

F.No. 11018/01/2013-AIS-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi dated the 25th May, 2016

Office Memorandum

Subject:- Procedure to be followed for suspension of All India Service officers posted in Ministries/Departments/State Governments under AIS(D&A) Rules, 1969 – regarding.

The undersigned is directed to say that this Department vide Notification (GSR No. 814) dated 23.12.2015 amended provisions of Rule 3, Rule 18 and Rule 25 of the AIS (D&A) Rules, 1969 (**Annexure - I**). In the light of the amendments carried out and existing provisions under AIS (D&A) Rules, 1969 a procedure has been framed and copy of the same is enclosed (**Annexure - II**). The said procedure is required to be followed by Ministries/Departments/State Governments for suspension of All India Service.

2. All Ministries/Departments/State Governments are requested to follow the above mentioned procedure in letter and spirit.
3. This issues with the approval of the “**Competent Authority**”.



(Rajesh Kumar Yadav)

Under Secretary to the Government of India

Tele: 23094714

To

Secretaries to the Govt. of India,
All Ministries/Departments.

Copy to:

1. All Chief Secretaries of States/UTs.
2. UTS/IPS Section, MHA.
3. IFS Section, Ministry of Environment and Forests.
4. AVD-IA/IB, DoPT.
- ✓ 5. NIC, DoPT with request the upload the OM on the website of the Department (at OM&Orders-Service- Discipline & Appeal).



(Rajesh Kumar Yadav)

Under Secretary to the Government of India


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 814]

नई दिल्ली, बुधवार, दिसम्बर 23, 2015/ पौष 2, 1937

No. 814]

NEW DELHI, WEDNESDAY, DECEMBER 23, 2015/PAUSA 2, 1937

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 21 दिसम्बर, 2015

सा.का.नि.1001(अ).—केन्द्र सरकार अखिल भारतीय सेवा अधिनियम, 1951 (1951 का 61) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकारों के परामर्श से अखिल भारतीय सेवा (अनुशासन तथा अपील) नियमावली, 1969 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात:-

1. (i) इन नियमों का नाम अखिल भारतीय सेवा (अनुशासन तथा अपील) संशोधन नियमावली, 2015 है।
(ii) ये शासकीय राजपत्र में प्रकाशन की तारीख से लागू होंगे।
2. अखिल भारतीय सेवा (अनुशासन तथा अपील) नियमावली, 1969 में (इसके पश्चात इसे उक्त नियम कहा जाएगा) के नियम 3 के उप-नियम (1) निम्नलिखित परंतुक जोड़ा जाएगा अर्थात :-
 - (i) उप नियम (1) में तृतीय परंतुक में दोनों स्थानों पर आने वाले शब्द "पैंतालीस दिन" के स्थान पर शब्द "तीस दिन" प्रतिस्थापित किए जाएंगे।
 - (ii) नियम 3 के उप नियम (1) के अधीन एक नया उप नियम (ग) प्रतिस्थापित किया जाएगा, अर्थात :-

(ग) केन्द्र सरकार के अधीन कार्यरत आईएएम अधिकारियों को केन्द्रीय समीक्षा समिति की यथा संशोधित सिफारिशों पर, कार्मिक और प्रशिक्षण विभाग के प्रभारी मंत्री के अनुमोदन से निलम्बित किया जाएगा"
 - (iii) नियम 3 के उप नियम (8) के उप-उप नियम (क) में "नब्बे दिन" और 'एक सौ अस्सी दिन' शब्द के स्थान पर क्रमशः शब्द "साठ दिन" और एक सौ बीस दिन" प्रतिस्थापित किया जाएगा।

