

No.DOPT-1766056567014
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-IB)

North Block, New Delhi
Dated 25 February, 2025

To

1. Ministry of Home Affairs (MHA) [UT Division];
2. The Chief Secretaries of all the State Governments;
3. The Administrator of all Union Territories.

Subject: Compliance of various mandatory requirement while forwarding the Disciplinary Proceedings proposals/Appeal-Review-Revision-Memorial cases to Department of Personnel & Training against IAS Officers working under the affairs of State Govt./UTs under Single Window System(SWS) as per prescribed checklist circulated to all the State Governments/UT's vide letter dated 05.08.2020 etc - reg.

Sir/Madam,

The AVD-I(B) desk of Department of Personnel & Training (DoPT) deals with the disciplinary matters of the officers of the Indian Administrative Services (IAS), being their cadre controlling Department. It receives the proposals for disciplinary proceedings under Single Window System (SWS) against the IAS officers working in connection with the affairs of the State/UTs from the State Government/UT; under the All India Services (Discipline & Appeal) Rules, 1969 and All India Services (Death-cum-Retirement Benefits) Rules, 1958. Besides, it is also entrusted with dealing with the Appeals/Memorials and Revision/Review under the said Rules.

2. It is the responsibility of the Disciplinary Authorities concerned to lead the departmental proceedings to their logical conclusion. Inordinate and inexplicable delay in conclusion of the disciplinary proceedings vitiates the proceedings and sometimes leads to litigations. This delay is mainly attributed to the documentary and procedural deficiencies/lacunas and a lot of time is consumed in avoidable protracted correspondence with the State Government/UT concerned, for furnishing requisite documents/case-records or fulfilling the procedural deficiencies.

3. Accordingly, a proforma check list has already been circulated vide this Department's letter dated 05.08.2020 for referring disciplinary proceedings

proposals/cases against IAS officers to Department of Personnel & Training under Single Window System. However, it has been noticed that various lacunas always appear on the part of State Government while submitting the proposal due to which cases are not accepted under SWS.

4. In order to avoid such deficiencies/lacunae, all the State Govts. /UTs must ensure to comply with the following mandatory requirements before submitting the proposal: -

(i) Charge-sheet related

- a) Approval of Charge-sheet by the State Disciplinary Authority (SDA).
- b) Complete enclosures and annexures of charge-sheet while submission of proposal.
- c) Statement of defence of the Charged Officer (CO) along with annexures of CO's Written Statement of Defence (WSD).

(ii) Inquiry related

- a) Properly maintained Daily Order Sheet (DOS) by the Inquiry officer (IO) and correspondence of IO with CO/Presenting officer (PO)/State Disciplinary Authority (SDA) (if any), need to be provided and indicated in the checklist.
- b) Record of General Examination mandatorily to be done under Rule 8(19) of AIS (D&A) Rules, 1969 and its record/details.
- c) Written brief of PO, Proof of delivery of PO's brief to the CO, Written brief of CO (if any) required to indicated in the checklist with record.

(iii) Various stages of DP related

- a) Complaint/FIR and Investigation Report if done, is to be furnished with proposal.
- b) IO's report/PO's brief/CO's brief is to be properly enclosed;
- c) Defence exhibits/statement of defence witnesses and Prosecution exhibits/statement of prosecution witnesses, if any is to be properly indicated in the checklist.
- d) While sending the proposal for final decision for imposition of penalty taking into consideration the advice of UPSC, Rule 9(5) (b) & (c) of AIS (D&A) Rules, 1969 is to be adhered to which is related to obtaining representation of the C.O. on UPSC's advice and State govt's consideration thereof.

- e) Representation of CO to be properly addressed by the SDA and para wise comments (not consolidated comments) of the SDA on such representation is to be provided;
- f) of entire note sheet from initiation of DP to the stage of final approval of the State Disciplinary Authority (SDA) be there with the proposal with proper page numbering.
- g) Approval of the SDA be indicated therein file to the effect that the pensioner (in case of retired IAS officer) is found guilty of grave misconduct or negligence warranting withholding/withdrawing of pension/gratuity or recovery from pension/gratuity.

(iv) Service particulars related

- a) Service particulars/Details of monthly pension/amount of gratuity withheld/supporting documents for last pay drawn/ ACR folder of the CO be made available with case records.

(v) Conviction Matters related

- a) Issuance of Show Cause Notice (SCN) to the CO indicating maximum possible penalty proposed in case of conviction cases.
- b) Judgement of the Court which has led to conviction on a criminal charge be enclosed and properly indicated in the checklist.
- c) Proper evaluation of pointwise reply of the officer on the SCN issued to him/her.

(vi) Miscellaneous related

- a) Proposal for sanction of initiation of DP against an officer in the event of his/her retirement required to be submitted with the approval of SDA before the Central Govt. (CG) in accordance with the AIS (DCRB) Rules, 1958 under SWS along with draft chargesheet and all other relevant documents.
- b) Details of any other DP cases/court cases against the officer and details regarding other co-accused officer, if any, be provided.
- c) The original/authenticated legible copy of all the documents should be there alongwith proper page numbering and folder numbering of the case records.
- d) Only relevant pages of requisite documents need to be indicated against each column in the checklist/proforma.
- e) All the case records either in original or duly authenticated set of the same.

- f) Translated version of documents, if some documents are originally in regional language.
- g) Brief of the case along with chronology of events.
- h) Valid reason(s) for delay in submission of the proposal for the first time in DoPT under SWS, in case of delay should be indicated with the proposal.
- i) In the Appeal/Review/ Memorial against any Suspension Order and/or any penalty order of the State Government, all details related to entire case, step-wise, should be provided along with the checklist and case records.
- j) The Inquiring Authority and Dealing staff should necessarily be trained with AIS Rules, checklist and expected documents in order to avoid loopholes/ deficiencies while processing of a DP matter.

5. In addition, a list of FAQs issued by Services-1 Branch of UPSC is also being enclosed for consideration as processing of DPs/ conviction/ Appeal/ Memorial/ Review/ Revision cases involve consultation of UPSC as well with request to comply with all the mandatory requirements and to adhere to the checklist circulated earlier vide letter dated 05.08.2020.

6. Besides complying with the above-mentioned requirements, the State Governments/ UTs will ensure to depute an officer not below the rank of the Under Secretary with his/her official seal and who is well conversant with the case to submit the records of the disciplinary case as per the check-list, in this Department under SWS.

7. It is requested that the above instructions are strictly followed with immediate effect while submitting the proposals of disciplinary proceedings against IAS officers, with a view to streamline and expedite the processing.

Yours faithfully,

(Sign of Authority)
Manoj Gupta
Under Secretary
24010561
