

Government of Orissa
General Administration (A.T.) Department.

66

No-...../A.T.,

124 (30)

Bhubaneswar, dated the 2nd April 1984.

May

To

All Department of Government.

Sub:-

Reference of departmental inquiries in major penalty proceedings to the Commissioner for Departmental Inquiries.

A post of Commissioner for Departmental Inquiries (CDI) has been created in the G.A. Department for conducting inquiries in major penalty proceedings against officers and employees of the Secretariat upto the rank of Deputy Secretary. A post of State Representative (SR) has also been created for presenting the evidence in support of the charges in all such inquiries before the CDI. It has been decided that reference of inquiries to the CDI will be governed by the following principles:-

- (i) The present practice of the Administrative Tribunal conducting inquiries in cases which are investigated by Vigilance will continue. All cases which are investigated by the Vigilance Department and which come within the purview of the Disciplinary proceedings (A.T.) Rules, 1961 should be referred to the A.T. All other inquiries should be referred to the CDI.
- (ii) Only cases in which the misconduct was committed by the charged officer while working in the Secretariat should be referred to the CDI cases where the charged officers are now working in the Secretariat, but had committed the misconduct in some other office should not be referred to the CDI.
- (iii) Only cases in which the inquiring authority has not yet been appointed should be entrusted to the CDI. No attempt should be made to transfer a case in which an enquiring authority has already been appointed, to the CDI. Such cases are expected to be disposed of by the inquiring officers already appointed.
- (iv) It goes without saying that only inquiries where action was initiated by the departments under rule 15 of the Orissa Civil Services (CCA) Rules, 1962 will be entrusted to the CDI.

Minor penalty proceedings initiated under rule 16 of the CCA rules in which no inquiry is called for will not be referred to the C.D.I.

(v) The CDI conducts the inquiry as the representative of the department which initiated the proceedings. He does not frame the charges. The department will frame charges and obtain the official written statement of defence if the charges were not admitted in the written statement of defence or if no written statement of defence is submitted by the stipulated date then the disciplinary authority may issue orders appointing the CDI as the inquiring authority under rule 15(4) and the SR as the presenting Officer under rule 15(5) of the CCA rules. Sample forms of the orders appointing the CDI as the Inquiring Authority and the SR as the Presenting Officer are given at Annexure I & II.

(vi) The following documents should be sent to the CDI along with the appointment order:-

- (a) Copy of the order initiating the proceedings charges and statement of imputations.
- (b) List of documents to be produced in support of the charges.
- (c) List of witnesses with their present addresses who are to be examined in support of the charges.
- (d) Copy of the written statement of defence, if any, submitted by the charged officer.
- (e) copy of the order appointing the SR as the P.O.

(vii) The following documents should be furnished to the SR along with the order appointing him as the presenting officer:-

- (a) Copy of the order initiating the proceedings, charges and statement of imputations.
- (b) Documents to be produced in support of the charges.
- (c) List of witness to be examined in support of the charges.
- (d) Copy of the written statement of defence, if any, submitted by the charged officer.
- (e) Copy of the order appointing the CDI as the Inquiring Authority.

(viii) Orders appointing the CDI as the Inquiring Authority and the SR as the Presenting Officer should issue only after the written statement of defence has been received and considered by charges.

- (c) List of witnesses with their present addresses who are to be examined in support of the charges.
- (d) Copy of the written statement of defence, if any, submitted by the charged officer.

the disciplinary authority or when no written statement of defence is submitted and the disciplinary authority is satisfied that it is not necessary to wait for it any longer. The departments will strictly refrain from appointing the CDI simultaneously with the initiation of the proceedings. In this connection, their attention is drawn to the erstwhile P & S Department circular No.712-SC/6-9/78-Gen., dated 12.1.78.

(ix) The State Representative, who will be presenting the case in support of the charges before the CDI should be properly briefed and given necessary assistance by the department initiating the proceedings. In all matters relating to interpretation of departmental rules and procedures and other technical matters, he will take the assistance of the department who will furnish him with the required information and clarification, The Secretary of Department should specially designate an officer of his Department who is conversant with the case for this purpose.