- (iv) उप नियम (6क) में, शब्द "सामान्यतः" को हटाया जाएगा।
- (v) उप नियम (9) के लिए निम्नलिखित उप नियम प्रतिस्थापित किया जाएगा, अर्थात् :-
 "(9) (क) निलम्बन और प्रति संहरण का प्रत्येक आदेश इन नियमों के साथ मंलग्न निर्धारित मानक प्रपत्र में तैयार किया जाएगा"
 (ख) यदि आदेश अन्य किसी प्राधिकारी द्वारा तैयार किया जाता है तो इस आदेश की एक प्रति नियोक्ता प्राधिकारी को पृष्ठांकित की जाएगी। उधार आधार पर लिए गए अधिकारी के मामले में यह उधार देने वाले प्राधिकरण के पास भेजा जाएगा।
 (ग) ऐसे प्रत्येक आदेश जारी करने के कारणों को, आदेश सहित गोपनीय पत्रों के माध्यम से नियुक्ति प्राधिकारी और देनदार प्राधिकारी को संप्रेषित किए जाएंगे; और
 (घ) निलम्बन के आधार के कारणों सहित निलम्बन आदेश की प्रति अड़तालीस घंटों के भीतर केंद्र सरकार के संवर्ग नियंत्रण प्राधिकारी को संप्रेषित की जाएगी।;

(iv) यथा प्रतिस्थापित उप-नियम (9) के पश्चात्, निम्नलिखित उप-नियम जोड़ा जाएगा, नामतः-

"(10) जैसे ही सेवा के किसी सदस्य को निलंबनाधीन रखा जाता है अथवा जिसे निलंबनाधीन माना गया है, तो इस संबंध में सूचना तत्काल और अड़तालीस घंटों की अवधि के भीतर भारत सरकार को संप्रेषित की जाएगी।"

3. उक्त नियमावली में, नियम 18 में, उप-नियम (4) के लिए निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, नामतः,-
 "(4) (क) प्राधिकारी जिमने अपील के विरुद्ध आदेश दिया है, प्रत्येक अपील, जिसे नियम 21 के अधीन रोका नहीं गया है, की प्रति प्राप्त होने पर, राज्य सरकारों से अपील प्राप्त होने के तीस दिनों के भीतर और केंद्र सरकार से किसी भी निदेश की प्रतिक्षा किए बिना, उसके संगत अभिलेख के साथ अपनी टिप्पणियों सहित इसे अपीलीय प्राधिकारी को अग्रेषित करेगा; और
 (ख) यदि केंद्र सरकार को राज्य सरकार की टिप्पणियों सहित मूल अपील विनिर्दिष्ट अवधि के भीतर प्राप्त नहीं होती है तो केंद्र सरकार उसे प्राप्त अपील की अग्रिम प्रति पर निर्णय लेगी।"
4. उक्त नियमावली में, नियम 25 में, उप-नियम (4) के लिए निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, नामतः,-
 "(4) (क) यदि अभ्यावेदन, राज्य सरकार के आदेशों के विरुद्ध है, तो इसे संबंधित राज्य सरकारों के माध्यम से प्रस्तुत किया जाएगा और यदि अभ्यावेदन केंद्र सरकार के आदेशों के विरुद्ध है तो इसे केंद्र सरकार और संबंधित राज्य सरकार या जैसा भी मामला हो, में मंत्रालय या संबंधित प्राधिकरणों के माध्यम से प्रस्तुत किया जाएगा, केंद्र सरकार में मंत्रालय या प्राधिकरण राज्य सरकारों में अभ्यावेदन प्राप्त होने के तीस दिनों के भीतर इस पर तथ्यात्मक मामूली के संक्षिप्त विवरण के साथ और जब तक विरोध के विशिष्ट कारण न हों, उस पर अपनी राय की टिप्पणी सहित, अग्रेषित करेगा; और
 (ख) यदि, केंद्र सरकार को मंत्रालय या संबंधित राज्य सरकार, जैसा भी मामला हो, की टिप्पणियों सहित मूल अभ्यावेदन विनिर्दिष्ट अवधि के भीतर प्राप्त नहीं होता है, तो केंद्र सरकार उसे प्राप्त अभ्यावेदन की अग्रिम प्रति पर निर्णय लेगी।"
5. अनुसूची 2 के पैरा 1 में यथा उपबंधित केन्द्रीय मंत्रालय की समीक्षा समिति की मंरचना निम्नलिखित से प्रतिस्थापित की जाएगी:

(i)	सचिव, कार्मिक और प्रशिक्षण विभाग, भारत सरकार	अध्यक्ष
(ii)	संबंधित मंत्रालय/विभाग में भारत सरकार के सचिव या उनके द्वारा नामित कोई सदस्य जो अपर सचिव से नीचे के स्तर का न हो	सदस्य
(iii)	अपर सचिव/स्थापन अधिकारी, कार्मिक और प्रशिक्षण विभाग, भारत सरकार	सदस्य

