

F. No. 11012/17/2013-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi – 110001
Dated July 3rd, 2015

OFFICE MEMORANDUM

Subject: Central Civil Services (Classification, Control and Appeal) Rules, 1965 – instructions regarding timely issue of Charge-sheet – regarding.

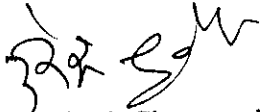
The undersigned is directed to refer to DoP&T O.M. of even no. dated 2nd January, 2014 regarding consolidated instructions on suspension and to say that in a recent case, *Ajay Kumar Choudhary vs Union of India Civil Appeal No. 1912 of 2015 dated 16/02/2015* the Apex Court has directed as follows:

We, therefore, direct that the currency of Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/ Chargesheet is not served on the delinquent officer/ employee;

2. It is noted that in many cases charge sheets are not issued despite clear prima facie evidence of misconduct on the ground that the matter is under investigation by an investigating agency like Central Bureau of Investigation etc. In the aforesaid judgement the Hon'ble Supreme Court has superseded the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance.

3. In this connection, attention is invited to this Department O.M. No. 35014/1/81-Estt.A dated 9.11.1982 which contained the guidelines for timely issue of charge-sheet to Charged officer and to say that these instructions lay down, inter-alia, that where a Government servant is placed under suspension on the ground of "Contemplated" disciplinary proceedings, the existing instructions provide that every effort would be made to finalise the charges, against the Government servant within three months of the date of suspension. If these instructions are strictly adhered to, a Government servant who is placed under suspension on the ground of contemplated disciplinary proceedings will become aware of the reasons for his suspension without much loss of time. The reasons for suspension should be communicated to the Government servant concerned at the earliest, so that he may be in a position to effectively exercise the right of appeal available to him under Rule 23 (i) of the CCS (CCA) Rules, 1965, if he so desires. The time-limit of forty five days for submission of appeal should be counted from the date on which the reasons for suspension are communicated.

4. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned officials for compliance.

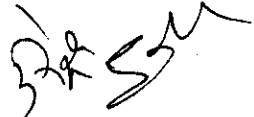

(Mukesh Chaturvedi)
Director (E)

To

The Secretaries of all Ministries/ Departments

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. The Chief Vigilance Officers of the all Ministries/ Departments
12. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 13. NIC (DoP&T) for placing this Office Memorandum on the website.
14. Hindi Section for providing the Hindi translation.


(Mukesh Chaturvedi)
Director (E)