(x) On completion of the inquiry, the CDI will furnish his report together with the oral and documentary evidence adduced during the inquiry to the disciplinary authority. The disciplinary authority will examine the report and pass final orders on the findings and recommendation of the CDI-

(xi) Though the CDI is under the administrative control of the G.A. Department, the G.A. Department will not interfere in any way with the conduct of the inquiry. In all matters relating to a particular inquiry, the CDI will correspond with the departments direct. However, the G.A. Department will review the disposal of cases by the CDI and take appropriate steps to ensure that disposal is upto date. To facilitate this review, the department while appointing the CDI as the Inquiring Authority should en-dorse a copy of the appointment order to the G.A. Department.

V. Jayaraman
 SPECIAL SECRETARY TO GOVERNMENT. 1.5.84

Government of Orissa
..... Department.

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OFFICE ORDER

Whereas disciplinary proceedings under rule 15 of the Orissa Civil Services (Classification, control and Appeal) Rules, 1962 have been initiated against Shri----- vide this Department Office Order No..... dated.....

* And whereas Shri in his written statement of defence dated..... did not admit the charges which he was called upon to explain.

*And whereas no written statement of defence was submitted by Shri..... by the specified date as directed,

And where as it is considered necessary to appoint an Inquiring Officer to enquire into the charges.

Now the *State Government/ undersigned do/does hereby appoint the commissioner for Departmental Inquiries, G.A. Department as the Inquiring Officer under rule 15(4) of the Orissa Civil Services (Classification, control and Appeal), Rules, 1962 for the purpose of inquiring into the charges and submitting his report containing his findings to the *State Government/undersigned.

* By order of the Governor

Secretary to Government.

*Strike off what is not applicable.

SECRETARY TO GOVERNMENT

Memo No.

Dated.....

Copy to the Commissioner of Departmental Inquiries for information and necessary action. The following documents are enclosed:-

- (a) A copy of the order initiating the proceedings, charges and statement of imputations.
- (b) List of documents to be produced in support of the charges.
- (c) List of witnesses with their present address who are to be examined in support of the charges.
- (d) A copy of the written statement of defence submitted by the charged officer.
- (e) A copy of this Department order No..... dated..... appointing the state Representative as the Presenting Officer.

(2) Copy to Sri (charged Officer) for information and necessary action. He is hereby directed to appear before the C.D.I. on such dates and places as may be indicated by him.

(3) Copy to Special Secretary, G.A. Department for information and record.

Secretary to Government.

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ANNEXURE-II

Government of Orissa
..... Department,

Office Order.

Whereas disciplinary proceedings under rule 15 of the Orissa civil Services classification, control and Appeal) Rules, 1962 have been initiated against Shri..... vide this Department office Order No..... dated.....

And where as it has been considered necessary to enquire into the charges through an Inquiring officer and accordingly the Commr. for Departmental Inquiries, G.A. Department has been appointed as the Inquiring Officer.

Now the * State Government/ undersigned do/does hereby appoint the State Representative, G.A. Department as the presenting officer under rule 15(5) of the Orissa Civil Services (classification, control and Appeal) Rules, 1962 for adducing evidence and presenting the case in support of the charges before the Commissioner for Departmental Inquiries.

*By order of the Governor
Secretary to Government.

* Strike off what is not applicable

Memo No..... Dated.....

Copy to the State Representative, G.A. Department for information and necessary action. The following documents are enclosed.

- (a) Copy of the order initiating the proceedings, charges and statement of imputations.
- (b) Documents to be produced in support of the charges.
- (c) List of witnesses to be examined in support of the charges.
- (d) Copy of the written statement of defence, submitted by the charged officer.
- (e) A copy of this Department order No..... dated..... appointing the Commissioner for Departmental Inquiries, G.A. Department as the Inquiring Authority.

2. Copy to Shri (Charged Officer) for information.

3. Copy to Special Secretary, G.A. Department for information and record.

Secretary to Government.