[फा. सं. 11018/01/2013- अ.भा.से.-III]

दिवाकर नाथ मिश्रा, निदेशक (सेवाएं)

टिप्पणः प्रधान नियम दिनांक 20 मार्च, 1969 के अधिसूचना सं. 7/15/63-अ.भा.से.(II) द्वारा भारत के राजपत्र में प्रकाशित किए गए थे और इसके पश्चात् निम्नानुसार संशोधित किए गए थे:—

- (i) सा.का.नि. सं. 588, दिनांक 24 अप्रैल, 1971
- (ii) अधिसूचना सं. 13/4/71-अ.भा.से.(III), दिनांक 11 जनवरी, 1972
- (iii) अधिसूचना सं. 31/7/72-अ.भा.से.(III), दिनांक 22 मई, 1972
- (iv) सा.का.नि. सं. 872 दिनांक 19 जुलाई, 1975
- (v) सा.का.नि. सं. 985 दिनांक 9 अगस्त, 1975
- (vi) सा.का.नि. सं. 988 दिनांक 9 अगस्त, 1975
- (vii) सा.का.नि. सं. 358 दिनांक 19 मार्च, 1977
- (viii) सा.का.नि. सं. 983 दिनांक 30 जुलाई, 1977
- (ix) सा.का.नि. सं. 753 दिनांक 17 जून, 1978
- (x) सा.का.नि. सं. 1415 दिनांक 2 दिसम्बर, 1978
- (xi) अधिसूचना सं. 11018/13/78-अ.भा.से.(III), दिनांक 4 जनवरी, 1979
- (xii) अधिसूचना सं. 11018/11/78-अ.भा.से.(III), दिनांक 16 जून, 1979
- (xiii) सा.का.नि. सं. 1220 दिनांक 29 नवम्बर, 1980
- (xiv) सा.का.नि. सं. 959 दिनांक 31 अक्तूबर, 1981
- (xv) सा.का.नि. सं. 92 दिनांक 31 जनवरी, 1982
- (xvi) सा.का.नि. सं. 612 दिनांक 20 अगस्त, 1983
- (xvii) सा.का.नि. सं. 162 दिनांक 18 फरवरी, 1978
- (xviii) अधिसूचना सं. 11018/2/87-अ.भा.से.(III), दिनांक 9 फरवरी, 1988
- (xix) अधिसूचना सं. 11018/7/87-अ.भा.से.(III), दिनांक 26 फरवरी, 1988
- (xx) सा.का.नि. सं. 130 दिनांक 25 जुलाई, 1998
- (xxi) सा.का.नि. सं. 177 दिनांक 12 सितम्बर, 1988
- (xxii) सा.का.नि. सं. 212 दिनांक 17 जून, 2000
- (xxiii) सा.का.नि. सं. 118 दिनांक 13 अप्रैल, 2002
- (xxiv) सा.का.नि. सं. 249 दिनांक 1 जुलाई, 2003
- (xxv) सा.का.नि. सं. 714(अ) दिनांक 30 सितम्बर, 2009
- (xxvi) सा.का.नि. सं. 212 दिनांक 22 नवम्बर, 2010 और
- (xxvii) सा.का.नि. सं. 408(अ) दिनांक 10 जून, 2014

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 21st December, 2015

G.S.R.1001(E).—In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the State Governments, hereby makes the following rules further to amend the All India Services (Discipline and Appeal) Rules, 1969, namely:—

1. (1) These rules may be called the All India Services (Discipline and Appeal) Amendment Rules, 2015.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the All India Service (Discipline and Appeal) Rules, 1969 (hereinafter referred to as the said rules), in rule 3 -
 - (i) in sub-rule (1), in the third proviso, for the words "forty-five days" occurring at both the places, the words "thirty days" shall be substituted;

