

No.11018/05/2012-AIS-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, dated the 23rd August, 2012.

To

The Chief Secretaries of all the States/UTs

Subject:- Communicating tentative reasons for disagreement under Rule 9 (2) of AIS(D&A) Rules, 1969.

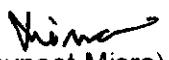
Sir/Madam

I am directed to say that Rule 9(2) of AIS (D&A) Rules, 1969 states that the Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any with the findings of Inquiry Authority on any article of charge to the Member of the Service who shall be required to submit, if he so desires, his written representation of submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the Member of the Service.

The necessity of following the above mentioned rule 9(2) both in letter and spirit is reiterated. The communication forwarding the IO's report along with the tentative reasons for disagreement, if any, seeking comments/representation of the Charged officer should reflect this position. All Ministries/Departments and State Governments are therefore, requested to ensure that the communication forwarding 'the IO's report etc. does not contain phrases such as 'Article of charge is fully proved' or 'Article of charge is fully substantiated' which could be construed to mean that the disciplinary authority is biased even before considering the representation of the charged officer and this would be against the letter and spirit of the AIS (D&A) Rules, 1969.

The instructions may be brought to the notice of all the members of All India Services.

Yours faithfully,


(Navneet Misra)

Under Secretary to the Government of India
Tele.No.:23092285

Copy to:-

- (1) All Ministries/Departments of the Government of India
- (2) The Ministry of Home Affairs (Attn: Joint Secretary-Police), North Block, New Delhi.
- (3) The Ministry of Environment and Forests (Attn: Joint Secretary, Forests), Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.
- (4) Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
- (5) All Officers/Sections of the Department of Personnel & Training.
- (6) Website of the Ministry of Personnel, Public Grievances and Pensions,
www.persmin.nic.in-DOPT-OMs & Orders-Service-Discipline & Appeal