

Government of Orissa,
General Administration Department.

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No. His (G)-365/94. 21718 /G., Dt. 5-8-96

From

Shri Banajosh Kumar, I.A.S.,
Special Secretary to Government.

To

The Secretary,
Board of Revenue,
Orissa, Cuttack.Sub:- Drawl of disciplinary proceedings against
Shri Suryanarayan Panda, OAS(I) (SB).

Ref:- Your confidential letter No.8601 dt.5.7.1995.

Sir,

The instructions have been issued by the Government from time to time as to how the draft charges should be framed against the delinquent officers. Wherever those are not being followed properly; it becomes difficult for the G.A. Department to proceed against the concerned delinquent officers.

2. It is expected of the field officers that instead of forwarding the copies of the documents, they should indeed frame the draft charges and send to the Government. It is not feasible in the Department to frame the charges precisely, because of the following reasons.

(i) The original documents would generally not be available in the Department for consultation for framing the charges. It will also not be feasible for the field Officers to send all the original documents in most of the cases.

(ii) The xerox attested copies of all the relevant original documents are rarely sent.

(iii) The charges can only be established on the basis of the original documents or the depositions of the witnesses depending upon the nature of charges. The documents like audit report, the enquiry report etc. are not the original documents. They are merely the opinions of the authors of the report. While they may of some assistance for the purpose

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of framing the charges, they cannot be cited as the evidence. Only original documents can be cited as the evidence. Hence, the perusal of all such documents is a must for framing the charges.

(iv) The persons sitting at the Government level do not have the personal knowledge/information of the nature of allegations/delinquencies. Therefore, they are not in a disadvantageous position on framing the charges as compared to those present on the spot. With your letter dated 5th July, 1995 referred above, we have only received the unauthenticated extracts of the audit report. The Statement of allegation, the list of witnesses and the memo of evidences have not been received by us. Therefore, even if we try to frame the charges, it will not be feasible for us to do the same for lack of the required information.

3. It is, therefore, requested that in the case referred above, the draft of charges may kindly be submitted instead of sending the copies of the documents to us.

4. While sending the draft of charges the following may kindly be kept in view.

(i) ~~The articles of charges~~ should each be numbered separately. Each charge should be to the point, precise and should not exceed 3 or 4 lines.

(ii) For every article of charge there should be a corresponding statement of imputation. The imputation should include the back-ground of the case and should clearly bring out the complicity of the delinquent justifying convincingly the charge against the delinquent. The imputation should not include the irrelevant things.

(iii) The memo of evidence should include the list of original documents basing on which the charges are proposed to be established. The documents listed in the memo of evidence should only be the original documents and not the report/opinions. The memo of evidence in some cases may also include the list of witnesses giving their names and addresses if the charges are proposed to be established by

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their depositions. In that case a copy of the brief preliminary statement of those witnesses may also be enclosed to indicate as to what they are likely to state before the Inquiring Officer. Against each document and the witness the sl. no. of the Article of Charge, which is proposed to be proved by them, should be indicated.

Yours faithfully,

[Signature]
5.8.96
Special Secretary to Government.

Memo No. 21719 /Gen.,Dt. 5-8-96

Copy marked to Additional Secretary, Services-I/
Additional Secretary, Services-II/ Deputy Secretary, O.E/
Under Secretary, O.E/ Section Officer, O.E-I/ Section Officer,
Services-I/ Section Officer, Services-II for information.
The advice contained in the above letter may be followed,
while corresponding on disciplinary matters and also in
framing the draft of charges against the delinquents. Not
following the above advice, while sending the file to me
for approving the draft of charges, would expose the persons
concerned to the charge of insubordination.

[Signature]
5.8.96
Special Secretary to Government.

MJ.