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Government of Orissa
General Administration Department.

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OFFICE MEMORANDUM

No. 29699 /Gen., Dated the 1.11.1997
SC/3-5/97

Sub: Promotion of Government servants against whom disciplinary/criminal proceedings are pending - procedure to be followed.

The procedure to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade when any disciplinary / criminal proceedings are pending has been laid down in General Administration Department Office Memorandum No.3928-Gen dt.18.2.94 and Office Memorandum No.14640-Gen dated 4.7.95. It has come to the notice of the Government that the Government servants who have been punished with any of the minor penalties as specified in Clause (i) to (v) of Rule 13 of the Orissa Civil Services (Classification, Control And Appeal) Rules, 1962 in the disciplinary proceedings drawn up against them under Rule 15 of the above said Rules for imposing Major penalties, are deprived of getting promotion to higher grades which caused undue hardship to them.

2. The Government after careful consideration of all the aspects have now been pleased to decide to substitute para-6 and 7 of G.A. Department Office Memorandum No.3928-Gen dated 18.2.94 referred to above as follows:

Para-6. On the conclusion of the disciplinary cases/ criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the screening committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government servant may be promoted if

necessary by reverting the junior most employee

who has been allowed officiating promotion. He may be promoted notionally with reference to the date of promotion of his junior.

5.2. In case of complete exoneration, the officer will also be paid arrears of salaries and allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and circumstances of the disciplinary / criminal proceedings, but where the government denies arrears of salary, or a part of it, the reasons for doing so shall be recorded.

6.3. In cases where, after completion of the disciplinary proceedings an officer has been punished with the following minor penalties, he shall be given promotion considering the findings in the 'sealed cover' from the date his immediate junior has been given promotion and his pay will be notionally fixed in the time scale of the higher grade with effect from that date, but he will not be eligible for any arrears financial benefits for the period for which he has not actually worked in the higher grade post.

1. Fine
2. Censure
3. Withholding of increments
4. Recovery of any pecuniary loss caused.

However, in cases where an officer has been punished with minor punishment of "suspension" then the officer cannot get promotion with retrospective effect. In such cases, the date of promotion of the officer concerned will be postponed by the period for which he was actually under suspension. That means he will be promoted from the date on which his period of suspension will be over.

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Similarly in cases where the punishment of 'withholding of promotion' has been imposed on the officer concerned, then the officer concerned cannot be promoted with retrospective effect even if he was found suitable for promotion as per recommendation kept in sealed cover and his case will be taken up in the next Departmental Promotion Committee/Selection Board / Selection Committee for consideration of his promotion to next higher grade.

Para-7 If any major penalty as specified in Clause (vi) to (ix) of Orissa Civil Services (Classification, Control And Appeal) Rules, 1962 is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover / covers shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee / Selection Board / Selection Committee in the normal course and having regard to the penalty imposed on him.

3. This has been concurred in by the Finance Department in their U.O.R. No. 508-CS-I dt. 16.9.97.

H.S. CHAHAR
SPECIAL SECRETARY TO GOVERNMENT.

Memo No. 29700 /Gen., Dated: 1.11.1997

Copy forwarded to all Departments of Government/
All Heads of Department / All Collectors / All Branches of
G.A. Department for information and necessary action.

The sub-ordinate offices may be intimated accordingly.

Chahar
1.11.1997
ADDITIONAL SECRETARY TO GOVERNMENT.