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Government of Orissa  
General Administration Department

No. SC/3-1/90(Pt-III)-14878/Gen., Bhubaneswar Dt. 20.5.90

To  
The Revenue & Excise Department.

Sub:- Interpretation of Rule 12(4) of OCS (CCA) Rules, 1962.

The undersigned is directed to invite a reference to their memo II-E-Pro-13/39-11931-R, dt. 22.3.90 on the above subject and to say that the Rule 12(3) of OCS (CCA) Rules 1962 relates to a case where an employee was under suspension at the time of his dismissal/removal and where such dismissal or removal is set aside on appeal or review and the case is remanded for further enquiry. The "appeal" or "review" here denotes an appeal or review under the CCA Rules. On the other hand Rule 12(4) of the OCS (CCA) Rules 1962 relates to an order of dismissal or removal being set aside or rendered void by a decision of a Court of Law notwithstanding whether the employee was under suspension or not prior to removal or dismissal. In the former case is a matter under Rule 12(3) the suspension is treated as continuous. In the later case in a matter coming under Rule 12(4) it is continuous of the employee was under suspension prior to dismissal or removal. If he was not under suspension, the suspension should from the date of his relief from duty after dismissal or removal.

2. In either case, however, keeping him under further suspension is the discretion of the disciplinary authority depending on the gravity of the charges. He may, if the disciplinary authority deems fit, release him from suspension and such release shall take effect from the date the employee joins back in duty.

3. The Bentral Purport of Rules 12(3) and 12(4) of OCS (CCA) Rules 1962 is to legitimize the period of absence after dismissal or removal.

Sd/-

Joint Secretary to Government.

M.No.14879/Gent dt.26.5.90.

Copy to all other Departs./all Heads of Deptts./all Collectors for information and necessary action.

Sd/-Joint Secretary to Government.

Government of Orissa  
Forest, Fisheries & A.H. Department.

Memo No. 1F-Misc-B-54/90. 1379/FFAH., Bhubaneswar Dt. 14.5.90.

Copy with copy of the enclosure forwarded to Deputy Secretary, Forest/Deputy Secretary, Fishery/Deputy Secretary Animal Husbandry/all Estt. Sections for information and future guidance.

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UNDER SECRETARY TO GOVERNMENT.