement, removal from service and dismissal from service shall be imposed by any authority below the Appointing Authority. The aforesaid provision of CCA Rules may be read in conjunction with the provisions under sub clause (viii) of Clause (1) of Para 14 under Instructions under Rule 14 of the Odisha Government Rules of Business which stipulates that *proposals for the dismissal, removal or compulsory retirement of any Gazetted Officer shall be submitted to the Chief Minister before issue of orders.*

3. For transfers of government servants, Government in General Administration Department have been issuing instructions on transfer policy from time to time. The policy provides that the transfers should be made between 15th April to 15th June of the year. In case any transfers are required to be made outside this period, approval of the next higher authority is required. It may be underlined that powers of transfer vests with the Appointing Authority only under the permitted transfer period. However, in the case of transfers that are necessary outside the permitted period, the competent authority is required to take the approval of the next higher authority. This is applicable to all categories of Services.

4. These instructions may be brought to the notice of all concerned and should be scrupulously adhered to.

N. Chandhri
SPECIAL SECRETARY TO GOVERNMENT