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GOVERNMENT OF ORISSA
POLITICAL & SERVICES DEPARTMENT

No. 712—SC.-6-9/78-Gen.

To

ALL DEPARTMENTS OF GOVERNMENT
ALL HEADS OF DEPARTMENTS
ALL COLLECTORS

Bhubaneswar, dated the 12th January, 1978

Subject—Procedure regarding disposal of disciplinary proceedings

I am directed to say that it has come to the notice of Government that in a number of Departmental proceedings drawn up against Government employees, Enquiring Officers are being appointed along with the framing of charges and the delinquent employee is directed to submit his explanation to the Enquiring Officer direct. Such a procedure is not in accordance with the provisions contained in Rule 15(2) read with Rule 15(4) of this Orissa Civil Services (C. C. A.) Rules, 1962. Rule 15(2) of the aforesaid Rules provides that the disciplinary authority shall frame definite charges on the basis of allegations on which the enquiry is to be held. Such charges together with a statement of the allegations on which they are based shall be communicated in writing to the Government servant who shall be required to submit a written statement of his defence. According to Rule 15(4) of the aforesaid Rules, on receipt of the written statement of defence or if such statement is not received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or, it considers it necessary so to do, appoint a Board of Enquiry or an Enquiring Officer for the purpose.

In view of the clear provisions of law indicated above, appointment of Enquiring Officer along with framing of charges is premature and the direction given to the delinquent Government servant to furnish his explanation direct to the Enquiring Officer is irregular.

As adoption of incorrect procedure for conduct of disciplinary proceedings may give rise to legal complications, the undersigned is directed to request that in future while framing charges in Departmental proceedings, no Enquiring Officer need be appointed along with framing of charges nor the delinquent Government servant be directed to furnish his explanation to the Enquiring Officer. The question of appointing an Enquiring Officer should be taken up only when the disciplinary authority after going through the written statement of defence of the employee concerned feels the necessity of appointing such an Enquiring Officer or a Board of Enquiry.

This may please be brought to the notice of all disciplinary authority working under you for guidance.

K. RAMAMURTHY
Chief Secretary to Government