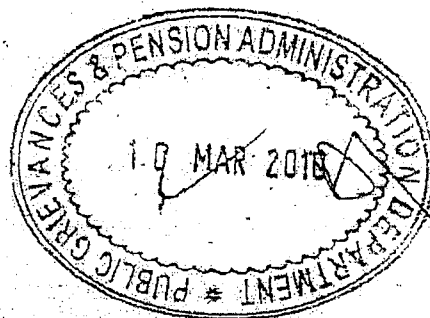


Government of Orissa
General Administration Department

No. 5144 /Gen., Bhubaneswar, the 6-3-2010.
SC/3-27/2008

From: Sri Tarun Kanti Mishra, IAS
Chief Secretary.

To: All Departments of Government
All Heads of Departments
All Collectors



Sub: Guidelines on suspension and disciplinary proceedings.

As a corrective measure to maintain discipline among Government servants and to award suitable penalties to the recalcitrant officials, disciplinary proceedings are initiated against them under the statutory provisions of the OCS(CCA) Rules, 1962. Disciplinary proceedings u/r 15 of the OCS(CCA) Rules, 1962 are intended for award of any major penalties like removal/dismissal from service, compulsory retirement, reduction to a lower post and withholding of increments with cumulative effect. Quite often it is seen that the sense of urgency and promptitude in drawal of disciplinary proceedings u/r 15 dissipates over time for lack of timely follow up and review at appropriate level. Ultimately the charges can not be proved and the delinquent officer goes scot-free. There is a misconception among disciplinary authorities that minor penalty proceedings u/r 16 are all about fine or censure. But there is enough scope for adequate punishment under minor penalty proceedings. Apart from censure and withholding of increments without cumulative effect, which are ordinarily taken recourse to, there are also minor penalties such as recovery of pecuniary loss sustained by Government or withholding of promotion. Unfortunately, these provisions are never, at best very rarely, availed by disciplinary authorities. If such penalties are awarded it

21

56

disciplinary proceedings w/r 16, it will definitely save time and ensure adequate punishment of the guilty.

2. Sometimes it is required to place the delinquent Government servant under suspension. Earlier instructions have been issued to the effect that an officer shall be placed under suspension when there is prima facie evidence of gross misconduct or serious dereliction in duty, especially in financial matters on his/her part and there is a reasonable presumption that the proceedings are likely to culminate in the award of major penalty. But there are instances where suspensions have been made for minor offences. Besides, unusual delay occurs in initiating disciplinary action against the delinquent Government servant placed under suspension. Moreover in many cases of suspension, proceedings initiated against the Government servant are handled in very casual manner. Continuance under suspension for a prolonged period not only adds to the suffering and humiliation of the delinquent Government servant, but also costs heavily to the state exchequer in terms of payment of subsistence allowance without getting any work from them.

2.1. It is often noticed that an absconding Government Servant or a recalcitrant employee avoiding posting to an inconvenient place, is placed under suspension. *Prima facie* it seems to be a smart decision. But at times this turns out to be a blessing to the delinquent employee, since now he is entitled to subsistence allowance, which is upto 75% of his emoluments. It is therefore imperative to see if placing a delinquent employee under suspension would serve the objectives of discipline and control. A routine recourse to the provisions of suspension may be avoided.

3. In the past a number of circulars have been issued to regulate disciplinary proceedings and suspension. But the situation has remained unchanged over the years. To tide over the situation following guidelines are prescribed -

3.1 Disciplinary proceedings

The disciplinary authority should carefully examine the circumstances while deciding whether the delinquency on the part of the Government servant is grave enough warranting a major penalty proceeding u/r 15 of the OCS(CCA) Rules, 1962. Cases of gross indiscipline, misconduct and cases involving integrity or moral turpitude shall normally be dealt with u/r 15. As minor penalties of withholding of increments without cumulative effect, withholding of promotion and recovery of loss to Government can be awarded easily u/r 16 without taking recourse to the lengthy procedure u/r 15, full potential of minor penalty proceedings shall be made use of by the disciplinary authorities. For expeditious disposal of disciplinary proceedings, the disciplinary authority may observe the following date line:-

- i. Disciplinary proceedings shall be initiated within 30 days of suspension of the delinquent Government servant.
- ii. The delinquent Government servant shall be allowed 30 days time from the date of receipt of charges by him to submit his written statement of defence.
- iii. Appointment of Inquiry Officer shall be made within a period of 30 days from the date of receipt of written statement of defence.
- iv. Submission of inquiry report by the Inquiry Officer within a period of 90 days from the date of his appointment.
- v. The disciplinary authority shall ensure expeditious conclusion of the proceeding after receipt of the inquiry report by following the procedure u/r 15(10) of the OCS(CCA) Rules, 1962.
- vi. Minor penalty proceeding shall be concluded within a period of 60 days.

3.2 Suspension

Suspension of the delinquent Government servant shall be limited to instances of gross misconduct, serious dereliction in duty, financial




irregularity causing huge loss to the state exchequer, misappropriation of Government money, gross indiscipline, cases involving integrity or moral turpitude on the part of the Government servant. As soon as a Government servant is placed under suspension, efforts should be made to initiate disciplinary proceeding u/r 15 of the OCS(CCA) Rules, 1952 preferably within thirty days from the date of suspension.

3.2 Periodical Review

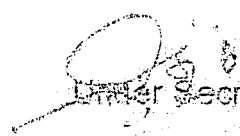
The disciplinary authorities shall review the pending disciplinary proceedings and suspension cases every month. The Administrative Department will undertake constant checks so as to ensure that pending cases are dealt with expeditiously.

It is impressed upon all disciplinary authorities that the above instructions be followed meticulously.

Memo No. 5/45 dated 6-3-2010.


Chief Secretary
S/S/12

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Under Secretary