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Government of Orissa
General Administration Department.

C/3-4/99.

11943

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/Gen., Bhubaneswar, Dt.

22 4. 99

From: Shri Priyabrata Pattnaik, IAS,
Special Secretary to Government.

To All Departments of Government /
All Heads of Departments /
All Collectors.

Sub: Guidelines for dealing with cases
of suspension of Officers.

Sir,

I am directed to say that in Chief Secretary's D.O. letter No. 24042/Gen., dated 13th Sept. '97, guidelines have been issued for dealing with the cases of suspension of Officers. In the introductory Paragraph of the said letter, it has been pointed out that :- "An Officer is placed under suspension when there is prima facie evidence of gross misconduct or serious dereliction in duty, especially in financial matters, on his part and there is a reasonable presumption that the proceedings are likely to culminate in the award of a major penalty. It is, therefore, necessary that the charges against him should be enquired into and disposed of with the utmost expedition. It has, however, been noticed that, after an Officer is placed under suspension the urgency with which the suspension was processed is lost and the proceedings against him are dealt with like other proceedings where the charges are far less serious and where it has not been considered necessary to suspend the Officer. In the result, the Officer suffers continued inconvenience and humiliation and Government have to pay him the subsistence allowance without getting any work from him."

It has been observed by the Hon'ble G.A.T. in C.A. No. 910 of 1997 that in spite of the above instructions, the

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Appointing Authorities / Disciplinary Authorities are suspended employees in a routine manner without taking into consideration the gravity of misconduct sought to be enquired into or investigated. Consequently, when the affected employees approach the Hon'ble Orissa Administrative Tribunal, orders are passed by the Tribunal setting aside the suspension where it is unwarranted and mechanically ordered without proper application of mind and paying heed to the above cited instructions and the employees are re-instated in service forthwith.

It is, therefore, impressed on all concerned that in future suspension should not be taken recourse to as a routine. For placing an employee under suspension, there must be materials available suggesting commission of grave offence justifying suspension. Each case has to be considered carefully depending on the nature of allegations, gravity of the situation and the impact it creates on the service for the continuance of the delinquent employee in service, when disciplinary proceedings against him are contemplated or when disciplinary proceedings are pending against him or when a case against him in respect of criminal offence is under investigation or when a case against him in respect of criminal offence is under trial.

It is, therefore requested that these instructions may be brought to the notice of all Appointing Authorities and Disciplinary Authorities for their future guidance.

Yours faithfully,

[Signature]
Special Secretary to Government.

Memo No. 11944 /Gen., Dated: 22.4.99
Copy forwarded to All Branches of G.A. Department /
Guard file (50 copies) for information.

[Signature]
Deputy Secretary to Government.

Ann.

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20/11/99