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Government of Orissa,
General Administration Department.

No. CDI-Misc. 2/98. 7361 /Gen., Dt. 25.3.98

From

Shri S.B. Mishra, A.S.,
Chief Secretary, Orissa.

To

All Principal Secretaries/
Secretaries to Government.

Sub:- Timely initiation of disposal of disciplinary proceedings.

Sir,

Rule 15 of the Orissa Civil Services (CCA) Rules, 1962 clearly delineates the procedure for initiation of disciplinary proceedings for major penalties, appointment of Enquiring Officer and enquiry into the charges. It has been clearly provided in sub-rule 2 of Rule 15 that the charges drawn up against the delinquent officer should be definite and such charges together with a statement of allegations on which they are based shall be communicated in writing to the Government servant and he shall be required to submit within such time as may be specified by the disciplinary authority, not ordinarily exceeding one month, a written statement of his defence. Sub-rule 4 of the said rule further provides that on receipt of the written statement of the defence or, if no such statement is received within the time specified, the disciplinary authority may itself enquire into such of the charges as are not admitted or if it considers it necessary so to do, appoint a Board of enquiry or an Enquiring Officer for the purpose.

2. In spite of the clear provisions enunciated above it has been brought to my notice that disciplinary proceedings are initiated against delinquent officers long after commission of any mis-conduct or irregularity and again an unusually long period is taken by the disciplinary authorities in taking a decision to appoint an Enquiring Officer to enquire into the allegations. Recently the Commissioner, Departmental Enquiries has been appointed as the Enquiring Officer in some

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proceedings after 15 to 20 years of the date of commission of mis-conduct or irregularity, out of which delay at the Department level to appoint Inquiring Officer was 6 - 7 years. Such delay invariably does not help in achieving the purpose for which the proceedings are initiated, because the evidence becomes weak due to such long delays and at times records are not available at the time of enquiry. Recently in some cases also the State Administrative Tribunal has taken adverse view on the delay in initiation and disposal of the proceedings and have ordered for exoneration of the delinquent officers on this ground. Such unusual delay is therefore neither in the interest of the Government to punish the real delinquents nor in the interest of justice.

3. I would, therefore, request you to ensure that disciplinary proceedings, wherever necessary, should be initiated with promptitude. The delinquent officers should normally not be given more time than the prescribed 30 days in submission of their statement of defence. If no such statement of defence is submitted within the prescribed time, the disciplinary authority should straight away take steps to enquire himself or appoint an Enquiring Officer to enquire into the charges. This process should in no case take more than a month's time. After the appointment of the Enquiring Officer, the disciplinary authority should make periodical review of the pending proceedings with the Enquiring Officers and ensure that the proceedings do not take more than 3 months by the Enquiring Officer to submit his enquiry report.

4. This should be strictly adhered to so that disciplinary proceedings contemplated against any officer/employee are disposed of quickly to punish the real delinquents.

5. This may also be brought to the notice of all Heads of Departments and subordinate offices under your control.

Yours faithfully,

J. P. Singh
Chief Secretary.

Memo No. 7362 /Gen.,Dt.

25 3. 98

Copy forwarded to the all Branch Officers and Section Officers of G.A. Department for information.

J. P. Singh
C.D.I. & Ex-officio Additional