- (ii) a new sub-sub-rule (c) under sub rule(1) of rule 3 shall be inserted, namely:-
“(c) IAS officers working under Central Government shall only be suspended on the recommendations of the Central Review Committee as amended with the approval of Minister-in-charge, Department of Personnel & Training.”
- (iii) in sub-sub rule (a) of sub-rule(8) of rule 3, the words ‘ninety days’ and ‘one hundred-eighty days’ shall be substituted with the words “sixty days” and “one hundred-twenty days” respectively.”
- (iv) in sub-rule (6A), the word “ordinarily” shall be omitted;
- (v) for sub-rule (9), the following sub-rule shall be substituted, namely:-
“(9) (a) Every order of suspension and every order of revocation shall be made in the stipulated standard form appended to these rules;
(b)A copy of the order shall be endorsed to the Appointing Authority, if the order is made by some other authority; and to the Lending Authority in the case of borrowed officer;
(c)The reasons for issue of every such order shall be communicated to the Appointing Authority and the Lending Authority, through confidential letters alongwith the order itself; and
(d) A copy of the suspension order alongwith the reasons or grounds of suspension shall be communicated to the Cadre Controlling authority in the Central Government not later than forty-eight hours”.
- (vi) after sub-rule (9) as so substituted, the following sub-rule shall be inserted, namely:-
“(10) As soon as a member of the Service is placed under suspension or is deemed to have been placed under suspension, the information in this regard shall be communicated to Government of India expeditiously and within the period of forty-eight hours”.
3. In the said rules, in rule 18, for sub-rule (4), the following sub-rule shall be substituted, namely,-
“(4) (a) The authority which made the order appealed against shall, on receipt of a copy of every appeal, which is not withheld under rule 21, forward the same with its comments thereon together with the relevant records to the appellate authority within thirty days from the receipt of the appeal by the State Governments and without waiting for any direction from the Central Government; and
(b) If the original appeal along with the comments of the State Government is not received by the Central Government within stipulated period, the Central Government shall take a decision on the advance copy of the appeal received by them”.
4. In the said rules, in rule 25, for sub-rule (4), the following sub-rule shall be substituted, namely:-
“(4) (a) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together within thirty days from the receipt of the memorial by the State Governments with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon.; and
(b) If the original memorial alongwith the comments of the Ministry or the State Government concerned, or as the case may be, is not received by the Central Government within stipulated period, the Central Government shall take decision on the advance copy of the memorial received by them”.
5. The composition of Central Ministry’s Review Committee as provided in para 1 of Schedule 2 shall be substituted with the following:-

(i)	Secretary, Department of Personnel & Training, Govt. of India	Chairperson
(ii)	Secretary to the Government of India in the concerned Ministry/Department or a member nominated by him not below the level of Additional Secretary	Member
(iii)	Additional Secretary / Establishment Officer, Department of Personnel & Training, Govt. of India	Member

[F. No. 11018/01/2013-AIS-III]

DIWAKAR NATH MISRA, Director (Services)

Note: The principal rules were published in the Gazette of India, vide Notification No. 7/15/63-AIS (II), dated the 20th March, 1969 and subsequently amended as under:—

- (i) G.S.R No.588, dated the 24th April, 1971,
- (ii) Notification No. 13/4/71-AIS(III), dated the 11th January, 1972,
- (iii) Notification No. 31/7/72-AIS(III), dated the 22nd May, 1972,
- (iv) G.S.R No.872, dated the 19th July, 1975,
- (v) G.S.R No.985, dated the 9th August, 1975,
- (vi) G.S.R No.988, dated the 9th August, 1975,
- (vii) G.S.R No.358, dated the 19th March, 1977,
- (viii) G.S.R No. 983, dated the 30th July, 1977,
- (ix) G.S.R No. 753, dated the 17th June, 1978,
- (x) G.S.R No.1415, dated the 2nd December, 1978,
- (xi) Notification No. 11018/13/78-AIS(III), dated the 4th January, 1979,
- (xii) Notification No.11018/11/78-AIS(III), dated the 16th June, 1979,
- (xiii) G.S.R No.1220, dated the 29th November, 1980,
- (xiv) G.S.R No. 959, dated the 31st October, 1981,
- (xv) G.S.R No. 92, dated the 31st January, 1982,
- (xvi) G.S.R No. 612, dated 20th August, 1983,
- (xvii) G.S.R No. 162, dated the 18th February, 1984,
- (xviii) Notification No. 11018/2/87-AIS(III), dated the 9th February, 1988,
- (xix) Notification No. 11018/7/87-AIS(III), dated the 26th February, 1988,
- (xx) G.S.R No. 130, dated the 25th July, 1998,
- (xxi) G.S.R No. 177, dated the 12th September, 1998,
- (xxii) G.S.R No. 212, dated the 17th June, 2000,
- (xxiii) G.S.R No. 118, dated the 13th April, 2002,
- (xxiv) G.S.R No. 249, dated the 12th July, 2003,
- (xxv) G.S.R.No. 714(E), dated 30th September, 2009,
- (xxvi) G.S.R No. 212, dated the 22nd November, 2010 and
- (xxvii) G.S.R No. 408(E), dated the 10th June, 2014.

