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Government of Orissa
General Administration Department.

No. SC/3-1/94(Pt-III). 5501 / Gen., Bhubaneswar, Dtd: 15.3.94

To

All Departments of Government.

All Heads of Departments.

All Collectors.

Sub:

Clarification in respect of de novo enquiry of fresh enquiry under Orissa Civil Services (C.C.A.) Rules, 1962.

I am directed to say that Collector of a district appointed an Officer of the District Office to enquire into charges framed against one Revenue Inspector in the departmental proceedings and when the enquiry report was received, he did not accept the enquiry report, but passed orders for re-enquiry by appointing another Enquiry Officer, as he was of view that the Officer, who had been earlier appointed as Enquiry Officer, had not applied his mind to the case. Hence, the question arose about appointment of a fresh Enquiry Officer on this same set of charges. The Law Department of the Government were consulted in the matter and they are of view that as per judicial pronouncements, both of Orissa Administrative Tribunal as well as Supreme Court, rule - 15 of the O.C.S. (C.C.A.) Rules, 1962, does not provide for re-enquiry or fresh enquiry on the self-same charges if the Disciplinary Authority disagrees with the findings of the Enquiry Officer. Even if there is no specific provision in the Rules, the Disciplinary Authority can remit / remand the proceedings to the Enquiry Officer if he finds that the enquiry report suffers from some material irregularity. In all such cases, the

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proceedings have to be remitted back to the very same Enquiry Officer who conducted the enquiry with direction to record further evidence and given findings on each charge. The only exception is that another Enquiry Officer can be appointed where the previous Enquiry Officer is dead or has retired from Government service or is not available.

These instructions may be brought to the notice of all concerned.

P. S. G. A.

9/3/94

Special Secretary to Government.

Memo No. 5502 / Gen., Dated: 15-3-94

Copy to all Sections of G.A. Department / Guard file of the Service Condition Branch.

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11/3/94

O.S.D. to Chief Secretary & Ex-Officio, Deputy Secretary to Government.
