

PBM 7/8/71  
21/8/71 SC 46  
9/8/71

Copy of letter No.10641(115)/Gen, dated 26th July 1971, from the Additional Secretary to Government, P & S Department addressed to All Departments to Government ...etc..

Sub:- Whether Disciplinary Proceedings can be instituted after acquittal in a Criminal case on the same cause of action or on the identical matter.

Acquittal of a delinquent officer in a criminal case does not ' ipsofacto ' put a stop to any disciplinary proceeding that Government/Authority concerned may contemplate taking against him. The question whether any financial loss was caused to Government by the conduct of the delinquent officer concerned is also not the sole criterion in deciding whether such proceeding should or should not be instituted in such a case. It may happen that although the action of the officer concerned might have not resulted in any financial loss to Government, yet his action might have involved violation of departmental rules including Conduct Rules or he might have been otherwise guilty of misconduct, negligence or dereliction of duty.

The principles of law are, acquittal of a delinquent officer in a criminal case does not bar the jurisdiction of the departmental authority to institute disciplinary proceedings on the same cause of action or on the identical matter and it is entirely in the discretion of the authority concerned. An officer already acquitted may be found guilty in a departmental enquiry as in the latter, a more rigorous standard of evidence is insisted upon. The findings of a criminal court are also not binding on the disciplinary proceedings.

These instructions supersede all previous instructions that might have been issued in this connection.

Government of Orissa,  
Political & Services Department

Memo No.....1127767/Gen, Dated, the 4/8 July 1971

Copy forwarded to Services Branch/S.C. Branch/R.V.D. Branch, P.S.C. Branch/Vigilance Branch, Cuttack/A.T. Branch/Class IV Branch for information.

Superintendent.