Procedure to be followed for suspension of All India Service officers posted in Ministries/Departments/State Governments under AIS(D&A) Rules, 1969

Rule 3 of AIS (D&A) Rules, 1969 stipulate suspension of All India Service officers. Vide Notification dated 23.12.2015 provisions of Rule 3, Rule 18 and Rule 25 of the said Rules were amended. In the light of the amendments the following procedure is to be followed by Ministries/Departments/State Governments for suspension of All India Service officers:

- (i) A member of Service when placed under suspension or deemed to have been placed under suspension, the information in this regard shall be communicated to Government of India expeditiously and **within the period of forty-eight hours**.
- (ii) A copy of the suspension order along with the reasons or grounds of suspension shall be communicated to the Cadre Controlling authority in the Central Government **not later than forty-eight hours**.
- (iii) A member of the Service who is detained in official custody whether on a criminal charge or otherwise for a period longer than **forty-eight hours**, shall be deemed to have been suspended by the Government concerned.
- (iv) A detailed report of the suspension shall be forwarded to the Central Government **within a period of fifteen days** from the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.
- (v) Where a State Government passes an order for suspension of a member of Service it will be valid for a **period of thirty days** from the date from which the member is placed under suspension. Further extension for **thirty days** requires confirmation by the Central Government.
- (vi) An order of suspension which has been extended shall remain valid for a further period not exceeding **one hundred twenty days**, at a time, unless revoked earlier on the recommendation of the Central/State Review Committee.
- (vii) The period of suspension may further be extended for a period of **one eighty days** at a time on the recommendation of the Central/State Review Committee (as mentioned in Schedule 1 and 2 under AIS (D&A) Rules, 1969) as the case may be.

- (viii) IAS officers working under Central Government shall only be suspended on the recommendations of the Central Review Committee as amended with the approval of Minister-in-charge, Department of Personnel & Training. Central Ministries shall submit proposal for suspension of a Member of Service to this Department with the approval of Minister-in-charge of that Ministry.
- (ix) The period of suspension of a member of Service suspended on charges other than corruption **shall not exceed one year** but the same can be continued beyond one year on the recommendations of the Central Review Committee.
- (x) The period of suspension of a member of Service suspended on charges of corruption **shall not exceed two years** but the same can be continued beyond two years on the recommendations of the Central review Committee.
- (xi) Appeal against suspension order shall be sent to the appellate authority along with comments **within thirty days** from the receipt of the appeal by the State Governments. If the original appeal along with the comments of the State Government is not received by the Central Government within stipulated period, the Central Government shall take a decision on the advance copy of the appeal received by them.
- (xii) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together **within thirty days** from the receipt of the memorial by the State Governments with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon and if the original memorial along with the comments of the Ministry or the State Government concerned or as the case may be, is not received by the Central Government within stipulated period, the Central Government shall take decision on the advance copy of the memorial received by them.

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(xiii) The Review Committee constituted by the State Government shall consist—

- (a) Chief Secretary - Chairman.
- (b) Senior most Additional Chief Secretary/Chairman, Board of Revenue/ Financial Commissioner or an officer of equivalent rank and status - Member.
- (c) Secretary, Department of Personnel in the State Government - Member Secretary.

(xiv) The composition of Central Ministry's Review Committee as provided in para 1 of Schedule 2 shall comprise of the following:-

(i)	Secretary, Department of Personnel & Training, Govt. of India	Chairperson
(ii)	Secretary to the Government of India in the concerned Ministry/Department or a member nominated by him not below the level of Additional Secretary	Member
(iii)	Additional Secretary / Establishment Officer, Department of Personnel & Training, Govt. of India	Member