

GOVERNMENT OF ORISSA
POLITICAL AND SERVICES DEPARTMENT

No. 108—P-108/65-A.T.

OFFICE MEMORANDUM

Dated Bhubaneswar, the 2nd March 1966

SUBJECT—Promotions prospects of officers during pendency of disciplinary proceedings.

Instructions were issued in Political and Services Department Circular No. Vig.-26 50-13912(81)-Gen., dated the 10th November 1959 that when ever a report of the Vigilance Organisations is forwarded to a Department for taking disciplinary action, promotions or other special service advantages so that officer should be withheld till the final disposal of the disciplinary proceedings against him. Subsequently in Political and Services Department Office Memorandum No. 2R/1-10/63/4661-Gen., dated the 2nd/3rd April 1963, it was stated that service benefits should similarly be suspended when departmental proceedings are started not on the report of the Vigilance Organisation but for other reasons. In this latter Office Memorandum, certain procedures were laid down as to how an officer under departmental proceeding is to be compensated if he is fully exonerated from the charges. Government have carefully reappraised these two circulars and in supersession of instructions contained in both of them. The following instructions are issued :—

1. Service benefits of any type should not be withheld during the pendency of proceedings unless an officer has been suspended.

2. Where an officer has been suspended, all service benefits would naturally also remain suspended.

3. The procedure as to how an officer under suspension is to be compensated on the conclusion of proceedings if he is exonerated from all charges and the suspension is declared as fully unjustified, is indicated below :

(a) When promotions or preparation of a Select List is being considered, the suitability of the officer concerned and the place in the Select List which he would have merited had he not been placed under suspension, should be judged by the authority considering such promotion or preparing such Select List. The fact that the officer is under suspension should be recorded on the Select List.

(b) The authority, who is competent to made appointments against a vacancy, should be separately advised (i) to fill the vacancy only in officiating capacity where the findings as to the suitability of the officer are for his promotion and (ii) to reserve a permanent vacancy, where such findings are for his confirmation.

(c) If the officer concerned is fully exonerated and it is held that the suspension was unjustified he should be promoted thereafter to the post filled on officiating basis and the officiating arrangement made previously should be reversed, similarly, he should be allotted the permanent vacancy reserved for him in case he is fully exonerated.

4. In the event of being completely exonerated an officer should be entitled to all the pay and allowance which he would normally have been entitled to has he not been placed under suspension in the departmental proceedings. If necessary supernumerary posts may be created for the required periods.

5. This circular will come into effect from the date of issue and past cases will not be reopened.

A. K. BARREN

Chief Secretary to Government